



**MINUTES FOR VILLAGE OF GILBERTS  
COMMITTEE OF THE WHOLE MEETING  
Village Hall: 87 Galligan Road, Gilberts, IL 60136  
Meeting Minutes  
Tuesday, August 11, 2020**

**1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

President Zirk called the meeting to order at 7:00 p.m. He proceeded to lead those present in the Pledge of Allegiance.

**2. ROLL CALL / ESTABLISH QUORUM**

Deputy Village Clerk Phillip Versten called the roll. Roll call: Members present: Trustees Corbett, Allen, Zambetti, Farrell, Hacker, and President Zirk. Trustee Hacker joined the meeting at 7:03 pm. Staff present or via phone: Village Administrator Brian Bourdeau, Building Director John Swedberg, Public Works Director Aaron Grosskopf, Deputy Village Clerk Phillip Versten, Village Attorney Julie Tappendorf, Village Engineer Al Stefan. Others present or via phone: Jeff Glogovsky of Glogovsky Oil Company VI; Tom Burnie, Tyler Wilke, and Jerry Lindley of Prairie Enterprises, LLC; Troy Mertz, Jeremy Lin, and Steve Dalbec representing Gilberts Development LLC; Daniel Pace.

President Zirk noted that Trustee Kojzarek had tendered her resignation from the Board and as of this evening there is a vacancy in that spot.

**3. PUBLIC COMMENT**

Daniel Pace provided public comment concerning Item 4.C on this evening's agenda. He thanked the Board for obliging his FOIA request and providing transparency in government. He addressed several paragraphs from a July 9<sup>th</sup> memo to the Village Board from the Village Attorney regarding the Conservancy Development Request for Additional Building Permits.

Among his concerns regarding the issuance of additional permits: The Village approved the 3A plat 16 months ago and it has not yet been completed. He stated that he drove through the subdivision, saw no developer activity, and doesn't understand what is holding up progress. He feels the request for more permits when prior obligations have gone unmet is wrong and is putting pressure on the Board to release more permits in order to salvage what is left of the construction season and the prime sales season. His impression, based on the conversations he has heard thus far, is that if the infrastructure necessary to build homes with these additional permits was begun now, that infrastructure would not be ready until spring.

He stated his belief that the solution to the lack of progress is for the developer to complete his obligations to the Village as promised. He asked how, with so much at risk for the Village, the developer could expect the Board to put his interests before those of the Village. Mr. Pace expressed a desire for the Board to demand accountability, holding Gilberts Development LLC to the existing development restrictions put in place over two years ago. Mr. Pace concluded his statements by saying that the issuance of further permits is akin to rewarding the developer for incompetence.

President Zirk thanked Mr. Pace for his comments and reminded him that no decisions would be made by the Board tonight, and that perhaps some of the discussion tonight would help to shed some light on how we can progress with the developer.

#### **4. ITEMS FOR DISCUSSION**

A. Presentation and Discussion of a Request from Glogovsky Oil Company VI, Inc. d/b/a Gilberts Shell for an Increase in the Number of Permitted Video Gaming Terminals under Village Code - Village Administrator Bourdeau provided a summary of his memo to the Board Committee of the Whole dated August 11th, stating that Jeff Glogovsky, the owner of the Shell station at the corner of Illinois Route 72 and Tyrell Road, is seeking to operate 4 additional video gaming terminals beyond the current 6 allowed to retail establishments by Village ordinance. Administrator Bourdeau stated that Mr. Glogovsky's rationale in making the request was because he has been classified as a truck stop by the State of Illinois Gaming Board, in part because his facility sits on 3 acres owned by his company, a requirement in meeting the definition of a truck stop for the purposes of gaming license allotments. Per the State's Video Gaming Act, truck stops are allowed up to 10 such licensed terminals. While this facility sits on less than two acres, Mr. Glogovsky's company owns adjacent undeveloped vacant land to the west, which would bring his total holdings at that site to the 3-acre minimum, per the Gaming Board's truck stop classification requirement. Administrator Bourdeau stated that the classification does not change local zoning ordinances, and truck stops are not allowed by our code. Administrator Bourdeau noted that, while changes to land use would have to go through our Plan Commission, the Shell station owner is not seeking changes to use.

Jeff Glogovsky of Glogovsky Oil Company VI, Inc. introduced himself to the Board. He said he is not interested in petitioning for any changes to use. He considers his business a commercial diesel fueling facility and not a truck stop, but since the State considers him a truck stop, he wishes to expand his gaming licenses to 10 from 6, as allowed by the State for truck stops. Other than that, he said, he is not interested in changing any ordinances, languages, or references.

Concerns were expressed by President Zirk, Trustee Corbett and other members of the Village Board that, if the additional gaming licenses were permitted by the Village, Mr. Glogovsky could come back to the Board with requests for other uses characteristic of truck stops, citing the granting of these additional gaming licenses as precedential recognition of his operation as a truck stop by the Village. Mr. Glogovsky reiterated that he does not want to be considered a truck stop and has no interest in turning his facility into one.

Trustee Corbett asked Mr. Glogovsky what he intends to do with his adjacent acreage. Mr. Glogovsky indicated that he has always intended to build a car wash there and still intends to do that. President Zirk noted that a car wash is not a typical truck stop amenity.

President Zirk stated that we need to craft an ordinance granting the additional gaming licenses that consists of enough constraints to effectively prohibit the addition of any other amenities characteristic of truck stops at that site.

- B. Presentation and Discussion of a Proposal by Prairie Enterprises, LLC for Two Proposed Code Amendments Related to Development Proposal - President Zirk summarized Administrator Bourdeau's memo of August 11<sup>th</sup>, describing special use and variation requests put forth by Prairie Enterprises in regard to their proposed self-storage facility on a 20-acre parcel on the south side of IL Route 72, immediately west of the Union Pacific railroad tracks. In addition to these requests, Prairie Enterprises is requesting that the Village Board amend Village Code concerning fire sprinkler requirements and a generally applicable ordinance relating to sanitary sewer connections. The petitioner is requesting a change to generally applicable Village Code so that it does not have to incur the expense of connecting to the sanitary sewer line. Administrator Bourdeau emphasized that any changes to Village-wide codes would have to be made applicable throughout the Village in the case of similar requests.

In the discussion which followed, the petitioner stated that the storage system would contribute negligible system load to the sewer system and this should negate the need for a sewer connection. The petitioner believes that a private on-site system not connected to the public system, such as a holding tank, would suffice for their needs. It was noted by President Zirk and some Trustees that the ordinance requiring connection was drafted in an effort to stop the proliferation of septic waste systems throughout the Village as the Village grew, and that the sanitary sewage system is intended as a continuous network to link all businesses and residents into one system. President Zirk underscored Administrator Bourdeau's earlier point that such a change to the ordinance could enable other businesses to opt out of sewer connections and we should consider those potential outcomes in making our decisions in regard to this request.

President Zirk stated that by not requiring low load businesses to link up to the public sanitary sewer system we would also potentially not be requiring them to extend the sewer system to businesses that would need to come online further upstream, thereby increasing the cost of a public sewer system connection for those upstream businesses. Such an ordinance would have to account for that, possibly requiring the entity that opts not to connect to at least extend the sewer through their property for upstream connections.

Village Attorney Tappendorf stated it would be difficult to anticipate whether and how this code amendment would accommodate all future applications.

President Zirk suggested to the Village Board that this is a question of whether they are comfortable going against the norm by allowing smaller businesses to potentially opt out of the public system. Trustees Corbett, Farrell, Allen, and Hacker expressed that they are not comfortable with it. President Zirk advised the petitioner that they could still make the request and the Board could provide a decision at a regular Board meeting. The petitioner determined that they've heard and understand the Village's position and they would not be pursuing the request.

The second and separate request for a generally applicable code amendment was introduced by the petitioner, concerning their request for a change to the Village's sprinkler code amendment. They seek to change the size of the building for which such fire suppression systems are required,

preferring to make the requirement applicable to buildings over 12,000 square feet, as opposed to them being required for buildings over 3,000 square feet.

Village of Gilberts Building Director John Swedberg provided an overview of the 5 Types of buildings and the fire code fire suppression requirements for each. He noted that he has reviewed the plans and can make assumptions off of the plans that this might be a S1 or S2 building type, but cannot provide a final recommendation on which Type this building would fall into until the building is completed and he can conduct a final inspection. He noted that over ten years ago, the International Fire Code requirement for fire suppression systems in S1 or S2 Type buildings was changed to 12,000 square feet and the Village and the Rutland Dundee Fire Protection District opted at that time not to relax their local requirements to that extent. He noted that fire suppression systems can consist of sprinkler systems or, typically in cases where heat to the building is not required, fire walls in modules of 3,000 square foot spaces. He also described the option of dry fire suppression systems.

After discussion concerning wall thickness and other measurement considerations, Trustee Zambetti indicated he is not comfortable with this proposed amendment to the Village's local amendments to the 2003 International Fire Code. President Zirk asked the other Trustees how they felt and all indicated that they would also not be comfortable making this change. President Zirk reminded the petitioners they can come back to a regular board meeting to make the request. The petitioners indicated they understand and respect the Board's position and will not pursue this request.

- C. Discussion of a Request by Gilberts Development, LLC for the Village to Reconsider the Limitation on Building Permit Issuance - Village Administrator Bourdeau stated that this is a continuation of discussion on a proposed resolution from the August 4<sup>th</sup> regular meeting of the Board of Trustees, at which time no action was taken on the resolution. Since that time, further discussions have taken place between Trustees Corbett and Hacker, and Village Engineer Al Stefan of Robinson Engineering in an effort to take into account all factors and timelines in the interest of determining a path forward that presents the least risk to the Village while enabling progress in new home construction at the Conservancy. Trustee Corbett's resultant proposal detailing water capacity detail and estimates at various points was included in the Board packet for this meeting to aid in discussion.

Village Attorney Tappendorf stated that the resolution before the Board tonight was the same as last time and the final resolution would be structured in this format, but this draft contains much of Troy's original proposal and serves for now as a place holder for the terms the Village Board would ultimately direct.

Troy Mertz of Gilberts Development, LLC introduced the members of his team that were present in the room: project engineer Jeremy Lin, President of Lintech Engineering; and Steve Dalbec, Vice President of Boller Construction, who will oversee installation of the plant. Mr. Mertz stated he has also hired an electrical firm to get electrical service to wells 5 and 6. He stated he is moving ahead on the wells and on plant expansion.

Jeremy Lin stated he and Mr. Dalbec designed the original water plant as part of a design/build project and that they have reunited under Troy to help finish the project, which they anticipate will essentially double plant water capacity to 2000 gallons per minute (gpm) from 1000 gpm.

Administrator Bourdeau asked Mr. Mertz when progress will commence.

Mr. Mertz indicated that the wells are constructed, the pumps are in place, the water has been tested and the water quality is good. He said that Mr. Lin has been working with ComEd and LE Tech on power requirements of the pumps at the wells and that electrical design and electrification of well 6 would take 7 to 12 weeks, including electrical transmission into the building. He indicated that there may be a time lag on some parts for some of the equipment, which Mr. Dalbec would be qualified to speak about. Mr. Dalbec said that parts such as filters, etc. can sometimes take 6 to 9 months to track down, but that this probably fits in well with the timeline for the construction of the building, with well #6 tied in sooner. He said that in the 4 to 6 months following the completion of equipment and the building, we will realize a doubling of plant capacity.

President Zirk asked Village Engineer Al Stefan if he is confident with the team Mr. Mertz has assembled to get this done. Mr. Stefan indicated he is absolutely confident in this team to get the project back on track.

Trustee Farrell asked Mr. Lin to provide a continually updated comparable spreadsheet, as a living document, that tracks equipment ordered, equipment delivered, electrified, operational, and so on, to reflect step-by-step progress relative to the timelines proposed. She would like to see this starting Monday, August 17, for the regular board meeting of August 18.

Trustee Corbett agreed that is a valid request. He went on to describe the process of research and discussions that went in to putting together his proposal of a way forward, which he summarized from a memo dated August 7 to Administrator Bourdeau. Trustee Corbett based his calculations on discussions with Village Engineer Stefan, taking into account the additional capacity we have today, the 3-year maximum average, population size, and other relevant factors. He arrived at a total of 60,000 gallons of water capacity daily. Based on Mr. Stefan's number of 116 gallons per person per day, or 429 gallons per day for each household, this translates to 140 permits. He told Mr. Mertz that the number of permits the Board is comfortable approving lies somewhere between 0 and 140, but that the number Mr. Mertz has asked for is not possible.

He provided an overview of the milestones-to-permits trade-offs contemplated in his proposal, such milestones including the operational activation of well 6, then well 5, and so on. He told Mr. Mertz that the point of his efforts is to try to put some milestones together that we can try to understand and that we can hold Mr. Mertz to. He emphasized that whatever number we arrive at will be all we have within IEPA thresholds, etc.

Trustee Hacker stated that he approves this formulaic approach in which the number of permits issued is tied to the production of the wells but placed a caveat on it. He sees no problem in giving Mr. Mertz 30 or even 51 permits because we are not counting those since we can't know the functional capacity of well 6 yet. If it turns out that well 6 provides 1.4 million gallons, that equates to 22,000 more gallons than well 3, which is the equivalent of 51 permits. But in the event well 6 produces something less than 1.4 million gallons per intended design capacity, but more than well

3, whatever that difference in production between the two wells is, we take back that equivalent number of permits.

Discussion followed regarding the many different ways we can produce the 1.4 million gallons in advance of the operation of wells 5 and 6 so that the 51 permits could be released to Gilberts Development, LLC. It was understood that the 1.4 million-gallon goal was attainable.

Trustee Allen asked how long we can push the current wells to produce at that capacity. Mr. Lin indicated that they could produce at that level for a while, and definitely within the time it would take to get wells 5 and 6 online and operational.

President Zirk said that Trustees Corbett and Hacker will work with Gilberts Development, LLC and Village Administrator Bourdeau to come up with a workable proposal to bring back to the Board to either accept or not, or tweak if need be.

## **5. STAFF REPORTS**

### Administrator Bourdeau

- We're exploring options for the movie-in-the-park in a manner that would comply with the governor's guidance in light of the pandemic. Currently the best option seems to be a drive-in format which is more expensive than past movie formats. We will get quotes.
- State Senator DeWitte is having an informal forum 6:30pm-8pm at the Eagle on August 25<sup>th</sup> that will require event registration. More info will be passed along to the Board as it is received.
- Kane County has approved a plan for spending and disbursement of the emergency COVID-19 relief funds from the federal government. The Village will receive funds as part of the County's disbursement.

### Other Staff Reports

- No other staff present had reports at this time.

## **6. TRUSTEE REPORTS**

- No Trustees had reports at this time.

## **7. PRESIDENT'S REPORTS**

President Zirk expressed gratitude for the contributions made to the Village of Gilberts by Trustee Kojzarek and wished her well.

## **8. EXECUTIVE SESSION\***

An executive session did not take place.

## **9. ADJOURNMENT**

There being no further public business to discuss, a **Motion was made by Trustee Allen and seconded by Trustee Corbett to adjourn from the public meeting at 10:03 p.m.** Voice vote carried unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Phillip Versten". The signature is written in black ink and is positioned above the printed name and title.

Phillip Versten  
Deputy Village Clerk