

Matt Brolley, Village President
Tiffany Francis, Village Clerk
Stan Bond, Trustee
Pete Heinz, Trustee
Steve Jungermann, Trustee
Denny Lee, Trustee
Doug Marecek, Trustee
Theresa Sperling, Trustee



Village Board Meeting
Monday, August 22, 2016
7:00 PM, Village Hall

THIS MEETING IS BEING RECORDED AND WILL BE AVAILABLE FOR VIEWING ON THE VILLAGE YOUTUBE CHANNEL.

AGENDA

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Public Participation

Members of the public are welcome to speak at this time. Please provide the Clerk with your name, address & phone number.

- A. Public Comments (Two Minute Opportunity).
- B. Linda Pasetti-Olson Regarding a Temporary Liquor License Request.
- C. Recognition of Montgomery Fest Volunteers.

5. Consent Agenda

The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below.

- A. Minutes of the Village Board Meeting of August 8, 2016.
- B. Executive Session Minutes from August 8, 2016.
- C. Accounts Payable through August 4, 2016 in the Amount of \$332,896.86.
- D. Accounts Receivable Report for July 2016.
- E. Appointment of Beautification Committee members.
- F. Ordinance 1735 Annexing Territory, Zoning and Approving a Final Plat for Old Dominion Freight Line (Aucutt Road) (Second Reading).
- G. Ordinance 1736 Amending Section 4 of the Village's Zoning Ordinance Regarding Chain Link Fences (Second Reading).

6. Items for Separate Action

- A. Ordinance 1737 Amending Special Service Area No. 34 for Montgomery Business Center (Waiver of First and Passage on Second Reading).
- B. Ordinance 1738 Establishing a Special Service Area No. 39 for Speedway (Waiver of First and Passage on Second Reading).
- C. Ordinance 1739 Establishing a Special Service Area No. 38 for O'Reilly Auto Parts (Waiver of First and Passage on Second Reading).
- D. Ordinance 1740 Establishing a Special Service Area No. 40 for Michels Corporation (Waiver of First and Passage on Second Reading).

7. Items for Discussion

- A. Liquor License Request from 9er's Grill.
- B. Quarterly Financial Report.

8. New or Unfinished Business

*The following items are listed for discussion only.
No decision or vote will be taken during this meeting.*

9. Future Meetings

- A. Plan Commission – Thursday, September 1, 2016 at 7:00 p.m.
- B. Village Board Meeting – Monday, September 12, 2016 at 7:00 p.m.
- C. Beautification Committee – Wednesday, September 14, 2016 at 6:00 p.m.
- D. Historic Preservation Commission – Monday, September 19, 2016 at 6:30 p.m.
- E. Committee of the Whole Meeting – Tuesday, September 20, 2016 at 7:00 p.m.
- F. Village Board Meeting – Monday, September 26, 2016 at 7:00 p.m.

10. Executive Session

11. Adjournment

Village President Brolley called the meeting to order at 7:08 p.m. followed by the Pledge of Allegiance.

Roll Call

Trustee Sperling	Yea	Trustee Jungermann	Yea
Trustee Lee	Yea	Trustee Marecek	Yea
Trustee Heinz	Yea	Trustee Bond	Yea

Also present: Attorney Steve Andersson, Village Administrator Jeff Zoepfel, Chief of Police Dan Meyers, Deputy Chief Armando Sanders, Director of Public Works Todd Hoppenstedt, Director of Finance Justin VanVooren, Director of Community Development Rich Young, Engineer Peter Wallers, Members of the Press and others.

Public Participation

A. Public Comments (Two Minute Opportunity).

There were no public comments this evening.

Consent Agenda

- A. Minutes of the Village Board Meeting of July 25, 2016.**
- B. Building Report for July 2016.**
- C. Accounts Payable through August 4, 2016 in the Amount of \$332,896.86.**
- D. Cancellation of the August 16th Committee of the Whole Meeting.**

Trustee Marecek **moved to approve items A-D on the Consent Agenda.** Trustee Jungermann seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz, Trustee Jungermann voting yea.

Items for Separate Action

A. Recommendation of the Plan Commission on PC 2016-020 A, Z, FP Annexation, Rezoning and Final Plat Located West of VVF on Aucutt Road – Old Dominion Freight.

Director of Community Development Rich Young gave an overview of this item. He stated the engineers are reviewing the traffic study. Staff is recommending approval of the annexation, rezoning and final plat subject to final engineer review, review of the traffic study, and a landscape plan along with Village Attorney review. The Plan Commission concurred with the staff recommendation.

Trustee Marecek clarified that the right of way issue was resolved.

Trustee Lee moved to **approve the Recommendation of the Plan Commission on PC 2016-020 A, Z, FP Annexation, Rezoning and Final Plat Located West of VVF on Aucutt Road – Old Dominion Freight.** Trustee Marecek seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Lee, Trustee Heinz, Trustee Jungermann, Trustee Marecek Trustee Bond, Trustee Sperling voting yea.

B. Ordinance 1735 Annexing Territory, Zoning and Approving a Final Plat for Old Dominion Freight Line (Aucutt Road) (First Reading).

This is the first reading; therefore, no action was taken. President Brolley stated this item will be on the consent agenda in two weeks and welcomed them to the Village.

C. Recommendation of the Plan Commission on PC 2016-021 Z Regarding Fences - Text Amendment to Section 4 of the Zoning Ordinance.

Director Young gave an overview of this item. Staff presented a text amendment to the Plan Commission in which they concurred, for the M1 and M2 zoning districts only, to allow chain-link fencing. He then reviewed reasoning behind the acceptance of this amendment. Staff recommended approval of this item, and the Plan Commission on a vote of 5-1 recommends approval as well.

Trustee Bond inquired about the basis for the one objection. Director Young reviewed the basis for the Commissioner's objection.

Trustee Marecek moved to **approve the Recommendation of the Plan Commission on PC 2016-021 Z Regarding Fences - Text Amendment to Section 4 of the Zoning Ordinance.** Trustee Lee seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz, Trustee Jungermann voting yea.

D. Ordinance 1736 Amending Section 4 of the Village's Zoning Ordinance Regarding Chain Link Fences (First Reading).

This was a first reading, therefore, no action was taken. President Brolley inquired if there was any objection to place this item on consent in two weeks. There was no opposition from the Board.

E. Resolution 2016-008 Authorizing a Deviation to Section 12A of the Zoning Ordinance Allowing Light Fixtures to be Installed Above the Ordinance Standards on the American Crystal Property at 1601 Commerce Drive.

Director Young stated that items E-H are similar and gave an overview of each item regarding outdoor lighting. He reviewed the light pole standard for the Village in the M1 and M2 zoning district and stated that the Village has gotten several recent requests to allow for higher light poles.

American Crystal has requested that they be allowed to have 30 ft. light poles on their property to ensure safety of several areas on their property. Staff reviewed with the American Planning Association as well as surrounding communities what the average light pole standard would be for industrial areas and in general the standard was 30 ft. Therefore, staff felt the request from American Crystal was acceptable at 30 ft. Plan Commission concurred with staff on a vote of 6-0.

President Brolley inquired about discussing all requests prior to taking action on all of them. Director Young was in agreement.

After Director Young reviewed items E-H the Board had a brief discussion regarding each item.

Trustee Marecek moved to **approve the Resolution 2016-008 Authorizing a Deviation to Section 12A of the Zoning Ordinance Allowing Light Fixtures to be Installed Above the Ordinance Standards on the American Crystal Property at 1601 Commerce Drive.** Trustee Bond seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz, Trustee Jungermann voting yea.

F. Resolution 2016-009 Authorizing a Deviation to Section 12A of the Zoning Ordinance Allowing Light Fixtures to be Installed Above the Ordinance Standards on the Nexeo Property at 1501 Commerce Drive.

Director of Community Development Rich Young gave a summary of this item. He stated that Nexeo is requesting a 30 ft. height for light poles and 30 ft. for the wall lighting. He then detailed that the wall pack lighting staff is also recommending that it go to 30 ft. on buildings. Staff recommendation and Plan Commission Recommendation is for 30 ft. on wall lighting as well as 30 ft. on pole lighting.

Trustee Marecek moved to **approve the Resolution 2016-009 Authorizing a Deviation to Section 12A of the Zoning Ordinance Allowing Light Fixtures to be Installed Above the Ordinance Standards on the Nexeo Property at 1501 Commerce Drive.** Trustee Bond seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz, Trustee Jungermann voting yea.

G. Resolution 2016-010 Authorizing a Deviation to Section 12A of the Zoning Ordinance Allowing Light Fixtures to be Installed Above the Ordinance Standards on the CenterPoint Property Located at 900 Knell Road.

Director of Community Development Rich Young gave an overview of this item. He reviewed that CenterPoint is requesting 40 ft. wall lighting as well as 40 ft. pole lights. He stated that the staff recommended going with 30 ft. and 30 ft. and the Plan Commission by a vote of 4-2 felt the 40 ft. in the storage yard area and 40 ft. in the parking lot area was acceptable in this condition due to large scale coverage needed. President Brolley asked what the Plan Commission reasoning was for this particular case. Director Young reviewed the reasoning from the Plan Commission.

Trustee Marecek moved to **approve the Resolution 2016-010 Authorizing a Deviation to Section 12A of the Zoning Ordinance Allowing Light Fixtures to be Installed Above the Ordinance Standards on the CenterPoint Property Located at 900 Knell Road.** Trustee Lee seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz, Trustee Jungermann voting yea.

H. Resolution 2016-011 Authorizing a Deviation to Section 12A of the Zoning Ordinance Allowing Light Fixtures to be Installed Above the Ordinance Standards on the Old Dominion Property on Aucutt Road.

Director Young gave an overview of this item. He stated that the request is for 30 ft. high light fixtures for the parking lot in the front and 40 ft. in the rear where the storage yard would be located. He stated that the Plan Commission agreed to this request by a vote of 4-2.

Trustee Lee stated his thoughts regarding the various lighting requests and stated that he is thrilled to have these companies in Montgomery.

Director Young reviewed that he would like to review this ordinance, especially the wall lighting, to see if there needs to be an amendment made to change the lighting standards.

Trustee Jungermann stated his approval of the 40 ft. lighting in the front and the back.

Trustee Bond verified that it would be downcast lighting. Director Young stated that for the most part it would be, however, in some cases there would be some angled lighting to the storage yard or the parking area in the rear portion.

President Brolley stated his concerns that it does not interfere with the drivers on Aucutt Road if there are 40 ft. poles in the front. He then verified with Director Young that staff's recommendation was 30 ft. across the board on items E-H.

Trustee Jungermann moved to **approve the Resolution 2016-011 Authorizing a Deviation to Section 12A of the Zoning Ordinance Allowing Light Fixtures to be Installed Above the Ordinance Standards on the Old Dominion Property on Aucutt Road.** Trustee Marecek seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz voting yea.

After the vote, Director Young verified with President Brolley that for Old Dominion the approval was for 30 ft. for the front and 40 ft. for the rear.

I. Ordinance 1734 Authorizing the Execution of the Sales Tax Incentive Agreement with Inland National Development Corporation (Second Reading).

Director Young reviewed that there have been three changes made since the Board has seen the first draft of the agreement. He first stated that there are two separate property owners, Inland National Development and International Montgomery LLC and detailed which properties they own. He stated

that third item is in regards to the Board's request with wording in regards to the state's distribution of the municipal portion of the sales tax and that has been added and agreed to by Inland. Lastly, he stated that staff is recommending approval subject to Village Attorney review of the final document and moving forward as they know that Binny's is interested in getting started as soon as possible.

President Brolley appreciates that Inland is agreeable to that change.

Trustee Heinz moved to **approve the Ordinance 1734 Authorizing the Execution of the Sales Tax Incentive Agreement with Inland National Development Corporation (Second Reading)**. Trustee Bond seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Heinz, Trustee Jungermann, Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee voting yea.

J. Resolution 2016-005 Authorizing Redevelopment Projects within the US Route 30 and Fifth Street Redevelopment Project Area.

Director of Finance Justin VanVooren gave an overview of this item as well as Resolution 2016-006.

Trustee Sperling asked how many years were left on this particular TIF. Director VanVooren stated that there are about 13 years left on this TIF. Trustee Sperling verified with Director VanVooren that that the debt is going for ten years. Trustee Marecek asked if they will be using money that has already accrued. Director VanVooren stated there is about \$200,000 in the TIF fund already and the Village will utilize those funds first prior to using some of the debt.

Trustee Jungermann moved to **approve the Resolution 2016-005 Authorizing Redevelopment Projects within the US Route 30 and Fifth Street Redevelopment Project Area**. Trustee Marecek seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz voting yea.

K. Resolution 2016-006 Expressing Official Intent Regarding Certain Capital Expenditures to be Reimbursed from Proceeds of General Obligation Debt Certificates to be Issued by the Village of Montgomery.

Director of Finance Justin VanVooren gave a detailed summary of this item.

Trustee Marecek moved to **approve the Resolution 2016-006 Expressing Official Intent Regarding Certain Capital Expenditures to be Reimbursed from Proceeds of General Obligation Debt Certificates to be Issued by the Village of Montgomery**. Trustee Jungermann seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz voting yea.

L. Ordinance 1733 Authorizing and Providing for an Installment Purchase Agreement and Authorizing and Providing for the Issue of a \$352,850 Debt Certificate, Series 2016 (Waiver of First and Passage on Second Reading).

Director of Finance VanVooren stated that staff is requesting this item be tabled for the night due to various reasons. The Board was in consensus to table this item.

M. Purchase of Ammonia Analyzers for Automated Water Treatment and Chemical Feed from Hach in the Amount of \$52,024.00.

Director of Public Works Todd Hoppenstedt gave an overview of this item. He stated that he is requesting \$26,000 per facility to add ammonia and chlorine analyzers. He detailed the specifics regarding the request. He then detailed what the current request would cover for the two facilities and stated they will continue to evaluate what would be needed at each plant.

Trustee Bond moved to **approve the Purchase of Ammonia Analyzers for Automated Water Treatment and Chemical Feed from Hach in the Amount of \$52,024.00.** Trustee Marecek seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz, Trustee Jungermann, Trustee Marecek voting yea.

Items for Discussion

There were no Items for Discussion this evening.

New or Unfinished Business

Trustee Marecek asked Director Hoppenstedt for an update on the polyphosphate. Director Hoppenstedt stated that they have monitored the system since it started in June and nothing has been noted from residents. He stated he has reached out to a few residents that were having issues and he stated he is pleased to state that there have not been any complaints and there has been some improvement and good feedback. He has spoken with Mr. Kennedy and he has stated there has been some improvement.

Trustee Marecek thanked the Rotary Club for all they did with the street mural and it was great to see the community come together. Village President thanked Engineer Wallers and his staff for all the time spent setting up for the street mural.

Trustee Bond gave an overview of Montgomery's Got Talent activity that will be at Montgomery Fest this year. He then showed a short video to give a sample of the acts that will take stage.

Executive Session – Time: 7:58-8:36

- A. To Discuss the Minutes of Meetings for the Purposes of Approval by the Body of the Minutes as Mandated by Section 2.06 Pursuant to 5 ILCS 120/2(c)(21).**
- B. To Discuss Collective Negotiating Matters Pursuant to 5 ILCS 120/2 (c)(2).**
- C. To Discuss Litigation Which is Filed and Pending, Pursuant to 5 ILCS 120/2(c)(11).**

Trustee Jungermann moved to adjourn to Executive Session To Discuss the Minutes of Meetings for the Purposes of Approval by the Body of the Minutes as Mandated by Section 2.06 Pursuant to 5 ILCS 120/2(c)(21), To Discuss Collective Negotiating Matters Pursuant to 5 ILCS 120/2 (c)(2), and To Discuss Litigation Which is Filed and Pending, Pursuant to 5 ILCS 120/2(c)(11). Trustee Marecek seconded the motion.

6 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz voting yea.

Items for Separate Action

A. Report on Closed Session Minutes

Village Attorney Steve Andersson gave a summary of the Closed Session Minutes to be released.

Trustee Bond moved to approve the release of closed session minutes as stated. Trustee Sperling seconded the motion.

6 Yea. 0 No. Motion carried. Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz, Trustee Jungermann, Trustee Marecek voting yea.

Adjournment: 8:39 p.m.

Seeking no further business to come before the Board, it was moved by Trustee Heinz and seconded by Trustee Jungermann to adjourn the meeting.

6 Yea. 0 No. Motion carried. Trustee Heinz, Trustee Jungermann, Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee voting yea.

Respectfully submitted,

Tiffany Francis
Village Clerk

**Village of Montgomery
Bills to be Paid
August 22, 2016**

<u>All Departments</u>	<u>Amount</u>
AI Warren	7,876.79
Call One	1,964.39
Chase	13,913.30
EEl	66,376.64
Mickey Wilson	11,256.70
Responsive	7,249.00
Shoretel	2,639.03

Community Development/Building Department

BW Sign	228.00
Canon Financial	280.07
Cannonball	1,300.00
Chicago Tribune	318.13
Fox Metro	20.00
ThyssenKrupp	300.00

Elected Officials

American Sportswear	253.00
ASCAP	336.50
Esser Hayes	30.00
Fox Valley Park District	1,800.00
Il State Police	15.00
Integrated Print	237.40
Johnos	230.34
Midwest Awards	1,491.00
Secretary of State	10.00
United Fence	752.50
Van Duser	75.00

Finance Department/Water Billing

Azavar Audit	10,948.65
Kathleen Field Orr	500.00
Office Depot	50.78
PMA	3,593.90
Third Millennium	3,232.20
US Bank	536.12
Water Refunds	269.68

Human Resources/Payroll

Metropolitan Alliance of Police	544.00
Nationwide 457	100.00
Nationwide IRA	435.00
Rush Copley	598.00
State Disbursement Unit	957.53

Police Department

American Institute of Toxicology	400.00
AT&T	154.59
Comcast	272.01
Foremost Promotions	1,757.17
Fullers	180.00
ILEAS	120.00
Kane County Animal Control	125.00
Office Depot	175.92
Safariland	171.97
Stanard & Associates	395.00
Taser International	2,137.75
Tyler Technologies	3,417.37
Uline	52.99
Verizon	722.19
Violance Language Service	8.25

Public Works Department

Air Gas	489.90
A Touch of Glass	212.68
BDK Door	277.50
Car Reflections	250.00
Carroll Distributing	465.89
CES	355.68
Chicago Tribune	508.51
Clark Environmental	5,849.00
Coffman Truck	42.50
Communications Direct	4,167.00
ComEd	5,382.93
ComEd	65.43
Constellation	17,450.46
Crescent Electric	344.83
Edmonds	976.10
Endress & Hauser	765.37
F&C Industries	192.00
Factory Motor Parts	372.22
Feece Oil	395.38
First Place Rental	250.94
Fox Metro	2,992.04
GFC	66.27

Hach	1,198.24
HD Supply	640.40
Hoving Clean Sweep	6,214.50
IDOT	3,022.50
Kane County Water Association	195.00
Kendall County Concrete	1,050.00
Kimball Midwest	676.79
Kline's	262.50
LaFarge	542.30
McCann	179.01
Menards	958.15
Mendel	471.25
Meade	520.00
Midwest Salt	4,926.52
Nicor	164.68
Ozinga	660.00
Parent Petroleum	1,177.95
Pomp's Tire	621.10
Ralph Helm	445.00
Republic	2,130.00
Ron Westphal	292.70
Ross Mechanical	1,254.00
Rush Truck Center	715.09
Staab	44.80
Synagro	7,479.19
Traffic Control	660.25
Treasurer, IL State	57,265.24
Twin Oaks	7,748.89
Vermeer	12.42
Viking Chemical	3,952.04
Water Products	2,038.30
Water Solutions	2,131.86

Village Administrator's Office/Village Hall

CTS	4,202.00
Engler Callaway	4,600.00

Grand Total 311,134.16

VILLAGE OF MONTGOMERY - WATER DEPARTMENT

ACCOUNTS RECEIVABLE REPORT FOR JULY, 2016

ACCOUNTS RECEIVABLE BALANCE - END OF LAST MONTH	\$ 270,113.90
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WATER BILLING ACTIVITY				
	1,000 Gals.	Water Charge	Service Charge	Totals
MONTGOMERY				
Residential	61,910	\$338,028.72	\$37,705.80	\$375,734.52
Commercial & Ind.	22,477	\$122,724.42		\$122,724.42
Bulk water	76	\$1,450.08		\$1,450.08
Totals	84,463	\$462,203.22	\$37,705.80	\$499,909.02
OUT OF TOWN				
Boulder Hill Residential	24,625	\$161,293.75	\$20,920.92	\$182,214.67
Boulder Hill Commercial	2,457	\$16,093.35		\$16,093.35
Blackberry	916	\$5,999.80		\$5,999.80
Totals	27,998	\$183,386.90	\$20,920.92	\$204,307.82
WATER METER CHARGES				\$ -
TAP ON & FOOTAGE FEES				\$ -
CODE VIOLATIONS				\$ -
MISCELLANEOUS CHARGES				\$ (27.93)
TOTAL WATER BILLING	112,461	\$645,590.12	\$58,626.72	\$704,188.91

OTHER CHARGES	
SEWER	\$ 25,128.04
PENALTIES	\$ 20,301.80
BHINF	\$ 84,271.00
ADJUSTMENTS	\$ 7,956.66
MISC - GARBAGE	\$ 220,755.21
TOTAL OTHER CHARGES	\$ 358,412.71

LESS: PAYMENTS RECEIVED DURING THE MONTH	\$ 211,834.43
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ACCOUNTS RECEIVABLE BALANCE - END OF CURRENT MONTH	\$ 1,120,881.09
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MONTGOMERY PUBLIC WORKS-WATER PRODUCTION REPORT

PUMPAGE TO PLANT

WELL NO. 3		2.771	MG
WELL NO. 4		20.010	MG
WELL NO. 10		0.015	MG
WELL NO. 11		9.037	MG
WELL NO. 12		0.000	MG
WELL NO. 13		1.665	MG
SUBTOTAL		33.497	MG

DIRECT DISTRIBUTION PUMPAGE

WELL NO. 8		16.658	MG
WELL NO. 14		10.899	MG
WELL NO. 15		13.153	MG
LESS WATER USED IN PROCESS:		0.850	MG
SUBTOTAL		39.860	MG

TOTAL PUMPAGE

SUBTOTAL		73.357	MG
LESS WATER USED IN LSWTP PROCESS:			
FILTER BACKWASH		0.735	MG
CONCENTRATOR BACKWASH		0.099	MG
TOTAL TO DISTRIBUTION		72.523	MG

MONTHLY PRODUCTION SUMMARY

DAILY MAXIMUM		3.256	MG
DAILY MINIMUM		1.498	MG
DAILY AVERAGE		2.394	MG

ESTIMATED WATER DISTRIBUTION LOSS

0	2 INCH WATER MAIN BREAKS	0	GAL
0	3 INCH WATER MAIN BREAKS	0	GAL
0	4 INCH WATER MAIN BREAKS	0	GAL
0	6 INCH WATER MAIN BREAKS	0	GAL
1	8 INCH WATER MAIN BREAKS	60,800	GAL
0	10 INCH WATER MAIN BREAKS	0	GAL
0	12 INCH WATER MAIN BREAKS	0	GAL
misc. spots	HYDRANT FLUSHING	311,800	GAL
TOTAL ESTIMATE		372,600	GAL

WATER SYSTEM SERVICE/REPAIRS

0	SERVICE LINE REPAIRS
2	B-BOX REPAIRS
1	VALVE BOXES
215	PUBLIC WORKS SERVICE ORDERS
556	SHUT OFF NOTICES
109	SHUT OFFS
0	METER READS



**VILLAGE OF MONTGOMERY
REQUEST FOR BOARD OF TRUSTEES ACTION
FOR INCLUSION ON BOARD AGENDA**

- Resolution or Ordinance (Blue)
 Recommendation of Boards, Commissions & Committees (Green)
 Other Business (Pink)

To: Board of Trustees

From: Jeff Zoepfel, Village Administrator

Date: August 18, 2016

B of T Date: August 22, 2016

Subject: Appointments to the Beautification Committee

Submitted By: Matt Brolley, Village President

Background/Policy Implications:

Approval of the appointment by the Village President of the following people to the Beautification Committee for a term from August 1, 2016 through July 31, 2018 is requested.

Stan Bond, Chair, 3003 Foxmoor Drive
Marion Bond, 3003 Foxmoor Drive
Judy Brown, 214 Hartway Court
Patti Bulat, 1917 Lakeside Drive
Martha Larson, 123 James Street
Marilyn Michelini, 305 Quarry Ridge Circle, Sugar Grove
Brett Schaefer, 2081 Schoolhouse Ln, Aurora
Nancy Tranby, 317 Boulder Hill Pass
Tom Yakaitis, 173 Edgewater Court

Describe Fiscal Impact/Budget Account Number and Cost:

Review:

Village Administrator Jeff Zoepfel

NOTE: All materials must be submitted to and approved by the Village Administrator by 12:00 noon, Tuesday, prior to the Agenda distribution.



**VILLAGE OF MONTGOMERY
REQUEST FOR BOARD OF TRUSTEES ACTION
FOR INCLUSION ON BOARD AGENDA**

- Resolution or Ordinance (Blue)
 Recommendation of Boards, Commissions & Committees (Green)
 Other Business (Pink)

To: Village President and Board of Trustees

From: Jeff Zoepfel, Village Administrator

Date: August 16, 2016

B of T Date: August 22, 2016

Subject: Ordinance 1735 Annexing Territory, Zoning and Approving a Final Plat for Old Dominion Freight Line (Aucutt Road)

Submitted By: Steven A. Andersson & Laura M. Julien, Village Attorneys

Background/Policy Implications:

The attached ordinance is for the approval of the annexation, zoning, and final plat for Old Dominion Freight Line. The subject property is located on Aucutt Road west of the VVF facility. The petitioner is seeking M-2 (General Manufacturing) zoning with the proposed use of the property as a distribution center containing a principal building, private fueling center, and truck scale.

The Plan Commission recommended approval of this item at its August 4, 2016, meeting, subject to staff's recommendations as are set forth in the Plan Commission Advisory Report for this item (PC 2016-020).

Describe Fiscal Impact/Budget Account Number and Cost: N/A

Review:

Village Administrator Jeff Zoepfel

NOTE: All materials must be submitted to and approved by the Village Administrator by 12:00 noon, Thursday, prior to the Agenda distribution.



VILLAGE OF MONTGOMERY

ORDINANCE NO. 1735

**AN ORDINANCE ANNEXING TERRITORY, ZONING, AND APPROVING A FINAL PLAT FOR OLD
DOMINION FREIGHT LINE (AUCUTT ROAD)
VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS**

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
THIS ____ DAY OF _____, 2016.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES,
ILLINOIS, THIS ____ DAY OF _____, 2016.

ORDINANCE NO. 1735

**AN ORDINANCE ANNEXING TERRITORY, ZONING, AND APPROVING A FINAL PLAT FOR OLD
DOMINION FREIGHT LINE (AUCUTT ROAD)
VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

WHEREAS, the Village of Montgomery, (hereinafter referred to as the "Village") is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution, and accordingly, acts pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, the territory being annexed consists of approximately 18 acres and is legally described in **Exhibit "A"** attached hereto and incorporated herein by reference (hereinafter referred to as the "Property") which is contiguous to the corporate limits of the Village and is not presently contained within the corporate limits of any municipality and has no electors residing thereon; and,

WHEREAS, there has been filed with the Village Clerk a Petition for Annexation, (hereinafter referred to as the "Petition") pursuant to 65 ILCS 5/7-1-8 *et seq.*, signed by all of the then owners of record of the property (hereinafter referred to as the "Owner"), and by not less than 51% of the electors then residing on the property; and,

WHEREAS, the Owner of said Property desires that the property be annexed to the Village and zoned M-2 (General Manufacturing); and,

WHEREAS, the Village's Planning Commission has held a public hearing on the Petition, application for zoning, and acceptance of a final plat of the property pursuant to notice by publication in a newspaper of general circulation in the Village being published not less than 15 nor more than 30 days prior to said public hearings; and,

WHEREAS, the Planning Commission has made its report and recommendations to the Village Board which report and recommendations were for approval of the annexation, and zoning contemplated herein; and,

WHEREAS, the parties hereto acknowledge that all other matters, in addition to those specifically referred to above, have been considered, that the development of the Property, for the uses as permitted under the Zoning Ordinance of the Village will be compatible with and will further the planning objectives of the Village, will be of substantial benefit to the Village, will extend the corporate limits and jurisdiction of the Village, will permit orderly growth, planning and development of the Village, will increase the tax base of the Village, will inure to the benefit and improvement of the Village and its residents, and will otherwise enhance and promote the general welfare of the Village and its residents; and,

WHEREAS, the parties hereto acknowledge and agree that no use of the property other than the permitted uses expressly delineated in an M-2 (General Manufacturing) district have been approved by this annexation and specifically that no other special uses or variances have been discussed or approved by the Village pursuant to this annexation. Should the parties subsequently wish any subsequent special use or variance, the parties agree and acknowledge that the normal Village procedures for doing so must be complied with and that this annexation in no way grants or guarantees that any such special use and/or variance will be granted in the future; and,

WHEREAS, the Owner has also proposed a Final Plat of Annexation and Final Plat of Subdivision for said Property, which would result in an eighteen (18) acre parcel; and,

WHEREAS, the Village Board has determined that it is in the best interests of the Village to approve the plat submitted, pending the review of the Village Engineer; and,

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

SECTION ONE: ANNEXATION

That the territory legally described in **Exhibit "A"** is hereby annexed to the Village of Montgomery, Kane and Kendall Counties, Illinois. That such annexation shall extend to the far side of any territory contiguous to the territory described in **Exhibit "A"** which is dedicated or used for street or highway purposes under the jurisdiction of county or township highway department if no part of such contiguous territory is not within any other municipality.

That the Corporate Limits of the Village of Montgomery are hereby amended and extended to include the territory hereby annexed in accordance with the map of said territory attached hereto as **Exhibit "B"** and the Village Clerk is hereby authorized and directed to make such changes on Village maps.

SECTION TWO: ZONING CLASSIFICATION

That the property legally described on **Exhibit "A"** is hereby zoned and placed as follows:

M-2: General Manufacturing District

The Zoning Ordinance of the Village of Montgomery, Kane and Kendall Counties, Illinois is hereby amended to provide for said zoning classification on said property and the Village Clerk is directed to amend the zoning map of the Village of Montgomery to reflect this amendment.

SECTION THREE: FINAL PLAT

The Final Plat of Annexation and the Final Plat of Old Dominion Freight Line Subdivision are hereby approved pending the Village Engineer's final review.

SECTION FOUR: RECORDING AND NOTICE

The Village Clerk is hereby authorized to record this Ordinance along with all exhibits and a map of the territory being annexed in the Office of the Recorder of the appropriate county and to file copies with the County Clerk, the County Election Authority and to the Branch of the United States Post Office servicing the territory hereby annexed.

SECTION FIVE: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its approval, passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois this ____ day of _____, 2016.

Matthew Brolley
President of the Board of Trustees of the Village of Montgomery

ATTEST:

Tiffany Francis
Village Clerk of the Village of Montgomery

	Aye	Nay	Absent	Abstain
Trustee Stan Bond	___	___	___	___
Trustee Pete Heinz	___	___	___	___
Trustee Steve Jungermann	___	___	___	___
Trustee Denny Lee	___	___	___	___
Trustee Doug Marecek	___	___	___	___
Trustee Theresa Sperling	___	___	___	___
Village President Matthew Brolley	___	___	___	___

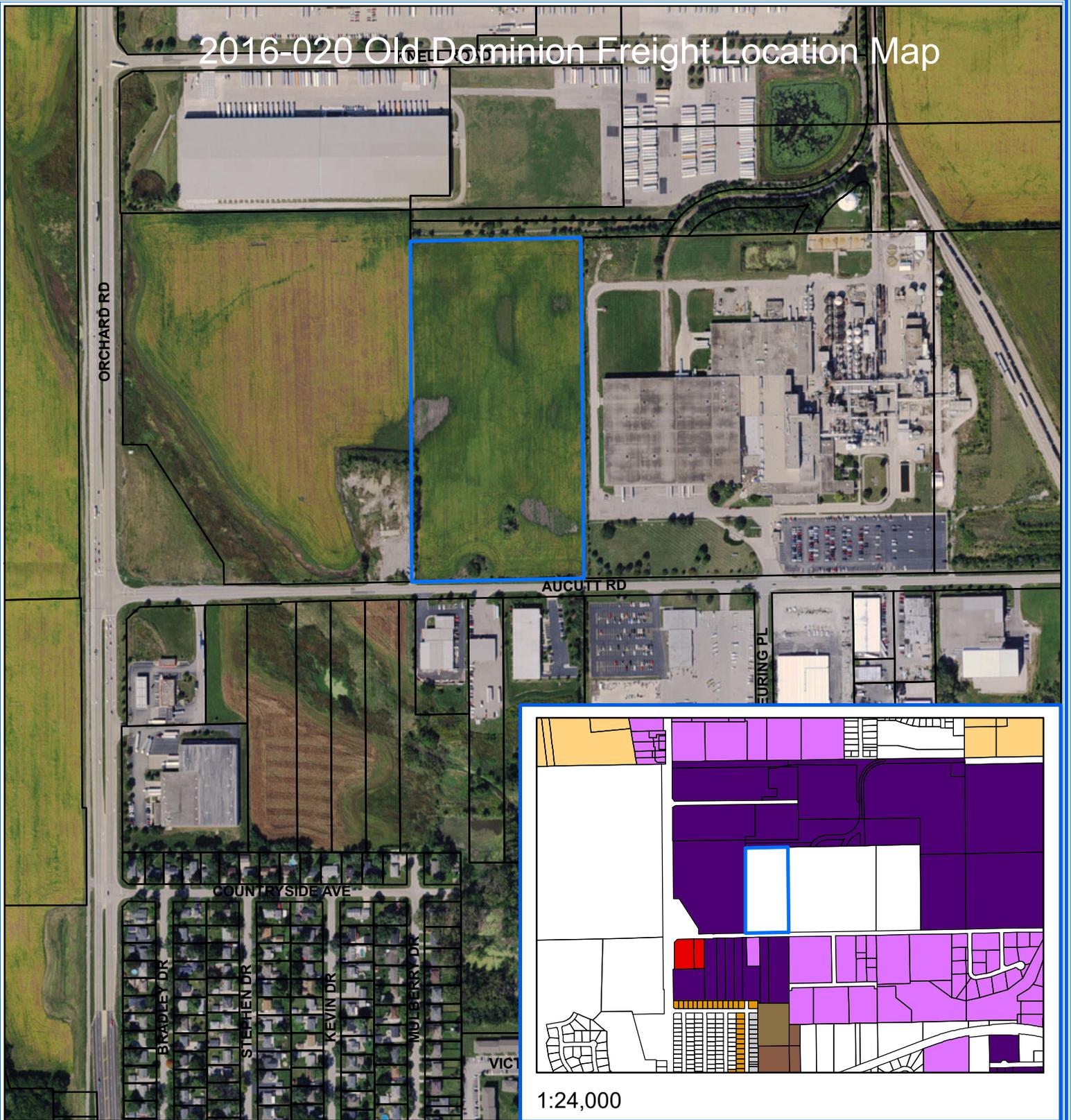
Exhibit "A"

Legal Description

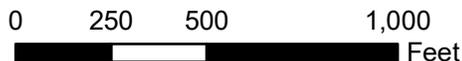
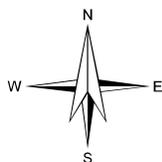
THAT PART OF THE NORTHWEST QUARTER OF FRACTIONAL SECTION 31, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST OF SAID NORTHWEST QUARTER OF FRACTIONAL SECTION 31 PER MONUMENT RECORD 1748266; THENCE SOUTH 00 DEGREES 09 MINUTES 53 SECONDS WEST (BEARINGS ASSUMED FOR DESCRIPTION PURPOSES), 1299.37 FEET TO THE SOUTHEAST CORNER OF PROPERTY DESCRIBED PER DOCUMENT 2004K126528, BEING COINCIDENT TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED PER DOCUMENT 986002; THENCE SOUTH 88 DEGREES 36 MINUTES 52 SECONDS WEST, 81.45 FEET ALONG THE SOUTH LINE OF PROPERTY PER DOCUMENT 2004K126528 TO THE POINT OF BEGINNING; THENCE SOUTH 01 DEGREES 03 MINUTES 41 SECONDS EAST, 1302.96 FEET TO THE NORTH LINE OF AUCUTT ROAD, BEING A LINE THAT IS 66 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER (SAID POINT BEING 53.55 FEET WEST), AS MEASURED ALONG SAID NORTH LINE, OF THE SOUTHEAST CORNER OF PARCEL ONE AS DESCRIBED IN DOCUMENT 2009K005446; THENCE SOUTH 88 DEGREES 55 MINUTES 53 SECONDS WEST, 616.45 FEET ALONG SAID NORTH LINE TO THE WEST LINE OF THE PROPERTY DESCRIBED PER DOCUMENT 2004K009185; THENCE NORTH 00 DEGREES 09 MINUTES 53 SECONDS EAST, 1300.00 FEET ALONG SAID WEST LINE PARALLEL WITH EAST LINE OF SAID NORTHEAST QUARTER TO THE SOUTH LINE OF THE PROPERTY DESCRIBED PER DOCUMENT 2004K126528; THENCE NORTH 88 DEGREES 36 MINUTES 52 SECONDS EAST, 588.64 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

Exhibit "B"
Map of Property

2016-020 Old Dominion Freight Location Map



Village of Montgomery
 200 N. River Street
 Montgomery, IL 60538
 630-896-8080



Legend

- MD MILL DISTRICT
- B-1 LOCAL RETAIL BUSINESS DISTRICT
- B-2 GENERAL RETAIL BUSINESS DISTRICT
- B-3 GENERAL AUTOMOTIVE AND WHOLESALE BUSINESS DISTRICT
- FLOOD
- M-1 LIMITED MANUFACTURING DISTRICT
- M-2 GENERAL MANUFACTURING DISTRICT
- R-2 ONE-FAMILY RESIDENCE DISTRICT
- R-3 TRADITIONAL NEIGHBORHOOD RESIDENCE DISTRICT
- R-4 TRADITIONAL NEIGHBORHOOD RESIDENCE DISTRICT
- R-5A TWO-FAMILY RESIDENCE DISTRICT
- R-5B ATTACHED SINGLE FAMILY RESIDENCE DISTRICT
- R-6 MULTIPLE FAMILY RESIDENCE DISTRICT

This information is for reference purposes only and the Village of Montgomery is not responsible for its accuracy

July 28, 2016



**VILLAGE OF MONTGOMERY
REQUEST FOR BOARD OF TRUSTEES ACTION
FOR INCLUSION ON BOARD AGENDA**

- Resolution or Ordinance (Blue)
 Recommendation of Boards, Commissions & Committees (Green)
 Other Business (Pink)

To: Village President and Board of Trustees

From: Jeff Zoepfel, Village Administrator

Date: August 16, 2016

B of T Date: August 22, 2016

Subject: Ordinance 1736 Amending Section 4 of the Village's Zoning Ordinance Regarding Chain Link Fences

Submitted By: Steven A. Andersson & Laura M. Julien

Background/Policy Implications:

The enclosed text amendment provides for the use of galvanized chain link fencing in the Village's Manufacturing Districts rather than requiring black vinyl coated chain link. The Plan Commission reviewed this item on August 4, 2016, and recommended approval.

Describe Fiscal Impact/Budget Account Number and Cost:

N/A

Review:

Village Administrator Jeff Zoepfel

NOTE: All materials must be submitted to and approved by the Village Administrator by 12:00 noon, Thursday, prior to the Agenda distribution.



VILLAGE OF MONTGOMERY

ORDINANCE NO. 1736

**AN ORDINANCE AMENDING
SECTION 4(d)(ii) OF THE VILLAGE ZONING ORDINANCE
OF THE VILLAGE OF MONTGOMERY, ILLINOIS
(CHAIN LINK FENCES – NON-RESIDENTIAL DISTRICTS)**

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
THIS ____ DAY OF _____, 2016.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES,
ILLINOIS, THIS ____ DAY OF _____, 2016.

ORDINANCE NO. 1736

**AN ORDINANCE AMENDING
SECTION 4(d)(ii) OF THE VILLAGE ZONING ORDINANCE
OF THE VILLAGE OF MONTGOMERY, ILLINOIS
(CHAIN LINK FENCES – NON-RESIDENTIAL DISTRICTS)**

BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

WHEREAS, the Village of Montgomery is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, the Village of Montgomery Board of Trustees finds that it is in the best interests of the citizens of the Village of Montgomery to amend Section 4(c)(ii) (Chain Link Fences – Non-Residential Districts) of the Village’s Zoning Ordinance to allow galvanized chain link fences in the Village’s Manufacturing Districts; and,

WHEREAS, the Village of Montgomery Board of Trustees has determined that amending the Village’s Zoning Ordinance in this manner will help provide greater flexibility for property and business owners throughout the Village; and,

WHEREAS, The Village of Montgomery Board of Trustees finds that allowing galvanized fencing will not alter the essential character of the Manufacturing Districts.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

SECTION ONE:

Section 4(d)(ii) (Chain Link Fences – Non-Residential Districts) shall be amended to read as follows. All other provisions shall remain in full force and effect:

Except as otherwise permitted in this ordinance, annexation agreements, Planned Unit Developments, or any other development related agreements or ordinances, chain link fences shall be permitted as indicated in the Non-Residential Chain Link Fence Table for the uses identified. For public park and school property, landscaping shall only be required for perimeter fencing and not for tennis courts, ball fields, basketball courts, etc. Landscaping shall be placed between the property line and the fence for screening purposes. Chain link fences may also be used (without complying with the design requirements of black vinyl coating and landscaping) for temporary fencing off of areas of construction and utility work or other similar temporary uses pursuant to a valid building permit as approved by the Director of Community Development.

Use	Yard	Chain Link
Non-Residential	Front	Not Permitted
	Corner Side	Not Permitted
	Interior Side adjacent to non-residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(2)(b)
	Rear adjacent to non-residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(2)(b)
	Interior Side adjacent to residential district	Not Permitted
	Rear adjacent to residential district	Not Permitted
	Buildable Area	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(2)(b)
Public or Private Utilities (water, gas, electric etc.)	Front	Not Permitted
	Corner Side	Not Permitted
	Interior Side adjacent to non-residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(2)(b)
	Rear adjacent to non-residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(2)(b)
	Interior Side adjacent to residential district	Not Permitted
	Rear adjacent to residential district	Not Permitted
	Buildable Area	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(2)(b)
Public Parks or Schools	Front	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(3)(b)
	Corner Side	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(3)(b)
	Interior Side adjacent to non-residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(3)(b)
	Rear adjacent to non-residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(3)(b)

Use	Yard	Chain Link
	Interior Side adjacent to residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(3)(b)
	Rear adjacent to residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(3)(b)
	Buildable Area	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(3)(b)

SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its approval, passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois this ____ day of _____, 2016.

 Matthew Brolley
 President of the Board of Trustees of the Village of Montgomery

ATTEST:

 Tiffany Francis
 Clerk of the Village of Montgomery

	Aye	Nay	Absent	Abstain
Trustee Stan Bond	___	___	___	___
Trustee Pete Heinz	___	___	___	___
Trustee Steve Jungermann	___	___	___	___
Trustee Denny Lee	___	___	___	___
Trustee Doug Marecek	___	___	___	___
Trustee Theresa Sperling	___	___	___	___
Village President Matthew Brolley	___	___	___	___



**VILLAGE OF MONTGOMERY
REQUEST FOR BOARD OF TRUSTEES ACTION
FOR INCLUSION ON BOARD AGENDA**

- Resolution or Ordinance (Blue)
 Recommendation of Boards, Commissions & Committees (Green)
 Other Business (Pink)

To: Village President and Board of Trustees

From: Jeff Zoepfel, Village Administrator

Date: August 18, 2016

B of T Date: August 22, 2016

Subject: Ordinance 1737 Amending Special Service Area No. 34 for Montgomery Business Center

Submitted By: Jerad Chipman

Background/Policy Implications:

The attached is an establishing ordinance for the amendment to a Special Service Area previously established for Montgomery Business Center. The formation of this Special Service Area will authorize the maintenance and repair and replacement of the items and services designated therein. The passage of the establishing ordinance is the last step in accomplishing the Area's creation.

Describe Fiscal Impact/Budget Account Number and Cost:

N/A

Review:

Village Administrator Jeff Zoepfel

NOTE: All materials must be submitted to and approved by the Village Administrator by 12:00 noon, Thursday, prior to the Agenda distribution.



VILLAGE OF MONTGOMERY

ORDINANCE NO. 1737

**AN ORDINANCE AMENDING SPECIAL SERVICE AREA #34
(MONTGOMERY BUSINESS CENTER)
VILLAGE OF MONTGOMERY
KANE AND KENDALL COUNTIES, ILLINOIS**

PASSED BY THE PRESIDENT AND
BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
THIS ___ DAY OF _____, 2016.

PUBLISHED IN PAMPHLET FORM
BY AUTHORITY OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES,
ILLINOIS, THIS _____ DAY OF _____, 2016.

ORDINANCE NO. 1737

**AN ORDINANCE AMENDING SPECIAL SERVICE AREA #34
(MONTGOMERY BUSINESS CENTER)
VILLAGE OF MONTGOMERY
KANE AND KENDALL COUNTIES, ILLINOIS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows;

WHEREAS, the Village of Montgomery is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, pursuant to the provisions of the 1970 Constitution of the State of Illinois, the Village of Montgomery, Kane and Kendall Counties, Illinois (the “Village”), is authorized to create special service areas in and for the Village; and

WHEREAS, special service areas are established by non-home rule units pursuant to Section 7(6) of Article VII of the Illinois Constitution, which provides that–

[M]unicipalities...which are not home rule units shall have...powers...to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services;

and are established “in the manner provided by law” pursuant to the provisions of “AN ACT to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties,” approved September 21, 1973, as amended, and pursuant to the Revenue Act of 1939 of the State of Illinois, as amended; and

WHEREAS, on September 22, 2008, the Village Board of the Village of Montgomery enacted An Ordinance Establishing a Backup Special Service Area No. 34 for Montgomery Business Center in the Village of Montgomery, Illinois; and

WHEREAS, it is in the public interest that the area hereinafter described as a special service area for the purposes set forth herein and designated as the Montgomery Business Center Special Service Area of the Village (the “Area”), be amended; and

WHEREAS, the Area is compact and contiguous, totally within the corporate limits of the Village; and

WHEREAS, the Area will benefit specially from the municipal services to be provided by the Village (the “Services”), and the Services are unique and in addition to the services

provided to the Village as a whole, and it is, therefore, in the best interests of the Village that the establishment of the area be considered; and

WHEREAS, it is in the public interest that the levy of a direct annual *ad valorem* tax upon all taxable property within the Area be considered for the purpose of paying the cost of providing the Services; and

WHEREAS, the revenue from such tax shall be used solely and only for Services for which the Village is authorized under the provisions of the Illinois Municipal Code, as amended, to levy taxes or special assessments or to appropriate the funds of the Village, all of the Services to be in and for the Area and all of the necessary construction and maintenance to be on property now owned or to be acquired by the Village, or property in which the Village will obtain an interest sufficient for the provision of the services; and

WHEREAS, a public hearing was held at 7:00 p.m., on 13th day of June, 2016, in the Village Hall for the Village of Montgomery, Kane County, Illinois (the "Hearing"), to consider the establishment of the Area for the purpose of providing the Services and the levy of an additional direct annual *ad valorem* tax for the purpose of paying the cost thereof, all as substantially described in the Notice of Public Hearing attached hereto as Exhibit "B" (the "Notice"); and

WHEREAS, the Notice has been given by publication and mailing. Notice by publication was given by publication on a date, such date being not less than 15 days prior to the Hearing, in a newspaper of general circulation within the Village, there being no newspaper published therein. Notice by mailing was given by depositing the Notice in the United States Mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the Area. The Notice was mailed not less than 10 days prior to the time set for the Hearing. In the event taxes for the last preceding year not paid, the Notice was sent to the person last listed on the tax rolls prior to that year as the owner of said property.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

SECTION ONE: INCORPORATION OF PREAMBLES

The preambles of this ordinance are hereby incorporated into this text as if set out herein in full.

SECTION TWO: ESTABLISHMENT AND AMENDMENT OF SSA

- (a) That it is in the public interest that the territory hereinafter described in the Notice referred to in Section One hereof be established as Special Service Area No. 12 for the purposes set forth herein. An accurate map of said territory is attached hereto as Exhibit "A-1".
- (b) That said Area is compact and contiguous.

- (c) That said Area is zoned for manufacturing and will benefit specially from the municipal services which may be provided and that said proposed municipal services are unique and in addition to municipal services provided by the Village of Montgomery as a whole; and it is, therefore, in the best interest of said Area and the Village of Montgomery as a whole that special taxes be levied against said Area for the services to be provided.
- (d) That the Village of Montgomery Special Service Area No. 34 be and is hereby amended for and with regard to the aforesaid territory.

SECTION THREE: PURPOSE OF SSA AND MAXIMUM LEVY

The purpose of the amendment to Special Service Area No. 34 in general is to authorize the maintenance, repair and replacement of all private roads, streets, parking lot areas, sidewalks, walkways, bike paths, curbing, lighting, neighborhood monument signage or similar markers, and any and all other open spaces within the designated area, as well as to authorize the implementation and continuation of a mosquito abatement program in the Special Service Area. This authorization for maintenance, repair and replacement shall also extend to storm water detention basins, Special Management Areas, storm sewer, and related areas and appurtenances, both on and off site.

It is further provided that all necessary landscaping, including, but not limited to, mowing, fertilizing, pruning and trimming of trees and bushes, maintenance (including removal and replacement), repair of any berm, and any and all other natural landscaping shall be encompassed within this purpose. The proposed municipal services herein are unique and are in addition to those provided by the Village generally. All actions performed pursuant to this provision shall be completed in accordance with the final engineering plan and final plat of subdivision for the Area, as well as any applicable Village Ordinance and/or State and Federal law.

Annual taxes shall be assessed and levied for said special municipal services in said Area, on property in said Area in addition to all other municipal taxes; provided that the special annual tax shall be levied upon the equalized assessed value of the property in said Area in an amount not to exceed annual rate of one-hundred and ten one-hundredths percent (1.1%, being 110¢ per \$100) of the equalized assessed valuation thereof. This tax shall be levied for an indefinite period of time commencing during and in the years subsequent to the date of this Ordinance, as hereinafter provided. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be “dormant”, and shall take effect only if the applicable owners association or property owner fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some of all of said responsibilities. The Village shall not activate the Special Service Area unless the Village has given the landowner 30 days prior written notice of the defects complained of (via certified mail) to the property address, and an additional 30 days has thereafter expired in which the responsibilities of the landowner have not been fulfilled (or substantial action has not been taken, if complete compliance would reasonably take more than 30 days). However, the Village may annually levy

hereunder up to the maximum rate specified herein for the cost for the said services, as said services become necessary and are provided for.

SECTION FOUR:

That this ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

SECTION FIVE:

That all ordinances or parts of ordinances thereof in conflict therewith are hereby repealed to the extent of any such conflict.

SECTION SIX:

That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, this __ day of _____, 2016.

Matthew Brolley,
President of the Board of Trustees of the Village of Montgomery

ATTEST:

Tiffany Francis,
Clerk of the Village of Montgomery

	Aye	Nay	Absent	Abstain
Trustee Stan Bond	___	___	___	___
Trustee Doug Marecek	___	___	___	___
Trustee Pete Heinz	___	___	___	___
Trustee Steve Jungermann	___	___	___	___
Trustee Denny Lee	___	___	___	___
Trustee Theresa Sperling	___	___	___	___
President Matthew Brolley	___	___	___	___

EXHIBIT A
SSA 34
MONTGOMERY BUSINESS CENTER
LEGAL DESCRIPTION

Permanent Real Estate Index Numbers:

15-31-200-024
15-31-240-001
15-31-240-002
15-31-240-003
15-31-240-004
15-31-250-001
15-31-250-002
15-32-100-015
15-32-100-016
15-32-104-001

Legal Description:

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 31 AND THE NORTHWEST QUARTER OF SECTION 32, ALL IN TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT WEST QUARTER CORNER OF SAID SECTION 32 PER MONUMENT RECORDED MAY 15; 1997 AS DOCUMENT NUMBER 97K031239; THENCE SOUTH 88 DEGREES 56 MINUTES 40 SECONDS WEST (BEING AN ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER 1344.40 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 00 SECONDS EAST ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF ARMOUR AND COMPANY PER DOCUMENT NUMBER 986022 RECORDED SEPTEMBER 06, 1962, A DISTANCE OF 33.01 FEET TO A POINT ON A LINE 33.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE; THENCE NORTH 88 DEGREES 56 MINUTES 40 SECONDS EAST ALONG SAID PARALLEL LINE 670.15 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE DIAL CORPORATION PER DOCUMENT NUMBER 96K069292 RECORDED SEPTEMBER 27, 1996; THENCE NORTH 00 DEGREES 11 MINUTES 00 SECONDS EAST ALONG LAST DESCRIBED LINE 1733.50 FEET TO A POINT ON A LINE 400.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF ARMOUR AND COMPANY PER DOCUMENT NUMBER 986022 RECORDED SEPTEMBER 06, 1962; THENCE SOUTH 88 DEGREES 56 MINUTES 40 SECONDS WEST ALONG SAID PARALLEL LINE 868.83 FEET TO A POINT ON A LINE 15.00 FEET EAST OF AND PARALLEL WITH THE CENTERLINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S TRACK NUMBER 631 PER DOCUMENT NUMBER 1971543 RECORDED MAY 3, 1986; THENCE ALONG SAID PARALLEL LINE FOR THE NEXT 2 CALLS; (1) THENCE NORTH 01 DEGREES 06 MINUTES 33 SECONDS WEST 480.84 FEET TO A POINT OF CURVATURE; (2) THENCE NORTHEASTERLY 543.94 FEET ALONG THE

ARC OF A TANGENT CIRCLE TO THE RIGHT, HAVING A RADIUS OF 344.85 FEET AND WHOSE CHORD BEARS NORTH 44 DEGREES 04 MINUTES 40 SECONDS EAST 489.28 FEET TO A POINT OF TANGENCY AND ALSO BEING A POINT 15.00 SOUTH OF AND PARALLEL WITH CENTERLINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S TRACK NUMBER 68 PER DOCUMENT NUMBER 1971543; THENCE NORTH 89 DEGREES 15 MINUTES 53 SECONDS EAST ALONG SAID PARALLEL LINE 995.02 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 55 SECONDS EAST ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER 204.18 FEET TO A POINT ON A LINE 269.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 20 MINUTES 13 SECONDS EAST ALONG SAID PARALLEL LINE 209.00 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 02 MINUTES 55 SECONDS WEST 169.08 FEET TO A POINT ON A LINE 50.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S TRACK NUMBER 68 PER DOCUMENT NUMBER 1971543; THENCE NORTH 88 DEGREES 42 MINUTES 18 SECONDS EAST 1910.23 FEET TO A POINT ON THE WEST LINE OF THE PARCEL DESCRIBED IN DOCUMENT NUMBER 1075640 RECORDED AUGUST 23, 1966; THENCE SOUTH 01 DEGREES 17 MINUTES 37 SECONDS EAST ALONG SAID WEST LINE 1280.57 FEET TO THE SOUTH LINE OF SAID PARCEL; THENCE NORTH 88 DEGREES 43 MINUTES 02 SECONDS EAST ALONG SAID SOUTH LINE AND THE SOUTH LINE OF THE UN-NAMED ROAD PER DOCUMENT NUMBER 968712 RECORDED JANUARY 17, 1962 A DISTANCE OF 724.10 FEET TO THE NORTHWEST CORNER OF KNELL ROAD PER DOCUMENT NUMBER 1063605 RECORDED FEBRUARY 10, 1966; THENCE SOUTH 01 DEGREES 17 MINUTES 55 SECONDS EAST ALONG THE WEST LINE OF KNELL ROAD 66.00 FEET TO THE SOUTHWEST CORNER OF SAID KNELL ROAD; THENCE SOUTH 88 DEGREES 42 MINUTES 05 SECONDS WEST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF KNELL ROAD 20.81 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 34 MINUTES 50 SECONDS EAST ALONG SAID EAST LINE 8.89 FEET TO NORTHEAST CORNER OF THE WILLAMETTE VALLEY LUMBER COMPANY PARCEL PER DOCUMENT NUMBER 1080324 RECORDED NOVEMBER 16, 1966; THENCE SOUTH 88 DEGREES 47 MINUTES 25 SECONDS WEST ALONG THE NORTH LINE OF THE WILLAMETTE VALLEY LUMBER COMPANY PARCEL 749.78 FEET TO THE NORTHWEST CORNER OF THE WILLAMETTE VALLEY LUMBER COMPANY PARCEL; THENCE SOUTH 01 DEGREES 17 MINUTES 09 SECONDS EAST ALONG THE WEST LINE OF THE WILLAMETTE VALLEY LUMBER COMPANY PARCEL 699.99 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 01 DEGREES 20 MINUTES 19 SECONDS EAST 495.15 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 41 MINUTES 59 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER 1919.34 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY ILLINOIS.

EXHIBIT A-1

**SSA 34
MONTGOMERY BUSINESS CENTER
LOCATION MAP**

[MAP ON FOLLOWING PAGE]

EXHIBIT B
SSA 34
MONTGOMERY BUSINESS CENTER
NOTICE OF HEARING

NOTICE OF HEARING
VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
PROPOSED AMENDMENT TO SPECIAL SERVICE AREA NO. 34
MONTGOMERY BUSINESS CENTER
(KANE COUNTY)

NOTICE IS HEREBY GIVEN that on the 13th day of June, 2016, at 7:00 p.m., in the Village Hall for the Village of Montgomery, Kane and Kendall Counties, Illinois, a hearing will be held by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, to consider an amendment to Special Service Area No. 34 (“the Area”) consisting of the following described territory:

LEGAL DESCRIPTION:

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 31 AND THE NORTHWEST QUARTER OF SECTION 32, ALL IN TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT WEST QUARTER CORNER OF SAID SECTION 32 PER MONUMENT RECORDED MAY 15; 1997 AS DOCUMENT NUMBER 97K031239; THENCE SOUTH 88 DEGREES 56 MINUTES 40 SECONDS WEST (BEING AN ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER 1344.40 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 00 SECONDS EAST ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF ARMOUR AND COMPANY PER DOCUMENT NUMBER 986022 RECORDED SEPTEMBER 06, 1962, A DISTANCE OF 33.01 FEET TO A POINT ON A LINE 33.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE; THENCE NORTH 88 DEGREES 56 MINUTES 40 SECONDS EAST ALONG SAID PARALLEL LINE 670.15 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE DIAL CORPORATION PER DOCUMENT NUMBER 96K069292 RECORDED SEPTEMBER 27, 1996; THENCE NORTH 00 DEGREES 11 MINUTES 00 SECONDS EAST ALONG LAST DESCRIBED LINE 1733.50 FEET TO A POINT ON A LINE 400.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF ARMOUR AND COMPANY PER DOCUMENT NUMBER 986022 RECORDED SEPTEMBER 06, 1962; THENCE SOUTH 88 DEGREES 56 MINUTES 40 SECONDS WEST ALONG SAID PARALLEL LINE 868.83 FEET TO A POINT ON A LINE 15.00 FEET EAST OF AND PARALLEL WITH THE CENTERLINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY’S TRACK NUMBER 631 PER DOCUMENT NUMBER 1971543 RECORDED MAY 3, 1986; THENCE ALONG SAID PARALLEL LINE FOR THE NEXT 2 CALLS; (1) THENCE NORTH 01 DEGREES 06 MINUTES 33 SECONDS WEST 480.84 FEET TO A POINT OF CURVATURE; (2) THENCE NORTHEASTERLY 543.94 FEET ALONG THE ARC OF A TANGENT CIRCLE TO THE

RIGHT, HAVING A RADIUS OF 344.85 FEET AND WHOSE CHORD BEARS NORTH 44 DEGREES 04 MINUTES 40 SECONDS EAST 489.28 FEET TO A POINT OF TANGENCY AND ALSO BEING A POINT 15.00 SOUTH OF AND PARALLEL WITH CENTERLINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S TRACK NUMBER 68 PER DOCUMENT NUMBER 1971543; THENCE NORTH 89 DEGREES 15 MINUTES 53 SECONDS EAST ALONG SAID PARALLEL LINE 995.02 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 55 SECONDS EAST ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER 204.18 FEET TO A POINT ON A LINE 269.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 20 MINUTES 13 SECONDS EAST ALONG SAID PARALLEL LINE 209.00 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 02 MINUTES 55 SECONDS WEST 169.08 FEET TO A POINT ON A LINE 50.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S TRACK NUMBER 68 PER DOCUMENT NUMBER 1971543; THENCE NORTH 88 DEGREES 42 MINUTES 18 SECONDS EAST 1910.23 FEET TO A POINT ON THE WEST LINE OF THE PARCEL DESCRIBED IN DOCUMENT NUMBER 1075640 RECORDED AUGUST 23, 1966; THENCE SOUTH 01 DEGREES 17 MINUTES 37 SECONDS EAST ALONG SAID WEST LINE 1280.57 FEET TO THE SOUTH LINE OF SAID PARCEL; THENCE NORTH 88 DEGREES 43 MINUTES 02 SECONDS EAST ALONG SAID SOUTH LINE AND THE SOUTH LINE OF THE UN-NAMED ROAD PER DOCUMENT NUMBER 968712 RECORDED JANUARY 17, 1962 A DISTANCE OF 724.10 FEET TO THE NORTHWEST CORNER OF KNELL ROAD PER DOCUMENT NUMBER 1063605 RECORDED FEBRUARY 10, 1966; THENCE SOUTH 01 DEGREES 17 MINUTES 55 SECONDS EAST ALONG THE WEST LINE OF KNELL ROAD 66.00 FEET TO THE SOUTHWEST CORNER OF SAID KNELL ROAD; THENCE SOUTH 88 DEGREES 42 MINUTES 05 SECONDS WEST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF KNELL ROAD 20.81 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 34 MINUTES 50 SECONDS EAST ALONG SAID EAST LINE 8.89 FEET TO NORTHEAST CORNER OF THE WILLAMETTE VALLEY LUMBER COMPANY PARCEL PER DOCUMENT NUMBER 1080324 RECORDED NOVEMBER 16, 1966; THENCE SOUTH 88 DEGREES 47 MINUTES 25 SECONDS WEST ALONG THE NORTH LINE OF THE WILLAMETTE VALLEY LUMBER COMPANY PARCEL 749.78 FEET TO THE NORTHWEST CORNER OF THE WILLAMETTE VALLEY LUMBER COMPANY PARCEL; THENCE SOUTH 01 DEGREES 17 MINUTES 09 SECONDS EAST ALONG THE WEST LINE OF THE WILLAMETTE VALLEY LUMBER COMPANY PARCEL 699.99 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 01 DEGREES 20 MINUTES 19 SECONDS EAST 495.15 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 41 MINUTES 59 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER 1919.34 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY ILLINOIS.

The approximate location is: North of Aucutt Road and West of the current terminus of Knell Road in Kane County, Illinois.

The Permanent Index Numbers of the properties located within the Area are as follows:

15-31-200-024
15-31-240-001
15-31-240-002
15-31-240-003
15-31-240-004
15-31-250-001
15-31-250-002
15-32-100-015
15-32-100-016
15-32-104-001

All interested persons, including all persons owning taxable real property located within the Area, will be given an opportunity to be heard at the hearing regarding the establishment of the Area.

The purpose of the amendment to Special Service Area No. 34 in general is to authorize the maintenance, repair and replacement of all private roads, streets, parking lot areas, sidewalks, walkways, bike paths, curbing, lighting, neighborhood monument signage or similar markers, and any and all other open spaces within the designated area, as well as to authorize the implementation and continuation of a mosquito abatement program in the Special Service Area. This authorization for maintenance, repair and replacement shall also extend to storm water detention basins, Special Management Areas, storm sewer, and related areas and appurtenances, both on and off site.

It is further provided that all necessary landscaping, including, but not limited to, mowing, fertilizing, pruning and trimming of trees and bushes, maintenance (including removal and replacement), repair of any berm, and any and all other natural landscaping shall be encompassed within this purpose. The proposed municipal services herein are unique and are in addition to those provided by the Village generally. All actions performed pursuant to this provision shall be completed in accordance with the final engineering plan and final plat of subdivision for the Area, as well as any applicable Village Ordinance and/or State and Federal law.

The levy of an annual tax of not to exceed an annual rate of one-hundred and ten one-hundredths percent (1.1%, being 110¢ per \$100) of the equalized assessed value of the property shall be imposed on the proposed Area, with said tax to be levied on the Area for an indefinite period of time from and after the date of the Ordinance establishing said Area. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be “dormant”, and shall take effect only if the applicable required owners association or property owner fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some or all of said responsibilities.

At the public hearing, any interested person, including all persons owning taxable property located within the proposed Area, may file with the municipal clerk or county clerk, as

the case may be, written objections to and may be heard orally in respect to any issues embodied in this notice. The municipality or county shall hear and determine all protests and objections at the hearing and the hearing may be adjourned to another date without further notice other than a motion to be entered upon the minutes fixing the time and place it will reconvene.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the proposed Area and by at least fifty-one (51%) of the owners of record of the land included within the boundaries of the proposed Area is filed with the Village Clerk within sixty (60) days following the final adjournment of the public hearing objecting to the establishment of the Area, no such Area may be established.

Dated: this ___ day of _____, 2016.

Laura M. Julien,
Village Attorney for the Village of
Montgomery



**VILLAGE OF MONTGOMERY
REQUEST FOR BOARD OF TRUSTEES ACTION
FOR INCLUSION ON BOARD AGENDA**

- Resolution or Ordinance (Blue)
 Recommendation of Boards, Commissions & Committees (Green)
 Other Business (Pink)

To: Village President and Board of Trustees

From: Jeff Zoepfel, Village Administrator

Date: August 18, 2016

B of T Date: August 22, 2016

Subject: Ordinance 1738 Establishing a Special Service Area No. 39 for Speedway

Submitted By: Jerad Chipman

Background/Policy Implications:

The attached is an establishing ordinance for the creation of a Special Service Area for Speedway. The formation of this Special Service Area will authorize the maintenance and repair and replacement of the items and services designated therein. The passage of the establishing ordinance is the last step in accomplishing the Area's creation.

Describe Fiscal Impact/Budget Account Number and Cost:

N/A

Review:

Village Administrator Jeff Zoepfel

NOTE: All materials must be submitted to and approved by the Village Administrator by 12:00 noon, Thursday, prior to the Agenda distribution.



**VILLAGE OF MONTGOMERY
KANE AND KENDALL COUNTIES, ILLINOIS**

ORDINANCE NO. 1738

**An Ordinance Establishing a
Special Service Area No. 39 for
Speedway, LLC in
the Village of Montgomery, Illinois**

Adopted by the
Board of Trustees and President
of the Village of Montgomery
this __th day of _____, 2016.

Published in Pamphlet Form
by authority of the Board of Trustees
of the Village of Montgomery, Kane and Kendall Counties,
Illinois, this _____ day of _____, 2016.

ORDINANCE NO. 1738

**AN ORDINANCE ESTABLISHING A
SPECIAL SERVICE AREA NO. 39 FOR
SPEEDWAY, LLC IN
THE VILLAGE OF MONTGOMERY, ILLINOIS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows;

WHEREAS, the Village of Montgomery is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, pursuant to the provisions of the 1970 Constitution of the State of Illinois, the Village of Montgomery, Kane and Kendall Counties, Illinois (the "Village"), is authorized to create special service areas in and for the Village; and

WHEREAS, special service areas are established by non-home rule units pursuant to Section 7(6) of Article VII of the Illinois Constitution, which provides that—

[M]unicipalities...which are not home rule units shall have...powers...to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services;

and are established "in the manner provided by law" pursuant to the provisions of "AN ACT to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties," approved September 21, 1973, as amended, and pursuant to the Revenue Act of 1939 of the State of Illinois, as amended; and

WHEREAS, it is in the public interest that the area hereinafter described as a special service area for the purposes set forth herein and to be designated as the Speedway, LLC Special Service Area of the Village (the "Area"), be established; and

WHEREAS, the Area is compact and contiguous, totally within the corporate limits of the Village; and

WHEREAS, the Area will benefit specially from the municipal services to be provided by the Village (the "Services"), and the Services are unique and in addition to the services provided to the Village as a whole, and it is, therefore, in the best interests of the Village that the establishment of the area be considered; and

WHEREAS, it is in the public interest that the levy of a direct annual *ad valorem* tax upon all taxable property within the Area be considered for the purpose of paying the cost of providing the Services; and

WHEREAS, the revenue from such tax shall be used solely and only for Services for which the Village is authorized under the provisions of the Illinois Municipal Code, as amended, to levy taxes or special assessments or to appropriate the funds of the Village, all of the Services to be in and for the Area and all of the necessary construction and maintenance to be on property now owned or to be acquired by the Village, or property in which the Village will obtain an interest sufficient for the provision of the services; and

WHEREAS, a public hearing was held at 7:00 p.m., on 13th day of June, 2016, in the Village Hall for the Village of Montgomery, Kane County, Illinois (the "Hearing"), to consider the establishment of the Area for the purpose of providing the Services and the levy of an additional direct annual *ad valorem* tax for the purpose of paying the cost thereof, all as substantially described in the Notice of Public Hearing attached hereto as Exhibit "B" (the "Notice"); and

WHEREAS, the Notice has been given by publication and mailing. Notice by publication was given by publication on a date, such date being not less than 15 days prior to the Hearing, in a newspaper of general circulation within the Village, there being no newspaper published therein. Notice by mailing was given by depositing the Notice in the United States Mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the Area. The Notice was mailed not less than 10 days prior to the time set for the Hearing. In the event taxes for the last preceding year not paid, the Notice was sent to the person last listed on the tax rolls prior to that year as the owner of said property.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

SECTION ONE: INCORPORATION OF PREAMBLES

The preambles of this ordinance are hereby incorporated into this text as if set out herein in full.

SECTION TWO: ESTABLISHMENT OF SSA

- (a) That it is in the public interest that the territory hereinafter described in the Notice referred to in Section One hereof be established as Special Service Area No. 39 for the purposes set forth herein. An accurate map of said territory is attached hereto as Exhibit "A-1".
- (b) That said Area is compact and contiguous.
- (c) That said Area is zoned B-2 and will benefit specially from the municipal services which may be provided and that said proposed municipal services are unique and in addition to municipal services provided by the Village of Montgomery as a whole; and it is, therefore, in the best interest of said Area and the Village of Montgomery as a whole that special taxes be levied against said Area for the services to be provided.
- (d) That the Village of Montgomery Special Service Area No. 39 be and is hereby established for and with regard to the aforesaid territory.

SECTION THREE: PURPOSE OF SSA AND MAXIMUM LEVY

The purpose of the formation of Special Service Area No. 39 in general is to authorize the maintenance, repair and replacement of all private roads, streets, parking lot areas, sidewalks, walkways, bike paths, curbing, lighting, neighborhood monument signage or similar markers, and any and all other open spaces within the designated area, as well as to authorize the implementation and continuation of a mosquito abatement program in the Special Service Area. This authorization for maintenance, repair and replacement shall also extend to storm water detention basins, Special Management Areas, storm sewer, and related areas and appurtenances, both on and off site.

It is further provided that all necessary landscaping, including, but not limited to, mowing, fertilizing, pruning and trimming of trees and bushes, maintenance (including removal and replacement), repair of any berm, and any and all other natural landscaping shall be encompassed within this purpose. The proposed municipal services herein are unique and are in addition to those provided by the Village generally. All actions performed pursuant to this provision shall be completed in accordance with the final engineering plan and final plat of subdivision for the Area, as well as any applicable Village Ordinance and/or State and Federal law.

Annual taxes shall be assessed and levied for said special municipal services in said Area, on property in said Area in addition to all other municipal taxes; provided that the special annual tax shall be levied upon the equalized assessed value of the property in said Area in an amount not to exceed annual rate of one-hundred and ten hundredths percent (1.1%, being 110¢ per \$100) of the equalized assessed valuation thereof. This tax shall be levied for an indefinite period of time commencing during and in the years subsequent to the date of this Ordinance, as hereinafter provided. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be “dormant”, and shall take effect only if the applicable owners association or property owner fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some of all of said responsibilities. The Village shall not activate the Special Service Area unless the Village has given the landowner 30 days prior written notice of the defects complained of (via certified mail) to the property address, and an additional 30 days has thereafter expired in which the responsibilities of the landowner have not been fulfilled (or substantial action has not been taken, if complete compliance would reasonably take more than 30 days). However, the Village may annually levy hereunder up to the maximum rate specified herein for the cost for the said services, as said services become necessary and are provided for.

SECTION FOUR:

That this ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

SECTION FIVE:

That all ordinances or parts of ordinances thereof in conflict therewith are hereby repealed to the extent of any such conflict.

SECTION SIX:

That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, this ___th day of _____, 2016.

Matthew Brolley,
President of the Board of Trustees of the Village of Montgomery

ATTEST:

Tiffany Francis,
Clerk of the Village of Montgomery

	Aye	Nay	Absent	Abstain
Trustee Stan Bond	___	___	___	___
Trustee Doug Maracek	___	___	___	___
Trustee Pete Heinz	___	___	___	___
Trustee Steve Jungermann	___	___	___	___
Trustee Denny Lee	___	___	___	___
Trustee Theresa Sperling	___	___	___	___
President Matthew Brolley	___	___	___	___

**EXHIBIT A
SSA NO. 39
SPEEDWAY, LLC
LEGAL DESCRIPTION**

Permanent Real Estate Index Number:

02-01-200-007

Legal Description:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 1 IN TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 88 DEGREES, 20 MINUTES 57 SECONDS EAST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, 537.68 FEET TO THE FORMER NORTHWESTERLY RIGHT OF WAY OF GALENA ROAD AS DESCRIBED IN DOCUMENT NO. 99880 IN BOOK 111 OF DEEDS ON PAGE 9 IN THE OFFICE OF THE RECORDER OF KENDALL COUNTY, ILLINOIS; THENCE NORTH 53 DEGREES 53 MINUTES 33 SECONDS EAST, ALONG SAID NORTHWESTERLY LINE 1001.39 FEET, THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE, 219.51 FEET BEING A CURVE TO THE RIGHT WITH A RADIUS OF 43008.10 FOR THE POINT OF BEGINNING; THENCE NORTHEASTERLY 223.26 FEET ALONG SAID NORTHWESTERLY LINE BEING A CURVE TO THE RIGHT WITH A RADIUS OF 43008.10 FEET; THENCE NORTH 54 DEGREES 28 MINUTES 56 SECONDS EAST, ALONG SAID NORTHWESTERLY LINE, 405.60 FEET; THENCE NORTH 01 DEGREE 11 MINUTES 24 SECONDS WEST, 81.61 FEET; THENCE NORTH 39 DEGREES 46 MINUTES 24 SECONDS WEST, 22.39 FEET TO THE SOUTH LINE OF CATERPILLAR DRIVE; THENCE SOUTH 88 DEGREES 48 MINUTES 36 SECONDS WEST ALONG SAID SOUTH LINE, 396.94 FEET TO THE EASTERLY LINE OF ORCHARD ROAD; THENCE SOUTH 48 DEGREES 03 MINUTES 58 SECONDS WEST, ALONG SAID EASTERLY LINE, 75.34 FEET; THENCE SOUTHLY ALONG SAID EASTERLY LINE, 388.39 FEET BEING A CURVE TO THE RIGHT AND HAVING A RADIUS OF 1343.24 FEET; THENCE SOUTH 62 DEGREES 26 MINUTES 01 SECONDS EAST, 74.79 FEET TO THE POINT OF BEGINNING. IN KENDALL COUNTY ILLINOIS.

The approximate location is the South East corner of Orchard Road and Caterpillar Drive, Montgomery, Illinois 60538.

EXHIBIT A-1

**SSA NO. 39
SPEEDWAY, LLC
LOCATION MAP**

[MAP ON FOLLOWING PAGE]

**EXHIBIT B
SSA NO. 39
SPEEDWAY, LLC
NOTICE OF HEARING**

**NOTICE OF HEARING
VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
SPECIAL SERVICE AREA NO. 39
SPEEDWAY, LLC
(KENDALL COUNTY)**

NOTICE IS HEREBY GIVEN that on the 13th day of June, 2016, at 7:00 p.m., in the Village Hall for the Village of Montgomery, Kane and Kendall Counties, Illinois, a hearing will be held by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, to consider the establishment of a Special Service Area consisting of the following described territory:

Permanent Real Estate Index Number:

02-01-200-007

Legal Description:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 1 IN TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 88 DEGREES, 20 MINUTES 57 SECONDS EAST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, 537.68 FEET TO THE FORMER NORTHWESTERLY RIGHT OF WAY OF GALENA ROAD AS DESCRIBED IN DOCUMENT NO. 99880 IN BOOK 111 OF DEEDS ON PAGE 9 IN THE OFFICE OF THE RECORDER OF KENDALL COUNTY, ILLINOIS; THENCE NORTH 53 DEGREES 53 MINUTES 33 SECONDS EAST, ALONG SAID NORTHWESTERLY LINE 1001.39 FEET, THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE, 219.51 FEET BEING A CURVE TO THE RIGHT WITH A RADIUS OF 43008.10 FOR THE POINT OF BEGINNING; THENCE NORTHEASTERLY 223.26 FEET ALONG SAID NORTHWESTERLY LINE BEING A CURVE TO THE RIGHT WITH A RADIUS OF 43008.10 FEET; THENCE NORTH 54 DEGREES 28 MINUTES 56 SECONDS EAST, ALONG SAID NORTHWESTERLY LINE, 405.60 FEET; THENCE NORTH 01 DEGREE 11 MINUTES 24 SECONDS WEST, 81.61 FEET; THENCE NORTH 39 DEGREES 46 MINUTES 24 SECONDS WEST, 22.39 FEET TO THE SOUTH LINE OF CATERPILLAR DRIVE; THENCE SOUTH 88 DEGREES 48 MINUTES 36 SECONDS WEST ALONG SAID SOUTH LINE, 396.94 FEET TO THE EASTERLY LINE OF ORCHARD ROAD; THENCE SOUTH 48 DEGREES 03 MINUTES 58 SECONDS WEST, ALONG SAID EASTERLY LINE, 75.34 FEET; THENCE SOUTHLY ALONG SAID EASTERLY LINE, 388.39 FEET BEING A CURVE TO THE RIGHT AND HAVING A RADIUS OF 1343.24 FEET; THENCE SOUTH 62 DEGREES 26 MINUTES 01 SECONDS EAST, 74.79 FEET TO THE POINT OF BEGINNING. IN KENDALL COUNTY ILLINOIS.

The approximate location is the South East corner of Orchard Road and Caterpillar Drive, Montgomery, Illinois 60538.

All interested persons, including all persons owning taxable real property located within the Special Service Area, will be given an opportunity to be heard at the hearing regarding 1) the tax levy and an opportunity to file objections to the amount of the levy, 2) formation of the boundaries of the Area and may object to the formation of the Area and 3) the levy of taxes affecting said Area.

The purpose of the formation of Special Service Area No. 39 in general is to authorize the maintenance, repair and replacement of all private roads, streets, parking lot areas, sidewalks, walkways, bike paths, curbing, lighting, neighborhood monument signage or similar markers, and any and all other open spaces within the designated area,

as well as to authorize the implementation and continuation of a mosquito abatement program in the Special Service Area. This authorization for maintenance, repair and replacement shall also extend to storm water detention basins, Special Management Areas, storm sewer, and related areas and appurtenances, both on and off site.

It is further provided that all necessary landscaping, including, but not limited to, mowing, fertilizing, pruning and trimming of trees and bushes, maintenance (including removal and replacement), repair of any berm, and any and all other natural landscaping shall be encompassed within this purpose. The proposed municipal services herein are unique and are in addition to those provided by the Village generally. All actions performed pursuant to this provision shall be completed in accordance with the final engineering plan and final plat of subdivision for the Area, as well as any applicable Village Ordinance and/or State and Federal law.

At the hearing, all persons affected will be given an opportunity to be heard. At the hearing, there will be considered the levy of an annual tax of not to exceed an annual rate of one-hundred and ten one-hundredths percent (1.1%, being 110¢ per \$100) of the equalized assessed value of the property in the proposed Special Service Area No. 11, said tax to be levied for an indefinite period of time from and after the date of the Ordinance establishing said Area. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be “dormant”, and shall take effect only if the applicable required owners association or property owner fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some or all of said responsibilities. The hearing may be adjourned by the President and Board of Trustees to another date without further notice other than a motion to be entered upon the minutes of its meeting fixing the time and place of its adjournment.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the proposed Special Service Area No. 39 and by at least fifty-one (51%) of the owners of record of the land included within the boundaries of the proposed Area is filed with the Village Clerk within sixty (60) days following the final adjournment of the public hearing objecting to the establishment of the Area, the enlargement thereof, or the levy or imposition of a tax for the provision of special services to the Area, no such Area may be established or enlarged, or tax levied or imposed.

Dated: this __th day of _____, 2016.

Laura M. Julien,
Village Attorney for the Village of Montgomery



**VILLAGE OF MONTGOMERY
KANE AND KENDALL COUNTIES, ILLINOIS**

ORDINANCE NO. 1739

**An Ordinance Establishing a
Special Service Area No. 38 for
O'Reilly Auto Parts in
the Village of Montgomery, Illinois**

Adopted by the
Board of Trustees and President
of the Village of Montgomery
this __th day of _____, 2016.

Published in Pamphlet Form
by authority of the Board of Trustees
of the Village of Montgomery, Kane and Kendall Counties,
Illinois, this _____ day of _____, 2016.

ORDINANCE NO. 1739

**AN ORDINANCE ESTABLISHING A
SPECIAL SERVICE AREA NO. 38 FOR
O'REILLY AUTO PARTS IN
THE VILLAGE OF MONTGOMERY, ILLINOIS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows;

WHEREAS, the Village of Montgomery is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, pursuant to the provisions of the 1970 Constitution of the State of Illinois, the Village of Montgomery, Kane and Kendall Counties, Illinois (the "Village"), is authorized to create special service areas in and for the Village; and

WHEREAS, special service areas are established by non-home rule units pursuant to Section 7(6) of Article VII of the Illinois Constitution, which provides that—

[M]unicipalities...which are not home rule units shall have...powers...to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services;

and are established "in the manner provided by law" pursuant to the provisions of "AN ACT to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties," approved September 21, 1973, as amended, and pursuant to the Revenue Act of 1939 of the State of Illinois, as amended; and

WHEREAS, it is in the public interest that the area hereinafter described as a special service area for the purposes set forth herein and to be designated as the O'Reilly Auto Parts Special Service Area No. 38, of the Village (the "Area"), be established; and

WHEREAS, the Area is compact and contiguous, totally within the corporate limits of the Village; and

WHEREAS, the Area will benefit specially from the municipal services to be provided by the Village (the "Services"), and the Services are unique and in addition to the services provided to the Village as a whole, and it is, therefore, in the best interests of the Village that the establishment of the area be considered; and

WHEREAS, it is in the public interest that the levy of a direct annual *ad valorem* tax upon all taxable property within the Area be considered for the purpose of paying the cost of providing the Services; and

WHEREAS, the revenue from such tax shall be used solely and only for Services for which the Village is authorized under the provisions of the Illinois Municipal Code, as amended, to levy taxes or special assessments or to appropriate the funds of the Village, all of the Services to be in and for the Area and all of the necessary construction and maintenance to be on property now owned or to be acquired by the Village, or property in which the Village will obtain an interest sufficient for the provision of the services; and

WHEREAS, a public hearing was held at 7:00 p.m., on 13th day of June, 2016, in the Village Hall for the Village of Montgomery, Kane County, Illinois (the "Hearing"), to consider the establishment of the Area for the purpose of providing the Services and the levy of an additional direct annual *ad valorem* tax for the purpose of paying the cost thereof, all as substantially described in the Notice of Public Hearing attached hereto as Exhibit "B" (the "Notice"); and

WHEREAS, the Notice has been given by publication and mailing. Notice by publication was given by publication on a date, such date being not less than 15 days prior to the Hearing, in a newspaper of general circulation within the Village, there being no newspaper published therein. Notice by mailing was given by depositing the Notice in the United States Mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the Area. The Notice was mailed not less than 10 days prior to the time set for the Hearing. In the event taxes for the last preceding year not paid, the Notice was sent to the person last listed on the tax rolls prior to that year as the owner of said property.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

SECTION ONE: INCORPORATION OF PREAMBLES

The preambles of this ordinance are hereby incorporated into this text as if set out herein in full.

SECTION TWO: ESTABLISHMENT OF SSA

- (a) That it is in the public interest that the territory hereinafter described in the Notice referred to in Section One hereof be established as Special Service Area No. 38 for the purposes set forth herein. An accurate map of said territory is attached hereto as Exhibit "A-1".
- (b) That said Area is compact and contiguous.
- (c) That said Area is zoned B-2 and will benefit specially from the municipal services which may be provided and that said proposed municipal services are unique and in addition to municipal services provided by the Village of Montgomery as a whole; and it is, therefore, in the best interest of said Area and the Village of Montgomery as a whole that special taxes be levied against said Area for the services to be provided.
- (d) That the Village of Montgomery Special Service Area No. 38 be and is hereby established for and with regard to the aforesaid territory.

SECTION THREE: PURPOSE OF SSA AND MAXIMUM LEVY

The purpose of the formation of Special Service Area No. 38 in general is to authorize the maintenance, repair and replacement of all private roads, streets, parking lot areas, sidewalks, walkways, bike paths, curbing, lighting, neighborhood monument signage or similar markers, and any and all other open spaces within the designated area, as well as to authorize the implementation and continuation of a mosquito abatement program in the Special Service Area. This authorization for maintenance, repair and replacement shall also extend to storm water detention basins, Special Management Areas, storm sewer, and related areas and appurtenances, both on and off site.

It is further provided that all necessary landscaping, including, but not limited to, mowing, fertilizing, pruning and trimming of trees and bushes, maintenance (including removal and replacement), repair of any berm, and any and all other natural landscaping shall be encompassed within this purpose. The proposed municipal services herein are unique and are in addition to those provided by the Village generally. All actions performed pursuant to this provision shall be completed in accordance with the final engineering plan and final plat of subdivision for the Area, as well as any applicable Village Ordinance and/or State and Federal law.

Annual taxes shall be assessed and levied for said special municipal services in said Area, on property in said Area in addition to all other municipal taxes; provided that the special annual tax shall be levied upon the equalized assessed value of the property in said Area in an amount not to exceed annual rate of one-hundred and ten one-hundredths percent (1.1%, being 110¢ per \$100) of the equalized assessed valuation thereof. This tax shall be levied for an indefinite period of time commencing during and in the years subsequent to the date of this Ordinance, as hereinafter provided. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be “dormant”, and shall take effect only if the applicable owners association or property owner fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some of all of said responsibilities. The Village shall not activate the Special Service Area unless the Village has given the landowner 30 days prior written notice of the defects complained of (via certified mail) to the property address, and an additional 30 days has thereafter expired in which the responsibilities of the landowner have not been fulfilled (or substantial action has not been taken, if complete compliance would reasonably take more than 30 days). However, the Village may annually levy hereunder up to the maximum rate specified herein for the cost for the said services, as said services become necessary and are provided for.

SECTION FOUR:

That this ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

SECTION FIVE:

That all ordinances or parts of ordinances thereof in conflict therewith are hereby repealed to the extent of any such conflict.

SECTION SIX:

That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, this ___th day of _____, 2016.

 Matthew Brolley,
 President of the Board of Trustees of the Village of Montgomery

ATTEST:

 Tiffany Francis,
 Clerk of the Village of Montgomery

	Aye	Nay	Absent	Abstain
Trustee Stan Bond	___	___	___	___
Trustee Doug Maracek	___	___	___	___
Trustee Pete Heinz	___	___	___	___
Trustee Steve Jungermann	___	___	___	___
Trustee Denny Lee	___	___	___	___
Trustee Theresa Sperling	___	___	___	___
President Matthew Brolley	___	___	___	___

EXHIBIT A
SSA 38
O'REILLY AUTO PARTS
LEGAL DESCRIPTION

Permanent Real Estate Index Number:

15-33-476-021

Legal Description:

THAT PART OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION THIRTY-THREE (33) AND PART OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION THIRTY-FOUR (34) IN TOWNSHIP 38 NORTH, RANGE EIGHT (8) EAST OF THE THIRD (3RD) PRINCIPAL MERIDIAN IN AURORA TOWNSHIP, KANE COUNTY, ILLINOIS, COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY LINE OF THE RIGHT-OF-WAY OF MONTGOMERY ROAD AND A POINT THAT IS 33.0 FEET WESTERLY OF THE CENTER LINE OF DOUGLAS ROAD; THENCE SOUTH 00 DEGREES 06 MINUTES 23 SECONDS EAST 211.87 FEET ALONG THE WESTERLY LINE OF DOUGLAS ROAD TO THE POINT OF BEGINNING; THENCE SOUTH 73 DEGREES 15 MINUTES 08 SECONDS WEST, 316.04 FEET ALONG A LINE PARALLEL WITH THE CENTER LINE OF MONTGOMERY ROAD; THENCE AT RIGHT ANGLES TO LAST DESCRIBED COURSE SOUTH 16 DEGREES 44 MINUTES 52 SECONDS EAST, 276.00 FEET; THENCE RIGHT ANGLES TO LAST DESCRIBED COURSE NORTH 73 DEGREES 15 MINUTES 08 SECONDS EAST, 233.54 FEET TO THE WESTERLY LINE OF DOUGLAS ROAD; THENCE NORTH 00 DEGREES 06 MONUTES 23 SECONDS WEST, 288.07 FEET ALONG THE WESTERLY LINE OF DOUGLAS ROAD TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 75842 SQUARE FEET OR 1.741 ACRES, MORE OR LESS.

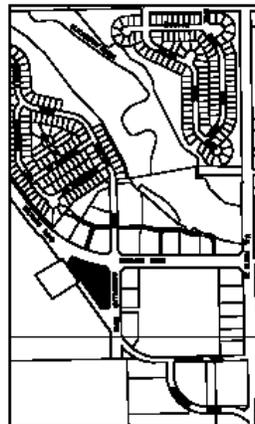
The approximate location is at the corner of Montgomery Road and Douglas Road, bounded by Montgomery Road to the North, Douglas Road to the East.

**EXHIBIT A-1
SSA 38
O'REILLY AUTO PARTS
LOCATION MAP**

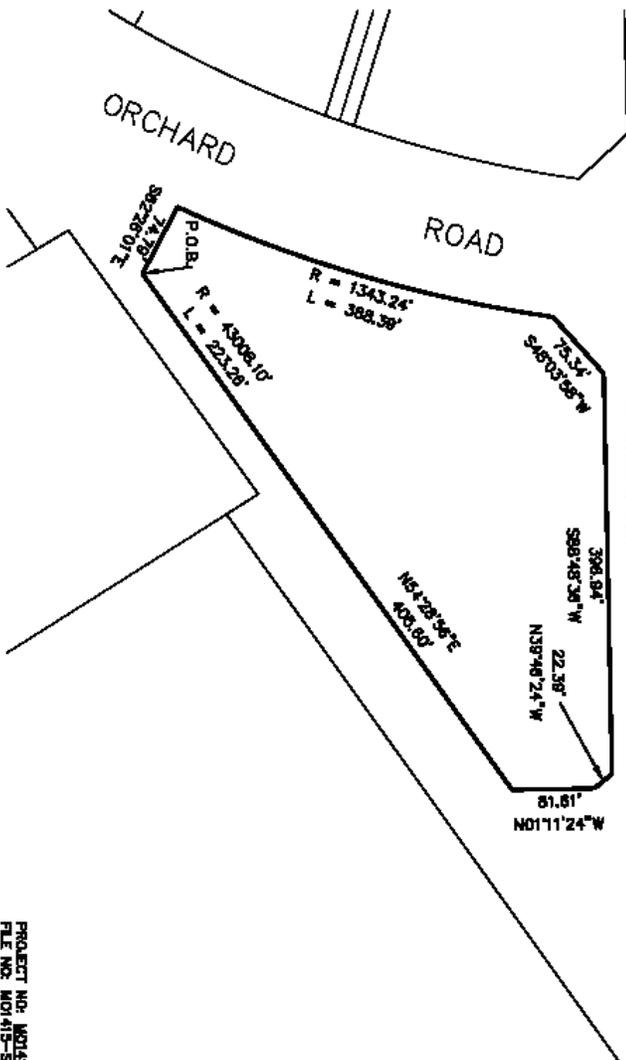
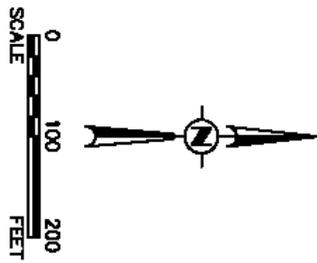
[MAP ON FOLLOWING PAGE]

EXHIBIT
SSA MAP
 SPECIAL SERVICE
 AREA 39

LOCATION MAP
 N.T.S.



THAT PART OF THE NORTHEAST QUARTER OF SECTION 1 IN TOWNSHIP 27 NORTH, RANGE 7 EAST OF THE THIRD MERIDIAN, BEING DESCRIBED AS FOLLOWS:
 COMMENCED AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 88 DEGREES 20 MINUTES 57 SECONDS EAST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, 57.98 FEET TO THE FORMER NORTHWESTERLY RIGHT OF WAY OF SAID ROAD, THENCE NORTH 88 DEGREES 20 MINUTES 57 SECONDS EAST ALONG SAID NORTHWESTERLY LINE, 218.51 FEET BEING A CURVE TO THE RIGHT WITH A RADIUS OF 4500.10 FOR THE POINT OF BEGINNING, THENCE NORTHWESTERLY 22.28 FEET ALONG SAID NORTHWESTERLY LINE BEING A CURVE TO THE RIGHT WITH A RADIUS OF 4500.10 FOR THE POINT OF BEGINNING, THENCE NORTH 11 DEGREES 11 MINUTES 24 SECONDS WEST, 81.81 FEET, THENCE NORTH 29 DEGREES 48 MINUTES 54 SECONDS WEST, 22.28 FEET TO THE SOUTH LINE OF CATERPILLAR DRIVE, THENCE SOUTH 89 DEGREES 48 MINUTES 29 SECONDS WEST, 398.84 FEET, THENCE SOUTH 89 DEGREES 48 MINUTES 29 SECONDS WEST, 598.48 FEET, THENCE SOUTH 89 DEGREES 48 MINUTES 29 SECONDS WEST, 22.28 FEET, THENCE SOUTH 89 DEGREES 48 MINUTES 29 SECONDS WEST, 139.48 FEET, THENCE SOUTH 89 DEGREES 48 MINUTES 29 SECONDS WEST, 51.81 FEET, THENCE SOUTH 82 DEGREES 28 MINUTES 01 SECONDS EAST, 74.78 FEET TO THE POINT OF BEGINNING, IN ORIGINAL COUNTY ILLINOIS.



Engineering Enterprises, Inc.
 CONSULTING ENGINEERS
 22 Wheeler Road
 Sugar Grove, Illinois 60054
 630.461.8700 / www.eetinc.com

PROJECT NO. M01418
 FILE NO. M01418-SSA

EXHIBIT B
SSA 38
O'REILLY AUTO PARTS
NOTICE OF HEARING

NOTICE OF HEARING
VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
SPECIAL SERVICE AREA NO. 38
O'REILLY AUTO PARTS
(KANE COUNTY)

NOTICE IS HEREBY GIVEN that on the 13th day of June, 2016, at 7:00 p.m., in the Village Hall for the Village of Montgomery, Kane and Kendall Counties, Illinois, a hearing will be held by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, to consider the establishment of a Special Service Area consisting of the following described territory:

Permanent Real Estate Index Number:

15-33-476-021

Legal Description:

THAT PART OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION THIRTY-THREE (33) AND PART OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION THIRTY-FOUR (34) IN TOWNSHIP 38 NORTH, RANGE EIGHT (8) EAST OF THE THIRD (3RD) PRINCIPAL MERIDIAN IN AURORA TOWNSHIP, KANE COUNTY, ILLINOIS, COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY LINE OF THE RIGHT-OF-WAY OF MONTGOMERY ROAD AND A POINT THAT IS 33.0 FEET WESTERLY OF THE CENTER LINE OF DOUGLAS ROAD; THENCE SOUTH 00 DEGREES 06 MINUTES 23 SECONDS EAST 211.87 FEET ALONG THE WESTERLY LINE OF DOUGLAS ROAD TO THE POINT OF BEGINNING; THENCE SOUTH 73 DEGREES 15 MINUTES 08 SECONDS WEST, 316.04 FEET ALONG A LINE PARALLEL WITH THE CENTER LINE OF MONTGOMERY ROAD; THENCE AT RIGHT ANGLES TO LAST DESCRIBED COURSE SOUTH 16 DEGREES 44 MINUTES 52 SECONDS EAST, 276.00 FEET; THENCE RIGHT ANGLES TO LAST DESCRIBED COURSE NORTH 73 DEGREES 15 MINUTES 08 SECONDS EAST, 233.54 FEET TO THE WESTERLY LINE OF DOUGLAS ROAD; THENCE NORTH 00 DEGREES 06 MINUTES 23 SECONDS WEST, 288.07 FEET ALONG THE WESTERLY LINE OF DOUGLAS ROAD TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 75842 SQUARE FEET OR 1.741 ACRES, MORE OR LESS.

The approximate location is at the corner of Montgomery Road and Douglas Road, bounded by Montgomery Road to the North, Douglas Road to the East.

All interested persons, including all persons owning taxable real property located within the Special Service Area, will be given an opportunity to be heard at the hearing regarding 1) the tax levy and an opportunity to file objections to the amount of the levy, 2) formation of the boundaries of the Area and may object to the formation of the Area and 3) the levy of taxes affecting said Area.

The purpose of the formation of Special Service Area No. 38 in general is to authorize the maintenance, repair and replacement of all private roads, streets, parking lot areas, sidewalks, walkways, bike paths, curbing, lighting, neighborhood monument signage or similar markers, and any and all other open spaces within the designated area, as well as to authorize the implementation and continuation of a mosquito abatement program in the Special Service Area. This authorization for maintenance, repair and replacement shall also extend to storm water detention basins, Special Management Areas, storm sewer, and related areas and appurtenances, both on and off site.

It is further provided that all necessary landscaping, including, but not limited to, mowing, fertilizing, pruning and trimming of trees and bushes, maintenance (including removal and replacement), repair of any berm, and any and all

other natural landscaping shall be encompassed within this purpose. The proposed municipal services herein are unique and are in addition to those provided by the Village generally. All actions performed pursuant to this provision shall be completed in accordance with the final engineering plan and final plat of subdivision for the Area, as well as any applicable Village Ordinance and/or State and Federal law.

At the hearing, all persons affected will be given an opportunity to be heard. At the hearing, there will be considered the levy of an annual tax of not to exceed an annual rate of one-hundred and ten one-hundredths percent (1.1%, being 110¢ per \$100) of the equalized assessed value of the property in the proposed Special Service Area No. 11, said tax to be levied for an indefinite period of time from and after the date of the Ordinance establishing said Area. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be “dormant”, and shall take effect only if the applicable required owners association or property owner fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some or all of said responsibilities. The hearing may be adjourned by the President and Board of Trustees to another date without further notice other than a motion to be entered upon the minutes of its meeting fixing the time and place of its adjournment.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the proposed Special Service Area No. 38 and by at least fifty-one (51%) of the owners of record of the land included within the boundaries of the proposed Area is filed with the Village Clerk within sixty (60) days following the final adjournment of the public hearing objecting to the establishment of the Area, the enlargement thereof, or the levy or imposition of a tax for the provision of special services to the Area, no such Area may be established or enlarged, or tax levied or imposed.

Dated: this ___st day of _____, 2016.

Laura M. Julien,
Village Attorney for the Village of Montgomery



**VILLAGE OF MONTGOMERY
REQUEST FOR BOARD OF TRUSTEES ACTION
FOR INCLUSION ON BOARD AGENDA**

- Resolution or Ordinance (Blue)
 Recommendation of Boards, Commissions & Committees (Green)
 Other Business (Pink)

To: Village President and Board of Trustees

From: Jeff Zoepfel, Village Administrator

Date: August 18, 2016

B of T Date: August 22, 2016

Subject: Ordinance 1740 Establishing a Special Service Area No. 40 for Michels Corporation

Submitted By: Jerad Chipman

Background/Policy Implications:

The attached is an establishing ordinance for the creation of a Special Service Area for Michels Corporation. The formation of this Special Service Area will authorize the maintenance and repair and replacement of the items and services designated therein. The passage of the establishing ordinance is the final step in accomplishing the Area's creation.

Describe Fiscal Impact/Budget Account Number and Cost:

N/A

Review:

Village Administrator Jeff Zoepfel

NOTE: All materials must be submitted to and approved by the Village Administrator by 12:00 noon, Thursday, prior to the Agenda distribution.



**VILLAGE OF MONTGOMERY
KANE AND KENDALL COUNTIES, ILLINOIS**

ORDINANCE NO. 1740

**An Ordinance Establishing a
Special Service Area No. 40 for
Michels Corporation in
the Village of Montgomery, Illinois**

Adopted by the
Board of Trustees and President
of the Village of Montgomery
this __th day of _____, 2016.

Published in Pamphlet Form
by authority of the Board of Trustees
of the Village of Montgomery, Kane and Kendall Counties,
Illinois, this ____ day of _____, 2016.

ORDINANCE NO. 1740

**AN ORDINANCE ESTABLISHING A
SPECIAL SERVICE AREA NO. 40 FOR
MICHELS CORPORATION IN
THE VILLAGE OF MONTGOMERY, ILLINOIS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows;

WHEREAS, the Village of Montgomery is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, pursuant to the provisions of the 1970 Constitution of the State of Illinois, the Village of Montgomery, Kane and Kendall Counties, Illinois (the "Village"), is authorized to create special service areas in and for the Village; and

WHEREAS, special service areas are established by non-home rule units pursuant to Section 7(6) of Article VII of the Illinois Constitution, which provides that—

[M]unicipalities...which are not home rule units shall have...powers...to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services;

and are established "in the manner provided by law" pursuant to the provisions of "AN ACT to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties," approved September 21, 1973, as amended, and pursuant to the Revenue Act of 1939 of the State of Illinois, as amended; and

WHEREAS, it is in the public interest that the area hereinafter described as a special service area for the purposes set forth herein and to be designated as the Michels Corporation Special Service Area No. 40, of the Village (the "Area"), be established; and

WHEREAS, the Area is compact and contiguous, totally within the corporate limits of the Village; and

WHEREAS, the Area will benefit specially from the municipal services to be provided by the Village (the "Services"), and the Services are unique and in addition to the services provided to the Village as a whole, and it is, therefore, in the best interests of the Village that the establishment of the area be considered; and

WHEREAS, it is in the public interest that the levy of a direct annual *ad valorem* tax upon all taxable property within the Area be considered for the purpose of paying the cost of providing the Services; and

WHEREAS, the revenue from such tax shall be used solely and only for Services for which the Village is authorized under the provisions of the Illinois Municipal Code, as amended, to levy taxes or special assessments or to appropriate the funds of the Village, all of the Services to be in and for the Area and all of the necessary construction and maintenance to be on property now owned or to be acquired by the Village, or property in which the Village will obtain an interest sufficient for the provision of the services; and

WHEREAS, a public hearing was held at 7:00 p.m., on 13th day of June, 2016, in the Village Hall for the Village of Montgomery, Kane County, Illinois (the "Hearing"), to consider the establishment of the Area for the purpose of providing the Services and the levy of an additional direct annual *ad valorem* tax for the purpose of paying the cost thereof, all as substantially described in the Notice of Public Hearing attached hereto as Exhibit "B" (the "Notice"); and

WHEREAS, the Notice has been given by publication and mailing. Notice by publication was given by publication on a date, such date being not less than 15 days prior to the Hearing, in a newspaper of general circulation within the Village, there being no newspaper published therein. Notice by mailing was given by depositing the Notice in the United States Mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the Area. The Notice was mailed not less than 10 days prior to the time set for the Hearing. In the event taxes for the last preceding year not paid, the Notice was sent to the person last listed on the tax rolls prior to that year as the owner of said property.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

SECTION ONE: INCORPORATION OF PREAMBLES

The preambles of this ordinance are hereby incorporated into this text as if set out herein in full.

SECTION TWO: ESTABLISHMENT OF SSA

- (a) That it is in the public interest that the territory hereinafter described in the Notice referred to in Section One hereof be established as Special Service Area No. 40 for the purposes set forth herein. An accurate map of said territory is attached hereto as Exhibit "A-1".
- (b) That said Area is compact and contiguous.
- (c) That said Area is zoned for manufacturing purposes and will benefit specially from the municipal services which may be provided and that said proposed municipal services are unique and in addition to municipal services provided by the Village of Montgomery as a whole; and it is, therefore, in the best interest of said Area and the Village of Montgomery as a whole that special taxes be levied against said Area for the services to be provided.
- (d) That the Village of Montgomery Special Service Area No. 40 be and is hereby established for and with regard to the aforesaid territory.

SECTION THREE: PURPOSE OF SSA AND MAXIMUM LEVY

The purpose of the formation of Special Service Area No. 40 in general is to authorize the maintenance, repair and replacement of all private roads, streets, parking lot areas, sidewalks, walkways, bike paths, curbing, lighting, neighborhood monument signage or similar markers, and any and all other open spaces within the designated area, as well as to authorize the implementation and continuation of a mosquito abatement program in the Special Service Area. This authorization for maintenance, repair and replacement shall also extend to storm water detention basins, Special Management Areas, storm sewer, and related areas and appurtenances, both on and off site.

It is further provided that all necessary landscaping, including, but not limited to, mowing, fertilizing, pruning and trimming of trees and bushes, maintenance (including removal and replacement), repair of any berm, and any and all other natural landscaping shall be encompassed within this purpose. The proposed municipal services herein are unique and are in addition to those provided by the Village generally. All actions performed pursuant to this provision shall be completed in accordance with the final engineering plan and final plat of subdivision for the Area, as well as any applicable Village Ordinance and/or State and Federal law.

Annual taxes shall be assessed and levied for said special municipal services in said Area, on property in said Area in addition to all other municipal taxes; provided that the special annual tax shall be levied upon the equalized assessed value of the property in said Area in an amount not to exceed annual rate of one-hundred and ten one-hundredths percent (1.1%, being 110¢ per \$100) of the equalized assessed valuation thereof. This tax shall be levied for an indefinite period of time commencing during and in the years subsequent to the date of this Ordinance, as hereinafter provided. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Notwithstanding the foregoing, taxes shall not be levied hereunder and

said Area shall be “dormant”, and shall take effect only if the applicable owners association or property owner fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some of all of said responsibilities. The Village shall not activate the Special Service Area unless the Village has given the landowner 30 days prior written notice of the defects complained of (via certified mail) to the property address, and an additional 30 days has thereafter expired in which the responsibilities of the landowner have not been fulfilled (or substantial action has not been taken, if complete compliance would reasonably take more than 30 days). However, the Village may annually levy hereunder up to the maximum rate specified herein for the cost for the said services, as said services become necessary and are provided for.

SECTION FOUR:

That this ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

SECTION FIVE:

That all ordinances or parts of ordinances thereof in conflict therewith are hereby repealed to the extent of any such conflict.

SECTION SIX:

That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, this ___th day of _____, 2016.

 Matthew Brolley,
 President of the Board of Trustees of the Village of Montgomery

ATTEST:

 Tiffany Francis,
 Clerk of the Village of Montgomery

	Aye	Nay	Absent	Abstain
Trustee Stan Bond	___	___	___	___
Trustee Doug Marecek	___	___	___	___
Trustee Pete Heinz	___	___	___	___
Trustee Steve Jungermann	___	___	___	___
Trustee Denny Lee	___	___	___	___
Trustee Theresa Sperling	___	___	___	___
President Matthew Brolley	___	___	___	___

EXHIBIT A
SSA NO. 40
MICHELS CORPORATION
LEGAL DESCRIPTION

Permanent Real Estate Index Number:

15-30-326-029
15-30-326-030

Legal Description:

That part of the Southwest quarter of Section 30 in Township 38 North, Range 8, East of the Third Principal Meridian, described as follows:

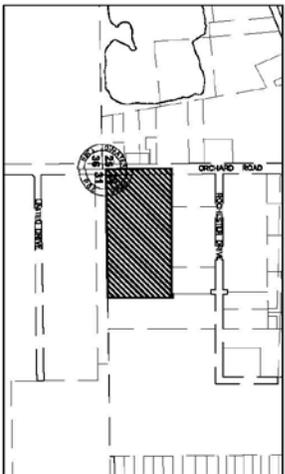
Beginning at the Southeast corner of Rochester Industrial Park recorded November 30, 1988 as Document Number 1945560; thence south 89 degrees 31 minutes 45 seconds west (being an assumed bearing) along the south line of said Rochester Industrial Park, 1097.97 feet to the east line of Orchard Road; thence south 00 degrees 17 minutes 58 seconds east, along said east line, 593.35 feet to the south line of said section 30; thence north 89 degrees 22 minutes 13 seconds east, along said south line 1131.13 feet; thence north 00 degrees 22 minutes 35 seconds west, parallel to the east line of said southwest quarter, 600.00 feet; thence north 89 degrees 57 minutes 55 seconds west, 33.01 feet to the east line of said Rochester Industrial Park; thence south 00 degrees 00 minutes 28 seconds east, along said east line, 9.97 feet to the point of beginning, in Kane County, Illinois.

**EXHIBIT A-1
SSA NO. 40
MICHELS CORPORATION
LOCATION MAP**

[MAP ON FOLLOWING PAGE]

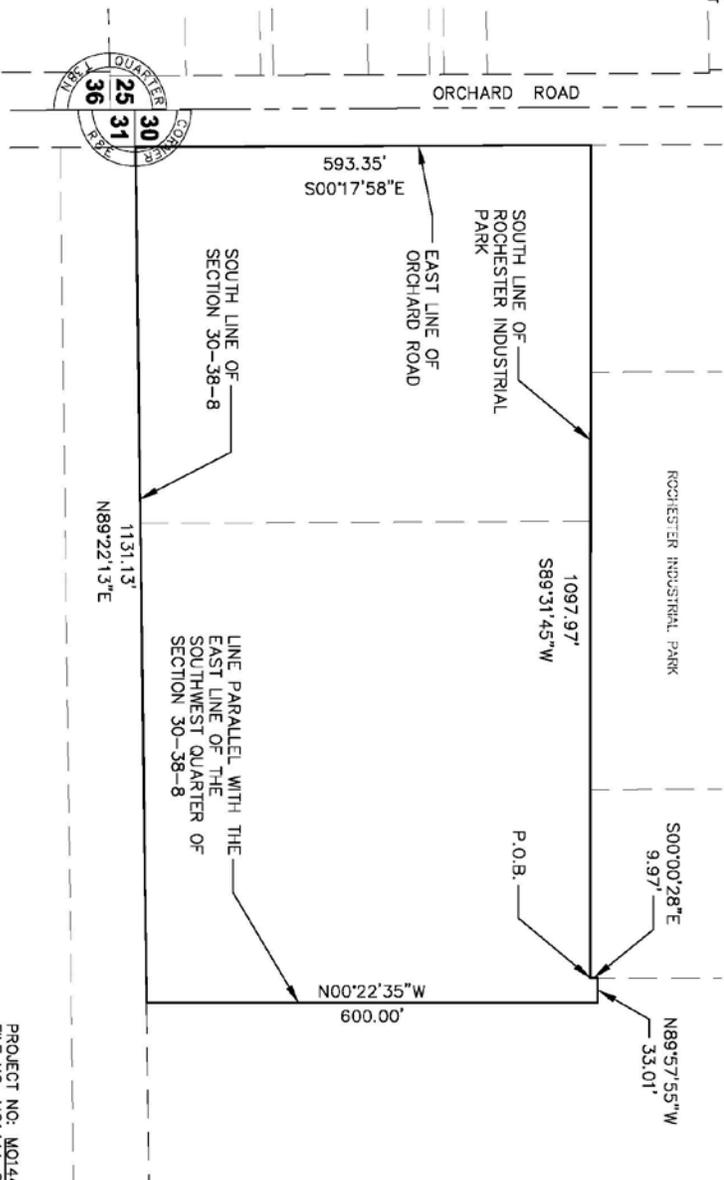
EXHIBIT
SSA MAP
 SPECIAL SERVICE
 AREA 40

LOCATION MAP
 N.T.S.



THAT PART OF THE SOUTHWEST QUARTER OF SECTION 30 IN TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF ROCHESTER INDUSTRIAL PARK RECORDED NOVEMBER 30, 1998 AS DOCUMENT NUMBER 1948580; THENCE SOUTH 89 DEGREES 31 MINUTES 49 SECONDS WEST (BEING AN ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID ROCHESTER INDUSTRIAL PARK, 1097.97 FEET TO THE EAST LINE OF ORCHARD ROAD; THENCE SOUTH 00 DEGREES 17 MINUTES 58 SECONDS EAST, ALONG SAID EAST LINE, 593.35 FEET TO THE SOUTH LINE OF SAID ROCHESTER INDUSTRIAL PARK; THENCE SOUTH 00 DEGREES 22 MINUTES 35 SECONDS WEST PARALLEL TO THE EAST LINE OF SAID SOUTHWEST QUARTER, 600.00 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 55 SECONDS WEST, 33.01 FEET TO THE EAST LINE OF SAID ROCHESTER INDUSTRIAL PARK; THENCE SOUTH 00 DEGREES 00 MINUTES 28 SECONDS EAST, ALONG SAID EAST LINE, 9.97 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.



Engineering Enterprises, Inc.
 CONSULTING ENGINEERS
 52 Wheeler Road
 Sugar Grove, Illinois 60554
 630.466.6700 / www.eetweb.com

PROJECT NO: M01444
 FILE NO: M01444-SSA

**EXHIBIT B
SSA NO. 40
MICHELS CORPORATION
NOTICE OF HEARING**

**NOTICE OF HEARING
VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
SPECIAL SERVICE AREA NO. 40
MICHELS CORPORATION
(KANE COUNTY)**

NOTICE IS HEREBY GIVEN that on the 13th day of June, 2016, at 7:00 p.m., in the Village Hall for the Village of Montgomery, Kane and Kendall Counties, Illinois, a hearing will be held by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, to consider the establishment of a Special Service Area consisting of the following described territory:

Permanent Real Estate Index Number:

15-30-326-029
15-30-326-030

Legal Description:

That part of the Southwest quarter of Section 30 in Township 38 North, Range 8, East of the Third Principal Meridian, described as follows:

Beginning at the Southeast corner of Rochester Industrial Park recorded November 30, 1988 as Document Number 1945560; thence south 89 degrees 31 minutes 45 seconds west (being an assumed bearing) along the south line of said Rochester Industrial Park, 1097.97 feet to the east line of Orchard Road; thence south 00 degrees 17 minutes 58 seconds east, along said east line, 593.35 feet to the south line of said section 30; thence north 89 degrees 22 minutes 13 seconds east, along said south line 1131.13 feet; thence north 00 degrees 22 minutes 35 seconds west, parallel to the east line of said southwest quarter, 600.00 feet; thence north 89 degrees 57 minutes 55 seconds west, 33.01 feet to the east line of said Rochester Industrial Park; thence south 00 degrees 00 minutes 28 seconds east, along said east line, 9.97 feet to the point of beginning, in Kane County, Illinois.

The approximate location is bounded by United Drive to the south, Rochester Drive to the North, Lake Street to the east and Orchard Road to the West (with intervening parcels also included therein), in the Village of Montgomery, Kane and Kendall Counties, Illinois.

All interested persons, including all persons owning taxable real property located within the Special Service Area, will be given an opportunity to be heard at the hearing regarding 1) the tax levy and an opportunity to file objections to the amount of the levy, 2) formation of the boundaries of the Area and may object to the formation of the Area and 3) the levy of taxes affecting said Area.

The purpose of the formation of Special Service Area No. 40 in general is to authorize the maintenance, repair and replacement of all private roads, streets, parking lot areas, sidewalks, walkways, bike paths, curbing, lighting, neighborhood monument signage or similar markers, and any and all other open spaces within the designated area, as well as to authorize the implementation and continuation of a mosquito abatement program in the Special Service Area. This authorization for maintenance, repair and replacement shall also extend to storm water detention basins, Special Management Areas, storm sewer, and related areas and appurtenances, both on and off site.

It is further provided that all necessary landscaping, including, but not limited to, mowing, fertilizing, pruning and trimming of trees and bushes, maintenance (including removal and replacement), repair of any berm, and any and all other natural landscaping shall be encompassed within this purpose. The proposed municipal services herein are unique and are in addition to those provided by the Village generally. All actions performed pursuant to this

provision shall be completed in accordance with the final engineering plan and final plat of subdivision for the Area, as well as any applicable Village Ordinance and/or State and Federal law.

At the hearing, all persons affected will be given an opportunity to be heard. At the hearing, there will be considered the levy of an annual tax of not to exceed an annual rate of one-hundred and ten one-hundredths percent (1.1%, being 110¢ per \$100) of the equalized assessed value of the property in the proposed Special Service Area No. 11, said tax to be levied for an indefinite period of time from and after the date of the Ordinance establishing said Area. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be “dormant”, and shall take effect only if the applicable required owners association or property owner fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some or all of said responsibilities. The hearing may be adjourned by the President and Board of Trustees to another date without further notice other than a motion to be entered upon the minutes of its meeting fixing the time and place of its adjournment.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the proposed Special Service Area No. 40 and by at least fifty-one (51%) of the owners of record of the land included within the boundaries of the proposed Area is filed with the Village Clerk within sixty (60) days following the final adjournment of the public hearing objecting to the establishment of the Area, the enlargement thereof, or the levy or imposition of a tax for the provision of special services to the Area, no such Area may be established or enlarged, or tax levied or imposed.

Dated: this __th day of _____, 2016.

Laura M. Julien,
Village Attorney for the Village of Montgomery



**VILLAGE OF MONTGOMERY
REQUEST FOR BOARD OF TRUSTEES ACTION
FOR INCLUSION ON BOARD AGENDA**

- Resolution or Ordinance (Blue)
 Recommendation of Boards, Commissions & Committees (Green)
 Other Business (Pink)

To: Honorable Village President and Board of Trustees

From: Jeff Zoepfel, Village Administrator

Date: August 16, 2016

B of T Date: August 22, 2016

Subject: Liquor License Request from 9er's

Submitted By: Dan Meyers, Chief of Police

Background/Policy Implications:

Martin Snell from 9er's has contacted the Village regarding his interest in obtaining a liquor license for the new 9er's Grill at 350 US Highway 30. They are requesting a license for beer and wine only. Their letter of request is attached. Mr. Snell will be present at the Board Meeting on August 22th to present his request and answer any questions.

Describe Fiscal Impact/Budget Account Number and Cost:

Review:

Village Administrator Jeff Zoepfel

NOTE: All materials must be submitted to and approved by the Village Administrator by 12:00 noon, Thursday, prior to the Agenda distribution.

[DATE BEING SENT]

Village of Montgomery Liquor Commission
200 North River Street
Montgomery, IL 60538

To Whom It May Concern,

This letter is written as a request for a liquor license at 9er's Grill, located at 350 U.S. Highway 30, in Montgomery, Illinois. After opening, we hope to eventually serve alcohol in the form of beer and wine at our establishment.

Should you require additional information, please contact the undersigned at [\(630\) 562-6010](tel:6305626010).

Thank you for your time and assistance,

Sincerely,

Martin Snell, General Manager

A handwritten signature in black ink, appearing to read "Martin Snell", written in a cursive style.



**VILLAGE OF MONTGOMERY
REQUEST FOR BOARD OF TRUSTEES ACTION
FOR INCLUSION ON BOARD AGENDA**

Resolution or Ordinance (Blue)
 Recommendation of Boards, Commissions & Committees (Green)
 Other Business (Pink)

To: Village President and Board of Trustees

From: Jeff Zoepfel, Village Administrator

Date: August 15, 2016

B of T Date: August 22, 2016

Subject: Quarterly Financial Report

Submitted By: Justin VanVooren, Director of Finance

Background /Policy Implications:

The Quarterly Financial and Investment Reports for July 31, 2016 (unaudited) are attached. Staff selected certain funds to include in this report based on size and activity. Staff will walk through the report and answer any questions the Board may have.

Describe Fiscal Impact/Budget Account Number and Cost:

Review:

Village Administrator Jeff Zoepfel

NOTE: All materials must be submitted to and approved by the Village Administrator by 12:00 noon, Thursday, prior to the Agenda distribution.

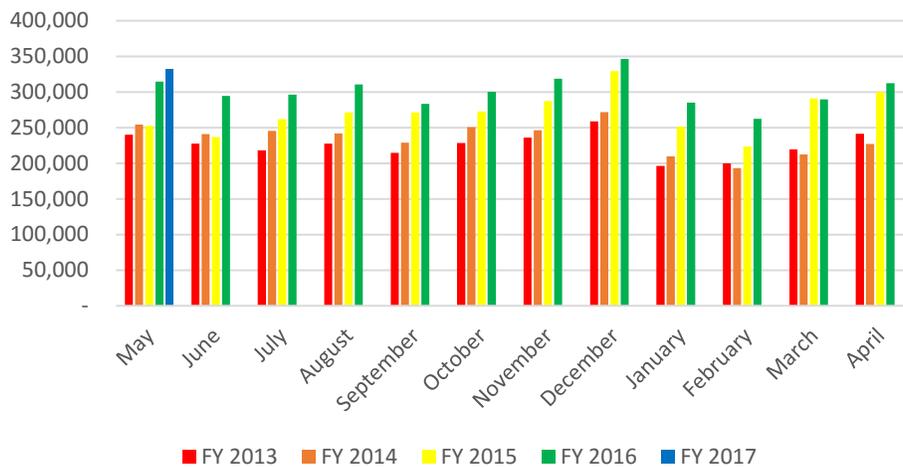
Village of Montgomery
 Financial Report
 1st quarter, Fiscal Year 2017

As of July 31, 2016, the Village of Montgomery is through 3 months (25%) of fiscal year 2017. Staff has examined revenues and expenditures in the General, Capital Improvement, and Infrastructure Improvement Funds, as well as revenues and expenses in the Water Fund. Staff is tracking the financial activity in the remaining funds; however, we have not included them in this report.

General Fund

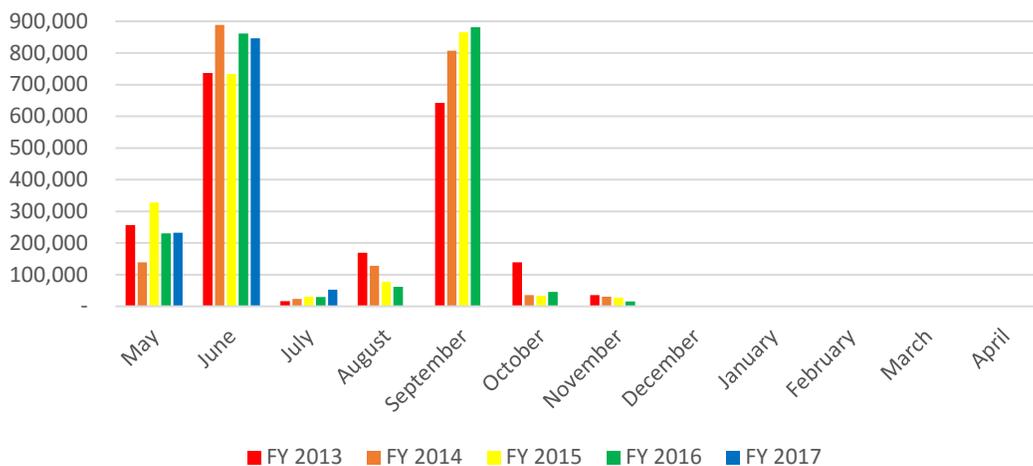
The total General Fund budgeted revenues for fiscal year 2017 are \$9,822,920, while the revenues through July are at \$3,088,345 (31.4%). The major revenues in the General Fund are as follows:

State Sales Tax (transaction date)



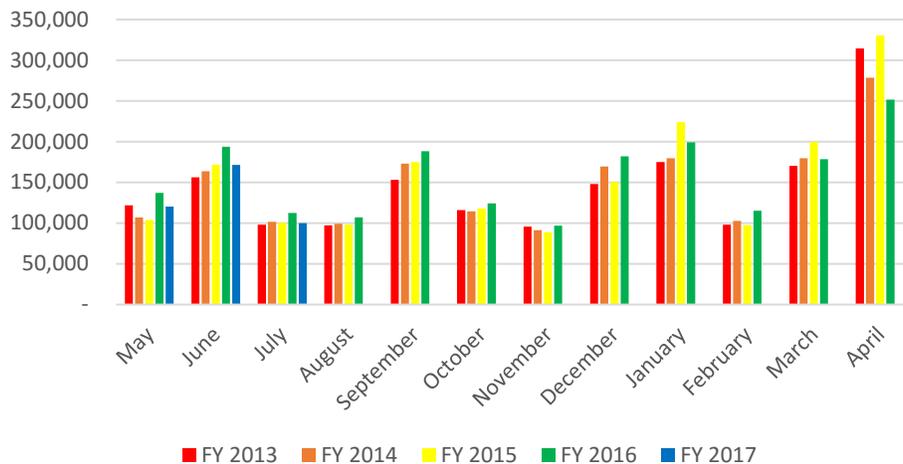
The budget for State Sales Tax for fiscal year 2017 is \$3,798,419. Fiscal year 2017 collections through July are \$18,000 higher than last year; and also \$14,000 above projections mostly due to new commercial openings since last year.

Property Tax



The budget for Property Tax for fiscal year 2017 is \$2,136,891. The Village has collected 52.9% of budgeted revenue through July. The Village receives the bulk of its property taxes in June and September.

State Income Tax (reporting date)



The budget for State Income Tax for fiscal year 2017 is \$1,880,676. Fiscal year 2017 collections through July are \$51,000 lower than last year, and also \$26,000 below projections. The Illinois Municipal League estimates these numbers throughout the year.

There are 3 smaller revenue items to note including:

Building permits – Budget is \$115,000, Actual is \$39,907 (34.7%)

Professional service reimbursement – Budget is \$200,420, Actual is \$38,248 (19.1%)

Fines and forfeitures – Budget is \$334,000, Actual is \$58,676 (17.6%)

The total General Fund budgeted expenditures for fiscal year 2017 are \$9,733,477, while the expenditures through July are at \$2,759,128 (28.3%). The following expenditures have budget or actual amount over \$25,000 and are higher than the July budget (25%) by 10% or more:

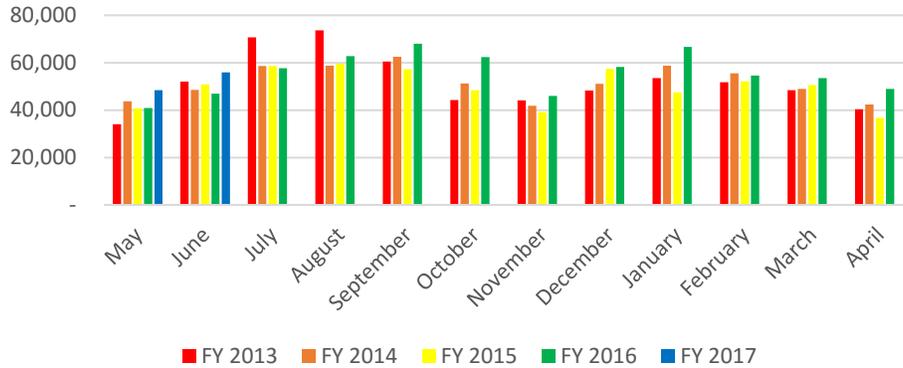
Dept.	Description	Budget	Actual	Percentage
Accounting	Liability Insurance	276,765	293,906	106.2%
Police Admin	Software Maintenance	86,659	78,415	90.5%
Police Patrol	Police Pension	457,912	240,614	52.6%
Public Works Streets	Insect Spraying	40,000	30,548	76.4%
Public Works Streets	Equipment	41,700	38,689	92.8%

Please note the items above are due to timing of payment or activities throughout the year.

Capital Improvement Fund

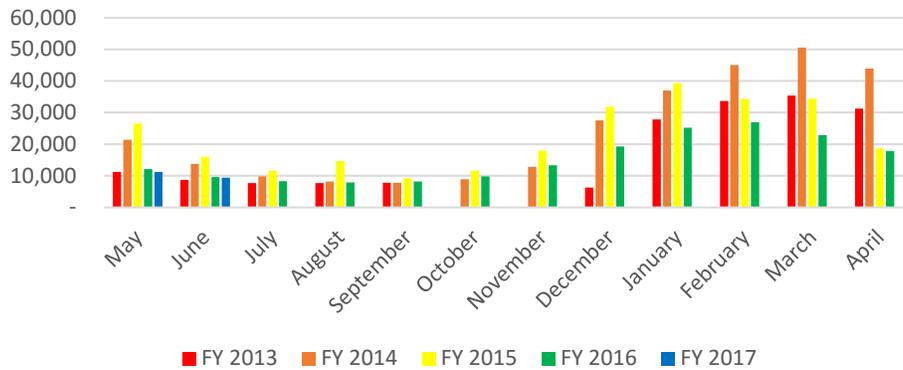
The total Capital Improvement Fund budgeted revenues for fiscal year 2017 are \$1,513,330, while the revenues through July are at \$340,218 (22.5%). The major revenues in the Capital Improvement Fund are as follows:

Electric Utility Tax



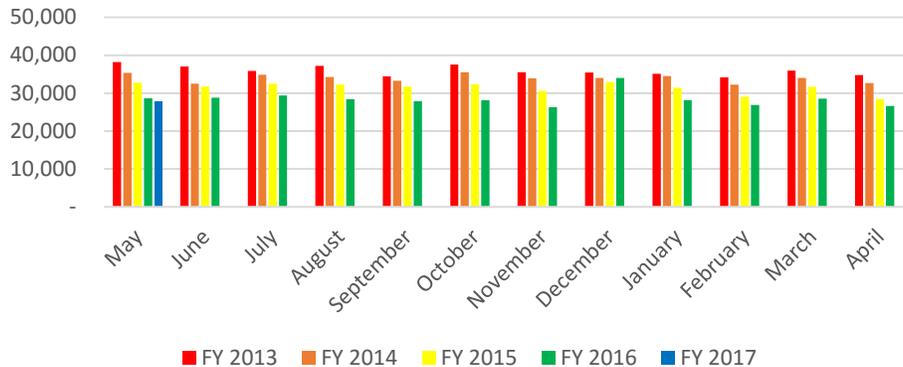
The budget for Electric Utility Tax for fiscal year 2017 is \$644,348. Fiscal year 2017 collections through July are \$16,000 higher than last year; and also \$13,000 above projections.

Natural Gas Utility Tax



The budget for Natural Gas Utility Tax for fiscal year 2017 is \$219,297. Fiscal year 2017 collections through July are \$1,000 lower than last year; and also \$9,000 below projections.

Telecommunications Utility Tax

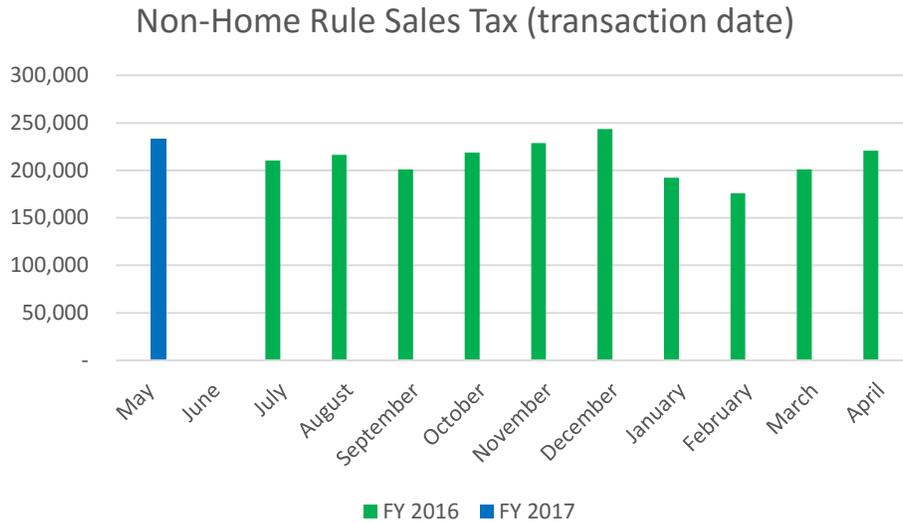


The budget for Telecommunications Utility Tax for fiscal year 2017 is \$336,464. Fiscal year 2017 collections through July are \$1,000 lower than last year; and also \$1,000 below projections.

The total Capital Improvement Fund budgeted expenditures for fiscal year 2017 are \$1,541,069, while the expenditures through July are at \$315,839 (20.5%). The majority (85.8%) of these expenditures comes from the transfer of utility taxes to the Debt Service Fund to pay for the Police Station and Village Hall.

Infrastructure Improvement Fund

The total Infrastructure Improvement Fund budgeted revenues for fiscal year 2017 are \$3,147,000, while the revenues through July are at \$597,818 (19.0%). The major revenue in the Infrastructure Improvement Fund is as follows:

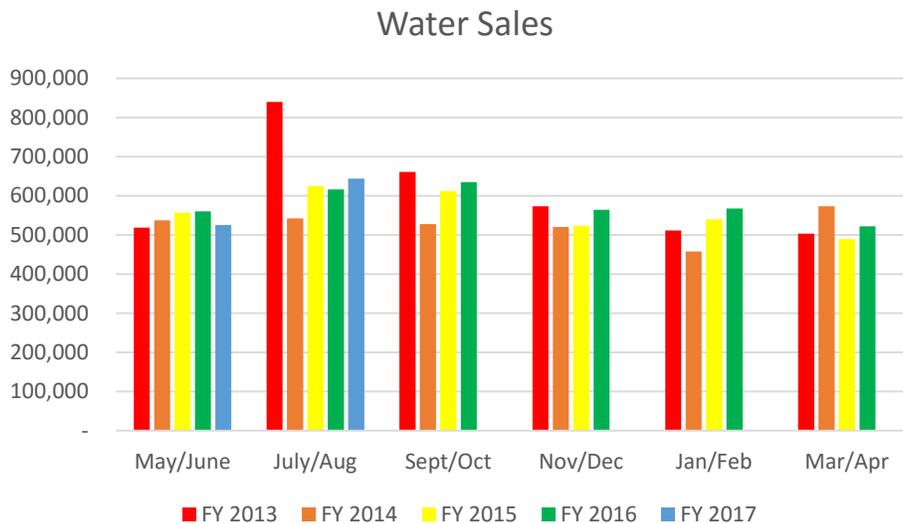


The budget for Non-Home Rule Sales Tax for fiscal year 2017 is \$2,646,000. The Village doesn't have a comparison for last year due to the implementation on July 1, 2015. However, the Village is \$12,000 above projections.

The total Infrastructure Improvement Fund budgeted expenditures for fiscal year 2017 are \$2,555,169, while the expenditures through July are at \$920,396 (36.0%).

Water Fund

The total Water Fund budgeted revenues for fiscal year 2017 are \$4,876,711, while the revenues through July are at \$1,401,676 (28.7%). The major revenue in the Water Fund is as follows:



The budget for Water Sales for fiscal year 2017 is \$3,637,487. Fiscal year 2017 collections through July are \$7,000 lower than last year, and also \$50,000 below projections.

The total Water Fund budgeted expenses for fiscal year 2017 are \$5,107,077, while the expenditures through July are at \$968,461 (19.0%). The following expenditures have budget or actual amount over \$25,000 and are higher than the July budget (25%) by 10% or more:

<u>Dept.</u>	<u>Description</u>	<u>Budget</u>	<u>Actual</u>	<u>Percentage</u>
Water Admin	IEPA Loan Principal	62,511	31,048	49.7%
Water Admin	IEPA Loan #3 Principal	105,898	52,408	49.5%
Water Admin	2013 Bond Interest	162,550	81,275	50.0%

Please note the items above are due to timing of payment or activities throughout the year.

Village of Montgomery
Quarterly Cash and Investment Report
July 31, 2016

Fund	First National Bank	Fifth Third Bank	Old Second Bank	Bank of Montgomery	Bank of Montgomery Securities	Amalgamated Bank	MB Financial Bank	Village Investment Securities	Other	Total
Village Cash & Investments										
General (including payroll)	\$ 1,718,371	\$ 1,203	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,599,401	\$ 1,200	\$ 3,320,175
Motor Fuel Tax	310,445	-	-	-	-	-	-	-	-	310,445
Revolving Loan Fund	503,037	-	-	-	-	-	-	-	-	503,037
Forfeiture and Seizure	39,760	-	-	-	-	-	-	-	-	39,760
Emergency 911	138,081	-	-	-	-	-	-	-	-	138,081
Capital Improvement	144,543	263	-	-	-	-	-	350,978	-	495,784
Lakewood SA Project	-	-	-	-	-	22,754	-	-	-	22,754
Infrastructure Improvement	53,488	11	-	-	-	-	-	20,000	-	73,499
TIF #1	199,883	-	-	-	-	-	-	-	-	199,883
TIF #2	68,766	-	-	-	-	-	-	-	-	68,766
Debt Service	159,525	-	-	-	-	-	-	-	-	159,525
Water	515,841	1,182	1,698	79,371	480,044	-	-	1,579,401	100	2,657,637
Water Improvement	57,286	-	-	-	-	-	-	-	-	57,286
Employee Insurance	279,828	-	-	-	-	-	-	-	-	279,828
Vehicle Replacement	614,310	-	-	-	-	-	-	-	-	614,310
Refuse	(282,245)	-	-	-	-	-	-	-	-	(282,245)
Police Gift	5,992	-	-	-	-	-	-	-	-	5,992
Montgomery Crossings SSA	156,166	-	-	-	-	-	-	-	-	156,166
Blackberry Crossing SSA	67,946	-	-	-	-	-	-	-	-	67,946
Fairfield Way SSA	189,821	-	-	-	-	-	-	-	-	189,821
Arbor Ridge SSA	32,624	-	-	-	-	-	-	-	-	32,624
Foxmoor SSA	137,038	-	-	-	-	-	-	-	-	137,038
Saratoga Springs SSA	40,889	-	-	-	-	-	-	-	-	40,889
Orchard Prairie North SSA	40,493	-	-	-	-	-	-	-	-	40,493
Blackberry Crossing West SSA	144,814	-	-	-	-	-	-	-	-	144,814
Fieldstone SSA	20,700	-	-	-	-	-	-	-	-	20,700
Balmorea SSA	2,414	-	-	-	-	-	-	-	-	2,414
Marquis Pointe SSA	27,827	-	-	-	-	-	-	-	-	27,827
Ogden Hill SSA	37,716	-	-	-	-	-	-	-	-	37,716
Subtotal Village Cash & Investments	5,425,359	2,659	1,698	79,371	480,044	22,754	-	3,549,780	1,300	9,562,965
Cash & Investments Held for Others										
Police Pension	-	-	-	-	-	-	8,647,013	-	-	8,647,013
Talma Street SSA	2,095	-	-	-	-	-	-	-	-	2,095
Escrow Fund	467,439	-	-	-	-	-	-	-	-	467,439
Flexible Benefits Fund	(4,111)	-	-	-	-	-	-	-	-	(4,111)
Lakewood SA Agency	-	-	-	-	-	2,729,355	-	-	-	2,729,355
Blackberry Crossing West SSA Agency	12	-	-	-	-	-	-	-	-	12
Cornell SSA Agency	3,934	-	-	-	-	-	-	-	-	3,934
Temporary Certificate of Occupancy	53,900	-	-	-	-	-	-	-	-	53,900
Subtotal Cash & Investments Held for Others	523,269	-	-	-	-	2,729,355	8,647,013	-	-	11,899,637
Total Cash & Investments	\$ 5,948,628	\$ 2,659	\$ 1,698	\$ 79,371	\$ 480,044	\$ 2,752,109	\$ 8,647,013	\$ 3,549,780	\$ 1,300	\$ 21,462,602
Yield	0.409%	0.010%	0.000%	0.200%	0.674%	0.010%	0.212%	1.440%	0.000%	

Village of Montgomery
Monthly Investment Report - Investment securities listing
July 31, 2016

Bank	Investment Date	Maturity Date	Interest Rate	Book Value
Byline Bank, Oswego, IL (collateralized)	2/17/2015	8/17/2016	0.700%	100,874.40
Discover Bank, New Castle, DE	3/18/2015	9/19/2016	0.700%	100,000.00
Byline Bank, Oswego, IL (collateralized)	4/17/2015	10/17/2016	0.700%	100,873.21
Discover Bank, New Castle, DE	11/19/2014	11/21/2016	1.050%	100,000.00
Goldman Sachs Bank, New York, NY	12/24/2014	12/26/2016	1.050%	100,000.00
Byline Bank, Oswego, IL (collateralized)	1/16/2015	1/16/2017	1.000%	101,500.43
Byline Bank, Oswego, IL (collateralized)	2/17/2015	2/17/2017	1.000%	101,246.51
Byline Bank, Oswego, IL (collateralized)	3/17/2015	3/17/2017	1.000%	101,254.77
Byline Bank, Oswego, IL (collateralized)	4/17/2015	4/17/2017	1.000%	101,252.02
Ally Bank, Midvale, UT	11/20/2014	5/22/2017	1.160%	100,000.00
GE Capital Bank, Salt Lake City, UT	12/19/2014	6/19/2017	1.150%	100,000.00
Byline Bank, Oswego, IL (collateralized)	1/16/2015	7/16/2017	1.150%	101,728.25
Byline Bank, Oswego, IL (collateralized)	2/17/2015	8/17/2017	1.150%	101,439.29
Goldman Sachs Bank, New York, NY	3/25/2015	9/25/2017	1.170%	100,000.00
Byline Bank, Oswego, IL (collateralized)	4/17/2015	10/17/2017	1.180%	101,479.85
American Express Fed Svgs Bank, Salt Lake City, UT	11/20/2014	11/20/2017	1.500%	100,000.00
GE Capital Bank, Salt Lake City, UT	12/19/2014	12/19/2017	1.550%	100,000.00
Ally Bank, Midvale, UT	1/22/2015	1/22/2018	1.400%	100,000.00
Byline Bank, Oswego, IL (collateralized)	2/17/2015	2/17/2018	1.400%	101,751.11
Medallion Bank, Salt Lake City, UT	9/18/2015	3/16/2018	1.400%	100,000.00
Byline Bank, Oswego, IL (collateralized)	4/17/2015	4/17/2018	1.500%	101,879.53
BMW Bank, Salt Lake City, UT	5/22/2015	5/22/2018	1.400%	100,000.00
American Express Centurion Bank, Salt Lake City, UT	6/24/2015	6/25/2018	1.600%	100,000.00
Capital One Bank, Glen Allen, VA	7/1/2015	7/2/2018	1.600%	100,000.00
Capital One Bank, Glen Allen, VA	8/19/2015	8/20/2018	1.800%	100,000.00
American Express Centurion Bank, Salt Lake City, UT	9/23/2015	9/24/2018	1.650%	100,000.00
Capital One Bank, Glen Allen, VA	10/21/2015	10/22/2018	1.650%	48,000.00
Ally Bank, Midvale, UT	10/22/2015	10/22/2018	1.650%	48,000.00
Goldman Sachs Bank, New York, NY	11/25/2015	11/26/2018	1.700%	48,000.00
American Express Centurion Bank, Salt Lake City, UT	11/25/2015	11/26/2018	1.700%	47,000.00
Oriental Bank, San Juan, PR	12/16/2015	12/16/2018	1.750%	100,000.00
BMW Bank, Salt Lake City, UT	1/22/2016	1/22/2019	1.700%	100,000.00
East Boston Savings Bank, Boston, MA	2/17/2016	2/19/2019	1.390%	100,000.00
Bank of the West, San Ramon, CA	3/19/2016	3/19/2019	1.570%	102,000.00
Byline Bank, Oswego, IL (collateralized)	4/19/2016	4/19/2019	1.370%	101,500.00
Comenity Capital Bank, Salt Lake City, UT	5/31/2016	5/31/2019	1.250%	120,000.00
Wells Fargo Bank NA, Sioux Falls, SD	6/17/2016	6/17/2019	1.350%	120,000.00

3,549,779.37

Time and Dollar Weighted Portfolio Yield

1.440%