

**VILLAGE OF GILBERTS
VILLAGE BOARD MEETING**

April 21, 2009

7:00 p.m.

CALLED TO ORDER:

Village President Wajda called the meeting to order at 7:00 p.m. President Wajda led those present in the Pledge of Allegiance.

ROLL CALL/ESTABLISH QUORUM:

Members present: Trustees Mierisch, Erbeck, Zambetti, Mengarelli, Mueller, Garcia and President Wajda. Others Present: Village Administrator Ray Keller, Administrative Intern Kyle Cratty, Police Chief Mike Joswick, Village Engineer Ed Kanthack, Chief Building Inspector John Swedberg, 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

Resident Michael Doherty, 25 W. Willey, approached the Board on a situation that has been discussed with the Board and forwarded to the former Village Attorney (Arnstein & Lehr) without a resolution. Mr. Doherty built a house on his lot at 25 W. Wiley twenty-six months ago and was told he had to install a catch basin to be attached to an existing storm sewer. During the construction, Mr. Doherty found out that there was no storm sewer. Mr. Doherty ended up paying an additional \$4,000.00 under protest. Mr. Doherty has offered to accept one-half of the cost if there is an agreement by April 28th. Trustee Erbeck expressed a problem with Mr. Doherty giving the Board a deadline and that the Board was in a voting session and the Board would not have another voting session until after Mr. Doherty's deadline. Chief Building Inspector Swedberg explained that Mr. Doherty was given the only drawing in Old Town and the drawing noted a storm sewer and for whatever reason it was not built. The Village never received an as-built on the property and the drawing was given in good faith to Mr. Doherty. After a brief discussion, Administrator Keller recommended Staff pull all the information on this situation and forward to the Board for their review before making a final decision at the May 5th meeting.

CONSENT AGENDA:

A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to pull Agenda items #4B and #4N off the Consent Agenda. Roll call: Vote: 6-ayes (Trustees Erbeck, Mengarelli, Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained. Motion carried.

A motion was made by Trustee Erbeck and seconded by Trustee Garcia to approve by one omnibus vote, the following Consent Agenda items:

- A. Minutes of the March 3, 2009 Village Board Meeting.
- C. Minutes of the March 17, 2009 Village Board Meeting
- D. Minutes of the March 24, 2009 Village Board Work Session Meeting
- E. 2008 Annual Water Quality Report
- F. Intergovernmental Agreement with Kane County for a Small Cities Grant
- G. CY 2009 Recreational Programming Agreement/Renegade Soccer Club
- H. Scope of Work for IEPA Grant Loan for Industrial Park Water and Sewer Improvements
- I. Resolution #09-07R, Village of Gilberts Investment Policy
- J. Proclamation honoring Municipal Clerks Week May 3, 2009 through May 9, 2009
- K. Proclamation honoring Building Safety Week 2009, May 3 – 9, 2009
- L. Transfer Switch for Water Treatment Plant
- M. Exhaust Fan for 73 Industrial Drive

Roll call: Vote: 6-ayes (Trustees Erbeck, Mengarelli, Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained. Motion carried.

VILLAGE BOARD MEETING

April 21, 2009

Page 2

March 10, 2009 Committee Minutes (taken off of the Consent Agenda)

Trustee Mierisch questioned page 4, Eagles' Special Use Permit, 6th paragraph, not agreeing on the specific limit of activities per week. It was the consensus of the Board to strike this sentence off the minutes. **A motion was made by Trustee Mengarelli and seconded by Trustee Erbeck to approve the minutes of March 10, 2009 as amended.** Roll call: Vote: 6-ayes (Trustees Erbeck, Mengarelli, Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained. Motion carried.

GET Parking Lot Construction Bid (taken off of the Consent Agenda)

A motion was made by Trustee Erbeck and seconded by Trustee Mengarelli to approve Gilberts Town Center Parking Lot Construction Bid. Discussion followed. Trustee Garcia expressed his concern about recent issues on laying out the field structure and the organization of the laying out the fields. Trustee Garcia felt a better use of \$100,000 would be to have a gravel parking lot before asphaltting; leaving it gravel with curbing and using the rest of the funds for grading. Discussion followed on the layout of the field and what is usable. Trustee Zambetti expressed his concern about violating our own ordinance by graveling the parking lot and residents cannot gravel their driveway. Trustee Zambetti felt the Village when starting something should finish it and not do it at a later time, explaining that if the parking lot was temporarily graveled instead of being asphalted. Discussion followed on re-bidding, change order, legal ramifications and disposition of the contractor at this time. Trustee Mierisch expressed her frustrations with the Board when the Board gives directions to Administrator Keller and at the last minutes the Board changes directions. Trustee Mierisch explained that businesses will have no interest in doing business with Gilberts when contracts or agreements are not honored. There was discussion about the Board's consensus at a previous meeting to direct Administrator Keller to proceed with the contract and the motion would be ratified at the next Board meeting. After further discussion with legal counsel, President Wajda called for a vote. Roll call: Vote: 5-ayes (Trustees Erbeck, Mengarelli, Mierisch, Zambetti, and Mueller), 1-nay (Trustee Garcia), 0-abstained. Motion carried.

APPROVAL OF BILLS AND SALARIES:

A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to approve the amended payment of bills as pursuant to the list dated 4/21/09 and presented to the Trustees prior to the meeting as follows: General Funds \$89,409.05; Permit Pass Thrus \$4,936.00; Performance Bonds and Escrows \$4,251.43; Water Fund \$30,697.89; and Payroll \$114,323.37. Roll call: Vote: 6-ayes (Trustees Erbeck, Mengarelli, Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained. Motion carried.

A motion was made by Trustee Mueller and seconded by Trustee Mengarelli to approve the Treasurer's Report for March 2009 for filing. There being no further discussion, President Wajda asked for a vote: Roll call: Vote: 6-ayes (Trustees Erbeck, Mengarelli, Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained. Motion carried.

A motion was made by Trustee Mengarelli and seconded by Trustee Zambetti to approve FY2009 Final Budget Adjustments. There being no further discussion, President Wajda asked for a vote. Roll call: Vote: 6-ayes (Trustees Erbeck, Mengarelli, Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained. Motion carried.

ORDINANCES/RESOLUTIONS/PROCLAMATIONS/MOTIONS TO BE PASSED

A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to approve Gilberts Town Center unit 1A Bond Reduction. Discussion followed. Administrator Keller explained that this subject has been carried over for several meetings. Questions about what was or is not included are still in question. Discussion followed on the bike trail and its present aesthetic condition with a lot of patch work and Trustee Zambetti would like to see it seal coated. Engineer Kanthack explained that patch work was done because of failure of sub grade and the work was done according to engineering standards. Todd Grawronski explained that patch work is also done with homeowner's driveway; light poles that are peeling are touched up as an example. Lengthy discussion about HOA and Ryland home acceptance of private improvements and public improvements followed. Mr. Grawronski (spelling?) informed the Board

VILLAGE BOARD MEETING

April 21, 2009

Page 3

that he has not received anything in writing on the new proposed bond amount. Administrator Keller recommended if there were any remaining questions or items to forward them to Staff they can be sorted out at the next board meeting. **A motion was made by Trustee Mueller and seconded by Trustee Mierisch to table this matter to the next Board Meeting.** A discussion followed. Trustee Garcia felt the Board should move ahead with the vote on the reduction because there were no issues in the memo other than his issues with the parkway trees. He was concerned about what would be left for the HOA and homeowners, what ramifications do we have to help the resident with seal coating. Trustee Garcia expressed his wish to continue to work together. Mr. Grawronski explained that he understood the working together with the Village; however, every time he is asked to work together and receives no help from the Village and Ryland Home is the one writing the check. Two years ago issues were not spoken about and now that he is down to two homes, his budget is limited. Trustee Zambetti explained that this situation has become a learning experience for the newer Board members and getting involved with final inspection of a new development. The Board will have issues about parkway trees and bike trails reflected in future annexations. Further discussion followed on the distinction between public and private improvements and the difference in the Village's authority over each type of improvement, regulatory or ownership and control. Vote: Roll call: 5- ayes (Trustees Erbeck, Zambetti, Mierisch, Mengarelli and Mueller), 1-nay (Trustee Garcia). Motion carried.

Motion to amend the Village Board Meeting minutes of October 21, 2008.

Administrator Keller explained that the Village Clerk received a request a resident in Gilberts who is a police officer requesting that his street address be removed from the October 21, 2008 minutes for security reason. There being no objection from the Board, **a motion was made by Trustee Erbeck and seconded by Trustee Zambetti to amend the minutes of October 21, 2008 as requested.** Roll call: Vote: 6-ayes (Trustees Erbeck, Mengarelli, Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained. Motion carried.

STAFF REPORTS

Hennessy Court Bridge Update

Using an overhead projector, Chief Building Inspector Swedberg discussed the progress made when the contractor started early Monday morning on April 20th. The western culvert was replaced with one new culvert and when work was started on the eastern most culverts it guaranteed that the remaining culverts needed to be replaced. Chief Building Inspector Swedberg discussed the placement of the utility lines. Because of the rain and water level, work has not proceeded on Monday or Tuesday.

BOARD OF TRUSTEES REPORTS

Trustee Garcia inquired about the status of the park sign at Town Center Park. Administrator Keller stated that the sign has been ordered. The sign will be located at the corner of Tyrrell and Columbia Drive.

Trustee Mengarelli discussed a possible lawsuit for Regent and Briarwood Drive because of the road not being built to specification and the need to send a notification to the developer by the Village and/or by the HOA. Administrator Keller advised that if a lawsuit is to be discussed, it should be in Executive Session. Discussion followed on the appropriate time the Village should get involved when a situation occurs with resident's misfortunes or when a subdivision is afflicted with an unsafe condition. Attorney Tappendorf explained the legal distinction between the Village's more limited regulatory authority and permitting authority over private improvements compared to the more expansive control the Village has over public improvements. Administrator Keller requested direction on what the Board would like the Staff pursue compiling cost for engineering, staff and legal time.

Trustee Mengarelli expressed his concern about the Investment Policy having the language of "buying commercial paper for Village investment" during these economic times. Trustee Mierisch again expressed her frustration that this item was just approved by the Board. Trustee Mengarelli understood Trustee Mierisch's concern but inadvertently missed this item on the Consent Agenda. Discussion followed on taking this language out and having to put it back when the economy is in a better financial condition. Discussion followed on the method on how the Board is informed of any future investment made for the Village by the Finance Director. After a discussion, Trustee Mengarelli recommended that a policy be in place not to buy commercial paper. No action was taken.

VILLAGE BOARD MEETING

April 21, 2009

Page 4

Trustee Mierisch informed the Board that Retired Fire Fighter and CERT member Steve Fox will be attending the 2009 Illinois Citizen Corps Conference this spring. Homeland Security will pay for all of his accommodations except for mileage which would come out of Homeland Security's budget. The Board advised Trustee Mierisch to go through the Committee of the Whole on Homeland Security matters.

Trustee Erbeck inquired about Identification cards for CERT. Chief Joswick will forward them to Trustee Mierisch.

Trustee Erbeck inquired about the bulletin report by Corporal Todd Block. Chief Joswick stated he would put it in the Board's packet.

Trustee Erbeck would like to have the soccer field rolled prior to next Sunday's game.

VILLAGE PRESIDENT'S REPORT

President Wajda advised the Board the Committee of the Whole meeting expires at the end of this month and was looking for direction on the continuing this practice. After a discussion among the Board members, it was the consensus of the Board to extend it another two months for the New Board. **A motion was made by Trustee Mueller and seconded by Trustee Zambetti to extend the Committee of the Whole for two more months ending in June.** Roll call: Vote: 6-ayes (Trustees Erbeck, Mengarelli, Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained. Motion carried.

Trustee Mueller reminded the Board about the community wide clean up day this Saturday.

COMMUNICATIONS AND PETITIONS

There was no communications or petitions at this time.

MOTION TO ADJOURN INTO EXECUTIVE SESSION EXECUTIVE SESSION TO ADDRESS PENDING LITIGATION

A motion was made by Trustee Erbeck and seconded by Trustee Garcia 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: 6-ayes (Trustees Erbeck, Garcia Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 0-absent. Motion carried. The Board recessed and went into Executive Session at 8:40 p.m. and returned to the public meeting at 8:55 p.m.

A motion was made by Trustee Mengarelli and seconded by Trustee Zambetti to reconvene to the public meeting. Roll call: Vote: 6 ayes (Trustees Erbeck, Garcia Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 0-absent. 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.

ADJOURNMENT

There being no further business, **a motion was made by Trustee Mengarelli and seconded by Trustee Erbeck to adjourn the meeting.** Roll call: Vote: 6-ayes (Trustees Erbeck, Mengarelli, Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 0-absent. Motion carried. Adjournment time: 8:55 p.m.

Respectfully Submitted,

Darlene Mueller, Village Clerk