

**VILLAGE OF GILBERTS
VILLAGE BOARD MEETING**

January 6, 2009

7:30 p.m.

CALLED TO ORDER:

Village President Wajda called the meeting to order at 7:30 p.m. President Wajda led those present in the Pledge of Allegiance.

ROLL CALL/ESTABLISH QUORUM:

Members present: Trustees Erbeck, Mierisch, Zambetti, Mueller, Mengarelli and President Wajda. Absent: Trustee Garcia. Others Present: Village Administrator Ray Keller, Village Engineer Ed Kanthack, Finance Director Marlene Blocker, Police Chief Mike Joswick, Administrative Intern Kyle Cratty, Village Attorney Julie Tappendorf and Village Clerk Darlene Mueller. President Wajda declared a quorum present. (See attached list for members of the public).

PUBLIC COMMENT AND DISCUSSION

There were no public comments at this time.

EXECUTIVE SESSION TO ADDRESS PENDING LITIGATION. – The Board had no litigation to discuss at this time.

APPROVAL OF MINUTES:

A motion was made by Trustee Erbeck and seconded by Trustee Mengarelli to approve the Village Board Work Session meeting minutes of December 9, 2008 and Village Board Minutes of December 16, 2008. Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 1-absent (Trustee Garcia). Motion carried.

APPROVAL OF BILLS AND SALARIES:

A motion was made by Trustee Mueller and seconded by Trustee Erbeck to approve the amended payment of bills as pursuant to the list dated 1/6/09 and presented to the Trustees prior to the meeting as follows: General Funds \$68,988.88, Developer Donations \$1,755.00, Permit Pass Thrus \$-0-, Performance Bonds and Escrows \$3,508.50; Water Fund \$14,861.19; and Payroll \$67,592.74. Discussion followed on certain vendors. Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 1-absent (Trustee Garcia). Motion carried.

ORDINANCES/RESOLUTIONS/PROCLAMATIONS/MOTIONS TO BE CONSIDERED

A motion was made by Trustee Mueller and seconded by Trustee Mierisch to approve the Village Treasurer's Report for November 2008 for Filing. There being no additional discussion, President Wajda asked for a roll call. Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 1-absent (Trustee Garcia). Motion carried.

A motion was made by Trustee Erbeck and seconded by Trustee Mierisch to approve Village of Gilberts Police Down State Pension Fund Report. There being no additional discussion, President Wajda asked for a roll call. Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 1-absent (Trustee Garcia). Motion carried.

A motion was made by Trustee Mengarelli and seconded by Trustee Zambetti to approve a General Fund Transfer of \$2,959.47 to the Police Pension Fund. Discussion followed on Trustee Mengarelli's inquiry about the transfer of money to the Police Pension Fund. Village Administrator Keller and Finance Director Blocker explained about the restriction of the tax cap and the levy amount that was received resulting in a short fall of \$2,959.47. Further explanation of the process followed.

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Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 1-absent (Trustee Garcia). Motion carried.

A motion was made by Trustee Mengarelli and seconded by Trustee Mierisch to approve Ordinance. #09-01, Amending Section 5.18.5 "Allowed Species" of the Subdivision Code.

Administrator Keller explained the purpose of the ordinance was due to the infestation of trees in the summer of 2008 by emerald ash borer. By approving the proposed ordinance, the ash tree (*Fraxinus*) from the list of permitted tree species found in the Subdivision Code. Discussion followed on the existing trees and a consensus from the Board was to not remove the existing trees until they were diseased. Village Engineer Ed Kanthack was directed to inspect all ash trees before acceptance of public improvement for any pods. Any diseased trees have to be replaced per our Subdivision Ordinance. Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 1-absent (Trustee Garcia). Motion carried.

A motion was made by Trustee Erbeck and seconded by Trustee Mengarelli to approve Resolution #09-01R, Authorizing Application for Kane County Riverboat and Execution of All necessary Documents.

Administrator Keller explained that Kane County is soliciting grant applications for its Riverboat Fund program which is funded through a portion of revenues generated by Elgin Grand Victoria riverboat. The grant is a matching grant with a maximum award of \$100,000.00, with a total of one million dollars to disburse. The grant would be used for recreational equipment and pavilion for Town Center Park. Discussion followed among the Board on commitment and funding the project. Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 1-absent (Trustee Garcia). Motion carried.

A motion to approve Resolution #09-02R, Authorizing Application for Kane County Community Development Funds and Execution of All Necessary Documents.

Administrator Keller explained this proposed resolution is simultaneous with the Riverboat Fund grant program whereas the County is also soliciting projects for its Community Development Fund. This grant would also be used for Town Center Park improvements. The Village has another opportunity to obtain \$100,000 for improvement for Town Center Park. As with the Riverboat grant, the resolution does not commit the Villages to a specific course of action, but states that the Village would provide the local match. Funds for both grants would be derived from impact fees and/or if needed, explore additional funding resources. Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 1-absent (Trustee Garcia). Motion carried.

REPORTS FROM CONSULTANTS, OFFICERS, BOARDS, COMMISSIONS

Village Administrator – Village Administrator Keller discussed a 50%/50% matching Small Cities grant for economic development to be administered through Kane County which can be used for the Village's GIS-based infrastructure map for the Village. The maximum amount awarded is \$10,000.00.

Administrator Keller will bring to the Finance/License/Ordinance Committee an offer made by Call One, a telecommunications provider which will enable the Village to save \$5,000.00 a year over our current operating cost. Since we are not home rule the Village cannot enter into a 3 year agreement. However, the Village of Hampshire was approached and they will also be doing the same deal with us through an intergovernmental agreement. Trustee Erbeck commended Attorney Tappendorf and Finance Director Blocker on their effort in bringing this savings for the Village.

Village Engineer – Village Engineer Ed Kanthack submitted his status report and had no other report at this time.

Village Attorney – Attorney Tappendorf will have a report in Executive Session.

Village Treasurer – Finance Director Blocker had no report at this time.

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Village Clerk – Clerk Mueller had no report for the Board at this time.

Village Planner – There is no report at this time from our Village Planner.

Police Chief – Chief Joswick had no report at this time.

Chief Building Inspector - Chief Building Inspector Swedberg had no report at this time.

Plan Commission Chairperson – Chairman Cullotta had no report at this time

Police Commission Chairperson – Police Chief Joswick informed the Board that there will be a mandatory orientation meeting this Saturday with the new cadets at Gilberts Elementary School. Out of 184 applications that were picked up, 94 were returned.

REPORT FROM TRUSTEES AND VILLAGE PRESIDENT

Trustee Mengarelli informed the Board about two street lights in Windmill Meadows that needed repair.

Trustee Mengarelli discussed the Eagles matter stating that Trustee Mierisch, Village Administrator Keller and he should meet with the appropriate people at the Eagles Club that are able to make a decision. Administrator Keller explained that the officers can only listen and make recommendations to their members and the majority rules. Members of the Eagles Club are part owners and the officers run the operations of the club and pay bills. A brief discussion followed on their special use permit followed. Trustee Mengarelli would still like to meet with the officers. Trustee Mierisch concurred with Trustee Mengarelli's suggestion and would be willing to meet.

Trustee Mengarelli informed the Board that he had met with John Luczynski, consultant for the Tyler Creek project. Mr. Luczynski is also a contract purchaser for one of the properties and will be selling that parcel to a developer. Mr. Luczynski is under the impression that park donations were 10 acres per thousand per population but in reality is 15 acres per thousand. Administrator Keller had verified park donations to Mr. Luczynski.

Trustee Mengarelli inquired about possibly borrowing sewer and water usage from Neumann's capacity for other proposed development. Administrator Keller confirmed that it was possible; however, it would be a timing issue when Neumann Homes was ready to commence development. Engineer Kanthack discussed that capacity would have to be determined and a certain amount of time to expand the treatment plant would be a factor.

Trustee Mengarelli discussed the need to polish the effluent and discharge and looking at other methods to avoid using giving credit to the developer. Administrator Keller is looking at other areas to suffice. Further discussion followed on this matter.

Trustee Mengarelli discussed the Regency Drive and Briarwood Drive road issue and the status of the road condition. Mr. Luczynski was miffed that the roads were not built to standard and asked to receive a copy of the soil borings. Trustee Mengarelli directed Staff to forward Mr. Luczynski a copy of the soil boring report. Administrator Keller advised the Board that EEI Engineers will be the independent firm to evaluate the report.

Trustee Mengarelli requested that the Board Member receive a copy of the annexation agreement. Administrator Keller discussed three different copies and is waiting for Mr. Luczynski to forward the final draft to his attention.

President Wajda informed the Board in a conversation with Mr. Luczynski, where Mr. Luczynski stated he spoke to some of the Trustees and came to an agreement with all the issues. The Board denied this statement due to the open issues in a memo sent to Mr. Luczynski by Administrator Keller which were crystal clear.

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Trustee Mueller expressed his concern on the Planning Commission's involvement with this petition. President Wajda agreed with Trustee Mueller, however, the open issues needed to be resolved with the Planning Commission, Village Board or Staff. Administrator Keller discussed staff involvement to work out major critical issues with Mr. Luczynski on the key essential elements to be discussed with the Board before going to the Plan Commission with a formal application. Trustee Mueller felt that discussing proposed developments were taking out a lot of time from Board business and the Plan Commission should review presentations, compare them with subdivision ordinance, zoning ordinance and comprehensive plan and determine if all these documents match the petitioner's request. If the Plan Commission is not properly educated, they should be told what their obligations are. Trustee Mierisch felt that the Board should support the Plan Commission and if the Board disagrees with their recommendation, the Board should tell them why they disagree and she has not seen that happen. Trustee Erbeck agreed with Trustee Mueller but also agreed with Administrator Keller that unless the big issues are hammered out, the petition is not going anywhere.

Trustee Mengarelli discussed having design standards written into the annexations. Trustee Mengarelli inquired whether a developer can come in and change the design standards in an annexation agreement. Attorney Tappendorf explained that if design standards were written into the annexation agreement, the applicant would have to amend the annexation agreement to change any design standards. If the Board desired, instead of approving elevations as part of the agreement, the Board could establish a design review process for future review of future elevations that would avoid having to amend the annexation agreement. This would require an owner or developer to have the elevations approved by the Plan Commission or other related body. Some municipalities have review boards for these cases. The Board directed Administrator Keller to send him a memo on the fact that all the issues have not been taken care or agreed upon.

Trustee Mierisch discussed the formation of the Citizen Counsel that has been previously discussed with the Board. Trustee Mierisch stated they wanted to wait until January to submit the application. It was the consensus of the Board to go forward with the application.

Trustee Mierisch informed the Board about going ahead with the pet CPR and first aid program which will be held at the Rutland-Dundee Fire station's training room on February 21st. The CERT members cost will be free and a nominal charge for residents will be requested. Notice will be put in the newsletter and on the website. Trustee Mierisch will forward a copy of the flyer to Staff. Discussion followed on using the mobile sign and its priority.

Trustee Zambetti expressed his concern about a potable water system on Tyrrell Road. Administrator Keller will email what actions have been taken on this matter.

Trustee Erbeck requested that the Board shred a certain memo they received in their packet which erroneously was put in the packet.

EXECUTIVE SESSION TO ADDRESS PENDING LITIGATION

A motion was made by Trustee Erbeck and seconded by Trustee Mengarelli to close a portion of the meeting to be closed to the public, effective immediately with no business to follow as permitted by 5 ILCS 120/2 (c) (11) to discuss litigation against, affecting the Village which has been filed and is pending or that is probable or imminent, as a permitted by 5 ILCS 120/2(c) (1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village. . Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 1-absent (Trustee Garcia). Motion carried. The Board recessed and went into Executive Session at 8:26 p.m; recessed until 8:29 p.m. and returned to the public meeting at 9:04 p.m.

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A motion was made by Trustee Mengarelli and seconded by Trustee Mueller to reconvene to the public meeting. Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 1-absent (Trustee Garcia). Motion carried.

President Wajda asked for a roll call from Clerk Mueller. Clerk Mueller called the roll with all Board Members present at the public meeting.

There being no further business, **a motion was made by Trustee Mierisch and seconded by Trustee Erbeck to adjourn the meeting.** Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 1-absent (Trustee Garcia). Motion carried. Adjournment time: 9:04 p.m.

Respectfully Submitted,

Darlene Mueller, Village Clerk