Monday, August 26, 2013 at 7:00 p.m., Mayor Tom Wise called to order the regular meeting of the Gardner Village Board in the Village Hall Council Chambers. Roll call-Commissioners: Dick Hileman and Mike Serena. Also in attendance were Attorney Brad Nolden and Guy Christensen with Chamlin & Associates. All stood for the Pledge of Allegiance.

The minutes of August 12, 2013 were presented Hileman moved to approve the minutes as written second by Serena. Roll call Ayes: Hileman, Serena and Wise. Nays: none. Motion carried.

The current bills for August 26, 2013 were presented. Serena moved to approve the payment of the bills second by Hileman. Roll call-Ayes: Hileman, Serena and Wise. Nays: none. Motion carried.

Public Comments – Brad Kingma thanked Eric Phillips for all his help with the recent water leak.

Agenda – Don Phillips presented a t-shirt and button from his father Gary Phillips 1982 sheriff campaign for the historical archives.
Comm. Hileman made motion to approve the September 20-22 Knights of Columbus tootsie roll drive second by Serena. Roll call-Ayes: Hileman, Serena and Wise. Nays: none. Motion carried.
Comm. Hileman asked Atty. Nolden where things stand on Main Street. Atty. Nolden explained that Atty. Belt has spoken with Craig Cassem and Perry Redman with the Asst. States attorney office and plans to have a meeting within the next two weeks once the appellate brief is filed. Comm. Hileman told Atty. Nolden that he would also like to be present at the meeting. Comm. Serena stated that all the village wants is for the county to go through and fill the pot holes on Main Street with cold patch. Main Street is the village's main thoroughfare and the condition is terrible. Atty. Nolden agrees with Comm. Hileman that the current agreement is straight forward and he isn't sure why the pot holes haven't been patched. Comm. Hileman stressed that he doesn't like to pay the attorney or go to court, but this thing has been going on too long. Comm. Serena commented that the village has kept up with everything that the agreement says we are responsible for. Discussion followed regarding cold patch, depth of the pot holes and not being on the county's plan until 2017. Comm. Hileman made motion that if we don't get this resolved in the meeting the next day we file a law suit second by Serena. Roll call-Ayes: Hileman, Serena and Wise. Nays: none. Motion carried.
Comm. Hileman began discussion about a complaint received regarding a resident having chickens on their property. Comm. Hileman feels that since a letter has been sent the chicken needs to go. Comm. Serena asked if animal control would pick up the chicken. The board requested that another letter be sent letting the resident know that she cannot have the chicken and it must be removed or a fine will be issued.
Comm. Hileman asked that the ordinance for campers, boats, trailers and whether businesses can be run out of a residential area be given to him. Comm. Hileman has noticed campers and boats parked out front of homes on Peck Street. Comm. Hileman informed the board that they would need to step up to the plate and take over on tall grass and junk cars until a new commissioner is appointed.
Craig and Patty Parks introduced themselves and informed the board that they have taken over the flea market and will now be running it as a co-op. They would like to open the outside bathroom at 102 S. Rt. 53 for use by the flea market. The board told the Parks that both locations will need bathrooms. Comm. Hileman informed them that the village had issues with the bathrooms and sales tax. Discussion followed regarding sewer and water at the pole barn, bathrooms at both locations, location of water and sewer connections and tap on fees. As there had been sewer and water in the past at 104 N. Rt. 129 there will be no tap on fees. Mr. Parks questioned if they could open the outside bathroom for public use, add a drive through car port and cross walk stripping. Comm. Hileman told them they would need a building permit if they change the structure and that the county has sole jurisdiction of Main Street regarding the stripping. Mr. and Mrs. Parks questioned business hours, zoning and signage; they were directed to see Dean Rankovich regarding zoning and signage.

Unfinished Business – None.

Atty. Belt – Atty. Nolden reported to the board on the appellate court decision regarding the use of technical devices during a meeting. The board said that it doesn't feel there is a need for it right now but it is nice to know about for the future.

Comm. Hileman – Mr. Parks asked about a truck that parks between the restaurant and the flea market. Comm. Hileman explained that it is not on village property it is on either the restaurant or Palmer property. Mr. Parks explained that he will be getting the lot surveyed to establish which property it is being parked on. Comm. Hileman said if it is on his property he is within his rights to ask them to move.
Comm. Hileman began discussion regarding Stott tying in Pine Street between Main and Jefferson; discussion included possible price, size of pipe and number of homes affected. Guy Christensen will get a price from Stott. Comm. Hileman made motion to find out if Stott will do the work on Pine Street at the same unit price, this year, have them do the work second by Serena. Roll call-Ayes: Serena, Hileman and Wise. Nays: none. Motion carried. Following clarification that the pay estimate for Stott didn't include the extra sidewalks and the water leak by the grade school Comm. Serena made motion to pay Stott second by Hileman. Roll call-Ayes: Serena, Hileman and Wise. Nays: none. Motion carried. The board was informed that the extra work Stott performed will be billed separately.

Comm. Hibler – was not present.

Comm. Serena – Reported that the patching and sidewalks are done. There is an issue with some trees and he will have a survey done to see if one tree is on village property. Comm. Serena will have the gentleman that did the tree trimming for Stott and a few others come give us an estimate to have the trees removed.

Engineer Christensen – reported that Mug a Bug has sprayed the ditches from the street side, but next year he feels it will need to be done from the railroad side.

Clerk Pasternak – Had no report.

Mayor Wise – Thanked Mr. & Mrs. Parks for continuing the flea market.

As there was no further business brought before the council, a motion to adjourn was made by Comm. Hileman seconded by Comm. Serena, all signified by saying aye. No one opposed. Motion carried. Meeting was adjourned at 7:50 p.m.

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Becky L. Pasternak, Clerk
Village of Gardner