The regular meeting of the Gardner Village Board was called to order by Mayor Tom Wise at 7:00 p.m. Monday, January 26, 2009 in the Village Hall Council Chambers. Commissioners present: Gary Cox, Mike Serena, Dick Hileman, Bill Gerrish. (Also present: Scott Belt, Atty., Guy Christensen, Eng.). All then stood for the Pledge of Allegiance.

Accepted were:

Minutes	motion Hileman/second Serena
January 12, 2009	roll vote: ayes 5, nays 0
Current Listing of Bills	motion Hileman/second Gerrish
	roll vote: ayes 5, nays 0

Agenda

Resident Dick Patten told his purpose for appearing was to ask for consideration to allow for golf cart usage on Village streets. He pointed to the need to cut fuel costs and noted there are other municipalities in Illinois who allow their usage. He proposed that regulations be in place, such as, requirements for headlights, taillights, reflectors, backup lighting, compliance with State laws for vehicle road use, possession of valid drivers' license and proof of insurance. After he handed information related to this to the Mayor, the Council agreed to look into this further.

Unfinished Business

Mayor Wise asked the status of the Village's request for reimbursement from the Gardner Fire Department for costs associated with the re-connection of water services to the 214 Division St. property. Comm. Hileman reported he had attended two (2) of their meetings and understood a meeting was to be set with him, the fire chief and a trustee to discuss negotiating payment ; this meeting was not held. The Mayor asked that he set up another meeting to get this resolved.

Atty. Belt

Allison property annexation agreement: Reminded he was asked to look into this because of the recent purchase of this property by Gardner So Wilmington High School, and whether farming of this ground could continue; after research, feels the agreement is clear farming can go on. Explained when annexed in 2000, property was agricultural, then re-zoned to M1. The agreement basically said farming can continue until terminated for at least one (1) year or until it is developed and the use changes. From a TIF standpoint the EAV does not change when sold; the base was established at the point the Industrial TIF was created and remains the base through the life of the TIF.

This parcel was annexed when this Board was trying to establish the area as industrial; one incentive to landowners was to extend a tax abatement which lasts until the sooner of either 2010 or the property transferred to someone other than the Allison family which has now occurred. Therefore, this tax abatement language is no longer in effect.

Responding to the zoning issue, he told this is still being looked into and hopes to respond at next meeting. He added he agrees with the high school's attorney that the building process occurs outside the jurisdiction of the Village and further explained the regional superintendent of schools is responsible for permitting, inspections, etc. Zoning, Atty. Belt said, is a different matter; he has found no statute that preempts local zoning and will look into case law on this subject.

Asked if Council Members had read over the codification draft #3. Told he continues his work on this and, as the Council directed, will provide the information he has compiled thus far. Comm. Hileman voiced his opinion that this needs to move forward and asked again that he write to American Legal Publishing to request a time extension. Discussion followed on the need to identify and make a determination on codes the Village wants to incorporate and the editions of various codes (ICC/BOCA, electrical, plumbing, life safety, etc.) that should be adopted, along with whether a specific edition would be adopted vs. automatic updating. Some conversation and opinions followed, with this to be further explored.

Furnished a draft ordinance intended to repeal the current truancy ordinance. Comm. Hileman told

that this had been adopted by the Village with the understanding that any costs incurred would be reimbursed by the high school; however, this has not been done. He explained he recently met with GSW High School Supt. Decman on this and he agreed to speak with the school board; there is no update. Council Members talked over costs involved, other towns with this type ordinance (Minooka only in Grundy County), areas of residency of GSW students and enforcement options if this ordinance is revoked (Atty. Belt explained that the school has abilities through the State's Attorney's office along with State Statutes). It was then agreed to accept this ordinance (VG09-001), an Ordinance Repealing Ordinance No. VG05-402, An Ordinance Prohibiting Truancy (motion Hileman/second Serena; roll vote: ayes 5, nays 0).

Comm. Hileman

On the abatement of the tax levy ordinance passed in December 2008, requested that this be tabled because of concerns he has received on this relating to TIF. Told he has spoken with the Village auditor but wishes to speak further with TIF Atty. Tom Jacob to assure there are no violations associated with TIF if this were to be done. It was moved to table this issue and for Atty. Belt to look into this with TIF Atty. Jacob by Comm. Hileman, seconded by Comm. Serena; roll vote: ayes 4, nays 1 (Cox). After Comm. Cox's suggestion, Comm. Hileman agreed that he, rather than Atty. Belt, would speak with Atty. Jacob.

As to Comm. Cox's question on the $78,000 amount, Comm. Hileman explained that this is the amount levied and that this would not touch TIF funds. Conversation followed with explanations of the tax levy and breakdown and on properties both within and out of the TIF Districts. If this type rebate to taxpayers is not workable, Comm. Hileman petitioned other members to think about other options that might be available to help residents.

Comm. Gerrish

Reported that the Washington Street Watermain Replacement project has started. On this project, because of winter weather conditions and time needed to secure easements, suggested a contract completion date extension to March 28. Council agreed (motion Gerrish/second Hileman; roll vote: ayes 5, nays 0).

Requested the Council agree to begin the process for a watermain replacement project on Wilmington St, noting there were three (3) breaks in 2008 alone. After Guy Christensen explained the procedure, Council agreed (motion Gerrish/second Hileman; roll vote: ayes 5, nays 0).

Comm. Cox

Asked for further information on the abandoned vehicle at 310 N. Pine St. and requested copies of previous letters sent (Clerk will provide). Comm. Hileman explained that, in the past, when appropriate letters are sent and the violation is not abated in the timeframe set, the next action is to contact the Grundy County Sheriff's Department for their issuance of a citation.

Guy Christensen

Told that the Clerk had provided him with boundary and annexation survey information received from the U.S. Census Bureau; this will be completed and returned to her for processing and submittal.

As there was no further business brought before the Council, a motion to adjourn was made at 8:17 p.m. by Comm. Hileman, seconded by Comm. Gerrish, all present in agreement.

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Barbara S. Bexson, Clerk
Village of Gardner