VILLAGE BOARD
September 14, 2015

Monday, September 14, 2015, at 7:00 p.m., Mayor Mike Serena called to order the regular meeting of the Gardner Village Board in the Village Hall Council Chambers. Roll call – Commissioners Terry Jensen, Dick Hileman, James Riley, Rob Wolf, and Mayor Mike Serena. Also present were Atty. Scott Belt and Village Engineer Guy Christensen. All stood for the Pledge of Allegiance.

The minutes of August 24 were presented. Comm. Jensen made motion to approve the minutes as printed, second by Riley. Roll call - Ayes: Jensen, Riley, Wolf, Mayor Serena. Pass: Hileman. Nays: none. Motion carried.

The current bills were presented. Comm. Hileman moved to approve the payment of the bills, second by Wolf. Roll call - Ayes: Jensen, Hileman, Riley, Wolf, Mayor Serena. Nays: none. Motion carried.

The financial reports were presented. Comm. Hileman moved to accept the July financial report and the August financial report as printed and done by our Treasurer, second by Jensen. Roll call - Ayes: Jensen, Hileman, Riley, Wolf, Mayor Serena. Nays: none. Motion carried.

Public Comments – Brad Kingma offered his opinion, and he believes he is speaking for many people in town regarding the trailer park, that our sewer plant does not have the capacity and it would cost too much for us to get up to grade. The same would apply for water. He feels it would be cheaper for them to put in their own sewer plant than for us to run sewer and water out to them.

Resident Ida Schopp had nothing to say – yet.

Resident Sharon Pickles, as a tax payer and resident of Gardner, is also totally against taking Bookwalter Woods into our water and sewer program. The people of Gardner voted for the Board to represent us, not Bookwalter Woods.

Resident Don Phillips addressed the board requesting permission to use the area around the jail and memorial for the Veterans Day observance as we have in the past. The Fire Department has already granted permission to use the fire station in inclement weather. It will be advertised as taking place inside, but move outside if the weather cooperates. Comm. Hileman moved to grant permission to do so, second by Riley. Roll call - Ayes: Jensen, Hileman, Riley, Wolf, Mayor Serena. Nays: none. Motion carried.

Resident Joe Harrop asked for clarification of "annexation" on the meeting's agenda. Mayor Serena explained that they have asked to accept water from the Village and in return to bring the sewage back, but they would not be annexed into the Village. Mr. Harrop stated that he is against it, and wanted to know why we would even consider burdening our water and sewer system.

Agenda –

Engineer Guy Christensen reported that IDOT held up issuing our final permit to construct the last leg of our storm sewer until their hydraulics department checked over the study that we submitted to them, which showed them the volume we were generating in the area that we propose to drain the storm sewer. They reviewed that and came back with a couple of other things they would like us to do.

The mayor and Christensen met with Dave Broviak of IDOT, who is in charge after the permit section is done, to determine what needs to be done in order to get approval to cut the road and put the storm sewer across into the ditch. A letter was presented which summarizes what he and the district ultimately came up with. The first item is a drainage study submitted and approved by the district showing all culverts and the ditch between the proposed outlet and ditch located on the UP right of way on the south side of the tracks. Basically that takes it from the south side of Main Street following Route 53, crosses under 53 and on the east side of Carbon Hill Road, discharges into the railroad ditch. We gave them a study of a small section of that, they have asked us to study it all the way down to the outlet.

The second thing they asked for was detailed plans showing all connections and elevations for the storm sewer system that would be connected to or carry drainage to the new outlet, which is an overall location and volume study for all of the area we propose to drain with the storm sewer. We had given them a cursory one, they want a detailed one so that they can verify that if there is an event that would fill that ditch, storm waters that would back up from that ditch into our storm sewer would not come out of the ground someplace else and cause flooding.

The third item talks about the department of transportation having limited resources to clean that ditch on a regular basis. They are currently planning to clean that ditch as today it is in disrepair, but continued maintenance is not guaranteed. We would be expected to clean whatever discharge we might be discharging. They are not asking us to take over the maintenance, they are going to keep that in their jurisdiction, however, they are indicating that they will not be on call to fix it if we have an immediate problem with our storm sewer. We can make a request but they will only do it when they have funds and time to do so. We have the right to go in and clean it once we get a permit, and they will allow us to do so.

The last item talks about current and future regulatory requirements. Under current regulations, we are not required to treat any storm sewer outfall. If, in the future, there is a requirement by the EPA or some agency of the government to treat that outfall, it would be the responsibility of the Village.

A discussion was held regarding previous cleaning and spraying and the costs involved.

Comm. Hileman made motion that we accept the conditions requested by IDOT with corrections to be made by Christiansen (the county should be Grundy and not Livingston, and any other typos), second by Riley. Christensen also must also make some further cross sections of that ditch downstream for them to review. Roll call - Ayes: Jensen, Hileman, Riley, Wolf, Mayor Serena. Nays: none. Motion carried.

Christensen then brought the board up to date on the storm sewer project itself. When we got the letter from IDOT and they asked us to provide them with other data, he told the contractor that he would put their working days on hold at that point until it was resolved. This would only apply to the days that we are holding him up, not the days that he pulled out.

Reports –

Atty. Belt – Nothing to report.

Comm. Hileman – Comm. Hileman made motion we don't move any further on the Bookwalter Woods issue and let them spend their money and do what they want to do, second by Riley.

As background, Comm. Hileman gave several examples to support his motion. In the past, flooding was an issue but was alleviated with the ditch around town. We spent roughly $125,000 on the new TIF district hoping to get some industry to help lower what people in town had been charged for years. Morris tried to expand which brought about trouble with their sewer plant. For years, Essex had septic tanks and they came in with a builder system when Mary Kay O'Brien was the State Rep, now they are trying to annex in to Braidwood to use their sewer because they are having problems. Mazon has problems with their lagoon plant. The state and EPA will not let you expand the lagoons any more. South Wilmington has problems with their lagoon plant. Verona wanted to put in a lagoon plant and they were not allowed to put one in.

When we spent money on the Industrial TIF we thought we would get a sub-division out here. Hard times came with the economy and that went down. We had Guy do studies for us at that time. When the ex-mayor bought the property and put the lagoon system in, we were to handle 2,400 people. We have roughly 1,460 people in town now.

The trailer court does not pay any taxes. The Agreement they submitted says, "The following firm, representative, agent or individual does hereby state that it has been fully disclosed to said party that in order for the Village of Gardner to properly review and evaluate requests for site plan review, subdividing, planned unit developments, zoning, rezoning, annexation, conditional permitted use, variances or other zoning relief, the Village must necessarily utilize engagement of services." Further, it says that they will pay, they will give us $3,000 up front. It also says

that anyone that does any work must be paid within 30 days. But if we get Guy Christensen involved, and they run up $75,000 worth of bills, then they sell out or go bankrupt, we would be responsible for those bills. It would be better for them to pay Guy Christensen, do their own survey, do everything they want to do, etc., and then come back to the Village and tell us their plan for our acceptance. We should not be responsible for paying attorneys or engineers. If they want to come in and put $200,000-$250,000 up front, that's fine. We've all bought property and to get it surveyed it costs between $600-$800. They gave us a check for $3,000; that is not some up-front money.

MKM Oil just sold out, hoping that someday TA might put a truck stop in, they might have a truck wash or a motel. We don't want to flood our sewer plant. When we get two or three inches of rain, we are putting gas pumps in and pumping. One pump is out that we are getting ready to get re-done and when we get the other one done we are going to be paying out around $50,000-$70,000. Also, in the month of July we made $150 on our sewer plant. In the month of August we made $6,000. We have $304,000 in the sewer plant fund.

Hileman stated that his job is to look after the Village's money. So let them (Bookwalter) spend the money, let them do the survey, let them get the variances, let them find out what it's going to cost to cross Mazon Creek, let them find out what it's going to cost to come across Interstate 55, we should not be the middle man in this. Mayor Serena wished to correct a few things – the $3,000 that they paid up front, was the minimal, that's actually in our code. Once that is exhausted, they would have to pay more. At no point in time did we ever agree to annex them in or make them part of the Village. The original talk that he was involved in months ago, was that they needed to upgrade their plant or they needed a place for the sewage to go and he agreed to talk about it. In order for Guy to do any research or for Scott to talk with their attorney, that money had to be up front. Whether it is a good deal or a bad deal, he had to bring it to the board. Comm. Hileman stated that we know what our sewer plant can handle, we paid Guy Christensen a lot of money, we paid Scott Belt when we tried to get the sub-division, we did some studies on the sewer plant. Bookwalter has problems, the EPA has been on them and they are using us as a crutch to prolong this thing. To put a mechanical plant in the size of Gardner would cost between $7 - $11 million. Christensen mentioned that might be high, but agreed it would be in the millions. Hileman stated that a $4 million bond at a 4% rate, that would be $20,000 a year in interest that would be put on 586 tax payers.

Mayor Serena mentioned that one advantage would be that, if they were to pay for this, they would be putting sewer and water on the other side of 55 for us. He told them that we would not process the water from their well. Comm. Hileman repeated his motion to kill this in its tracks, let them do their survey, let them spend their money, let them hire whatever attorney or engineer they want to hire, and then when they come with their plans, then we can have Guy look at them. We know what our sewer plant can handle. He has heard there are 160 trailers out there, he has heard 90; and doesn't know for sure. When we were in the subdivision plan, the same owners were going to buy the 27 acres behind the Grant subdivision in South Wilmington. South Wilmington could not provide them with sewer and water, and they came to us and wanted us to run sewer and water there. Why run sewer and water when you are not going to get real estate taxes; there is no money in sewer and water. There is if we raise our rates to everybody else, but he does not want to do that. If we get extra flows in that are going to cost extra money, then rates must be raised to everyone. A question was asked, whose property would we run this on. We would not buy any property, the agreement states that they would buy everything. Comm. Wolf interjected that it says that they would buy everything, pay for everything and asked, why not listen to them, who would do a $200,000 study on a "maybe." Comm. Hileman said that they would have to do it anyway, but they want us to pay the bills. Wolf said they would pay them, Hileman said it says the bills must be paid within 30 days, but it does not say when we would get our money.

Several audience members commented. Former Mayor Ray Serena brought up the point that this had been done years ago with South Wilmington to Gardner to hook up to our sanitary sewer, with no notice to us, and he found out when the state started getting permits. We spent a lot of money and he made about three trips to Springfield to stop the project. Another resident asked who would have to pay the fines when the EPA comes down us if we overflow a dike? Mayor Serena reiterated that this is preliminary. Several audience members asked, why even bother with this? The Mayor responded that we have to research when we get things like this, if he turned everything down on everybody that came into town, we wouldn't get anything. Audience comments: If we're getting something that's going to do us some good, that's one thing, but this

isn't going to do us any good. If we do this at the trailer court, and then if we get a truck stop, would we have the money to afford to run water and sewer to them? The Mayor replied that we would have to if they put something like that up there.

Hileman stated that they want to upfront the cost and that is great, but he doesn't think it can be done for a million dollars. When we get done with the storm sewer project, we're going to be about $300,000 over on that, from the high school to Route 53. If you take that amount and start going out to the trailer court you probably can't get out to Carbon Hill bridge. They are a business, they are looking at a one-time shot deal to say they have to upfront x amount of dollars to get this done. But once they get it done, they are going to turn it over to the village, so when a pump goes bad out there, we have to do pumps. We're going to spend $50,000-$60,000 down here, we've been lucky, we haven't spent a lot of money on pumps but they're 35 years old, our sewer plant is getting old, the ponds are getting filled. They're looking at a one time cost. If they have to go in with a mechanical plant out there, they have to hire somebody to look after that mechanical plant, and pay a salary of thirty-five to sixty thousand dollars a year. When you take that cost times twenty years, then you're up to that million dollars. They would not have that cost, it would come to us.

His point was that, if someone comes in with a subdivision or if TA comes in with a truck stop, they come in with plans. We have people who can look at the plans and say you can do it or you can't do it. That's what he's saying here – let them do their study, let them do their plans and bring them to us, we'll get them to proper authorities to look at them and say yes, it's a money-maker, or it's not. Sixteen years ago, we had people who were outside the village who were getting water and sewer, and that's the reason we changed that rate, because they paid no taxes. Some of them today got rid of our water, we had two other houses that decided to annex in because they didn't want to pay $125 a month while everyone else paid $35, so maybe we're getting $6 or $35 a year real estate taxes. Out there we won't get anything, it's a service.

Resident Ida Schopp made the comment, our status quo is fine, we're taking care of Gardner. That's the board's responsibility, that's why they are here. She asked that they consider their jobs, what residents voted for them to do. Another resident asked how they would get to the other side? The response was that they are going to bore under. Audience comment: The bottom line is, regardless of who pays for this, if we take them on, we're going to max our plant out of capacity, and what if we do get a TA out there? We can't support it because we won't have the capacity in our plant to take care of it. Comm. Jensen said that we don't know our maximum capacity and Hileman responded that, yes, we do know our capacity. Wolf responded that it's all going to be researched. If we can't handle it, we can't handle it. Mayor Serena stated that these are all great concerns and he appreciated everybody voicing their opinions. Building Inspector Rankovich stated that a homebuilder who wants to come into town looks at our ordinances and presents a set of plans. He will go through it, and decide yes – approved, or no, can't do this, have to change this. We have nothing (with Bookwalter). What Hileman is saying is right. Stop it tonight, tell them to go back and research it, come up with a set of plans, don't spend a dime of taxpayer's money, let them come back here with a set of plans and say this is what they'd like to do and this is what it is going to do to us if we accept it. Guy can look at it, Scott can look at it, I (Dean) can look at it, other people can look at it and say yes or no. Jensen said he was right. Let them do it and allow them the opportunity to come back, not shut them down. Hileman said, let *them* do their survey, let *them* hire Guy, let *them* hire Scott Belt, let *them* do their job and then come back to us and say this is our plan. Then we can have Guy look at it or someone else, but we should not be in the middle here. He is not trying to shut them down, he's trying to shut them down tonight because he doesn't want to have bills coming in here, and then we're paying Scott Belt to get on them to give us money to pay the bills. Mayor Serena called for a roll call on the motion and second on the floor, on whether to accept or not, and asked if the board realized what they were voting on. Hileman repeated, we're voting on his motion to not do anything else, let them do their survey and then come back to us, for us not to be the middle guy, let them do their work. Roll call - Ayes: Jensen, Hileman, Riley, Wolf, Mayor Serena. Nays: none. Motion carried.

Grundy County Sheriff's Report was delivered.

Comm. Jensen – Regarding the dip in the street at Pine & Main, Stott has been notified and will fix it.

Comm. Riley – Had four vehicles towed two and a half weeks ago for a guy who did not comply with abandoned vehicles. Does not want to have to tow vehicles or force anyone to go to court or clean yards. Asked that everyone cooperate to make Gardner look nice.

Comm. Wolf – Requested clarification from Guy Christensen regarding the IDOT permit.

Engineer Christensen –

Clerk Malinowski – Thank you received from Rodney and Bev Grant for the donation of the baseball scoreboard.

Mayor Serena – Nothing to report. Thanked everyone for coming out and voicing their concerns about Bookwalter Woods. Stated that this is at the very infant stage of even looking into this. Cannot turn his back on everything that comes around even though he doesn't think it's feasible, he has to go to the full board, explain it to them, and make a collective vote on this. There are a lot of unanswered questions but it is very, very early. This may never happen, or it may turn out that something comes of it.

At 7:45 p.m. Comm. Jensen made motion to enter into executive session for the purpose of discussion of pending litigation, authorized pursuant to 5 ILCS 120/2(c)(1) The appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body second by Riley. Roll call – Ayes: Jensen, Hileman Riley, Wolf, Mayor Serena. Nays: none. Motion carried.

At 8:55 p.m. Comm. Jensen made motion to reconvene, second by Riley. Roll call – Ayes: Jensen, Riley, Wolf, Mayor Serena. Absent: Hileman. Nays: none. Motion carried.

Mayor Serena announced that following findings during executive session, there would be a special meeting on Thursday, September 17, 2015, at 7:00 p.m. to go over more information under 5 ILCS 120/2(c)(1), The appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body, to review resumes that were submitted. Motion was made by Comm. Wolf, second by Jensen. Roll call – Ayes: Jensen, Riley, Wolf, Mayor Serena. Absent: Hileman. Nays: none. Motion carried.

As there was no further business brought before the council, a motion to adjourn was made by Comm. Jensen, second by Riley. Roll call - Ayes: Wolf, Riley, Jensen, Mayor Serena. Absent: Hileman. Nays: None. Motion carried.

Meeting was adjourned at 8:57 p.m.

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Pat Malinowski, Clerk
Village of Gardner