

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 38-11

TO: President Rick Zirk
Board of Trustees

FROM: Ray Keller, Village Administrator *RK*

DATE: June 16, 2011

RE: Village Board Meeting – June 21, 2011

The following summary discusses the agenda items for the Village Board meeting scheduled for June 21, 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 June 7, 2011 Village Board Meeting

Staff recommend approval of the minutes, which were reviewed at the June 14 Committee of the Whole meeting. Please contact me prior to the meeting if you have any questions or corrections.

B. Motion to approve Bills and Salaries dated June 21, 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 the May 2011 Treasurer's Report

Staff recommend approval of the May 2011 Treasurer's Report, which was reviewed at the June 14 Committee of the Whole meeting. Because the report was previously provided, Staff did not include another copy in the packet. Please contact me prior to the meeting if you have any questions or need another copy of the report.

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

5. ITEMS FOR APPROVAL

A. A motion to approve Ordinance 16-2011, An Ordinance granting a Zoning Variation for Lot 49 of the Riemer Centre Subdivision

Jeff Riemer, owner of Lot 49 in the Riemer Centre Subdivision, has petitioned for variances from the Zoning Code that would allow him to store vehicles, equipment and materials on his unimproved lot. The property was the subject of a 2007 agreement between the applicant and the Village that attempted to address several zoning code violations. The Village Board has contemplated further enforcement activity against the applicant. However, the Board has granted the applicant temporary leave to secure an appropriate variance that might allow him to continue to store his equipment and materials on the property as an interim measure.

The Zoning Board held the public hearing on this request at their March 23 meeting and recommended approval, subject to several conditions. The Board considered the Zoning Board's recommendation and directed Staff to amend the ordinance to reflect the following conditions of approval:

1. Riemer is required to enclose the parking/storage area with a sight-proof fence not less than six (6) feet high and otherwise comply with the screening requirements set forth in Section 9.7-3 for parking and/or storage areas on Lot 49.
2. All construction equipment and materials must be stored entirely on Lot 49 and within the fenced storage area.
3. The variances allowing the storage/parking area on Lot 49, as described in Section 2, are granted specifically to Riemer. The variances and/or the accompanying right to use the storage/parking area may not be sold, leased, transferred, assigned, granted or otherwise conveyed to any other party.
4. The variance expires two (2) years from approval date of the ordinance granting the variances. Prior to the end of the two-year period, the applicant may petition the Village to amend the variance to secure an extension. At that time, the Village may, but is not obligated to, grant an extension based on the applicant's compliance with the Village's regulations, the economic climate at that time, and other factors that may contribute or alleviate the hardship(s) facing the applicant.
5. The Village's agreement to waive collection of the Past Fines imposed by the Village for violations of Village ordinances does not prohibit the Village from imposing and collecting fines for future violations of Village ordinances, property maintenance regulations, or this Ordinance.
6. The Riemer Property must be maintained and kept in compliance with all applicable property maintenance codes and other Village ordinances, policies, and regulations.

Staff further investigated the issues raised by Phoenix & Associates, which question the subdivision's detention capacity. Staff found that the original plans for the Riemer Centre subdivision included storm water calculations based on a maximum lot coverage of 70%. However, the Village's Zoning Code restricts lot coverage in the I-1 zoning district to 45%, which would result in less runoff than what the stormwater calculations would have indicated. Until such time that the Village increases the maximum site coverage limitation for nonresidential properties, the Riemer Centre's detention capacity will exceed the runoff from developed lots within the subdivision. Staff will continue to work with the Village Engineers, Phoenix & Associates and Mr. Riemer to verify the accuracy and approvals of the plans for the subdivision's stormwater management facilities.

Approval of the provided ordinance affirms the Zoning Board's findings and conclusion and grants the requested variances, subject to the amended list of conditions. Because the petition and other supporting materials were previously provided, Staff did not include new copies in the packet. Please contact me if additional background information or copies are needed.

B. A motion to approve Ordinance 18-2011, An Ordinance granting a Building Code Variation for property located at 15N288 Tyrrell Road

Maria Ramos and Jesus Alvarado have requested relief from Section 9-2-2-6 "Plumbing Code Amendments" of the Village Code, which removes Type M copper pipes as a permitted material for water distribution. The petitioners started updating the existing residential structure and installed Type M copper pipes by accident, not seeing that the permit required Type K or L, which are thicker pipes. Removing the Type M pipes and installing pipes would be a considerable expense and delay to the petitioners.

Type M pipes are permitted in some communities, but not others. While Staff do not recommend amending the Code at this time, granting relief from the Code in this instance would not be detrimental to either the house or the community. Should the Board wish to grant the petitioners' request, Staff have prepared a draft ordinance granting the requested variation from the Building Code.

C. A motion to approve Ordinance 19-2011, an Ordinance authorizing the issuance of General Obligation Bonds (Alternate Revenue Source) of the Village of Gilberts, Kane County, Illinois, in an aggregate principal amount not to exceed \$3,500,000 for the purpose of financing road improvement projects within the Village

Approval of this ordinance would authorize the issuance of an Alternate Revenue Source General Obligation bond to finance the road resurfacing project planned for this year. This ordinance does not commit the Village at this time, but starts the process that will eventually lead to the issuance of a bond.

Staff anticipated a bond for \$2.7 million to complete the road resurfacing program. Both the underwriters and bond counsel advised setting the authorizing limit at an amount higher than what the Village will actually bond for to avoid having to restart

the entire process should the Board decide to expand the project scope later on. The authorizing ordinance also pledges the Village's motor fuel taxes, utility taxes and the non-home rule sales taxes as revenue sources to pay back the bond. These sources exceed the revenue the Village will need for debt service, but naming them in the authorizing ordinance give the Village greater budgeting flexibility later on. This type of bond does not require a referendum, but allows for an objection period that could trigger a referendum if enough residents petition against it.

Staff recommend approval of the ordinance. Following the approval of this ordinance, a public hearing on the bond will be set for July 19. Please contact me prior to the meeting if you have any questions for me or bond counsel.

D. A motion to approve Resolution 29-2011, a Resolution authorizing an agreement with Bernardi Securities Inc. for bond underwriting services

Approval of this resolution formalizes the retention of Bernardi Securities as the Village's underwriters and facilitators of the process to issue a General Obligation bond for the road resurfacing project. Bernardi Securities would be compensated up to 1% of the bond amount, which is comparable to the underwriters' charges for other GO bonds. Staff recommend approval.

E. A motion to approve Resolution 30-2011, a Resolution authorizing an agreement with Chapman and Cutler LLP for bond counsel services

Approval of this resolution formalizes the retention of Chapman and Cutler LLP as the Village's bond counsel for the issuance of a General Obligation bond for the road resurfacing project. Chapman and Cutler will charge the Village a flat fee of \$5,000 for their assistance with this process. Staff recommend approval.

6. ITEMS FOR DISCUSSION

Please contact me or Village President Rick Zirk if there are any topics to be discussed at this or future meetings.

7. STAFF REPORTS

Staff will provide new updates at the meeting. Please contact me if there is a topic or question that can be addressed prior to the meeting.

8. BOARD OF TRUSTEES REPORTS

9. PRESIDENT'S REPORT

10. EXECUTIVE SESSION

Staff request an executive session to discuss collective bargaining and personnel. Please contact me if you any questions about other executive session topics.

11. ADJOURNMENT

**Village Board of Trustees
Meeting Agenda
Village of Gilberts
87 Galligan Road
Gilberts, Illinois 60136**

June 21, 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 June 7, 2011 Village Board Meeting
 - B. A motion to approve Bills and Salaries dated June 21, 2011
 - C. A motion to approve the May 2011 Treasurer's Report
- 5. ITEMS FOR APPROVAL**
 - A. A motion to approve Ordinance 16-2011, an Ordinance granting a Zoning Variation for Lot 49 of the Riemer Centre Subdivision
 - B. A motion to approve Ordinance 18-2011, an Ordinance granting a Building Code Variation for property located at 15N288 Tyrrell Road
 - C. A motion to approve Ordinance 19-2011, an Ordinance authorizing the issuance of General Obligation Bonds (Alternate Revenue Source) of the Village of Gilberts, Kane County, Illinois, in an aggregate principal amount not to exceed \$3,500,000 for the purpose of financing road improvement projects within the Village
 - D. A motion to approve Resolution 29-2011, a Resolution authorizing an agreement with Bernardi Securities Inc. for bond underwriting services
 - E. A motion to approve Resolution 30-2011, a Resolution authorizing an agreement with Chapman and Cutler LLP for bond counsel services
- 6. ITEMS FOR DISCUSSION**
- 7. STAFF REPORTS**
- 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
Board of Trustees
Meeting Minutes
June 7, 2011**

NOT APPROVED MINUTES

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

Members Present were: Trustees Corbett, Clark, Mierisch, Zambetti, Farrell, Hacker and President Zirk. Others present: Administrator Keller, Assistant to the Village Administrator Beith, and Attorney Tappendorf.

Presentation

Ryland Homes Updates – will be rescheduled for a later date.

Public Comment and Discussion

Resident Dan Baird of 571 Running Deer Lane stated that he had attended the ZBA meeting held on March 23, 2011 regarding agenda item 6A. He stated that the ZBA made a recommendation to allow the variance for one year instead of five. Mr. Baird recommends that the Village review the variance yearly. He feels that the property isn't properly maintained, and he would like to see the Board require maintenance on the property. He lives across the street from the Riemer property. He feels terrible that it hasn't been developed, but he stated that it is unsightly to view.

Resident Damon Frugoli of 147 Charleston Lane came in to thank the Village on a job well done at Community Days. He said that the festival was three times as large as it was the previous year, and he felt everything flowed together well. He liked the idea of moving it into Town Center Park, and he hopes it will continue to stay there.

Consent Agenda

- A. A motion to approve Minutes from the May 17, 2011 Village Board Meeting
- B. A motion to approve the Bills and Salaries dated June 7, 2011 as follows: General Fund \$83,487.72, TIF \$54,020.00, Permit Pass Thru \$1,200.00, Performance Bonds and Escrows \$1,501.90, Water Fund \$41,311.31 and Payroll \$119,806.75.
- C. A Motion to approve Ordinance 14-2011, an Ordinance adopting Prevailing Wage Rates
- D. A motion to approve Resolution 28-2011, a Resolution approving Executive Session Meeting Minutes
- E. A motion to approve Ordinance 15-2011, an Ordinance amending the Gilberts Village Code to impose a Non-Home Rule Sales Tax

**Village Board
Meeting Minutes
June 7, 2011
Page 3**

Trustee Mierisch asked staff to find out who is responsible for maintaining the other 2 lots. She stated the importance of them being maintained for economic development growth.

President Zirk suggested that the definition of the property be made clearer.

Mr. Riemer added that the property along Tyrrell is county property. He's mowing up to the rights-of-way.

Trustee Zambetti reminded the Board members that Mr. Riemer had invited them to view his property so concerns could be addressed.

Attorney Tappendorf stated that a condition of the variance could be that it is limited to a five year term but have an annual review. The Board would have the right to revoke the variance if there is any violation.

Trustees Zambetti and Farrell stated that they are fine with a 2 year term agreement.

Trustee Mierisch stated that she is not in favor of allowing the variance for more than a year.

Trustee Hacker questioned the type of fence Mr. Riemer would be installing. After being told that a concrete slab with fencing located along the top of the concrete wasn't acceptable to the code, Mr. Riemer stated that he will put in an acceptable fence.

Trustee Corbett would like to view Mr. Riemer's property.

Once the revised draft ordinance is completed a copy will be made available to Mr. Riemer.

Resident Dan Baird inquired about the fines. Administrator Keller stated that they were addressed in the 2007 agreement. President Zirk stated that he was under the impression that the fines would be waived as long as Mr. Riemer came into compliance and went through the variance process.

A motion to approve Ordinance 17-2011, an Ordinance adopting the Amended and Restated Official Village of Gilberts Code-2011

Administrator Keller stated that Clerk Meadows sent out an email asking if the Board members had any questions, comments, or concerns regarding the new code.

**Village Board
Meeting Minutes
June 7, 2011
Page 2**

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

Items for Approval

A motion to approve Ordinance 16-2011, an Ordinance granting a Zoning Variation for the property legally described as Lot 49 of the Riemer Centre Subdivision, Gilberts, Kane County, Illinois

Administrator Keller gave a brief overview of the public hearing held before the ZBA on March 23, 2011. The draft ordinance was written according to the ZBA recommendation.

Jeff Riemer stated that he has been mowing the grass and the berm is being cut weekly or bi-weekly. He stated that there are some lots around him that he doesn't own, and their grass/weeds are high. He is requesting that the variance be for five years. He added that he will put up a site fence once he receives the variance. He said he does have perspective buyers looking at his property. And any help the Board could give him is greatly appreciated.

Trustee Clark asked Mr. Riemer if he was okay with the engineering recommendation. Mr. Riemer stated that he is looking into it. He said that the plats were approved.

The original engineering plans were made with respect to the property being under septic and well design. It was recommended that the storm water management plan be updated to include the design incorporating curb and gutter as well as sewer and sanitary systems.

A discussion between President Zirk and Administrator Keller regarding whether the responsibility of adding detentions should be looked at as a development or on a lot to lot basis followed.

Trustee Clark stated that he feels that the current retention ponds have not been properly maintained.

The draft ordinance will be amended eliminating #8. It will be brought back for discussion with the engineers at a later date.

Trustee Clark suggested that the variance expire in less than five years, but longer than one year, possibly on April 30, 2013. He would also like to see the dirt pile moved back by the equipment. Mr. Riemer stated that it would be too costly for the dirt to be moved.

President Zirk stated the importance of the Village having the ability to take away the variance at any time, if Mr. Riemer is in violation of the special use or the zoning ordinance.

Village Board
Meeting Minutes
June 7, 2011
Page 4

Trustee Mierisch stated that information relevant to the code was made available on flash drives a couple of years ago, but only two of the current Board members have a copy. She added that a spreadsheet of amendments was also made available and asked whether the Board could get an updated copy adding the latest amendments.

Administrator Keller informed the Board that they could either approve the new code and work off of it or continue to use the old code.

A motion was made by Trustee Zambetti and seconded by Trustee Clark to approve Ordinance 17-2011, an Ordinance adopting the Amended and Restated Official Village of Gilberts Code-2011. 5-ayes (Trustees Clark, Corbett, Farrell, Hacker, and Zambetti) 1-nay (Trustee Mierisch) 0-abstain. Motion carried.

Items for Discussion

Road Program-Financing Options

Bob Vail, Vice President of Bernardi Securities, Inc. introduced himself and gave a brief overview of the firm. He went on to explain how the bonds are marketed. He stated that three Board actions are required before this can occur. An initial ordinance needs to be passed and published in the newspaper, a public hearing must be held, and then a final bond ordinance has to be passed.

Mr. Vail proceeded to explain a few steps that are required in between the Board actions. The numbers have to be structured and everyone has to be in agreement with the payments. The interest rates on the bond are contingent upon the Village's credit rating.

Dan Simpson, Assistant Vice President went on to further explain the "Firm Overview & Financing Options for Village of Gilberts, Kane County, Illinois," which was distributed, to the Board.

Pages 13 and 14 show the two different types of debt schedule services available. The first payment from the Village would be due on December 15, 2012. The coupon column is the interest rate. The net interest cost is 3.33%.

Page 15 lists the sources and uses. The "costs of issuance" is Bernardi Securities' fee. The "rounding amount" goes to the Village.

Page 16 shows a preliminary timeline. The earliest the Village can receive the money is August 15.

Trustee Corbett questioned whether the chart on page 17 was a graph of the interest rates. Mr. Vail stated that it was, and he went on to explain why the interest rate had recently fluctuated.

Village Board
Meeting Minutes
June 7, 2011
Page 5

Mr. Vail added that most likely the Village will get an "A" rating.

Trustee Clark asked how the payments would differ if Gilberts didn't receive an "A" rating, and the interest rate was a 1/2% higher. Mr. Vail estimated that it may cost the Village an additional \$50,000. That would be spread out over a ten year period making the payment \$5,000 per year higher than initially anticipated.

Trustee Farrell questioned when the Board would have to decide which debt payment service the Village would use.

President Zirk asked if the 1% fee charged by Bernardi Securities, Inc was consistent with the amount charged by other firms. The response was yes. Mr. Vail stated that the fee would go down with a higher credit rating. He added that selling the bonds locally could also reduce the fee collected.

President Zirk then inquired why the Village didn't consider using their existing fund balances. Administrator Keller stated that he would rather keep the money in reserve accounts.

The Village retains the Bond Council.

An Ordinance reflecting the discussion will come back before the Board in two weeks.

Road Program-Design Options

Jason Fluhr and Dave Hemmerich from Baxter & Woodman went through the memo dated June 1, 2011 regarding the 2011 road program options.

1. Shoulders

The grass shoulders cost \$34,000 more than gravel shoulders. However, the long term maintenance can be costly. The Board chose to have gravel shoulders installed. No RAP should be used.

2. Parkway Restoration

Sod would cost an additional \$100,000. The Board chose to use seed to restore the areas.

3. Asphalt Driveway Replacement Limits

Option 2 is \$150,000 more. The Board chose Option 1 – Overlay existing asphalt driveways

4. Concrete Driveway Replacement Limits

There are 46 concrete driveways. The Board chose Option 3 – Sawcut and Remove Concrete and match in with new concrete.

**Village Board
Meeting Minutes
June 7, 2011
Page 6**

The wood driveway will be matched as well.

5.1. The Board instructed B&W not to replace the aprons on the driveways identified as being in poor condition.

5.2. The cost would be approximately \$11,000 to match the existing pavement for the driveways that have concrete or brick borders. The Board members requested the addresses of these driveways, so they can view them.

The Board decided to allow the contractor to give homeowners the option of replacing their entire driveway. There was some discussion regarding the permit fees. The Board would like to see the fees lowered.

6. Culverts

The Board chose to replace only the culverts that have been identified to be rusted, back-pitched, or damaged and to only install end sections on culverts where ditches are re-graded.

President Zirk had forwarded three addresses to Baxter & Woodman where residents had reported concerns.

If any culverts have been covered or filled in, they will be returned to the proper drainage.

A discussion continued regarding whether residents should be penalized for interfering with the drainage.

An open house regarding the road program will be held on June 29, possibly between 4-9:00 p.m.

Staff Reports

Binders were distributed to the Board members.

Board of Trustees Report

none

President's Report

none

Executive Session

A motion was made by Trustee Clark and seconded by Trustee Farrell to close a portion of the meeting to the public, effective immediately with no business to follow as permitted by 5 ILCS 120/2

**Village Board
Meeting Minutes
June 7, 2011
Page 7**

(c) (1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village, and as permitted by 5 ILCS 120/2 (c) (2) collective negotiating matters. Vote: 6 ayes (Trustees Clark, Corbett, Farrell, Hacker, Mierisch, and Zambetti). 0-nays. 0-abstains. Motion carried.

The Board Members along with Administrator Keller, and Attorney Tappendorf went into Executive Session at 10:30 p.m. and returned to the public meeting at 11:10 p.m.

Roll Call: Present Trustees Clark, Corbett, Farrell, Hacker, Mierisch, and Zambetti and President Zirk, Also Present Attorney Tappendorf.

Adjournment

A motion was made by Trustee Clark and seconded by Trustee Zambetti to adjourn the meeting at 11:10 p.m. Roll call: Vote: 6-ayes by unanimous voice vote.

Respectfully submitted,
Karen Danca, Recording Secretary

4B

NOTE: The above totals could change subject to invoices processed after report was generated.

5A

Ordinance No. 16-2011

**An Ordinance granting a Zoning Variation for Lot 49 of the
Riemer Centre Subdivision**

WHEREAS, the Village of Gilberts as a non-home rule unit has been granted such powers pursuant to the Illinois Constitution and by statute either expressly or as may be impliedly necessary to the accomplishment of the intent hereof; and

WHEREAS, Mr. Jeff Riemer, representing J.S.R. Properties Inc., (“Riemer”) is the owner of various properties located within the Riemer Centre Subdivision in the II Industrial zoning district (“Riemer Property”), including an unimproved lot known as Lot 49 (“Lot 49”); and

WHEREAS, in 2007, the Village and Riemer entered into a compliance agreement to address certain property maintenance and code compliance issues on the Riemer Property, including the illegal storage of construction equipment and materials on Lot 49 (“Compliance Agreement”); and

WHEREAS, the Compliance Agreement required Riemer to bring the Property into conformance with Village ordinances, including removing spoil piles and complying with the zoning regulations pertaining to use of the Riemer Property; and

WHEREAS, in 2010, the Village informed Riemer that the Riemer Property was in violation of the Compliance Agreement and imposed certain fines for these violations; and

WHEREAS, subsequent to the notice of violation, the Village Board agreed to waive these past fines provided that Riemer applied for and obtained the necessary zoning relief to allow the storage uses on Lot 49 and properly maintained the Riemer Property (“Past Fines”); and

WHEREAS, Riemer recently filed a petition with the Village Clerk of the Village of Gilberts, Illinois, for variations from Zoning Ordinance Sections 3.3, 9.5 and 9.7-3 to allow the storage of equipment, vehicles and materials on an unimproved lot and without an established principal use on Lot 49; and,

WHEREAS, the Zoning Board of Appeals held a Public Hearing on the proposed variances on March 23, 2011, at which time the Zoning Board recommended approval of the proposed variances by a vote of 5-0, subject to conditions; and,

WHEREAS, the corporate authorities of the Village of Gilberts believe that the public health, safety and welfare of the residents of the Village would be best served by granting the following variance from the Zoning Code; now,

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS AS FOLLOWS:

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

Section 2. Provisions. Subject to the conditions set forth in Section 3 of this Ordinance, the Village President and Board of Trustees grant the following variances to allow outdoor storage of equipment, vehicles and materials on Lot 49 of the Riemer Centre Subdivision in the I-1 Industrial zoning district:

1. A variance from Zoning Ordinance Section 3.3, "Accessory Use and Structure Regulations", allowing the parking/storage area use to temporarily precede a principal use permitted in the I-1 Industrial zoning district on Lot 49.
2. A variance from Zoning Ordinance Section 9.7-3, "District Standards," granting relief from the requirement that the storage/parking area be paved or constructed with a dustless surface on Lot 49.
3. A variance from Zoning Ordinance 9.5, "Accessory Uses," allowing vehicles and equipment to be parked in the parking/storage area prior to the establishment of a principal use on Lot 49.

Section 3. Conditions. The approval of the Variances granted in Section 2 of this Ordinance are conditioned upon and limited by the following requirements, conditions, and restrictions, the violation of any of which shall, in the sole discretion of the President and Board of Trustees, invalidate the approvals:

1. Riemer is required to enclose the parking/storage area with a sight-proof fence not less than six (6) feet high and otherwise comply with the screening requirements set forth in Section 9.7-3 for parking and/or storage areas on Lot 49.
2. All construction equipment and materials must be stored entirely on Lot 49 and within the fenced storage area.
3. The variances allowing the storage/parking area on Lot 49, as described in Section 2, are granted specifically to Riemer. The variances and/or the accompanying right to use the storage/parking area may not be sold, leased, transferred, assigned, granted or otherwise conveyed to any other party.
4. The variance expires two (2) years from approval date of the ordinance granting the variances. Prior to the end of the two-year period, the applicant may petition the Village to amend the variance to secure an extension. At that time, the Village may, but is not obligated to, grant an extension based

on the applicant's compliance with the Village's regulations, the economic climate at that time, and other factors that may contribute or alleviate the hardship(s) facing the applicant.

5. The Village's agreement to waive collection of the Past Fines imposed by the Village for violations of Village ordinances does not prohibit the Village from imposing and collecting fines for future violations of Village ordinances, property maintenance regulations, or this Ordinance.
6. The Riemer Property must be maintained and kept in compliance with all applicable property maintenance codes and other Village ordinances, policies, and regulations.

Section 4. Enforcement. In the event of a violation of this Ordinance, the Village has the authority, within its sole discretion, to take one or more of the following enforcement actions: (1) impose fines; (2) enforce a violation of this Ordinance as a violation of the Village's zoning regulations; (3) repeal and revoke the approvals granted by this Ordinance without further hearing or proceedings by the Zoning Board of Appeals; and/or (4) avail itself of any other available legal or equitable remedy.

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

Section 6. Repeal and Saving 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 cause of action which shall have accrued to the Village of Gilberts prior to the effective date of this ordinances.

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

Pass this _____ day of _____, 2011 by roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Everett Clark				
Trustee Dan Corbett				
Trustee Louis Hacker				
Trustee Nancy Farrell				
Trustee Patricia Mierisch				

Trustee Guy Zambetti

President Rick Zirk

APPROVED THIS _____ DAY OF _____, 2011.

Village President Rick Zirk

(SEAL)

ATTEST:

Village Clerk Debra Meadows

Published:

5B

Ordinance No. 18-2011

An Ordinance granting a Building Code Variation for property located at 15N288 Tyrrell Road

WHEREAS, Maria Ramos and Jesus Alvarado have requested a variation from the Section 9-2-2-6 "Plumbing Code Amendments" of the Village Code to allow the use of Type M copper pipes for water distribution in a house located at 15N288 Tyrrell Road; and,

WHEREAS, the Village Board finds sufficient cause to grant the requested relief from the Building Code; now,

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

Section 1. That Village Board of Trustees hereby grants Maria Ramos and Jesus Alvarado, petitioners, a variation from Section 9-2-2-6 "Plumbing Code Amendments" of the Village Code to allow the use of Type M copper pipes within the existing residential structure located at 15N288 Tyrrell Road.

Section 2. That all provisions of the Village of Gilberts Village Code shall remain in full force and effect, and this Ordinance shall take effect upon its passage and approval according to law.

Section 3. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 4. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

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:

Ray Keller

From: Teresa Ramos [teresa@ramostax.com]
Sent: Wednesday, June 15, 2011 10:22 AM
To: John Swedberg
Cc: Ray Keller
Subject: 15N288 Tyrrell, Gilberts

Hi John,

We would like to request a variance that would allow us to keep the newly installed type M copper pipes on our 15N288 Tyrrell property. They were upgraded from galvanized to copper. Our understanding is that this type of pipe meets the state code but not the municipality code.

We understand that this was an error in our part, but if possible we would like to keep the pipes as they are and avoid the extra expense of redoing the work.

Thanks for your assistance.

Sincerely,

Maria T Ramos
Ramos Company
630-504-0071

NOTICE: This message may contain confidential and/or legally privileged information. It is intended for the recipient(s) only. Any disclosure, copying, distribution, or reliance on any of it by anyone else is strictly prohibited and may be a criminal offense. If you properly received this message you may use and distribute it only in accordance with our instructions and applicable law. If you have received this message in error, or are not the intended recipient(s) please delete and e-mail confirmation to the sender.

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5C

ORDINANCE NO. 19-2011

AN ORDINANCE authorizing the issuance of General Obligation Bonds (Alternate Revenue Source) of the Village of Gilberts, Kane County, Illinois, in an aggregate principal amount not to exceed \$3,500,000 for the purpose of financing road improvement projects within the Village.

* * *

WHEREAS, the Village of Gilberts, Kane County, Illinois (the "*Village*"), is a duly organized and existing municipality incorporated and existing under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, as amended (the "*Code*"); and

WHEREAS, the President and Board of Trustees of the Village (the "*Village Board*") has determined that it is advisable, necessary and in the best interests of the Village to finance road improvement projects within the Village (the "*Project*"), in accordance with the preliminary plans and specifications therefor on file in the office of the Village Clerk; and

WHEREAS, the estimated cost of the Project, including engineering, legal, financial, bond discount, printing and publication costs, and other expenses, is \$3,500,000, and there are insufficient funds on hand and lawfully available to pay such costs; and

WHEREAS, it is necessary and for the best interests of the Village that the Project be undertaken and in order to finance the costs thereof it will be necessary for the Village to issue up to \$3,500,000 alternate bonds, being general obligation bonds payable from the following revenue sources: (a) collections distributed to the Village from those taxes imposed by the Village upon public utilities pursuant to Section 8-11-2 of the Illinois Municipal Code, as supplemented and amended, or successor taxes thereto, and (b) collections distributed to the Village from those taxes imposed pursuant to the Motor Fuel Tax Law of the State of Illinois, as supplemented and amended, or substitute taxes thereto (the "*Alternate Bonds*"), as authorized to be issued at this time pursuant to the Local Government Debt Reform Act of the State of Illinois, as amended (the

“Act”), and (c) collections distributed to the Village from those taxes imposed pursuant to the Non-Home Rule Municipal Retailers’ Occupation Tax and Non Home-Rule Municipal Service Occupation Tax (sales tax) statute, 65 ILCS 5/8-11-1 *et seq.*

Now, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois, as follows:

Section 1. Incorporation of Preambles. The Village Board hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and does incorporate them into this Ordinance by this reference.

Section 2. Determination to Issue Alternate Bonds. It is necessary and in the best interests of the Village to proceed with the Project, in accordance with the plans and specifications as hereinabove described, and that for such purpose there are hereby authorized to be issued and sold the Alternate Bonds in an aggregate principal amount not to exceed \$3,500,000.

Section 3. Publication. This Ordinance, together with a notice in the statutory form (the “Notice”), shall be published once after passage hereof by the Village Board in the *Daily Chronicle*, the same being a newspaper of general circulation in the Village, and if no petition relating to the Project, signed by _____ registered voters in the Village (being equal to the greater of (i) 7.5% of the registered voters in the Village or (ii) 200 of those registered voters or 15% of those registered voters, whichever is less) asking that the issuance of the Alternate Bonds be submitted to referendum is filed with the Village Clerk within thirty (30) days after the date of the publication of this Ordinance and the Notice, then the Alternate Bonds shall be authorized to be issued.

Section 4. Additional Ordinances. If no petition or petitions meeting the requirements of applicable law is filed during the petition period hereinabove referred to, then the Village Board may adopt additional ordinances or proceedings supplementing or amending this Ordinance providing for the issuance and sale of the Alternate Bonds and prescribing all the details of the Alternate Bonds, so long as the maximum amount of the Alternate Bonds as set forth in this Ordinance is not exceeded and there is no material change in the Project or purpose described herein. Such additional ordinances or proceedings shall in all instances become effective in accordance with applicable law. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for the issuance of the Alternate Bonds under applicable law.

Section 5. Severability. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 6. Repealer. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

ADOPTED by the Village Board on June 21, 2011.

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

Village President Rick Zirk

(SEAL)

PUBLISHED in the _____ on _____, 2011.

RECORDED in the Village Records on _____, 2011.

ATTEST:

Village Clerk, Village of Gilberts,
Kane County, Illinois

June 16, 2011

VIA E-MAIL

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

Re: Village of Gilberts, Kane County, Illinois
General Obligation Bonds (Alternate Revenue Source), Series 2011

Dear Ray:

We are enclosing a suggested form of Authorizing Ordinance for the issuance of the bonds in reference. We would make the following comments and suggestions:

1. You and the proper Village officials should examine the Authorizing Ordinance carefully to ascertain that all necessary information has been inserted and is correct prior to presenting the Authorizing Ordinance to the President and Board of Trustees of the Village (the "*Board*") for its consideration and adoption. Please note that the number of petitioners must be set forth in the Authorizing Ordinance and in the accompanying notice. In accordance with Section 3-1.3 of the Election Code of the State of Illinois, as amended, and Section 15 of the Local Government Debt Reform Act of the State of Illinois, as amended (the "*Debt Reform Act*"), the number of petitioners should be equal to the greater of (i) 7.5% of the registered voters in the Village or (ii) 200 of those registered voters or 15% of those registered voters whichever is less, registered in the Village on the date registration closes before the regular election next preceding the day on which a petition may be filed. *This will be the applicable percentage of the number of registered voters in the Village for the April 5, 2011, consolidated election.*

2. Please note that the Authorizing Ordinance must be adopted at a legally convened meeting of the Board held in compliance with Open Meetings Act of the State of Illinois, with the Illinois Municipal Code, and with the Board's own procedural rules. We understand that the Board plans to consider the Authorizing Ordinance at a regular meeting on the 21st day of June, 2011. If this is not the case, please contact us.

Chapman and Cutler LLP

Mr. Ray Keller

June 16, 2011

Page 2

3. In due course, please supply a duly certified copy of the Authorizing Ordinance, together with the minutes (or extract thereof in the form as enclosed) of the meeting at which it is adopted.

4. We call special attention to Sections 5 and 15 of the Debt Reform Act which require that the entire Authorizing Ordinance, together with the Notice of Intent to Issue Bonds (as set forth in its entirety preceding the Authorizing Ordinance), be published at least once after adoption of the Authorizing Ordinance in a newspaper with a general circulation within the Village, which we understand is the _____. You and the proper Village officials should be certain to check proof prior to publication to ensure accuracy and that both the Notice and Authorizing Ordinance are included on the same page within the same publication.

5. In due course, please supply a manually executed publisher's certificate, having an actual newspaper clipping attached, evidencing publication of the Authorizing Ordinance and Notice.

6. Please note that applicable law further requires that the Village Clerk provide the appropriate referendum petition form to any individual so requesting. Please note that a suggested form of the petition are enclosed.

7. The applicable 30-day backdoor referendum petition period begins to run on the date of the publication of the Authorizing Ordinance and Notice. If a sufficient petition is not filed during such 30-day period, the Village will be authorized to proceed with the issuance of the alternate bonds.

8. For purposes of the agenda you are preparing for the June 21st meeting, please list the following as a separate item on said agenda:

An Ordinance authorizing the issuance of General Obligation Bonds (Alternate Revenue Source) in an amount not to exceed \$3,500,000.

Chapman and Cutler LLP

Mr. Ray Keller

June 16, 2011

Page 3

We look forward to working with you and the Village on this financing. If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

CHAPMAN AND CUTLER LLP

By 

LKG/SGM:kd

Enclosures

cc: Dan Simpson
Julie Tappendorf
Marlene Blocker
Kelly Kost

5D

Resolution No. 29-2011

A Resolution authorizing an agreement with Bernardi Securities Inc. for bond underwriting services

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 authorize an agreement with Bernardi Securities Inc. for bond underwriting services related to the issuance of an Alternate Revenue Source General Obligation Bond for the Village’s road resurfacing program, a copy of which is 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"

June 21, 2011

Bernardi Securities, Inc.
105 West Adams - Suite 1900
Chicago, Illinois 60603

Gentlemen:

Bernardi Securities, Inc. is hereby authorized to underwrite General Obligation Bonds (Alternate Revenue Source), Series 2011 (the "Bonds") on behalf of the Village of Gilberts, Kane County, Illinois (the "Village") for the purposes of financing public infrastructure improvements within the Village and to pay for costs of issuance associated with the Bonds. We understand the primary underwriting responsibilities will fall to Mr. Robert P. Vail and Mr. Daniel B. Simpson of your firm.

This contract will serve as your authorization to underwrite the Bonds. At such time as we have approved all of the documents and proceedings related to the Bonds, you would be expected to submit a detailed purchase agreement with the final interest rates, dated date, principal maturity dates, and interest payment dates for the Bonds.

All costs of issuance are to be paid from Bond proceeds. These costs include: underwriting fees, legal fees, book entry setup charges, bond rating fees, and CUSIP costs.

This authorization will extend until the first to occur of: (i) such time when, as and if the Bonds are issued or (ii) thirty (30) days written notice by either the Village or Bernardi Securities, Inc. terminating this contract. This authorizes Bernardi Securities, Inc. to prepare all necessary documents in conjunction with the Bonds unless otherwise noted.

(Seal)

VILLAGE OF GILBERTS
KANE COUNTY, ILLINOIS

By _____
Its President

ATTEST:

By _____
Its _____

The above proposal accepted this date of June __, 2011, by the action of the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois.

ACCEPTED: BERNARDI SECURITIES, INC.

Lou Lamberti
Senior Vice President

5E

Resolution No. 30-2011

A Resolution authorizing an agreement with Chapman and Cutler LLP for bond counsel services

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 authorize an agreement with Chapman and Cutler LLP for bond counsel services related to the issuance of an Alternate Revenue Source General Obligation Bond for the Village's road resurfacing program, a copy of which is 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"

Chapman and Cutler LLP
Attorneys at Law • Focused on Finance®

Lynda K. Given
Partner

111 West Monroe Street
Chicago, Illinois 60603-4080

T 312.845.3814
F 312.516.1814
given@chapman.com

June 14, 2011

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

Re: Village of Gilberts,
Kane County, Illinois
General Obligation Bonds (Alternate Revenue Source), Series 2011

Dear Ray:

Thank you for your request for a proposal to serve as bond counsel to the Village of Gilberts, Kane County, Illinois, for the above-referenced Bond issue. In that regard, we have prepared a brief description of our firm, the attorneys who would be working with the Village, our legal services and our proposed fee for those services.

I. THE FIRM

Since its founding in 1913, Chapman and Cutler LLP has focused on finance, representing market participants in all aspects of banking, corporate finance and securities, and public finance transactions. That mission and focus continue to this day. Our attorneys work from many perspectives, but this singular focus on finance gives us a common base of understanding that enhances our ability to deliver exceptional service and value to our clients. With more than 200 attorneys in Chicago, New York City, Salt Lake City, and San Francisco advising a wide array of financial industry clients nationally and internationally, our practice is more focused and extensive than that of many of our larger competitors.

Chapman and Cutler is one of the preeminent law firms in the nation for state and municipal finance. The 39 attorneys in our Public Finance Department are primarily involved, as Bond Counsel, Special Tax Counsel, or Disclosure Counsel, in bond issues throughout the United States. Our municipal clients include state governments, state agencies and authorities, counties, cities, villages, towns, school districts and other special purpose districts, municipal nonprofit corporations, and authorities located in most of the 50 states. In addition, we frequently serve as counsel to the leading national and regional investment banking firms throughout the nation in connection with the underwriting or remarketing of municipal

Chapman and Cutler LLP

Mr. Ray Keller

June 14, 2011

Page 2

obligations, as well as to institutions which are analyzing specific issues for long-term investment.

During our 98-year history, we have represented many units of local government throughout the State of Illinois on thousands of transactions with an aggregate par amount in the billions of dollars. (See Exhibit A.) The bond lawyers at the Firm are widely regarded as the preeminent Illinois public finance lawyers. The current Firm partners who serve as bond counsel and disclosure counsel to Illinois counties, cities, villages, park districts, school and other special purpose districts have over 175 years of combined experience. Any one of these partners will be available on short notice to assist the Village. No other firm can provide such competent support for the Village's transactions.

II. ATTORNEY INFORMATION

Kelly Kost, the Practice Group Leader of the Firm's Illinois Public Finance Group, will be responsible for the Firm's relationship with the Village, and will be the primary contact for the Village's financing. He will be assisted by tax partner David J. Cholst and associate Seema Masterson, who will be assigned to the Village's financing on a priority basis.

During his 25 years at the Firm, Kelly Kost has served as bond counsel, disclosure counsel, underwriter's counsel or special counsel to hundreds of Illinois cities, villages, park districts, school districts and other units of local government throughout the State of Illinois. He is the Firm's primary authority on Illinois legislative matters, having served for two sessions on the Illinois House Speaker's technical review staff. He was the coordinator of the lobbying effort that produced limited tax bonds and resurrected alternate bonds in Cook and the collar counties. He is a frequent panelist and speaker on public finance topics at seminars and conferences conducted by Illinois municipal corporations, associations and market participants.

David Cholst is one of the Firm's senior tax counsel, having been with the Firm for more than 27 years. His practice is devoted exclusively to tax matters related to state and local government finance, and he is highly regarded throughout the country for his experience in issues related to arbitrage rebate, investment products, the private use of governmental facilities, charitable foundations, and tax increment finance. He will be available for general consultation, including any meetings and conference calls that may be necessary to provide a complete and accurate analysis of any federal tax issues relate to the Village's financing.

Seema Masterson has been an associate of the Firm since 2008 and will be available to assist with the Village's financing. During her tenure at the Firm, she has worked with the Illinois public finance partners as bond counsel, disclosure counsel, and underwriter's counsel to counties, cities, villages, park districts, school districts, and other local government units throughout the State of Illinois.

III. DESCRIPTION OF LEGAL SERVICES

As Bond Counsel, we will work with the Village, its counsel and the other transaction participants (the Village, its counsel and the other participants being referred to herein collectively as the "*Participants*") to undertake each of the following as necessary:

1. Review relevant Illinois law, including pending legislation and other recent developments, relating to the legal status and powers of the Village or otherwise relating to the issuance of the Bonds.

2. Obtain information about the Bond transaction and the nature and use of the facilities or purposes to be financed or, for any portion of the Bonds to be issued for refunding purposes, the facilities or purposes financed with the proceeds of the bonds to be refunded (the "*Project*").

3. Review the proposed timetable and consult with the Participants as to the issuance of the Bonds in accordance with the timetable.

4. Consider the issues arising under the Internal Revenue Code of 1986, as amended, and applicable tax regulations and other sources of law relating to the issuance of the Bonds on a tax-exempt basis; these issues include, without limitation, ownership and use of the Project, use and investment of Bond proceeds prior to expenditure and security provisions or credit enhancement relating to the Bonds.

5. Prepare or review major Bond documents, including tax compliance certificates, review the bond purchase agreement, if applicable, and, at your request, draft descriptions of the documents which we have drafted. As Bond Counsel, we assist you in reviewing only those portions of the official statement or any other disclosure document to be disseminated in connection with the sale of the Bonds involving the description of the Bonds, the security for the Bonds (excluding forecasts, projections, estimates or any other financial or economic information in connection therewith), the description of the federal tax exemption of interest on the Bonds and, if applicable, the "bank-qualified" status of the Bonds.

6. Prepare or review all pertinent proceedings to be considered by the governing body of the Village; confirm that the necessary quorum, meeting and notice requirements are contained in the proceedings and draft pertinent excerpts of minutes of the meetings relating to the financing.

7. Attend or host such drafting sessions and other conferences as may be necessary, including a preclosing, if needed, and closing; and prepare and coordinate the distribution and execution of closing documents and certificates, opinions and document transcripts.

Chapman and Cutler LLP

Mr. Ray Keller

June 14, 2011

Page 4

8. Render our legal opinion regarding the validity of the Bonds, the source of payment for the Bonds and the federal income tax treatment of interest on the Bonds, which opinion ("*Bond Opinion*") will be delivered in written form on the date the Bonds are exchanged for their purchase price.

IV. FEES

As is customary, we will bill our fees as Bond Counsel on a transactional basis instead of hourly. Factors which affect our billing include: (a) the amount of the Bonds; (b) an estimate of the time necessary to do the work; (c) the complexity of the issue (number of parties, timetable, type of financing, legal issues and so forth); (d) recognition of the partially contingent nature of our fee, since it is customary that in the case no financing is ever completed, we render a greatly reduced statement of charges; and (e) a recognition that we carry the time for services rendered on our books until a financing is completed, rather than billing monthly or quarterly. If no financing is every completed, we would not expect to render any statement of charges.

Based upon our current understanding of the terms, structure, size and schedule of the proposed financing, the duties we will undertake, the time we estimate will be necessary to effectuate the transaction and the responsibilities we will assume, our fee for our services as Bond Counsel will be \$5,000, which fee includes all disbursements and out-of-pocket expenses.

Thank you again for the opportunity to submit this proposal. We look forward to working with you and with the Village.

Very truly yours,

CHAPMAN AND CUTLER LLP

By Lynda K. Given

Lynda K. Given

LKG:kd

cc: Dan Simpson
Kelly Kost

**Illinois Long Term Municipal New Issues
Equal Credit to Each Bond Counsel
Year End - 2010**

Bond Counsel	Par Amount (US\$mil)	Rank	Market Share	# of Issues
Chapman and Cutler LLP	6,441.8	1	24.8	508
KMZ Rosenman- Katten Muchin Zavis	5,711.5	2	21.9	49
Perkins Coie	4,852.2	3	18.6	12
Tyson Strong Hill LLC	3,466.0	4	13.3	1
Pugh Jones Johnson & Quandt PC	2,111.5	5	8.1	15
Jones Day	1,720.5	6	6.6	30
Mayer Brown Rowe & Maw LLP	1,571.1	7	6.0	11
Shanahan & Shanahan	1,529.4	8	5.9	10
Nixon Peabody LLP	1,503.5	9*	5.8	1
Golden & Associates PC	1,503.5	9*	5.8	1
Gonzalez Sagglo & Harlan LLP	1,453.5	11	5.6	7
Drinker Biddle & Reath LLP	1,332.3	12	5.1	3
Burke Burns & Pinelli Ltd	1,106.9	13	4.3	7
Kutak Rock LLP	658.6	14	2.5	4
Hardwick Law Firm LLC	583.0	15	2.2	3
Schiff Hardin LLP	467.6	16	1.8	10
Ica Miller	364.9	17	1.4	53
Evans Froehlich Beth & Chamley	258.8	18	1.0	59
Ungaretti & Harris LLP	215.5	19	.8	10
Cotillas & Associates	213.6	20	.8	1
Orrick Herrington & Sutcliffe LLP	159.7	21	.6	2
Charity & Associates PC	150.1	22	.6	2
Peck Shaffer & Williams LLP	139.7	23	.5	9
Hart Southworth & Witsman	138.7	24	.5	11
Miller Canfield Paddock and Stone	106.1	25	.4	15
Chico & Nunes LLP	90.7	26	.4	1
Greenberg Traurig LLP	83.7	27	.3	8
Sanchez & Daniels	70.4	28	.3	1
Foley & Lardner LLP	61.7	29	.2	6
Wildman Harrold Allen & Dixon LLP	34.5	30	.1	4
McGuireWoods LLP	30.0	31	.1	1
Louis F Cainkar Ltd	27.8	32	.1	7
Greene & Letts	25.0	33	.1	1
K&L Gates LLP	18.9	34	.1	1
Hinshaw & Culbertson	17.0	35	.1	2
Gilmore & Bell PC	13.2	36	.1	3
Thompson Coburn LLP	9.7	37	.0	2
Gust Rosenfeld PLC	3.8	38	.0	1

Source: Thomson Reuters 1.888.989.8373

**Illinois Long Term Municipal New Issues
Equal Credit to Each Bond Counsel
Year End - 2009**

Bond Counsel	Par Amount (US\$mil)	Rank	Market Share	# of Issues
Chapman and Cutler LLP	5,436.9	1	36.6	510
Jones Day	2,901.7	2	19.5	25
KMZ Rosenman- Katten Muchin Zavis	1,173.2	3	7.9	37
Perkins Coie	1,035.1	4	7.0	12
Pugh Jones Johnson & Quandt PC	673.4	5	4.5	4
Mayer Brown Rowe & Maw LLP	547.3	6	3.7	2
Kutak Rock LLP	540.7	7	3.6	4
Ice Miller	502.6	8	3.4	34
Drinker Biddle & Reath LLP	400.0	9	2.7	1
Charity & Associates PC	305.5	10	2.1	2
Evans Froehlich Beth & Chamley	161.1	11	1.1	38
Barnes & Thornburg LLP	150.0	12	1.0	1
Orrick Herrington & Sutcliffe LLP	140.0	13	.9	2
Miller Canfield Paddock and Stone	104.9	14	.7	13
Hart Southworth & Witsman	94.4	15	.6	7
Foley & Lardner LLP	73.6	16	.5	4
Squire Sanders & Dempsey LLP	65.0	17*	.4	1
Greene & Letts	65.0	17*	.4	2
Ungaretti & Harris LLP	59.4	19	.4	8
Greenberg Traurig LLP	52.5	20	.4	4
Peck Shaffer & Williams LLP	52.4	21	.4	3
Wildman Harrold Allen & Dixon LLP	47.8	22	.3	6
Schiff Hardin LLP	46.0	23	.3	3
Golden & Associates PC	45.5	24	.3	2
Louis F Calkins Ltd	45.2	25	.3	9
K&L Gates LLP	38.1	26	.3	2
Sanchez & Daniels	35.2	27	.2	1
Thompson Coburn LLP	33.7	28	.2	2
Gilmore & Bell PC	14.2	29	.1	3
Kubiesa Spiroff Gosselar Acker & Kern PC	10.0	30	.1	1
Bryan Cave LLP	6.3	31	.0	2
Winston & Strawn	3.4	32	.0	1
Bell Boyd & Lloyd	3.3	33	.0	1
Shanahan & Shanahan	1.5	34	.0	1
Evans & Petree	.5	35	.0	1

Source: Thomson Reuters 1.888.989.8373