

Village of Gilberts

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

Village Administrator Memorandum 53-11

TO: President Rick Zirk
Board of Trustees

FROM: Ray Keller, Village Administrator *PK*

DATE: September 2, 2011

RE: Village Board Meeting – September 6, 2011

The following summary discusses the agenda items for the Village Board meeting scheduled for September 6, 2011:

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

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

A. Motion to approve Minutes from the August 16, 2011 Village Board Meeting

Please review the enclosed minutes from the August 16 Village Board meeting. Please contact Staff prior to the meeting with any corrections or questions. Staff recommend approval.

B. Motion to approve Bills and Salaries dated September 6, 2011

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.

C. Motion to approve Resolution 36-2011, a Resolution establishing intent to use Motor Fuel Tax Funds for the 2011 Road Repair Program

Staff recommend approval of the provided resolution, which authorizes the use of up to \$500,000.00 from the Village's Motor Fuel Tax Funds allotment to complete the road repair program. The Village had reduced the bond for the road program with the intention of using reserved MFT funds to complete the project, thus lowering the

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
847-428-2954 Fax 847-428-4232

Village's debt obligation. The Illinois Department of Transportation has already given a preliminary approval of this approach; the accompanying IDOT documentation will formalize the approval.

D. Motion to approve Resolution 37-2011, a Resolution authorizing an agreement between the Village of Gilberts and Baxter & Woodman for construction engineering services for the 2011 Road Repair Program

Staff recommend approval of the resolution authorizing a work order with Baxter & Woodman for the administration, inspection and completion of the road repair program. Their responsibilities include primary coordination with contractors, completion of reports to IDOT and the Village, inspection of the work performed, and ensure the timely completion of the project. The cost is structured to not exceed \$218,000, which was included in the overall project budget. Because the Village is using Motor Fuel Tax (MFT) funds for both the engineering and the construction work, the agreement is formatted to meet IDOT's requirements.

E. Motion to approve Resolution 38-2011, a Resolution amending Resolution 28-2010, an Intergovernmental Agreement between the Village of Gilberts and Kane County, Illinois for Allocation and Loan of Bond Proceeds pursuant to the American Recovery and Reinvestment Tax Act of 2009

In 2010, the Village approved Resolution 28-2010, which authorized an agreement with Kane County to secure \$345,000 in Recovery Zone Bond proceeds to finance stormwater and road improvements in the Village. The RZB project scope included the reconstruction of a segment of Binnie Road, which was ultimately incorporated into the bid and budget for the Village's comprehensive road repair program. As a result, approximately \$85,000 of the RZB project funds were freed up for additional drainage repairs.

At the August 16 meeting, the Village approved a work order for additional drainage improvements in Gilberts Glen, Indian Trails and Windmill Meadows for an amount not to exceed \$84,500.00. Staff had received a preliminary approval from Kane County, but the intergovernmental agreement needs to be amended to reflect the expanded scope of work. Staff recommend approval of the resolution authorizing the amended scope. With the Board's approval, the amendment will be forwarded to the Kane County Board for their concurrence.

F. Motion to approve Resolution 40-2011, a Resolution approving the proposal by Blue Dot Sign Company for two commercial monument signs for an amount not to exceed \$31,320

Staff recommend approval of a proposal by Blue Dot Sign Company to construct two commercial monument signs to be located in front of Tim Polk's and Kathy Tonelli's buildings on the south side of Higgins Road. After receiving proposals from two firms, Staff recommend the Board's approval of a proposal by Blue Dot Sign Company for an amount not to exceed \$31,320. The Village had set aside \$33,400 in Tax Increment Financing (TIF) funds in the FY 2012 budget for this project.

The two signs would be approximately 8 feet 8 inches tall and fourteen feet inches wide, with a masonry base and capped columns. The sign would include an internally lit 60 square-foot identification area for each property's tenants. The signs would match the sign proposed by Joe Lazar for his property at Higgins Road and Industrial Drive. Staff have since confirmed that the color of brick base and columns will match the facades of the two principal buildings as closely as possible.

5. ITEMS FOR APPROVAL

A. Motion to approve Ordinance 22-2011, an Ordinance granting a Special Use Permit for the operation of a recycling center within the I-1 General Industrial Zoning District located at 161 Center Street

Tink's Ink LLC / Elgin Recycling Inc. has petitioned for a special use permit to allow the expansion of his operations to property at 161 Center Street, for which they have a contract to purchase. Approval of the request would allow the petitioner to recycle electronics, batteries, paper, cardboard, plastics, and ferrous and nonferrous metal scrap, including metal appliances and "white goods" (with the "white goods" components removed). Elgin Recycling would relocate some of its scrapping and recycling functions from their facility at 46 East End Drive, which is also regulated by a special use permit. By relocating its louder recycling functions to the Center Street property, Elgin Recycling will reduce the amount of noise affecting the neighbors of the East End property.

The Plan Commission conducted a public hearing on the request on July 13, at which they recommended approval by a vote of 5-1. The Plan Commission outlined 20 conditions of approval, which were subsequently discussed by the Village Board. At the August 16 meeting, the Village Board and the applicant reviewed a number of changes to the conditions of approval. The modified list now includes specifying a maximum 16-foot height for the block wall storage enclosure and requiring that the usable area be encircled by a ten-foot sight-proof fence within two year. The ordinance also clarifies that "recycling" does not include "clean construction debris" (CCDD), concrete or asphalt recycling, or functioning like a transfer station. At the conclusion of the discussion, the Board directed Staff and the applicant to address three remaining issues:

- Condition #5: Battery and electronics recycling would be permitted, conditional upon the applicant maintaining the R2 certification, which requires strict compliance with US and IL EPA regulations. Should the applicant not maintain the R2 certification (or an equivalent EPA-approved update), the applicant may no longer recycle batteries or electronics.
- Condition #14: This condition addresses noise generated by the applicant's machinery, which have been the source of noise complaints at their East End Drive location. This condition has been reworked to accommodate the applicant's request to stipulate that he can use his shear baler and shredder and do saw cutting and torching of materials outside, which was not allowed at the East End Drive location.

In return, the applicant agrees to comply with the Village's sound and noise vibration regulations. If there is a noise and/or vibration violation, then he has five (5) business days to resolve the problem. If not resolved within five days or if there is a reoccurrence of the same violation, the applicant must stop the activity causing the problem until it is resolved and approved by the Village. This arrangement allows the applicant some reassurance that he has an opportunity to resolve the problem in a reasonable time period without automatically jeopardizing his special use permit. It also allows the Village the opportunity to resolve the problem without requiring the multi-step enforcement process typically associated with zoning enforcement activities (e.g. warning letter, second warning letter, citation, etc.).

- Condition #16: This condition is phrased to allow the applicant to use the existing asphalt grindings surface without having to repave the entire area, provided that it is maintained and dustless. At the Village Board's request, Village Engineer Bill Blecke inspected and confirmed that the surface was sufficiently stable to support heavy equipment and would be considered "dustless." His review memo is enclosed in the packet.

If the Board is satisfied with the petitioner's answers and the reworked conditions, then the Board may take action on the ordinance at the meeting. The Board retains the option of further amending the conditions prior to approval or not approving the ordinance.

B. Motion to approve Resolution 39-2011, a Resolution authorizing an agreement between the Village of Gilberts and Baxter & Woodman for the preliminary design for the water treatment plant barium/radium pre-treatment system

Approval of this resolution authorizes an agreement with Baxter & Woodman to complete a preliminary design and project plan for a pre-treatment process to remove barium and radium from the Village's water and wastewater treatment processes.

Currently, radium is removed from the Village's water supply at the water treatment plant; the plant's backwash then flows to the wastewater treatment plant, where the radium accumulates in the biosolids (i.e. sludge). By removing the radium at the water treatment plant, the Village can reduce its annual sludge removal costs and extend the life of the nearby land application fields. The Village will also be required to reduce the barium in its effluent to comply with a new condition attached to the Village's NPDES permit. IEPA is requiring status updates to ensure that the Village and other municipalities are making progress toward their barium reduction requirements.

The work order authorizes a project scope not to exceed \$21,000.00, which includes an allowance for laboratory work. If approved, the project will be funded by the water/wastewater enterprise fund. Staff recommend approval.

6. ITEMS FOR DISCUSSION

Please contact me if there is a topic that can be addressed prior to or at the meeting.

7. STAFF REPORTS

A. Audit for the Fiscal Year Ending April 30, 2011

A copy of the Management Letter for the FY 2011 annual audit is included for the Board's review. Auditors from Lauterbach and Amen will be at the September 12 Committee of the Whole meeting to review the audit and answer any questions. Please contact me or Finance Director Marlene Blocker if you have any questions.

B. Police Department Update

Chief of Police Steve Williams has prepared a list of budget amendments to reduce expenditures by approximately \$45,000 over the remainder of Fiscal Year 2012 (ending April 30, 2012). These proposed reductions anticipate unbudgeted personnel and legal costs that will likely be incurred in this fiscal year. Please contact me or Chief Williams if you have any questions.

8. BOARD OF TRUSTEES REPORTS

9. PRESIDENT'S REPORT

10. EXECUTIVE SESSION

Staff may request an executive session to discuss imminent litigation. Please contact me if you any questions about other executive session topics.

11. ADJOURNMENT

closet

**Village Board of Trustees
Meeting Agenda
Village of Gilberts
87 Galligan Road
Gilberts, Illinois 60136
September 6, 2011
7:00 p.m.
AGENDA**

ORDER OF BUSINESS

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

2. ROLL CALL/ESTABLISH QUORUM

3. PUBLIC COMMENT AND DISCUSSION

4. CONSENT AGENDA

- A. A motion to approve minutes from the August 16, 2011 Village Board Meeting
- B. A motion to approve Bills and Salaries dated September 6, 2011
- C. A motion to approve Resolution 36-2011, a Resolution Establishing Intent to Use Motor Fuel Tax Funds for the 2011 Road Repair Program
- D. A motion to approve Resolution 37-2011, a Resolution authorizing an agreement between the Village of Gilberts and Baxter & Woodman for construction engineering services for the 2011 Road Repair Program
- E. A motion to approve Resolution 38-2011, a Resolution amending Resolution 28-2010 an Intergovernmental Agreement between the Village of Gilberts and Kane County, Illinois for Allocation and Loan of Bond Proceeds pursuant to the American Recovery and Reinvestment Tax Act of 2009
- F. A Motion to approve Resolution 40-2011, a Resolution approving the proposal by Blue Dot Sign Company for two commercial monument signs for an amount not to exceed \$31,320

5. ITEMS FOR APPROVAL

- A. A motion approve Ordinance 22-0211, an Ordinance granting a Special use Permit for the operation of a recycling center within a I-1 General Industrial Zoning District located at 161 Center Street
- B. A motion to approve Resolution 39-2011, a Resolution authorizing an agreement between the Village of Gilberts and Baxter & Woodman for the preliminary design for the water treatment plant barium/radium pre-treatment system

6. ITEMS FOR DISCUSSION

7. STAFF REPORTS

- A. Audit for the Fiscal Year ending April 30, 2011
- B. Police Department Update

8. BOARD OF TRUSTEES REPORTS

9. PRESIDENT'S REPORTS

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

4A

**Village of Gilberts
87 Galligan Road
Gilberts, Illinois 60136
Village Board
Meeting Minutes
August 16, 2011**

Call to Order/ Pledge of Allegiance

President Zirk called the meeting to order at 7:00 p.m. He proceeded to lead those present in the Pledge of Allegiance.

Roll call / Establish Quorum

Village Clerk Meadows called the roll. Roll Call: Members present: Trustees Corbett, Clark, Mierisch, Zambetti, Hacker and President Zirk. 1-Absent: Trustee Farrell. Others present: Administrator Keller, Chief of Police Williams, Assistant to the Village Administrator Beith and Village Clerk Meadows. For members of the audience please see the attached list.

Recognition

Shop with a Cop Award

Chief Williams provided those in attendance with an overview of the Shop with a Cop Program. Chief Williams explained that the program was established in 2004 as a cooperative venture between the Villages of East Dundee, West Dundee, South Barrington, Gilberts, Sleepy Hollow and Carpentersville Police Departments.

This community policing initiative provides material assistance to children and their families who have social or economic needs that become especially prominent during the Christmas holiday season. During this annual event children enjoy a breakfast buffet, a visit from Santa, holiday shopping and holiday food basket.

In addition, Shop with a Cop provided financial and volunteer support to community food drives that in the past have provided a week's worth of food to over 70 needy families in the jurisdiction of the 6 member police departments.

Supporting these efforts is Shop with A Cop business sponsors who give back to their communities through this program. The current president of the Shop with a Cop program is Gilberts' police officer Hector Pulgar. Chief Williams was pleased to represent him in presenting awards to two Gilberts' businesses for their significant contributions to this cause. Shocks Towing and Gilberts Mobile Mart were named as this years' recipients.

Chief Williams proceeded to read the inscription on the plaques as follows:

"The Shop with a Cop 2010 proudly presents the Community Service Award to Gilberts Mobil Mart/Shocks Towing in recognition of valuable contribution for involvement and dedication to the communities"

Public Comment and Discussion

President Zirk asked if anyone from the audience wished to address the Board. Mr. Allen who resides at 499 Kathleen approached the Board. He thanked the Board for recently listening to the Dunhill residents who petitioned the Board to reconstruct their shoulders with turf in lieu of gravel during the 2011 road improvement project.

Consent Agenda

- A. A motion to approve minutes from the August 2, 2011 Village Board Meeting
- B. A motion to approve minutes from the August 9, 2011 Committee of the Whole Meeting
- C. A motion to approve Bills and Salaries dated August 16, 2011 as follows: General Fund \$69,140.73, Permit Pass Thrus \$1,897.50, Performance Bonds and Escrows \$2,691.00, Water Fund \$82,103.01 and Payroll \$66,411.23.
- D. A motion to approve the July 2011 Treasurer's Report
- E. A motion to approve Ordinance 24-2011, an Ordinance amending the Village Code Chapter 3, Sections 8 and 9 "Authority of the Chief of Police" and Section 10 "Regulatory Signage"
- F. A motion to approve Resolution 34-2011, a Resolution approving the proposal by Blue Dot Sign Company for two park signs for an amount not to exceed \$16,635
- G. A motion to approve the job description for Public Works Crew Leader

A motion was made by Trustee Clark and seconded by Trustee Zambetti to approve the consent agenda items 5A-5G as presented. Vote: 5-ayes: Roll call: Trustees Clark, Mierisch, Zambetti, Hacker and Corbett. 0-nays, 0-abstained. Motion carried.

Items for Approval

A motion to approve Ordinance 25-2011, an Ordinance authorizing and providing for the issuance of \$1,975,000 General Obligation Bonds (Alternate Revenue Source), Series 2011, of the Village of Gilberts, Kane County, Illinois

Mr. Dan Simpson, Assistant Vice President of Bernardi Securities, Inc. provided the Board Members with an overview of the final bond outcome. He discussed the bond structure. He reported that the bonds will be retired serially from December 1, 2012 to December 1, 2018 and with a term bond in December 1, 2012.

He went on to report that the Village has pledged its motor fuel tax, non-home rule sales tax and telecommunications tax to the payment of the Bonds. The telecommunication tax was pledged to provide the 1.25x debt service coverage required to issue Alternate Revenue Source Bonds.

Mr. Simpson went on to discuss the market conditions and bond distribution. He reported that the market conditions for municipal bonds are currently favorable. The Bond Buyer G.O. Index, a market indicator of tax-exempt interest rates on 20 year general obligation bonds that carry an average rating of A1, was 3.97% on August 11, 2011.

Mr. Simpson noted that the "optional redemption" provision had been removed due to the fact it would have increased the interest rate by 100+ basis points. However the removal doesn't preclude the Village from paying off the bond earlier.

Mr. Simpson reported that market interest on the Village's Bonds was high because of the Village's A+ credit rating. Final pricing of the Bonds came after days of pre-marketing activity, which led to strong market participation during the bond sale. The Village completed the sale of the Bonds with a net interest cost of 2.89%.

Mr. Simpson commented on the Village's credit rating. He discussed a recent conference call in which Administrator Keller, Finance Director Blocker, and representatives from Bernardi and Standard & Poor's participated. During the call the Village Staff provided an overview of the Village's financial and management practices and a summary of the strong financial position of the Village's general fund balance. In his opinion the conversation was instrumental in the Village receiving the A+ bond rating.

Mr. Simpson reported that the Village has entered into an agreement to provide certain financial and operating information annually and to provide notice of certain events to the bondholders pursuant to the requirements of Section (b) (5) of Rule 15c2-12 adopted by the Securities and Exchange Commission. The financial and operation information must be provided to the Municipal Securities Rulemaking Board via Electron Municipal Access systems no later than 210 days after the Village's fiscal year.

**Village Board
Meeting Minutes
August 16, 2011
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To help the Village comply with the Rule, Bernardi will assist the Village with preparing and filing the Annual Disclosure Report. In addition, Bernardi will assist the Village in drafting the annual Abatement Ordinance which will need to be filed with the Kane County Clerk. Mr. Simpson finished his discussion by stating the closing date for the bonds is scheduled for August 30th.

There being no further discussion, a motion was made by Trustee Zambetti and seconded by Trustee Clark to approve Ordinance 25-2011, an Ordinance authorizing and providing for the issuance of \$1,975,000 General Obligation Bonds (Alternate Revenue Source), Series 2011, of the Village of Gilberts, Kane County, Illinois. Vote: 5-ayes, Roll call: Trustees Mierisch, Zambetti, Hacker, Corbett, and Clark. 0-nays, 0-abstained. Motion carried.

A motion to approve Resolution 33-2011, a Resolution awarding the bid for the 2011 Road Program Project to Peter Baker & Son Company in the amount of \$2,123,633.50

There being no discussion, a motion was made by Trustee Clark and seconded by Trustee Zambetti to approve Resolution 33-2011, a Resolution awarding the bid for the 2011 Road Program Project to Peter Baker & Son Company in the amount of \$2,123,633.50. Vote: 5-ayes, Roll call: Trustees Zambetti, Hacker, Corbett, Clark and Mierisch. 0-nays, 0-abstained. Motion carried.

A motion to approve Resolution 35-2011, a Resolution waiving competitive bidding requirements and authorizing an agreement between the Village of Gilberts and Baxter & Woodman to provide professional services for designing, permitting and constructing Storm Sewers and Drainage Improvements.

President Zirk commented on a recent Board discussion with respect to engineering work orders. Staff has included language in the Resolution to waive the competitive bidding requirements.

President Zirk reminded staff that the Board would like to have an opportunity to discuss a past situation with Baxter & Woodman. Administrator Keller reported he had spoken with one of the engineers and he will follow-up with Engineer Stefan.

There being no further discussion, a motion was made by Trustee Clark and seconded by Trustee Zambetti to approve Resolution 35-2011, a Resolution waiving competitive bidding requirements and authorizing an agreement between the Village of Gilberts and Baxter & Woodman to provide professional services for designing, permitting, and constructing Storm Sewers and Drainage Improvements. Vote: 5-ayes, Roll call: Trustees Hacker, Corbett, Clark, Mierisch, and Zambetti. 0-nays, 0- abstained. Motion carried.

A motion to approve Ordinance 22-2011, an Ordinance granting a Special Use Permit for the operation of a recycling center within the I-1 General Industrial Zoning District located at 161 Center Street
Administrator Keller discussed the recent questionnaire drafted by the Board after the last meeting in which this matter was under consideration. He acknowledged the receipt of Elgin Recycling's responses.

President Zirk thought however painful it was best to discuss each concern individually.

Attorney Heimberg (counsel for Elgin Recycling) agreed. He began to read the list of concerns as noted below:

Batteries- there are reservations about allowing batteries to be stored for disposal onsite. Can the batteries be collected and stored at your Elgin location?

President Zirk discussed the draft Ordinance which allows for the storage and recycling of batteries, electronics or similar materials on the subject property only in compliance with the USEPA standards as set forth in the R2 "Responsible Recycling" Certification. In addition, all these types of materials shall be stored only within the building.

Trustee Hacker stated that he had a real problem in general with allowing the acceptance of batteries. Mr. Conway discussed the method he uses when handling batteries. He reported that they are all placed in leak proof bags and stacked on pallets no more than two high. Trustee Hacker asked what if the batteries were broken on the delivery truck and leaking prior to being transferred to the bags. Mr. Conway discussed the approved USDOT method for transporting batteries. However, Trustee Hacker expressed concerns even if the batteries were transported in the required method a hazardous spill was still a likely scenario.

Attorney Heimberg discussed in length Mr. Conway's achievement in obtaining an R-2 accreditation.

Trustee Mierisch expressed concerns that other recycling centers might petition the Board to allow them to also recycle batteries.

She recommended only allowing facilities that had obtained an R-2 accreditation be allowed to accept batteries. A lengthy discussion ensued with respect to various certifications.

Trustee Clark recommended requiring the certifications be consistent and timely. The majority of the Board was comfortable with the certification requirement. However, Trustee Hacker still expressed reservations.

Mr. Conway agreed that all batteries will be housed indoors.

Buffering to the wetlands-there are concerns about containing/buffering any contaminated runoff (e.g. leaking battery acid or other inevitable accidental spill) from the wetland.

Mr. Conway reported that there is a 25' wetland buffer and silt fence. In addition, the outdoor surface is constructed of granulated asphalt. Mr. Kannigan (owner of the property in question) commented on the buffer and outdoor surface.

The Board was comfortable with the response on the wetland buffer.

Covered bins-there was discussion about distinguishing between covering the bins for aesthetic reasons vs. ensuring that any loose material are contained. Would only iron be left uncovered? What about loose (e.g. paper) recycled materials?

Administrator Keller reported that the draft ordinance has several conditions covering this issue. The Board was comfortable with the restrictions.

Pavement- to better control for dust, why shouldn't the yard be paved? Alternately, would the drive aisles for the trucks be paved and the drop areas for bins be on gravel or crushed asphalt?

Trustee Clark questioned the depth of the grindings. Mr. Kannigan replied that the depth of the grindings is at least 18". Mr. Conway reported that the Village Engineer, Bill Blecke has determined that the usable part of the property is considered an impervious surface area. Therefore, they plan on using the existing area. Trustee Hacker asked if the existing facility's surface was paved. Administrator Keller replied yes, in accordance with Village Code. A lengthy discussion ensued with concerns on the grindings. The Board recommended that Engineering take core samples to determine the depth of the grindings. In addition, provide the Board with a dust study.

Storage-will this site be a storage yard for the East End Drive property? Will it look like a junk yard?

President Zirk discussed the Board's concern that the materials would be left sitting for long periods of time and not be moved through the process. Mr. Conway replied no. He is in the business of making money and in order to do so he must move the materials as fast as possible.

Mr. Conway reported that he will have the materials contained within concrete walls so as to obstruct the view. There was some discussion on the height of the concrete walls. The Board concurred that the concrete walls could be erected up to 16' high.

Truck Traffic-concern about truck traffic impacts on Center Street and on the pavement that extends onto the Oliver property.

Mr. Conway feels that the property is large enough to accommodate the truck traffic.

Trustee Mierisch inquired about a recent civil matter. Mr. Conway replied that this matter is in the process of being resolved. He is working on purchasing the easement from Mr. Oliver.

Clean construction debris-the Board does not want this site to become a CCD site; they do not want the "recycling" of concrete or other pavement material.

Mr. Conway responded that his facility is primarily a recycler of metals and will continue to be a recycler of metals on the new site.

Inspections-there is interest in requiring unscheduled inspections to be conducted by a third-party environmental inspection firm, selected by the Village and paid for by Elgin Recycling.

Trustee Hacker inquired if staff was qualified to conduct this type of inspection. Administrator Keller responded no.

Mr. Conway replied that he did not feel the inspection would be warranted. Due to the fact that they are getting audited by a 3rd party and plan to adhere to all regulations set forth through the R2 accreditation and the EPA.

Noise and Hours of operation-what noise, access, activity, etc. Will be generated by the facility? There are concerns about activity, noise, etc. at night.

Mr. Conway reported that one of the reasons for the move is to be a good neighbor. At the current location which abuts a commercial building there have been some concerns with the noise generated by Elgin Recycling's operations.

There was some discussion regarding the Village's current Noise Ordinance.

Trustee Hacker recommended moving the noise component of the operation indoors. Mr. Conway will do everything he can to alleviate any noise concerns.

Fencing-for security purposes, shouldn't there be a fence around the perimeter of the usable area? It would keep materials in the yard and people out.

Mr. Conway replied that currently 40%-50% of the yard is fenced in by neighboring fences. Within 2 years he plans on fencing the entire facility.

Graffiti-the block walls of the storage area will need to be kept clean of graffiti.

Mr. Conway responded that if there was graffiti he would paint over it.

Condition #20 would be rephrased as "A new building does not constitute an expansion of the special use that would otherwise require an amendment to the special use permit."

There was no concern on this stipulation.

There needs to be a stipulation that this use will exclude municipal or commercially collected waste, drawing a line between a "recycling center" and a transfer station".

Mr. Conway replied that he is in the recycling business and has no plans on becoming a transfer station.

There were no concerns with this stipulation.

President Zirk reviewed the outstanding concerns.

Attorney Heimberg discussed three additional requests. In the Special Use Permit they would like to include the use of the following three pieces of equipment outdoors:

1. Shedder/Bailer
2. Truck Scale
3. Saw Cutter

Trustee Clark and Trustee Hacker expressed concerns with allowing any business the ability to disregard Village Ordinances.

The Board Members discussed possible locations to place the equipment that would have less of an impact on the surrounding properties. Mr. Conway was agreeable to any location the Board Members recommends.

Mr. Conway stated his concern is if there was a noise complaint he would not want the Village to shut down his business. The Board Members understood Mr. Conway's concern. The Board directed staff to work with Attorney Heimberg and draft language that would allow the Village to mitigate any noise issues and not stop Mr. Conway from operating.

Attorney Heimberg stated that his client is requesting the Board amend condition #18, which restricts the acceptance of motorized vehicles. Mr. Conway reported he doesn't receive many vehicles. However, he would like to remain competitive and have the ability to accept them if the situation arose.

Trustee Clark expressed concerns with the allowance of vehicles. He felt if allowed the property would have the appearance of a junk yard. Trustee Clark had no problem with allowing Mr. Conway to accept clean auto parts.

The Board Members discussed their concerns with auto parts that contain petroleum products or hazardous substances. Mr. Conway stated that he only accepts clean parts. He is not in the businesses of cleaning auto parts.

Administrator Keller and Attorney Heimberg will work together to draft acceptable language for condition #18.

Mr. Conway asked if the majority of the Board was in favor of granting the special use permit. He needs to invest additional funds into the site and doesn't want to do so unless he is comfortable that the special use permit will be granted.

The majority of the Board Members concurred that the issues and concerns had been resolved.

This matter will be placed on the September 6th Village Board Agenda.

Staff Reports

Chief Williams reported that the department along with the Gilberts Elementary School will be kicking off the McGruff program by the end of the month.

President's Reports

President Zirk reported at the next work session he would like to discuss special event fees.

Executive Session

A motion was made by Trustee Clark and seconded by Trustee Corbett to close a portion of the meeting to the public, effective immediately with no business to follow to discuss collective negotiations as permitted by 5 ILCS 120/2 (c) (2) collective negotiating

The Board Members along with Administrator Keller, Assistant to the Village Administrator Beith, Chief of Police Williams and Village Clerk Meadows went into executive session at 9:47 p.m. and returned to the public meeting at 9:50 p.m.

The Board Members reconvened the public meeting at 9:52 p.m. Roll call: Members present: Trustees Hacker, Zambetti, Mierisch, Clark, Corbett and President Zirk.

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 9:55 p.m. Roll call: 5-ayes by unanimous voice vote.

Respectfully Submitted,

Debra Meadows

V B m
8/16/2011

Name	Address	Telephone #
Dan Brown	115 Hampton	530-205-8981
Bud Nernberg	2425 Royal Blvd Elgin	847-289-3370
Fred + Casey Allen	499 Kethleen	847 836 0828
Casey Hutson	94 Railroad St	847 836 1090
George Koscigin	94 Railroad St	847 514 5475

4B

VENDOR	TOTAL	GENERAL FUND	DEVELOPER DONATIONS	PERMIT PASS THRU	PERFORMANCE BONDS AND ESCROWS	WATER FUND	PAYROLL
GRAND TOTAL	161,760.07	59,936.15	-	-	4,541.97	44,970.58	52,311.37
PAYROLL FOR 08/14/11 - 08/27/11	52,311.37						52,311.37
ARTHUR J. GALLAGHER	23,044.44	19,092.77				3,951.67	
KC RECORD	32.00					32.00	
ACE002							
ACE002	ACE COFFEE BAR INC.	16.50	16.50				
AFID001	ASSOC. FOR INDIVIDUAL DEVELOP.	57.48	57.48				
AT&TV01	AT&T U-VERSE	75.00	75.00				
AUTOLIFT	AUTOMOTIVE LIFT SERVICE	385.00	385.00				
AZAVAR01	AZAVAR AUDIT SOLUTIONS, INC.	275.69	275.69				
B&W001	BAXTER & WOODMAN, INC.	8,198.64	7,051.15		1,137.49		
B&W002	B&W CONTROL SYSTEMS INTEGRATIO	49.40	49.40				
BENCHMAR	BENCHMARK SALES & SERVICE	1,140.00	1,140.00			1,140.00	
BPC001	BENEFIT PLANNING CONSULTANTS,	100.00	100.00				
CALLONE	CALL ONE	904.51	707.49			197.02	
CAN01	CANON FINANCIAL SERVICES, INC.	755.00	755.00				
CARUS01	CARUS CHEMICAL COMPANY	1,400.00				1,400.00	
CLARKE01	CLARKE AQUATIC SERVICES	2,685.50	2,685.50				
CLGRAPH	CL GRAPHICS INC.	771.00	771.00				
COM003	COMMONWEALTH EDISON	278.11	278.11				
EDDY01	ROB ROY CONSULTING	50.00	50.00				
ELNELSON	ELMUND & NELSON CO.	278.50	278.50				
EMBCOF	EMBASSY COFFEE SERVICE	34.77	34.77				
EXELON	EXELON ENERGY INC.	21,372.80	176.96			21,195.84	
EXXON01	EXXONMOBILE FLEET/GECC	4,787.25	4,556.97			230.28	
FEDEX	FEDEX	6.23				6.23	
GPPF01	GILBERTS POLICE PENSION FUND	1,156.78	1,156.78				
GRAINGER	GRAINGER	23.04				23.04	
HACH001	HACH COMPANY	1,985.64				1,985.64	
HEL001	RALPH HELM	42.99	42.99				
JDFORE01	JOSEPH D FOREMAN & CO	257.40				257.40	
JGUNIFRM	J G UNIFORMS INC	200.85	200.85				
JUST001	JUST TIRES	116.44	116.44				
KELLER	RAY KELLER	45.00	45.00				
LAUTER	LAUTERBACH & AMEN, LLP	2,500.00	2,500.00				
MANALY01	MCHENRY ANALYTICAL WATER	1,243.00				1,243.00	
MARTLEAS	MARTIN LEASING, INC.	66.67	66.67				
MEN002	MENARDS - CARPENTERSVILLE	431.01	75.28				
MIDPOW01	MIDWEST POWER VAC, INC.	2,850.00				355.73	
MORTSALT	MORTON SALT, INC.	5,367.05				2,850.00	
NEX001	NEXTEL COMMUNICATIONS, INC.	99.81	99.81			5,367.05	
NEXT01	NEXTEL COMMUNICATIONS	487.34	363.23				
NWLIGHT	NORTHWESTERN LIGHTING	268.25	268.25			124.11	

	VENDOR	TOTAL	GENERAL	DEVELOPER	PERMIT	PERFORMANCE	WATER	PAYROLL
			FUND	DONATIONS	PASS THRU	BONDS AND ESCROWS		
NWWS01	FERGUSON WATERWORKS	2,102.70					2,102.70	
PET101	P.F. PETIBONE & CO.	416.05	416.05					
PIEMONTE	AL PIERMONTE CHEVROLET	2.91	2.91					
QUILL01	QUILL	89.70	89.70					

4C

Resolution No. 36-2011

A Resolution Establishing Intent to Use Motor Fuel Tax Funds

BE IT RESOLVED by the President and the Board of Trustees of the Village of Gilberts, Kane County, Illinois that:

Section 1: The Village of Gilberts, Illinois intends for improvements be made to the roadway sections listed on the hereto attached Exhibit A using Motor Fuel Tax Funds, in accordance with the following criteria:

1. The length of the improvement is 31,165 feet (5.9 miles).
2. That the improvement shall be known as Section 11-00005-00-GB.
3. That the proposed improvement shall consist of design engineering, construction engineering, and construction of roadway resurfacing and drainage repairs to the specified Village streets.
4. That said improvement shall be made in accordance with The Illinois Highway Code.
5. That said work is to be done by Contract.
6. That the proposed improvement is to be completed using \$500,000.00 from the Village's allotment of Motor Fuel Tax Funds, in conjunction with the proceeds of a taxable general obligation alternative revenue source bond for the amount of \$1,975,000.00.
7. That there is hereby appropriated a sum not to exceed \$500,000.00 from the Village's allotment of Motor Fuel Tax Funds to pay for eligible activities associated with this road project.

Section 2: The Village Clerk is hereby directed to transit three certified copies of this resolution to the Department of Transportation through its District Engineer's Office at Schaumburg, Illinois.

PASSED BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES of the Village
of Gilberts, Kane County, Illinois, this _____ day of _____, 2011.

	<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 _____, 2011

(SEAL)

Village President Rick Zirk

ATTEST:

Village Clerk, Debra Meadows

Published: _____



Resolution for Improvement by Municipality Under the Illinois Highway Code

BE IT RESOLVED, by the President and Board of Trustees of the
Council or President and Board of Trustees
Village of Gilberts Illinois
City, Town or Village

that the following described street(s) be improved under the Illinois Highway Code:

BE IT FURTHER RESOLVED,
1. That the proposed improvement shall consist of Pavement pulverization or HMA surface removal, patching,
hot-mix asphalt resurfacing, drainage improvements, shoulder replacement, restoration and other misc. work.

1. That the proposed improvement shall consist of Pavement pulverization or HMA surface removal, patching, hot-mix asphalt resurfacing, drainage improvements, shoulder replacement, restoration and other misc. work.

_____ and shall be constructed 19-24 feet wide
and be designated as Section 11-00005-00-RS

2. That there is hereby appropriated the (additional ☒ Yes ☐ No) sum of Five hundred thousand
Dollars (\$500,000.00) for the
improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract ; and,

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Date _____

Regional Engineer

I, Village Clerk in and for the

Village of Gilberts

City, Town or Village

County of Kane

, hereby certify the

foregoing to be a true, perfect and complete copy of a resolution adopted

by the President and Board of Trustees

Council or President and Board of Trustees

at a meeting on

Date _____

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____

day of

(SEAL)

City, Town, or Village Clerk



Illinois Department of Transportation

General Improvement Bond Issues

Description, Ordinance, Election and Bond Data

Municipality Village of Gilberts
County Kane
MFT Section No. 11-00005-00-RS
Audit Report Date _____

Location and Description of Improvement

Names of Streets to be improved	Intersecting Streets		Arterial Street Number	Co. Highway or State	Construction Dates		Description of Improvement
	From	To			Started	Completed	
See Attached Exhibit A					9/6/2011		Resurfacing

Ordinance and Election Data

Date of Ordinance Providing for Improv.	August 16, 2011	Ord. No. 25-2011	Date Certified Copy of Ordinance was filed with County	August 17, 2011
Date of Special Consolidated Election	April 5, 2011		Clerk for Tax purposes	Debra Meadows
Result of Special Election			Engineer's Estimate of Cost	\$2,584,809.75
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable	Total	429		
Date Ordinance Ratified	June 7, 2011			

Bond Data

Amount of Bond Issue as Approved	\$1,975,000.00	Date Sold	August 30, 2011
Total Bonds Sold		Sold To	CEDETCO. Depository Trust Company
Principal Yield	\$2,028,524.45	Premium	\$51,098.41
Accrued Interest	\$2,426.04	Total Proceeds	\$2,028,524.45
Date Funds were Received	August 30, 2011	Fund in which Deposited	Village of Gilberts Bond Highway Fund
		Name and Address of Bank	US Bank (Illinois Funds), Springfield, IL 62705

Remarks: Taxable General Obligation Bonds (Alternative Revenue Source)

Signed _____

Municipal Clerk

Signed _____

Auditor

VILLAGE OF GILBERTS, ILLINOIS
2011 ROAD REPAIR PROGRAM
SECTION NO.: 11-00005-00-GB

EXHIBIT A

PROJECT DESCRIPTION

The PROJECT is expected to include pavement pulverization or Hot-Mix Asphalt removal, and resurfacing, and minor drainage improvements on the following roadways:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Sleeping Bear Trail	Whitefeather Lane	End
Running Deer Lane	Whitefeather Lane	End
Red Hawk Path	Running Deer Lane	Sleeping Bear Trail
Whitefeather Lane	Running Deer Lane	Sleeping Bear Trail
Shining Moon Path	Running Deer Lane	Sleeping Bear Trail
Arrowhead Drive	Whitefeather Lane	Tyrell Road
Pierce Street	Tyrell Road	Jean Street
Kathleen Street	Pierce Street	Pauline Court
Joan Court	Pierce Street	End
Andra Court	Pierce Street	End
Jean Street	Pierce Street	Pamela Court
Pamela Court	Towne Street	End
Pauline Court	Towne Street	End
Towne Street	Pauline Court	Towne Court
Towne Court	Towne Street	End
Suzanne Street	Towne Street	End
Deborah Street	Towne Street	End
Kildare Street	Tyrell Road	Welch Street
Kilkenny Court	Kildare Street	End
Welch Street	Tipperary Street	End
Kerry Court	Welch Street	End
Tipperary Street	Hennessy Court	End
Hennessy Court	Tipperary Street	End
Mason Road	Tipperary Street	End
Toll View Terrace	Park Street	End
Toll View Court	Toll View Terrace	End
Wind Mill Place	Toll View Terrace	Tyler Creek Street
Tyler Creek Street	End	End
Park Street	Toll View Terrace	End
Park Court	Park Street	End
Binnie Road	Galligan Road	Village Limits



General Improvement or Refunding Bond Issues

Municipality Village of Gilberts
County Kane
Section No. 11-00005-00-RS

[illegible]

Signed _____
Municipal Clerk

Signed _____ Auditor

4D

RESOLUTION**VILLAGE OF GILBERTS****Authorizing an agreement between the Village of Gilberts and Baxter & Woodman to design and reconstruct the Roads referenced in the Road Program**

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 a Construction Engineering Services Agreement for Motor Fuel Tax Funds with Baxter & Woodman for an amount not to exceed \$218,000.00 in Motor Fuel Tax Funds, and such documents as are necessary and convenient to effectuate the professional service agreement hereto attached 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 ____ day of _____, 2011 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 Nancy Farrell	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS ____ DAY OF May, 2011

Village President, Rick Zirk

(SEAL)

ATTEST:

Village Clerk, Debra Meadows

Published: _____

Municipality Gilberts (V)	LOCAL AGENCY	 Illinois Department of Transportation Preliminary/Construction Engineering Services Agreement For Motor Fuel Tax Funds	CONSULTANT	Name Baxter & Woodman, Inc
Township				Address 8678 Ridgfield Rd
County Kane				City Crystal Lake
Section 11-00005-00-RS				State IL

THIS AGREEMENT is made and entered into this _____ day of _____, 2011 between the above Local Agency (LA) and Consultant (ENGINEER) and covers certain professional engineering services in connection with the improvement of the above SECTION. Motor Fuel Tax Funds, allotted to the LA by the State of Illinois under the general supervision of the State Department of Transportation, hereinafter called the "DEPARTMENT", will be used entirely or in part to finance ENGINEERING services as described under AGREEMENT PROVISIONS.

Section Description

Name 2011 Road Repair Program Route _____ Length _____ KM(5.75 Miles)(Structure No. N/A)

Termini Various Streets throughout Village

Description

Pulverization and HMA resurfacing, drainage improvements, concrete work, pavement markings, driveway replacements and restoration. ENGINEER's Project No. 110346.60.

Agreement Provisions

The Engineer Agrees,

1. To perform or be responsible for the performance of the following engineering services for the LA in connection with the proposed improvement herein before described, and checked below:
 - a. ☐ Make such detailed surveys as are necessary for the preparation of detailed roadway plans.
 - b. ☐ Make stream and flood plain hydraulic surveys and gather high water data and flood histories for the preparation of detailed bridge plans.
 - c. ☐ Make or cause to be made such soil surveys or subsurface investigations including borings and soil profiles and analyses thereof as may be required to furnish sufficient data for the design of the proposed improvement. Such investigations are to be made in accordance with the current requirements of the DEPARTMENT.
 - d. ☐ Make or cause to be made such traffic studies and counts and special intersection studies as may be required to furnish sufficient data for the design of the proposed improvement.
 - e. ☐ Prepare Army Corps of Engineers Permit, Division of Water Resources Permit, Bridge waterway sketch and/or Channel Change sketch, Utility plan and locations and Railroad Crossing work agreements.
 - f. ☐ Prepare Preliminary Bridge Design and Hydraulic Report, (including economic analysis of bridge or culvert types) and high water effects on roadway overflows and bridge approaches.

Note Four copies to be submitted to the Regional Engineer

- g. ☐ Make complete general and detailed plans, special provisions, proposals and estimates of cost and furnish the LA with five (5) copies of the plans, special provisions, proposals and estimates. Additional copies of any or all documents, if required shall be furnished to the LA by the ENGINEER at his actual cost for reproduction.
- h. ☐ Furnish the LA with survey and drafts in quadruplicate of all necessary right-of-way dedications, construction easements and borrow pit and channel change agreements including prints of the corresponding plats and staking as required.
- i. ☐ Assist the LA in the receipt and evaluation of proposals and the awarding of the construction contract.
- j. ☒ Furnish or cause to be furnished:
- (1) Proportioning and testing of concrete mixtures in accordance with the "Manual of Instructions for Concrete Proportioning and Testing" issued by the Bureau of Materials and Physical Research, of the DEPARTMENT and promptly submit reports on forms prepared by said Bureau.
 - (2) Proportioning and testing of bituminous mixtures (including extracting test) in accordance with the "Manual of Instructions for Bituminous Proportioning and Testing" issued by the Bureau of Materials and Physical Research, of the DEPARTMENT, and promptly submit reports on forms prepared by said Bureau.
 - (3) All compaction tests as required by the specifications and report promptly the same on forms prepared by the Bureau of Materials and Physical Research.
 - (4) Quality and sieve analyses on local aggregates to see that they comply with the specifications contained in the contract.
 - (5) Inspection of all materials when inspection is not provided at the sources by the Bureau of Materials and Physical Research, of the DEPARTMENT and submit inspection reports to the LA and the DEPARTMENT in accordance with the policies of the said DEPARTMENT.
- k. ☒ Furnish or cause to be furnished
- (1) A resident engineer, inspectors and other technical personnel to perform the following work: (The number of such inspectors and other technical personnel required shall be subject to the approval of the LA.)
 - a. Continuous observation of the work and the contractor's operations for compliance with the plans and specifications as construction proceeds, but the ENGINEER does not guarantee the performance of the contract by the contractor.
 - b. Establishment and setting of lines and grades.
 - c. Maintain a daily record of the contractor's activities throughout construction including sufficient information to permit verification of the nature and cost of changes in plans and authorized extra work.
 - d. Supervision of inspectors, proportioning engineers and other technical personnel and the taking and submitting of material samples.
 - e. Revision of contract drawings to reflect as built conditions.
 - f. Preparation and submission to the LA in the required form and number of copies, all partial and final payment estimates, change orders, records and reports required by the LA and the DEPARTMENT.
2. That all reports, plans, plats and special provisions to be furnished by the ENGINEER pursuant to this agreement will be in accordance with the current standard specifications and policies of the DEPARTMENT, it being understood that all such reports, plats, plans and drafts shall before being finally accepted, be subject to approval by the LA and the said DEPARTMENT.
3. To attend conferences at any reasonable time when requested to do so by the LA or representatives of the DEPARTMENT.
4. In the event plans, surveys or construction staking are found to be in error during the construction of the SECTION and revisions of the plans or survey or construction staking corrections are necessary, the ENGINEER agrees that he will perform such work without expense to the LA, even though final payment has been received by him. He shall give immediate attention to these changes so there will be a minimum delay to the contractor.
5. The basic survey notes and sketches, charts, computations and other data prepared or obtained by the ENGINEER pursuant to this agreement will be made available upon request to the LA or the DEPARTMENT without cost and without restriction or limitations as to their use.
6. To make such changes in working plans, including all necessary preliminary surveys and investigations, as may be required after the award of the construction contract and during the construction of the improvement.
7. That all plans and other documents furnished by the ENGINEER pursuant to the AGREEMENT will be endorsed by him

- and will show his professional seal where such is required by law.
8. To submit, upon request by the LA or the DEPARTMENT a list of the personnel and the equipment he/she proposes to use in fulfilling the requirements of this AGREEMENT.

The LA Agrees,

1. To pay the Engineer as compensation for all services performed as stipulated in paragraphs 1a, 1g, 1i, 2, 3, 5 and 6 in accordance with one of the following methods indicated by a check mark:
- a. ☐ A sum of money equal to _____ percent of the awarded contract cost of the proposed improvement as approved by the DEPARTMENT.
- b. ☒ A sum of money equal to the percentage of the awarded contract cost for the proposed improvement as approved by the DEPARTMENT based on the following schedule:

Schedule for Percentages Based on Awarded Contract Cost

Awarded Cost	Percentage Fees	
Under \$50,000	Cost Plus Fixed Fee	(see note)
	Not to Exceed \$218,000	%
	(see Exhibit A)	%
		%
		%
		%

Note: Not necessarily a percentage. Could use per diem, cost-plus or lump sum.

2. To pay for services stipulated in paragraphs 1b, 1c, 1d, 1e, 1f, 1h, 1j and 1k of THE ENGINEER AGREES at the hourly rates stipulated below for personnel assigned to this SECTION as payment in full to the ENGINEER for the actual time spent in providing these services the hourly rates to include profit, overhead, readiness to serve, insurance, social security and retirement deductions. Traveling and other out-of-pocket expenses will be reimbursed to the ENGINEER at his actual cost. Subject to the approval of the LA, the ENGINEER may sublet all or part of the services provided under paragraphs 1b, 1c, 1d, 1e, 1f, 1j and 1k of THE ENGINEER AGREES. If the ENGINEER sublets all or a part of this work, the LA will pay the cost to the ENGINEER plus a five (5) percent service charge. "Cost to ENGINEER" to be verified by furnishing the LA and the DEPARTMENT copies of invoices from the party doing the work. The classifications of the employees used in the work should be consistent with the employee classifications for the services performed. If the personnel of the firm including the Principal Engineer perform routine services that should normally be performed by lesser-salaried personnel, the wage rate billed for such services shall be commensurate with the work performed.

Grade Classification of Employee	Hourly Rate
Principal Engineer	See Ex A
Resident Engineer	
Chief of Party	
Instrument Man	
Rodmen	
Inspectors	

The hourly rates itemized above shall be effective the date the parties, hereunto entering this AGREEMENT, have affixed their

hands and seals and shall remain in effect until 12/31/2011. In event the services of the ENGINEER extend beyond 12/31/11, the hourly rates will be adjusted yearly by addendum to this AGREEMENT to compensate for increases or decreases in the salary structure of the ENGINEER that are in effect at that time.

3. That payments due the ENGINEER for services rendered pursuant to this AGREEMENT will be made as soon as practicable after the services have been performed, in accordance with the following schedule:
- Upon completion of detailed plans, special provisions, proposals and estimate of cost - being the work required by paragraphs 1a through 1g under THE ENGINEER AGREES - to the satisfaction of the LA and their approval by the DEPARTMENT, 90 percent of the total fee based on the above fee schedule and the approved estimate of cost.
 - Upon award of the contract for the improvement by the LA and its approval by the DEPARTMENT, 100 percent of the total fee (excluding any fees paragraphs 1j and 1k of the ENGINEER AGREES), based on the above fee schedule and the awarded contract cost, less any previous payment.
 - Upon completion of the construction of the improvement, 90 percent of the fee due for services stipulated in paragraphs 1j and 1k.
 - Upon completion of all final reports required by the LA and the DEPARTMENT and acceptance of the improvement by the DEPARTMENT, 100 percent of the total fees due under this AGREEMENT, less any amounts previously paid.

By mutual agreement, partial payments, not to exceed 90 percent of the amount earned, may be made from time to time as the work progresses.

4. That should the improvements be abandoned at any time after the ENGINEER has performed any part of the services provided for in paragraphs 1a and 1g, and prior to the completion of such services the LA shall reimburse the ENGINEER for his actual costs plus 5 percent incurred up to the time he is notified in writing of such abandonment "actual cost" being defined as material costs plus actual payrolls, insurance, social security and retirement deductions. Traveling and other out-of-pocket expenses will be reimbursed to the ENGINEER at his actual cost.
5. That should the LA require changes in any of the detailed plans, specifications or estimates (except for those required pursuant to paragraph 4 of THE ENGINEER AGREES) after they have been approved by the DEPARTMENT, the LA will pay the ENGINEER for such changes on the basis of actual cost plus 152 percent to cover profit, overhead and readiness to serve - "actual cost" being defined as in paragraph 4 above. It is understood that "changes" as used in this paragraph shall in no way relieve the ENGINEER of his responsibility to prepare a complete and adequate set of plans.
6. That should the LA extend completion of the improvement beyond the time limit given in the contract, the LA will pay the ENGINEER, in addition to the fees provided herein, his actual cost incurred beyond such time limit - "actual cost" being defined as in paragraph 4 above.

It is Mutually Agreed,

- That any difference between the ENGINEER and the LA concerning the interpretation of the provisions of this AGREEMENT shall be referred to a committee of disinterested parties consisting of one member appointed by the ENGINEER one member appointed by the LA and a third member appointed by the two other members for disposition and that the committee's decision shall be final.
 - This AGREEMENT may be terminated by the LA upon giving notice in writing to the ENGINEER at his last known post office address. Upon such termination, the ENGINEER shall cause to be delivered to the LA all drawings, specifications, partial and completed estimates and data if any from traffic studies and soil survey and subsurface investigations with the understanding that all such material becomes the property of the LA. The ENGINEER shall be paid for any services completed and any services partially completed in accordance with Section 4 of THE LA AGREES.
 - That if the contract for construction has not been awarded one year after the acceptance of the plans by the LA and their approval by the DEPARTMENT, the LA will pay the ENGINEER the balance of the engineering fee due to make 100 percent of the total fees due under the AGREEMENT, based on the estimate of cost as prepared by the ENGINEER and approved by the LA and the DEPARTMENT.
 - That the ENGINEER warrants that he/she has not employed or retained any company or person, other than a bona fide employee working solely for the ENGINEER, to solicit or secure this contract and that he/she has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the ENGINEER, any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award or making of this contract. For breach or violation of this warranty the LA shall have the right to annul this contract without liability.
-

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed in quadruplicate counterparts, each of which shall be considered as an original by their duly authorized offices.

Executed by the LA:

ATTEST:

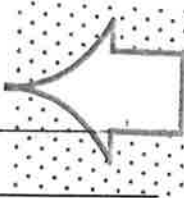
By _____

Clerk
(Seal)

_____ of the
(Municipality/Township/County)

State of Illinois, acting by and through its

By _____
Title:



Executed by the ENGINEER:

ATTEST:

By Peggy Garbar
Title: Deputy Secretary

Baxter & Woodman, Inc.

8678 Ridgefield Road

Crystal Lake, IL 60012

[Signature]
Title: Vice President

<p>Approved</p> <p>_____</p> <p>Date</p> <p>Department of Transportation</p> <p>_____</p> <p>Regional Engineer</p>

VILLAGE OF GILBERTS, ILLINOIS
2011 ROAD REPAIR PROGRAM

EXHIBIT A

CONSTRUCTION ENGINEERING

Route:

Local Agency:

VILLAGE OF Gilberts(V)
(Municipality/Township/County)

Section:

11-00005-00-RS

Project:

2011 Road Repair Program

Job No.:

110346.60

Method of Compensation:

Cost Plus Fixed Fee 1

X

14.5%[DL + R(DL) + OH(DL) + IHDC]

Cost Plus Fixed Fee 2

☐

14.5%[DL + R(DL) + 1.4(DL) + IHDC]

Cost Plus Fixed Fee 3

☐

14.5%[(2.8 + R)DL] + IHDC

Specific Rate

☐

Lump Sum

☐

*Firm's approved rates on file with IDOT's
Bureau of Accounting and Auditing:

Overhead Rate (OH) 152%

Complexity Factor (R) 0

Completion Date: November 30, 2011

Expected service- 8/15/11 to 12/30/11

Cost Estimate of Consultant's Services in Dollars

Element of Work	Employee Classification	Man-Hours	Payroll Rate	Payroll Costs (DL)	Overhead*	Services by Others	In-House Direct Costs (IHDC)	Profit	Total
PROJECT INITIATION	SR ENGR V	12	\$57.10	\$685.00	\$1,041.00			\$245.00	1,971
CONSTRUCTION ADMIN	PRINCIPAL	10	\$68.49	\$685.00	\$1,041.00			\$245.00	1,971
	SR ENGR V	185	\$57.10	\$10,564.00	\$16,057.00		\$414	\$3,844.00	30,879
	ENG TECH III	60	\$35.80	\$2,148.00	\$3,265.00			\$769.00	6,182
	CLERICAL	10	\$23.57	\$236.00	\$359.00			\$85.00	680
FIELD OBSERVATION	ENG TECH III	810	\$35.80	\$28,998.00	\$44,077.00		\$2,139	\$10,696.00	85,910
	ENG TECH III	600	\$35.80	\$21,480.00	\$32,650.00		\$1,794	\$7,953.00	63,877
COMPLETE PROJECT	SR ENGR V	20	\$57.10	\$1,142.00	\$1,736.00			\$409.00	3,287
	ENG TECH III	80	\$35.80	\$2,864.00	\$4,353.00			\$1,026.00	8,243
MATERIAL TESTING						\$15,000.00			15,000
TOTALS		1,787		\$ 68,802	\$ 104,579	\$ 15,000	\$ 4,347	\$ 25,272	218,000

In-House Direct Costs:

VEHICLE EXPENSES - TRAVEL (\$/mile)

7,832 @ \$ 0.555

\$4,347 7,086 miles ET III's + 746 SE V

Services by Others:

Soil and Material Consultants \$15,000.00

4E

RESOLUTION 38-2011

AMENDING RESOLUTION 28-2010, AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF GILBERTS AND KANE COUNTY, ILLINOIS FOR ALLOCATION AND LOAN OF BOND PROCEEDS PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009

BE IT RESOLVED by the President and the 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 amended intergovernmental agreement between the Village of Gilberts and Kane County, Illinois allocating loan bond proceeds in the amount of \$345,000.00 to the Village of Gilberts pursuant to the American Recovery and Reinvestment Tax Act of 2009, to reflect an expanded scope of work to include eligible stormwater management improvements and repairs in the Windmill Meadows, Indian Trails, and Gilberts Glen neighborhoods within the Village of Gilberts.

Section 2:

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

Passed this _____ day of _____, 2011 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 Nancy Farrell	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS _____ DAY OF _____, 2011

Village President, Rick Zirk

(SEAL)

ATTEST:

Village Clerk, Debra Meadows

Published: _____

EXHIBIT A - AMENDED**THE AGENCY PROJECT**

Bond Issuance Date	
Bonds	
Depository	
Depository Agreement Date	
Insurer	
Property Location (attach legal description)	<p>The first part of the Project is located in the Gilberts Glen Subdivision beginning at the detention pond north of Kildare St. and south along the common rear lot lines of the parcels between Kildare St and Welch St., across Tyrrell Road to Tipperary Street then west to the west line of the subdivision, and then south along the west line to the confluence with Tyler Creek. <u>The project will also include work in the right of way in the vicinity of Lot 21 of the Indian Trails Subdivision Unit One, and the rights of way throughout the Windmill Meadows Subdivision.</u></p> <p>The second part of the project is the East 700 feet of the (approximately) west 2,100 feet of the Right of Way of Binnie Road, commencing at the East Village jurisdictional limit. Included with the above described Right of Way is a proposed drainage easement south of above described East 700 feet of Binnie Road commencing at the south Right of Way of Binnie Road at the existing drainage culvert and continuing to the first pond south of Binnie Road.</p>
Category of Project (Acquiring, Constructing, Improving, Equipping [water and/or sewer] Public Works Project)	Drainage and Roadway Restoration
Description of Agency Project Improvement	<p>In general, the scope of work for the first part of the project includes designing and permitting of drainage maintenance improvements to minimize localized flooding in the <u>Windmill Meadows, Indian Trails, and Gilberts Glen</u> east and west subdivisions and restore the drainage system to its original design condition.</p> <p>-The design will consist of the replacement of approximately 2,200 linear feet of 10 to 15 inch high density polyethylene (HDPE) pipe that runs</p>

	<p>from a stormwater pond located in the northeast corner of the Gilberts Glen east subdivision southwest under Tyrrell Road and through the Gilberts Glen west subdivision to Tyler Creek. The design will also include the repair of the pond outlet structure to lower the current water level and restore lost live runoff storage and necessary pond embankment restoration. <u>The project will also include the replacement of +/- 1,050 LF of 12"/15" HDPE piping and accompanying earthwork to allow proper drainage and restore historical flows across overland swales, ditches and field tiles.</u></p> <p>The objective of the second part of the project is to relieve historic flooding conditions within the depression area located on Binnie Road. The work consists of repairs/replacement of drain tiles/culverts and overland flows to restore historic conveyance conditions along with the reconstruction of the easterly 700 linear feet of roadway including raising the base +/-4" along with the construction of new binder and final surface course asphalt.</p>
Bond Proceeds	\$345,000
Project Budget	\$372,600

4F

Resolution No. 40-2011

Approving the proposal by Blue Dot Sign Company for two commercial monument signs for an amount not to exceed \$31,320.00

BE IT RESOLVED by the President and the 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 a purchase agreement with Blue Dot Sign Company and such documents as are necessary and convenient to effectuate the purchase of two commercial monument signs to be installed along the south side of Higgins Road (IL Route 72) in an amount not to exceed \$31,320.00 as hereto attached 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 BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this _____ day of _____, 2011.

	<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 _____, 2011

(SEAL)

Village President Rick Zirk

ATTEST: _____
Village Clerk, Debra Meadows

Published: _____

Exhibit "A"

Blue Dot Sign Company
PO Box 163
Gilberts, IL 60136



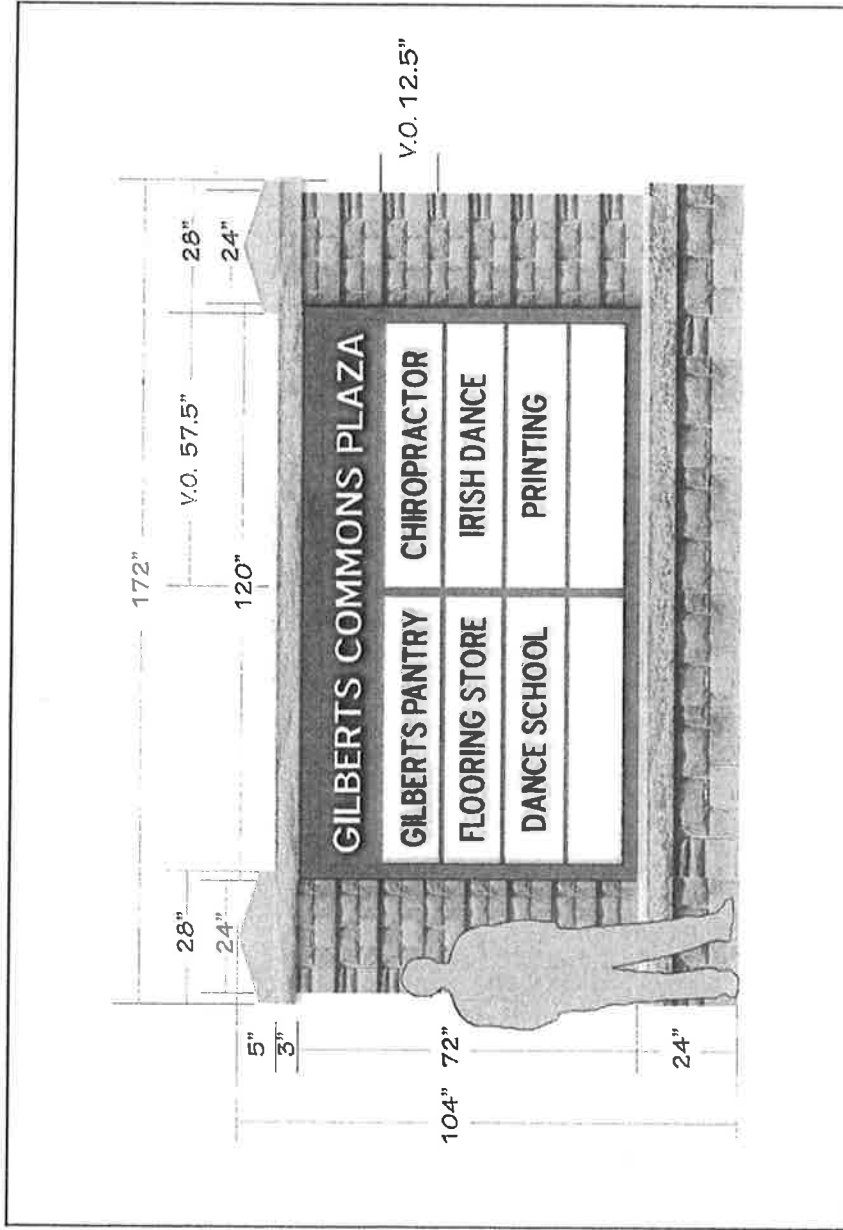
Estimate

Name / Address
Village of Gilberts 73 Industrial Drive Village of Gilberts, IL 60136 Attn: John Swedberg

Date	Estimate #
6/16/2011	201127

			Project
Description	Qty	Rate	Total
Monument Sign - Fabricated per SOW and last rendering - O/H and profit included	2	7,880.00	15,760.00
Foundation excavation, re-bar, forms, cement and labor - O/H and profit included	2	4,180.00	8,360.00
Masonry per SOW - Completed by JDH Masonry - Pass-through - Direct to JDH Masonry	2	3,600.00	7,200.00
		Subtotal	\$31,320.00
		Sales Tax (0.0%)	\$0.00
		Total	\$31,320.00

Front elevation cut sheet Option B



Project Details:

Construction-

Cement foundation.
Brick and Block construction of the base and columns.
Limestone cap top and ledge bottom.
Limestone finial caps top.

ID section-

120" wide by 72" tall, internally illuminated, double-sided cabinet.
Top display portion routed aluminum and backed with white, fade resistant Plexi panel.
Individual tenant panels vinyl lettering on fade resistant plexi panels. Access to interior of sign by means of top hinged face, one side. UL approved appliance.

Landscaping and lighting for illustration purposes only

THIS IS A COMPUTER GENERATED IMAGE AND
MAY NOT REPRESENT TRUE COLOR OF FINISHED PRODUCT

DESIGN & ARTWORK COPYRIGHTED 2011 BLUE DOT SIGN COMPANY

BLUE DOT SIGN COMPANY
Gilberts, IL 60136

SINCE 1977

Job: Gilberts Commons Plaza

Add: Rte. 72

C/S: Gilberts, IL 60136

PH:

Contact: John Swedberg

5A

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR THE OPERATION OF A RECYCLING CENTER WITHIN THE I-1 GENERAL INDUSTRIAL ZONING DISTRICT LOCATED AT 161 CENTER STREET

WHEREAS, Chicago Title Land Trust No. 8002350838 (George Kannigan, Trustee) and Tink's Ink LLC (Elgin Recycling Inc.) have filed a petition with the Village Clerk of the Village of Gilberts, Illinois, for a special use permit for the operation of a recycling facility within the I-1 General Industrial zoning district on property located at 161 Center Street, Gilberts, IL: and,

WHEREAS, Tink's Ink LLC / Elgin Recycling Inc. currently operate a recycling facility on property located at 46 East End Drive, subject to a special use permit, and wish to relocate aspects of the 46 East End property operations that generate considerable noise and vibration from the 46 East End Drive property to the 161 Center property; and,

WHEREAS, the relocation of recycling center operations to the 161 Center property would reduce the noise and vibration impacts on the properties adjoining the 46 East End Drive facility; and,

WHEREAS, the Gilberts Plan Commission held a public hearing and reviewed the request on July 13, 2011 and recommended approval of the special use permit, subject to conditions, by a vote of 5-1; now,

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois as follows:

Section 1. The recitals set forth above are hereby incorporated into this Section 1.

Section 2. That a special use permit for the operation of a recycling facility be granted for the subject property within the I-1 General Industrial zoning district located at 161 Center Street, subject to the list of conditions established in Section 3.

Section 3. The approval granted pursuant to Section 2 of this Ordinance are conditioned upon and limited by the following conditions, the violation of any of which shall, in the discretion of the President and Board of Trustees, be grounds for the repeal and revocation of the approvals granted by this Ordinance in accordance with applicable law. In addition, any violation of this Ordinance will be deemed a violation of the Zoning Code and subject the Owner to enforcement proceedings accordingly.

1. This special use permit is specifically granted to Tink's Ink LLC / Elgin Recycling Inc. for use on the specified subject property, commonly known as 161 Center Street. The special use permit may not be transferred, sold, used by, or otherwise conveyed to any party other than the applicant without an amendment to the special use permit approved by the Village of Gilberts.

2. The Zoning Code, the Subdivision Code, the Building Code, and all other applicable Village ordinances and regulations shall continue to apply to the Property, and the development and use of the Property shall comply with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.
3. Consistent with the operation of their facility at 46 East End Drive, Elgin Recycling/Tink's Ink LLC may recycle construction materials and debris, wood, paper, cardboard, plastics, and ferrous and nonferrous metal scrap.
4. Elgin Recycling/Tink's Ink LLC may recycle ferrous and non-ferrous metal scrap including metal appliances commonly known as "white goods," excluding any such materials that contain "white goods components" as defined by 415 ILCS 5/22.28(c)(2), Illinois Environmental Protection Act.
5. Elgin Recycling/Tink's Ink LLC may store and recycle batteries, electronics or similar materials on the subject property only in compliance with the U.S. Environmental Protection Agency standards set forth for the R2 "Responsible Recycling" certification. All batteries, electronics and similar materials shall be stored only within the building. This activity is conditional upon Elgin Recycling/Tink's Ink LLC maintaining the R2 certification and its current requirements, or in the alternative the requirements of any other applicable accredited certification recommended by the United States Environmental Protection Agency and in compliance with Illinois Environmental Protection Agency standards, as they may be updated over time.
6. Elgin Recycling/Tink's Ink LLC shall not chip nor store wood chips or dust outside the principal structure or a covered storage bin.
7. Elgin Recycling/Tink's Ink LLC shall demonstrate compliance with all applicable codes and requirements and pay the Village any fees for zoning, special use permit, building or property maintenance violations within ten (10) days of receipt of written notice.
8. Elgin Recycling/Tink's Ink LLC shall submit to at least two inspections annually demonstrating conformance with all special use conditions, locally adopted building & existing structure codes and ordinances.
9. There shall be no overnight outside storage of any materials on the subject property, except materials may be stored overnight in roll-off containers, box trucks or truck trailers stored away from view from Center Street.
10. Iron may be stored outside and uncovered within concrete cubicle walls to be erected on concrete or cement pads along the south portion of the subject property, with the open sides facing north. To prevent migration of such materials, the items so stored shall not exceed the height of the side walls nor extend beyond an imaginary line between the front of the sidewalls. The walls shall not exceed sixteen feet (16') in height.
11. All storage of recycled materials shall be contained to prevent migration of the same and/or any run-off from same to adjoining properties or public ways.
12. All roll-off containers, dumpsters, vehicles and non-motorized storage (e.g. truck trailers) shall be parked or placed away from view from Center Street.
13. Prior to the commencement of operations, Elgin Recycling/Tink's Ink LLC shall submit to the Village of Gilberts a plan for debris and litter control. Elgin Recycling/Tink's Ink LLC shall be

required to update and make available upon request their plan for debris and litter control at all times.

14. Elgin Recycling/Tink's Inc LLC shall be allowed to a) install a truck scale facility within the property, b) install a shear baler and shredder to process ferrous and non-ferrous material outside of any enclosure on the property, and c) do saw cutting and torching of materials outside of any enclosure on the property. Operations of the recycling center shall at all times comply with sound and noise regulations set forth in the Village of Gilberts Municipal Code and Zoning Ordinance, as well as state statute.

In the event any violation of such sound, noise and/or vibration regulations is found to occur more than once in a 24-hour period, Elgin Recycling/Tink's Inc LLC shall, in consultation with Village staff, prepare and implement a plan for the mitigation of such violation(s) within five (5) Village business days from the instance of the violation. The mitigation period may be lengthened by mutual consent of Elgin Recycling/Tink's Inc LLC and the Village. A violation that reoccurs after the implementation of the mitigation plan does not constitute a new violation with a new mitigation period. In such an instance, Elgin Recycling/Tink's Inc LLC shall immediately discontinue the activity causing the violation(s) until addressed and approved by the Village. No action to be taken to provide such mitigation shall constitute an expansion of the special use that would otherwise require an amendment to the special use permit.

15. Vehicles coming to, waiting to enter, or leaving the recycling center shall not block the entrance or driveway to any other property.
16. The existing granulated asphalt surface shall be maintained in its current condition. It shall be Elgin Recycling/Tink's Inc LLC's responsibility to control dust generated by the facility's operations or vehicles.
17. Prior to the commencement of operations, Elgin Recycling/Tink's Inc LLC shall establish and enact written procedures for the discovery and/or spilling of hazardous or white goods components, as described above. Elgin Recycling/Tink's Inc LLC shall be required to update and make available upon request their procedures for handling hazardous and/or white goods components.
18. No motorized vehicles or construction equipment, with or without motors, and no engines, transmissions, differentials or other motor vehicle or construction equipment parts which may contain petroleum products or hazardous substances shall be salvaged or recycled on the subject property.
19. If the subject property and/or use is found to be in violation by county, state, federal or other regulatory body, Elgin Recycling/Tink's Inc LLC is required to notify the Village of Gilberts of the violation within 72 hours of receipt of said violation(s).
20. The construction of a new building in accordance with all applicable Village Codes and requirements shall not constitute an expansion of the special use that would otherwise require an amendment to the special use permit.
21. The operation of this recycling facility shall exclude the collection and/or recycling of municipal or commercially-collected waste materials and shall not function as a transfer station for waste or recycled materials.

22. The operation of this recycling facility shall exclude the recycling of concrete or other pavement material.
23. Elgin Recycling shall encircle the usable area of the subject property with a ten-foot (10') high sight-proof fence within two years of the date of approval of this special use permit.

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 herewith 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 the passage, approval, and publication in pamphlet form.

PASSED BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts,
Kane County, Illinois, this _____ day of _____, 2011.

	<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 _____, 2011

(SEAL)

Village President Rick Zirk

ATTEST: _____
Village Clerk, Debra Meadows

Published: _____

MEMORANDUM



Crystal Lake Office
8678 Ridgefield Road
Crystal Lake, IL 60012
Phone: 815.459.1260
Fax: 815.455.0450

Corporate Website: www.baxterwoodman.com e-mail: info@baxterwoodman.com

DATE: September 2, 2011

TO: Ray Keller

FROM: Bill Blecke

SUBJECT: Gilberts – 161 Center Drive parking area

Ray;

In accordance with your request I conducted a site visit on the subject property to evaluate the surface on the lot to be used for equipment parking/storage. The existing surface is composed of asphaltic concrete and asphalt grindings. The depth of material is variable but appears to be in excess of 18 inches (measured at the southern limits adjacent to the existing wetland area).

There is no movement or "shoving" of the surface material when truck wheel loads are applied. I suspect that this surface could probably be chip and seal coated to create a uniform paved surface without any further compaction of the existing material.

Bill Blecke

8/2/11 List of concerns regarding Elgin Recycling Special Use Permit:

Batteries - there are reservations about allowing batteries to be stored for disposal onsite. Can the batteries be collected and stored at your Elgin location?

Buffering to the wetlands - there are concerns about containing/buffering any contaminated runoff (e.g. leaking battery acid or other inevitable accidental spill) from the wetlands.

Covered bins - there was discussion about distinguishing between covering the bins for aesthetic reasons vs. ensuring that any loose materials are contained. Would only iron be left uncovered? What about loose (e.g. paper) recycled materials?

Pavement - to better control for dust, why shouldn't the yard be paved? Alternately, would the drive aisles for the trucks be paved and the drop areas for bins be on gravel or crushed asphalt?

Storage - will this site be a storage yard for the East End Drive property? Will it look like a junk yard?

Truck traffic - concern about truck traffic impacts on Center Street and on the pavement that extends onto the Oliver property.

"Clean construction debris" - the board does not want this site to become a CCD site; they do not want the "recycling" of concrete or other pavement material.

Inspections - There is interest in requiring unscheduled inspections to be conducted by a third-party environmental inspection firm, selected by the Village and paid for by Elgin Recycling.

Noise and hours of operation - what noise, access, activity, etc. will be generated by the facility? There are concerns about activity, noise, etc. at night.

Fencing - for security purposes, shouldn't there be a fence around the perimeter of the usable area? It would keep materials in the yard and people out.

Graffiti - the block walls of the storage area will need to be kept clean of graffiti.

Condition #20 would be rephrased as "A new building does not constitute an expansion of the special use that would otherwise require an amendment to the special use permit."

There needs to be a stipulation that this use will exclude municipal or commercially-collected waste, drawing a line between a "recycling center" and a "transfer station."

Ray Keller

From: Richard Heimberg [RHeimberg@bradylaw.com]
Sent: Monday, August 08, 2011 4:06 PM
To: Ray Keller
Cc: bconroy@elginrecycling.com
Subject: Fwd: RE: Ordinance 22-2011 - Tink's Ink LLC / Elgin Recycling Inc.

RAY: BOB CONROY'S RESPONSES TO THE ISSUES RAISED ARE SET FORTH BELOW. WE WILL BE HAPPY TO DISCUSS THESE ISSUES WITH THE BOARD MEMBERS AT THE AUGUST 9 COMMITTEE OF THE WHOLE MEETING. UNDER SEPARATE COVER I WILL FORWARD A LETTER RECEIVED BY BOB CONROY FROM HIS ENGINEER WHO INSPECTED THE AREA AS PART OF HIS DUE DILIGENCE EFFORTS IN DETERMINING WHETHER TO PURCHASE THE PROPERTY.

Batteries - there are reservations about allowing batteries to be stored for disposal onsite. Can the batteries be collected and stored at your Elgin location?

We currently follow very strict policy on how to properly handle and store batteries at our facilities. We stack them appropriately according to USDOT regulations.

- We wear the appropriate PPE
- We keep batteries upright at all times
- We do not throw or drop batteries
- We place them carefully on the pallets.
- We follow the maximum size, weight and layers per pallet.
- The pallets we use must be constructed with a minimum of three bottom boards and durable enough to handle the battery load.
- We place a layer of cardboard on the pallet to prevent the batteries from sliding off the pallet.
- We make sure that the batteries first layer is level and close together as possible. If some of the batteries are shorter, they are placed in the center with taller batteries on the top layer.
- We place cardboard between the layers including the top layer of batteries.
- Side terminals are stacked so the posts are facing away from each other
- The batteries that have damage and not leaking must be put into the proper battery bags and placed in the center of the pallet.
- All pallets are to be shrink wrapped to be ready to ship.

Buffering to the wetlands - there are concerns about containing/buffering any contaminated runoff (e.g. leaking battery acid or other inevitable accidental spill) from the wetlands.

We keep all batteries indoors. No material will be kept outdoors besides iron and aluminum.

Covered bins - there was discussion about distinguishing between covering the bins for aesthetic reasons vs. ensuring that any loose materials are contained. Would only iron be left uncovered? What about loose (e.g. paper) recycled materials?

We would cover all garbage bins and any other bins that would have light weight material in it that could blow out each night.

Pavement - to better control for dust, why shouldn't the yard be paved? Alternately, would the drive aisles for the trucks be paved and the drop areas for bins be on gravel or crushed asphalt?

The village engineer Bill Blecke has determined that the usable part of the property is considered an impervious surface area, (hard surface). Therefore we plan on using the existing area.

Storage - will this site be a storage yard for the West End property? Will it look like a junk yard?

We do not own west end and we assume you are referring to East End. The look of our yard will resemble the current yard on East End Drive. It is a recycling facility and will look as such. We are in the recycling business and most the metal we get in gets turned around in a 1 - 2 week period. We are not a storage facility we are a recycling center.

Truck traffic - concern about truck traffic impacts on Center Street and on the pavement that extends onto the Oliver property.

Our property is large enough that we don't see truck traffic backing up onto Center Street. We feel that we can accommodate the truck traffic on our existing facility.

"Clean construction debris" - the board does not want this site to become a CCD site; they do not want the "recycling" of concrete or other pavement material.

Elgin Recycling is a primarily recycler of metals and will continue to be a recycler of metals on the new site.

Inspections - There is interest in requiring unscheduled inspections to be conducted by a third-party environmental inspection firm, selected by the Village and paid for by Elgin Recycling.

We do not feel this should be needed. Elgin Recycling has committed much time and funds into obtaining their R2, (responsible recycling), certification. We are getting audited by a 3rd party accrediting body annually and plan to adhere to all regulations set forth through R2 and the EPA. Less than 1/10th of a percent of recyclers will have this certification by the end of this year, (us included). We feel our commitment to the environment and our management does not warrant these inspections. In addition, the city presently comes in twice a year to our current location on East End Drive.

Noise and hours of operation - what noise, access, activity, etc. will be generated by the facility? There are concerns about activity, noise, etc. at night.

Elgin Recycling is basically a day time operation. The reason for the purchase of this site is for its isolation. There are only a few contractors near this site within earshot. The reason for moving to this site is for its isolation.

Fencing - for security purposes, shouldn't there be a fence around the perimeter of the usable area? It would keep materials in the yard and people out.

Currently, 40 - 50 % of the yard is fenced in by neighboring fences. Within 2 years we plan on fencing the entire facility.

Graffiti - the block walls of the storage area will need to be kept clean of graffiti.

No Problem. Has the village of Gilberts had graffiti problems? If there is an issue with this in our yard we will take care of it.

Condition #20 would be rephrased as "A new building does not constitute an expansion of the special use that would otherwise require an amendment to the special use permit."

There needs to be a stipulation that this use will exclude municipal or commercially-collected waste, drawing a line between a "recycling center" and a "transfer station."

We are in the recycling business and plan on staying in it.

Richard Heimberg
Brady & Jensen, LLP
2425 Royal Boulevard
Elgin, Illinois 60123
847-695-2000 main line
847-289-3370 direct line
847-695-3243 fax
rheimberg@bradylaw.com

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Richard Heimberg
Brady & Jensen, LLP
2425 Royal Boulevard
Elgin, Illinois 60123
847-695-2000 main line
847-289-3370 direct line
847-695-3243 fax
rheimberg@bradylaw.com

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Ray Keller

From: Richard Heimberg [RHeimberg@bradylaw.com]
Sent: Monday, August 08, 2011 4:12 PM
To: Ray Keller
Cc: bconroy@elginrecycling.com
Subject: Fwd: 161 Center Drive, Gilberts

**RAY: THE FOLLOWING IS THE ENGINEER'S REPORT TO BOB CONROY REGARDING
VARIOUS ASPECTS OF THE PROPERTY, WHICH INCLUDES REFERENCE TO CONTACTS
WITH THE VILLAGE ATTORNEY AND CHIEF INSPECTOR.**

----- Forwarded message -----

From: Natalie Karney <nkarney@landtechnologyinc.com>
Date: Wed, Jul 13, 2011 at 2:23 PM
Subject: 161 Center Drive, Gilberts
To: bconroy@elginrecycling.com

Dear Bob, Per your request we did some research for you to determine the site building requirements for this site. I talked with the Village Engineer, Bill Blecke, about requirements. He agreed that part of the site that has been disturbed by development is considered entirely covered by impervious area. The remainder of the site south of the disturbed area is either in wetlands or flood plain. A building set-back line has been established and approved by the Village near the rear of the property which encompasses the wetland and the flood plain. Mr. Blecke also indicated that storm water detention capacity has been provided for this site and any redevelopment outside the wetland and flood plain area will not require additional storm water detention. My conversations with him and the chief building inspector, Mr. John Swedberg, indicated that it should be no problem placing a large building on the site in the future. Mr. Swedberg also indicated that open stalls for storage are allowed and can be built up to the property line. Please contact me if you have any questions. Thank you.

Natalie P. Karney, P.E.
President
Land Technology, Inc.
Phone: 815 363-9200
Fax: 815 363-9223

No virus found in this incoming message.

Ray Keller

From: Richard Heimberg [RHeimberg@bradylaw.com]
Sent: Tuesday, July 12, 2011 9:43 AM
To: Ray Keller
Cc: bconroy@elginrecycling.com
Subject: 161 Center Street recycling center

>Ray: Bob Conroy and I have reviewed the Staff Report and Findings of
>Fact relating to the hearing Wednesday night and there are a few points
>we would like to make as it relates to the proposed project.

>
>First of all, the Application contains a narrative description of
>various aspects of the recycling business that are important to Bob;
>expressly including approval of those items would assist Bob in his
>final decision to purchase this property subject to the requested special use:

>
>A. It is important that Bob be allowed to recycle electronics, and it
>is not clear from our reading of the Report and Findings whether the
>special use will allow electronics to be recycled there.

>
>B. Materials in the concrete cubicles should be allowed to be stored
>uncovered in such cubicles overnight. To prevent migration of such
>materials, the items so stored will not exceed the height of the side
>walls and will not extend beyond an imaginary line between the front of
>the side walls.

>
>C. Bob's ability to add a shear baler and shredder, a truck scale and
>a larger building subject to compliance with applicable codes and
>ordinances, and to do saw cutting and torching outside of the building
>without the need for further hearing is important.

>
>D. Overnight storage of heavy scrap metal in uncovered truck trailers
>and roll-offs is important, as the task of covering items that cannot
>blow away is an expensive and unproductive use of time.

>
>E. The requirements to obtain the federal "responsible recycler"
>designation includes the proper handling of batteries, and this is an
>emerging area of importance which affects everyone given the
>pervasiveness of batteries in today's society and the damage to the
>environment that the improper handling of batteries can do. It would
>seem that Bob's plan to follow the responsible recycler rules and
>regulations and to provide a place for the citizens of Gilberts to
>dispose of their batteries should overcome whatever problems the
>Village had in the past and that the prohibition against battery
>recycling should be removed.

>
>To summarize, it would be our preference to incorporate the Application
>narrative details into the ordinance as allowable activities rather
>than to assume their approval where not otherwise limited.

>
>Bob also questions the inclusion of paragraph 18 of the Report and
>Findings, which prevents him from the dismantling of motor vehicles
>which do not contain petroleum products or hazardous substances. While
>this is not a major part of Bob's business, he is in the business of

>recycling metals and should not be completely prohibited from an
>activity which produces a large amount of metal for recycling.
>
>Basically, we feel the response to special use standard no.6 is
>understated in that it seems to minimize the importance to the public
>health, safety and welfare of the recycling process. The savings to
>society is in the energy saved by the recycling process in addition to
>the preservation of the environment.
>
>Please feel free to contact either Bob or me if you have any questions
>on any of the foregoing.
>
>Bud Heimberg

Richard Heimberg
Brady & Jensen, LLP
2425 Royal Boulevard
Elgin, Illinois 60123
847-695-2000 main line
847-289-3370 direct line
847-695-3243 fax
rheimberg@bradylaw.com

IRS Circular 230 Disclosure: To comply with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained herein (including any attachments), unless specifically stated otherwise, is not intended or written to be used, and cannot be used, for the purposes of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter herein.

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Village of Gilberts:

At Elgin Recycling we aim to be leaders in the recycling industry in operations, safety and environmental performance. To obtain this goal we are three quarters of the way through the process of obtaining our R2, (Responsible Recycling), Certification in September. In order for us to obtain this certification from Perry Johnson, our registrar, we have to follow all the safety, environmental and operations regulations setup by R2 Solutions. Responsible Recycling is recognized by the EPA as a sound way to recycling electronics. Please see the quoted text below from the EPA site in reference to R2:

<http://www.epa.gov/osw/conserve/materials/ecycling/certification.htm>

“EPA encourages all electronics recyclers to become certified by demonstrating to an accredited, independent third-party auditor that they meet specific standards to safely recycle and manage electronics. Currently two accredited certification standards exist: the Responsible Recycling Practices (R2) and the e-Stewards® standards. We also encourage customers to choose certified electronics recyclers.

Responsible electronics recycling provides important benefits, such as:

- Reducing environmental and human health impacts from improper recycling;
- Increasing access to quality reusable and refurbished equipment to those who need them; and
- Reducing energy use and other environmental impacts associated with mining and processing of virgin materials – conserving our limited natural resources.

Both the existing certification programs share common elements that ensure responsible recycling of used electronics. These programs advance best management practices and offer a way to assess the environmental, worker health, and security practices of entities managing used electronics. Specifically, these certification programs are based on strong environmental standards which maximize reuse and recycling, minimize exposure to human health or the environment, ensure safe management of materials by downstream handlers, and require destruction of all data on used electronics.

Certified electronics recyclers have demonstrated through audits and other means that they continually meet specific high environmental standards and safely manage used electronics. Once certified, the recycler is held to the particular standard by continual oversight by the independent accredited certifying body. A certification accreditation board accredits certifying bodies and oversees certifying bodies to ensure that they meet specific responsibilities and are competent to audit and provide certification. EPA supports and will continue to push for continuous improvement of electronics recycling practices and standards.”

EPA Site: <http://www.epa.gov/osw/conserve/materials/ecycling/certification.htm>

Stacking and Wrapping Used Batteries on Pallets

THESE GUIDELINES ARE TO ASSIST IN COMPLIANCE WITH FEDERAL DEPARTMENT OF TRANSPORTATION (USDOT) REGULATIONS*. PLEASE ASSIST THE DRIVER IN COMPLYING WITH THE LAW. FAILURE TO COMPLY WITH THE GUIDELINES CAN RESULT IN REFUSAL BY THE CARRIER TO ACCEPT MATERIAL. IN ADDITION, FAILURE TO COMPLY CAN RESULT IN FINES AND PENALTIES FROM FEDERAL, STATE, AND LOCAL AUTHORITIES.

WAFFLEBOARD OR SHEETS OF CARDBOARD

BATTERIES

WAFFLEBOARD PREFERRED*

(MINIMIZES POTENTIAL FOR PEST PENETRATION AND SHORT CIRCUIT)

BATTERIES

WAFFLEBOARD PREFERRED*

(MINIMIZES POTENTIAL FOR PEST PENETRATION AND SHORT CIRCUIT)

BATTERIES

CARDBOARD

PALLET

* See Item 4 and 7 under Stacking Pallet Instructions

These guidelines were developed by a committee of industry experts and are subject to change as regulations change. It is the responsibility of the user to ensure compliance with all applicable regulations. The user is responsible for ensuring that the guidelines are followed correctly. The user is responsible for ensuring that the guidelines are followed correctly.

INSTRUCTIONS FOR STACKING PALLET

1. Select a sturdy pallet with no broken or missing boards. Be sure there are no nails sticking up, which could puncture the batteries. Stack the battery pallet using a palletizer or with the use of a forklift. Do not use a palletizer or forklift to stack the batteries. Do not use a palletizer or forklift to stack the batteries. Do not use a palletizer or forklift to stack the batteries.
2. Place a layer of cardboard or the pallet to protect the batteries from being cut by the pallet.
3. Make the first layer of batteries level and as close together as possible. If space of the batteries is shorter, they should be placed in the center of the layer. The batteries should be placed in the center of the layer.
4. Place waffleboard (preferred) or cardboard (preferred) between the batteries. Do not use a palletizer or forklift to stack the batteries. Do not use a palletizer or forklift to stack the batteries. Do not use a palletizer or forklift to stack the batteries.



IMPORTANT GENERAL HANDLING REQUIREMENTS

- Before handling batteries, please read and adhere to all of the following requirements:
- Wear the appropriate personal protection equipment.
- Handle all returned batteries with the same responsible care as new batteries.
- Keep batteries upright at all times. Do not tip over on side or upside down.
- Do not throw or drop batteries. Put batteries carefully down on pallet.

IMPORTANT PALLET SPECIFICATIONS

- Maximum pallet size: 48" x 40" x 48"
- Maximum weight per pallet: Approx. 3600 lbs.
- Maximum layers per pallet: 3
- Only lead-acid batteries may be returned, including AGM and Gel Lead Acid Batteries
- Pallet must be constructed with a minimum of three bottom boards and durable enough to handle the battery load.
- Stack return battery pallet using pallet provided with new shipment if possible.

EAST FEN
MANUFACTURING CO., INC.

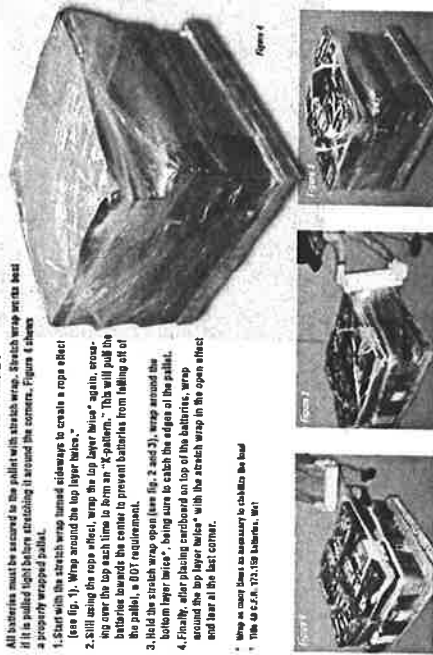
INSTRUCTIONS FOR WRAPPING PALLET

All batteries must be secured to the pallet with stretch wrap. Stretch wrap secures load if it is pulled tight before attaching it around the corners. Figure 1 shows a properly wrapped pallet.

1. Start with the stretch wrap turned sideways to create a rope effect (see Fig. 1). Wrap around the top layer twice.
2. Still using the rope effect, wrap the top layer twice again, crossing over the top each time to form an "X" pattern. This will pull the material towards the center to prevent batteries from falling off of the pallet, a DOT requirement.
3. Lay the stretch wrap open (see Fig. 2 and 3), wrap around the top of the batteries, being sure to catch the edges of the pallet.
4. Finally, wrap the pallet with the stretch wrap in the open effect and leave at the best corner.

* Wrap as many times as necessary to stabilize the load

* Title 49 C.F.R. 173.158 batteries, Wet



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

VILLAGE OF GILBERTS PLAN COMMISSION

**FINDING OF FACT
AND
RECOMMENDATION**

TO: VILLAGE PRESIDENT RICK ZIRK AND BOARD OF TRUSTEES
FROM: VILLAGE OF GILBERTS PLAN COMMISSION
RE: FINDING OF FACT AND RECOMMENDATION

APPLICANT: Chicago Title Land Trust No. 8002350838 / Tink's Inc. LLC / West End Recycling Inc.
APPLICATION: Special Use Permit
LOCATION: 161 Center Street, Gilberts, IL

I. GENERAL INFORMATION

Complete information regarding the proposed amendment can be found in the staff report accompanying this application, VA42-11, which is hereby attached to and made a part of these Findings.

II. PROCEDURES

Pursuant to law, a public hearing was held by the Village of Gilberts Plan Commission regarding this matter on July 13, 2011. The hearing was advertised in the Daily Courier and appeared in an edition available to the public 15 to 30 days prior to the hearing. A quorum of the Commission was present at the hearing in which subject Application and documentation materials were reviewed and all persons who desired to testify were heard.

III. APPLICANT'S REQUEST

This petition is submitted on the behalf of Chicago Title Land Trust No. 8002350838 (George Kanagin, beneficiary) for a recycling center to be operated by Tink's Ink LLC on property located at 161 Center Street, Gilberts. Tink's Ink LLC, an associated company of Elgin Recycling Inc., would relocate aspects of its recycling operations from their 46 East End Drive property to the subject property.

IV. PUBLIC SUPPORT AND/OR OBJECTIONS

Note: For a summary of all public input, please refer to the Plan Commission minutes from the public hearing on this item.

V. CONCLUSIONS

Based upon careful review and consideration of the application, the public input received, and the criteria set forth in the Zoning Ordinance regarding this application, the Plan Commission of the Village of Gilberts draws the following conclusions:

1. The proposed use complies with the applicable district regulations.

The proposed special use permit generally complies with the I-1 zoning district regulations, subject to the waivers and conditions to be applied to the recycling center operation on the subject property.

2. The proposed use will not be detrimental to property values in the immediate area nor to the public welfare at large.

The petition requests approval of a special use for a property that is remotely located at the south end of the Village's industrial area, buffered by 850+ feet of wetlands and Interstate 90. The operation of a recycling facility on the subject property will have minimal impact on the adjacent uses.

3. The use and accompanying physical attributes are such that the use will not dominate the immediate neighborhood.

The operation of the recycling center in and around the existing structure will not result in any changes that might dominate the immediately adjacent industrial neighborhood. The storage of all materials within a building, enclosure or other covered bin will help maintain the appearance of the subject property.

4. Adequate utility services exist or will be provided.

Power and phone service are available at the site, but the property is not presently served by public water or sewer.

5. The use is consistent with good planning practice, and will conform to the regulations of the district in which it is located.

The proposed unit is generally consistent with good planning practice as it allows the relocation of the noisier aspects of their business away from the commercial uses adjacent to the East End facility. The subject property is removed from other uses that may have reason to object to the noise and vibration that the recycling center may generate.

6. The use is essential or desirable to preserve and promote the public health, safety and welfare of the citizens of Gilberts.

The use is not essential to the preservation and promotion of public health and safety, though the recycling center processes materials that are otherwise deposited in landfills.

VII. DETERMINATION AND RECOMMENDATION

NOW, THEREFORE, BE IT RESOLVED, that the Plan Commission of the Village of Gilberts does find and conclude, and recommends to the Village Board that this request by Chicago Title Land Trust No. 8002350838 / Tink's Inc. LLC / West End Recycling Inc. for a special use permit to allow a recycling center to be operated on the subject property at 161 Center Street, Gilberts, IL, be approved, subject to the following conditions:

1. This special use permit, as amended, is specifically granted to Tink's Ink LLC / Elgin Recycling Inc. for use on the specified subject property, commonly known as 161 Center Street. The special use permit may not be transferred, sold, used by, or otherwise conveyed to any party other than the applicant without an amendment to the special use permit approved by the Village of Gilberts.
2. The Zoning Code, the Subdivision Code, the Building Code, and all other applicable Village ordinances and regulations shall continue to apply to the Property, and the development and use of the Property shall comply with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.
3. Consistent with the operation of their facility at 46 East End Drive, Elgin Recycling/Tink's Ink LLC may recycle construction materials and debris, wood, paper, cardboard, plastics, and ferrous and nonferrous metal scrap.
4. Elgin Recycling/Tink's Ink LLC may recycle ferrous and non-ferrous metal scrap including metal appliances commonly known as "white goods," excluding any such materials that contain "white goods components" as defined by 415 ILCS 5/22.28(c)(2), Illinois Environmental Protection Act.
5. Elgin Recycling/Tink's Ink LLC shall not store nor recycle batteries or similar materials on the subject property.
6. Elgin Recycling/Tink's Ink LLC shall not chip nor store wood chips or dust outside the principal structure or a covered storage bin.
7. The Applicant shall demonstrate compliance with all applicable codes and requirements and pay the Village any fees for zoning, special use permit, building or property maintenance violations within ten (10) days of receipt of written notice.
8. The subject property owner and business operator shall submit to two inspections annually demonstrating conformance with all special use conditions, locally adopted building & existing structure codes and ordinances.
9. There shall be no overnight outside storage of any materials on the subject property, except materials may be stored overnight in covered roll-off containers and/or closed box trucks or truck trailers stored away from view from Center Street.
10. All storage of recycled materials shall be contained to prevent migration of the same and/or any run-off from same to adjoining properties or public ways.
11. All roll-off containers or dumpsters shall be kept from view from Center Street and covered when holding recyclables or other materials.
12. All vehicles and non-motorized storage (e.g. truck trailers) shall be kept from view from Center Street.
13. Prior to the commencement of operations, Elgin Recycling/Tink's Ink LLC shall submit to the Village of Gilberts a plan for debris and litter control. Elgin Recycling/Tink's Ink LLC shall be required to update and make available upon request their plan for debris and litter control at all times.

14. Operations of the recycling center shall at all times comply with sound and noise regulations set forth in the Village of Gilberts Municipal Code and Zoning Ordinance.
15. Vehicles coming to, waiting to enter, or leaving the recycling center shall not block the entrance or driveway to any other property.
16. Operator shall maintain a dustless surface for loading and unloading of materials and the containment of any petroleum product or other hazardous substance. It shall be the operator's responsibility to control dust generated by the facility's operators or vehicles.
17. Prior to the commencement of operations, Elgin Recycling/Tink's Ink LLC shall establish and enact written procedures for the discovery and/or spilling of hazardous or white goods components, as described above. Elgin Recycling/Tink's Ink LLC shall be required to update and make available upon request their procedures for handling hazardous and/or white goods components.
18. No motorized vehicles or construction equipment, with or without motors, and no engines, transmissions, differentials or other motor vehicle or construction equipment parts which may contain petroleum products or hazardous substances shall be salvaged or recycled on the subject property.
19. If the subject property and/or use is found to be in violation by county, state, federal or other regulatory body, the operator is required to notify the Village of Gilberts of the violation within 72 hours of receipt of said violation(s).

Passed and Approved by the Plan Commission of the Village of Gilberts, Illinois, this ____ day of July, 2011, by a vote of ____ aye, ____ nay, ____ absent/abstain.

Doug Hagen, Chair

5B

RESOLUTION

VILLAGE OF GILBERTS

Authorizing an agreement between the Village of Gilberts and Baxter & Woodman to complete a preliminary design and project plan for a barium/radium pre-treatment system

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 a professional service agreement between the Village of Gilberts and Baxter & Woodman not to exceed \$21,000.00 and such documents as are necessary and convenient to effectuate the professional service agreement to complete a preliminary design and prepare a project plan for submission to the Illinois Environmental Protection Agency for a barium/radium pre-treatment system to be added to the water treatment plant, as described in the work order hereto attached and made a 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 _____ day of _____, 2011 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 Nancy Farrell	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS _____ DAY OF May, 2011

Village President, Rick Zirk

(SEAL)

ATTEST: _____
Village Clerk, Debra Meadows

Published: _____

**VILLAGE OF GILBERTS, ILLINOIS
WATER SYSTEM IMPROVEMENTS
BARIUM/RADIUM PRE-TREATMENT SYSTEM PROJECT PLAN**

**ENGINEERING SERVICES
WORK ORDER**

ENGINEERS' PROJECT # 110514.30

Description of Services to be Provided:

Provide engineering services for the preliminary design and preparation of a Project Plan for submission to IEPA to pursue a loan from IEPA's Public Water Supply Loan Program for the Water Treatment Plant barium/radium pre-treatment system. The purpose of this Project is to reduce the concentration of barium and radium released to the sanitary sewer system to comply with the Water Reclamation Facility's renewed NPDES Discharge Permit that took effect August 1, 2011, and to reduce WRF biosolids disposal cost. Services will be provided in accordance with the Engineering Services Agreement dated January 1, 2003.

A detailed scope of services for this Project is provided in Attachment A.

Schedule:

The above-described engineering services will begin upon receipt of this Work Order, approved by the Village of Gilberts. The following design schedule is anticipated:

Receive authorization to proceed with design	August 16, 2011
Conduct on-site tests	September 12, 2011
Review preliminary report with Village	December 1, 2011
Submit Project Plan for IEPA IFAS Approval	January 15, 2012
Submit Required Interim Report on Barium to IEPA	Before January 31, 2012

Compensation:

Compensation for the services to be provided under this Work Order will be in accordance with the Engineering Services Agreement dated January 1, 2003. The engineering fee is based upon our standard hourly rates of compensation for actual work time performed plus reimbursement for out-of-pocket expenses including travel, which will not exceed \$21,000.

Submitted: **Baxter & Woodman, Inc.**

By: 

John V. Ambrose, PE

Title: Vice President

Date: August 2, 2011

Approved: **Village of Gilberts, IL**

By: _____

Rick Zirk

Title: Village President

Date: _____

Additional Comments and Conditions: Compensation includes an allowance of \$2,250 for Certified Laboratory fees and reimbursable expenses.

I:\Crystal Lake\GILBV\110514-Ba Ra Pretreatment\Contract\110514.30 Work Order.Doc



Scope of Services

The following scope of services details the anticipated tasks necessary to successfully complete this Project so that the Village can:

- Reduce the Barium in its WRF effluent to comply with Special Condition 15 of the WRF's renewed NPDES Discharge Permit, which sets forth a schedule by which the Village must come into compliance with Barium effluent limits.
- Reduce the Radium in its WRF biosolids to reduce the cost of biosolids disposal and extend the life of land application fields.

A. General Project Administration

1. Project Management

Plan, schedule, and control the activities that must be performed to complete the Project. These activities include, but are not limited to, budget, schedule, and scope. Provide a weekly status report via email (or fax, if you prefer) that describes the tasks completed that week and outlines the goals for the following week.

2. Conduct Project Kick-off Meeting

A Project kick-off meeting with Village staff and the Project team will be held for the Project. The purposes of this meeting are to establish clear lines of communication; discuss the Village's needs and objectives for the Project; request existing system data needed to complete the analysis; and confirm project schedule and future meeting dates.

3. Collect and Review Data

The Village's active involvement in this Project will help to produce successful results. We will request the Village's assistance in gathering the following:

- a. The Village's ideas and input.
- b. Existing raw well water analyses including hardness, radium and barium concentrations.
- c. Operational data including monthly water production records including volume of water treated and volume of waste produced.
- d. Records of brine curves produced and length of time of each phase of the regeneration cycle.
- e. Volume of salt consumed each month.

B. Project Deliverables

1. Preliminary Design (WA100)

Plan and execute tasks necessary to determine volume of the pre-treatment system vessel, treatment chemical storage, and the capacity of the de-watering facilities including the following:

- a. Utilize existing site drawings of the Water Treatment Plant (WTP) building to determine possible locations for the pre-treatment system.
- b. Visit the water treatment plant site and evaluate potential locations for system installation including potentially installing inside the existing WTP.
- c. Observe softener regeneration process and collect samples of regeneration waste (10-gallons) for analysis.
- d. Conduct laboratory tests on the WTP wastewater to determine quantity of treatment chemicals necessary to meet barium and radium reduction goals.
 - (1.) Arrange testing of the untreated regeneration wastewater by certified lab for barium and radium concentration.
 - (2.) Utilize multiple jar-test method to treat regeneration wastewater to determine optimum chemical dose.
 - (3.) Collect sludge samples produced during jar-test, dewater for further testing and arrange for testing by a certified lab for barium and radium concentration.
 - (4.) Based upon results of lab testing, determine quantity of sand necessary to keep radium in dewatered sludge below the 200 pCi/g threshold for disposal at a landfill.
- e. Arrange for testing of fifteen (15) samples by Certified laboratories to include the following:
 - (1.) One Raw Well Water Sample for barium and radium concentration (2 samples).
 - (2.) One regeneration wastewater sample for barium and radium concentration (2 samples)
 - (3.) Three (3) sludge samples for radium only (3 samples).
 - (4.) Four (4) treated water samples for radium and barium (8 samples).
- f. An allowance of \$2,250 in Certified Laboratory fees is included in the design fee for the testing described in d. and e. above.
 - (1.) If the actual cost of testing exceeds \$2,250, Baxter & Woodman's compensation will be increased to cover the additional cost.

- g. Prepare preliminary drawings and Engineer's Design Summary for the pre-treatment system.
- h. Provide two (2) copies of the testing results for Village review and comment including preliminary construction costs and operating costs.

2. Project Plan Preparation (WA200)

Based upon the results of the preliminary design, prepare Project Plan for submission to the IEPA Infrastructure Financial Assistance Section (IFAS) for review and approval, so that the pre-treatment system to reduce barium/radium in the discharge to the sanitary sewer can be considered for funding by the Water Supply Low Interest Loan Program. The tasks to be performed are as follows:

- a. Prepare a Project Plan for the Barium/Radium Pre-Treatment System in accordance with the IEPA Project Plan Submittal Check List.
- b. Prepare appropriate preliminary design information including drawings and supporting documents for inclusion in the Project Plan.
- c. Submit required environmental applications.
- d. Submit required Illinois Historical Preservation Agency applications.
- e. Prepare and submit the IEPA Loan Applicant Environmental Checklist.
- f. Meet with the Village to review the preliminary Project Plan.
- g. Prepare an Engineer's Estimate of Probable Construction and Operation Costs.

3. Project Plan Submission and Approval (WA400)

Submit the finalized Project Plan to the IEPA IFAS for review and approval.

- a. Provide two (2) copies of the finalized Project Plan to the Village.
- b. Submit three (3) copies of the finalized Project Plan to the IEPA IFAS.
- c. Communicate with IFAS as necessary to address questions and comments.
- d. Provide additional information that IFAS requests.
 - (1.) If IFAS's request(s) require engineering services that are outside the scope of this Work Order, Baxter & Woodman's will be entitled to an increase in its fee.

7A

VILLAGE OF GILBERTS, ILLINOIS

MANAGEMENT LETTER

FOR THE YEAR ENDED
APRIL 30, 2011

July 6, 2011

The Honorable Village President
Members of the Board of Trustees
Village of Gilberts, Illinois

In planning and performing our audit of the financial statements of the Village of Gilberts, Illinois, for the year ended April 30, 2011, we considered its internal control structure in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide assurance on the internal control structure.

We do not intend to imply that our audit failed to disclose commendable aspects of your system and structure. For your consideration we herein submit our comments and suggestions which are designed to assist in effecting improvements in internal controls and procedures. Those less significant matters, if any, which arose during the course of the audit, were reviewed with management as the audit field work progressed.

The accompanying comments and recommendations are intended solely for the information and use of the Finance Committee, Board of Trustees, management, and others within the Village of Gilberts, Illinois.

We will review the status of these comments during our next audit engagement. We have already discussed many of these comments and suggestions with various Village personnel. We would be pleased to discuss our comments and suggestions in further detail with you at your convenience, to perform any additional study of these matters, or to review the procedures necessary to bring about desirable changes.

We commend the finance department for the well prepared audit package and we appreciate the courtesy and assistance given to us by the entire Village staff.

LAUTERBACH & AMEN, LLP

CURRENT RECOMMENDATIONS

1. NUMBER OF CASH ACCOUNTS

Comment

During our year-end audit procedures, we noted that the Village maintains a significant number of bank accounts. These accounts are held at a variety of banking institutions. This volume of bank accounts requires a large commitment of staff time to process daily deposits, to make transfers between various cash accounts and to reconcile each account at the end of each month. In addition, the cash balances maintained in this volume of bank accounts does not allow the Village to take full advantage of cash commingling which increases the funds available for investment opportunities.

Recommendation

We recommend the Village review the cash and investment structure to maintain the minimum number of accounts necessary to meet the Village's operational needs.

2. FUND BALANCE POLICY

Comment

A fund balance policy establishes a minimum level at which the projected end-of-year fund balance/net assets should be maintained taking into account the constraints imposed upon the resources reported by the governmental and proprietary funds. A fund balance policy assists in providing financial stability, cash flow for operations, and the assurance that the Village will be able to respond to emergencies with fiscal strength.

It is essential to maintain adequate levels of funds balance/net assets to mitigate current and future risks and to ensure tax rates. Fund balance/net asset levels are also crucial consideration in long-term financial planning. Credit rating agencies carefully monitor levels of fund balance/net assets and unassigned fund balance in the General Fund to evaluate the Village's continued creditworthiness.

Recommendation

We recommend the Village undertake an analysis of current fund balance levels and desired reserves for each fund and implement and approve a formal fund balance policy.

VILLAGE OF GILBERTS FUND BALANCE/NET ASSETS POLICY

Purpose

A Fund Balance/Net Assets Policy establishes a minimum level at which the projected end-of-year fund balance/net assets must observe; as a result of the constraints imposed upon the resources reported by the governmental and proprietary funds. This policy is established to provide financial stability, cash flow for operations, and the assurance that the Government will be able to respond to emergencies with fiscal strength. More detailed fund balance financial reporting and the increased disclosures will aid the user of the financial statements in understanding the availability of resources.

It is the Government's philosophy to support long-term financial strategies, where fiscal sustainability is its first priority, while also building funds for future growth. It is essential to maintain adequate levels of funds balance/net assets to mitigate current and future risks and to ensure tax rates. Fund balance/net asset levels are also crucial consideration in long-term financial planning. Credit rating agencies carefully monitor levels of fund balance/net assets and unassigned fund balance in the General Fund to evaluate the Government's continued creditworthiness.

Definitions

Governmental Funds

The fund balance will be composed of three primary categories:

- 1) Nonspendable Fund Balance – portion of a Governmental Fund's fund balance that are not available to be spent, either in the short-term or long-term, or through legal restrictions (e.g., inventories, prepaid items, land held for resale and endowments).
- 2) Restricted Fund Balance – portion of a Governmental Fund's fund balance that are subject to external enforceable legal restrictions (e.g., grantor, contributor and property tax levies).
- 3) Unrestricted Fund Balance – is made up of three components:
 - A) Committed Fund Balance – the portion of a Governmental Fund's fund balance with self-imposed constraints or limitations that have been placed at the highest level of decision making through formal Board action. The same action is required to remove the commitment of fund balance.
 - B) Assigned Fund Balance – the portion of a Governmental Fund's fund balance to denote an intended use of resources but with no formal Board action.
 - C) Unassigned Fund Balance – available expendable financial resources in a governmental fund that is not the object of tentative management plan.

Some funds are funded by a variety of resources, including both restricted and unrestricted (committed, assigned and unassigned). The Government assumes that the order of spending fund balance is as follows: restricted, committed, assigned, unassigned.

Definitions – Continued

Proprietary Funds

Proprietary funds include enterprise and internal service funds. The net assets will be composed of three primary categories:

- 1) Invested in Capital Assets, Net of Related Debt – portion of a proprietary fund's net assets that reflects the fund's net investment in capital assets less any amount of outstanding debt related to the purchase/acquisition of said capital assets. Related debt, for this purpose, includes the outstanding balances of any bonds, mortgages, notes, or other borrowings that are attributable to the acquisition, construction, or improvement of capital assets of the Government.
- 2) Restricted Net Assets – portion of a proprietary fund's net assets that are subject to external enforceable legal restrictions (e.g., grantor, contributor and bond covenants).
- 3) Unrestricted Net Assets – portion of a proprietary fund's net assets that is neither restricted nor invested in capital assets (net of related debt).

Authority

Governmental Funds

Committed Fund Balance – A self-imposed constraint on spending the fund balance must be approved by ordinance or resolution of the Board. Any modifications or removal of the self-imposed constraint must use the same action used to commit the fund balance. Formal action to commit fund balance must occur before the end of the fiscal year. The dollar amount of the commitment can be determined after year end.

Assigned Fund Balance – A self-imposed constraint on spending the fund balance based on the Government's intent to use fund balance for a specific purpose. The authority may be delegated to members of the management team by the Board.

Minimum Unrestricted Fund Balance Levels

Governmental Funds

General Fund

Purpose – Is a major fund and the general operating fund of the Government. It is used to account for all activities that are accounted for in another fund.

Fund Balance – Unrestricted fund balance targets should represent no less than three months and no more than six months of operating expenditures. The goal is to have a Cash Flow commitment in the General Fund that is adjusted annually with the adoption of the annual budget. Balances above the maximum are transferred to other funds or to

Minimum Unrestricted Fund Balance Levels – Continued

capital projects at the Board's discretion. The Village will spend the most restricted dollars before less restricted, in the following order:

- 1) Restricted
- 2) Unrestricted – Committed
- 3) Unrestricted – Assigned
- 4) Unrestricted – Unassigned

Special Revenue Fund

Purpose - Used to account for and report the proceeds of specific revenue sources that are legally restricted or committed to expenditures for specified purposes other than debt service or capital projects.

Financing – Special revenue funds are provided by a specific annual property tax levy or other restricted and/or committed revenue source. Financing may also be received from other charges for services, etc.

Fund Balance – Derived from property taxes (other another restricted revenue source); therefore, legally restricted. The portion of fund balance derived from property taxes will be legally restricted. The remaining fund balance amount (restricted and/or committed) will be targeted at a minimum level of 25% of annual budgeted expenditures. This will be adjusted annually with the adoption of the annual budget and is calculated at a minimum of three months of expenditures not including capital, debt service and transfers.

Capital Projects Fund

Purpose - Established to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays including the acquisition or construction of capital facilities and other capital assets, excluding those types of capital related outflows financed by proprietary funds.

Financing – Debt financing, grants, or interfund transfers are used to finance projects.

Fund Balance – Considered segregated for maintenance, construction and/or development; therefore, considered committed, restricted, or assigned depending on the intended source/use of the funds.

Minimum Unrestricted Fund Balance Levels – Continued

Proprietary Funds

EnterpriseFund

Purpose - Established to account for and report financial resources that are invested in capital assets, net of related debt, restricted, or unrestricted for future spending related to the fund. The focus of enterprise fund measurement is upon determination of operating income, changes in net assets, financial position, and cash flows. The generally accepted accounting principles applicable are those similar to businesses in the private sector. Enterprise funds are required to account for operations for which a fee is charged to external users for goods or services and the activity (a) is financed with debt that is solely secured by a pledge of the net revenues, (b) has third party requirements that the cost of providing services, including capital costs, be recovered with fees and charges or (c) establishes fees and charges based on a pricing policy designed to recover similar costs.

Financing – User fees, debt financing, or grants are used to finance operations, capital outlay and improvements, and debt service retirements.

Net Assets – Considered invested in capital assets net of related debt (for amounts capitalized as capital assets, less the outstanding debt related to the acquisition of said assets. Restricted net assets relate to bond covenant reserves as outlined in the bond ordinance. Unrestricted net asset targets should represent no less than three months of operating expenses (excluding debt service and capitalized asset expenses).

Other Considerations

In establishing the above policies for unrestricted fund balance/net asset levels, the Government considered the following factors:

- The predictability of the Government's revenues and the volatility of its expenditures (i.e., higher levels of unrestricted fund balance may be needed if significant revenue sources are subject to unpredictable fluctuations or if operating expenditures are highly volatile)
- The Government's perceived exposure to significant one-time outlays (e.g., disasters, immediate capital needs, state budget cuts)
- The potential drain upon General Fund resources from other funds as well as the availability of resources in other funds (i.e., deficits in other funds may require a higher level of unrestricted fund balance be maintained in the General Fund, just as, the availability of resources in other funds may reduce the amount of unrestricted fund balance needed in the General Fund)
- Liquidity (i.e., a disparity between when financial resources actually become available to make payments and the average maturity of related liabilities may require that a higher level of resources be maintained)
- Commitments and assignments (i.e., governments may wish to maintain higher levels of unrestricted fund balance to compensate for any portion of unrestricted fund balance already committed or assigned by the government for a specific purpose)

If any of the above factors change, the Government should readdress current unrestricted fund balance/net asset levels to ensure amounts are appropriate.

7B



Memo

To: Ray Keller
Village Manager

From: Steven Williams
Chief of Police

Date: August 29, 2011

Subject: Budget Adjustments – 2011

I have examined the police department budget for the remainder of this budget year in an effort to provide additional savings of \$45,000 from the approved budget. As I wrote in my memo of June 16, 2011, cutting the operating budget would not yield the necessary funds to off-set this unexpected \$45,000 short fall and still allow the department to provide necessary core services.

I can, however, closely manage the staffing needs of the department to provide the most cost efficient staffing possible which will garner the largest savings possible. Some operational changes will be required and these staffing adjustments will necessarily strain the department's overall policing efforts. These compromises can be sustained in the short term – to the end of this budget cycle.

- Beginning September 1, 2011, I have eliminated part time staffing at times when I am on duty. I will provide the necessary second officer response.
- Beginning October 1, 2011 I will be setting mileage limitations on all patrol squads with the goal of reducing fuel consumption by one half current costs.
- Also, on October 1, 2011, the department will be receiving salary reimbursement from an Illinois Department of Transportation STEP grant. I will reduce or eliminate part time staffing from the village's payroll during these STEP assignments.
- Finally, I will reduce staffing on Friday and Saturday nights and fund salaries for the second officer from the Enhanced DUI program to the level necessary to achieve the stated goal of \$45,000.

Budget expenditure reductions for the remainder of 2011 – 2012 budget year.

Eliminate part time officers staffing when the Chief is on duty.

$\$18.21 \text{ per hour} \times 12 \text{ hours} \times 8 \text{ days per month} \times 8 \text{ months} = \$14,000$

Gasoline consumption reduction X 7 months = \$16,000

IDOT – Step grant salary reimbursement = \$10,000

E-DUI = \$ 5,000

There is sufficient opportunity during the remainder of this budget year to adjust any of these savings to achieve the goal of \$45,000 savings.