

**Village of Gilberts**  
**87 Galligan Road**  
**Gilberts, Illinois 60136**  
**Village Board**  
**Meeting Minutes**  
**July 15, 2014**

**Call to Order/Pledge of Allegiance**

Trustee Zambetti called the meeting to order at 7:00 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, Zambetti, Farrell and Hacker. Absent: Trustees Mierisch, LeClercq and President Zirk. Others present: Administrator Keller, Finance Director Blocker, Assistant Administrator Beith and Village Clerk Meadows. For members of the audience please see the attached sign-in-sheet.

**President Pro Tem**

With the acknowledgement of President Zirk's absence, a Motion was made by Trustee Corbett and seconded by Trustee Farrell to nominate Trustee Zambetti to serve as President Pro Tem. Roll call: Vote: 4-eyes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

**Presentation**

**True Patriots Care Foundation-"Remember 45" event**

Mr. Jerry Christopherson coordinator of the "Remember 45" event addressed the Board. He presented all the Board Members with red polo shirts which contain a message on the back of the shirt, which read "Home of the Free because of the Brave". He noted that the red polo shirts were intended to be worn every Friday to remember all those who have served our country.

Mr. Christopherson provided the Board Members with an overview of the "Spirit of 45 Tribute" event. He reported that the event is scheduled for Sunday, August 10 beginning at noon in Town Square Park. The Opening Ceremony will include a brief welcome on behalf of the True Patriot Care Foundation proceeded by the Posting of the Colors, the National Anthem and the Pledge of Allegiance.

Mr. Christopherson reported that Life Source will be conducting a blood drive from 11:00 a.m. to 5:00 p.m. He encouraged those in attendance wishing to donate blood to make an appointment. The Foundation's goal is to have sixty pints of blood donated through the course of the day.

Mr. Christopherson reported that this year there will be no parade due to the fact he was unable to secure a marching band. However, the event will offer many other activities and entertainment. The Legacy Girls along with the Ladies Must Swing Orchestra will be performing.

Mr. Christopherson commented on the fact that since 9/11 there have been 324 Illinois Soldiers killed in combat. The Foundation will be honoring the fallen soldiers by placing 324 American Flags on the park grounds. Each flag will have the name of the fallen soldier along with the date of their passing.

Mr. Christopherson reported that the Foundation will once again be providing all WW11 and Korean Veterans along with their guest a barbeque lunch at no charge.

Trustee Hacker inquired if Mr. Christopherson planned on showing the moving Honor Flight. Mr. Christopherson replied he could if there were enough event participants remaining in the park at dusk.

Trustee Farrell inquired on when Mr. Christopherson planned on placing the flags up. Mr. Christopherson replied that the Foundation plans on placing the flags up the Saturday prior to the event. Trustee Farrell suggested leaving the flags up longer. Mr. Christopherson replied he could leave the flags up longer if there would be security at the park site.

Mr. Christopherson reported that the Huntley Culver's will be hosting a fundraiser on their behalf on July 28<sup>th</sup> from 4:00-8:00 p.m. Culver's will donate 10% of all their proceeds to the Foundation during that time.

In a couple of weeks Mr. Christopherson will provide the Board Members with additional information regarding the event. Mr. Christopherson thanked the Board Members for their time.

#### **Public Comment**

Trustee Zambetti inquired if anyone in the audience had any questions or comments they wished to share with the Board Members.

Resident Jeremy Kitlinski who resides at 27 Glenbrook Circle approached the podium. He expressed his concern with a recent discovery that his property has a 20' landscape easement located in his backyard. He reported that he had contacted the Home Owners Association and they had informed him that the easement is owned by the Village and maintained by the HOA. Mr. Kitlinski noted that they have a small child and a dog and would like to fence the backyard.

Administrator Keller commented on the fact that he was aware of Mr. Kitlinski's situation and had spoken with the Village Attorney to ensure he was interpreting the CCR language correctly. Administrator Keller informed Mr. Kitlinski that the CCR's prohibit the installation of permanent structures within the 20' easement including fencing. Administrator Keller informed Mr. Kitlinski that he would need to have the HOA agree to amend the CCR's and then ask the Board to consider amending the annexation agreement. He noted that this process is very burdensome and time consuming.

Trustee Zambetti noted that his property also has restrictions. However, he chose the location of his property due to the restrictions placed on the property. Trustee Zambetti reported that he would be upset if the property restrictions were amended after he purchased his home. Trustee Hacker noted that his subdivision also has property restrictions. However, the majority of the residents are comfortable with the property restrictions.

Administrator Keller reported that he will email Mr. Kitlinski and the President of the Home Owners Association the required steps to amend the CCR's. Mr. Kitlinski can then decide if he wants to continue with the process.

Resident Rhoda Etemadi who resides at 199 Gregory M Sears approached the podium. She reported that she had given Clerk Meadows documents evidencing the deterioration of her sidewalk. Ms. Etemadi reported that she began reporting this concern in 2002. However, Village Staff informed her that at this time the sidewalk cracks were not sufficient to warrant replacement. Ms. Etemadi commented on the fact that she was aware of the 50/50 Sidewalk Replacement Program. However, in her opinion the Village should pay for the total cost to replace the sidewalk due to the fact the deterioration of the sidewalk happened prior to the 50/50 program being implemented. In addition, she now has to repair her driveway due to the deterioration of the sidewalk.

The Board Members commented on the fact that three of the Board Members were not present and they were uncomfortable making a policy decision without the full Board's opinion. They directed Ms. Etemadi to proceed with the normal 50/50 Sidewalk Replacement Program process and complete the application and obtain two quotes then submit the documents to Chief Building Inspector Swedberg. After she has completed the process the Board Members may consider replacing the two squares of sidewalk.

### Consent Agenda

- A. **A Motion to approve Minutes from the July 1, 2014, Village Board Meeting**
- B. **A Motion to approve Minutes from the July 8, 2014, Committee of the Whole Meeting**
- C. **A Motion to approve the June 2014 Treasurer's Report**
- D. **A Motion to approve Bills and Salaries Dated July 15, 2014 as follows: General Fund \$144,782.60, TIF \$550.00, Performance Bonds and Escrows \$522.00, Water Fund \$10,008.80, and Payroll \$75,445.45**
- E. **A Motion to approve Ordinance 14-2014, an Ordinance abating Special Service Area Taxes for Special Service Area Number Fifteen**

President Pro Tem Zambetti asked if there were any items the Board Members would like removed from the Consent Agenda. There were no comments offered by the Board Members. **A Motion was made by Trustee Corbett and seconded by Trustee Hacker to approve the consent agenda items A-E as presented.** Roll call: Vote: 4-ayes: Trustees Farrell, Hacker, Corbett and Zambetti. 0-nays, 0-abstained. Motion carried.

### Items for Approval

#### **A Motion to approve Resolution 33-2014, a Resolution authorizing and approving a Settlement Agreement and Release with Northern Illinois Gas Company**

Administrator Keller reported that this agreement is with respect to an issue Attorney Tappendorf had discussed at a previous executive session meeting. The Village had retained Azavar Audit Solutions to audit Nicor's payments of utility taxes owed to the Village. In response to the notices of tax liability issued by the Village and 21 other municipalities based on Azavar's findings, Nicor challenged all the notices and threatened litigation and submitted burdensome FOIA requests to all the municipalities. Azavar's Attorney from Cozen O'Connor, representing both Azavar and the Village, brokered a proposed settlement agreement if approved the agreement will resolve the dispute. **A Motion was made by Trustee Hacker and seconded by Trustee Farrell to approve Resolution 33-2014, a Resolution authorizing and approving a Settlement Agreement and Release with Northern Illinois Gas Company.** Roll call: Vote: 4-ayes: Trustees Hacker, Corbett, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

### Items for Discussion

#### **Mason Road update**

Administrator Keller discussed a recent email he had sent to the Board with respect to a request by the attorney for the Huang property and the City of Elgin to allow the use of the Village of Gilberts right of way for improvements at their planned intersection of Mason and Alft Roads.

He reported that they are looking to have the Village grant them permission to use about 200 feet of the Village's Mason Road right of way to install tapers to transition between their portions of the 32-foot wide Mason Road to the village's existing 23 foot wide road. These improvements would enhance the curb appeal of the Industrial Park.

Administrator Keller reported that they are looking to begin the road reconstruction work in August. He suggested in the long term the Village may want to consider developing an IGA with Kane County and the City of Elgin. In the interim the Board may want to consider granting them permission to access the Village's Mason Road right of way. Administrator Keller will continue to work with the City of Elgin and the attorney for the Huang property to see if they would be willing to provide an overlay on the Village's section of Mason Road. Trustee Hacker strongly suggested Administrator Keller continue to push them to assist the Village with the reconstruction on the Village's portion of Mason Road.

#### **Staff Reports**

Administrator Keller reported that Interstate Partners has submitted their plans for their third building. Trustee Zambetti questioned when Interstate Partners plans on constructing the Sola water main improvements. He noted that per their agreement the improvements are to be completed by December 31, 2014 in addition, the trail system and Tyrrell Family Farm access road dedication are to be completed by December 31, 2016.

Trustee Hacker commented on the condition of the Prairie Park grounds. He noted that they are not maintaining the construction site as promised. There is unsightly long grass and weeds and construction debris is lying haphazardly throughout the entire site. Administrator Keller reported staff had recently discussed placing Interstate Partners on noticed with respect to NPDES violations. Chief Building Inspector Swedberg will be sending them a letter informing them of the various violations. Trustee Hacker noted that the site is an eye score. Trustee Hacker recommended staff review the Village Code to see if additional restrictions can be added to ensure construction sites are maintained in an aesthetically pleasing appearance.

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

Trustee Hacker commented on the Capital Improvements Plans that were discussed at the last meeting. He inquired if staff had moved forward with the process to construct the drainage improvements for Windmill Meadows and road and drainage improvements for Old Town. Administrator Keller replied yes. Baxter & Woodman along with Phoenix and Associates are in the process of drafting the Scope of Work. The Windmill Meadows project is anticipated to begin this fall and the Old Town improvements slated to begin next spring.

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Trustee Hacker was pleased to hear the improvement to those subdivisions was moving forward. He thought the projects were a good use of public funds.

**President's Report**

President Pro Tem Zambetti provided no report.

Administrator Keller reported that the Plan Commission will be conducting a Public Hearing on Wednesday, July 23<sup>rd</sup> to hear from petitioner Tom Trier for a special use to allow a permanent outdoor seating area for a restaurant/tavern in the C-1 General Commercial Zoning District.

**Adjournment**

There being no further business to discuss, **a Motion was made by Trustee Hacker and seconded by Trustee Farrell to adjourn from the public meeting at 8:05 p.m.** Roll call: Vote: 4 ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows