Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
September 15, 2026

A regular meeting of the Council of the Village of Gates Mills, Ohio was held at the Community House on Tuesday, September 15, 2026, at 5:30 p.m. with Mayor Siemborski presiding. The meeting was live-streamed to the internet.

1. Roll Call starts at 1:41

Councilmembers present: Broome, Greco, Perez, Steinbrink, Turner (via Zoom), Young.

Other Village officials present were Treasurer Spear, Clerk DeCapite, Finance Administrator Mulh, Service Director Biggert, Police Chief Minichello, Fire Chief Majeski, Fire Captain Feig, Village Engineer Courtney, and Law Director Hunt.

2. Mayor Siemborski administered the Oath of Office to new Councilmember Barbara Sommer at 2:20

3. Minutes of the Regular Council Meeting of August 18, 2026 starts at 4:11

Councilmember Turner requested that the second bullet point from page 3 be removed: "The new operating agreement provided for…~~the requirement of the Village to deposit its share of the proceeds into its own Land Conservation and Open Space Fund.~~" That is something we have done since the levy passed originally, so that is not new.

Councilmember Steinbrink moved to approve the August 18, 2026 minutes as amended, and Councilmember Broome seconded the motion.

Ayes: Broome, Greco, Perez, Steinbrink, Turner, Young.
Abstain: Sommer
Nays: None
Motion carried.

4. Minutes of the Special Council Meeting of August 25, 2026 starts at 6:22

Councilmember Turner requested that halfway down page 4 to delete the end of the sentence: "Turner - There was a 15-16 acre property the Land Conservancy was considering ~~and they brought it to Council.~~" It was not brought to Council.

Councilmember Perez noted at the second to last line of page 7, the word "write" should read "raid": "Perez - …they could also ask for those and not raid the endowment."

Councilmember Young moved to approve the August 25, 2026 minutes as amended, and Councilmember Broome seconded the motion.

Ayes: Broome, Greco, Perez, Steinbrink, Turner, Young.

Abstain: Sommer
Nays: None
Motion carried.

5. Pay Ordinance # 1313 $1,573,771.53 starts at 8:20

The Mayor noted the extraordinarily large amount includes CVG and road work payments. Councilmember Steinbrink, to provide some context around why the budget is what it is this year, asked and received from Finance Administrator Mulh the amount of operating surpluses over budget from 2020 to 2025 to be almost $3.8 million.

Councilmember Steinbrink moved to approve Pay Ordinance #1313, and Councilmember Turner seconded the motion.

Ayes: Broome, Greco, Perez, Sommer, Steinbrink, Turner, Young.
Nays: None
Motion carried.

6. Mayor Siemborski administered the Oath of Office to Mike Sanders and Dominic Burkhard, Firefighters, at 10:03

7. Mayor's Report starts at 15:50

- Post Office Lease Renewal

The current five-year lease expires March 31, 2027. The Village has negotiated, through the USPS representative Jones Lang LaSalle, a new five year lease with a 5.7% rent increase. The Village will pay a 2% commission of $7,000 to Jones Lang LaSalle upfront upon the signing of the lease. Revenue will be $70,000 per year. Although previously discussed, the Village did not enter into an agreement with a consulting firm to help negotiate the lease. The Mayor will sign the non-binding letter of intent tomorrow so we get the actual lease agreement and commission agreement. Both documents would be brought to Council at the next meeting for review and execution.

- 5K Fox Trot - starts at 18:26

Councilmember Perez reported about 140 participants enjoyed the 50-yard dash, 1 mile, and 5K races at the rain-free intergenerational Gates Mills Elementary PTC event last Saturday. Thank you to the school, the PTC, the thirteen sponsors including many resident businesses, the Police, Fire and Service Depts, Janet, Jean, and Robin. Good turnout across the board with great feedback!

- Arboretum - starts at 20:32

The stairs are finished. The Service Dept laid the electrical conduit in preparation for the lights they will install that will illuminate the stairs, and they placed the rocks along both sides of the stairs. We will later tonight ask for an appropriation for $15,000 to purchase black wrought iron railings to run along both sides of the stairs.

- Chagrin Valley Hunt Club Wastewater Treatment Project - starts at 21:56

After today's conversation between the Mayor and the Hunt Club President, one or two issues remain. Wastewater Committee Chairman Broome, Law Director Hunt, and Mayor Siemborski will meet over the next couple days, and then meet with the Hunt Club in the next 10 days to iron out the final items of the agreement.

- Gates Mills Land Conservancy Agreement - starts at 22:33

Law Director Hunt sent to Councilmembers today a document that pulls together Councilmember's comments. Not having a consensus view on what the percentage should be, it has been left blank to be an item Council discusses later tonight.

8. Financial Report attached and on the website starts at 23:27

Treasurer Spear reported in 2025 we had revenues of nearly $8 million and operating expenses before transfers of about $6.5 million for a net of $1.5 million. The 2026 budget reduces that net to $450,000 - a difference of $1 million. He thinks we are going to do better than the budget, but it's still going to be a big change, and the fund balances are going to fall. What's really happening is a change in the asset side of the balance sheet. Reduce cash/add broadband. Reduce cash/improve roads. Next year, reduce cash/retire aged fire engine to bring in the new.

How much cash is enough? How much should we take from villagers and park in our investment account? From 2011 through 2019, the answer was $5 million. We had $4.6 million in 2011 in the funds; $4.9 million in 2019. By the end of 2025, we'd almost doubled that. Now we're spending more than we're taking in, doing some things that perhaps we should have done a while ago, but didn't. The number looks shocking, but you can only view it in context of the balances that we built up over time in anticipation of these expenditures.

The Mayor referred to the memo in Council's packet regarding the highly unusual delay by the County in remitting real estate taxes. We are temporarily $800,000 short compared to August last year. We did receive an advance for $500,000 last week, and we expect to be paid the rest by the end of September. We will get all the money in the budget, as the real estate taxes number is set at the beginning of the year.

9. Treasurer's Report - None

10. Clerk's Report - starts at 27:04

Clerk DeCapite praised the Ronyak Paving crew for the consideration they showed the residents and the wonderful job they did on Colvin Road during the recent disruptive road project.

11. Police Department Report attached and on the website - starts at 27:35

Police Chief Minichello announced the promotion of Sergeant Michael Day to Lieutenant. The position has been open since earlier this year upon the retirement of Lieutenant Pollutro. Sergeant Day has achieved extensive knowledge of investigative and detective tools in his 20-some years on the dept and will pass along those skills to our other sergeants and patrol officers. He will be sworn in at the next Council meeting.

Our Flock camera policy has been updated and, after review by Law Director Hunt, our staff has been provided the updated policy. We have made two significant changes, and they both have to do with access. One, we have tightened up access to the data. In the past, law enforcement from other municipalities may have had access to our data by being a Flock supporter - now they must contact us and ask for something specific which we may provide or deny. Two, we instituted a monthly audit to make sure access to our data is only being provided for legitimate law enforcement purposes. We will share with in-state departments, not with any of the federal agencies. We keep the data 30 days and then it's purged. If the data concerns an active investigation, we can download from the server and store digitally with the case file internally here - it would be gone from the cloud. Flock owns the equipment under a five-year contract that expires in 2028. We own the data, and Flock cannot use our data for anything. Only our sworn GM law enforcement staff have the ability to access the data.

12. Service Department Report attached and on the website - starts at 39:27

Service Director Biggert provided an update for Colvin. Drainage along the street edges and street edge restoration were completed last week. This week and next week the one school asphalt apron and a couple homeowner concrete aprons will be finished. That will end the project.

The new generator for Town Hall came in $17,645 under its $125,000 budget. After the old generator exploded during one of the storms, a temporary standby generator housed on a trailer was put in place. Hearing a new unit would take 10-12 months before delivery, the Service Director pursued purchasing the temporary standby unit from Ohio Cat with 6 months/400 hours on it. They agreed, the generator is located behind a new brick wall at the Town Hall back door, and the project is finished. We are currently tweaking communication between the generator and the transfer switch. The new generator supplies power to the Town Hall only. The generator behind the Community House supplies power to the Community House, service garage, fire garage, and the lift station for the sanitary sewer.

13. Fire Department Report attached and on the website - starts at 43:29

14. **Ordinance No. 2026-25 (Third Reading)** starts at 43:59

"An Ordinance Amending Section 155.04 of the Codified Ordinances of the Village of Gates Mills to Eliminate the Treasury Investment Board" was read by the Mayor.

The Mayor, Law Director, and Treasurer continue to go back and forth with descriptions of what the Board should entail, what their responsibilities should be, and who should constitute the Investment Board. They are not done and request one more month to finish this up

Ordinance No. 2026-25 remains on third reading.

15. **Resolution No. 2026-44 (First Reading)** starts at 44:50

"A Resolution Accepting the Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor" was read by Mayor Siemborski.

Finance Administrator Mulh stated this is a housekeeping item that comes from the County listing the levies that are already approved to be collected next year. You don't see the conservation levy on here because it expires at the end of the year. If it does pass in November, then we will redo this to include the one mill for the conservation levy.

Councilmember Steinbrink moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2026-44 be placed on its final passage. Councilmember Broome seconded the motion.

Ayes: Broome, Greco, Perez, Sommer, Steinbrink, Turner, Young.
Nays: None
Motion carried.

Councilmember Steinbrink moved to approve Resolution No. 2026-44 and Councilmember Broome seconded the motion.

Ayes: Broome, Greco, Perez, Sommer, Steinbrink, Turner, Young.
Nays: None
Motion carried.

16. **Ordinance No. 2026-45 (Amended) (First Reading)** starts at 46:26

"An Ordinance to Amend the Annual Appropriation Ordinance No. 2025-51 to Increase Certain Appropriations and Other Expenditures of the Village of Gates Mills, Ohio for the Fiscal Year Ending December 31, 2026" was read by the Mayor.

The Mayor explained the Service Department appropriation needs to be increased to pay for the Arboretum stairway, railings, and gasoline, even though he is confident the grant money we applied for to cover the railings will be received this week. The Police Department appropriation needs to be increased by $7,000 to pay for vehicle damage from a deer collision.

Councilmember Turner moved that the rules requiring ordinances to be read on three different days be suspended and that Ordinance No. 2026-45 (Amended) be placed on its final passage. Councilmember Greco seconded the motion.

Ayes: Broome, Greco, Perez, Sommer, Steinbrink, Turner, Young.
Nays: None
Motion carried.

Councilmember Greco moved to approve Ordinance No. 2026-45 (Amended) and Councilmember Perez seconded the motion.

Ayes: Broome, Greco, Perez, Sommer, Steinbrink, Turner, Young.
Nays: None
Motion carried.

17. **Resolution No. 2026-46 (First Reading)** starts at 48:23

"A Resolution Authorizing the Mayor to Prepare and Submit an Application to Participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to Execute Contracts as Required; and Declaring an Emergency" was read by Mayor Siemborski.

The Mayor and the Village Engineer explained this resolution is for the old inner urban railway pedestrian bridge. The estimated cost for structural improvements per the R. E. Warner report totals $478,377 and that will be in our budget next year. Village Engineer Courtney's firm submitted an application on the September 10 deadline, subject to Council approval, for a $200,000 grant to the District One Public Works Integrating Committee, which operates out of the Cuyahoga County Planning Commission. Preliminary scoring will be released the beginning of December, followed by an appeals period, and final scoring comes out the second week of January. We typically are not funded out of the local District. They will send us down to Columbus to the Small Government Subcommittee where we go through another process to refresh our application and attachments. We will find out the first week of May as to whether or not we're funded.

We also looked at the Mayfield Road resurfacing project as a potential candidate for the OPWC funding, but the state agreed to fund 100% of the project both from a surface asphalt standpoint and full depth replacements (concrete replacements after they mill the asphalt off) estimated to cost multiple hundreds of thousands of dollars. We will only be responsible for some roadside drainage work. The state is picking up more than they initially indicated. An application to Ohio Public Works Commission is not warranted.

We moved our efforts to the next piece of legislation, Resolution No. 2026-47, for the ongoing flooding problem at Berkshire and Epping during times of heavy rain. There is a storm sewer that has failed. Water comes up and out of the system, it floods the intersection and floods through a couple front yards, creating any number of problems. We have submitted an application for about $90,000 to fund half of that project for a new storm sewer, flood controls, and biological swale enhancements.

Councilmember Greco moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2026-46 be placed on its final passage. Councilmember Broome seconded the motion.

Ayes: Broome, Greco, Perez, Sommer, Steinbrink, Turner, Young.
Nays: None
Motion carried.

Councilmember Broome moved to approve Resolution No. 2026-46 and Councilmember Greco seconded the motion.

Ayes: Broome, Greco, Perez, Sommer. Steinbrink, Turner, Young.
Nays: None
Motion carried.

18. **Resolution No. 2026-47 (First Reading)** starts at 55:22

"A Resolution Authorizing the Mayor to Prepare and Submit an Application to Participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to Execute Contracts as Required; and Declaring an Emergency" was read by Mayor Siemborski.

Councilmember Steinbrink moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2026-47 be placed on its final passage. Councilmember Sommer seconded the motion.

Ayes: Broome, Greco, Perez, Sommer, Steinbrink, Turner, Young.
Nays: None
Motion carried.

Councilmember Greco moved to approve Ordinance No. 2026-47 and Councilmember Broome seconded the motion.

Councilmember Perez noted there are a few Berkshire projects and asked if this project is related. Village Engineer Courtney explained there are three projects. One is this project for the flooding at the Berkshire/Epping intersection that we're seeking funding for. Next year he will discuss the Berkshire culvert failure and slope failure which is just north of the Berkshire/Epping intersection. Lastly, the lower Berkshire channel cleaning and natural stabilization is way down by Chagrin River Road.

Ayes: Broome, Greco, Perez, Sommer, Steinbrink, Turner, Young.
Nays: None
Motion carried.

19. **Resolution No. 2026-48 (First Reading)** starts at 59:27

"A Resolution Authorizing the Mayor to Enter into an Amendment to the Community Cost-Share Agreement with the Northeast Ohio Regional Sewer District for Funding of a Community Cost-Share Project; and Declaring an Emergency" was read by the Mayor.

Mayor Siemborski and Village Engineer explained this resolution is for the project at the base of Chagrin River Road at Old Mill by the green bridge. The original project, as approved by Council and by NEORSD, had a cost estimate of $125,000 before design work. We did the design work, bid the project, and Council awarded a contract to Siteworx for $179,000 to build the project. The project is now going to cost $197,000 including engineering and inspection. The agreement with NEORSD needs to be updated, so we can get the full $197,000 reimbursed from NEORSD out of our community cost share fund. They will pay us any money that's in that fund now, and then charge that fund in the future as money is collected until we pay off the total of the project.

Councilmember Turner moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2026-48 be placed on its final passage. Councilmember Steinbrink seconded the motion.

Ayes: Broome, Greco, Perez, Sommer, Steinbrink, Turner, Young.
Nays: None
Motion carried.

Councilmember Greco moved to approve Resolution No. 2026-48 and Councilmember Turner seconded the motion.

Ayes: Broome, Greco, Perez, Sommer, Steinbrink, Turner, Young.
Nays: None
Motion carried.

20. **Resolution No. 2026-49 (First Reading)** starts at 1:01:54

"A Resolution Authorizing the Mayor to Enter into a Contract with CMG Contracting for the Battles Road Culvert Project and Declaring an Emergency" was read by Mayor Siemborski.

Mayor Siemborski and Village Engineer Courtney explained this is for the culvert south of the 90 degree bend in Battles Road. There's a sinkhole in the road and it's an old stone culvert that is failing. The way to adequately repair that is to remove the old stone culvert and replace it with a new concrete box cover and new head walls. We are going to remove some portions of storm sewer and restore some natural channel on both sides of the road leaving a better aesthetic. Then repair the road over the top. Our design estimate was $152,000. We had five bids ranging from $136,000 up to over $200,000. CMG was lowest at $136,000. He has not worked with them in Gates Mills, but he has worked with them in Kirtland and Chardon. CMG has a good resume of municipal culvert work and appear very capable of doing this work. They could start within the next two weeks - some of the other bidders were 60 days out.

Councilmember Greco asked if we are required to take the lowest bid. Village Engineer Courtney responded we are not required. Council is able to take the lowest and best bid. He has in the past not recommended the lowest bidder because he did not feel they were the best bid - maybe the bid was unbalanced, or it was found the contractor did not have a bond, or did not submit the required paperwork, or we had a terrible experience with them.

Councilmember Steinbrink moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2026-49 be placed on its final passage. Councilmember Greco seconded the motion.

Ayes: Broome, Greco, Perez, Sommer, Steinbrink, Turner, Young.
Nays: None
Motion carried.

Councilmember Steinbrink moved to approve Resolution No. 2026-49 and Councilmember Broome seconded the motion.

Ayes: Broome, Greco, Perez, Sommer, Steinbrink, Turner, Young.
Nays: None
Motion carried.

21. **Resolution No. 2026-50 (First Reading)** starts at 1:05:27

"Preliminary Legislation (LPA-ODOT-Let Project Agreement" - a form prescribed by the State of Ohio regarding the resurface of Mayfield Road

Village Engineer Courtney recalled the last time Mayfield Road was resurfaced was ten years ago. ODOT paid for 100% of the new concrete curbs, about $1,000,000.

Regarding the upcoming Mayfield Road resurface project, we have obtained ODOT's commitment to pay 100% for both roadway surface asphalt and full depth concrete replacements. Typically the roadway surface (top 3" of asphalt) is split 80/20 between ODOT and the municipality, and full depth concrete repairs (anything underneath) is paid 100% by the local municipality, as is any roadside drainage work that has to be done. The full-depth concrete repairs are expected to be $300,000 - $400,000. The Village Engineer's suggestion is to attack some minor issues along the roadside - where we have water that comes over the curb and onto the road and creates some icing problems in the winter - as a village project before ODOT comes in after July 1, 2027, and he estimates that work to be less than $200,000. We'll have much better control and much lower cost if we do that ahead of the resurfacing project, as opposed to trying to bundle it with an ODOT project. So, we will be adding that to the scope of next year's road program. The Mayfield Road resurfacing project will run from County Line Road on the east all the way up to the front of St. Francis Church and is expected to take three months.

The Mayor congratulated Village Engineer Courtney and others who worked on this for bringing in such a huge dollar savings.

Councilmember Broome moved that the rules requiring ordinances to be read on three different days be suspended and that Resolution No. 2026-50 be placed on its final passage. Councilmember Greco seconded the motion.

Ayes: Broome, Greco, Perez, Sommer, Steinbrink, Turner, Young.
Nays: None
Motion carried.

Councilmember Broome moved to approve Resolution No. 2026-50 and Councilmember Greco seconded the motion.

Councilmember Turner asked how the traffic will be handled during this construction. Village Engineer Courtney answered they would likely close one lane on each side and then build the other lane and then swap the traffic over to keep traffic on opposite sides of the median strip. He does not suggest putting traffic on one side with no median. We will be given a set of ODOT plans before they bid the project which will include a maintenance traffic plan that we have the ability to comment on. ODOT's Public Information Officer will put together project materials that we'll be able to use to distribute to safety, fire, schools, residents, etc. Plus the big warning signs, much like you see with other state route resurfacing projects.

Councilmember Broome asked if ODOT normally drops the speed limit for construction zones. The Village Engineer replied they may bump it down to 35 mph.

Councilmember Young stated we can expect a reduction in the traffic camera revenue. The cost to the village is a lot more than just mentioned. The Service Director suggested night work might help compress the time frame.

Ayes: Broome, Greco, Perez, Sommer, Steinbrink, Turner, Young.
Nays: None
Motion carried.

22. Council Discussion - starts at 1:14:30

Gates Mills Land Conservancy Agreement

The Mayor referred to the draft agreement between the village and the Land Conservancy prepared by the Law Director and distributed to Council this afternoon, following Council discussions and after the Law Director reached out to Councilmembers individually over the last week or two to gather any other comments they had and to get a sense of what allocation percentages Councilmembers were leaning towards. We are not looking for any kind of action today, but we do want to start the discussion on the four items that were added and see if those are what you were looking for.

- $700,000 balance:

The Mayor stated, in the revised document, we have indicated the $700,000 would be designated by the Land Conservancy Board as a board designated endowment fund. Those funds would be set aside and could accumulate interest. If some of those funds were needed to use for an acquisition or an easement, that would be permitted as long as the $700,000 was replenished by the end of the levy period.

- Notification to Council:

The Mayor stated the language that was in the past agreement. which is to report to Council in advance of an acquisition commitment, stays. Law Director Hunt added not only would the Conservancy need to come to Council to advise/discuss a purchase of land or conservation easement, but also to seek Council's approval, which is a step further than it's ever been. The discussion about the use of public funds can be made in executive session. An approval would have to be made in public session.

- Usage of Funds:

Language was struck from the old agreement that would allow levy funds to be used to repair improvements that were damaged or threatened to be damaged by erosion. Allowable uses are for restoration and for stabilization and for other things that the Village Engineer would advise us are valid erosion control, millstream control, hillside control or restoration/stabilization projects as opposed to normal culvert fixing. Law Director Hunt stated he took out of the former agreement any specifications for use of the conservation levy funds by the Village and left it totally up to what is in the charter which is pretty extensive. Council could take that into consideration at the beginning of the year in its budget. When there's a contract being let for a public improvement project that might be able to use conservation levy funds, the Council can decide whether that should be done on a case-by-case basis.

• Allocation Percentage:

The Law Director reported his poll of Council with respect to the split ranged anywhere from 100% to the village/0% to GM Land Conservancy, two responses at a 50/50 split, two at a 40/60 (Village/Conservancy) split, one at 20/80 (Village/Conservancy) split, and one at 25/75 (Village/Conservancy) split. All over the place. Council has the opportunity to discuss that tonight and maybe reach some consensus that we can then put together a final agreement that the Land Conservancy would agree to and potentially have that at a special meeting before your October regular meeting for approval.

At 1:23:05 Councilmember Turner had thought after the August 25th meeting that we said either 50/50 or 60/40 and that the Mayor was going to take that back to the Land Conservancy. She is not understanding how we are at this point now on September 15th with an expectation that this is going to get resolved at the October council meeting. We agreed to get terms to the villagers before early in-person voting starts October 6th. Mayor Siemborski responded that at the August 25th meeting he asked "Can I go back with 60/40?", and there was not a yes direction. There was more conversation. Council did not authorize or indicate any number to go back and negotiate with.

At 1:25:35 Councilmember Broome stated he took the draft agreement received this afternoon and made changes to the "whereas" clauses to reflect the changing responsibilities and roles of the village and of the Conservancy since the 2021 agreement, and sent those to all Councilmembers. He suggests setting forth uses of conservation levy funds that the village could use its share of the money for. Regarding paragraph 7, "...any potential land acquisition in fee simple...", should only apply if the Conservancy was going to use levy funds for that acquisition. If the Conservancy raised its own money or had a donor that gave it money, the Conservancy shouldn't have to come to Council for approval. He added a paragraph indicating the Conservancy could come to Council to request money for more reasons than purchases of land or easements - such as invasive species removal, maintaining property, or some other problem on their properties.

The people of the village think this is a levy for the Land Conservancy, and the split ought to favor the Land Conservancy.

At 1:31:47 Councilmember Perez commented on Councilmember Broome's suggested language changes. Because the Land Conservancy has not had a chance to react to this document, and their input is important, she is not comfortable nailing that down tonight.

Doing the rough math, the Land Conservancy's invasive remediation cost is $76,000 in the first year only plus $33,000 estimated for easements. That's $110,000 - right there at the 50/50 split. Reiterating what she said at the last meeting, 50/50 or 60/40 in favor of the Land Conservancy are the minimums she would want to support.

At 1:35:27 Councilmember Young is not prepared to discuss the operating agreement. We need time to review the draft and prepare comments, and call a special meeting. He agrees the voters think of this as a levy for the Conservancy, not for the

Village, although the Village controls the money. For 35 years, the voters have put their trust in the Conservancy, and Council has put its trust in the Conservancy. Now this year, we're throwing that all out the window and not only restricting funding, but telling the Conservancy they can't do anything without strict prior approval from Council. We're telling them we don't trust them anymore.

Councilmember Steinbrink corrected the record. This was all done in 2021 - the agreement, the split, coming to Council - and has operated this way for the last five years. Prior Councils have added language into the agreement over time that provides for additional oversight. Councilmember Young noted the 2021 agreement required Council notification of a pending purchase. Now Council approval of the purchase is required. Councilmember Steinbrink replied that's what's in the draft, and he may not agree to that. We may not have four or five people that would agree to that.

At 1:38:48 Councilmember Steinbrink stated it is his opinion that we have the agreement from 2021, and that is what to put in front of Council for an up and down vote. If we get four or five people that would agree to that, then it's in place before the election. Or, the timeline goes out until January or February after three readings until there's an agreement in place. Which isn't the end of the world - that's the way it used to work prior to 2021. The levy was on the November ballot, and Council and the Land Conservancy signed the agreement in January of the following year. Understanding there are a variety of opinions amongst the seven people on Council, at the end of the day there's going to have to be compromise.

At 1:40:00 Councilmember Greco repeated that her problem is the Land Conservancy did not do what they said they were going to do five years ago, the last time the levy was supposed to be put on the ballot. So, how do we have any right to think that they are going to do what we asked them to do in 2027 and for the next five years? There's no way to put any teeth in this except to say that if they don't, there would be no further levy on the ballot. We're now in the situation of either saying we're going to go along just like we have or we're going to do something new.

At 1:41:43 Councilmember Turner finds the Land Conservancy has done yeoman's work maintaining the properties that they have, taking on new projects along with the village given the changes to the climate, and they're willing to do more. A lot of damage gets done when statements like Councilmember Greco's are made. Her biggest fear is that going forward our relationship is damaged, and she is concerned about how we get back on track.

Whatever percentage we put on this - 50/50, 60/40, 70/30 - is immaterial if we don't have a working relationship to preserve our environment together. If we can't come to an agreement, maybe we continue 50/50 for one more year while we negotiate terms more appropriate with the current environment and have that in place by next year. During that time, have some meetings together with the Land Conservancy rather than the back and forth among just a few people representing each body.

At 1:44:34, regarding the $700,000 balance listed in the old agreement that the Conservancy has maintained, Councilmember Broome stated if our intention is to make sure the Land Conservancy is preserved, the one thing everyone here should agree on is that we can't let anything bad happen to the Conservancy. We can't let the properties that the Conservancy holds escheat to some other charitable organization. That's not

good for the Village. Councilmembers Broome, Greco, Young, and Perez rehashed the endowment argument. What does the agreement say? What was meant? Law Director Hunt again provided that the Conservancy had a significant mortgage that they had to take care of, and that's why we had the language we had in 2021. The draft agreement rectifies the issue. The remedy to the village with respect to any violation of the terms is a breach. It would take a vote of Council to hold them in breach and then hold back the funds.

At 1:48:02 Councilmember Sommer asked if more conservation work has gotten done in the last five years and there's been a really close working relationship between the Conservancy and the Village, what is prompting a change? Is that relationship now for some reason fractured? Councilmember Perez answered we are asking the Conservancy to do more. Having them take on the invasive projects on their property is a different ask than what we have asked them to do in the past. The Mayor added, in the Conservancy's own proposal back to us two weeks ago, they were willing to take on responsibility for all the invasives, not financially, but to organize the experts that come in and to do all the hard work in the field to control the invasives. We are damaging the relationship currently by having this conversation for the last 3-4 months. Councilmember Sommer asked if the allocation of funding could be based on what the actual projects are and what part the Conservancy and what part the Village has committed to? The Mayor replied yes, there is a 10-year program to address all the invasives on all the Conservancy land and all the village land, allocated by year, by property. They would pay for theirs. We would pay for ours. It would all come out of the land conservation fund.

Councilmember Sommer believes the village still needs to retain a fair amount of the funding. She thinks 50/50 is the minimum the city should retain. Councilmember Broome thought the calculation came out to 80/20. Councilmember Sommer agrees, but she finds there's a lot more money earmarked for acquisition, and that's not necessarily what people view conservation as. The Mayor replied the sheet that was prepared could be changed in terms of what to spend those dollars on - doing the invasives over 7 years, tree planting, etc. He'd be happy to do that and bring to the next meeting.

Councilmember Sommer asked if there is a necessity to define in the agreement what the village can spend it's money on. We're already restricted by the language in the charter, so why would we restrict ourselves further in an agreement with the Conservancy? The Law Director responded that is why he took the language out, while Councilmember Broome's position is that why not put it in the recitals, which don't have any force of law, to make voters informed with examples. Councilmember Perez agrees with citing examples in the recitals. We've heard from a number of voters that they don't feel like they know on either side of the equation what some of the funds are being used for. We don't want to be in a position where the voters feel uncomfortable about that. Councilmember Steinbrink doesn't know how Council on September 15th with 45 days until Election Day is going to change the agreement with the Land Conservancy - move the goalposts one way or another, change the objectives of the agreement, and then be able to communicate that effectively to residents without creating too much confusion that puts the passage of the levy in jeopardy because people don't check a box at all.

At 1:59:00 Law Director Hunt states it comes down to three issues - 1) the Village can't control what the Land Conservancy does with their own funds that are not levy funds, 2) Do you want Council approval of land acquisitions and conservation easements if levy funds are being used, or do you want just notification?, and 3) the allocation percentage. If we can come to some consensus tonight, he can draft it taking into consideration what has been said, and Council can have a special meeting before the October meeting, if you think it's necessary for the public to see. It's also necessary to go back to the Land Conservancy and negotiate with them before you approve anything. But he is not hearing a lot of consensus today. If you would like to stay with the 2021 agreement, we're going to have to tweak it a little, because they've paid off the mortgage on that one piece of property and rework that one paragraph.

At 2:00:57 Councilmember Turner said the more confusion we create, the fewer people are going to vote. They're going to skip that box. That would be a travesty for the levy not to pass. Given this short time frame, it is her opinion that we keep the 2021 agreement and come back in a year or 2-1/2 years to see what's needed in terms of a different split of money between the two entities.

At 2:02:49 Mayor Siemborski advised he gave the President of the Land Conservancy a draft of this document this afternoon. The President is going to talk to his Board about it. He is aware 60/40 or 50/50 is the more common answer. We can hear back from them. It won't be a great conversation. We have spent numerous times challenging what they're doing, if they're doing it well, if they're doing it well enough, and if they are following the agreement. We have lost some respect and some collaboration that we've had with them over the past year and we'll see that in the field. The Mayor will go back to them in a few days and ask for their comments back. He is not a fan of pushing this off for six months or a year. We'll have the same conversations. We need to decide whether we respect them enough to give them those dollars with certain guidelines and certain governance limits and let them do what they know how to do better than we know how to do it because they've been doing it. He doesn't know what percentage allocation that is. But we do have some relationship building to rebuild. Councilmember Young appreciates the rebuilding the trust with the Conservancy. Our primary obligation is to the voters to let them know what they're voting for. We have until October to come to enough of an agreement between the two organizations that we can publish something in some manner so that the villagers know what it is we're asking them to approve or not. Councilmember Perez agrees and is open to having a special meeting to try to iron this out and then communicate to the voters before early voting starts on October 6th. Law Director Hunt will sharpen his pencil and go back and redraft some of this.

23. Business from the Audience - starts at 2:06:37

Resident Michael Press observes it is very difficult for those in the audience to comment on a document they haven't seen.

Many residents believe all the money goes to the Conservancy. That's the way it was set up. The sole purpose of the conservation levy was to fund the GMLC. The 5% was an administrative fee given to the Village. The residents will be very interested to hear how you're planning to spend the money, because it isn't consistent with the way it's been spent in the past. It will take a lot of communication. This group made a lot out of the fact that some years the operating agreement isn't settled until January.

That's certainly true. The reason for that is there was no reason to show the voters the operating agreement in advance because all the money went to the Conservancy. It was only in 2021 that there was ever a contemplation of money being spent in any other way.

If you require approval of what the GMLC does, his guess is you're going to compromise their 401(c) status and probably their accreditation status. Think twice.

At 2:09:17 Resident David Atton stated the fact that the residents don't fully understand the purpose or the disposition of the levy is Council's fault. We've known for five years that there's a misunderstanding in the community as to its purpose and its disposition. He worries that Council doesn't yet understand the full extent of the funding that will need to be found if we're going to do a really serious tree canopy renovation - meaning planting trees, organizing proper maintenance of trees, and staffing properly. There's one person on GMLC who has any actual hands-on experience with environmental matters. So we've got a lot of amateurs in the GMLC and the Council is no better. The staff and the volunteers aren't adequate to handle the scope he believes is inevitably going to happen. If you don't follow up on invasives removal with prompt, clear planting plans, the invasives will be back in no time at all.

He doesn't see how you can preempt a large part of the levy to buy land, and is not sure what good buying land does. When you buy land, you've got to take care of It. We've got enough to take care of as it is. The GMLC owns only 10% of the village land. No matter how good a job we do on our 10%, unless the other 90% follow us, it will have been a waste of time. He does not see any effort being made yet to create the kind of communication program needed to convince people they've got to take care of their own properties. It is essential for the success of this program.

Now you're rushing to get something done that will be inadequate. The right solution is to put off this discussion of the agreement until we've done some more work. We can hypothesize about arbitrary numbers, 50/50, 60/40, but we don't have any long-term planning data. He is disappointed with the process and thinks if you rush with a view to getting something out there before the election, it's going to be an embarrassing mess. He advocates for waiting.

24. Adjourn

There being no further business, it was moved by Councilmember Broome, seconded by Councilmember Steinbrink, and unanimously carried, that the Council meeting be adjourned. The Mayor noted the group will be canvassed for a date for a special meeting.

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Steven L. Siemborski, Mayor