

Village of Gilberts

Village Hall
87 Galligan Road, Gilberts, IL 60136
Ph. 847-428-2861 Fax: 847-428-2955
www.villageofgilberts.com

Village Administrator Memorandum 41-13

TO: President Rick Zirk
Board of Trustees

FROM: Ray Keller, Village Administrator *RK*

DATE: July 12, 2013

RE: Village Board Meeting – July 16, 2013

The following summary discusses the agenda items for the Village Board meeting scheduled for July 16, 2013:

1. CALL TO ORDER

2. ROLL CALL / ESTABLISH QUORUM

3. SWEARING IN CEREMONY

A. Police Officer

Part-time Police Officer Anthony Bartolone will be sworn in as a new addition to the Police Department.

4. INTRODUCTIONS

A. Community Service Officer

Mr. Joshua Guth will be introduced as the new part-time Community Service Officer with the Police Department.

B. Administrative Intern

Ms. Elisabeth Wright will be introduced as the Village's new Administrative Intern.

5. PUBLIC COMMENT

6. CONSENT AGENDA

Any item may be removed from the consent agenda by request.

A. Motion to approve Minutes from the July 2, 2013 Village Board Meeting

Staff recommend approval of the minutes, which were reviewed at the July 9 Committee of the Whole meeting. Please contact Village Clerk Debra Meadows prior to the meeting if you have any questions or corrections.

Public Works Facility
Finance & Building Departments
73 Industrial Drive, Gilberts, IL 60136
Ph. 847-428-4167 Fax: 847-551-3382

Police Department
86 Railroad St., Gilberts, IL 60136
Ph. 847-428-2954 Fax 847-428-4232

B. Motion to approve Minutes from the July 9, 2013 Committee of the Whole Meeting

Please review the enclosed minutes from the July 9 Committee of the Whole meeting. Please contact Village Clerk Debra Meadows prior to the meeting with any corrections or questions. Staff recommend approval.

C. Motion to approve the June 2013 Treasurer's Report

Staff recommend approval of the June 2013 Treasurer's Report, which was reviewed at the July 9 Committee of the Whole meeting. Please contact me or Finance Director Marlene Blocker prior to the meeting if you have any questions or need another copy of the report.

D. Motion to approve Bills & Salaries dated July 16, 2013

Please refer to the enclosed spreadsheet, which lists the bills to be approved. If you need additional information about any of these bills, please contact me or Finance Director Marlene Blocker prior to the meeting. Staff recommend approval.

E. Motion to approve Resolution 18-2013, a Resolution authorizing an agreement between the Village of Gilberts and the Illinois State Toll Highway Authority for storm water detention credits

The Illinois Tollway Authority has proposed an intergovernmental agreement for the purchase of 13.71 acre-feet of detention credits for their I-90 expansion project. Phoenix & Associates, working with the Tollway's consultant engineers, offered the Tollway the detention credits as a cost-effective and timely alternative to constructing and maintaining new detention facilities along the I-90 corridor. Phoenix's detention credit program with the Village has sufficient capacity to meet the Tollway's needs and already provides for the long-term maintenance of the detention facility that the Tollway is looking for.

Because of the Tollway's regulations, the detention credit purchase needs to be facilitated through an intergovernmental agreement with a municipality as a pass-through arrangement. The Tollway would purchase 13.71 credits at \$60,000 per credit for a total of \$822,600. The Village would then purchase the detention credits from Phoenix through a separate agreement to follow after the approval of this agreement by the Tollway's Board of Directors.

Staff recommend approval of the agreement with the Tollway, which was reviewed and discussed at the July 9 Committee of the Whole meeting. Staff anticipate the Tollway Board of Directors taking action on this agreement at their July 25 meeting. Please contact me prior to the meeting with any questions or requests for further documentation.

7. ITEMS FOR APPROVAL

A. Motion to approve Ordinance 19-2013, an Ordinance amending certain sections of the Village Code for Licensing of Solicitors, Peddlers, Transit Merchants and Itinerant Vendors

At the July 9 Committee of the Whole meeting, Staff reported on possible issues with the Village's ordinances for licensing solicitors, peddlers and itinerant vendors. After reviewing other communities' ordinances for licensing solicitors and other itinerant

merchants, Staff drafted the provided ordinance for the Board's consideration. The amended ordinance would specify that emergency contact information and state-issued photo identification would need to be provided by each individual solicitor/merchant. Prior to issuing the license, each solicitor will be required to undergo a background check as part of the application process. The license fee would be changed from \$40.00 per business for a seven-day period to a daily license fee of \$25.00 for each individual solicitor.

Staff recommend approval of the amended ordinance. The Board may take action at the July 16 meeting or may defer action to a future meeting if there are any questions or issues to be addressed. Please contact Village Clerk Debra Meadows prior to the meeting if you have any questions about the ordinance or proposed procedures.

8. ITEMS FOR DISCUSSION

Please contact me or President Zirk if there are any topics to be added for discussion at this meeting.

9. STAFF REPORTS

Staff will provide any updates at the meeting.

10. BOARD OF TRUSTEES REPORTS

11. PRESIDENT'S REPORT

12. EXECUTIVE SESSION

Please contact me about any current executive session topics.

13. ADJOURNMENT

**Village Board of Trustees
Meeting Agenda
Village of Gilberts
87 GALLIGAN ROAD,
GILBERTS, ILLINOIS 60136
July 16, 2013
7:00 P.M.
A G E N D A**

ORDER OF BUSINESS

- 1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL / ESTABLISH QUORUM**
- 3. SWEARING IN CEREMONY**
 - A. Police Officer
- 4. INTRODUCTION**
 - A. Community Service Officer
 - B. Administrative Intern
- 5. PUBLIC COMMENT**
- 6. CONSENT AGENDA**
 - A. A Motion to approve Minutes from the July 2, 2013 Village Board Meeting
 - B. A Motion to approve Minutes from the July 9, 2013 Committee of the Whole Meeting
 - C. A Motion to approve the June 2013 Treasurer's Report
 - D. A Motion to approve Bills & Salaries dated July 16, 2013
 - E. A Motion to approve Resolution 18-2013, a Resolution authorizing an agreement between the Village of Gilberts and the Illinois State Toll Highway Authority for storm water detention credits
- 7. ITEMS FOR APPROVAL**
 - A. A Motion to approve Ordinance 19-2013, an Ordinance amending certain sections of the Village Code for Licensing of Solicitors, Peddlers, Transit Merchants and Itinerant Vendors
- 8. ITEMS FOR DISCUSSION**
- 9. STAFF REPORTS**
- 10. BOARD OF TRUSTEE REPORTS**
- 11. PRESIDENT'S REPORT**
- 12. EXECUTIVE SESSION**

A portion of the meeting will be closed to the Public, effective immediately as Permitted by 5 ILCS 120/2(c) (1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village, and as permitted by 5 ILCS 120/2 (c) (11) to discuss litigation against, affecting, or on behalf of the Village which has been filed and is pending in a court or administrative tribunal of which is imminent and as permitted by 5 ILCS 120/2(c) 21) to review and approve closed session minutes and as permitted by 5 ILCS 120/2 (c) 2 Collective negotiating matters.
- 13. ADJOURNMENT**

NOT APPROVED MINUTES

Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Village Board
Meeting Minutes
July 2, 2013

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, Mierisch, LeClercq, Zambetti, Farrell, Hacker and President Zirk. Others present: Administrator Keller, Assistant Village Administrator Beith, Finance Director Blocker, and Village Clerk Meadows. For members of the audience please see the attached list.

Public Hearing

Establishment of Special Service Area Number 23- Southwest Corner of Illinois Route 72 and Tyrrell Road, Gilberts, Illinois, and commonly referred to as Prairie Business Park.

A motion was made by Trustee LeClercq and seconded by Trustee Mierisch to open the Public Hearing with respect to the establishment of Special Service Area Number 23. Roll call: Vote: 6-eyes: Trustees Corbett, Mierisch, LeClercq, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

President Zirk provided those in attendance with a brief overview on the purpose of establishing a back-up Special Service Area. He reported that if the developer was to default on their obligations to complete the public improvements the back-up SSA provided a taxing provision which allow the Village the right to levy taxes to pay for the completion and maintenance of the development's public improvements. The tax levy obligation would be a shared tax amongst the development property owners.

President Zirk if anyone in the audience had any objections or comments on the question of establishing a Special Service Area Number 23. Administrator Keller reported to date staff had not received any comments or objections on the proposed establishment of Special Service Area Number 23.

There being no comments or objections from the audience, a motion made by Trustee Zambetti and seconded by Trustee Farrell to close the public hearing with respect to the establishment of Special Service Area Number 23- Southwest Corner of Illinois Route 72 and Tyrrell Road, Gilberts, Illinois, and commonly referred to as Prairie Business Park.

Public Comment

President Zirk introduced Mary J. Robb, Pace Community Relations Representative. Ms. Robb commented on a new product Pace was introducing to their customers. They have developed an easy new way to access and pay for trains and buses throughout the Chicago and surrounding suburbs. The Ventra Card operates similar to a debit card. The card can be accessed online or by phone. In addition, if the Ventra Card is lost your account funds are reimbursed and a replacement card is issued. The Board Members thanked Ms. Robb for sharing the information.

President Zirk asked if there were any other comments from the audience. There were no comments from anyone in attendance.

Consent Agenda

- A. A Motion to approve Minutes from the June 18, 2013 Village Board Meeting**
- B. A Motion to approve Bills and Salaries dated July 2, 2013 as follows: General Fund \$75,039.17, Permit Pass Thrus \$600.00, Performance Bonds and Escrows \$1,224.81, Water Fund \$46,121.97, Payroll \$59,998.20**
- C. A Motion to approve Proclamation 03-2013, a Proclamation recognizing the Citizens Emergency Response Team for their service and dedication to the community**
- D. A Motion to approve Ordinance 18-2013, an Ordinance authorizing the Disposal of Personal Property Owned by the Village of Gilberts**
- E. A Motion to approve Resolution 17-2013, a Resolution authorizing an Intergovernmental Agreement with the County of Kane for Animal Control Services**

President Zirk asked if any of the Board Members wished to remove any item from the consent agenda. Trustee LeClercq had requested removing item C (Proclamation 03-2013) so the Citizens Emergency Response Team would be publicly recognized.

A Motion was made by Trustee Hacker and seconded by Trustee LeClercq to approve consent agenda items A, B, D, and E as presented. Roll call: Vote: 6-ayes: Trustees Mierisch, LeClercq, Zambetti, Farrell, Hacker and Corbett. 0-nays, 0-abstained. Motion carried.

Removed Consent Agenda Item

5. C. A Motion to approve Proclamation 03-2013, a Proclamation recognizing the Citizens Emergency Response Team for their service and dedication to the community

On behalf of the Village Board President Zirk thanked the Citizens Emergency Response Team for their service to the community. He proceeded to read the proclamation as follows:

WHEREAS, it is most fitting that the Village Board along with the Village of Gilberts' Police Department recognize the Citizens Emergency Response Team Members for their continued commitment to maintain public safety, work to improve the quality of life in our community; and educate our citizens; and

WHEREAS, The Citizens Emergency Response Team Members continue to support and participate in the Village of Gilberts Special Events and provide public safety, and education to those in attendance; and

NOW, THEREFORE, I, Rick Zirk, Village President on behalf of the Village of Gilberts feels that it is altogether fitting and proper to honor the Village of Gilberts Citizens Emergency Response Team Members and publicly thank and officially recognize them for their selfless assistance to their community.

The CERT Members present introduced themselves: Mike Geren, Carol Ronan, Linda Baird, Alissa Leznek, and Board Members Dan Corbett and Pat Mierisch.

Items for Approval

There were no items listed.

Items for Discussion

There were no items listed.

Staff Reports

Administrator Keller commented on a recent solicitor's application from a company who fielded over 20 solicitors. After issuance of the permit staff began receiving phone calls from about twenty residents' who voice concerns about the solicitors' sales tactics. A lengthy discussion ensued with respect to amending the Village Code.

Trustee Farrell suggested that if the solicitor section of the code is amended staff should place the information on the website, newsletter and on Facebook.

Assistant Village Administrator Beith reported that he had a meeting with the representative organizing the "Remember 45" Veterans Event. They will be attending the next Committee of the Whole Meeting to provide the Board Members with an update.

Finance Director Blocker reported that there were two water shut-offs this billing cycle. One was a vacant home and one homeowner was out of the country.

Village Clerk Meadows reported that staff had met with a representative from the Community Foundation of the Fox River Valley to discuss transferring Community Days Funds. The representative will be attending the next Committee of the Whole Meeting to provide the Board Members with an overview of their organization.

Board of Trustee Reports

Trustee Corbett inquired if staff had the names of the new companies currently moving into building two of the Prairie Business Park. Trustee Mierisch stated she was also interested in obtaining that information. Administrator Keller will send an email to all the Board Members with the businesses names and contact information.

Trustee LeClercq inquired when AT&T was going to complete the Timber Trails restoration work. Administrator Keller stated he would check on the restoration schedule and follow-up.

Trustee Hacker reported that Phoenix & Associates' drainage work in the Indian Trails Subdivisions had significantly improved the drainage. He reported that their efforts currently appear to have greatly reduced the water table levels. Trustee Hacker noted that even at his own home his pumps does not run as frequently as it has in previous years. He has been receiving positive feedback on Phoenix & Associates drainage improvements.

President's Report

President Zirk commented a pervious discussion with respect to the Tree Replacement Program in which he suggested staff cap the amount of the village's share. In his opinion the new cap amount of \$350.00 is double the amount he was suggesting.

Village Board
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President Zirk discussed the recent Town Center fence issue. He reported that he and Administrator Keller, and Ryland Homes CEO, John Carroll had been working through the details on the error with the fencing requirement on one of the residential properties.

President Zirk reported that Ryland Homes had recorded the amended CCR's and insists they had informed the home buyer of the fence restrictions. There had been some discrepancies in the home owner's recollection of the closing documents.

President Zirk stated that he just wants a fair resolution for all involved. He noted that the Village will be refunding the homeowners building permit fee and deposit.

Adjournment

There being no further business to discuss, **a motion was made by Trustee Zambetti and seconded by Trustee Corbett to adjourn from the public meeting at 7:39 p.m.** Roll call: Vote: 6 ayes by unanimous vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

NOT APPROVED MINUTES

**Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Committee of the Whole
Meeting Minutes
July 9, 2013**

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, Mierisch, Zambetti, Farrell, Hacker and President Zirk. 1-absent: Trustee LeClercq. Others present: Administrator Keller, Assistant Village Administrator Beith, Finance Director Blocker and Village Clerk Meadows. For members of the audience please see the attached list.

Items for Discussion

Minutes from the July 2, 2013 Village Board Meeting

President Zirk asked if there was any questions or comments on the July 2nd Village Board Meeting Minutes. The Board Members voiced no comments on the July 2nd Village Board Meeting Minutes. The minutes will be placed on the next consent agenda.

June 2013 Treasurer's Report

President Zirk inquired if the Board Members had any questions or comments on the June 2013 Treasurer's Report. There were no comments from the Board Members. The June 2013 Treasurer's Report will be placed on the next consent agenda.

Community Foundation of the Fox River Valley-Community Days Fund

Administrator Keller reported that Mr. Jeff Hartman, Director of Development for the Community Foundation of the Fox River Valley was unable to attend the meeting. However, he would be happy to attend the next meeting. Administrator Keller reported that staff had recently met with Mr. Hartman to discuss the Foundation's financial management services. Administrator Keller discussed the ways in which the Foundation would benefit the Community Days event.

Committee of the Whole

Meeting Minutes

July 9, 2013

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Using the Foundation would allow the Village to avoid running Community Days donation and expenses through the general fund, which complicates the general ledger as revenues and expenditures are often not in the same fiscal year. In addition, the Village would fall under the umbrella of the Foundations 501c3 status. This would provide the Community Days Committee with a mechanism to solicit donations from big box stores and larger companies.

Administrator Keller discussed the foundation's service fee structure. He reported that there are no administrative fees as long as the balance maintained by the fund does not exceed \$10,000.00 and the funds serve as a pass-through account. However, if representatives of the Committee elect to have the fund accrue its own income and evolve into an endowment fund fees then in effect will be charged for services rendered.

Administrator Keller commented on the foundation's profile. He noted that the foundation has more than 400 charitable funds. Finance Director Blocker reported that Chief Building Inspector Swedberg participates in organizing the Sycamore Pumpkin Festival and they use a similar foundation serving DeKalb County.

Administrator Keller inquired if the Board Members would be interested in having Director Hartman attend the next meeting to discuss their foundation in more detail. Trustee Zambetti stated that he was comfortable with the informational documents Mr. Hartman had provided.

Trustee Farrell noted that this option was much less cumbersome than creating a Community Days 501c3. Assistant Administrator Beith agreed.

President Zirk questioned item number four of the agreement. He noted that there was no service fee noted. The agreement references the fee in effect at the time will be charged for services rendered. In his opinion this statement is vague and should be clarified.

President Zirk commented on item number six of the agreement. He expressed concern with the Foundation's Board of Directors possessing the authority to distribute funds in a manner they see fit if the Community Days Committee was to cease to exist or in their opinion should it no longer perform its primary mission.

President Zirk commented on item number seven of the agreement. He expressed concern with the Community Foundation Board of Directors having the sole power to modify any restriction or conditions on the distribution of funds for any specified charitable purposes or to specified organizations.

Administrator Keller asked the Board Members if they would like to move forward with the research and have Attorney Tappendorf review the agreement and modify the language. The Board Members recommended continuing to research this matter.

“Remember 45” Veterans Event Update

Mr. Jerry Christopherson provided the Board Members with an update on the “Remember 45” event. He reported on Sunday, August 4th the True Patriots Care Foundation will be hosting a motorcycle scavenger hunt and a 5k family fun run.

Mr. Christopherson provided the Board Members with the tentative “Remember 45” event schedule. He reported that the opening ceremony will be beginning at noon with an opening prayer followed by a few words from President Zirk and himself. The US Navy Band will be performing at 12:30 p.m. and the parade will step off at 3:00 p.m. There will one food vendor and music throughout the day. The showing of the movie “Honor Flight” will be shown at 8:30 p.m. Mr. Christopherson reported that unfortunately the foundation will be unable to offer fireworks this year due to cost restraints. Mr. Christopherson expressed his excitement for the event and encourages everyone to attend. Trustee Zambetti asked what the movie was rated. Mr. Christopherson replied that the movie is rated PG and appropriate for all ages.

Mr. Christopherson reported that in previous years when the event was held in Carpenters Park the City of Carpentersville donated \$5,000.00 to the foundation. He inquired if the Village of Gilberts would be interested in making a donation. Trustee Zambetti suggested the Village might consider covering the Police Department cost. Mr. Christopherson thanked the Board for offering to cover the cost of the Police Department services.

Trustee Mierisch inquired if the foundation would be selling flags. Mr. Christopherson replied yes. The flags can be purchase and customized to honor the purchasers loved ones who served their country.

Mr. Christopherson thanked the Board Members for their time and reported he will attend the August 6th meeting to provide them with the final details.

Facility Plan Update

Engineer Fisher provided the Board Members with a Mid-Course Review on the WRF Facility Plan Amendment. He reported that the purpose of the facility plan amendment was to reduce the cost of the plant expansion and related stormwater improvements. The cost reduction would aid in keeping the Village connection fees competitive.

Engineer Fisher commented on the IEPA's 2005 approval of the Gilberts Preliminary Engineering Report. He stated at that time development activity appeared to be sufficiently strong to bear the costs of the stormwater enhancement and the treatment plant expansion. However, the economic climate has since changed.

Engineer Fisher reported that staff had worked closely with the stakeholders to identify ways in which the plant expansion and stormwater improvements could be phased in over time assisting with spreading the cost over a period of twenty years.

Engineer Fisher provided the Board Members with a power point presentation depicting the current residential and non-residential units and the anticipated growth over the next twenty years. Engineer Fisher recommends the Village phase in the plant expansion and stormwater improvement over the course of twenty years. By phasing in the improvements the Village can keep cost manageable and connection fees competitive. The Board Members discussed in length the various phases of the plant expansion and stormwater improvements. Administrator Keller asked if the Board Members had any objections to Engineer Fisher's assumptions. The Board Members expressed no objections to the assumptions. Engineer Fisher will provide the Board Members with the final draft in September.

Illinois Tollway Detention Credit Agreement

Administrator Keller provided the Board Members with an overview of the proposed Illinois Tollway Detention Credit Agreement. He discussed the draft intergovernmental agreement for the purchase of 13.71 acre-feet of detention credits for their I-90 expansion project. Administrator Keller reported that Phoenix & Associates has been working with the Tollway's consultant engineers and has offered the Tollway detention credits as a cost-effective and timely alternative to constructing and maintaining new detention facilities along the I-90 corridor.

Administrator Keller reported that due to the Tollway's regulations, the detention credit purchase needs to be facilitated through an intergovernmental agreement with a municipality as a pass-through arrangement. The Tollway would purchase the 13.71 credits at \$60,000.00 per credit for a total of \$822,600.00. The Village would then purchase the detention credits from Phoenix through a separate agreement. Administrator Keller noted that the Village's detention credit agreement with Phoenix sets aside \$5,000.00 per credit for the Village's use, resulting in \$68,550.00 coming back to the Village. Staff recommended reinvesting the revenue from this sale in community stormwater projects. The Board Members concurred with staff's recommendation to approve the intergovernmental agreement.

Staff Reports

Administrator Keller reported that a staff member had been released from the hospital and has returned home.

Assistant Village Administrator Beith reported that on Monday, July 8th he had held a pre-submission conference for the Request for Qualifications for IT support services and three companies were in attendance.

Finance Director Blocker reported that the utility bills have been mailed.

Board of Trustees Report

Trustee Corbett inquired when Phoenix & Associates would have the stormwater drainage work along Tyrrell Road completed. Mr. Hudson replied, the work should be completed by tomorrow and the equipment removed.

Trustee Corbett inquired if Phoenix & Associates had provided staff with a drainage improvement punch list. Administrator Keller replied yes, they had supplied staff with a draft punch list. Mr. Hudson reported that the punch list is continuously evolving.

Trustee Mierisch inquired on the status of Gilberts' Fibercity. Assistant Village Administrator Beith reported that i3 recently asked for suggestions on surveying and engineering companies. Trustee Mierisch asked Assistant Village Administrator Beith that in his opinion is the project moving forward. He replied yes, from his understanding the project is still moving forward.

Trustee Corbett noted that staff had neglected to attach the Prairie Business Park address list as stated on the weekly memo.

Trustee Farrell inquired on the status of Community School District 300's re-districting process. Administrator Keller will check on the status.

President's Report

President Zirk invited resident and local business owner Ms. Stacy Pyrek to address the Board Members. Ms. Pyrek discussed her concerns with respect to a recurring situation. She reported that her business Four Legs Pets had become a drop-off point for stray dogs. Ms. Pyrek stated that a local business owner's dog is frequently at large. She expressed concerns for the dog's safety. On two recent occasions she had rescued the local business owner's dog. In addition, a dog at large was recently taken to her business by a motorist who encountered the dog on her travels along Route 72.

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Meeting Minutes
July 9, 2013
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Ms. Pyrek commented on the Village's Animal Control Ordinance and the Police Department's SOP. She expressed concerns with the Police Department's catch and release policy. However, she was pleased that the local business owner received a ticket for allowing his dog to be at large.

There was some discussion with respect to the cost of the Kane County Animal Control service. If the Village were to call the county to pick-up dogs at large the fee if the dog is unclaimed is \$100.00.

A lengthy discussion ensued on ways in which to resolve this matter. The Board Members suggested Ms. Pyrek draft a proposal listing her suggestions on ways to resolve this matter.

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 9:49 p.m.** Roll call: Vote: 5-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

| | VENDOR | TOTAL | GENERAL FUND | DEVELOPER DONATIONS | PERMIT PASS THRU\$ | PERFORMANCE BONDS AND ESCROWS | WATER FUND | PAYROLL |
|----------|--------------------------------|----------------------|------------------|---------------------|--------------------|-------------------------------|------------------|---------|
| | GRAND TOTAL | \$ 112,382.48 | 82,821.39 | 2,500.00 | 9,472.22 | 2,850.31 | 15,038.56 | |
| | UB POSTAGE - 07/03/13 | 667.94 | | | | | 667.94 | |
| ACE002 | ACE COFFEE BAR INC. | 21.50 | 21.50 | | | | | |
| AFID001 | ASSOC. FOR INDIVIDUAL DEVELOP. | 44.85 | 44.85 | | | | | |
| AGALL001 | ARTHUR J GALLAGHER | 22,121.20 | 18,571.33 | | | | 3,549.87 | |
| ANCEL | ANCEL, GLINK, DIAMOND, BUSH, | 9,785.26 | 7,620.26 | | | 2,145.00 | | |
| ASPO02 | ASPEN VALLEY LANDSCAPE, INC. | 105.00 | 105.00 | | | | | |
| B&F001 | B&F TECHNICAL CODE SVC, INC. | 9,472.22 | | | 9,472.22 | | | |
| BANKCARD | UMB CARD SERVICES | 1,024.88 | 1,024.88 | | | | | |
| BENCHMAR | BENCHMARK SALES & SERVICE | 4,650.00 | | | | | 4,650.00 | |
| CONSTELL | CONSTELLATION NEWENERGY, INC. | 1,243.54 | 1,243.54 | | | | | |
| DEERE | JOHN DEERE LANDSCAPES | 85.00 | 85.00 | | | | | |
| FOX003 | FOX VALLEY FIRE AND SAFETY | 1,233.15 | | | | | 1,233.15 | |
| HARRIS02 | HARRIS | 7,136.41 | 5,696.39 | | | | 1,440.02 | |
| ICOP001 | ICOP | 119.08 | 119.08 | | | | | |
| JAK001 | STRIPES BY JAKE THE STRIPER | 250.00 | 250.00 | | | | | |
| KHKK001 | KNIGHT, HOPPE KURNIK & KNIGHT | 800.00 | 800.00 | | | | | |
| LEROY01 | LEROY'S LAWN EQUIPMENT | 65.74 | 65.74 | | | | | |
| MDCENV01 | MDC ENVIRONMENTAL SVCS. | 44,146.24 | 44,146.24 | | | | | |
| MEN002 | MENARDS - CARPENTERSVILLE | 88.20 | 77.94 | | | | 10.28 | |
| MORTSALT | MORTON SALT, INC | 2,750.32 | | | | | 2,750.32 | |
| NAPA01 | DUNDEE NAPA AUTO PARTS | 112.22 | 112.22 | | | | | |
| NEX001 | NEXUS OFFICE SYSTEMS, INC. | 1,285.38 | 1,138.38 | | | | 147.00 | |
| PAC001 | PACES AUTO SERVICE | 276.26 | 276.26 | | | | | |
| RAO001 | RAY O'HERRONS | 799.00 | 799.00 | | | | | |
| RUTLAND | RUTLAND-DUNDEE FPD | 2,500.00 | | 2,500.00 | | | | |
| STMSUB01 | SUN-TIMES MEDIA | 397.31 | 50.00 | | | 347.31 | | |
| SUBLAB01 | SUBURBAN LABORATORIES | 570.00 | | | | | 570.00 | |
| T0001586 | SARAH GONZALES | 184.00 | 108.00 | | | 58.00 | | |
| T0001587 | JOHN A GROTH | 20.00 | | | | | 20.00 | |
| ULTRA01 | ULTRA STROBE COMMUNICATIONS | 667.80 | 667.80 | | | | | |

VILLAGE OF GILBERTS

Authorizing an intergovernmental agreement between the Village of Gilberts and Illinois State Toll Highway Authority for storm water detention credits

Be it Resolved by the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois that:

Section 1:

The Village of Gilberts hereby authorizes the Village President and Village Clerk to execute an intergovernmental agreement between the Village of Gilberts and Illinois State Toll Highway Authority for the purchase of stormwater detention credits. The agreement is attached hereto and made part hereof as Exhibit A as approved.

Section 2:

This resolution shall be in full force and in effect from and after its passage and approval pursuant to law.

Passed this ____ day of July, 2013 by a roll call vote as follows:

| | <u>Ayes</u> | <u>Nays</u> | <u>Absent</u> | <u>Abstain</u> |
|---------------------------|-------------|-------------|---------------|----------------|
| Trustee David LeClercq | _____ | _____ | _____ | _____ |
| Trustee Dan Corbett | _____ | _____ | _____ | _____ |
| Trustee Lou Hacker | _____ | _____ | _____ | _____ |
| Trustee Nancy Farrell | _____ | _____ | _____ | _____ |
| Trustee Patricia Mierisch | _____ | _____ | _____ | _____ |
| Trustee Guy Zambetti | _____ | _____ | _____ | _____ |
| President Rick Zirk | _____ | _____ | _____ | _____ |

APPROVED THIS ____ DAY OF July, 2013

Village President, Rick Zirk

(SEAL)

ATTEST: _____
Village Clerk, Debra Meadows

Published: _____

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY
AND
THE VILLAGE OF GILBERTS**

This INTERGOVERNMENTAL AGREEMENT (hereinafter referred to as the "AGREEMENT") is entered into this _____ day of _____ AD, 2013, by and between THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY, an instrumentality and administrative agency of the State of Illinois, hereinafter called the "TOLLWAY", and THE VILLAGE OF GILBERTS, a municipal corporation of the State of Illinois, hereinafter called the "VILLAGE", individually referred to as "PARTY", and collectively referred to as "PARTIES".

WITNESSETH:

WHEREAS, the TOLLWAY in order to facilitate the free flow of traffic and ensure safety to the motoring public, intends to improve the Jane Addams Memorial Tollway (I-90) from the John F. Kennedy Expressway to Interstate Route 39 (hereinafter sometimes referred to as "Toll Highway"), and included in multiple TOLLWAY construction contract(s) including but not limited to Contracts I-12-4077, I-13-4115, I-12-4076 and I-13-4124 (hereinafter referred to as the "PROJECT") by making the following improvements:

Contract I-12-4077

The removal and reconstruction of the eastbound mainline I-90 pavement including an additional through lane; reconstruction of the mainline outside shoulder; guardrail removal and replacement; replacement of bridges carrying eastbound I-90 over the UP Railroad and Sleepy Hollow Road; construction of retaining walls; culvert installation; earth excavation and grading; removal of existing drainage systems; proposed drainage improvements; erosion and sediment control; pavement marking and signing improvements; lighting improvements; landscaping; temporary ITS modifications; and any other work necessary to complete the PROJECT in accordance with the approved plans and specifications;

Contract I-13-4115

The removal and reconstruction of the westbound mainline I-90 pavement; reconstruction of the mainline shoulders; guardrail removal and replacement; replacement of bridges carrying I-90 over the UP Railroad and Sleepy Hollow Road; construction of retaining walls; repairs to the Randall Road bridge over I-90; construction of concrete median barrier; earth excavation and grading; removal of existing drainage system; proposed drainage improvements; erosion and sediment control; pavement marking and signing; lighting improvements; ITS modifications; and any other work necessary to complete the PROJECT in accordance with the approved plans and specifications;

Contract I-12-4076

The reconstruction and widening of the eastbound mainline I-90 pavement; pavement marking and signing; reconstruction of the Illinois Route 47 Ramp D exit terminal; reconstruction of the Illinois Route 47 Ramp B entrance terminal; construction of a drainage system; guardrail installation as warranted; and any other work necessary to complete the PROJECT in accordance with the approved plans and specifications;

Contract I-13-4124

The reconstruction and widening of the westbound mainline I-90 pavement; pavement marking and signing; reconstruction of the Illinois Route 47 Ramp F entrance terminal; reconstruction of the Illinois Route 47 Ramp A exit terminal; construction of a drainage system; guardrail installation as warranted; median barrier and median shoulder construction; ITS installation; roadway lighting installation; and any other work necessary to complete the PROJECT in accordance with the approved plans and specifications; and

WHEREAS, the TOLLWAY, because of the PROJECT, is adding impervious pavement area and must mitigate storm water runoff impacts and may be required by the laws of the State of Illinois with consideration of local ordinances to create enhanced or new storm water detention facilities, or purchase the storm water detention credits or values created by another entity which has created new storm water detention facilities, (hereinafter referred to as the "MITIGATION"); and

WHEREAS, the March 2012 TOLLWAY Drainage Design Manual, (hereinafter called the "MANUAL"), specifies that detention storage volume shall be provided for the added impervious area, and that detention facilities shall be designed with maximum allowable release rate criteria of 0.04 cfs/acre for the 2 year flood event and 0.10 cfs/acre (in consideration of local ordinances) for the 100 year flood event for the critical storm duration, detention storage volume must be provided for the PROJECT and subsequent MITIGATION; and

WHEREAS, the MANUAL specifies that regional detention storage is accepted as long as the 100 year release rate for the entire watershed does not exceed the stated MANUAL requirements, the TOLLWAY proposes to provide regional detention within the Tyler Creek Watershed; and

WHEREAS, the VILLAGE owns and manages a regional storm water storage facility located west of Riemer Way, and south of Sola Drive within the VILLAGE limits, known as in the original Riemer Industrial Park with a capacity of 48.62 acre feet that is located on non-buildable property protected from future development/use by a permanent open space easement maintained by the VILLAGE and is available for the TOLLWAY's use; and

WHEREAS, the TOLLWAY is in need of 13.71 acre feet of storm water detention volume for MITIGATION for the proposed added impervious area within the Tyler Creek Watershed, caused by the proposed construction of the above mentioned TOLLWAY Contracts; and

WHEREAS, the VILLAGE is offering its detention credit program to the TOLLWAY as a cost effective alternative to the TOLLWAY constructing and maintaining new storm water detention facilities; and

WHEREAS, the TOLLWAY accepts the VILLAGE's offer to purchase detention credits; and

WHEREAS, the TOLLWAY and the VILLAGE by this instrument, desire to determine and establish their respective responsibilities toward engineering, right of way acquisition, utility relocation, construction, funding and maintenance of the PROJECT as proposed; and

WHEREAS, the TOLLWAY by virtue of its powers as set forth in the "Toll Highway Act," 605 ILCS 10/1 *et seq.* is authorized to enter into this AGREEMENT; and

WHEREAS, the VILLAGE by virtue of its powers as set forth in the Illinois Municipal Code 65 ILCS 5/1-1-1 *et seq.* is authorized to enter into this AGREEMENT; and

WHEREAS, a cooperative Intergovernmental Agreement is appropriate and such an Agreement is authorized by Article VII, Section 10 of the Illinois Constitution and the "Intergovernmental Cooperation Act", 5 ILCS 220/1 *et seq.*

NOW, THEREFORE, in consideration of the aforementioned recitals and the mutual covenants contained herein, the PARTIES hereto agree as follows:

I. CERTIFICATION

- A. The VILLAGE, in "EXHIBIT A" has provided proof to the TOLLWAY that the storm water detention storage facility complies with all applicable Federal, State, and local regulations and requirements of the appropriate regulatory agencies.

II. PERMITS

- A. The TOLLWAY agrees to assume the overall PROJECT responsibility, including assuring that all permits (U.S. Army Corps of Engineers, Illinois Department of Natural Resources, Metropolitan Water Reclamation District of Greater Chicago, Environmental Protection Agency, etc.) and joint participation and/or force account agreements (County, Township, Municipal, Railroad, Utility, etc.), as may be required by the PROJECT, are secured by the PARTIES hereto in support of general project schedules and deadlines. All PARTIES hereto agree to cooperate, insofar as their individual jurisdictional authorities allow, with the timely acquisition and clearance of said permits and agreements and in complying with all applicable Federal, State, and local regulations and requirements pertaining to work proposed for the PROJECT and the DETENTION.

- B. The VILLAGE shall grant and consent to any and all permits, rights of access (ingress and egress), temporary use to the TOLLWAY, without charge to the TOLLWAY. Any permit for right of access, temporary use shall not be unreasonably withheld by the VILLAGE.

III. RIGHT OF WAY

- A. The acquisition or transfer of right of way is not required for the purchase and use of the MITIGATION. Therefore, it is understood by the PARTIES hereto that there will be no exchange of any interest in the VILLAGE's right of way or of the TOLLWAY's right of way.
- B. It is understood that neither the VILLAGE nor the TOLLWAY have consented in this AGREEMENT to the transfer of any interest in the VILLAGE's or the TOLLWAY's property or rights of way which the VILLAGE or the TOLLWAY deem necessary for the maintenance and operation of the MITIGATION.
- C. In the event the VILLAGE determines the need to repurpose the storm water management facility at any time in the future, the VILLAGE shall notify the TOLLWAY within 30 days of said determination with detailed explanation of where and how the agreed upon MITIGATION will be provided by the VILLAGE, at no additional cost to the TOLLWAY. If the VILLAGE determines, at that time, that it cannot provide a new location for the MITIGATION, the VILLAGE shall reimburse the TOLLWAY for all costs associated with the TOLLWAY construction of the required detention, not limited to engineering, right of way and construction.

IV. FINANCIAL

- A. It is mutually agreed by the PARTIES hereto that the added impervious areas in the Tyler Creek Watershed based on the most current plans for TOLLWAY Contract I-11-5633 is calculated as 13.71 acre-feet required for detention volume. The VILLAGE is requiring \$60,000 per acre-foot of detention credit for a total cost of $13.71 \times \$60,000 = \$822,600$.
- B. The TOLLWAY agrees that upon execution of this AGREEMENT and receipt of an invoice from the VILLAGE, the TOLLWAY will pay to the VILLAGE in a lump sum an amount equal to 100% of its obligation incurred under this AGREEMENT, up to a maximum of \$822,600, based upon the above.

V. MAINTENANCE

- A. It is understood and agreed by the PARTIES that the VILLAGE shall manage, monitor and maintain the storm water detention storage facility to insure adequate volume capacity purchased by the TOLLWAY is maintained in perpetuity and

records of such maintenance work shall be provided to the TOLLWAY on an annual basis.

- B. It is also understood that if for any reason, the VILLAGE cannot maintain the TOLLWAY's purchased portion of this storm water storage facility in perpetuity, the VILLAGE must notify the TOLLWAY immediately and replace in kind the volume capacity purchased by the TOLLWAY at another storm water detention facility. If the VILLAGE determines, at that time, that it cannot provide a new location for the MITIGATION, the VILLAGE shall reimburse the TOLLWAY for all costs associated with the TOLLWAY construction of the required detention, not limited to engineering, right of way and construction.

VI. GENERAL PROVISIONS

- A. It is understood and agreed that this is an AGREEMENT between the Village of Gilberts and the Illinois State Toll Highway Authority.
- B. It is understood and agreed by the PARTIES hereto, that the VILLAGE shall retain jurisdiction of the storm water storage facility located west of Riemer Way, south of Sola Drive within the VILLAGE limits, in the original Riemer Industrial Park. For the purpose of this AGREEMENT, jurisdiction shall mean the authority and obligation to administer, manage, control, construct, maintain, and operate.
- C. It is understood and agreed that this AGREEMENT constitutes the complete and exclusive statement of the agreement of the PARTIES relative to the subject matter hereof and supersedes all previous oral and written proposals, negotiations, representations or understandings concerning such subject matter.
- D. Wherever in this AGREEMENT approval or review by either the VILLAGE or the TOLLWAY is provided for, said approval or review shall not be unreasonably delayed or withheld.
- E. In the event of a dispute between the VILLAGE and the TOLLWAY in the carrying out of the terms of this AGREEMENT, the Chief Engineer of the TOLLWAY and the VILLAGE's Administrator shall meet and resolve the issue.
- F. This AGREEMENT may be executed in two (2) or more counterparts, each of which shall be deemed an original and all of which shall be deemed one and the same instrument.
- G. Under penalties of perjury, the VILLAGE certifies that its correct Federal Tax Identification number is 36-344049 and it is doing business as a governmental entity, whose mailing address is Village of Gilberts, 87 Galligan Road, Gilberts, Illinois 60136.

- H. This AGREEMENT may only be modified by written modification executed by duly authorized representatives of the PARTIES hereto.
- I. This AGREEMENT and the covenants contained herein shall become null and void in the event the contract covering the construction work contemplated herein is not awarded within three (3) years subsequent to the date of execution of this AGREEMENT.
- J. This AGREEMENT shall be binding upon and inure to the benefit of the PARTIES hereto and their respective successors and approved assigns.
- K. The failure by the TOLLWAY or the VILLAGE to seek redress for violation of or to insist upon the strict performance of any condition or covenant of this AGREEMENT shall not constitute a waiver of any such breach or subsequent breach of such covenants, terms, conditions, rights and remedies. No provision of this AGREEMENT shall be deemed waived by the TOLLWAY or the VILLAGE unless such provision is waived in writing.
- L. It is agreed that the laws of the State of Illinois shall apply to this AGREEMENT and that, in the event of litigation, venue shall lie in DuPage County, Illinois.
- M. All written reports, notices and other communications related to this AGREEMENT shall be in writing and shall be personally delivered, mailed via certified mail, overnight mail delivery, or electronic mail delivery to the following persons at the following addresses:

To the TOLLWAY: The Illinois Toll Highway Authority
2700 Ogden Avenue
Downers Grove, Illinois 60515
Attn: Chief Engineer

To the VILLAGE: The Village of Gilberts
87 Galligan Road
Gilberts, Illinois 60136.
Attn: Village Administrator

- N. The VILLAGE certifies that it is not barred from being awarded a contract under 30 ILCS 500/50-10. Section 50-10 prohibits a contractor from entering into a contract with a State agency if the contractor has been convicted of a felony and 5 years have not passed from the completion of the sentence for that felony. The contractor further acknowledges that the chief procurement officer may declare the related contract void if this certification is false.
- O. The VILLAGE agrees to maintain books and records related to the performance of this AGREEMENT and necessary to support amounts charged to the TOLLWAY and/or the VILLAGE under the AGREEMENT for a minimum of

three (3) years from the last action on the AGREEMENT. The VILLAGE further agree to cooperate fully with any audit and to make its books and records, and books and records within its custody or control available to the Illinois Attorney General, the Illinois Auditor General, the TOLLWAY Inspector General, the TOLLWAY Department of Internal Audit, the TOLLWAY or any other governmental agency or agent thereof that is authorized to audit or inspect such books and records.

P. The introductory recitals included at the beginning of this AGREEMENT are agreed to and incorporated into this AGREEMENT.

IN WITNESS THEREOF, the PARTIES have executed this AGREEMENT on the dates indicated.

THE VILLAGE OF GILBERTS

By: _____
Rick Zirk, Village President

Attest: _____
Debra Meadows,
Village Clerk

Date: _____

THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY

By: _____
Kristi Lafleur, Executive Director

Date: _____

By: _____
Michael Colsch, Chief of Finance

Date: _____

By: _____
David A. Goldberg, General Counsel

Date: _____

Approved as to Form and Constitutionality

Tiffany I. Bohn, Assistant Attorney General, State of Illinois



Exhibit "A"

July 12, 2013

Mr. Ray Keller, Village Administrator
Village of Gilberts
87 Galligan Road
Gilberts, Illinois 60136

Subject: Village of Gilberts – MasterPlan and Phase II Engineering, I-90 (Jane Adams) Master Plan Contract I-11-5633, PSB 11-2, Item 2

Dear Mr. Keller:

In accordance with your request, I wish to acknowledge our approval of the detention credits calculation requirements performed by the Illinois Tollway consultant Christopher B. Burke Engineering Ltd. (CBBEL) in their correspondence dated September 7, 2012. The detention volume accepted by CBBEL and recommended to the Tollway as available for purchase to satisfy stormwater detention requirements is in the amount of 13.71 acre feet in the DOSP upstream of "Crossing 8 Tyler Creek East Trib, MP 50.2" shown on the CBBEL exhibit for project 11-0429 dated 1/3/13.

The 13.71 acre feet of detention storage credits is identified in the Intergovernmental Agreement (IGA) Between the Illinois State Toll Highway Authority and The Village of Gilberts.

This letter also acknowledges the approval by the local, State and Federal Agencies of the creation of the detention storage in the DOSP in 1998. Reference the following:

1. IDNR permit NE1998040, dated June 2, 1998;
2. Letter to George Kanagin, Phoenix Environmental from Doug Linhardt, of Ennis Engineering LTD, dated October 18, 1999 (note that USACOE permits NCCCO-R 9068601, NCCCO-R 9068602 are referenced in this letter); and

There is an existing Joint Application for after the fact farm tile maintenance along the south edge of the DOSP and proposed culvert sediment removal maintenance



Ray Keller
Village of Gilberts

July 12, 2013
120666.80- page 2

north of the DOSP at Sola Drive. These activities were identified in June of this year and the field tile maintenance was acknowledged by CBBEL as not impacting the DOSP or its storage volume. Technically there is no requirement for permitting of the sediment removal in accordance with "Tulloch" as there is only removal and no deposition or return waters involved. The sediment removal was included in the Joint Application strictly as a notification to the USACOE.

This letter and attachments are submitted for your use to satisfy the IGA article I. Certification as "Exhibit A".

Very truly yours,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS

A handwritten signature in black ink that reads "William C. Blecke". The signature is written in a cursive, flowing style.

William C. Blecke, P.E., CFM
WCB:py

Enc.

C: Mr. George Kanagin, Phoenix & Assoc.



ILLINOIS
DEPARTMENT OF
NATURAL RESOURCES
Office of Water Resources

201 West Center Court, Schaumburg 60196-1096

Jim Edgar, Governor • Brent Manning, Director

June 2, 1998

Subject: Permit No. NE1998040
Channel Relocation and Culvert Crossing
Unnamed Tributary to Tyler Creek
Kane County
Application No. 980136

Ronald O. Roeser, Trustee
u/va July 19, 1991 (No. 1991)
920 Davis Road
Elgin, IL 60123

Dear Mr. Roeser:

We are enclosing Permit No. NE1998040 authorizing the subject project.

Please note that this permit does not authorize filling in of the existing channel.

If any changes in the location or plans of the work are proposed, revised plans should be submitted promptly to my office for review and approval before construction begins.

When the work is completed, please contact my office at (847) 705-4341, so we may schedule a final inspection.

Sincerely,

Gary W. Jereb, P.E., Chief
Northeastern Illinois Regulatory Programs Section

GJ/LMW:sm
enclosure

cc: Chicago District Corps of Engineers (Chic. COE)
Village of Gilberts Building & Zoning
Conrad Riemer
Steve Lesak, JKL Engineering
George Kanagin, Phoenix Environmental Services Group
Jerry LaGod, Hyper Max Engineering



PERMIT NO. NE1998040

DATE: June 2, 1998

State of Illinois
Department of Natural Resources, Office of Water Resources

Permission is hereby granted to:

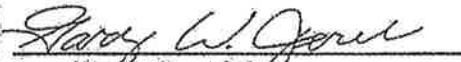
Ronald O. Roeser, Trustee
u/t/a July 19, 1991 (No. 1991)
920 David Road
Elgin, IL 60123

to construct a new relocated channel and a culvert crossing of Sola Drive for an unnamed tributary to Tyler Creek in the Southwest Quarter of Section 24, Township 42 North, Range 7 East of the Third Principal Meridian in Kane County,

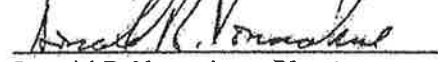
in accordance with an application dated August 1, 1997, and the plans and specifications entitled:

CROSS SECTION LOCATIONS AND 100-YEAR WATER SURFACE DELINEATION, EXHIBIT 4, UNDATED, RECEIVED FEBRUARY 23, 1998, RIEMER CENTRE DITCH IMPROVEMENTS, GILBERTS, ILLINOIS, SHEETS 1 THROUGH 3 OF 4, DATED JUNE 16, 1997, LATEST REVISION FEBRUARY 19, 1998, RECEIVED FEBRUARY 23, 1998, SHEET 4 OF 4, DATED SEPTEMBER 18, 1997, LATEST REVISION FEBRUARY 19, 1998, RECEIVED FEBRUARY 23, 1998, SOLA DRIVE CULVERT CROSS SECTION, 1 SHEET, UNDATED, RECEIVED NOVEMBER 18, 1997, SOLA DRIVE PROFILE AT PROPOSED CHANNEL LOCATION, 1 SHEET, UNDATED, RECEIVED SEPTEMBER 23, 1997


Examined and Recommended:


Gary W. Jereb, Chief
Northeastern Illinois Regulatory
Programs Section

Approval Recommended:


Donald R. Vonnahme, Director
Office of Water Resources

Approved:



Brent Manning, Director (REV)
Department of Natural Resources

This PERMIT is subject to the terms and special conditions contained herein.

THIS PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) This permit is granted in accordance with the Rivers, Lakes and Streams Act "615 ILCS 5."
- 2) This permit does not convey title to the permittee or recognize title of the permittee to any submerged or other lands, and furthermore, does not convey, lease or provide any right or rights of occupancy or use of the public or private property on which the activity or any part thereof will be located, or otherwise grant to the permittee any right or interest in or to the property, whether the property is owned or possessed by the State of Illinois or by any private or public party or parties.
- 3) This permit does not release the permittee from liability for damage to persons or property resulting from the work covered by this permit, and does not authorize any injury to private property or invasion of private rights.
- 4) This permit does not relieve the permittee of the responsibility to obtain other federal, state or local authorizations required for the construction of the permitted activity; and if the permittee is required by law to obtain approvals from any federal or other state agency to do the work, this permit is not effective until the federal and state approvals are obtained.
- 5) The permittee shall, at the permittee's own expense, remove all temporary piling, cofferdams, false work, and material incidental to the construction of the project. If the permittee fails to remove such structures or materials, the Department may have removal made at the expense of the permittee.
- 6) In public waters, if future need for public navigation or other public interest by the state or federal government necessitates changes in any part of the structure or structures, such changes shall be made by and at the expense of the permittee or the permittee's successors as required by the Department or other properly constituted agency, within sixty (60) days from receipt of written notice of the necessity from the Department or other agency, unless a longer period of time is specifically authorized.
- 7) The execution and details of the work authorized shall be subject to the review and approval of the Department. Department personnel shall have the right of access to accomplish this purpose.
- 8) Starting work on the activity authorized will be considered full acceptance by the permittee of the terms and conditions of the permit.
- 9) The Department in issuing this permit has relied upon the statements and representations made by the permittee; if any substantive statement or representation made by the permittee is found to be false, this permit will be revoked; and when revoked, all rights of the permittee under the permit are voided.
- 10) In public waters, the permittee and the permittee's successors shall make no claim whatsoever to any interest in any accretions caused by the activity.
- 11) In issuing this permit, the Department does not ensure the adequacy of the design or structural strength of the structure or improvement.
- 12) Noncompliance with the conditions of this permit will be considered grounds for revocation.
- 13) If the construction activity permitted is not completed on or before December 31, 2001, this permit shall cease and be null and void. When all work is constructed, the permittee shall notify the Department so that a final inspection can be completed.

Prepared For
Phoenix Environmental Service Group
94 Railroad Street
P.O. Box 215
Gibberts, IL 60136

Prepared By
 Ennis Engineering Ltd
13 South Second Street
Geneva, IL 60134

October 18, 1999

Mr. George Kanagin
Phoenix Environmental Group
94 Railroad Street, P.O. Box 215
Gibberts, IL 60136

Re: Floodplain and Detention Credits, Stormwater Management Enhancements for Tributary to Tyler Creek

Mr. Kanagin:

Ennis Engineering LTD has taken into consideration the additional parcels along the Tributary to Tyler Creek in Gibberts, IL, that have been excavated identified as US Army Corps of Engineers as NRC Permit Numbers NCCCO-R 9068601, NCCCO-R 906802 and IDNR OWR-permit Number NE1998040 Rechannelization Storm Water Management Enhancements.

According to an early survey as provided by Alan J. Coulson (approximate date of May, 1989), almost all of the various parcels were noted to have an approximate elevation above 882.3 to 887.3.

A more recent contour survey map by Frank A. Koryczanek (01/28/98 revised 05/08/1998 as part and parcel of the Riemer final plat submittal) identifies excavation to 881.8 just below the 882.0 where water level was noted.

Based on the JKL Engineering Floodplain study, Ennis Engineering LTD prepared the following calculations of the volume of earth removed from the floodplain as related to the following parcels.

Little, Oliver Helicopter, McNew

$(0.83 + 0.36 + 1.84) \text{ Acres} * (887.3 - 881.8) \text{ ft.} = 16.67 \text{ Acre-feet}$

Jerry LaGod Hypermax

$(0.27) \text{ Acres} * (890.8 - 889.5) \text{ ft.} = 0.35 \text{ Acre-feet}$

Miranda Shocks Towing

$(0.54) \text{ Acres} * (887.3 - 881.8) \text{ ft.} = 2.97 \text{ Acre-feet}$

Waircus Gibberts DOSP

$(6.8) \text{ Acres} * (883.5 - 881.8) \text{ ft.} = 11.56 \text{ Acre-feet}$

Floodplain credits reclaimed within the above parcels - 31.55 Acre-feet.

April 9, 1996 Reclaimed Floodplain Credits for Tributary to Tyler Creek (see attached) - 32.7 Acre-feet.

Based on the JKL Engineering floodplain study the *total* floodplain credits reclaimed is 64.25 Acre-feet.

IDNR OWR Permit # NE 998040 Rechannelization Stormwater Management Enhancement

It is also noted that a 10" concrete pipe at an 880.7 invert, ground elevation 882.0 was located approximately 200 feet directly north of the Tyrrell Castle Crossing (top of Planks 884.6) and approximately 450 feet running directly west of the South East Corner of the 17.13 acre Waitcus Gilberts DOSP parcel.

A berm approximately 1000 linear feet at a 1.5' height (elevation 883.5) was placed along the South, East to west run of the Waitcus Gilberts DOSP 17.3 acre parcel for additional detention.

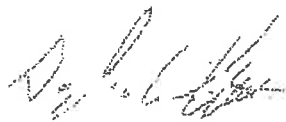
The open space area west of the Riemer Industrial is an approximate 35.8 Acres. An approximate 38.6 Acres are at an 881.8 elevation.

$38.6 \text{ Acres} * (883.5 - 881.8) \text{ ft.} = 48.62 \text{ Acre-feet Detention created.}$

For a total of 48.62 Acre-feet detention created.

If you have any questions regarding this information, please call me at the number above.

Sincerely,



Douglas A. Lindhardt, P.E.

cc: Michael Isiorec - Village of Gilberts
Michael Machalek - US Army Corps of Engineers

VILLAGE OF GILBERTS

KANE COUNTY

STATE OF ILLINOIS

ORDINANCE NUMBER 19-2013

An Ordinance amending certain sections of the Village Code for Licensing of Solicitors, Peddlers, Transit Merchants and Itinerant Vendors

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF GILBERTS
KANE COUNTY
STATE OF ILLINOIS**

_____, 2013

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois this ____ day of _____, 2013.

Ordinance No. __-2013

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE VILLAGE CODE FOR THE LICENSING OF SOLICITORS, PEDDLERS, TRANSIT MERCHANTS AND ITNERANT VENDORS AND TITLE 2-4 "FEE SCHEDULE"

WHEREAS, from time to time the Village Board of Trustees of the Village of Gilberts reviews its Ordinances to determine if they are up to date to meet the changing conditions in the Village; and

WHEREAS, the Village Board of Trustees of the Village have determined that it is in the best interest of the welfare and safety of its citizens to amend the Village Code Title 3 "Business and License Regulations", Chapter 5 "Solicitors, Peddlers, Transient Merchants and Itinerant Vendors", as set forth in this Ordinance; and

WHEREAS, the President and Board of Trustees have determined that this Ordinance would serve and be in the best interest of the Village of Gilberts; and

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, ILLINOIS, as follows:

Section 1. Recitals. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as though set forth in this Section 1.

Section 2. Amendment. Section 3-5-3 of Title 3 "Business and License Regulations" is hereby amended to read as follows (additions are identified as underlined and deletions are identified by strikethrough):

3-5-3: APPLICATION FOR CERTIFICATE; FEE:

- A. Form And Contents: Application for a certificate of registration shall be made upon a form provided by and filed with the police department. The applicant shall state, under oath, such information requested on the application form as is required by the provisions of this chapter, including emergency contact information during the permitted hours of solicitation of the company or organization on whose behalf the company's representative is soliciting, and such other relevant information as determined by the police department. Failure to comply with this paragraph, including the provision of the emergency contact information, will result in a denial of the permit and/or revocation of the solicitor's application.
- B. Fee; Waivers: The fee, to be paid at the time of filing the application, shall be as provided in section 2-4-26 of this code. The village president may waive such fee in his or her discretion, but all fee waivers shall be reported to the village board.

- C. Photograph State-Issued Photo Identification: The police department shall require every applicant to submit to ~~identification photographing conducted by the police department, and such identification photograph~~ his or her valid driver's license or a state-issued photo identification card with the application form, a copy of which shall be affixed to the certificate of registration.
- D. Request For Additional Applications: At the conclusion of previous application(s), an additional application can be requested, submitted and paid for. Applications will only be approved for one a single 7-1-day period at a time.
- E. Additional Solicitors Individual Solicitors: ~~The application fee covers all solicitors of any one company. No add-on fees for additional solicitors from any one company will be assessed. Each of the additional solicitors of any one company must be identified on the application form with a copy of his or her~~ driver's license or other picture identification attached. Each solicitor will be given a copy of the village solicitor's ordinance and an approved solicitor's form. Solicitors must have these forms in their possession while they are actively engaged within the village limits.
- F. Record Of Applications: The ~~police department~~ village clerk shall cause to be kept in its office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto, and of all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.
- G. Background Check. Each individual solicitor will be subject to a background check as part of the application process.

Section 3. Amendment. Section 3-5-5 of Title 3 "Business and License Regulations" is hereby amended to read as follows (additions are identified as underlined and deletions are identified by strikethrough):

3-5-5: ISSUANCE OR DENIAL OF CERTIFICATE; CONTENTS:

The village president or his or her designee, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as herein required. Endorsement shall be made by the village president or his or her designee upon the application of the denial of the application. When the applicant is found to be fully qualified, the certificate of registration shall be issued by the village president or his or her designees. All applications shall be acted upon by the village president or his or her designee within seven (7) days after receipt of a completed application and a successfully completed background check. Each certificate of registration shall state the expiration date thereof.

Section 4. Amendment. Section 2-4-26 of Title 2 “Finance and Taxation” is hereby amended to read as follows (additions are identified as underlined and deletions are identified by strikethrough):

2-4-26: PEDDLER, SOLICITOR, TRANSIENT MERCHANT AND ITINERANT VENDOR CERTIFICATE OF REGISTRATION:

A forty ~~twenty-five~~ dollar (\$40.00 ~~25.00~~) fee for each individual solicitor for one day week shall be paid at the time of filing the application. The fee of ~~twenty-five~~ dollars (\$40.00 ~~25.00~~) is only good for a one week day period. The term “week”, as used in this section, refers to a calendar week. The week for the application begins with the date that the application is filled out and the fee is paid and ends seven (7) days from the date the fee was paid. The one day certificate is good only for the day indicated on the permit and approved on the application. Each individual solicitor must also pay a background check fee in the amount imposed by the Illinois State Police’s Bureau of Identification at the time of filing the application, provided that if multiple applications are simultaneously filed by an individual solicitor for consecutive days of solicitation activities, only one background check fee will be imposed.

Section 5. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 6. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

Section 7. Effective Date. This Ordinance shall be in full force and effect from and after its approval in the manner provided by law.

PASSED BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this ____ day of _____, 2013.

| | <u>Ayes</u> | <u>Nays</u> | <u>Absent</u> | <u>Abstain</u> |
|---------------------------|-------------|-------------|---------------|----------------|
| Trustee David LeClercq | _____ | _____ | _____ | _____ |
| Trustee Dan Corbett | _____ | _____ | _____ | _____ |
| Trustee Louis Hacker | _____ | _____ | _____ | _____ |
| Trustee Nancy Farrell | _____ | _____ | _____ | _____ |
| Trustee Patricia Mierisch | _____ | _____ | _____ | _____ |
| Trustee Guy Zambetti | _____ | _____ | _____ | _____ |
| President Rick Zirk | _____ | _____ | _____ | _____ |

APPROVED this _____ day of _____, 2013

(SEAL)

Village President Rick Zirk

ATTEST:

Village Clerk, Debra Meadows

Published: _____

Solicitors/Itinerant Vendors Licensing
 July 12, 2013

| Municipality | Per Person Cost | Time Limit with Per Person | Background Check Cost |
|-------------------|--|----------------------------|-----------------------|
| Algonquin | \$25 | Per day | |
| Lake in the Hills | \$50 | 60 days | |
| Stockton Il. | \$50 | 5 days | |
| West Dundee | \$50 per day/\$200 per week/\$500 annually | | |
| Carpentersville | \$40 | Month | |
| Pingree Grove | \$50 | 30 days | |
| Huntley | No Charge | | |
| Machesney Park | \$75 | 45 days | \$75 |

Sycamore:

- At the same time of filing the application, a fee equal to the cost of the investigation or the current fee charged by the investigation service provider
- The names of at least two (2) reliable residents of the city who will certify as to the applicant's good character and business responsibility, evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.