The regular meeting of the Gardner Village Board was called to order at 7:00 p.m. Monday, February 25, 2008 in the Village Hall Council Chambers with all members present: Comms. Cox, Serena, Hileman, Gerrish and Mayor Wise. (*Also in attendance: Barb Bexson/Clerk, Scott Belt/Attorney, Guy Christensen/Engineer)* All then stood for reciting of The Pledge of Allegiance.

Accepted were:

Minutes of February 11, 2008	motion Hileman/second Gerrish roll vote: ayes 5, nays 0
Tabled minutes of January 7 (Special Mtg) and January 28, 2008	motion Hileman/second Gerrish roll vote: ayes 5, nays 0
Tabled minutes of January 14, 2008	motion Hileman/second Serena roll vote: ayes 4, nays 0, pass 1 (Gerrish)
Financial Report Month of January, 2008	motion Hileman/second Serena roll vote: ayes 5, nays 0

After the addition of payment to 'D' Construction for the 2007 Motor Fuel Tax street maintenance project ($54,248.90), the current listing of bills was approved for payment as amended (motion Hileman/second Gerrish; roll vote: ayes 5, nays 0).

AGENDA

Brian Tvrz inquired if there was any resolution pertaining to the flood plain status at his property, 201 S East Street, specifically concerning the December 12, 2007 letter sent to the Village from the Federal Emergency Management Agency. As Mayor Wise told that he is unaware of this letter, Brian explained this pertained to issuance of the building permit and elevation of the house; the letter stated a Village representative was to contact FEMA to resolve this issue. Brian will bring this letter to the Clerk for copying and forwarding to Guy Christensen who has agreed to speak with FEMA.

Comm. Gerrish reminded that at last meeting, information was provided about Operation: MOMS and their upcoming benefit to be held in Gardner. He then motioned that a $100.00 donation to this organization be made by the Village; this was seconded by Comm. Hileman. Comm. Serena commented that he did not feel the Village should donate to this, rather that the Council Members could personally make a group donation; Comm. Gerrish countered that the Village makes other donations of this type. Roll vote was then taken: ayes 4, nays 1 (Serena).

Concerning the GSW High School baseball field banner, Comm. Hileman explained the total cost of the banner is $300; the Villages of Gardner, Braceville and So. Wilmington last year co-sponsored and split the cost of one banner. He then motioned that the Village again contribute 1/3 of the cost of this banner as long as the other two (2) Villages do likewise. Second was made by Comm. Gerrish; roll vote: ayes 5, nays 0. Comm. Hileman will check into this prior to issuing payment.

Attorney Belt

Reported that a lien claim has been filed for delinquent water service fees against David Kielb, 308 W Jefferson St.

Reported that two (2) letters have been sent to Amin Jinnah (Track Liquor, 134 Depot St), one concerning this being a dangerous structure, the other regarding remodeling being done without a building permit.

Concerning jurisdictional transfer of a portion of Main Street, Atty. Belt told that research is needed, dating back to the early 1970's but that he intends to have an update at the next meeting.

Verified that Council Members had received his February 19 memo containing a copy of the EAV certificate for Gardner's Industrial TIF District and, noted that yet to be resolved are the intergovernmental agreements with Gardner Grade School, Gardner So Wilmington High School and Gardner Fire Protection District.

Comm. Hileman

Brought up a draft ordinance provided to Council Members on restrictions for construction in the floodplain and requested this be placed on the agenda for next meeting.

Relating to various abandoned properties, including the grain elevator, told that these have been talked about for nearly ten (10) years and would like to see action finally taken to get these problems resolved; he asked Council Members to look at these and any others they may find for further discussion at the next meeting.

Asked Comm. Cox if any arrangements have been made for a clean-up day prior to the May festival; he responded that this is not set at this time. Comm. Hileman also said he would like to see removal action taken on a number of abandoned swimming pools, this too before the festival. Comm. Cox added that he has concerns as well for cleanup of the area at and around the sewage treatment plant and, since the January 1 State smoking ban, a huge number cigarette butts are littering the downtown area, noting there is nowhere for people to dispose of these.

Concerning inspector meetings, Comm. Cox told that one is to be scheduled soon. Comm. Hileman told that with codification work being done, items need to be in place to make changes and that he had understood this group would be looking into new ideas on permits, fees, stickers, etc. Comm. Cox reminded that they are also awaiting clarification as to the status of inspectors, that is, if they are employees, contract employees,. subcontractors, etc. Additionally, there were questions with liability, for example, if an inspector were to be injured at a job site, are they covered under the Village's insurance? Comm. Hileman agreed this would be looked in to.

Regarding Comm. Cox's remark that there is uncertainty with the code cycles (years) the Village is enforcing, Comm. Hileman said he believes the Village would be enforcing the last ones that had been approved and that if updates are needed, they would be done at the time of codification. Attorney Belt indicated that the ordinance passed would need to be tracked for the actual language and told that some town ordinances adopt a specific edition of a code while others prefer to adopt a code to include automatic adopting of any amendments. If the Village had adopted only specific editions, then we would still be operating under that code.

Asked if Members had received the letter placed in their mailbox from Gardner Grade School regarding TIF; he told he had been trying to set up meetings with a couple school board members to talk about TIF but recently was told that could not be done. He then asked for and received verification from the Mayor that he is to still to handle all matters involving TIF. What they want now he said, is for the entire Village Board to meet with them and Comm. Hileman has concerns with The Open Meetings Act on this. He will continue to try to meet with the grade school and with the high school.

Comm. Cox asked him if he has received any response from the Fire District regarding the Village holding up TIF monies. Comm. Hileman told he informed Ken Bozue of the Fire District that he was withholding these monies until the Fire Department paid the bill for the road repairs and that Chief Wilkey had told him the Department had told him not to pay the bill; there is nothing further at this time. Comm. Cox questioned if this were legal to do; Atty. Belt responded that this appears to be a legitimate dispute, thus, holding up these funds would be legitimate. Comm. Cox disagreed as the dispute is

with the Fire Department but the monies were to go to the Fire District; Comm. Hileman then stated that the District contracts with the Department

Responding to Comm. Hileman's question, Fire Chief Randy Wilkey told that the trailer in their lot is only temporary for training.

Comm. Gerrish

Problem near the laundry/car wash with a broken valve which will be corrected when the weather improves unless the situation worsens and requires immediate action.

Also there is a sewer problem at FJ Metals on Rt. 53. It appears a cap was knocked off and had dropped into the line and is now where the pipe meets the main. Comm. Gerrish has talked with the company owner and this too will be repaired when the weather is better as it is not causing any production problems at this time.

Will begin looking into some watermain replacements and costs for this year. Will speak further with Guy Christensen and review the list that was previously prepared.

Comm. Serena

Told he has made a listing of streets needing repair, highlighted some of the more serious and has given a copy to Guy. He reported that many of these are within the TIF District and asked Comm. Hileman to confirm that TIF monies can be used. Comm. Hileman responded that the entire cost of this work done within the TIF District can be funded by TIF.

Commented that he would like to see minutes brought up-to-date beginning with the earliest rather than the most current.

Comm. Cox

Brought up that the Beautification Committee is involved with an update to an old existing sign on the south side of Main Street near the railroad tracks. The Committee would like to spend $250 of donated monies toward this project, with matching funds being donated by Gardner Chronicle Antiques; a picture of the finished sign was passed to Council Members. This expenditure was then accepted (motion Hileman/second Gerrish; roll vote: ayes 5, nays 0).

Had noticed a citation and fine of $75.00 to Roofwerks (Main St) for violation of the burning ordinance and asked who receives these funds and who sets these fine amounts. Information given was that the we do not receive this money as the Village is under contract with the Grundy County Sheriff's Department and that it is the judge who sets the fine. Atty. Belt added that, in his experience, fines more than this are rare for ordinance violations and with ongoing violations, the court can be asked to impose a per day fine. Discussion followed on unlawful items still being burned at this location (roofing materials, car interiors, etc.) and that the State (IEPA) may need to be notified. Atty. Belt reminded the 'P' ticket ordinance is still in effect and is an easy answer to dealing with incidental violations.

Provided financial update info to the Council and told that, to date,107 bricks have been purchased.

GUY CHRISTENSEN

Concerning the railroad ditch spraying, told that he had received a note from the Clerk that this contract had been accepted at the February 11 meeting and he has since corresponded with InterTrade Services (Mug-A-Bug) on this.

As properly noticed, at 8:10 p.m., Council Members entered into executive session to review and possibly approve minutes of meetings lawfully closed under The Open Meetings Act [5 ILCS 120/2(c)(21)] (motion Hileman/second Serena; roll vote: ayes 5, nays 0). (Comm. Cox qualified that his yes vote was made under protest due to the Clerk not being allowed to

attend.)

At 8:35 p.m. regular session was reconvened (motion Hileman/second Serena; roll vote: ayes 5, nays 0).

Mr. Mike Vigna, a local realtor, addressed the Council on a home he has listed at 116 N. Elm Street which is in the flood plain; he asked if there is any way to get this parcel out. After short discussion, Guy Christensen told that he is not aware of any other avenues than FEMA.

Mr. Vigna also asked if the Village could prepare some type pamphlet with Village information, contacts and facts that he could hand out to potential clients. When he mentioned items such as lot setbacks and water/sewer hookups, Comm. Hileman suggested that he would need to speak with the Zoning Officer on some issues and consult Village ordinances on others.

As there was no further business brought before the Council, a motion to adjourn was made at 8:50 p.m. by Comm. Hileman, seconded by Comm. Gerrish, all in agreement.

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Barbara S. Bexson, Clerk
Village of Gardner