

**Village of Gilberts  
87 Galligan Road  
Gilberts, IL 60136  
Village Board  
Meeting Minutes  
April 15, 2014**

**Call to Order / Pledge of Allegiance**

President Zirk called the meeting to order at 7:03 p.m. He proceeded to lead those present in the Pledge of Allegiance.

**Roll call/ Establish Quorum**

Village Clerk Meadows called the roll. Roll call: Members present: Trustees Corbett, LeClercq, Zambetti, Farrell, Hacker and President Zirk. 1-absent: Trustee Mierisch. Others present: Administrator Keller, Attorney Tappendorf, Bond Counsel Bilas, Finance Director Blocker, Assistant Administrator Beith and Village Clerk Meadows. For members of the audience please see the attached list.

**Public Hearing**

**Budget for Fiscal Year 2015**

**A Motion was made by Trustee Zambetti and seconded by Trustee LeClercq to open the Public Hearing for the Fiscal Year 2015 Budget at 7:04 p.m.** Roll call: Vote: 5-ayes:: Trustees Corbett, LeClercq, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

Administrator Keller reported that the Public Hearing had been properly noticed and the budget had been made available for public inspection at least ten days prior to the date of the Public Hearing.

President Zirk inquired if any one wished to comment or had questions on the proposed FY-2015 budget. There were no comments from the audience. **A Motion was made by Trustee Hacker and seconded by Trustee LeClercq to close the Public Hearing portion of the meeting at 7:06 p.m.** Roll call: Vote: 5-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

**Public Comment**

President Zirk asked if anyone in attendance wished to address the Board. Resident Dan Pace approached the dais. He commented on a recent Daily Herald news article which discussed the approval of a private reimbursement agreement between the Village and Intra Soccer LLC. President Zirk confirmed that the Village Board had approved the agreement at a Village Board Meeting that was held after the Kane County Board unanimously approved the rezoning petition for Intra Soccer LLC.

President Zirk recalled that the Board had recommend Mr. Pace and his supporters opposed to the rezoning petition attend and comment at the Kane County Board Meeting in which the rezoning petition was under consideration. Mr. Pace acknowledged that he did attend the Kane County Board meeting. President Zirk noted that he was aware that Mr. Pace was in attendance. However, only two other residents opposing the rezoning petition were in attendance and the opposition attendance numbers did not fill the room. Mr. Pace noted that in his opinion Gilberts' Kane County Board Member Representative Kurt Kojzarek was not being held accountable for his actions. President Zirk suggested Mr. Pace have that conversation with Kane County Board Member Kojzarek. Mr. Pace thanked the Board Members for their time.

President Zirk asked if there were anyone else in attendance who wished to address the Board Members. There were no comments from the audience.

#### **Consent Agenda**

- A. **A Motion to approve Minutes from the April 1, 2014, Village Board Meeting**
- B. **A Motion to approve Minutes from the April 8, 2014, Special Village Board Meeting**
- C. **A Motion to approve March 2014 Treasurer's Report**
- D. **A Motion to approve Bills and Salaries Dated April 15, 2014 as follows: General Fund \$135,750.88, TIF \$97.50, Developer Donations \$500.00, Performance Bonds \$774.00, Water Fund \$212,212.39, and Payroll \$56,377.79**
- E. **A Motion to approve Resolution 14-2014, a Resolution authorizing an agreement between the Village of Gilberts and Lauterbach & Amen, LLP to provide audit services**
- F. **A Motion to approve Resolution 15-2014, a Resolution approving a CY-2014 Recreational Programming Agreement with the Prairie Valley Family YMCA**
- G. **A Motion to approve Resolution 19-2014, a Resolution authorizing an intergovernmental agreement between the Village of Gilberts and the Illinois Law Enforcement Alarm System (ILEAS) for Mutual Aid Assistance**
- H. **A Motion to approve Resolution 20-2014, a Resolution authorizing an extension to an intergovernmental agreement between the Village of Gilberts and Kane County for Animal Control Services**

President Zirk inquired if any Board Member wished to remove any item from the consent agenda. There were no comments from the Board Members. He noted that the April 8<sup>th</sup> Board Meeting Minutes under consideration are the minutes that had been amended and were provided electronically. **A Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve the consent agenda items A-H as presented.** Roll call: Vote: 5-ayes: Trustees LeClercq, Zambetti, Farrell, Hacker and Corbett. 0-nays, 0-abstained. Motion carried.

### **Items for Approval**

President Zirk acknowledged that some of the members in the audience were in attendance to comment on agenda item F. President Zirk suggested allowing Agenda Item F to be discussed first. The Board members concurred with President Zirk's recommendation.

### **A Motion to approve Resolution 16-2014, a Resolution approving a CY-2014 Recreational Programming Agreement with the Gilberts Grizzlies**

Administrator Keller informed the Grizzlies' representative in attendance that the Board Members had presented a couple questions at the last Board meeting with respect to their programming operations.

President Zirk apologized that he was not in attendance at the last meeting. However, after reviewing the minutes it appears that the Board Members had two questions regarding the Grizzlies' operations. The first question was with respect to the percentage of Gilberts residents that participate in the program. Grizzlies President, Brian Kovanda reported that they are in the middle of the registration period. However, he estimated that 80% of the participants are Gilberts' residents.

President Zirk noted that the Board Members had raised concerns about the measures taken to safeguard the children and leagues efforts to reduce injuries. President Kovanda reported that last year the Gilberts Grizzlies played against communities with a much larger population which provided for a larger more competitive player roster. This year the Grizzlies' teams will play against communities with similar population numbers. Trustee Hacker inquired if all the Gilberts children participating in the program have an opportunity to play. President Kovanda replied yes, all players are provided the same opportunity to play.

President Kovanda reported that this year there will be a trainer on the field at all times. In addition, the Grizzlies do adhere to the TCYFL safety protocols and always are concerned for the players' safety. The TCYFL has established guidelines to reduce risk of injury and are strictly followed by all the coaching staff.

Trustee LeClercq commented on his previous personal experience with the Grizzlies organization. He noted that in his opinion Coach Curran's coaching techniques were unorthodox especially when dealing with children. Trustee LeClercq commented on what he thought was the use of inappropriate language and physical contact by Coach Curran while instructing the players. Trustee Corbett along with the Grizzlies Board Members in attendance questioned the concerns raised about Coach Curran.

President Kovanda reported that all coaches are required to take the Code of Conduct. Trustee LeClercq asked if it was true that last year there was a petition to have Coach Curran removed from the Board. The Board Members in attendance reported that a petition to have Coach Curran step down was never presented to them.

Trustee Zambetti commented on the fact that the Grizzlies organization provides programs that otherwise would not be offered to the Gilberts' children. Trustee LeClercq noted that moving forward he hopes the Grizzlies will address the concern discussed and improve the organization's operations.

Vice President of Operations, Sue Bennet reported that all the Coaches are highly trained and certified. In addition, this year they will be implementing the head-ups tackling technique approved by the TCYFL.

A lengthy discussion ensued on whether a grievance process was available if parents or child expressed concerns with a coaching staff member or another participating member.. VP of Operations Bennet noted that they encourage participants with a grievance to first discuss the issue with whom they have the concern. If the concern is not reconciled the participant may then bring their concern to the Board. President Zirk suggests they may want to consider adopting a formal appeals process.

Trustee Zambetti noted that prior to implementing the programming agreements process there had been several occasions in which alternations occurred between various team with respect to field use. He reported that these types of agreements have eliminated those types of incidents.

There being no further discussion on the motion, A **Motion was made by Trustee Farrell and seconded by Trustee Zambetti to approve Resolution 16-2014, A Resolution approving a Programming Agreement with the Gilberts Grizzlies.** Roll call: Vote: 5-ayes: Trustees Zambetti, Farrell, Hacker, Corbett and LeClercq. 0-nays, 0-abstained. Motion carried.

**A Motion to approve Ordinance 05-2014, an Ordinance amending the Village of Gilberts Code Chapter 3-2 "Liquor Control" and Chapter 2-4 "Fee Schedule"**

Administrator Keller reported approval of Ordinance 05-2014 establishes a new "Class F" license to be used by restaurants. He went on to report that at the April 1<sup>st</sup> Board meeting, Mr. Ian Perez, owner of the Hacienda de los Perez Mexican Grill, asked the Board Members for permission to sell margaritas with meals at his restaurant. At that time the Board had directed Mr. Perez to work with Staff to apply for an appropriate liquor license.

However, Staff found none of the existing classes would closely fit Mr. Perez's request, as adding a Class A (package liquor or bar/tavern) would be too permissive and the existing B (beer and wine only) would be too restrictive. President Zirk asked Mr. Perez if the draft Ordinance was consistent to his request. Mr. Perez replied yes.

There being no further discussion on the motion, **a Motion was made by Trustee LeClercq and seconded by Trustee Zambetti to approve Ordinance 05-2014, an Ordinance amending the Village of Gilberts Code Chapter 3-2 "Liquor Control" and Chapter 2-4 "Fee Schedule"**. Roll call: Vote: 5-ayes: Trustees Farrell, Hacker, Corbett, LeClercq and Zambetti. 0-nays, 0-abstained. Motion carried.

**A Motion to approve Ordinance 06-2014, an Ordinance approving a Special Use Permit to allow internet car sales in an I-1 Zoning District commonly known as 120 Center Drive.**

Administrator Keller reported that approval of this Ordinance grants a special use permit to allow the petitioner, Mr. Tom Dombrowski, to operate an internet-based used car sales business in the I-1 General Industrial Zoning District at 120 Center Drive. On April 9<sup>th</sup> the Plan Commission conducted a public hearing and recommended approval by a vote of 5-0 with 2 Commissioners absent. The Plan Commission recommended requiring all vehicle storage be located within the building or the fenced parking lot. There was some discussion on the location of the proposed facility. Administrator Keller provided the Board Members with an electronic map of the proposed location under discussion. There being no further discussion on the motion, **a Motion was made by Trustee Hacker and seconded by Trustee Farrell to approve Ordinance 06-2014, an Ordinance approving a Special Use Permit to allow internet car sales in an I-1 Zoning District commonly known as 120 Center Drive.** Roll call: Vote: 5-ayes: Trustees Hacker, Corbett, LeClercq, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

**A Motion to approve Ordinance 07-2014, an Ordinance amending the FY-2014 Annual Budget for the Fiscal Year Ending April 30, 2014**

Administrator Keller reported that approval of Ordinance 07-2014 amends the FY-2014 budget to reflect the changes in the revenues and expenditures that occurred over the previous 11 months. He noted that this ordinance needs to be passed by a 2/3 majority. There being no further discussion on the motion, **a Motion was made by Trustee LeClercq and seconded by Trustee Zambetti to approve Ordinance 07-2014, an Ordinance amending the FY-2014 Annual Budget for the Fiscal Year Ending April 30, 2014.** Roll call: Vote: 5-ayes: Trustees Corbett, LeClercq, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

**A Motion to approve Ordinance 08-2014, an Ordinance adopting the FY-2015 Annual Budget for the Fiscal Year ending April 30, 2015**

Trustee Hacker questioned if the Enterprise Fund's budget reflected the debt payment for the Barium and Radium removal. Administrator Keller replied no, the debt service would begin in the FY-2016 budget. Trustee Hacker inquired if Administrator Keller knew the amount of the debt payment. He replied he could not recall. He would have to check and report back. Administrator Keller recommended discussing the water rates in June.

President Zirk questioned the changes in Police Department's payroll. Administrator Keller reported that the changes reflect maintaining a part-time Community Service Officer instead of a full-time CSO position and the purchase of a second squad car. In addition, last year the Police Department wages reflected some workman comp compensation and backfilling hours with part-time officers. Public Works wages reflect the additional snow plowing hours due to the extreme winter snowfall.

There being no further discussion on the motion, **a Motion was made by Trustee Hacker and seconded by Trustee Zambetti to approve Ordinance 08-2014, an Ordinance adopting the FY-2015 Annual Budget for the Fiscal Year ending April 30, 2015.** Roll call: Vote: 5-ayes: Trustees LeClercq, Zambetti, Farrell, Hacker and Corbett. 0-nays, 0-abstained. Motion carried.

**A Motion to approve Ordinance 09-2014, an Ordinance providing for the issuance of not to exceed \$12,000,000 Village of Gilberts, Kane County, Illinois Special Service Area Number Fifteen Special Tax Refunding Bonds, Series 2014 and providing for the Levy of a Direct Annual Tax on Taxable Property in such Special Service Are for the Payment of Principal of and Interest on such Bonds**

Stephen Adams, Vice President of Bernardi Securities addressed the Board. He commented on the Village's recent increase in the Standard & Poor's bond rating. He reported that Standard & Poor's Rating Services raised the Village of Gilberts long-term rating to 'AA' from 'A+'. Vice President Adams noted that the increased bond rating is a direct reflection on the Village's leadership and staff.

Vice President Adams discussed the Board Members current opportunity to take advantage of the lower interest rates and refinance SSA 15 bonds. This action will reduce the Gibrerts Town Center's homeowners SSA tax bill. The homeowner average savings are projected to range from \$50 to \$90 annually or \$1,000-\$1,800 over the life of the bonds.

Vice President Adams commented on the Insured Bonds estimated net saving to the Gilberts Town Center Taxpayers. He reported the total estimated savings was \$855,388 over the term of the bonds. He proceeded to comment on the non-insured, non- rated bonds and the estimated cost saving to the Gilberts Town Center Taxpayers. He reported that the total estimated savings for the non-rated bonds was \$642,562 over the life of the bonds.

President Zirk inquired on why the Ordinance summary referenced the amount not to exceed \$12,500,000. However, the Ordinance under consideration referenced an amount not to exceed \$12,000,000 and in section C of the Ordinance there is a reference to amount not to exceed \$11,000,000. Bond Council Bilas replied that the reference to the amount not to exceed \$12,500,000 is the amount noted in the original 2005 Establishing Ordinance, the amount not to exceed \$12,000,000 is the amended amount contained in the refunding Ordinance, and the \$11,000,000 is the aggregate principal amount previously issued of which \$10, 520,000 in principal amount remains outstanding, to pay and provide funds for a portion of the costs associated with the Special Services.

Vice President Adams discussed the differences between the rated and the non-rated bonds. He noted that some smaller investors will not invest in non-rated bonds. There would be a larger investors market if the Village chooses to issue the rated bonds.

President Zirk commented on the section of the Ordinance that commits the Village to enter into a consulting agreement with David Taussig & Associates, Inc. to provide administrative services. He recalled a recent incident with respect to the SSA 19 and 20 administrative fund and invoices which had been left unpaid. President Zirk expressed his discomfort with the tactics in which Taussig used to force the Village to pay a portion of those outstanding invoices. Bond Council Bilas commented on the fact that these types of consulting firms are very specialized and there are a limited number of firms that offer these types of services.

There being no further discussion on the motion, **a Motion was made by Trustee LeClercq and seconded by Trustee Zambetti to approve Ordinance 09-2014, an Ordinance providing for the issuance of not to exceed \$12,000,000 Village of Gilberts, Kane County, Illinois Special Service Area Number Fifteen Special Tax Refunding Bonds, Series 2014 and providing for the Levy of a Direct Annual Tax on Taxable Property in such Special Service Area for the Payment of Principal of and Interest on such Bonds.** Roll call: Vote: 5-ayes: Trustees Zambetti, Farrell, Hacker, Corbett and LeClercq. 0-nays, 0-abstained. Motion carried.

**A Motion to approve Resolution 17-2014, a Resolution approving a CY-2014 Recreational Programming Agreement with the Gilberts Pirates 9U Travel Baseball Team**

Administrator Keller reported that the Coach of the Gilberts Pirates had reported that 60% of his players were Gilberts' residents. There being no further discussion on the motion, **a Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Resolution 17-2014, a Resolution approving a Cy-2014 Recreational Programming Agreement with the Gilberts Pirates 9\*U Travel Baseball Team.** Roll call: Vote: 5-ayes: Trustees Farrell, Hacker, Corbett, LeClercq and Zambetti. 0 nays, 0-abstained. Motion carried.

**A Motion to approve Resolution 18-2014, a Resolution authorizing an intergovernmental agreement between the Village of Gilberts and the Rutland Dundee Township Fire Protection District for a share paramedic-police officer**

Administrator Keller reported that approval of this Resolution establishes the hospital protocols for Village Police Officers who are also paramedic/firefighters. Trustee LeClercq expressed his concerns with respect to the intergovernmental agreement. He noted that if a police officer is also a licensed paramedic who arrives at an accident scene and administers first aid he is mandated to assist in the ambulance if the patient needs to be transported to the hospital. This action would take a police officer off patrol and limit the Village's police protection services. A discussion ensued on if there the intergovernmental agreement posed any liability issues to the Village. Attorney Tappendorf noted that the Village's Police Officer would be covered under Tort Immunity.

There being no further discussion on the motion, **a Motion was made by Trustee Corbett and seconded by Trustee Zambetti to approve Resolution 18-2014, a Resolution authoring an intergovernmental agreement between the Village of Gilberts and Rutland Dundee Township Fire Protection District for a shared paramedic-police officer.** Roll call: Vote:4-ayes: Trustees Hacker, Corbett, Zambetti and Farrell. 1-nay: Trustee LeClercq, 0-abstained. Motion carried.

**A Motion to approve Resolution 21-2014, a Resolution Committing Fund Balances**

Finance Director Blocker reported that passage of this Resolution is in compliance with GASB 54. There being no further discussion on the motion, **a Motion was made by Trustee LeClercq and seconded by Trustee Zambetti to approve Resolution 21-2014, a Resolution committing fund balances.** Roll call: Vote: 5- ayes: Trustees Corbett, LeClercq, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

**Items for Discussion**

There were no items listed under "Items for Discussion".

**Staff Reports**

Administrator Keller reported that staff along with Cemcon, Signature Design, and Phoenix & Associates is collaborating on drafting the concept park plan for Town Center Regional Park. Administrator Keller reported that a resident had inquired if the Village would consider allowing residents to make suggestion on the park plan. The Board Members suggested allowing residents to offer suggestions via facebook and on the Village's website.



Administrator Keller acknowledged the outstanding efforts of Finance Director Blocker and Assistant Administrator Beith in drafting the Popular Annual Financial Report and receiving the Award for Outstanding Achievement in Popular Annual Financial Reporting from the Government Finance Officers Association.

Assistant Administrator Beith reported on his progress obtaining other alternatives for the Fibercity project.

#### **Board of Trustees Reports**

Trustee Hacker reported that the Village of Sleepy Hollow has park signage that notes "For organized group use a permit must be obtained".

#### **President's Report**

President Zirk commented that he too was going to acknowledge Finance Director Blocker and Assistant Administrator Beith on their outstanding work on the Annual Financial Report and their achievement in obtaining the award.

#### **Adjournment**

There being no further public business to discuss, **a Motion was made by Trustee LeClerc and seconded by Trustee Zambetti to adjourn from the public meeting at 8:40 p.m.** Roll call: Vote: 5 –ayes by numinous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows