

**Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Village Board Meeting Minutes
July 18, 2017**

APPROVED MINUTES

Call to Order / Pledge of Allegiance

President Zirk called the meeting to order at 7:00 p.m. He led the Pledge of Allegiance.

Roll Call / Establish Quorum

Members present were Trustees Allen, Corbett, Farrell, Hacker, Kojzarek, and President Zirk. Others present were Administrator Sakas, Chief Building Inspector Swedberg, Finance Director Erickson, and Assistant Administrator Beith.

Public Comment

Resident Mimi Garcia questioned whether the Village had already released CalAtlantic's Bond or if they were considering it. She is concerned that the developer will leave projects incomplete. Chief Building Inspector Swedberg stated that the Village has not completed an inspection yet. Once CalAtlantic feels they have completed all of their work, they will be contacting Chief Building Inspector Swedberg to set up the final inspection. Ms. Garcia stated that she has written CalAtlantic letters informing them what she feels needs to be completed. She added that sidewalks have not been finished. She distributed copies to the Board and Chief Building Inspector Swedberg listing what she believes still needs to be completed before acceptance, which is attached for the record.

President Zirk stated that Chief Building Inspector Swedberg will inspect the public improvements, which include such items as trees, street signs, crosswalks, and water mains. The private improvements are turned over to the HOA, which would include items such as park benches, irrigation systems and entrance signs. The Village cannot withhold the bond due to private improvements not being completed. President Zirk recommended that someone from the HOA do a walk through with CalAtlantic for the private improvements.

Resident Garcia stated that she wants to make sure they finish their improvements before getting their bond back, and the tax payers don't have to pay for the work they didn't complete.

President Zirk informed Ms. Garcia that if she sees anything which is amiss to let the Village know. Ms. Garcia thanked the Board for their time.

Consent Agenda

- A. A Motion to approve Minutes from the July 11, 2017 Special Village Board Meeting/Water Plant Tour**
- B. A Motion to approve Minutes from the July 11, 2017 Special Village Board Meeting**
- C. A Motion to approve Bills and Payroll dated July 18, 2017 as follows: General Fund - \$18,284.98, Water Fund - \$2,746.35, and Performance Bonds - \$9,843.14.**

President Zirk asked if anyone wished to remove any of the items from the consent agenda for separate consideration. Trustee Hacker asked to remove item B.

A motion was made by Trustee Corbett and seconded by Trustee Kojzarek to approve the consent agenda items A and C as presented. Roll Call: Vote: 5-ayes: Trustees Allen, Corbett, Farrell, Hacker, and Kojzarek. 0-nays. 0-abstained. Motion carried.

Trustee Hacker had a few questions for Assistant Administrator Beith regarding the fiber discussion from the July 11, 2017 Special Village Board Meeting. His questions were directed off of page 4 from the meeting minutes. He questioned what a proprietary network was and whether the Homeland Security regulations were indeed regulations or whether they were recommendations. Assistant Administrator Beith stated that a proprietary network was a closed network, which isn't on the internet and has a single firewall which makes them less vulnerable. He added that they were recommendations; however, they could become a requirement. Trustee Hacker asked if there is another way to handle the infrastructure connectivity if that was indeed a recommendation.

President Zirk stated that if the comments were based off of specifically what Assistant Administrator Beith talked about, then it might be best to talk about those issues and make clarifications during the Fosiva agreement discussion. He added that either the minutes are correct or not correct. If Assistant Administrator Beith made those comments at the last meeting, then the minutes cannot be changed.

Trustee Hacker stated that if it is not a requirement and instead a recommendation, then the words Homeland Security "requirement" and "need" should not be used. He proceeded to ask whether there were other ways of getting to the end result which would be cheaper. Trustee Hacker went on to state that in the third paragraph, it states that Trustee Farrell asked staff what type of economic development benefits they envision if the Board Members agreed to invest \$170,000 in the fiber network. He says there are a couple of different ways a retail or industrial vendor could get connected. He said Mr. Mertz has that capability. President Zirk reiterated that the minutes are a reflection of what was said. President Zirk asked Assistant Administrator Beith whether he made the comments in question; to which he replied yes to his recollection.

Trustee Hacker asked if the Village spoke with Mr. Mertz about getting 12 strands of fiber instead of 24 strands. He believes \$170,000 for 24 strands is a reasonable price, except he feels 24 strands are too much. He feels that 6 strands of fiber for Village use and 6 strands for NIU and the County are sufficient. Trustee Hacker suggested that if 12 strands were purchased at \$85,000 instead of 24 strands for \$170,000, he believes that would be more than enough fiber capacity to meet Village needs and provide for future capacity expansion at a cost savings of \$85,000. Trustee Hacker stated that the usual method for determining data transmission requirements is to complete a data audit to determine current peak and average data usage and then add projected future requirements.

A motion was made by Trustee Corbett and seconded by Trustee Farrell to approve consent agenda item B Minutes from the July 11, 2017 Special Village Board Meeting. Roll Call: Vote: 5-ayes: Trustees Allen, Corbett, Farrell, Hacker, Kojzarek. 0-nays. 0-abstained. Motion carried.

Items for Approval

A motion to approve Resolution 28-2017, a Resolution authorizing an agreement between the Village of Gilberts and iFiber Networks, LLC, dba Fosiva to convey a Fiber Optic Network within the Village Limits

Assistant Administrator Beith gave a summary of his memo which was included in the packet. Fosiva agreed to transfer ownership of 24 strands of fiber to the Village for a municipal network. These strands are intended to cover the present and future needs of the Village. Trustee Hacker asked what would happen if Fosiva went away. Section 8 of the agreement contains language that could convey the network to the Village if disruptions occurred. As with economic development, because of the presence of the network, the Village has access to Kane County and NIU has access to this region at 10 gigabytes. Assistant Administrator Beith stated that the Homeland Security items discussed at the previous meeting held on July 11, 2017 are recommendations at this point. However, they could easily become regulations. He added that he believes this is the most flexible and least expensive method staff has identified to meet the Village's internet and connectivity needs.

Trustee Hacker questioned the percentage of Villages the size of Gilberts which have fiber. Assistant Administrator Beith stated that he thought about 50% of villages Gilberts' size have access to fiber. Trustee Hacker asked if there were any other possibilities of connecting the Village facilities.

Trustee Corbett stated that the Village would've been notified of any Homeland Security regulations. He feels the Village cannot guess what they would do because they would need to know what the regulations are. Trustee Hacker stated he feels two strands of fiber would be sufficient to carry the Village's data.

Trustee Corbett added that the new software the Village recently installed runs slowly because of the current bandwidth. He proceeded to say that internet use has grown immensely, and it's hard to say what is needed for future growth.

Trustee Hacker asked if the Village spoke with Mr. Mertz about getting 12 strands of fiber. He believes \$170,000 for 24 strands is a reasonable price, except he feels 24 strands are too much. He feels that 6 strands of fiber for Village use and 6 strands for NIU and County are sufficient.

Trustee Hacker stated that the funds being used to cover the cost of the project are coming out of fees which would have gone into a fund and used for other purposes. If the Village does not have enough money in that fund to cover expenditures the money would then come out of the general fund.

Assistant Administrator Beith stated that the deal enables NIU to establish a 10 gigabyte point of presence in the Village. President Zirk stated that he doesn't feel there would be as much of an economic development benefit if half of villages have fiber. Assistant Administrator Beith stated that of that 50% of villages only 1-2% have 10 gigabytes. President Zirk asked what the obligation was for NIU to provide gigabytes. A discussion ensued regarding Amazon. He stated his concern for having to fix fiber and risk being sued for the lost revenue of Amazon while the fiber is out. All of the details will have to be included in the agreements.

Trustee Hacker stated that he knows he sounds negative, but he does feel having fiber is a good idea. He just questions whether the Village needs 24 strands.

President Zirk stated that the fiber will pay for itself. Trustee Hacker asked if the Village would have more money in a fund to use on other projects if they did not go through with this agreement. President Zirk said the Village wouldn't have less money. The money would be replenished with the possibility of making additional money in the future.

Trustee Hacker asked if the Village would have anything to lose if they did not use the capacity offered. President Zirk stated that if the Village buys 24 strands and only uses 6 strands, they always have the ability to sell the unused strands.

Trustee Farrell added that they had a similar conversation a few years ago regarding selling strands of fiber to another Village. She then asked if Mr. Mertz could sell the backbone if he went bankrupt. Assistant Administrator Beith stated that in Section 8 of the agreement, the Village has the right to require the conveyance.

Trustee Farrell asked what would happen if Mr. Mertz sold it. Administrator Sakas stated that the new owner would still have to abide by the agreement. The Village would have to approve Mr. Mertz selling the backbone.

A motion was made by Trustee Corbett and seconded by Trustee Farrell to approve Resolution 28-2017, a Resolution authorizing an agreement between the Village of Gilberts and iFiber Networks, LLC, dba Fosiva to convey a Fiber Optic Network within the Village Limits. Roll Call: Vote: 4 ayes: Trustees Allen, Corbett, Farrell, and Kojzarek. 1-nay (Trustee Hacker). 0-abstained. Motion carried.

Items for Discussion

Temporary Construction Signs-Code Update

Administrator Sakas stated that the current Village Code only allows for one temporary construction sign, and staff would like to amend the sign code allowing up to 4 temporary signs. President Zirk stated that he doesn't interpret the Code in that same way. He feels it states that one sign cannot be larger than 75 square feet; however, there can be multiple signs as long as they aren't larger than 150 square feet altogether. Administrator Sakas will talk with the attorney to make sure the gross square footage stays the same, but allows up to 4 signs. This will be placed on the next consent agenda.

Staff Reports

Administrator Sakas stated that there are currently three openings, one on the Plan Commission/Zoning Board of Appeals, one on the joint review board (public member), and one opening on the Police Pension Board, He added that the Village currently has received two resumes. He proceeded to tell the Board that he will be out of town from July 19th- July 26th.

Assistant Administrator Beith stated that he received notification from IDOT that they will be resurfacing Higgins Rd from Industrial Drive into Dundee. A copy of the notification will be sent to Chief Building Inspector Swedberg, so he can talk with them about widening the intersection at Center Drive. The Citizen's Police Academy Brochure is out.

Finance Director Erickson stated that she is finalizing the audit. She will have the final draft on Wednesday, July 19th.

Chief Building Inspector Swedberg stated that the Village received 5" of rain during the last heavy storm, plus an additional 2" of rain the following morning. Public Works was out making sure the water was flowing properly. He stated that Gilberts Glen was impacted the most. Public Works delivered 25 sandbags to a new resident in Gilberts Glen who lives right on the pond and was concerned about the height of the water. However, he didn't think the resident utilized the sandbags.

Board of Trustee Reports

None

President's Report

President Zirk showed a thank you plaque from Jacob Mesko for the Village's help in allowing him to complete the baseball dugouts at Memorial Park.

Adjournment

A motion was made by Trustee Corbett and seconded by Trustee Allen to adjourn from the meeting at 8:05 pm. Roll Call: Voice Vote: all ayes: Trustees Allen, Corbett, Farrell, Hacker, and Kojzarek. 0-nays. 0-abstained. Motion carried.

Respectfully Submitted,
Karen Danca