

VILLAGE OF GILBERTS

VILLAGE BOARD MEETING

December 16, 2008

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, Garcia (arrived at 7:50 p.m.) and President Wajda. Absent: Trustee Mengarelli. Others Present: Village Administrator Ray Keller Village Engineer Ed Kanthack, Finance Director Marlene Blocker, and Village Clerk Darlene Mueller. President Wajda declared a quorum present. (See attached list for members of the public).

PUBLIC HEARING

Tax Levy Ordinance for Fiscal Year Beginning May 1, 2009 and ending April 30, 2010.

A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to open the Public Hearing for the consideration of the Tax Levy Ordinance for Fiscal Year Beginning May 1, 2009 and ending April 30, 2010. Roll call: Vote: 4-ayes (Trustees Erbeck, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustees Garcia and Mengarelli). Motion carried.

President Wajda opened the meeting to the public. There being no comments from the Public, **a motion was made by Trustee Mueller and seconded by Trustee Zambetti to close the Public Hearing.** Roll call: Vote: 4-ayes (Trustees Erbeck, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustees Garcia and Mengarelli). Motion carried.

PUBLIC COMMENT AND DISCUSSION

Mrs. Christie Erbeck, 31 Resident Drive, and President of the Timber Trails Villas, thanked the Board for giving her an opportunity to speak to the Board relative to the Regent and Briarwood Streets. Mrs. Erbeck asked if the Board needed further information, questions or comments and inquired about the status of the third party engineer. President Wajda stated an update would be given under the Village Administrator's report to the Board.

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 Mueller and seconded by Trustee Mierisch to approve the Village Board Work Session meeting minutes of November 25, 2008 and Village Board Minutes of December 2, 2008. Roll call: Vote: 4-ayes (Trustees Erbeck, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustees Garcia and Mengarelli). Motion carried.

APPROVAL OF BILLS AND SALARIES:

A motion was made by Trustee Mueller and seconded by Trustee Mierisch to approve the amended payment of bills as pursuant to the list dated 12/16/08 and presented to the Trustees prior to the meeting as follows: General Funds \$38,386.33, Developer Donations \$500.00, Permit Pass Thrus \$5,415.00, Performance Bonds and Escrows \$780.00; Water Fund \$69,501.91; and Payroll \$62,537.00. Discussion followed on certain vendors. Roll call: Vote: 4-ayes (Trustees Erbeck, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustees Garcia and Mengarelli). Motion carried.

VILLAGE BOARD MEETING

December 16, 2008

Page 2

ORDINANCES/RESOLUTIONS/PROCLAMATIONS/MOTIONS TO BE CONSIDERED REPORTS FROM CONSULTANTS, OFFICERS, BOARDS, COMMISSIONS

A motion was made by Trustee Erbeck and seconded by Trustee Mierisch to approve Ordinance #08-27, an Ordinance approving Tax Levy Ordinance for Fiscal Year Beginning May 1, 2009, ending April 30, 2010. Roll call: Vote: 4-ayes (Trustees Erbeck, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustees Garcia and Mengarelli). Motion carried.

A motion was made by Trustee Zambetti and seconded by Trustee Mueller to approve Ordinance #08-28, an Ordinance approving Supplemental Appropriation Ordinance for Fiscal Year Beginning May 1, 2008, ending April 30, 2009. Administrator Keller explained by approving this Ordinance in conjunction with Ordinance #08-29, SSA #20, State Statute required an appropriation ordinance be established prior to a levying tax in the amount of \$600,000 to be collected in 2009. Roll call: Vote: 4-ayes (Trustees Erbeck, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustees Garcia and Mengarelli). Motion carried.

A motion was made by Trustee Erbeck and seconded by Trustee Mierisch to approve Ordinance #08-29, An Ordinance Providing for the Levy of a Direct Tax on Taxable Property in the Village of Gilberts Special Service Area Number Twenty. (See above) Roll call: Vote: 4-ayes (Trustees Erbeck, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustees Garcia and Mengarelli). Motion carried.

A motion was made by Trustee Zambetti and seconded by Trustee Erbeck to approve Ordinance #08-30, An Ordinance Abating Taxes Heretofore Levied to Pay Interest and Principal \$27,525.000 Village of Gilberts, Kane County, Illinois Special Service Area Number Nine Special Tax Refunding Bonds, Series 2005 (Big Timber Project). Administrator Keller explained by approving this Abatement Ordinance abating taxes to pay interest and principal for \$27,525,000 for Timber Trails (Big Timber Project) in CY2009 for SSA #9 bonds. Roll call: Vote: 4-ayes (Trustees Erbeck, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustees Garcia and Mengarelli). Motion carried.

A motion was made by Trustee Erbeck and seconded by Trustee Mierisch to approve Ordinance #08-31, An Ordinance Abating Taxes Heretofore Levied to Pay Interest and Principal \$11,000,000 Village of Gilberts, Kane County, Illinois Special Service Area Number Fifteen Special Tax Refunding Bonds, Series 2005 (Gilberts Town Center). Administrator Keller explained by approving this Abatement Ordinance to abate taxes to pay interest and principal and levy for \$694,480.88 to be collected in CY 2009 for SSA#15 bonds. Roll call: Vote: 4-ayes (Trustees Erbeck, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustees Garcia and Mengarelli). Motion carried.

Trustee Garcia arrived at 7:50 p.m.

A motion to Approve Ordinance #08-32, and Ordinance approving a variation from Zoning Article 9, Section 7-3 "Outdoor Storage" for property located at 80 Industrial Drive. Discussion followed on Mr. Zaidi request for a variance for outside storage. Mr. Zaidi expressed his concern about leaving the trailer at his job site and did not consider it as a trailer but as an integral part of his business. Administrator Keller advised the Board that Mr. Zaidi is working with Chief Building Inspector Swedberg on fencing around his trailer. After a discussion among the Board and consideration of Mr. Zaidi's hardship, Clerk Mueller called the role: 0-ayes, 4-nays, 1-abstained (Trustee Garcia) 1-absent (Trustee Mengarelli). **Motion failed.**

VILLAGE BOARD MEETING

December 16, 2008

Page 3

A motion was made by Trustee Erbeck and seconded by Trustee Mierisch to approve Resolution #080-12R, A Resolution in Opposition to SB 3077 and the Amendment to SB 2083, Creating the Emergency Budget Act of Fiscal Year 2009, which Propose to Divert Municipal revenues for State Use. Administrator Keller discussed the legislation in place which would allow the State to take local government revenues for their own purpose (SB 2083 and SB 3077 Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Garcia, Zambetti, and Mueller), 0-nays, 0-abstained, 1-absent (Trustee Mengarelli). Motion carried.

A motion was made by Trustee Zambetti and seconded by Trustee Mierisch to approve Baxter and Woodman Work Order #080183.90, Western Quadrant Water and Wastewater System Update Study. Administrator Keller explained approval of this project would allow Baxter & Woodman to update the Village's Water and Wastewater System study. The study would allow the Village to extend water and sewer to outside areas of Village's development where the boundaries were changed by the Pingree Grove agreement. The Public Works Committee approved of the project at their December 2 meeting. Roll call: Vote: 5-ayes (Trustees Erbeck, Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 1-absent (Trustee Mengarelli). Motion carried.

A motion was made by Trustee Mueller and seconded by Trustee Erbeck to approve the purchase of an ICOP In-Car Digital Video System for an amount not to exceed \$23,325.00. Administrator Keller explained that this expenditure was not coming out of the General Fund but will be coming out the Drug Forfeiture Fund. The Police Committee recommended approval of the project. Trustee Garcia advised the Board that he had he opportunity to see the digital video system in action and how valuable it was.

Village Administrator – Administrator Keller advised the Board that he participated in the selection process with the Conservation Foundation. The Village has an agreement with the Conservation Foundation to incorporate stormwater practices using Tyler Creek or another project as a model development. The firm they are looking at is Kabbes Engineering.

Administrator Keller stated relative to Timber Trails Villas road matter he has asked our Village Engineer to put together a brief summary and has not as yet contacted EEI engineering firm to verify and give his conclusion on the condition of the Briarwood and Regent Drive.

Village Engineer – Engineer Kanthack updated the Board on the status of the north water tower, chemical pump and circulation pump and stated everything is ready to go and should be operational tomorrow. Engineer Ed Kanthack will be working with Illinois American Service.

Village Attorney – Attorney Tappendorf was not present for the Board meeting.

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

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

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

Police Chief – Chief Joswick was not present for the Board meeting.

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 – President Wajda informed the Board orientation is scheduled for January 10th and written and physical test is scheduled for January 17th. One hundred plus application have been submitted.

VILLAGE BOARD MEETING

December 16, 2008

Page 4

REPORT FROM TRUSTEES AND VILLAGE PRESIDENT

Trustee Garcia inquired about the status of W. Kost. Administrator Keller advised that the matter would be discussed in a closed session.

Trustee Garcia discussed his concerns about interruptions made by Board members at meetings and wished it would stop and apologized to Trustee Mierisch for interrupting her last week when he thought she was finished. Trustee Mierisch concurred with Trustee Garcia that interruptions during meetings should be stopped. President Wajda advised if interruptions continue to be a problem that a formalized policy will be instituted.

Trustee Mierisch discussed further information on pet CPR and first aid for pet care for our emergency plan and what the Village needed to do to get NIMS compliance. At this time the Village is not NIMS compliance and cannot obtain any grants for future programs from the State of Illinois from Homeland Security. Trustee Erbeck advised, upon the Chiefs return, he fill out the necessary documents to get the Village in compliance for grants.

Trustee Erbeck commended Police Chief Joswick on finding alternate method of training police officers by utilizing NEMRT video library tapes at the Police Department instead of sending officers to formal class room training until our financial conditions improve.

Trustee Garcia requested that the subject of Gilberts Town Center 1A-Village acceptance be moved to the Building/Zoning/Planning/Development Committee and taken off the Public Works agenda. President Wajda asked Trustee Garcia to contact Trustee Mengarelli on his request.

Trustee Erbeck advised the Board that the generator for the Police Department is important for the department but is not moving forward at this time due to budget constraints. Administrator Keller recommended that the Board reconsider to purchase this item under impact fees as a one time cost.

There being no further business; **a motion was made by Trustee Erbeck and seconded by Trustee Zambetti to adjourn the meeting.** Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Zambetti, Garcia and Mueller), 0-nays, 0-abstained, 0-absent. Motion carried. Adjournment time: 8:10 p.m.

Respectfully Submitted,

Darlene Mueller, Village Clerk