VILLAGE BOARD MEETING
March 13, 2017

Monday, March 13, 2017, at 7:00 p.m., Mayor Pro Tem Dick Hileman called to order the regular meeting of the Gardner Village Board in the Village Hall Council Chambers. Roll call – Commissioners James Riley, Rob Wolf, Terry Jensen and Mayor Pro Tem Dick Hileman. Absent: Mayor Mike Serena. Also present were Village Attorney Scott Belt and Village Engineer Guy Christensen. All stood for the Pledge of Allegiance.

The minutes of February 27, 2017 were presented. Comm. Wolf made motion to approve the minutes, second by Riley. Roll call – Ayes: Comm. Riley, Wolf, Mayor Pro Tem Hileman. Pass: Jensen. Nays: none. Motion carried.

A list of current bills was presented. Comm. Wolf moved to approve the payment of the bills as printed, second by Riley. Roll call – Ayes: Comm. Riley, Wolf, Jensen, Mayor Pro Tem Hileman. Nays: none. Motion carried.

The Treasurers Report for the month of February was presented. Comm. Jensen moved to approve the Treasurers Report, second by Wolf. Roll Call – Ayes: Riley, Wolf, Jensen, Mayor Pro Tem. Nays: none. Motion carried.

Public Comments –

Resident Mike Pokornicki addressed the board regarding water billing for the property at 112 N. Elm, which is being billed at a double rate. Mayor Pro Tem Hileman stated that the property has always been an apartment building. A previous board determined that if a property has two apartments and income is earned from it, it has been a practice in the village they would receive two water bills and garbage bills. However, since the new owners have indicated that they have no intention of renting the apartment, the rate will be changed to a single billing effective with the April 1 charges.

Resident Barbara Baker addressed the board in response to an Open Meetings Act review regarding the TIF Joint Review Board. The Attorney General's office confirmed that the Gardner TIF JRB is a "formal organizational structure of the Village" making it subject to OMA. The AG's office also determined that the November 16 event which was at the time called the required annual Gardner TIF JRB meeting was, in effect, not a meeting. Since the TIF Act mandates the JRB meet annually, and the end of the fiscal year is rapidly approaching, she asked when Gardner will be holding the TIF JRB meeting. Comm. Hileman stated that JRB members were notified of the meeting and cannot be forced to attend and the meeting will not be re-scheduled.

A deputy from the Grundy County Sheriff's department gave the report for February.

Agenda –

The Planning & Zoning Board met on March 7 and agreed to accept the current zoning map and comprehensive plan as is. Comm. Wolf made motion to accept the P & Z Board's recommendation, second by Riley. Roll call – Ayes: Comm. Riley, Wolf, Jensen, Mayor Pro Tem Hileman. Nays: none. Motion carried.

Attorney Belt reviewed specific methods by which to sell real property as provided in the Illinois Municipal Code as outlined in a letter sent to the board, in reference to the sale of the former Nielsen property. Before implementing any of them, there is a required vote of the village council to determine that the real estate is no longer necessary, appropriate, required for the use of, profitable to, or for the best interest of the village, which requires a three-fourths majority vote of the village council.

The bidding method requires a three-fourths majority and the request for bids requires publication not less than 30 days prior to the opening of the bids. Under this method the corporate authorities may accept the high bid or any other bid determined to be in the best interest of the village by a vote of three-fourths.

The next method is a declaration of surplus real estate. The statute requires that the property be appraised by a written certified appraisal, which shall be available for public inspection. The terms of determining contract proposals for surplus property (there is no bidding associated with this) are that the village can contract for no less than 80% of appraised value, with a two-thirds vote of the board.

The third method is a combination of the previous two. If a bid has not been received nor a contract offer within the 80% range of the appraisal, there is a provision which is tied to the unemployment rate. If the county has an unemployment rate as determined by the Illinois Department of Security higher than the national unemployment average as determined by the US Department of Labor for at least one month during the six months preceding the adoption of a resolution to sell the real estate, then the village board may by resolution authorize the sale either by staff of the municipality, by listing with a licensed local real estate agency or by public auction. To proceed under this method requires the resolution itself to be published once each week for three successive weeks and no sale may be conducted until at least 30 days after the first publication. The corporate authorities may accept any offer or bid determined to be in the best interest of the municipality by a vote of three-fourths.

The TIF Act grants authority to convey real estate through a request for a proposal (RFP) process. A public notice is required that puts a person on notice that they have a reasonable opportunity to submit a proposal but, according to Herb Klein, there does not need to be a specific project or developer involved; however, there does need to be a determination by the board in the ordinance to sell property under this section that the sale is in furtherance of the TIF plans and goals. There is some flexibility here if this section is used.

The bins do not need to be treated as personal property but that is actually easier, as there is a specific statute on that. The village board would have to make a determination that the personal property is no longer necessary or useful to, or for the best interest of the village. Upon that determination the board can by ordinance authorize the sale of personal property in such a manner as they may designate, with or without advertising for sale; or may authorize any municipal officer to convert that personal property into some other form that is useful to the village by using the material in the personal property, for example, a snow plow could be converted to a grader. In addition, equipment could be used as a trade in, which involves an added procedure where there has to be a published notice.

The recommended change to the Vehicle Ordinance will indicate that the vehicle be moved every seven days under its own power, and turn in a different direction. All agreed that the revision meets the intended objective, but Comm. Wolf made motion to table action on the ordinance until Mayor Serena returns, second by Hileman. Roll call – Ayes: Comm. Riley, Wolf, Mayor Pro Tem Hileman. Nays: Jensen. Motion carried.

Attorney Belt's opinion is that the Travel Reimbursement Policy should be adopted as an addition to section 9 of the Village Code General Regulations as a new chapter 9.30, titled "An Ordinance Establishing a Travel, Meals and Lodging Reimbursement Policy." He suggested adding training, licensing, permitting, and including other types of activities that may be directed by the Village Council. A maximum daily amount needs to be established. Hileman pointed out that it need to be passed by the first of April, so Belt should have it ready for the next meeting.

Belt presented to the board a draft of a letter in response to a request for an appeal of the zoning officer's decision filed by Mr. & Mrs. Terry Baker on February 22, 2017 related to the construction of a garage at 308 N. Pine. The time limit of 20 days to appeal to the Planning & Zoning Board had expired and that board lost jurisdiction as of January 18, 2017. A state statue limits the time to 45 days which would be February 12. Comm. Wolf moved to serve

the response letter to M/M Baker, second by Jensen. Roll call – Ayes: Comm. Riley, Wolf, Jensen, Mayor Pro Tem Hileman. Nays: none. Motion carried. Belt served an original and one copy of the letter to the Bakers, and stipulated that it be reflected in the minutes.

Unfinished Business:

No unfinished business was presented.

Reports –

Atty. Belt – Nothing further to report

Comm. Hileman – Directed a comment to Barb Baker that the Village of Gardner does not set up the JRB meeting. That is done by Jacobs & Associates, who handle attorney matters for TIF.

Comm. Jensen – Asked Brad if there were any problem with roads while salting.

Comm. Riley – Has ordered the playground swings which should arrive in the next few weeks.

Comm. Wolf – Nothing to report

Engineer Christensen – Plans and specifications have been completed on the storm sewer improvements for 2017. He presented the plans and reviewed them for the board.

Clerk Malinowski – A card was received from Gardner Grade School 8th grade students thanking us for allowing them to visit the Village Hall and Archives.

At 7:58 p.m. Comm. Jensen made motion to enter into executive session pursuant to 5ILCS 120/2(c)(1) of The Open Meetings Act, second by Riley. Roll Call – Ayes: Riley, Wolf, Jensen, Mayor Pro Tem Hileman. Nays – none. Motion carried.

At 8:20 p.m. Comm. Jensen made motion to reconvene, second by Riley. Roll Call – Ayes: Riley, Wolf, Jensen, Mayor Pro Tem Hileman. 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 Jensen. Roll Call – Ayes: Riley, Wolf, Jensen, Mayor Pro Tem Hileman. Nays – none. Motion carried. Meeting was adjourned at 8:21 p.m.

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Pat Malinowski, Clerk
Village of Gardner