

**Village of Gilberts
87 Galligan Road
Gilberts, IL. 60136
Village Board
Meeting Minutes
January 20, 2015**

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, Mierisch, Zambetti, Farrell and Hacker. 2-absent: Trustee LeClercq and President Zirk. The Board Members acknowledged President Zirk's absence. **A motion was made by Trustee Corbett and seconded by Trustee Hacker to appoint Trustee Zambetti to serve as President Pro Tem.** Roll call: Vote: 5-ayes: Trustees Corbett, Mierisch, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

Public Comment

President Pro Tem Zambetti inquired if anyone in attendance wished to address the Board Members at this time. Intra Soccer Club owner Mr. Schcolnik approached the podium. Mr. Schcolnik discussed an agreement between himself and the Village which allowed him to ascertain a liquor license from Kane County. He noted that he had agreed that if there were any alcohol related incidents at the Intra Soccer Club that required Gilberts Police Department services he would pay a \$750.00 fine.

Mr. Schcolnik discussed the changes and improvements he had made to the facility over the last 18 months of ownership. He commented on the fact that he along with his staff has worked very hard in changing the culture and reputation of the soccer club.

Mr. Schcolnik commented on three recent incidents that required response from the Gilberts Police Department. He reported that the first incident was two 16 year old boys fighting over a girl. The seconded was two very competitive teams disagreement of a call made by a referee. Both of these incidents did not involve alcohol consumption. However, the third most recent incident was prompted by a 911 phone call in which the female caller reported a disturbance in the Intra Soccer Club's parking lot involving five to six intoxicated individuals. Gilberts Police Department along with Kane County Sheriff's department responded to the scene.

Mr. Schcolnik contended that when the officers arrived the alleged intoxicated individuals had left.

Mr. Schcolnik reported that this incident in reality was between two coworkers who had a work related disagreement and neither was intoxicated. Mr. Schcolnik provided the Board Members with two sworn affidavits, one from the facilities operations manager and the other from one of the coworkers involved in the verbal disagreement that took place the night in question.

Mr. Schcolnik questioned the criteria used by the police officers to determine that this incident was alcohol related. He questioned if the determination was solely based on the 911 callers description of the event.

Administrator Keller noted that the officers in the field are experienced in determining if an incident, accident or other types of disturbances are alcohol related. The officers write their reports based on their knowledge and experience. Chief Rossi then reviews the officers' reports and determines if the incident warrants the alcohol related fines.

Mr. Schcolnik went on to discuss the fact that he currently has 13 video surveillance cameras and will be installing 7 additional cameras. Trustee Mierisch inquired if the cameras were located both inside and outside the facility. Mr. Schcolnik replied yes, the surveillance cameras are located both inside the facility and also monitor the parking lot. Trustee Mierisch inquired if Mr. Schcolnik has security personnel on staff. Mr. Schcolnik replied yes, as warranted by the type of sporting event. He noted for the Little Kickers and younger children's league there is no need for security. However, for the competitive adult leagues security officers are on the premises.

Trustee Hacker noted that his grandsons participate in soccer leagues at the Intra Soccer Club. One evening he noticed several discarded beer cans in the facility's parking lot. However, he only noticed this on one occasion. Mr. Schcolnik reported he does have staff and security patrol the grounds and they do the best they can to ensure alcohol is not consumed in the parking lot.

Mr. Schcolnik once again asked for details on the criteria used by the Police Department to determine if an incident is alcohol related. A lengthy discussion ensued with respect to the police department's procedures. Administrator Keller strongly defended the Police Department's procedures and their determination if an incident is alcohol related. The Board Members concurred with Administrator Keller's evaluation of the Police Departments procedures. The Board Members however, would like to personally discuss this matter with Chief of Police Rossi.

Resident Bill Shank approached the Board Members. He expressed concern with a recent water bill in which his water usage spiked to 7,300 gallons.

He noted that last year he had experienced a similar problem and the Village waived the bill and replaced his meter. Finance Director Blocker noted that the Village did have the old meter tested by Neptune and they did not find that the old meter was malfunctioning.

Mr. Shank reported his most recent bill their water usage was averaging 4,000 gallons a day over a 16 day period. Finance Director Blocker reported that Mr. Shank had called after he received the bill. Staff went to Mr. Shank's residence to investigate if there was a leak in the home. Staff noted moisture under the furnace in the general area of the humidifier. However, Staff was unable to definitely determine if the humidifier was the cause of the spike in water usage.

Trustee Farrell inquired on the dates that they had experienced the spike in usage. Finance Director Blocker reported the timeframe was December 9th -26th.

Trustee Mierisch questioned if any other residents were experiencing a spike in usage. Finance Director Blocker replied no.

Administrator Keller commented on the fact that the spike in water usage was just over a 16 day period and has returned to normal. In addition, the homeowner is responsible for any water usage that occurs inside the home.

Trustee Zambetti questioned the moisture found by the humidifier. Mr. Shank reported that they recently had a new furnace installed and the humidifier had been disabled. Trustee Zambetti noted that mechanical problems with air conditioners, furnaces and other appliances can generate a great amount of water loss without the homeowner's knowledge.

Trustee Mierisch inquired if the home had previous owners. Mr. Shank replied yes. Trustee Mierisch asked Finance Director Blocker if the previous homeowners had any concerns with higher than normal water bills. Finance Director Blocker replied no.

A lengthy discussion ensued speculating on what could have caused this isolated incident. Administrator Keller asked the Board Members for direction. The Village does have a policy in place to waive the utility fee for a one time catastrophic event. However, Mr. Shank has already received the catastrophic waiver.

Trustee Zambetti requested Staff provide the Board Members with more information with respect to this request. Trustee Zambetti recalled a similar incident when a resident's humidifier broke and they experienced a spike in water usage and the Board Members waived the utility bill amount.

He requested staff provide the Board Member with that account information so they can compare the water loss amounts of that event with Mr. Shank's event. In addition, the Board Members requested Staff provide them with statics on the amount of which water could be loss with and 1/8" pipe and a 1/4" pipe if there was a leak. Once the additional information is obtained the Board Members will provide Staff and Mr. Shank with a decision. The Board Members informed Mr. Shank at this time he does not have to pay the entire amount due. Mr. Shank will pay his typical water bill amount until the Board Members have gathered enough information to reach a decision.

David Gerber local business owner, of the X Factor Auctions and Appraisals addressed the Board Members. Mr. Gerber stated that his company is located at 211 E. Higgins, and in the past he has held on-line auctions, simulcast auctions, and off-site auctions. Mr. Gerber commented on the fact that he now would like to conduct auctions at his place of business. However, the Village Code requires an auction license for each event and the fee is \$500.00. Mr. Gerber asked if the Board Members would consider waiving the fee. Administrator Keller reported that he had discussed this matter with Attorney Tappendorf and she informed him that the Village does have the authority to waive the fee or create an annual license or lower the current fee.

Trustee Mierisch asked what type of auctions Mr. Gerber was interested in conducting on his property. Mr. Gerber replied the auctions vary in the type of merchandise, some are estate auctions, others are commercial equipment.

Trustee Mierisch asked Mr. Gerber if he could provide the Board Members with more information about the on-site auctions. She would like to know the general type of items that would be auctioned, the estimated number of people that would be attending the auction, the amount of items that would be auctioned, the estimated value of the auction items, how many auctions Mr. Gerber plans on conducting prior to making a decision.

Trustee Hacker inquired if Mr. Gerber anticipated conducting an estate auction on-site. Mr. Gerber replied as a rule it costs more money to relocate the estate's items. Trustee Hacker asked how many people Mr. Gerber anticipates attending the on-site auctions. Mr. Gerber estimated 15-20 attendees and no more than 50. Trustee Hacker agreed with Trustee Mierisch's recommendation of ascertaining more information with respect to the on-site auctions.

Trustee Farrell commented on Attorney Tappendorf's legal opinion on the Board Members authority to waive, reduce or implement an annual license. Administrator Keller noted that the State of Illinois licenses auctioneers, and Mr. Gerber holds a State License.

Trustee Zambetti questioned where Mr. Gerber's business was located. Mr. Gerber reported that he has two units adjacent to Striker Auto. Mr. Gerber noted that he plans on holding an on-site auction on January 31st. Administrator Keller reported that the next Board Meeting will be held on February 3 which is after Mr. Gerber's upcoming auction. Administrator Keller suggested Mr. Gerber pay the current auction license fee and if the Board Members decided to amend or waive the fee Mr. Gerber may receive a credit on his payment for the January 31st auction license. This matter will be discussed after Mr. Gerber provides the Board Members with the additional information requested by the Board Members.

Consent Agenda

- A. A Motion to approve Minutes from the January 6, 2015 Village Board Meeting**
- B. A Motion to approve Minutes from the January 13, 2015 Committee of the Whole Meeting**
- C. A Motion to approve December 2014 Treasurer's Report**
- D. A Motion to approve Bills & Salaries dated January 20, 2015 as follows: General Fund \$64,576.00, Performance Bonds and Escrows \$12,729.23, Water Fund \$11,234.41, Payroll \$57,731.13**
- E. A Motion to approve Conservancy Pod 4 entry signage**

President Pro Tem Zambetti inquired if there were any items the Board Members would like to remove from the agenda. The Board Members provided no comments on the removal of any of the consent agenda items. Trustee Corbett noted that the Committee of the Whole Meeting Minutes for the January 13th meeting under consideration are the amended minutes Village Clerk Meadows had provided via email.

There being no further comments on the consent agenda, **a Motion was made by Trustee Farrell and seconded by Trustee Corbett to approve the consent agenda items A-E as presented.** Roll call: Vote: 5-ayes: Trustees Mierisch, Zambetti, Farrell, Hacker and Corbett. 0-nays, 0-abstained. Motion carried.

Items for Approval

A Motion to approve Resolution 03-2015, a Resolution providing for and requiring the submission of a proposition for issuing an amount not to exceed \$5,000,000.00 general obligation bonds to the voters of the Village of Gilberts at the general election to be held on April 7,2015

Administrator Keller reported that approval of this resolution would add a referendum questions to the April 7 ballot asking whether Gilberts voters would support public financing of a fiber-based network throughout the Village to expand the community's option for broadband service. Due to favorable market conditions, a \$5,000,000.00 GO bond financed over 20 years would correspond to an average annual property tax increase of \$150-\$170.

Revenue from service providers leasing the use of the fiber infrastructure would be used to pay down the GO bonds faster and fund future network maintenance costs.

Trustee Corbett noted that the public question states an amount not to exceed \$5,000,000.00 at a rate of 5% percent. However, the dollar amount and rate could be less than noted in the question. Administrator Keller replied yes.

Trustee Hacker suggested waiting a year to see how the Fiber project in the Conservancy works. He was not in favor of using public funds to construct a dark fiber network without knowing for certain that service providers would be interested in leasing the use of the fiber network. Trustee Mierisch expressed an interest in Trustee Hacker's suggestion.

Trustee Zambetti did not see any harm in placing the public question on the April 7th ballot. He believed the Village should allow the voters to make the decision if there is a need for fiber or if they happy with the current service provider choices.

Trustee Hacker expressed concern that at this time the Village has not been able to identify interested service providers. Administrator Keller replied that Staff is hoping in the next few weeks they will be able to announce the names of the interested service providers.

Trustee Mierisch noted that service provider options vary depending on which subdivision the resident resides in. She noted in her neighborhood AT&T U Verse is available.

Trustee Corbett noted that none of the service provider options available to Gilberts' residents have the capability to provide the internet speed that the dark fiber would. He commented on the fact that there is litigation against Comcast with respect to what constitutes broadband. The magic number appears to be 25 Mbps. However the dark fiber project service would be 100 xs faster.

Trustee Corbett agrees with Trustee Zambetti, he sees no harm in placing the referendum question on the April 7th ballot.

Trustee Hacker had no issue with placing the referendum question on the April ballot if the Village explained the risk. In Trustee Hacker's opinion the Village should not be risking taxpayer dollars and getting into the internet business. There are unknown issues at this point that could affect the outcome of this project.

For example, how much would it cost homeowners compared to the fees charged by existing internet and content providers, what is the number of users willing to sign-up for fiber internet services, who will provide a long term maintenance program, how would it be funded, and the Village needs to identify who the contract service providers are to ensure service availability. In closing, Trustee Hacker stated if this network is viable, it seems likely that private investors would be willing to take the risk to construct the proposed network. Trustee Hacker reiterated the fact that he believes the Village should wait a year to see how the Conservancy's fiber network proceeds.

Trustee Farrell agreed that the referendum should be placed on the April ballot. The Village does however need to educate the voters.

There being no further discussion on the motion, **a Motion was made by Trustee Corbett and seconded by Trustee Farrell to approve Resolution 03-2015, a Resolution providing for and requiring the submission of a proposition for issuing an amount not to exceed \$5,000,000.00 general obligation bonds to the voters of the Village of Gilberts at the general election to be held on April 7, 2015.** Roll call: Vote: 4-ayes: Trustees Zambetti, Farrell, Corbett, and Mierisch. 1-nay: Trustee Hacker, 0-abstained. Motion Carried.

A Motion to approve Resolution 04-2015, a Resolution authorizing an agreement with Bernardi Securities Inc. for bond underwriting services

Administrator Keller reported that approval of this Resolution would authorize an engagement agreement with Bernardi Securities to provide underwriting services for the refunding of the SSA 9 Bonds. Currently low interest rates provide an opportunity for refinancing the SSA #9 bonds, resulting in lower tax bills for Timber Trails, Timber Glen, and Woodland Park homeowners. The cost of Bernardi's services would be absorbed by the proceeds from the refunding of the SSA #9 Bonds.

There being no further discussion on the motion, **a Motion was made by Trustee Farrell and seconded by Trustee Hacker to approve Resolution 04-2015, a Resolution authorizing an agreement with Bernardi Securities Inc. for bond underwriting services.** Roll call: Vote: 5-ayes: Trustees Hacker, Corbett, Mierisch, Zambetti, and Farrell. 0-nays, 0-abstained. Motion carried.

A Motion to approve Resolution 05-2015, a Resolution authorizing application for Kane County Community Development Funds and execution of all necessary documents

Administrator Keller reported approval of this Resolution would authorize Staff to execute a grant application to Kane County's Community Development (which is funded by HUD) for funding the Old Town Stormwater and Road Improvement Projects.

As the project is budgeted at \$583,000 Staff will request \$200,000 (35% of the budget) from the Community Development program, which prioritizes affordable housing projects, emergency shelters and neighborhood-level infrastructure projects that go beyond regular maintenance.

Trustee Mierisch questioned if this would satisfy the Affordable Housing mandate requirements. Administrator Keller replied no; in order to receive HUD funds the subdivision within the Village applying for the grant funds must meet certain criteria. However, the requirements are based on the individual homeowners' circumstances.

Trustee Hacker asked if the Village was not awarded the grant would the Village still proceed with the improvements. Administrator Keller replied yes.

There being no further comments on the motion, **a Motion was made by Trustee Farrell and second by Trustee Corbett to approve Resolution 05-2015, a Resolution authorizing application for Kane county Community Development Funds and execution of necessary documents.** Roll call: Vote: 5-ayes: Trustees Corbett, Mierisch, Zambetti, Farrell, and Hacker. 0-nays, 0-abstained. Motion carried.

Staff Reports

Administrator Keller reported that the ice rink has been installed. Chief Building Inspector Swedberg is waiting for cooler temperatures to pour the final layer. Trustee Corbett suggested using a flag program to inform the skaters when the ice rink was favorable for skating.

Board of Trustee Reports

Trustee Mierisch questioned the status of the open items. The first open item in question was the status of the Master Engineering Agreement with Baxter & Woodman. Administrator Keller reported that he is still working with Engineer Larson on amending some of the language in the agreement.

Trustee Mierisch questioned if Administrator Keller had received any feedback from any of the Board Members with respect to Ancel & Glinks' service fee increase. Administrator Keller replied he had not received any feedback from any of the Board Member after the legal fee survey was provided. Trustee Mierisch noted that she was interested in examining the attorney fees after she reviewed the Attorney Fees Rate Survey provided by Staff.

Administrator Keller reported that the stop sign placement in Gilberts Town Center 2B had been resolved.

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Administrator Keller reported that Staff will be scheduling a meeting with Ryland Homes to discuss the Village's concerns with unit 2B.

There was some discussion on the Intra Soccer incident.

Trustee Farrell inquired if Staff had drafted operational procedures for Town Center Park. Administrator Keller reported that Intern Wright was working on this project.

Trustee Hacker inquired on how many garage sales were residents allowed to have each year. Clerk Meadows replied each property owner is allowed three garage sales per year.

There was some discussion on the water bill issue.

President Pro Tem Zambetti on behalf of President Zirk asked if anyone objected to cancelling February 17th meeting and rescheduling the meeting to February 24th. The Board Members expressed no objections. Village Clerk Meadows will draft the proper notice and publish accordingly.

Adjournment

There being no further business to discuss, a **Motion was made by Trustee Corbett and seconded by Trustee Farrell to adjourn from the public meeting at 8:53 p.m.** Roll call: Vote: 5-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows