VILLAGE BOARD MEETING
August 22, 2016

Monday, August 22, 2016, 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 Rob Wolf, Dick Hileman, James Riley, and Mayor Mike Serena. Comm. Terry Jensen was absent. Also present was Village Engineer Guy Christensen and Village Attorney Scott Belt. All rose for the Pledge of Allegiance.

The minutes of August 8, 2016 were presented. Comm. Hileman made motion to approve the minutes as printed, second by Wolf. Roll call - Ayes: Wolf, Hileman, Riley, Mayor Serena. Nays: none. Motion carried.

A list of current bills was presented. Comm. Hileman moved to approve the payment of the bills as printed except for Call One, which seems to be around $500 too high and, if it can be corrected, it can be paid tomorrow, second by Riley. Roll call - Ayes: Wolf, Hileman, Riley, Mayor Serena. Nays: None. Motion carried.

Public Comments –

Don Phillips informed the Board that the Morris Tractor Adventure has been postponed until June, because of the NASCAR races hotel rooms are unavailable. He also questioned the Board why a business license is required in the Village for a brick-and-mortar establishment but not for a retail business such as the ice cream truck.

Agenda –

Resident Mr. Craig Parks addressed the Board regarding 250 feet of nonexistent sidewalks in front of the Gardner Restaurant and Flea Market, which would be required in order for the county to put a crosswalk between the two businesses. He requested a copy of any agreement which specifies responsibilities of the county and the village, which was provided to him by Belt.

He asked for approval in writing for his Depot Street business to be open and Mayor Serena responded that he does not need one, and there was no reason for the words “for now” at a previous meeting.

He commented on gasses coming out of pipes at Casey’s and Gardner Restaurant between 2:00 pm and 5:00 pm, when he believes the pumping station in front of Dibble’s turns on, and asked if testing of the sewer lines can be done. Mrs. Parks commented that it happens every day, but Brad Kingma stated that the pump runs for about thirty minutes to an hour once a week, and is recorded every Monday. The Mayor said that we would look into it.

Unfinished Business:

No unfinished business was presented.

Reports –

Atty. Belt –

The ICC petition has been filed and receipt has been acknowledged regarding the crossings under the jurisdiction of the Village. However, the Village did not file a petition for Main Street since the county retains jurisdiction over Main Street. Belt’s office has shared a copy of our petition to assist the county to put together a petition in fairly short order, since there are contractors in town to do the work and they are waiting for an order from ICC to begin the work. The initial response from the county is that because sidewalk construction is contemplated as part of this pedestrian crossing, their position is that it is the responsibility of the Village, however, the agreement does not indicate that. The agreement states that the

county is responsible for all improvements except the items that are then set forth in the second paragraph which were the roadway related items, signage, mowing, storm water items, etc., but the Village did not accept responsibility for sidewalks. Belt has reached out to IDOT since his perception is that we have a soft disapproval from the county at this point indicating that it they are not interested in filing a petition. Belt has received a letter from IDOT clearly indicating that a petition must be filed with ICC by the entity with jurisdiction to formally establish these new at-grade pedestrian treatments, which would be the county. A copy was shared with the county. We have information back that there is not an interest on the part of the county to file a petition and in the meantime we have reached out to ICC and IDOT to solicit their input, and we have received an email from a representative of ICC on August 22 confirming that Main Street is referred to as CH49C which is the technical name for the road which is a county road and the county would be the local agency with jurisdiction of the roadway. This information has been forwarded to the state's attorney's office for further consideration. The Village has no authority or the obligation to maintain the sidewalks as it relates to Main Street. Belt suggest a meeting with state's attorney and/or the county to resolve the issue so that there is no time delay. If we can't get them to file a petition we may have to take a look at the law to see whether or not the Village under some other argument may file a second petition regarding Main Street only, since this is one of the crossings that needs a pedestrian crossing, keeping the other three crossings separate.

Mr. Parks interjected with a statement that the county and the Village are to collaborate in the public safety and he feels that it is in the public safety to have a crosswalk where the flea market and Subway are. There are a lot of pedestrians and his three-year-old grandson walked into the street with traffic coming. He said that if he had gotten hit and there were no crosswalks, the Village would have felt the impact of that. He feels that the Village and the county need to come together to accommodate public safety on that corner.

The next item involved Mobilitie LLC request for use of the public right-of-way. The original proposal to Hileman recommended five communication towers, however, the letter to Belt indicated that there was to be only location on Depot Street. Belt requested whatever type of agreement they have in mind for his review. It needs some work, as it has blanket authority where they can pretty much do whatever, they want whenever they want anywhere within the public right-of-way. There have been different types of towers constructed in other communities, some of a decorative nature, but none of those have been submitted to Belt. Belt asked if there would be any interest in the company potentially locating the tower out at the sewer plant, and they were open to the thought. They have a computer program that generates propagation maps, which identify the best locations for placing towers, giving them the best coverage. There are two areas of interest; the first is the next level of cellular service which is 5G and the other is related to driverless cars in the future. They are interested in setting up a meeting to discuss the license agreement, location, and type of tower. They do have the ability to attach to existing utility poles, but there are very few Village-owned utility poles. Hileman stated that they originally mentioned five poles which was very attractive at $10,000, but now they have changed it to one. He agreed that a meeting should be held to discuss the payment aspect. Mayor Serena suggested setting up a meeting with Mobilitie, with Belt, the Mayor and Hileman in attendance, and then bring it back to the Board for a final vote once they have all the information. The type of structure, location, other franchise agreements need to be discussed.

He has further information regarding the Nielsen property and has requested one additional exception for closed session related to the purchase of real property.

Comm. Hileman – Nothing to report

Comm. Jensen – Absent

Comm. Riley – After sending out letters over the season, he has noticed that everyone has been keeping up with their grass and there are only a handful that need attention.

Comm. Wolf – Nothing to report

Engineer Christensen – Nothing to report

Clerk Malinowski – Nothing to report

Mayor Serena – Cautioned everyone to be aware and watch out for children now that school is back in session.

At 7:33 p.m. Comm. Hileman made motion to enter into executive session pursuant to 5ILCS 120/2(c)(11), 5ILCS 120/2(c)(1) and 5ILCS 120/2(c)(5) of The Open Meetings Act, second by Riley. Roll call - Ayes: Wolf, Hileman, Riley, Mayor Serena. Nays: None. Motion carried.

At 9:28 p.m. Comm. Hileman made motion to reconvene, second by Wolf. Roll call - Ayes: Wolf, Hileman, Riley, Mayor Serena. Nays: None. Motion carried.

As there was no further business brought before the council, a motion to adjourn was made by Comm. Riley, second by Wolf. Roll call - Ayes: Wolf, Hileman, Riley, Mayor Serena. Nays: None. Motion carried. Meeting was adjourned at 9:29 p.m.

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Pat Malinowski, Clerk
Village of Gardner