

# Village of Gilberts

Village Hall  
87 Galligan Road, Gilberts, IL 60136  
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www.villageofgilberts.com

## Village Administrator Memorandum 20-12

**TO:** President Rick Zirk  
Board of Trustees

**FROM:** Ray Keller, Village Administrator

**DATE:** March 16, 2012

**RE:** Village Board Meeting – March 20, 2012

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The following summary discusses the agenda items for the Village Board meeting scheduled for March 20, 2012:

- 1. CALL TO ORDER**
- 2. ROLL CALL / ESTABLISH QUORUM**
- 3. PUBLIC COMMENT**
- 4. CONSENT AGENDA**

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

**A. Motion to approve Minutes from the March 6, 2012 Village Board Meeting**

Staff recommend approval of the minutes from the Village Board meeting on March 6, which were reviewed and added to the consent agenda at the March 13 Committee of the Whole meeting. Please contact Village Clerk Debra Meadows if you need another copy of the minutes.

**B. Motion to approve Minutes from the March 13, 2012 Committee of the Whole meeting**

Staff recommend approval of the minutes from the March 13 Committee of the Whole meeting, which are provided for the Board's review. Please contact Staff prior to the meeting if there are any changes or corrections.

**C. Motion to approve February 2012 Treasurer's Report**

Staff recommend approval of the February 2012 Treasurer's Report, which was reviewed at the March 13 Committee of the Whole meeting. Please contact me or Finance Director Marlene Blocker prior to the meeting if you have any detailed questions or need another copy of the report or supplemental materials.

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

**D. Motion to approve Bills and Salaries dated March 20, 2012**

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 Ordinance 03-2012, an Ordinance amending the Village Code Title 3 “Business and License Regulations” Chapter 3 “Liquor Control” section 3-2-17 “BASSET Training Requirements**

Approval of this amendment to the Liquor Code would allow license holders to complete BASSET training course by a trainer or educational institution certified by the State of Illinois. Presently, the Liquor Code requires that license holders to be trained by the Village of Gilberts, which limits the license holders’ options for securing compliance with the requirement. Based on the direction provided at the March 13 Committee of the Whole meeting, the ordinance has been further amended to relax the requirement that all servers be BASSET trained. The amended ordinance would require at least one BASSET-trained server or manager to be present on the premises during the establishment’s hours of operation, instead of requiring all servers to be BASSET trained.

The amendment references the appropriate state statute and administrative code section, which accommodates changes and updates approved by the State from time to time. Staff recommend approval.

**F. Motion to approve Resolution 05-2012, a Resolution to approve the Executive Session Minutes**

Staff recommend approval of the Executive Session Minutes, which were reviewed at the March 6 Board meeting. Please contact Village Clerk Debra Meadows with any questions or corrections.

**5. ITEMS FOR APPROVAL**

**A. Motion to approve Ordinance 04-2012, an Ordinance amending the Village Code Title 8 “Water and Wastewater” Chapter 5 “Public Waterworks System” Section 12 “User Charges”**

Approval of this ordinance would amend the Village Code to institute penalties on property owners who do not provide the Village access to read, repair or repair water meters. The ordinance would establish the Village’s right to submit estimated readings and bill accordingly, which could include rather substantial estimated usage fees in the absence of accurate meter readings. The ordinance also institutes a \$25.00 administrative fee for estimating a bill for a residence to which the Village has been denied access for the requested meter reading, repair or replacement. The fee could be imposed on each successive bill until the owner provides the Village access to complete the repair or replacement and take a true meter reading. After securing compliance, Staff anticipate adjusting the estimated water bills to reflect the accurate meter reading, less any administrative fee(s) imposed while attempting to get access to the property. Staff recommend approval.

**B. Motion to approve Ordinance 05-2012, an Ordinance amending the Village Code Title 7 “Public Ways & Property” Chapter 1 “ Miscellaneous Right of Way Provisions” adding Section 7-1-2 “Responsibility of Public Right of Ways”**

Approval of this ordinance clarifies property owners’ responsibilities for the maintenance of adjacent parkways, which is the area between the front property line and the curb or street shoulder. This area is within the adjacent rights of way owned by the Village, Kane County or Illinois Department of Transportation, but is maintained by the adjacent property owner.

Presently, the Village enforces maintenance of the parkways by relying on references to the subdivision and property maintenance codes and subdivision/planned development approval ordinances. The amendment would explicitly identify the adjacent property owners’ responsibilities for adjacent rights of way, rather than rely on provisions found across separate codes. This section does not preclude the Village’s ability to address concerns, such as shaving a sidewalk segment to reduce a tripping hazard or trimming trees in the parkway. The Village would also be able to enforce the maintenance of the parkway features as it could for weed, garbage and similar violations on private property.

As discussed at the March 13 Committee of the Whole meeting, Staff will continue to address parkway-related issues on a complaint basis; Staff do not anticipate aggressively pursuing parkway violations, unless directed otherwise by the Board. However, Staff will be vigilant for any changes or damages to the drainage swales and culverts, particularly in areas in which the Village recently invested RZB or road program funds. Staff request the Board’s direction on any desired change in enforcement intensity or methodology.

**6. ITEMS FOR DISCUSSION**

**A. Fiber Optics Proposal**

Representatives from i3 America Inc. have asked to give a presentation on their proposal to extend fiber optic cable throughout Gilberts. I3 proposes to extend fiber optics to every property in Gilberts at no cost to the Village, extending an armored cable through the sewer system as their primary route. I3 would retain ownership of the fiber in perpetuity, establishing an “open network” with content providers (AT&T, Time Warner, Comcast, Google, etc.) from whom residents and businesses could secure internet access and content. As part of this arrangement, the Village would be offered fiber network connectivity at a reduced cost, though i3 has indicated that this is negotiable. These terms provide the foundation for an agreement that would need to be developed to address many issues related to construction timeline, permits, right of way access and Village use of the network.

I3 has requested approval of a memorandum of understanding that gives them exclusive rights through December 30, 2012 to finalize an agreement with the Village to install a fiber optic system. Based on a previous experience, i3 is for this protection while they would perform their due diligence and preliminary design, without the risk of the Village using their information to bid out and/or undercut their proposal. Staff and the Village Attorneys are reviewing the draft MOU, which is enclosed for the Board’s consideration.

Staff and the Village Attorneys have questions about the potential impacts on the Village's telecommunications and/or cable franchise fee revenues; we are researching how these franchise fees may apply to or may be emulated for a fiber optics infrastructure and content. Staff are also trying to coordinate this effort with School District 300's fiber optics projects, exploring opportunities for coordination while also considering whether one or both approaches would benefit the Village.

At this time, i3 and Staff are requesting the Board's guidance on whether there is sufficient interest in this approach before investing more time and due diligence costs. If the Board is not interested in pursuing this approach further, Staff would appreciate receiving that feedback at the meeting. If the Board is sufficiently interested, Staff will continue to work with the attorneys and i3 to prepare a MOU and start the preliminary design efforts.

#### **B. Youth Sports Programs**

Representatives from the Prairie Valley YMCA, the Gilberts Grizzlies, Tri-Cities baseball and Elgin Classic baseball will be present to give brief overviews of their programs and field needs for 2012. Staff have begun assembling a preliminary calendar for the use of the fields, but Staff anticipate that conflicts will eventually arise. The Board had previously stated a preference for programs that have high participation percentages of Gilberts residents, do not duplicate current programs, and have a positive track record in the community. Staff would appreciate receiving guidance on any other criteria on which to prioritize field usage.

Staff also request the Board's guidance on establishing a threshold for requiring a "field usage" agreement, like the Village has had for the Grizzlies and the YMCA in past years. These agreements have included expectations that the fields being used are maintained, weeded, etc., as well as provide the Village additional insurance coverage and contact information should problems arise. Staff request the Board's direction on whether all organized programs enter into field usage agreements; whether a certain number of field requests, games, etc. should be the qualifying criterion, and how to assign equitable expectations and responsibilities for field care and community participation for programs that are active for limited periods of time. With the Board's direction, Staff will schedule field usage and prepare field usage agreements as needed.

#### **C. FY 2013 Budget**

This agenda item continues the budget discussions started at the March 13 Committee of the Whole meeting. Staff do not yet have specific recommendations and continue to refine the budget numbers. Please let me know if there are specific budget areas that you wish to discuss at the meeting.

### **7. STAFF REPORTS**

Staff will provide any new updates at the meeting. Please contact me prior to the meeting if there are any specific topics to be discussed at the meeting.

### **8. BOARD OF TRUSTEES REPORTS**

### **9. PRESIDENT'S REPORT**

**10. EXECUTIVE SESSION**

Please contact me if you any questions about executive session topics.

**11. ADJOURNMENT**

**Village Board of Trustees**  
**Meeting Agenda**  
**Village of Gilberts**  
**87 GALLIGAN ROAD,**  
**GILBERTS, ILLINOIS 60136**  
**March 20, 2012**  
**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. PUBLIC COMMENT**

**4. CONSENT AGENDA**

- A. A Motion to approve Minutes from the March 6, 2012 Village Board meeting
- B. A Motion to approve Minutes from the March 13, 2012 Meeting of the Committee of the Whole
- C. A Motion to approve the February 2012 Treasurer's Report
- D. A Motion to approve Bills and Salaries dated March 20, 2012
- E. A Motion to approve Ordinance 03-2012, an Ordinance amending the Village Code Title 3 "Business and License Regulations" Chapter 3 "Liquor Control" section 3-2-17 "BASSET Training Requirements
- F. A Motion to approve Resolution 07-2012, a Resolution to approve the Executive Session Minutes

**5. ITEMS FOR APPROVAL**

- A. A Motion to approve Ordinance 04-2012, an Ordinance amending the Village Code Title 8 "Water and Wastewater" Chapter 5 "Public Waterworks System" Section 12 "User Charges"
- B. A Motion to approve Ordinance 05-2012, an Ordinance amending the Village Code Title 7 "Public Ways & Property" Chapter 1 "Miscellaneous Right of Way Provisions" adding Section 7-1-2 "Responsibility of Public Right of Ways"

**6. ITEMS FOR DISCUSSION**

- A. Fiber Optics Proposal
- B. Youth Sport Programs
- C. FY 2013 Budget

**7. STAFF REPORTS**

**8. BOARD OF TRUSTEES REPORTS**

**9. PRESIDENT'S REPORT**

**10. 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 102/2 ( 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.

**11. ADJOURNMENT**

## AUDIENCE PARTICIPATION

Anyone indicating a desire to speak during Public Comments will be acknowledged by the Village President. Please state your name, address and topic when called upon to speak. All remarks are to be addressed to the Village President and Board of Trustees as a whole, not to any specific person(s). Interrogation of the Village Staff, Village President, Village Board or any of their comments will not be allowed at this time. Personal invectives against Village Staff or Elected Officials are not permitted.

To ensure that everyone who wishes to speak has the opportunity to do so, please limit your comments to five minutes. Additional time may be granted at the discretion of the Village President.

If you have written comments, please provide a copy to the Village President. If there are a number of individuals present to speak on the same topic, please designate a spokesperson that can summarize the issue.

During Public Comments, the Village President, Trustees and Staff will listen to comments and will not engage in discussion. The Village President or Trustees may ask questions to better understand your concern, suggestion or request. Please direct any personnel concerns to the Village Administrator before or after the meeting.

"The Village of Gilberts complies with the Americans with Disabilities Act (ADA). For accessibility assistance, please contact the Village Clerk at the Village Hall, telephone number 874/428-2861." *Assistive services will be provided upon request.*

**4A**



Village of Gilberts  
Committee of the Whole  
Meeting Minutes  
87 Galligan Road  
Gilberts, Illinois 60136  
March 6, 2012

NOT APPROVED MINUTES

**Roll Call/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, Clark, Mierisch, Farrell, Hacker and President Zirk. Others present: Administrator Keller, Attorney Tappendorf, Engineer Blecke, Finance Director Blocker, Assistant to the Village Administrator Beith and Village Clerk Meadows. For members of the audience please see the attached list.

Trustee Zambetti arrived at 7:01 p.m.

**Public Comment**

There was no comment from the audience.

**Consent Agenda**

- A. A motion to approve Minutes from the February 21, 2012 Meeting of the Village Board
- B. A Motion to approve Bills and Salaries dated March 6, 2012 as follows: General Fund \$38,349.15, Developer Donations \$3,000, TIF \$9,090.66, Permit Pass Thrus \$300.00, Performance bonds and Escrows \$1,299.21, Water Fund \$32,554.86, Payroll \$54,213.25

A motion was made by Trustee Clark and seconded by Trustee Farrell to approve the Consent Agenda as presented. Roll call: Vote: 6-ayes: Trustees Corbett, Clark, Mierisch, Zambetti, Farrell, and Hacker. 0-nays, 0-abstained. Motion carried.

**Items for Discussion**

**Stormwater Improvements Options**

**"Old Town" Drainage Improvements Proposal**

Administrator Keller recalled the last meeting in which he informed the Board Members that Kane County has an additional \$465,000 in the Recovery Zone Bond funds that are being made available to the Village for infrastructure projects. At that time the Board Members had requested staff provide them with alternative stormwater projects

Mr. Kannigan (Phoenix & Associates) reported that his staff had reviewed the original RHA plans and identified that certain historic storm sewer improvements shown on the RHA plans were not installed, were vacated, and/or did not exist as depicted on the plans.

Mr. Kannigan proposed a modified critical plan which has been approved by Kane County. Mr. Kannigan reported that the proposed plan would provide for the installation of critical storm sewer and grading restoration within the Old Town subdivision in a manner that will allow for utilization when future roadway and storm sewer improvement can be funded and constructed. The estimated cost of the project is \$416,714.00.

#### **Dunhill Improvements**

Engineer Blecke reported that the recent improvements to the Gilberts Glen's conveyance system has lowered the modification of the Dunhill system because of the runoff storage; that has been recovered in the North Gilberts Glen pond which is the Dunhill tributary. As a result staff does not feel it is a priority to prepare a project scope of potential improvements to the Dunhill system at this time for consideration of use of the Recovery Zone Bond funds.

Engineer Blecke discussed the possible restoration improvements up and down stream of Hennessey Bridge; there is an estimated 450 linear feet of embankment that requires stabilization. He reported that the cost of such work is approximately \$175 per linear foot. Therefore the estimated cost of the project is \$79,000.00. In addition to engineering design and field supervision cost the total cost of the project is estimated to be \$90,000.

#### **Stormwater Maintenance Program**

Engineer Blecke discussed the scope of work for the proposed Stormwater Maintenance Program. He reported that Phoenix & Associates' staff would implement the program with assistance from Baxter & Woodman and in consultation with the Village staff. The program is projected to cost \$60,000 annually.

Engineer Blecke commented on how lucky the Village is to have Phoenix & Associates working for them. They take a pro-active approach which aids in avoiding future flooding issues.

Administrator Keller reported that staff worked with Kane County Staff and their bond consultants to evaluate debt service associated with the additional RZB funding.

If the Village were to use the additional \$465,000 in RZB Funds, the Village could repay it over a new ten year period starting Fiscal Year 2014. The debt schedule shows the annual debt service increasing by roughly \$53,000 in FY 2014 through 2023. The proposed debt service schedule defers the impact of the additional RZB funds to FY 2014, at which time the Village would have to adjust its budget to cover the payments. Staff is concerned about the risk of committing now and having to find the necessary revenues in the future.

Trustee Corbett inquired about the existing agreement between the Village and Phoenix & Associates. Administrator Keller explained the details of the agreement. He stated that the Village has a license agreement with Phoenix & Associates. The license agreement provides Phoenix & Associates the authorization to improve, maintain and increase the capacity of a Village owned stormwater drainage basin. In return Phoenix & Associates were granted the right to sell "detention credits" related to the additional capacity created by Phoenix & Associates. The Village receives additional stormwater and detention maintenance services.

A lengthy discussion ensued with respect to going out to bid on engineering design build projects.

The Board Members ask if staff had received any recent flooding concerns from residents. Administrator Keller responded not to his knowledge.

The Board Members agreed at this time the annual debt service amount would place a strain on the budget and they were uncomfortable moving forward. President Zirk did not want to see the Village rush into placing a financial burden on the budget when in the future other financing options may be available.

Trustee Farrell thanked Phoenix & Associates for all their hard work gathering and presenting the proposed scope of work.

Trustee Clark thanked Phoenix & Associates for all their hard work maintaining and improving the stormwater system. In his opinion their presence in the community is very valuable.

#### **Water/Sewer Rates Updates**

Administrator Keller commented on the rising cost associated with operating and maintaining the water and wastewater systems. He reported that one of the largest cost increases is due to the EPA's mandate of the removal of barium and radium from the wastewater system.

Administrator Keller discussed the draft rate table which identified total known and anticipated costs, including an "annual depreciation" number to save for future capital replacements. However, the Board did not react favorably to the resulting rates, so Staff prepared an alternative approach base on setting the rates and then budgeting accordingly. The operating costs are based on a draft FY 2013 enterprise fund budget that Staff is currently working on, adjusted by an annual inflation rate of 4% in FYS 2014-2018. The schedule also shows the impact of the barium and radium removal system starting in FY 2014.

Administrator Keller reported that there has been a decrease in water usage. He believes this is due to users conserving and less new development.

There was some discussion with respect to the 4% annual inflation rate and the effect it would have on an average user. Administrator Keller reported that an average household uses 12 units of water per billing cycle. The 4% increase would equate on average to \$72.00 per year.

Trustee Zambetti realized that rate increases are never popular. However, this rate increase is needed to cover the actual cost incurred in running the water and wastewater systems. He recommends implementing an education program to inform the residents on why the rate increase is necessary.

Trustee Farrell questioned when staff was recommending the rate increase be effective. Administrator Keller replied that ideally it would be May. However, staff would not have enough time to implement the educational program. Administrator Keller recommended the Board approve the increase adjusting the rates in November.

Trustee Farrell inquired when the waste hauling service rate is scheduled to increase. Administrator Keller replied May.

Trustee Hacker commented on the fact that the rate increase will be more palatable to the residents if they are informed that the increase is due to an EPA mandate.

President Zirk remarked that the Village is responsible for providing safe and reliable water and wastewater systems.

Trustee Mierisch stated that she is not in favor of a rate increase.

Trustee Clark realized that rate increases are inevitable. He believes that the residents will need to be educated on the reasons for the increase.

Trustee Clark questioned whether the water and wastewater systems are operating more efficiently since the Village takeover. Administrator Keller replied staff is still in the process of catching up on maintenance issues.

A lengthy discussion ensued with respect to the amount of capital funds that needs to be held in reserve any given year.

#### **Staff Reports**

Administrator Keller reported that he had been in contact with a company that offers residential meter replacement. The fee is \$85.00 per meter. Administrator Keller has asked a company representative to attend the next Board Meeting and provide the Board Members with an overview of their services.

Administrator Keller reported that staff had been in contact with the resident that had reported a strong chlorine odor and had tested the water. The test confirmed that the chlorine levels were within the recommended range.

Engineer Blecke reported that he had sent Ryland a letter informing them that Gilberts Lake is still not functioning properly. He provided them with a solution. Ryland has been given to the end of the month to resolve this issue.

#### **Board of Trustees Reports**

Trustee Zambetti recommended placing an advisory referendum on the November ballot. The intent of the referendum would be to poll the residents to see if they were interested in funding a park district or a parks department.

Trustee Mierisch recommend also including a question on the referendum asking voters if they are willing to pay for a park district or a parks department.

Attorney Tappendorf commented on the fact that a Park District is a separate taxing body while a parks department's revenues and expenditures would be funded by the general tax levy.

There was some discussion on the programs currently offered by the YMCA.

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March 6, 2012  
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A lengthy discussion ensued on the pros and cons of a park district, parks department or having a private organization facilitate sport programs using the Village facilities.

Board Members directed staff to draft example referendum questions along with educational materials supporting the questions.

Trustee Hacker expressed his concerns with sole source contracts. He believes the Village needs to have checks and balances. Administrator Keller replied that the Village must comply with the Professional Service Selection Act. There was some discussion on the requirements of the Act.

Trustee Farrell reported that the Timber Trails HOA has begun implementing a stewardship program which will be addressing stormwater management issues. This information was included in the last FYI's.

**President's Report**

President Zirk reported that there might not be a need to enter into Executive Session if there were no questions on the earlier provided Executive Session Minutes. There were no comments from the Trustees. President Zirk directed Clerk Meadows with respect to executive minutes dated December 6, 2011 and January 3, 2012 to add the resident's name that had filed suit against the Village in small claims court. Clerk Meadows acknowledged President Zirk's request.

**Adjournment**

There being no further business to discuss, a motion was made by Trustee Clark and seconded by Trustee Zambetti to adjourn from the public meeting at 10:20 p.m. Roll call: Vote: 6-ayes by unanimous voice vote.

Respectfully submitted,

Debra Meadows

**4B**

**Village of Gilberts  
87 Galligan Road  
Gilberts, IL 60136  
Committee of the Whole  
Meeting Minutes  
March 13, 2012**

**Call to Order / Pledge of Allegiance**

President Zirk called the meeting to order at 7:02 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 Clark. Others present: Administrator Keller, Finance Director Blocker, Assistant to the Village Administrator Beith, Utility Superintendant Castillo, and Village Clerk Meadows. For members of the audience please see the attached list.

**Presentation**

**Water Services Company-meter replacement program**

Water Services Company's representative Anthony Gattuso provided the Board Members with an overview of their company and the services they offer. Mr. Gattuso commented on the services they had provided to other surrounding communities.

Mr. Gattuso discussed how the meter replacement program would be coordinated with the Village. He reported that Water Services Company would assign a project manager and he would coordinate all project details with the project manager assigned by the Village. Water Services Company would be responsible for all aspects of the Village's database, mailings, customer's appointment scheduling and telephone inquiry process.

Trustee Zambetti questioned how a field tech would respond to an emergency that requires water shut off at the b-box. Mr. Gattuso replied that all of the field techs are qualified and carry the necessary equipment to shut off water service at the b-box.

Trustee Zambetti asked how a field tech would address issues such as a resident that has finished their basement and has built a wall around their water meter. Mr. Gattuso stated that in scenarios as this they would inform the Village's project manager of the situation. Mr. Gattuso commented that in most communities the Village has Ordinances in place that address these types of situations.



Committee of the Whole

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Trustee Zambetti asked what the company's policy was on handling difficult residents with respect to missed or cancelled appointments. Mr. Gattuso replied that they usually allow for three missed appointments at no extra charge. After that they would inform the Village's project manager.

Trustee Mierisch asked if the proposed \$85.00 per meter installation fee included all materials. Mr. Gattuso replied yes. The additional materials such as gaskets and meter seals are included in the cost.

Trustee Mierisch asked if the company has software security measures in place to protect the residents billing information. Mr. Gattuso replied yes. However, the only information needed is the customer's address.

There was some discussion on which meters were scheduled to be replaced. Administrator Keller reported that staff recommends replacing 200 meters located in the Dunhill and Indian Trails Subdivisions.

Trustee Corbett inquired on how Water Services' field techs identify themselves. Mr. Gattuso reported that they do carry photo identification badges. However, some communities have provided Water Services' techs with Village issued identification badges. President Zirk recommended if the Village chooses to issue the identification badges the badges clearly need to state that the field tech is a contractor working on behalf of the Village.

Trustee Corbett asked if staff had received quotes from any competitors. Administrator Keller replied no. Staff first wanted to see if this was something the Board was interested in.

Trustee Farrell asked how scheduling would be handled. Mr. Gattuso stated that the Village's project manager would receive a copy of the schedules one day prior to the appointments.

There was some discussion on the handling of complaints and/or damages. Mr. Gattuso replied, their work is guaranteed for one year and they carry over 9 million dollars in liability and workmen's compensation insurance.

Administrator Keller asked if the Board Members were comfortable with the proposed concept of outsourcing water meter replacement. The Board Members concurred with staff's recommendation. Administrator Keller will conduct an informal request for proposal.

**Items for Discussion**

**Minutes from the March 6, 2012 Village Board Meeting**

There were no comments on the Meeting Minutes from March 13, 2012. The minutes will be placed on the next consent agenda.

**February 2012 Treasurer's Report**

There were no comments on the February 2012 Treasurer's Report. The report will be placed on the next consent agenda.

**Ordinance 03-2012, an Ordinance amending the Village Code Title 3 "Business and License Regulations" Chapter 3 "Liquor Control" Section 3-2-17 "BASSET Training Requirements"**

President Zirk commented on Chief William's recent recommendation to amend the Village Code and not require every employee serving and/or selling liquor complete BASSET Training. He suggested instead requiring at least one employee on the premises at all times be BASSET certified.

President Zirk discussed the amendment which would require the BASSET Training certificate be on file with both the Chief of Police and the Village Clerk. Trustee Mierisch asked who would be responsible for tracking the certificates. Village Clerk Meadows had no problem creating a worksheet and tracking the expiration of the certificates.

Trustee Mierisch expressed concern with lost revenues if BASSET Training was no longer required to be completed by the Village. Although the fee charged for the training was minimal it did cover administration cost. The Board recommended staff include a certificate tracking fee in the annual cost of the liquor license. In the near future staff will draft an Ordinance amending the Liquor License fee schedule.

**Ordinance 04-2012, an Ordinance amending the Village Code Title 8 "Water and Wastewater" Chapter 5 "Public Waterworks System" Section 12 "User Charges"**

President Zirk reported that he had spoken with other communities and the communities that turned off the water due to lack of access experience more heartburn than the communities that exercise the policy of estimating the water bill at a higher rate.

Administrator Keller reported that he has amended the language in section 3. This matter will be placed on the next agenda.

**Ordinance 05-2012, an Ordinance amending the Village Code Title 7 “Public Ways & Property” Chapter 1 “Miscellaneous Right of Way Provisions” adding Section 7-1-2 “Responsibility of Public Right of Ways”**

Administrator Keller reported that staff had drafted this Ordinance to clarify homeowners’ responsibilities for the maintenance of adjacent parkways, which is the area between the front property line and the curb or street shoulder.

Trustee Hacker commented on the fact that some of the residents have extreme pitches on the ditches in front of their homes. He is concerned that these ditches would be difficult for residents to maintain.

Trustee Mierisch questioned the Board’s change in direction. She recalled a recent meeting in which the Board considered implementing a 50/50 sidewalk and tree replacement program.

Administrator Keller explained the implementation of the programs did not change the residents’ responsibility to maintain the parkways adjacent to their property. The Ordinance under consideration does not change anything that the Village is currently doing other than to clarify responsibility.

Trustee Mierisch was uncomfortable with the language contain in the Ordinance. She discussed a residential property in Gilberts Glen that contained a public stormsewer. She believes if this Ordinance was adopted the residents would need to be informed.

The Board discussed in length the language contained in the Ordinance. Trustee Corbett suggested with respect to Section 7-1-2 item D. to clarify the language by adding the word driveway before the word culverts and the word obstructions after the word debris.

Staff will amend the Ordinance and place the amended Ordinance on the next agenda.

**Budget FYs 2012-2013**

Finance Director Blocker reported that revenues continue to remain flat.

Administrator Keller reported that it is difficult to provide the Board with a comparison of the FY-2012 budget to FY-2013 budget due to the Road Program Bonding revenues and expenses.

There was some discussion on the increase in the Board Members wages. Finance Director Blocker reported that the increase reflected a full year of the new compensation rate increase for some of the Trustees.

The Board Members inquired why the Plan Commission and Zoning Board of Appeals had shown a compensation increase. Administrator Keller replied that staff is anticipating additional meetings to review the draft Unified Development Ordinance.

There was some discussion on the participation level in the Ride in Kane and NISRA Programs.

The Board questioned the increase in the Contractual Service line item. Finance Director Blocker replied the increase was due to the cost of Sterling's code maintenance and the quantity of Ordinances passed and a laserfiche software upgrade.

The Board Members discussed the Professional Service line items.

Trustee Mierisch inquired about the \$5,000 CERT line item. Administrator Keller reported that CERT's had received a grant.

The Board Members discussed the Public Works Department's budget. Administrator Keller noted that there were not many changes other than wages. Chief Building Inspector Swedberg is spending less time dealing with the water and wastewater plants so his wages had been adjusted to reflect the change.

The Board Members discussed in length the MFT Funds.

The Board Members along with staff reviewed the Enterprise Fund Budget.

Staff will continue to work on reducing the \$50,000 deficit. The budget discussion will be carried over to the next Board Meeting.

#### **Professional Services Selection Act Questions**

Administrator Keller reported that at Trustee Hacker's request, this topic was added to the agenda for further discussion. A copy of the Local Government Professional Services Selection Act had been provided.

Trustee Hacker requested staff from time to time compare scope of service and fees with other communities and/or companies to ensure the Village is being charged fair and reasonable rates. Trustee Mierisch agreed.

#### **Staff Reports**

Administrator Keller reported that the Point has completed their BASSET training.

Finance Director Blocker reported that the Police Department's retro payroll checks have been cut and will be distributed on Thursday.

There was some discussion with respect to the Plan Commission's review of the draft Unified Development Ordinance. Administrator Keller commented on the proposed new zoning district for "Old Town". He reported that once the draft zoning district is completed the Village will hold an open house to inform the residents of the proposed changes and answer any questions.

Clerk Meadows reported that the Easter Egg Hunt is scheduled for Saturday, March 31<sup>st</sup> beginning at 10:30 a.m. at the Eagles Club.

Clerk Meadows reported that donations for Community Days are on target. She reported that American English will be the headline band on Friday night.

#### **Board of Trustee Reports**

Trustee Corbett asked if District 300's Transportation Department had made contact with staff to discuss bus stop locations. Administrator Keller replied no.

#### **President's Report**

President Zirk commended Finance Director Blocker for obtaining on behalf of the Village the Certificate of Achievement for Excellence in Financial Reporting. He commented on the fact that this is the first time the Village has been awarded the Certificate. The award will have a direct impact on the Village's bond rating and financial standing. The plaque will be presented sometime in May.

President Zirk discussed a recent proposal submitted by Phoenix & Associates which would have addressed wetland drainage concerns. However, due to revenue constraints the Board had not been in favor of the proposal. He stated that Mr. Kannigan has an alternative proposal which would allow for the completion of the wetland drainage improvements without expending any Village funds.

Committee of the Whole

Meeting Minutes

March 13, 2012

Page 7

Mr. Kannigan discussed his proposal. He stated it would be similar to the license agreement he currently has with the Village. Administrator Keller was looking for Board direction. He wanted to know if this was something the Board was interested in. The Board directed Mr. Kannigan and staff to move cautiously.

**Adjournment**

There being no further business to discuss, **a motion was made by Trustee Zambetti and seconded by Trustee Hacker to adjourn from the public meeting at 10:09 p.m.** Roll call: Vote: 5-ayes by unanimous voice vote.

Respectfully submitted,

Debra Meadows

## Sign in Sheet

[illegible]

**4C**

**Previously provided**

**If you would like an additional copy  
please contact staff**



**4D**

[illegible]

Village of Gilberts	
Check Warrant Report	
Payroll Checks From 02/26/12 - 03/10/2012	
<b>Employee Name:</b>	<b>Net Pay</b>
Blocker, Marlene	1,621.35
Meadows, Debra	1,455.30
Sorenson, Shirley	1,151.60
Danca, Karen	298.53
Beith, William	434.08
Keller, Raymond B.	2,379.77
Joswick, Michael	2,011.47
Joswick, Christopher	191.30
Dieringer, Tricia	1,378.95
Rood, Jackie E. Jr	4,952.64
Block, Todd J	6,683.10
Pulgar, Hector L	4,194.97
Oberth, Michael	1,310.18
Mueller, Steve	258.22
Izydorski, Michael	906.09
Hill, Jeff R	3,250.23
Levand, James A	3,492.45
Williams, Steven	2,458.93
Meador, Eric E.	3,434.81
Hernandez, Jason	191.30
Lorkowski, Michael	211.52
Schuring, Larry	835.12
Klaras, Jason	1,229.11
Sheppard, Paul	1,365.56
Foley, Aaron	1,471.25
Stokes, Janet	947.50
Swedberg, John L	2,055.56
Castillo, John	1,727.06
Varas, Randy	1,403.98
Siegbahn, Lisa	667.38
<b>Payroll Liabilities:</b>	
Federal Tax Deposits	20,347.54
Gilberts Police Benevolent	70.00
Gilberts Police Pension Fund	3,306.42
Illinois Department of Revenue	3,633.24
State Disbursement Unit-Cook	186.57
KCC State Disbursement Unit	116.01
State Disbursement Unit	323.00
ICMA-RC	331.68
IMRF	8,534.67
MAP	186.00
Central United Life Insurance	108.28
<b>Total All Checks</b>	<b>91,112.72</b>

**4E**

**VILLAGE OF GILBERTS**

**KANE COUNTY**

**STATE OF ILLINOIS**

**ORDINANCE NUMBER 03-2012**

**An Ordinance amending the Village Code Title 3 “Business and License  
Regulations” Chapter 3 “Liquor Control”  
Section 3-2-17 “BASSET Training Requirements”**

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

**March\_\_\_\_, 2012**

**Published in pamphlet form by authority of the President and Board of Trustees of  
the Village of Gilberts, Kane County, Illinois this \_\_\_\_ day of March, 2012.**

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**Ordinance No. \_\_\_\_-2012**

An Ordinance amending the Village Code Title 3 "Business and License Regulations" Chapter 3  
"Liquor Control" Section 3-2-17 "BASSET Training Requirements"

**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 Section 3-2-17 "Basset Training Requirements", as set forth in this Ordinance; 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.** Title 3 entitled "Business and License Regulations" is here by amended hereafter to read as follows (additions are identified as underlined and deletions are identified by strikethrough):

**3-2-17: Bassett Training Requirements:** All ~~persons~~ managers who serve or sell alcoholic liquor ~~and all liquor licensees~~ shall, prior to serving or selling any such alcohol within the village, ~~register for the village BASSET training~~ successfully complete the State of Illinois BASSET certified alcohol awareness program course within thirty (30) days of employment of any such establishment. In addition, each establishment must have a BASSET trained employee on the premises at all times that alcoholic beverages are being served. ~~For establishments with current liquor licenses on the effective date hereof, all persons who serve or sell alcoholic and all liquor licensees shall register for village BASSET training course within thirty (30) days of issuance of said liquor license.~~ Recertification after the initial ~~village~~ State of Illinois BASSET certified alcohol awareness training program course shall be completed every two (2) years thereafter. Registration of employees for BASSET training shall be the responsibility of the licensee, including cost, and the licensee shall provide the ~~liquor commissioner~~ Chief of Police and the village clerk with proof of compliance. Failure to abide by the requirements set forth herein shall subject the licensee to the penalty provisions contained in this chapter.

**Section 4. 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 5. 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 6. 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 \_\_\_\_\_, 2012.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Everett Clark	_____	_____	_____	_____
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012

(SEAL)

\_\_\_\_\_  
Village President Rick Zirk

ATTEST: \_\_\_\_\_  
Village Clerk, Debra Meadows

Published: \_\_\_\_\_

**4F**



**RESOLUTION  
VILLAGE OF GILBERTS  
APPROVE EXECUTIVE SESSION MEETING MINUTES**

**WHEREAS**, the Village Board of the Village of Gilberts, has met from time to time in executive session for purposes authorized by the Illinois Open Meetings Act; and

**WHEREAS**, pursuant to 5 ILCS 120/2.06, the Village Board recently conducted its quarterly-annual review of executive session meeting minutes and has determined that certain executive session minutes should be released to the public; and

**WHEREAS**, the Village Board has determined that the executive session minutes not yet released should remain confidential, subject to further review and determination as to their appropriateness for release at a future date.

**NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES, OF THE VILLAGE OF GILBERTS, KANE COUNTY, ILLINOIS AS FOLLOWS:**

**Section 1:**

The Village Board has determined that the following approved executive session meeting minutes should now be released to the public:

<b>RELEASED TO PUBLIC</b>
May 17, 2011
June 7, 2011
June 14, 2011
July 5, 2011
August 2, 2011
August 9, 2011
August 16, 2011
October 18, 2011

**Section 2:**

The Village Board has determined that the following approved executive session minutes should remain confidential at this time, subject to further review and determination as to their appropriateness for release at a future date:

<b>REMAIN CONFIDENTIAL</b>
December 11, 2001
December 17, 2001
January 22, 2002
February 17, 2004
December 21, 2004
November 14, 2006

December 12, 2006
May 19, 2009
June 23, 2009 (Part 2)
July 14, 2009 (Part 2)
July 28, 2009
September 1, 2009
March 2, 2010
May 18, 2010

### **Section 3:**

The Village Board hereby initially approves the following executive session minutes, which minutes will be scheduled for future review and determination as to whether to release to the public or keep confidential. Until such review, these meeting minutes shall remain confidential.

<b>INITIAL APPROVAL – REMAIN CONFIDENTIAL</b>
December 6, 2011
January 3, 2012
January 17, 2012

### **Section 4:**

This Resolution shall take full force and effect upon its passage and approval as provided by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by a roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Everett Clark	_____	_____	_____	_____
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

\_\_\_\_\_  
Rick Zirk  
Village President

(SEAL)

Village of Gilberts  
87 Galligan Road  
Gilberts IL 60136

APPROVED MINUTES  
12/13/2011

**Minutes of the Portion of the Meeting of the  
Board of Trustees Closed to the Public  
May 17, 2011**

President Zirk called the Executive Session to order at 8:41 p.m. Roll call: Members present: Trustees Corbett, Mierisch, Zambetti, Farrell, Hacker, Clark and President Zirk. Also present: Administrator Keller, Attorney Tappendorf and Village Clerk Meadows.

**Executive Session Minutes**

The Board reviewed Attorney Tappendorf's recommendation on which executive session minutes should be released or remains confidential. President Zirk questioned some of Attorney Tappendorf recommendations. He would prefer to see some of the executive session minutes recommended by Attorney Tappendorf remain confidential be released. Attorney Tappendorf recommends executive session minutes discussing personnel matters remain confidential. President Zirk and Attorney Tappendorf will discuss this matter amongst themselves.

There being no further business to discuss, a motion was made by Trustee Zambetti and seconded by Trustee Clark to adjourn from the closed session at 9:02 p.m. Roll call: Vote: 5-ayes: Trustees Corbett, Clark, Mierisch, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried

Respectfully submitted,

Debra Meadows

APPROVED MINUTES

**Village of Gilberts**  
**Minutes of the Portion of the Meeting of the Board of Trustees Closed to the Public**  
**June 7, 2011**     12/13/2011

President Zirk called the Executive Session to order at 10:30 p.m. Roll call: Present were Trustees Clark, Corbett, Farrell, Hacker, Mierisch, and Zambetti, and President Zirk. Also present were Administrator Keller and Attorney Tappendorf.

**Collective Bargaining**

The Board discussed the Police Department's contract and wages. It was suggested that staff study neighboring communities' wages. The discussion will be continued at a later date.

Administrator Keller left the meeting at 10:59 p.m.

**Personnel**

It is the direction of the Board that Administrator Keller can opt out of the Village's healthcare insurance.

There was a discussion regarding Administrator Keller's wages. The direction from the Board is that he will receive a 4% pay increase.

**A motion was made by Trustee Clark and seconded by Trustee Zambetti to close the Executive Session at 11:10 p.m.** Roll call: Vote: 6-ayes (Trustees Clark, Corbett, Farrell, Hacker, Mierisch, and Zambetti), 0-nays, 0-abstain. Motion carried.

Respectfully submitted,  
Karen Danca, Recording Secretary

APPROVED MINUTES  
12/13/2011

**Village of Gilberts**  
**Minutes of the Portion of the Meeting of the**  
**Committee of the Whole Closed to the Public**  
**June 14, 2011**

President Zirk called the Executive Session to order at 7:20 p.m. Roll call: Present were Trustees Corbett, Farrell, Hacker, Mierisch, and Zambetti, and President Zirk. Also present were Administrator Keller, Attorney Don Anderson, and Assistant to the Village Administrator Beith.

**Collective Bargaining**

Attorney Anderson stated that he was seeking guidance and authorization from the Board in making an offer to the union.

A discussion ensued regarding the contract and the arbitration process.

It was the consensus of the Board to bring the proposal that was presented to the meeting with the union. The Board members will be updated via email after the meeting.

**Retention of Bond Council**

The Board recommends the Village retain Chapman and Cutler, L.L.P. to represent the Village as bond council.

**A motion was made by Trustee Zambetti and seconded by Trustee Farrell to close the Executive Session at 8:54 p.m.** Roll call: Vote: 5-ayes (Trustees Corbett, Farrell, Hacker, Mierisch, and Zambetti), 0-nays, 0-abstain. Motion carried.

Respectfully submitted,  
Karen Danca, Recording Secretary

Village of Gilberts  
87 Galligan Road  
Gilberts IL 60136  
Minutes of the Portion of the Meeting of the  
Board of Trustees Closed to the Public  
July 5, 2011

APPROVED MINUTES  
12/13/2011

President Zirk called the Executive Session to order at 8:30 p.m. Roll call: Members present: Trustees Corbett, Clark, Zambetti, Farrell, Hacker and Present Zirk. Also present: Administrator Keller, Chief of Police Williams and Village Clerk Meadows.

**Collective Bargaining**

Administrator Keller commented on how the union negotiations were progressing. He reported that the next mediation session is scheduled for August 18<sup>th</sup>. Administrator Keller anticipates after that meeting the contract negotiation will enter into arbitration.

There was some discussion on the impact arbitration legal fees will have on the budget. Administrator Keller believed the bigger budget impact would be the police officers' retro pay.

**Personnel**

Administrator Keller reported on one option for police staffing, which was discussed at length but no action was taken.

Chief Williams provided the Board Members with various staffing options. He said he could begin experimenting with some of the various staffing options. The Board directed Chief Williams to begin experimenting with the staffing options discussed.

There being no further business to discuss, a motion was made by Trustee Clark and seconded by Trustee Zambetti to adjourn from executive session at 9:47 p.m. Roll call: Vote: 5-ayes: Trustees Corbett, Clark, Zambetti, Farrell and Hacker. 0-abstained, 0-nays. Motion carried.

Respectfully submitted,

Debra Meadows

APPROVED MINUTES

12/13/2011

Village of Gilberts  
87 Galligan Road  
Gilberts Illinois 60136  
Minutes of the Portion of the Meeting  
Of the Village Board of Trustees  
Closed to the Public  
August 2, 2011

President Zirk called the Executive Session to order at 8:02 p.m. Roll call: Members Present: Trustees Corbett, Clark, Mierisch, Zambetti, Farrell, Hacker and President Zirk. Others present: Assistant to the Village Administrator Beith and Village Clerk Meadows.

**Collective Bargaining**

The Board expressed concerns that there had been an unofficial release of confidential union negotiations strategies.

There being no further executive session business to discuss, a motion was made by Trustee Clark and seconded by Trustee Zambetti to close the Executive Session at 8:15 p.m. Roll call: Vote: 6-ayes: Trustees Corbett, Clark, Mierisch, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried

Respectfully submitted,

Debra Meadows

Village of Gilberts  
87 Galligan Road  
Gilberts, Illinois 60136  
Minutes of the Portion of the Meeting of the  
Board of Trustees Closed to the Public  
August 9, 2011

APPROVED MINUTES  
12/13/2011

President Zirk called the Executive Session to order at 8:50 p.m. Roll call: Members Present: Trustees Corbett, Clark, Mierisch, Zambetti, Hacker and President Zirk. Others present: Administrator Keller, Assistant to the Village Administrator Beith, and Village Clerk Meadows.

**Collective Bargaining**

The Board Members reviewed a recent Police Salary Survey. There was some discussion on how the Village's Police Officers compensation compared to similar municipalities.

Administrator Keller discussed a possible proposal. A lengthy discussion ensued on various negotiation strategies.

There was some discussion with respect to the mediation and arbitration process.

**Personnel**

The Board Members discussed various staffing options. Administrator Keller will discuss the various options with Chief Williams. Administrator Keller will direct Chief Williams to research the options discussed and report back to the Board.

There being no further executive session business to discuss, a motion was made by Trustee Clark and seconded by Trustee Zambetti to close the Executive Session at 9:40 p.m. Roll call: Vote: 5-ayes: Trustees Corbett, Clark, Mierisch, Zambetti and Hacker. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows



Village of Gilberts  
87 Galligan Road  
Gilberts, IL 60136

APPROVED MINUTES  
12/13/2011

**A PORTION OF THE MEETING  
CLOSED TO THE PUBLIC  
AUGUST 16, 2011**

President Zirk call the closed session meeting to order at 9:48 p.m. Roll call: Members present: Trustees Corbett, Clark, Mierisch, Zambetti, Hacker and President Zirk. Others present: Administrator Keller, Assistant to the Village Administrator Beith, and Village Clerk Meadows.

**Collective Negotiating Matters**

**The Board Members found that it was necessary to discuss collective bargaining issues.**

Administrator Keller presented a collective negotiation strategy. The Board Members concurred with the strategy presented.

There being no further business to discuss, a motion was made by Trustee Clark and seconded by Trustee Zambetti to adjourn from the closed session at 9:50. Roll call: Vote:5-ayes: Trustees Clark, Corbett, Mierisch, Zambetti and Hacker. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

Village of Gilberts  
87 Galligan Road  
Gilberts, Illinois 60136  
Minutes of the Portion of the Meeting  
Of the Village Board of Trustees  
Closed to the Public  
October 18, 2011

APPROVED MINUTES

12/13/2011

President Zirk called the Executive Session to order at 8:15 p.m. Roll call: Members Present: Trustees Corbett, Clark, Mierisch, Zambetti, Farrell, Hacker and President Zirk. Others present: Administrator Keller and Village Clerk Meadows.

**Personnel**

The Board Members discussed a resident's concern with respect to a recent telephone conversation they had with an employee. The Trustee that was first made aware of the concern asked the resident to submit a formal written statement with respect to the alleged incident. The employee's supervisor will be made aware of the allegation.

There being no further executive session business to discuss, a motion was made by Trustee Clark and seconded by Trustee Zambetti to close the Executive Session at 8:19 p.m. Roll call: Vote: 6-ayes. Trustees Corbett, Clark, Mierisch, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

**5A**

**VILLAGE OF GILBERTS**

**KANE COUNTY**

**STATE OF ILLINOIS**

**ORDINANCE NUMBER 04-2012**

**An Ordinance amending the Village Code Title 8 “Water and Wastewater”  
Chapter 5 “Public Waterworks System Section 12 “User Charges”**

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

**March\_\_\_\_, 2012**

**Published in pamphlet form by authority of the President and Board of Trustees of  
the Village of Gilberts, Kane County, Illinois this \_\_\_\_ day of March, 2012.**

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## Ordinance No. 04-2012

An Ordinance amending the Village Code Title 8 “Water and Wastewater” Chapter 5 “Public Waterworks System” Section 12 “User Charges”

**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 President and Board of Trustees have determined that in order to read, repair and/or replace water meters as needed the Village will require the cooperation from the community.

**WHEREAS**, the President and Board of Trustee have determined that it is in the best interest of the Village of Gilberts and the integrity of the water system; 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 8-5-12 “User Charges” is hereby amended to read as follows: (additions are identified by underlines and deletions are identified by strikethroughs).

**B. Estimated Charges:**

1. Whenever, for any cause, a meter fails to operate, or no measurement of the flow is available, or a meter was not or could not be read during the normal route of the reader, an estimate may be made by the superintendent or his designee of the amount of water supplied since the immediately previous reading, and the user shall pay usage charges based on the estimated amount of water supplied. In the event that an actual reading shows that the estimated charges did not accurately reflect the actual usage the user shall be responsible for the difference between the estimated usage and the actual usage.

2. In the event that the water department is unable to gain access to read, repair or replace the inside meter, the Village reserves the right to submit an estimated reading and bill accordingly.

3. For the second and each subsequent estimated bill issued by the village for a particular property, a \$25.00 administrative fee will be added to each bill.

**Section 6. 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 7. 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 8. 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 \_\_\_\_\_, 2012.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Everett Clark	_____	_____	_____	_____
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012

(SEAL)

\_\_\_\_\_  
Village President Rick Zirk

ATTEST: \_\_\_\_\_  
Village Clerk, Debra Meadows

Published: \_\_\_\_\_

**5B**

**VILLAGE OF GILBERTS**

**KANE COUNTY**

**STATE OF ILLINOIS**

**ORDINANCE NUMBER 05-2012**

**An Ordinance amending the Village Code Title 7 "Public Ways & Property"  
Chapter 1 "Miscellaneous Right of Way Provisions" adding Section 7-1-2  
"Responsibility of Public Right of Ways"**

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

**March \_\_, 2012**

**Published in pamphlet form by authority of the President and Board of Trustees of  
the Village of Gilberts, Kane County, Illinois this \_\_\_\_ day of March, 2012.**

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**Ordinance No. 05-2012**

**AN ORDINANCE AMENDING THE VILLAGE OF GILBERTS' CODE  
TITLE 7 "PUBLIC WAYS AND PROPERTY", CHAPTER 1  
"MISCELLANEOUS RIGHTS OF WAY PROVISIONS"**

**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 7 "Public Ways and Property", Chapter 1 "Miscellaneous Rights of Way Provisions" by clarifying the responsibilities for maintaining parkways, 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.** Title 7 entitled "Public Ways and Property", Chapter 1 "Miscellaneous Rights of Way Provisions" is hereby amended to add the following new Section:

Section 7-1-2: Parkway Maintenance: Maintenance of the parkway area, defined as that area adjacent to any lot or parcel, between the property line and any street shoulder or curb, shall be the responsibility of the property owner of said lot or parcel including, but not limited to:

- A. Mowing of grass or ground cover.
- B. Private driveway approaches.
- C. Tree trimming and watering to assure healthy, well-shaped appearance and maintaining adequate vertical roadway and sidewalk clearances of ten (10) feet above the sidewalk and fifteen (15) feet above street pavement.
- D. Keeping driveway culvert and/or drainage swale opening free of debris and obstructions.
- E. Mailboxes and support structures, installed and maintained in accordance with the standards set forth by the United States Postal Service.
- F. Sidewalk installation and maintenance.
- G. Installation and maintenance of organic or inorganic materials in lieu of grass or ground cover.

**Section 3. 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 4. 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 5. 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 \_\_\_\_\_, 2012.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Everett Clark	_____	_____	_____	_____
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Pete Cullotta	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012

(SEAL)

\_\_\_\_\_  
Village President Rick Zirk

ATTEST:

\_\_\_\_\_  
Village Clerk, Debra Meadows

Published: \_\_\_\_\_

**6A**

## MEMORANDUM OF UNDERSTANDING

between

VILLAGE OF GILBERTS, ILLINOIS

and

i3 AMERICA INC.

The following is a Memorandum of Understanding ("*Memorandum*") entered into and made effective as of March [●], 2012 (the "*Effective Date*") by and between Village of Gilberts, Illinois ("*Village*") and i3 America Inc. ("*i3*").

This Memorandum will confirm the mutual intent and understandings of Village and i3 concerning (i) the proposed deployment of fiber optic cable to every electing premise within the boundaries of Village by a to-be-formed affiliate of i3 to be known as "FiberCity Gilberts," (ii) the grant of exclusive rights to FiberCity Gilberts by Village to deploy such fiber optic cable through the waste water assets owned or used by Village pursuant to i3's FOCUS deployment method, and (iii) certain other matters set forth in this Memorandum.

### **Part One - Nonbinding Provisions:**

The following numbered Sections and lettered subsections of this Memorandum set forth within this Part One (collectively, the "*Nonbinding Provisions*") reflect our current mutual understanding of the matters described in them, but each party acknowledges that neither the Nonbinding Provisions nor any prior or subsequent course of conduct or dealing (including any interim written document or oral expression) between the parties is intended to create or constitute any legally binding obligation between any of the parties unless and until a mutually agreeable definitive written agreement and related ancillary agreements are executed and delivered, and no party shall have any liability to the other party with respect to the Nonbinding Provisions:

1. Grant of Rights-of-Way. Village will undertake all such actions and obtain all such approvals as shall be required by applicable federal, state, local and municipal laws and ordinances to grant in favor of FiberCity Gilberts the (i) exclusive right to deploy fiber optic cable through the waste water assets and system owned or used by Village (collectively, the "*Waste Water System*") and (ii) non-exclusive right to deploy fiber optic cable outside of the Waste Water System, in each case as shall be necessary or convenient to access every premise within the boundaries of Village, it being understood and agreed that actual connections to any such premises shall be subject to the consent of the owner or occupant of any such premises.
2. Deployment of Fiber Optic Cable.
  - a. FiberCity Gilberts shall deploy fiber optic cable through the Waste Water System through use of i3's FOCUS deployment method (as per Appendix 1), subject to the following conditions:
    - 1) The interior diameter of the pipes in the Waste Water System through which the fiber optic cable shall be deployed shall be in excess of 8 inches, unless otherwise agreed in writing by Village;
    - 2) All potential routes for such fiber optic cable shall be surveyed and then approved by the parties prior to the commencement of installation of the fiber optic cable;
    - 3) FiberCity Gilberts shall share all post CCTV surveys of all routes with Village;

4) Village will provide all necessary support and assistance for traffic management, sewer access etc;

5) The exterior diameter of the fiber optic cable deployed within the Waste Water System shall not exceed 22 mm; and

6) FibreCity Gilberts and any contractor engaged by it shall ensure that adequate Public and Contractor insurance is in place prior to commencement of the work.

b. Subject to an agreed scope of work, Village acknowledges and agrees that other techniques may be used for the deployment of fiber optic cable outside of the Waste Water System, to include by way of example only plough-trenching within the grass easements where appropriate.

3. Network Registration and Identification. Village will ensure that all fiber optic cable routes within the Waste Water System will be detailed on their GIS records (to which FiberCity Gilberts will be granted access), and that any fiber optic cable outside of the Waste Water System will be registered on the JULIE records system (to which FiberCity Gilberts will be granted access).

4. Network Nodes. Subject to agreement between Village and FiberCity Gilberts, Village will provide to FiberCity Gilberts at Village's cost two separate locations within the boundaries of Village for use as Fiber Access Nodes.

5. Definitive Agreement.

a. The parties will negotiate the execution and delivery of a definitive agreement in a mutually acceptable in form and substance (the "*Definitive Agreement*") together with each other agreement or instrument contemplated thereby.

b. The parties will cooperate with each other and use their commercially reasonable efforts to secure approval, negotiate, prepare and execute the Definitive Agreement and each other agreement and instrument contemplated thereby, as soon as practicable, but in any event on or prior to May 31, 2012.

c. In addition to the provisions outlined above, the Definitive Agreement will contain standard representations, warranties, covenants, indemnifications and such other terms and conditions as the parties shall agree.

d. The Definitive Agreement shall be governed by and construed in accordance with the internal laws of the State of Illinois, without regard to conflict of laws.

e. Execution and delivery of the Definitive Agreement by (i) Village is subject to compliance with the provisions of applicable federal, state, local and municipal law governing Village and its entry into contracts of the sort contemplated by the Definitive Agreement, as well as approval by the Village Council of Village and its Mayor and (ii) FiberCity Gilberts is subject to approval by its board of directors.

## **Part Two - Binding Provisions.**

In consideration of the significant costs borne by the parties in pursuing the Memorandum and in consideration of their mutual undertakings as to the matters described in this Memorandum, upon execution by the parties of this Memorandum or counterparts of this Memorandum, the following numbered Sections of this Memorandum in this Part Two (collectively, the “*Binding Provisions*”) shall constitute the legally binding and enforceable agreement of the parties:

1. **Confidentiality.** Each of the parties and their respective representatives shall keep confidential all information received by it from or on behalf of the other party which is not in the public domain in accordance with the existing non-disclosure agreement between the parties.
2. **Costs and Expenses.** Except as otherwise provided herein, the parties shall be responsible for and bear all of their own costs and expenses (including the expenses of their representatives) incurred at any time in connection with pursuing or consummating the transactions contemplated by this Memorandum and the Definitive Agreement and the agreements and instruments contemplated hereby and thereby.
3. **Exclusivity.** Unless and until the Binding Provisions are terminated pursuant to Section 4, below, and for a period of one hundred and eighty (180) days following the date of any such termination, Village shall not, directly or indirectly, solicit or entertain offers from, negotiate with or in any manner encourage, discuss, accept or consider any proposal of any other person, firm or entity relating to the deployment of fiber optic cable within the boundaries of Village.
4. **Termination.** The Binding Provisions shall automatically terminate on December 30, 2012; provided, however, that the termination of the Binding Provisions shall not affect the liability of a party for breach of any of the Binding Provisions prior to the termination (or, after termination as set forth in Section 3 of this Part Two).
5. **Entire Agreement.** The Binding Provisions constitute the entire agreement between the parties, superseding all prior oral or written agreements other than the non-disclosure agreement previously executed by the parties. The Binding Provisions may be amended or modified only by a writing executed by all of the parties. Nothing herein shall constitute any binding commitment on the part of either party to continue to continue negotiations regarding the transactions contemplated hereby, or to enter into any transaction or binding agreement, or to do so on any particular terms.
6. **Governing Law.** This Memorandum shall be governed by and construed in accordance with the internal laws of the State of Illinois, without regard to conflict of laws.

If the foregoing accurately summarizes the understanding of the parties, it is requested that each party approve this Memorandum and confirm the mutual agreements set forth in the Binding Provisions by signing this Memorandum in the spaces provided below.

VILLAGE OF GILBERTS, ILLINOIS

i3 AMERICA INC.

By: \_\_\_\_\_

By: \_\_\_\_\_

Name:

Name:

Title:

Title:

DRAFT

## **APPENDIX 1**

### **FIBERCITY FOCUS SYSTEM SPECIFICATIONS**

DRAFT



# FOCUS™ System

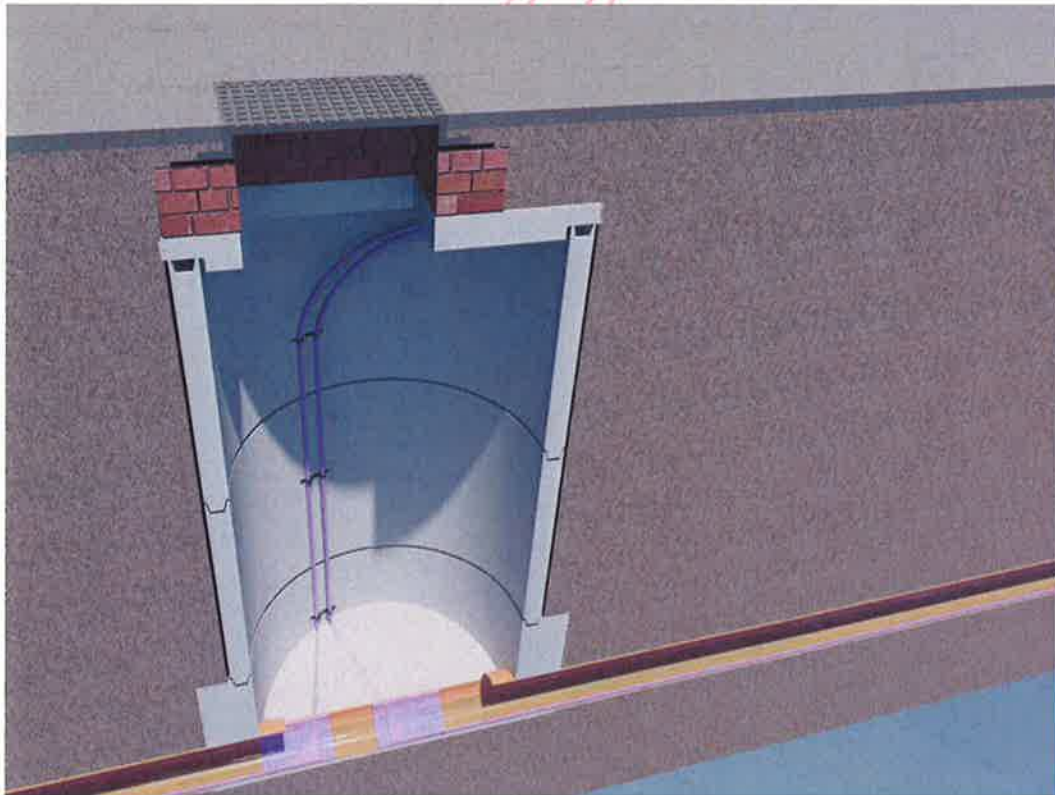
## Specification Sheet

### General Information

The FOCUS™ System (Fiber Optic Cable Underground Sewer System) is a bespoke product, developed and manufactured exclusively by the i3-Group to provide the facility for installing fiber optic cable within existing waste water networks (such as foul, surface water and combined sewers).

This is achieved by deploying a large fiber count cable, specifically developed to operate within the harsh environment of the waste water network whilst maintaining the flow dynamics of the sewer network.

By utilising the waste water networks, the cable is installed up to several metres deeper than conventional methods, making it a far more secure system whilst significantly reducing the risk of damage from construction work.



### Materials

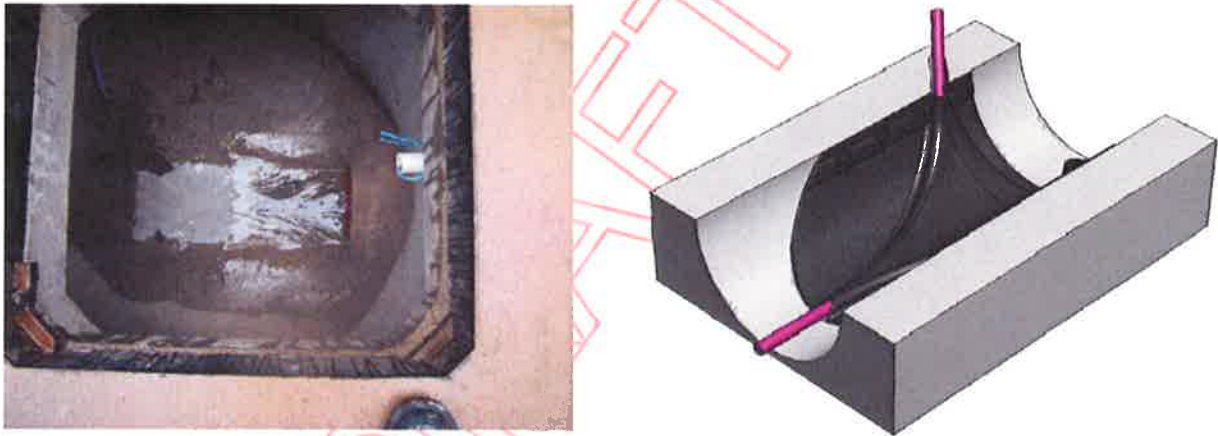
Following extensive trials and product development, the cable installation utilizes a variety of fixing methods, all of which have been carefully selected to ensure they can perform within the

aggressive environment that is encountered within sewers. These include the use of high grade stainless steel clamps, low odour / eco friendly underwater resins and PVC NBR (Nitrile Butadiene Rubber) mats.

## Installation

The sewer network is surveyed and assessed for suitability prior to developing a bespoke solution. If necessary the sewer is cleaned prior to deployment of the FOCUS™ System. Using a loose lay method, the fiber optic cable is installed in the sewer invert and fixed into place, using bespoke components, at pre-determined locations to ensure that the dynamics of the waste water system remain un-affected.

By utilising the sewer branch connections, it is possible to further deploy cables to additional customers on the branch sections of the sewer network. Deployment into conventional ducting and street furniture at selected positions allows additional network distribution and future proofing. The FOCUS™ System has been developed for utilisation in most sewer sizes which typically include 150mm to over 2m diameter, in a variety of pipe materials (plastic, concrete, vitrified clay, steel and brick).



*Figure 1: Typical fixing with cable in-situ*

## Testing

Extensive in-house testing of the installed product has been undertaken to prove that the FOCUS™ System deployment will not have an adverse effect on the sewer system hydraulics. Further trials of the system with a number of UK water companies have proven the suitability of the FOCUS™ System in real-life conditions.

## Cable Selection

The cable utilised for sewer deployment is a high quality, G652 D Single Mode Fiber, selected for its high density, small diameter maximum fiber count. This cable has a non-memory coil, giving it the ability to bed into the waste water environment with minimal effect on the waste water flow. The cables utilised have fiber counts of between 12 and 432, enabling a very wide range of requirements to be catered for whilst ensuring future growth requirements can easily be accommodated. All FOCUS™ System cables have steel wire armour protection with a PVC outer sheathing, making them highly resistant to most types of damage caused from sewer cleaning methods and equipment.

### **Other product information**

- Worldwide Patented Design.
- Wide selection of product solutions available to suit most waste water networks and cable diameters.
- Computational Fluid Dynamics used in the design of all manifolds and clips.
- Stable, low creep materials, across a wide temperature range – PVC NBR (Nitrile Butadiene Rubber).
- High elasticity, chemical resistant, anti-static, gloss finish for improved flow.
- High grade stainless steel clips are used to secure the cable to the manhole walls within the chamber allowing long term fixing security.

The epoxy resin used to secure and coat the installed components and fixings produce a high gloss, smooth finish that minimizes the disruption to the waste water flow; this is an established product borne out of North Sea exploration, developed further by i3-Group to provide the following:

- Strong adhesive properties.
- Low viscosity for submerged use.
- High gloss smooth finish.
- Exhibit long term resistance to wet / damp environments.
- Low M.I.C. (Microbiological Induced Corrosion).
- Low S.R.B. (Sulphate Reducing Bacteria).
- Environmentally safe to wildlife.

### **FOCUS™ System Advantages**

- ☐ Minimal capital outlay.
- ☐ Networks can be operational within weeks rather than months.
- ☐ Highly secure, independent ducting.
- ☐ Cable is designed to be loose lay within the waste water system.
- ☐ Cables are deeper than traditional trenching making it far more secure.
- ☐ The cable can be removed without affecting the waste water network.
- ☐ Nothing within the waste water system can affect the performance of the cable.
- ☐ Can be installed in waste water systems as small as 150mm.
- ☐ The cable is never terminated in the waste water system.
- ☐ Can be deployed in waste water networks of average condition, and of various materials including brick, plastic etc.
- ☐ Installation methods protect the integrity of the waste water network.
- ☐ The cable is not affected by pressure cleaning.
- ☐ Extensive surveys of the waste water network and CCTV reports to ensure suitability of system.
- ☐ Rapid and cost effective deployment.

## FAQ's

- ☐ **Q:** Who installs the FOCUS™ System?
- ☐ **A:** Only personnel trained to the approved standards are allowed to install the FOCUS™ System. This may be either i3-Group staff or i3-Group trained installers.
- ☐ **Q:** Are local contractors available to undertake the FOCUS™ System installation?
- ☐ **A:** The use of local contractors is allowed subject to them having completed the FOCUS™ System accreditation training and any Water Company approvals process.
- ☐ **Q:** Is it possible to train Water Company contractors for cable installs?
- ☐ **A:** Yes, the i3-Group has previously trained water authority contractors within the UK.
- ☐ **Q:** What is the minimum grade or condition of waste water infrastructure you would use?
- ☐ **A:** Individual water companies have their own grading system. Each waste water network is assessed on an individual basis. A decision is made based on the condition, following an evaluation of the survey data and in agreement with the water company.
- ☐ **Q:** Do you re-survey the waste water network periodically post-installation?
- ☐ **A:** The cable is surveyed post-installation to ensure the cable is located correctly within the waste water network. Any requirement for further surveys would be agreed in advance with the Water Company.
- ☐ **Q:** What is the typical installation duration?
- ☐ **A:** An experienced FOCUS™ System team can install on average 1 km of cable over a 2-3 day period, depending on numbers of manholes and traffic management requirements.
- ☐ **Q:** Do you ever install more than one cable per length of waste water network?
- ☐ **A:** We currently only install one cable per section of waste water network for technical reasons, however the technology to install multiple cables exists and there may be instances where we may wish to consider this option. E.g. Large diameter walk-in sewers.
- ☐ **Q:** What jetting pressures / nozzles can be used during maintenance works?
- ☐ **A:** The FOCUS™ System can withstand operating pressures up to 4800psi, dependent on the nozzle type being utilized etc. A code of practice is available on request from the i3-Group which provides full details.
- ☐ **Q:** Is root cutting possible?
- ☐ **A:** Yes possible – directional cutting is best practice – flailers and diamond blade cutting are not recommended (These methods can cause damage to pipes as well as the cable). Generally, high pressure jetting with the relevant head will clear smaller roots.

- **Q:** Is root foaming possible?
- **A:** Yes, subject to the chemical composition and sample of the foam being made available for testing and approval prior to use. Material Safety Data Sheets of foam types are also required to enable an assessment to be undertaken.
- **Q:** What is the minimum maintenance required for the FOCUS™ System, post installation?
- **A:** Under normal conditions, there are no maintenance requirements, but this may be subject to specific framework agreements.
- **Q:** What happens if a section of the waste water network is damaged, requiring repair?
- **A:** In an emergency the water company's staff, are permitted to cut and remove the cable safely. For any other repairs, this is normally undertaken in conjunction with i3-group trained engineers. A number of methods have also been developed to permit most types of repair.
- **Q:** Is it possible to reline the waste water network with the cable in place?
- **A:** Yes, please contact i3-Group for recommended relining products.
- **Q:** What is the 'service life' of cable once installed? Will there be a need for capacity upgrade in future?
- **A:** Under normal situations, the life-cycle of the cable is 25 years, however most UK framework agreements tend to vary between 10 – 15 years.
- **Q:** How are 'ragging' issues dealt with?
- **A:** The FOCUS™ System is designed to avoid ragging. If ragging occurs and it is assessed that the cause is due to the FOCUS™ System installation, corrective action is undertaken by i3-Group trained engineers.
- **Q:** With the cable laying in the invert, is there any risk of the jetting head becoming entangled around the cable?
- **A:** Extensive in-house testing was unable to replicate this scenario, as any displacement from the jetting head tended to force the cable sideways and not upwards ; as such it is not envisaged as being a potential issue. To date, there have been no reported issues from any live projects.
- **Q:** Do you have any data on waste water networks that have become heavily ragged due to the FOCUS™ System, thus causing the need for the cable to be removed?
- **A:** Utilizing the 3<sup>rd</sup> Generation steel armoured cable, we have had no occurrences of ragging where the cable has been installed correctly.
- **Q:** Repairs to smaller waste water networks either require lining or replacement of sections of pipe, what methods are available that negate the need to remove the cable to enable repairs to be undertaken?
- **A:** Lining can take place with the cable in situ, with either existing fittings or new products being developed which allow in-situ repairs to be undertaken without the need to remove the cable.

- **Q:** What is the maximum amount of tension the fiber cable can withstand before it breaks?
- **A:** The tensile strength of the cable is 5 kN.
- **Q:** Do you install electrical cables within waste water networks?
- **A:** We currently only install fiber optic cable which utilizes pulses of light and as such there is no electricity present within the cable.
- **Q:** How do maintenance crews know the FOCUS™ System is installed within a waste water network?
- **A:** As-built records are provided to the water authority. Every manhole installed with cable has a 24/7 emergency contact "Caution" plate fixed to warn that cable is installed within the sewer.
- **Q:** What Confined Space training do the engineers installing the FOCUS™ System require?
- **A:** All personnel entering a confined space are required to comply with local regulations regarding working in confined spaces.

DRAFT

**6B**



## RESOLUTION

For your Reference

## VILLAGE OF GILBERTS

**Authorizing the Approval of the CY 2011 Recreational Programming Agreement with the Prairie Valley Family YMCA**

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 agreement between the Village of Gilberts and the Prairie Valley Family YMCA to provide a wide range of recreational programs and services to the community as attached hereto and made part hereof as Exhibit "A".

**Section 2:**

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

Passed this 12<sup>th</sup> day of April, 2011 by a roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Everett Clark	✓			
Trustee Bruce Erbeck			✓	
Trustee Nancy Farrell			✓	
Trustee Pete Cullotta	✓			
Trustee Patricia Mierisch			✓	
Trustee Guy Zambetti	✓			
President Rick Zirk	✓			

APPROVED THIS 12<sup>th</sup> DAY OF APRIL, 2010



[Signature]  
Village President, Rick Zirk

[Signature]  
Village Clerk, Debra Meadows

Published:

April 13, 2011



**VILLAGE OF GILBERTS AND PRAIRIE VALLEY FAMILY YMCA  
CY 2011 RECREATIONAL PROGRAMMING AGREEMENT**

**AGREEMENT** made this 30<sup>th</sup> day of March, 2011, by and between the Village of Gilberts, an Illinois municipal corporation (hereinafter referred to as "the Village") and the Prairie Valley Family YMCA, an Illinois non-profit corporation (hereinafter referred to as "the YMCA").

**RECITAL**

**WHEREAS**, the YMCA, a 501(c)(3) not-for-profit community service organization, offers a wide range of recreational programs and services for the communities it serves: and,

**WHEREAS**, the Village benefits from the programming efforts of the YMCA through the Gilberts Family Branch YMCA; and,

**WHEREAS**, the Village and the YMCA agreed on a program of recreational activities that was successfully provided by the YMCA in calendar years 2008, 2009 and 2010; and,

**WHEREAS**, the Village and the YMCA have agreed on continuing a program of recreational activities to be provided by the YMCA in calendar year 2011; and,

**NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

- I. PURPOSE.** For calendar year 2011, the Village and the YMCA agree to provide recreational programs offered to the citizens of Gilberts by the YMCA on behalf of the Village.
- II. SCOPE OF SERVICES.** The YMCA shall implement the following program of activities
  - A. Youth Baseball**
    1. The YMCA will organize and implement a youth baseball program for children ages 4 and up, based on the need for each level and provided there are enough participants to provide a quality program.
    2. The spring youth baseball program will start on April 25, 2011 and run through June 25, 2011.
    3. The baseball fields at Waitcus and Memorial Parks shall be reserved for the YMCA baseball games on every Saturday from 8am to 12 pm (noon), from April 25, 2011 through June 25, 2011.

The baseball fields at Memorial Park and/or Waitcus Park will be reserved for practice sessions for additional hours/days as mutually agreed upon by the YMCA and the Village. Baseball practice times will be scheduled after all organizations have set game times with the Village. To the best of its ability, the Village agrees to provide adequate practice times for YMCA programs.

**B. Youth Summer & Fall Soccer**

1. The YMCA shall organize and implement a youth soccer program for children ages 4 and up based on the need for each level and provided there are enough participants to provide a quality program.
2. The summer program will start on June 27, 2011 and will run through August 27, 2011. The fall program will start on August 29, 2011 and run through October 29, 2011. The soccer field at Memorial Park and two soccer fields at Town Center Park will be reserved for practice sessions for additional hours/days as mutually agreed upon by the YMCA and the Village.
3. The soccer fields at Memorial Park and one field at Town Center Park shall be reserved for the YMCA summer and fall soccer programs every Saturday from 9 am to 1 pm beginning June 27 through October 29, 2011. The soccer field at Memorial Park and two soccer fields at Town Center Park will be reserved for practice sessions for additional hours/days as mutually agreed upon by the YMCA and the Village.

**D. Day Camp**

1. The YMCA shall provide a summer day camp for children ages five through twelve. The day camp program will provide daily outdoor education and activities at Memorial Park, Burnidge Forest Preserve, Tyler Creek Forest Preserve, and the Prairie Valley Branch YMCA, and offsite field trips as scheduled by the YMCA. The YMCA will use Memorial Park as the designated pick-up and drop-off location for program participants.
2. The program will begin June 6, 2011 and will conclude on August 13, 2011 and will be held Monday through Friday of each week.
3. The Day Camp program will be conducted in accordance with the American Camp Association requirements.
4. The YMCA will be responsible for coordinating with the Rutland-Dundee Fire Protection District for required emergency services.

### III. MAINTENANCE AND FACILITIES

A. **Village Responsibilities.** The Village agrees to provide the following services to support the programs provided by the YMCA:

1. The Village shall provide brown dirt or turfus and a rake for the YMCA's use on the Memorial Park baseball diamond. If the baseball diamond is in need of more brown dirt or turfus throughout the season, the YMCA will contact the Village to request more to keep the baseball diamond in an appropriate playable condition.
2. Prior to the regular baseball season starting, the Village shall provide and maintain one porta-potty at Waitcus Park, two porta-potties at Town Center Park, and two porta-potties or similar temporary restroom accommodations at Memorial Park.
3. The Village shall provide the YMCA with information for the Village's designated non-emergency contact.
4. The Village shall be responsible for grass mowing and regular garbage collection at Memorial, Town Center and Waitcus Parks. The grass will be properly maintained prior to game times. The Village will provide garbage receptacles through its contracted waste hauler.
5. The Village shall be responsible for filling any pot holes and rolling the soccer field and baseball fields at Memorial/Town Center Parks to create a safe playing surface prior to the beginning of the soccer playing season.
6. The Village shall be responsible for promptly removing graffiti, broken glass, or other hazards resulting from vandalism and/or misuse of the Village property.
7. The Village shall provide the YMCA a copy of the appropriate water quality tests for the water fountain at Memorial Park to demonstrate compliance with all applicable state regulations.
8. The Village agrees to assist with the installation of new soccer goal posts, if requested by the YMCA. The Village shall work with the YMCA to ensure that all goals are properly anchored to avoid risk of injury.

B. **The YMCA agrees to the following conditions of the use of Village facilities for YMCA programs and activities:**

1. The YMCA shall be responsible for lining the fields for the baseball, and soccer programs that they run. The YMCA may coordinate with other programs to stripe and/or prepare Village parks for game or program use.

2. The YMCA shall be responsible for clearing the baselines and spreading dirt and/ or turfus provided by the Village for the baseball diamond at Memorial Park during their baseball seasons. The YMCA shall also be responsible for raking the field prior to its use for games.
3. The YMCA shall be responsible for all equipment they deem necessary.
4. The YMCA shall be permitted to keep a metal storage chest at Memorial Park. The chest must be secured with a lock and is to be removed at the end of the program year, unless otherwise agreed to by the Village. The YMCA shall provide a copy of the key, combination, etc. for the lock to the Village's Public Works Department.
5. The YMCA agrees to restore at the end of a day all Village parks and facilities used for YMCA activities to the same condition as found at the beginning of the day, as reasonably determined by the Village Public Works Supervisor.
6. The YMCA shall include a disclaimer statement in its promotional materials advising the public that a program may be cancelled, restructured or combined with another Gilberts YMCA program if there is an insufficient number of participants in a program. If a program is cancelled due to inadequate number of participants, the YMCA agrees to refund the participants' fees or offer participation in a similar program elsewhere in the Greater Elgin area, if available.
7. The YMCA shall be responsible for conducting background checks on all coaches and adult volunteers prior to their participation in or assistance with any youth program.

**IV. REIMBURSEMENT.** The Village shall not be responsible for reimbursing or compensating the YMCA for the provision of the programs identified in this agreement, nor shall the Village be entitled to any funds collected by the YMCA from the registration of program participants or other program-related revenues.

**V. OTHER TERMS AND CONDITIONS**

- A. TERM OF AGREEMENT.** This Agreement shall be in effect from April 1, 2011 to March 31, 2012.
- B. INSURANCE.** The YMCA shall carry a general liability insurance policy for an amount no less than \$1,000,000.00 and an umbrella policy for an amount no less than \$5,000,000.00. The YMCA shall add the Village as an additional insured party on any policy for the use of Village property and/or facilities for YMCA activities and provide a copy of said policy or policies to the Village Clerk prior to the commencement of any activities on Village property by the YMCA
- C. INDEMNIFICATION.** The YMCA hereby shall indemnify and hold harmless the Village, its officers, representatives, employees, and facilities from and against any and all claims resulting from the use of Village property and/or facilities for YMCA programs and activities.

**D. FAILURE TO PERFORM.** This Agreement may be declared null and void by either the YMCA or the Village should either the Village or the YMCA fails to meet any of the terms and conditions noted herein, within thirty (30) days of written notification of same by one to the other provided however, in the event of an extraordinary event or emergency the 30 day written notice period shall be reduced to forty-eight hours written notification, and during which time the other has not complied with this Agreement's provisions and conditions.


**E. EQUAL OPPORTUNITY.** The YMCA shall not discriminate in its employment, operating or business practices on the basis of race, creed, color, sex, military service status, age, national origin, matriculation or disability.

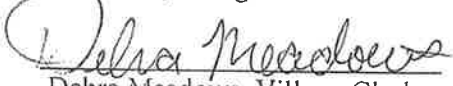
**F. DRUG FREE WORKPLACE.** The YMCA shall operate under the terms and conditions of the YMCA's Drug and Alcohol policy, attached to this agreement as Exhibit "A" and as updated from time to time.

**G. AMENDMENT.** This Agreement may be amended during the term of this Agreement. By mutual written consent of the Village and the Prairie Valley Family YMCA.

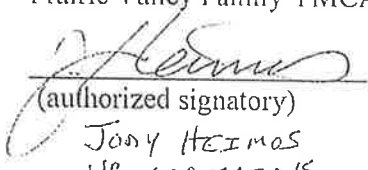
IN WITNESS WHEREOF, the parties have entered into this Agreement on the date so shown at the beginning.

Village of Gilberts

  
Rick Zirk, Village President

  
Debra Meadows, Village Clerk

Prairie Valley Family YMCA

  
(authorized signatory)

Tony Heimas  
VP OF OPERATIONS  
PRAIRIE VALLEY FAMILY YMCA

## VILLAGE OF GILBERTS

### SOCCER/BASEBALL FIELD RESERVATION APPLICATION

Please complete this form and the Hold Harmless Agreement. Return the completed forms to the Village of Gilberts Village Hall, 87 Galligan Road, Gilberts, IL. 60136 or email them to [dmeadows@villageofgilberts.com](mailto:dmeadows@villageofgilberts.com). Once your reservation is approved, you will be required to keep a copy of the application with you to verify that you have access to the ball field on the date/ time listed below in the event of a dispute.

Name of the Organization / Individual: Tri Cities Baseball / Joe Meskivish

Date Requested Tues. Thurs. Sun. Time: 5:30 - 7 / 2:00 - 4:00

Anticipated number of persons who will be attending: 12 players 4 to 5 coaches

Baseball Field Location: Memoria / Park

Soccer Field Location: \_\_\_\_\_

Facilities such as volleyball courts, jogging paths, basketball courts and playgrounds are available to everyone using the parks (to share). **They may not be reserved.** Please be considerate of other parties using the park. All ball fields have a maximum time limit of 1-1/2 hours per day.

Contact Person (name, please print): Joe Meskivish

Address: 353 Jackson Ct Gilberts Phone: 847-814-3466

Email Address: SKivi37@yahoo.com

I have read and understand the rules and regulations provided, and I agree to abide by them. I understand that the violation of them by any member in my party will result in denial of future reservations, removal from the park and possibly be subject to arrest by the Village of Gilberts Police Department.

Applicant's Signature: [Signature] Date: 3-12-12

If you find that your reservation must be cancelled, please contact the Village Hall as soon as possible at 847-428-2861, so someone else can use the field.

Approved By: [Signature] Date: 3/12/12

Dates

5:30 - 7:00

2:00 - 4:00

March

Tues

TH

Sun

20<sup>th</sup>

22<sup>nd</sup>

25<sup>th</sup>

27<sup>th</sup>

29<sup>th</sup>

April

Tues

TH

Sun

3<sup>rd</sup>

5<sup>th</sup>

~~8~~ 8<sup>th</sup>

10<sup>th</sup>

12<sup>th</sup>

15<sup>th</sup>

17<sup>th</sup>

19<sup>th</sup>

22<sup>nd</sup>

24<sup>th</sup>

26<sup>th</sup>

29<sup>th</sup>

## VILLAGE OF GILBERTS

### Baseball Field RESERVATION APPLICATION

Please complete the form below and the attached Hold Harmless Agreement. Return the completed forms to the Village of Gilberts Village Hall, 87 Galligan Road, Gilberts, IL. 60136 or contact us at 847-428-2861.

Name of the Organization / Individual: Elgin Classic Little League / Jeremy Haefling

Date Requested see margin Time: see margin

Anticipated number of persons who will be attending: 15

Baseball Field Location: Memorial Field

Purpose of the Function: Softball practice

Facilities such as volleyball courts, jogging paths, basketball courts and playgrounds are available to everyone using the parks (to share). **They may not be reserved.** Please be considerate of other parties using the park. The baseball field has a maximum time limit of 1-1/2 hours per day.

Contact Person (name, please print): Jeremy Haefling

Address: 131 Willey Street Phone: (847) 851-8654

I have read and understand the rules and regulations listed on the accompanying letter, and I agree to abide by them. I understand that the violation of them by any member in my party will result in denial of future reservations applications, my removal from the parks and possibly, my, or some in my party's arrest by the Village of Gilberts Police Department.

Applicant's Signature: Jeremy Haefling Date: 3/14/2012

If you find that your reservation must be cancelled, please contact the Village Hall as soon as possible, so someone else can use the field.

March 19  
6-8pm

March 21  
5-7:30pm

March 24  
9-11am

March 26  
6-8pm

March 28  
5-7:30pm

March 31  
9-11am

April 1  
2-4pm

April 7  
9-11am

April 9  
6-8pm

April 11  
5-7:30pm

April 15  
2-4pm

April 16  
6-8pm

April 22  
2-4pm

April 25  
5-7:30pm

April 30  
6-8pm



**6C**

**This will be sent electronically**