

**Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Committee of the Whole
Meeting Minutes
August 12, 2014**

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.

Roll Call/Establish Quorum

Village Clerk Meadows called the roll. Roll call: Members present: Trustees Corbett, Zambetti, Farrell, Hacker and President Zirk. 2-absent: Trustees Mierisch and LeClercq. Others present: Administrator Keller, Assistant Administrator Beith, Chief Building Inspector Swedberg, Finance Director Blocker and Village Clerk Meadows. For members of the audience please see the attached sign-up sheet.

Items for Discussion

Minutes from the August 5, 2014 Village Board Meeting

President Zirk asked the Board Members if they had any questions on the minutes. The Board Members provided no comments on the minutes. The minutes will be placed on the next consent agenda.

July 2014 Treasurer's Report

President Zirk asked the Board Members if they had any questions or comments on the July 2014 Treasurer's Report. There was no response from any of the Board Members. The July 2014 Treasurer's Report will be placed on the next consent agenda.

Facility Plan Update

Baxter & Woodman Engineer, Carl Fisher provided the Board Members with an update on the amended Facility Plan. Engineer Fisher commented on the fact that the last time he provided the Board Members with an update on the proposed Facility Plan amendment he recommended increasing the sewer rates by 10% to support funding the necessary expansion of the Water Reclamation Facility (WRF) and continued repairs, replacements, upgrades at the current WRF and existing pump stations. The Board Members unanimously agreed that a 10% sewer rate increase was out of the question.

Engineer Fisher reported that he along with staff continued analyzing other ways in which the Village could fund the mandated expansion of the WRF and the necessary repairs, replacement, upgrades of the existing system. Engineer Fisher along with Staff proposed increasing the connection fees for single family homes to \$13,000 per unit and Duplex/Townhomes to \$10,400 per unit and the user fee by 3.2% per year. Engineer Fisher reported that the increased sewer rate is still competitive with the surrounding communities' sewer rates.

Engineer Fisher reported that he recommends phasing in the improvements with Phase 1 beginning in 2016 at an estimated cost of \$10,455,000 in 2016 dollars, Phase 2 in year 2021 at a cost of \$38,000 in 2021 dollars, Phase 3 in year 2026 at a cost of \$109,000 in 2026 dollars, Phase 4 in 2031 at a cost of \$335,000 in 2031 dollars, and Phase 5 at a cost of \$13,704,000 in 2036 dollars. All estimated cost included an inflation rate at 4.35% per year which was the average annual increase cited in the Engineering News Record Construction Cost Index.

Engineer Fisher discussed the proposed financing for Phase 1. Engineer Fisher recommends the Village participate in the IEPA's Water Pollution Control Loan Program and finance the first phase of the WRF improvements and borrow the \$10,455,000 at an interest rate of 1.992% for a 20 year term for a total amount of \$12,726,860. The debt repayment schedule would consist of four semi-annual payments in the amount of \$318,171. The Village could then pay-off the loan with \$1,500,000 cash on hand, connections fees in the amount of \$9,268,517, user charges in the amount of \$1,958,343 with a rate increase of 3.2% per year. The remainder of the phased improvements would be paid by future developers or through annexation and recapture agreements or financing options.

Engineer Fisher commented on the fact that the Village currently does not need the additional plant capacity. However, the Village had oversold the capacity and is committed to expand the PE capacity to 1.25 MGD by 2036.

Engineer Fisher recommends the Village submit the amended Facility Plan to the IEPA. Once approved by the IEPA Baxter & Woodman can begin the design of Phase 1 as recommended in the plan. He noted that the Village may amend this schedule if the actual rate of development significantly differs from the projected rate.

A lengthy discussion ensued with respect to the committed PE and the possibility of the Conservancy and Tyler Creek developments moving forward. Engineer Fisher noted that there was sufficient PE to support the Conservancy Development as it appears this development will move forward first.

President Zirk noted that newer homes will require less PE due to the availability of more energy efficient appliances and plumbing features. Engineer Fisher added in addition to the energy efficient appliances being readily available if the Village maintains a tight sewer system this will also ensure lower PE used.

Administrator Keller inquired if the Board Members would like for Staff to draft a Resolution adopting the amended Facility Plan and place the Resolution on the next Board agenda for consideration.

Trustee Hacker inquired if the Board Members should first inform the resident of the sewer rate increase. Administrator Keller reported that in September Staff will be providing the Board Members with a water rate study examining both the water and sewer rates. There was some discussion on the cost of implementing the IEPA's mandates. Engineer Fisher speaking as a resident noted that he would prefer to see a gradual rate increase spread over several years.

Engineer Fisher discussed the need for the sewer rate adjustments. He noted that in 2001-2005 most communities experienced an economic slowdown which affected the housing market. Producing a negative drop in the revenues the Village receives from water and sewer connection fees. In addition, IEPA implemented costly treatment and testing mandates and Environmental Advocacy Groups petitioned to require the Village construct a Reclaimed Water Distribution and Irrigation Systems, a Wetland Park and improve the Biosolids Treatment System.

Trustee Farrell inquired on the estimated length of time it will take the IEPA to review and approve the Facility Plan. Engineer Fisher replied the IEPA review time can vary, in some case it has taken four years. President Zirk noted that IEPA has previously reviewed the plan so they are familiar with the components.

Engineer Fisher reported that once the IEPA has reviewed and approved the Facility Plan he would recommend the Village formalize the Memorandum of Understanding with the Environmental Advocacy Groups.

The Board Members along with Staff discussed the upcoming Water Rate Study discussion. President Zirk inquired if the recently passed American Iron Steel Act would apply to the WRF expansion. Engineer Fisher replied yes. Trustee Corbett asked if the project cost depicted in the Facility Plan included the cost necessary to maintain and repair the existing system. Engineer Fisher replied yes.

There being no further discussion on this matter staff will draft a Resolution recommending the approval of the Facility Plan and place the resolution on the next agenda.

Ordinance 16-2014, an Ordinance approving a Special Use Permit for Pub Rt. 72 to allow for an outdoor dining area on property zoned C-1 Commercial located at 36 E. Higgins

President Zirk commented on the fact that consideration of Ordinance 16-2014 and Ordinance 17-2014 conversations will be interlaced. Ordinance 16-2014 deals with zoning issues related to the petitioners request to allow an outdoor dining area and Ordinance 17-2014 reflects the proposed amendments to the liquor code to allow liquor sales in the outdoor dining area.

Administrator Keller provided the Board Members with an overview of Mr. Trier's petition for a special use permit and variations from setback and parking requirements. He reported that the Plan Commission on July 23, 2014 recommend approval of the special use permit with variations and subject conditions, by a vote of 5-0.

Administrator Keller commented on the conditions. He noted that no part of the proposed deck/outdoor seating area may encroach into the sight-distance triangle. The proposed deck shall match the material, color and appearance of the principal structure. Access to the proposed deck shall be strictly controlled through the existing principal building. The perimeter of the deck shall be enclosed by a wooden fence that is at least 50% open and does not exceed three (3) feet in height. The deck shall be used for seated food and beverage service only. Use of the outdoor seating area shall be limited to 10:00 a.m.-10:00 p.m. daily. There will be no outdoor music or amplified sound. Smoking is prohibited and any lighting shall comply with the requirements set forth by the UDO. Bollards shall be placed at the perimeter of the deck to protect it from errant traffic.

Ordinance 17-2014, an Ordinance amending Various Provisions of Chapter 2 of Title 3 of the Village Code regarding Liquor Control

Administrator Keller reported approval of this Ordinance would allow for a valid Class A, B or F license to apply for an add-on license OS (Outdoor Service). The class OS license was drafted to respond to Pub Rt. 72's request for an outdoor liquor service, which is currently prohibited by Section 3-2-15 of the Liquor Code.

President Zirk expressed his concern with allowing outdoor seating. He noted that some of the current liquor establishments are located in the heart of residential subdivisions. Administrator Keller noted the liquor establishment would have to apply for a special use permit and a public hearing would be conducted.

Trustee Farrell inquired what the occupancy capacity of the proposed deck was. Chief Building Inspector Swedberg replied the occupancy capacity was based on square footage and he would need to check and report back.

Trustee Hacker inquired if Pub Rt. 72 would lose parking spaces if allowed to construct the deck. Administrator Keller replied theoretically no. Where the deck is planned to be constructed is currently used by staff for breaks. Administrator Keller reported that currently Pub Rt. 72's parking lot is grandfathered in with respect to parking spaces and setbacks.

Trustee Corbett questioned currently where do patrons park. Mr. Trier replied that many patrons utilize the parking lot located across the street on Rt. 72.

Trustee Corbett questioned if Mr. Trier planned on having a television on the outdoor deck. Mr. Trier replied no and the speakers currently located outside are going to be removed.

Trustee Corbett questioned if the deck would block the line of sight at the intersection of Galligan and Route 72. Administrator Keller replied no, that is one of the conditions.

President Zirk inquired if he planned on having an outside bar area. Mr. Trier replied no, all alcohol will be poured indoors. President Zirk recommends this language be added to the Ordinance prohibiting outdoor bars in outdoor dining areas. Administrator Keller will amend the proposed Ordinance to reflect his comment.

President Zirk questioned the absence of language restricting standing and consuming alcohol. Administrator Keller was uncertain if restricting standing and consuming alcohol would be enforceable, unless you had language requiring a percentage of the gross receipt equal to a predetermined amount of food sales. This however, is difficult to track.

President Zirk noted that he also serves as the Liquor Commissioner and wants to ensure the amendment to the Liquor Code is concise and enforceable. He recommends staff amend section 4 of the draft Ordinance to "The outdoor seating area shall be used for seated food and/or beverage service only. In addition, the Ordinance should require the liquor establishment to have signs located in the outdoor area prohibiting smoking and state the occupancy capacity.

A lengthy discussion ensued with respect to limited parking. Mr. Trier commented that many of his patrons utilized Engineered Ceramics' parking lot across the street from his establishment. Mr. Trier reported that he has been a responsible restaurant owner for over 32 years. President Zirk acknowledged that Mr. Trier maybe a responsible restaurant owner. However, President Zirk's skepticism comes from past experiences with the previous owners.

Administrator Keller commented on the fact if the outdoor dining experiment fails the Board Members can rescind the Special Use and revoke the OS Liquor License which would still allow Pub Rt. 72 to operate as an indoor restaurant and bar.

President Zirk directed staff to place the Ordinances on the next agenda under "Items for Approval".

Administrator Keller reported that Ordinance 17-2014 also addresses the Fee Schedule. The Ordinance amends the Class "C" fees. Other than licenses issued for Community Days, the Village has not received any requests for special event liquor licenses.

Staff received feedback that the \$200.00 or \$500.00 application fee, whichever may apply to a given event, may be a barrier to hosting special events in Gilberts. Staff recommends reducing the fee for a one-day special event license to \$100.00. The reduced fee may encourage better compliance with the liquor code and may stimulate additional events that would benefit local establishments and bring additional visitors to Gilberts. The Board Member concurred with Staff's recommendation.

Village Code Title 4 of Chapter 5-D "Sites under Construction"

Administrator Keller reported that Staff had surveyed several surrounding communities about how they applied the plant/weed height restriction to construction sites. None of the respondent communities apply more stringent requirements to construction sites, though how they manage them with respect to quarterly mowing varied.

The Board Members discussed the various types of open spaces and how the code deals with each type of land differently. Farming, Natural Sites, Improved Sites, and Sites under Construction all have different restrictions on grass/weed heights and the required mowing frequency.

A lengthy discussion ensued on the Board's expectation of enforcing weed/grass regulations. Trustee Hacker discussed his concerns with Interstate Partners construction sight. He noted that the mound of dirt on their site has unsightly weeds growing to a height that exceeds the height limits referenced in the Village Code. In addition, there is disorderly placement of equipment and material through-out the site. The Board Members also noted the general lack of attention to the SWWPPS requirements.

Mr. Possin (Interstate Partners Representative) replied that the area Trustee Hacker is referring to is owned by Mr. Reimer. Mr. Reimer's site work has been delayed due to personal reasons. Mr. Reimer has now resumed the construction of the roadways and sanitary improvements. In the future Mr. Reimer will be using the mound of dirt to balance the site. Once the site is balanced he will then proceed with stabilizing the site which will include the planting of prairie grass or crops.

Mr. Possin noted that in his opinion the visual aesthetics of the Prairie Business Park has greatly improved the curb appeal at the intersection of Route 72 and Tyrrell.

President Zirk commented on that fact that his time recently has been consumed dealing with complaints about appearance of Interstate Partners' construction site, which takes his focus off of other necessary actions items Interstate Partners would like resolved. He noted that it was their choice on which matters they would prefer he allocates his time to.

Mr. Possin reported that they have a couple of prospects for the commercial portion of their site. Mr. Possin then proceeded to ask the Board Members to grant them additional time to address the concerns with the construction site. Trustee Hacker believed the Board had already allowed them sufficient time to address the concerns.

The Board Members directed Staff to aggressively enforce the Village Code weed/grass abatement procedures.

Staff Reports

Administrator Keller reported that Mr. Possin was also in attendance to ask the Board Members to allow Interstate Partner's Wildlife Management Consultant Mr. Rick Wilberschief to eradicate the geese population whom are nesting on their property.

Mr. Rick Wilberschief provided the Board Members with an overview of the concerns with the geese population on Interstate Partners site. He reported that the geese are grassing on the prairie grass and Interstate Partner's is unable to stabilize the area without the plantings. Mr. Wilberschief reported that he had tried various methods to relocate the geese. However, none of the methods have proven effective.

Mr. Wilberschief inquired if the Board Members would allow him to discharge a firearm within the Village limits. He reported that this is the only remaining method he is aware of that will effectively eradicate the geese population. He continued to provide great detail on the process he would use to eradicate and dispose of the geese.

A lengthy discussion ensued on complying with IDNR and Federal agency regulations. Mr. Wilberschief reported that he was licensed with the state. Trustee Hacker recommended staff contact the Illinois Department of Natural Resource to discuss this matter. Staff will research this matter and contact both State and Federal agencies and report back.

Assistant Administrator Beith provided the Board Members with a postmortem report on the "Tribute to 45" event. He noted that the event was well management. However, the attendance numbers were low.

Board of Trustee Reports

Trustee Corbett inquired on the progress of the Town Center Park improvements. Administrator Keller reported that ComEd had delayed the installation of the electrical power. They cited storm damage as the delay. He reported that staff had researched the cost of renting a generator to temporarily supply power to the splash park. In addition, ComEd's installation cost projections exceeds the budgeted amount. Staff will be asking the Board to consider a budget adjustment. Chief Building Inspector Swedberg reported that the additional parking lot will be larger than originally planned and the base of the ice rink has been installed.

President's Report

President Zirk had provided no additional remarks.

Adjournment

There being no further public business to discuss, **a Motion was made by Trustee Farrell and seconded by Trustee Zambetti to adjourn from the public meeting at 9:52 p.m.** Roll call: Vote: 4-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows