

**Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Committee of the Whole
Meeting Minutes
December 13, 2016**

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 Kojzarek and LeClercq. Others present: Administrator Sakas, Attorney Tappendorf, Assistant Administrator Beith and Finance Director Blocker. For members of the audience please see the attached copy of the sign-in sheet.

President Zirk noted that there were a sufficient amount of Members present to establish a quorum.

Presentation

Mr. Christopher Nelson, Government and Regulatory Affairs Manager for Comcast addressed the Board. Manager Nelson provided the Board Members with an overview of Comcast's policy on franchise agreements. Comcast's preferred method with providing services to communities is to have a direct relationship with the communities they serve vs. entering into a Statewide franchise which would provide them the authority to access communities' right-of-way without any other authorization from the corporate authorities of said communities.

Manager Nelson continued on to report that he has served as the Government and Regulatory Affairs Manager for fourteen years. He noted that Comcast has over 100 municipal franchise agreements and only one state franchise agreement which is with the State of Illinois and the City of Chicago. He reported that Comcast has a boiler plate franchise agreement that he hopes the Board Members would consider for future approval.

Manager Nelson commented on the fact that he has lobbied Comcast executives for several years to provide service to the Village of Gilberts. He noted that Gilberts offers a robust market and continues to grow. Manager Nelson discussed Comcast's current business model for the Village of Gilberts. Comcast infrastructure and services will first be offered to the commercial and industrial areas with future expansion to the residential community.

Trustee Hacker asked if Manager Nelson had a projected timeline in which the infrastructure will be installed and services offered. Manager Nelson reported that Comcast anticipates having the industrial and commercial infrastructure in place within 4-6 months after the approval of the agreement and the residential service being offered by year's end of 2017.

Manager Nelson noted that the agreement is non-exclusive so other providers are able to compete in the market place. President Zirk asked the Board Members if they had any objections with directing Staff to move forward with drafting a Comcast Franchise Agreement. The Board Members expressed no objections. Staff along with Comcast representatives will begin drafting an agreement for future Board consideration.

Public Comment

President Zirk asked if anyone in the audience had any questions or comments they wished to discuss with the Board Members. The audience members offered no questions or comments. The Board Members moved on to "Items for Discussion".

Items for Discussion

Minutes from the December 6, 2016 Village Board Meeting

President Zirk asked if any of the Board Members had any questions or comments with respect to the minutes from the December 6, 2016 Village Board Meeting. The Board Members offered no questions or comments on the meeting minutes. This item will be placed on the next consent agenda.

Special Tax Consultant SSA's 15 & 24

President Zirk expressed his frustration with David Taussig & Associates as the Special Tax Consultant for SSA's 15 and 24 and the language contained in the administrative service agreements. Attorney Tappendorf commented on the two separate agreements. She reported that the Village has entered into an Administrative Service Agreement for SSA 24 which requires a 30 day written notice prior to terminating the agreement. In addition, section 6.3 requires the Village to pay Taussig all expenses incurred by the Consultant in connection with a termination that is not caused by the fault of the Consultant including demobilization, reassignment of personnel, associated overhead costs and other expenses directly resulting from the termination plus an amount for the Consultant's anticipated profit value of the services not performed.

President Zirk once again expressed his frustration with the language in the agreement. He could not grasp how any prior administration or legal counsel to recommend an agreement containing language that does not protect the Village interest. Trustee Hacker also expressed his frustration with the language contained in the SSA 24's Administrative Service Agreement.

Attorney Tappendorf continued on to discuss the SSA 15's Administrative Service Agreement. She noted that in section 11 of this agreement provides termination by either party at any time with or without cause a 10 day written notice is required. In the event of termination, the Village must pay for all services rendered and reimbursable expenses incurred up to the termination date.

President Zirk discussed the fact that his frustration began in late December of 2013 when Taussig demanded payment for their services rendered with respect to SSA 19 and 20 in which taxes were never paid by the property owners due to the fact that the property owner went bankrupt and vacated the (Conservancy Development) property. This then depleted SSA funds including the administrative fund account. In return there were no funds on hand to pay Taussig for their services. Taussig then demanded the Village pay the outstanding invoices for services relating to SSA 19 and 20.

President Zirk directed Staff to check with David Taussig & Associates, Inc. on what is the total estimated cost to terminate the contracts. Staff will do so and report back.

Conservancy SSA Bond Counsel

President Zirk reported that the purpose of this discussion was to have the Board Members consider moving forward with establishing a new SSA Bond for the Conservancy Development and engage Foley & Lardner LLP to serve as bond counsel.

Attorney Tappendorf reported that the anticipated fees and expenses incurred for bond counsel services will be paid at closing from the bond proceeds. However, if for any reason the bonds fail to close the Property Owner shall be responsible to pay for the Bond Counsel's charges and expenses.

Trustee Hacker asked Developer Mertz if he had resolved the earlier concerns with respect to the potable water treatment plant and the construction of two additional deep wells. Developer Mertz responded yes. He has now agreed to construct two additional deep wells and expand the water plant. He noted there is still some discussion of the expansion of the Barium and Radium removal system which is a preparatory system designed by Baxter & Woodman. Developer Mertz reported that the original improvements projected cost was \$ 5 Million. However, to date the projected costs is \$ 6.5 Million and will be covered by the proposed 8 Million Dollars new SSA bond proceeds.

Trustee Hacker questioned the timeline of the construction of the two wells. He noted that the construction of the two wells is critical to the continued growth of the Village. In addition, the longer Developer Mertz prolongs moving forward on the expansion the more the cost of the improvements will increase.

Developer Mertz discussed in length the current conditions of the bond markets.

Trustee Hacker asked Administrator Sakas if the Village has received the Engineers probable cost estimates for the water/wastewater treatment plant expansion and the two wells. Administrator Sakas replied no not as of yet; they currently have 4-5 draft footprints.

Trustee Hacker suggested the bond agreed contain a timeline for completion of the water/wastewater plant expansion and the two wells. Developer Mertz reported that the agreement will contain a completion timeline.

President Zirk commented on the fact that Trustee Hacker is concerned with the timeline and deadlines dates moving forward due to the fact the Village has limited PE available and does not want the PE limits to limit the Village's ability to provided water service to new retail space or limit other growth. Developer Mertz noted that he is aware of the concern and is addressing this matter by moving forward with the Board's approval of issuing new SSA Bonds.

Mr. Mertz discussed the possibility of retiring SSA 24 bonds and bundling the debt into one new larger bond. Attorney Tappendorf noted that this was not discussed in the past nor was this included in the engagement letter.

President Zirk asked if any of the Board Members objected to moving forward with engaging Foley & Lardner to serve as bond counsel. The Board Members expressed no objections. President Zirk directed Staff to move forward drafting a Resolution to approve the engagement of Foley & Lardner as Bond Counsel.

Police Pension Funds Transfer

Finance Director Blocker discussed the annual Police Pension Fund Contribution. She reported that last year the Board Members elected not to levy for the full pension fund requirement due to the State Legislators discussions regarding freezing real estate taxes. In addition, last year the actuarial levy contribution was \$246,974. However, the Village only levied \$123,551 knowing the balance would be paid from the corporate and police levy. At this time Finance Director Blocker is requesting approval to pay the balance of \$127,454.36 to the Gilbert's Police Pension Fund from the General Fund and a portion of the tax levy as required. President Zirk asked if this was a budgeted line item. Finance Director Blocker replied yes. The Board Members offered no objections with approving the payment to the Police Pension Fund. Finance Director Blocker reported that the payment will appear on the next bill list for Board approval.

Zoning fees for non-profits

Administrator Sakas discussed the recent request to waive the \$500 fee for non-profit organizations and other government bodies. The most recent request came from the Grizzlies during the special use petition to install lighting at the Gilberts Elementary School.

Administrator Sakas reported that currently the code does not allow for waiving of fees and these requests have justifiably come to the Board. The Board recently requested Staff research inserting a code provision that allows for administrative relief of this fee.

In order to process a zoning petition the Village incurs significant third-party cost. The average cost includes general counsel time for drafting notices and ordinances in the amount of \$200-\$400. Publication costs for the legal notices which typically cost \$200. In conclusion the code requirement of the \$500 application fee does not cover the Village's out-of-pocket expenses.

Administrator Sakas recommended the Board Members revise the code to simply offer a refund of any unexpended funds to other government bodies and non-profit organizations. The Board Members concurred with Staff's recommendation. The UDO in the future will be amended to reflect this policy.

Staff Reports

November 2016 Treasurer's Report

President Zirk asked if the Board Members had any questions or comments on the November 2016 Treasurer's Report. The Board Members offered no questions or comments. This item will be placed on the next consent agenda.

Staff Reports

Administrator Sakas reported that he recently emailed the Board Members a copy of the 2017 insurance renewal packet. He noted that there was a small increase in the annual insurance premium due to the addition of the Town Center Park equipment and splash pad.

Administrator Sakas reported that the Gilberts Town Center Public Hearing for the second amendment to the Annexation and Development Agreement is scheduled for next Tuesday.

Assistant Village Administrator Beith reported that the fiber infrastructure between the Police Department and Village Hall has been completed.

Assistant Village Administrator Beith reported that he is working on the Riverboat Grant close-out report. Submission of the close-out report will provide for the Village to be reimbursed for a portion of the park improvement cost.

Finance Director Blocker reported that all applications of the BS&software have been installed and Staff has received formal training.

Trustee's Report

The Trustees offered no reports at this time.

President's Report

President Zirk commented on the Fire Department's Santa Run event. He noted that the event was once again a great success and raised funds and non-perishable food items for several local food pantries. President Zirk directed Staff to place a thank you note on Facebook.

President Zirk complimented Public Works Department for a great effort in keeping the Village's street cleared of snow during the recent snow event. Trustee Hacker also thanked the Public Works Department on a job well done.

Executive Session

President Zirk asked the Board Members and Staff if they had any matters they wished to discuss in executive session. Neither the Board Members nor Staff offered any comments.

Adjournment

There being no further public business to discuss, a Motion was made by Trustee Hacker and seconded by Trustee Corbett to adjourn from the public meeting at 7:42 p.m. Roll call: Vote: 4-eyes by unanimous voice vote.

Respectfully submitted,

Debra Meadows