

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



Village Board Meeting
Monday, October 24, 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 – Led by Girl Scout Troop 1608

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).

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 October 10, 2016.
- B. Executive Session Minutes of September 26, 2016.
- C. Accounts Payable through October 20, 2016 in the Amount of \$470,687.53.

6. Items for Separate Action

- A. Ordinance 1744 Granting a Special Use for Outdoor Storage for 1415 Bohr Avenue (First Reading).
- B. Ordinance 1745 Granting a Variance to the West Side Yard Setback Requirement for 1415 Bohr Avenue (First Reading).

7. Items for Discussion

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

A. Liquor License Request for Shell Gas Station.

8. New or Unfinished Business

9. Future Meetings

- A. Plan Commission – Thursday, November 3, 2016 at 7:00 p.m.
- B. Village Board Meeting – Monday, November 14, 2016 at 7:00 p.m.
- C. Beautification Committee – Wednesday, November 9, 2016 at 6:00 p.m.
- D. Committee of the Whole Meeting – Tuesday, November 22, 2016 at 7:00 p.m. (May Be Canceled)
- E. Village Board Meeting – Monday, November 28, 2016 at 7:00 p.m.

10. Executive Session

11. Adjournment

Village President Brolley called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance led by Boy Scout Troop 12.

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, Village Engineer Peter Wallers, Director of Community Development Rich Young, Members of the Press and others.

Public Participation

A. Public Comments (Two Minute Opportunity).

Trustee Marecek announced that Boy Scout Troop 12 will be having their pancake breakfast on October 22nd at St. Luke's Church from 7:30 to 11:30 am.

B. Boy Scout Troop 12 (St. Luke's) completed a flag ceremony and led the pledge.

President Brolley thanked the Boy Scout Troop for their presentation.

C. Swearing in of Officer Paul D. Godinho.

Deputy Chief Armando Sanders introduced and President Brolley swore in and presented Officer Godinho to the Village Board and staff. His family was in attendance for the presentation.

D. Lulu Blacksmith Regarding Waubensee Community College.

Lulu Blacksmith, Director for Community Engagement for Waubensee Community College, thanked the Village Board and President Brolley for supporting higher education and economic growth in their community. She presented the Board with a 50th Anniversary plaque and brochures in appreciation.

E. Proclamation Recognizing the Montgomery Public Works Graduates of the Illinois Public Service Institute – Class of 2016.

President Brolley recognized and congratulated the three Public Works graduates of the Illinois Public Service Institute - Class of 2016 who were Adam Hake, Cory Kennedy and Mark Wolf. Their families were in attendance for the presentation.

Trustee Sperling moved to **approve the Proclamation Recognizing the Montgomery Public Works Graduates of the Illinois Public Service Institute – Class of 2016.** Trustee Marecek seconded this motion.

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

F. Proclamation for Fox Valley Special Recreation Association.

President Brolley celebrated and honored the 40th anniversary of the Fox Valley Special Recreation Association for serving the recreational needs of individuals with special needs in the Fox Valley area. Jason Posluszny from the FVSRA spoke and thanked the Board for recognizing their 40th anniversary and supporting their programs.

Trustee Sperling moved to **approve the Proclamation for Fox Valley Special Recreation Association.** Trustee Jungermann seconded this motion.

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

G. Proclamation for Breast Cancer Awareness Month.

President Brolley declared October as Breast Cancer Awareness Month in the Village of Montgomery and urged all women and their families to learn the facts about breast cancer, support those courageously fighting breast cancer and honor those lives lost to this devastating disease. Trustee Sperling thanked the Board for putting this item on the agenda.

Trustee Sperling moved to **approve the Proclamation for Breast Cancer Awareness Month.** Trustee Marecek seconded this motion.

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

H. Proclamation for Domestic Violence Awareness Month.

President Brolley declared October as Domestic Violence Awareness Month in the Village of Montgomery and urged our citizens to work together to eliminate domestic violence from our communities.

Trustee Sperling moved to **approve the Proclamation for Domestic Violence Awareness Month.** Trustee Jungermann seconded this motion.

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

I. Presentation of the Audit.

Director VanVooren introduced Jamie Wilkey from Lauterbach and Amen, LLP who presented the findings for the Village Audit, ending fiscal year April 30th, 2016. Director VanVooren asked that the Board accept and put on file the financial statements from the presentation.

Ms. Wilkey thanked Director VanVooren and his team for doing an excellent job preparing for the audit. No material adjustments were found that were required to get the statements up to standard, which is not the norm for municipal audit engagements. The Village received a clean, unmodified audit opinion which is the highest level decision issued in the government world. Trustee Lee and President Brolley thanked Director VanVooren and the auditors for putting the audit report together.

Trustee Bond moved to **approve to Accept and Put on File the Financial Statements from the Presentation of the Audit.** 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.

Consent Agenda

- A Minutes of the Village Board Meeting of September 26, 2016.**
- B. Building Report for September 2016.**
- C. Accounts Receivable Report for September 2016.**
- D. Accounts Payable through October 6, 2016 in the Amount of \$574,561.94.**

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

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

Items for Separate Action

A. Pearl Street Storm Sewer Rehabilitation.

Village Engineer Peter Wallers requested approval for the Pearl Street Storm Sewer Rehabilitation project previously discussed with the Board. He described the reasons for the work and recommended the bid from SAK Construction LLP out of O'Fallon, MO be accepted as it was the most cost effective bid for this traditional type of lining rehabilitation. Engineer Wallers also explained that this type of lining had been used successfully for pipe repair in the Village previously.

Trustee Sperling inquired why no local contractors had bid on the job, if it was specialized work that required out of state contractors and when the job would begin. Engineer Wallers clarified that it is common, licensed work, that we don't always have local contractors bidding on the jobs, and that the job would begin in March 2017 and likely conclude in April 2017.

Trustee Bond moved to **approve a contract with SAK Construction for the Pearl Street Storm Sewer Rehabilitation.** Trustee Jungermann seconded this motion.

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

B. Plan Commission Recommendations.

Director Young discussed two items related to an applicant's request regarding the property at 1415 Bohr Avenue that is currently vacant and zoned M2 and planned to be a construction operation. A revised site plan was received by Director Young and the details were presented to the Board. It was established that he would support the one minor side yard setback variation to the west. He requested that the Board accept the Plan Commission and the ZBA's recommendations and indicate whether they should go forward with approval of a special use for the storage and the side yard setback variance.

Various questions were raised about whether the side yard setback was acceptable, the use of the multi-tenant building and what materials would be stored on site. Director Young clarified that the setback would be acceptable and that the applicant plans to use the majority of the property for his contracting business, with a possibility in the future of using the truck dock for a permitted use. The applicant, Ruben Hernandez, spoke and clarified that he is a concrete contractor and that small quantities of gravel, topsoil and small broken concrete from leftover jobs would be the intended materials to be stored on site.

Additional questions were asked about whether a bike rack would be installed at this new facility, if any recycling of existing concrete would be done on site, if the applicant planned to rent a part of the other two building spaces to his mechanic for inside and outside equipment work and finally, if a landscape company might be another possible tenant.

Director Young advised that all new sites being developed require a bike rack to be installed. The applicant, Mr. Hernandez, said it would not be a problem to add a bike rack, that he would not be doing any concrete recycling on site, that his mechanic would do work on both his equipment and outside equipment and that he would not have a landscape company as another tenant.

President Brolley thanked Mr. Hernandez for coming in to address the Board and for working with the Village and staff to bring the setbacks into conformance. He suggested the Board accept the Planning Commission's recommendations for PC2016-025 Special Use, ZBA 2016-028, ZBA 2016-029, ZBA 2016-030 and ZBA 2016-031. He also proposed adding the one variance item to the next agenda in two weeks to allow the Board time to discuss the site plan changes and for staff to update their report.

Trustee Marecek moved to **approve the Plan Commission Recommendations.** Trustee Sperling seconded this motion.

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

C. Temporary Liquor License Request for United Sugars Corporation.

Administrator Zoepfel stated that United Sugars Corporation is having a Grand Opening Event on their property on November 2nd from 4-7 pm and asked for a Temporary Liquor License for this event. President Brolley clarified that temporary liquor licenses are common from time to time and new requests typically come before the Board for approval.

Trustee Bond moved to **approve the Temporary Liquor License Request for United Sugars Corporation**. Trustee Jungermann 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

A. Water Study.

Engineer Peter Wallers asked the Board if they have reached a consensus so that EEI can complete the Water Study. As previously discussed, multiple alternatives were considered in regard to this issue, including a joint facility with other communities, an individual facility for Montgomery only and no action at all. Engineer Wallers clarified the need for the water study and to consider planning an alternate water supply in the next five to ten years instead of relying solely on the deep aquifer water that is currently being utilized.

Questions were raised regarding the need for a new water supply, the potential costs and budgeting timeline for the new facilities, governance conditions, land acquisition, monitoring of water levels and testing of the water quality. Engineer Wallers shared that the Village has ample treatment and well capacity now. He also cautioned not to build water supply facilities with equipment that was reliant on the existing deep aquifer as it has a limited capacity and would become outdated in the future.

He also suggested that a first step in the process could be to determine a possible land acquisition location for a new water treatment facility. He clarified that planning costs, exploration of a governance system, water commission, water quality testing and intergovernmental agreements would need to be explored. He summarized that per capita water consumption is trending down, that they should focus on reducing water loss and not lock into any significant costs over the next 3 years, other than possibly land acquisition. Finally, he stated that starting as early as next year that water quality testing could be considered and planned for in the budget.

President Brolley agreed that water testing and budgeting could apply next year regardless of which water supply option was agreed upon. He finalized by stating that the preferred option for the Water Study would be a joint municipality project with river water with Trustee Sperling, Trustee Jungermann, Trustee Marecek and Trustee Bond voicing agreement. President Brolley proposed that the Water Supply report be finalized and addressed at a future meeting for approval.

New or Unfinished Business

Trustee Marecek congratulated President Brolley on the CMAP Board appointment.

Future Meetings

- A. Beautification Committee – Wednesday, October 12, 2016 at 6:00 p.m.
- B. Historic Preservation Commission – Monday, October 17, 2016 at 6:30 p.m.
- C. Plan Commission – Thursday, November 3, 2016 at 7:00 p.m.
- D. Committee of the Whole Meeting – Tuesday, October 18, 2016 at 7:00 pm. (Canceled)
- E. Village Board Meeting – Monday, October 24, 2016 at 7:00 p.m.

Executive Session

There was no Executive Session this evening.

Adjournment: 8:03 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,

Penny Fitzpatrick
Village Clerk

**Village of Montgomery
Bills to be Paid
October 24, 2016**

<u>All Departments</u>	<u>Amount</u>
Alarm Detection	6,689.01
EI	74,022.55
MEDC	22,500.00
Mickey Wilson	10,296.26
Responsive	6,160.00
Shoretel	2,728.91
 <u>Community Development/Building Department</u>	
Bhairvi Brown	5,000.00
Cannonball	1,150.00
Canon Financial	280.07
Chicago Tribune	310.89
Fed Ex	54.49
Fredi Beth Schmutte	213.75
Kane County Recorder	315.00
Metallo Stump Removal	387.00
Office of Sec of State	10.00
Planning Resource Inc	1,622.25
Rotary Club	90.00
Twin Oaks	735.00
 <u>Elected Officials</u>	
Int'l Institute of Municipal Clerks	160.00
Proforma	122.22
VanDuser	75.00
 <u>Finance Department/Water Billing</u>	
AT&T	73.98
CDW	2,724.90
IEPA	125,439.88
Justin VanVooren	236.58
My Office Products	204.80
Oswego Fire	203.39
Oswego Library	195.00
Oswego Park District	3,160.34
Third Millennium	2,482.44
US Bank	450.00
Water Refunds	137.35

Human Resources/Payroll

Aflac	432.08
Blue Cross Blue Shield	88,122.75
Dearborn	344.85
International Union of Operating Engineers	306.00
International Union of Operating Engineers	1,249.56
Legal Shield	224.15
Metropolitan Alliance of Police	578.00
Nationwide 457	435.00
Nationwide IRA	100.00
Nationwide 457	435.00
Nationwide IRA	100.00
Provident Life	720.66
Rush Copley	496.00
State Disbursement Unit	957.53
State Disbursement Unit	957.53

Police Department

Anthony Hull	85.71
AT&T	175.32
GFC	579.48
Galls, LLC	142.80
II Police & Fire	375.00
Law Enforcement Training	1,400.00
North East Multi-Regional	625.00
Rotary Club	90.00
TacMed Essentials	295.00
Verizon	722.19
Voiance Language	10.50
Wagner Investigative	300.00
Wally's Printing	404.05

Public Works Department

Aerex Pest Control	113.00
Chicago Tribune	163.88
Citywide	3,657.28
ComEd	4,752.25
ComEd	199.54
Constellation	17,605.65
Crescent Electric	198.91
Don's Sharpening	167.00
Edmonds	1,861.39
EnviroBroker	220.00
Factory Motor Parts	1,227.04
Fox Metro	108.49
G&K	162.27

Gasvoda	145.39
Gen Power	830.00
Hach	484.63
HD Supply	18,697.80
Illco	776.55
IPWMAN	250.00
J&S Construction	3,014.00
Kaknes Landscape Supply	90.00
Kane County Water Association	80.00
Kendall Cty Concrete	362.50
Kimball Midwest	104.30
Kline's Landscape	8,350.00
Menards	440.94
Metallo Stump Removal	7,000.00
Mid American Water	3,743.00
Midwest Lighting	201.96
Midwest Salt	3,688.95
Nicor	167.24
Pomp's	202.76
Ralph Helm	61.69
Republic	2,130.00
Riverview Ford	819.00
Ron Westphal	691.42
Rush Truck Center	356.64
Sauber Mfg	578.00
Suburban Laboratories	543.00
Staab Battery	44.80
Todd Hoppenstedt	340.20
Twin Oaks	7,748.89
Utility Dynamics	3,869.00
Vermeer	105.00
Viking Chemical	4,774.92
Wholesale Direct	224.04

Village Administrator's Office/Village Hall

Chicago Tribune	30.76
Chicago Tribune	89.17
Shaw Media	51.00
US Bank	268.06

Grand Total 470,687.53



**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 October 18, 2016

B of T Date: October 24, 2016

Subject: Ordinance 1744 Granting a Special Use for Outdoor Storage for 1415 Bohr Avenue

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

Background/Policy Implications:

The attached ordinance is to grant a special use for the outdoor storage of materials related to a concrete business. The Planning Commission voted to recommend the denial of the special use application due to certain issues identified by staff in Plan Commission Advisory Report PC 2016-026.

Following the hearing in front of the Planning Commission, petitioner amended portions of its request and addressed many of these outstanding issues and revised plans were presented to the Village Board at the October 10, 2016, Village Board meeting.

Please note that this item requires a 2/3 vote of the Village Board.

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. 1744

**AN ORDINANCE GRANTING A SPECIAL USE FOR OUTDOOR STORAGE FOR
1415 BOHR AVENUE,
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. 1744

**AN ORDINANCE GRANTING A SPECIAL USE FOR OUTDOOR STORAGE FOR
1415 BOHR AVENUE,
VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS**

BE IT ORDAINED by the 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 1970 Constitution of the State of Illinois, and accordingly, acts pursuant to those powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, the land described in Section One of this ordinance is within the boundaries of the Village of Montgomery and presently zoned (M-2) General Manufacturing District, and is sought by the petitioner to be granted special use for outdoor storage; and,

WHEREAS, all hearings required to be held before agencies of the Village took place pursuant to proper legal notice, including publication; and,

WHEREAS, the Planning Commission recommended to the Village Board of Trustees the denial of said application based on certain identified deficiencies, however, the Village Board now finds by a 2/3 vote of the trustees that the deficiencies identified by the Planning Commission have since been addressed; and,

WHEREAS, the Village Board has adopted the following findings of fact as attributed to the petitioner in Plan Commission Advisory Report PC 2016-026: (1) the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort, or general welfare; (2) the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, and will not substantially diminish or impair property values in the neighborhood; (3) the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; (4) adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided; (5) adequate measures have been, or will be, taken to provide ingress and egress so designed as to minimize traffic congestion in public streets; (6) the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board; 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: SPECIAL USE

That the property legally described on the attached **Exhibit A** (hereby incorporated by reference) is granted a special use as follows:

Petitioner is granted a special use for the outdoor storage of materials related to a concrete business, conditioned upon its fulfillment of the items set forth in Section Two of this Ordinance.

SECTION TWO: CONDITIONS

The special use is granted upon the following conditions and restrictions pursuant to Sections 14.09(1-9) of the Village of Montgomery Zoning Ordinance:

- 1) The development of the site shall be in substantial conformance with **Exhibit B**, except with such deviations as are approved by Village staff in the finalization of the plans.
- 2) The use may not be expanded or changed, without prior Village approval pursuant to Section 14.09(1-9).
- 3) Said use is conditioned upon continued compliance with all Village ordinances and all regulations of the Village Zoning Ordinance, it being acknowledged that no Variances from said ordinance have been granted in conjunction with this special use ordinance described herein and that any variation shall require separate action by the Village Board.
- 4) The petitioner, and owner of record of the property in question (and their heirs assigns, lessees, etc.), by applying for this special use, agrees to be bound by all the terms of this ordinance and waives any claims of vested rights, reliance or other defenses, of any type or character, to defend against a revocation of said special use based on any violation of the above provisions. The provisions of this special use shall be binding on the heirs, successors and/or assigns of the petitioner and/or owners of record of the parcel described in **Exhibit A** hereof.
- 5) This special use shall expire if not commenced by owners within one year of the date of passage of this ordinance.
- 6) That in the event that the use of the property for outdoor storage for materials related to a concrete business ceases active operation for a period of more than six months, said use will be conclusively deemed abandoned, and may not be reinstated or continued without prior Village approval pursuant to Section 14.09(1-9).

The Village further conditions the special use on the following standards:

- 1) All outdoor storage activities shall occur on a paved surface.
- 2) The Petitioner shall submit a landscape plan for review and approval by the Director of Community Development or his or her designee.
- 3) The Petitioner shall submit a photometric plan for review and approval by the Director of Community Development or his or her designee.
- 4) All parking (number of spaces, drive aisles, accessible spaces, etc.) must comply with the requirements set forth in the Village's Zoning Ordinance.
- 5) Said outdoor storage yard shall be enclosed by an eight foot (8') privacy fence in accordance with the Village's Zoning Ordinance.
- 6) Upon approval of said plan, Petitioner shall install and maintain all landscaping and fencing in accordance with the Landscape Plan submitted with its application so as to ensure that the storage area is adequately buffered and screened from view.
- 7) That any materials stored in the aforementioned area be of no more than 10' in height, in accordance with the Village's Zoning Ordinance, so as to maintain the aesthetics of the area and ensure the landscaping provides adequate screening.
- 8) The Petitioner shall locate the outdoor storage bins a minimum of ten feet away from the location of the water main.
- 9) All items raised in the September 27, 2016, correspondence between Engineering Enterprises, Inc. ("EEI") and the Village with regard to "Lot 7 – Bohr Industrial Park – Engineering Plans, Montgomery, Illinois" (attached as **Exhibit C**) shall be addressed to the satisfaction of the Village.

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

SECTION THREE: 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:

Penny Fitzpatrick,
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	___	___	___	___

LIST OF EXHIBITS

EXHIBIT A: **Legal Description**
EXHIBIT B: **Site Plan**
EXHIBIT C: **Engineer Enterprises Letter**

EXHIBIT A

LEGAL DESCRIPTION

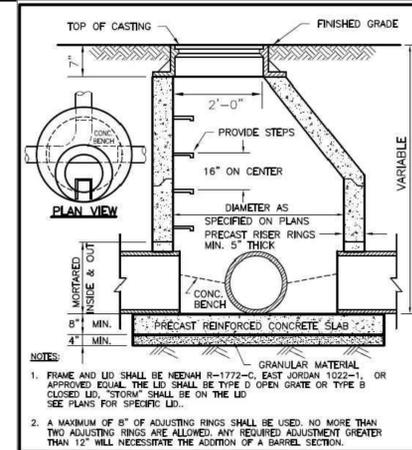
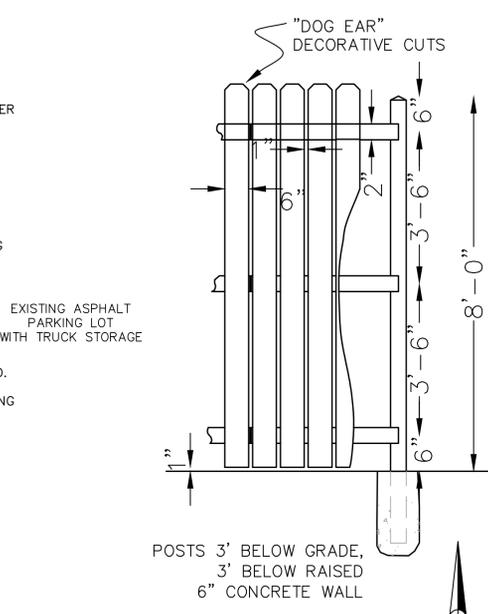
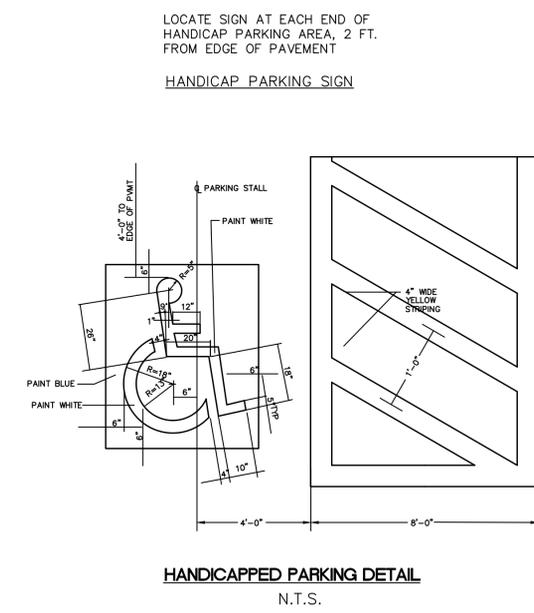
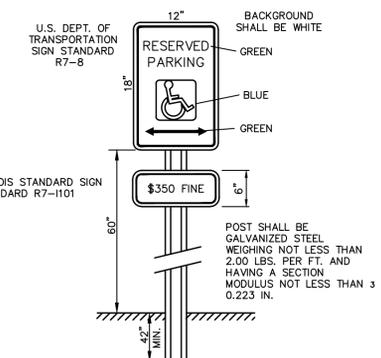
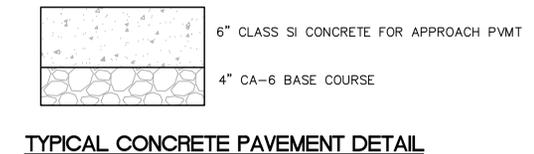
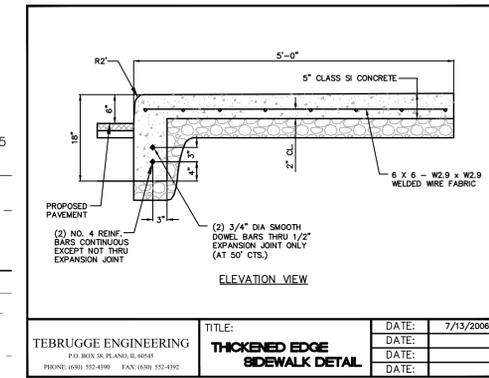
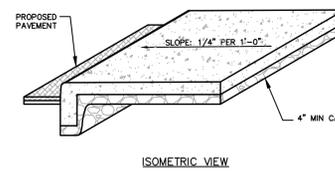
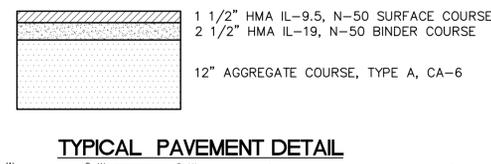
**BOHR INDUSTRIAL PARK LOT 7 LOT DIMENSIONS: 117.9 X 280 APPROX LOT SQ FT
33012 SUBDIVISION: Montgomery Business Park**

EXHIBIT B

SITE PLAN

PROPOSED PARKING LOT
NUMBER OF STALLS PROVIDED
5 + 1 HANDICAP STALLS

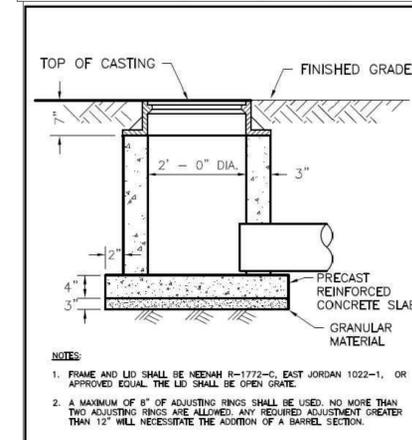
6 TOTAL



VILLAGE OF MONTGOMERY
891 KNELL ROAD
MONTGOMERY, IL 60538
(630) 896-9241

SCALE: N.T.S.
DATE: 11/28/95

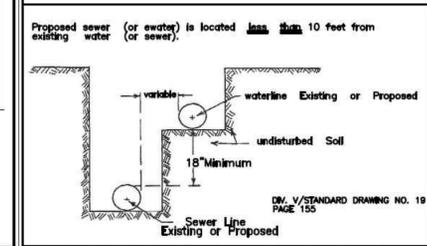
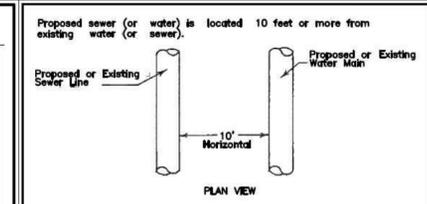
DETAIL NUMBER: WMT-E (DETAILS) 0030
DRAWN: J.P.S.
REVISION: 7/14/05



VILLAGE OF MONTGOMERY
891 KNELL ROAD
MONTGOMERY, IL 60538
(630) 896-9241

SCALE: N.T.S.
DATE: 3/30/95

DETAIL NUMBER: WMT-E (DETAILS) 0025
DRAWN: J.P.S.
REVISION: 7/14/05



VILLAGE OF MONTGOMERY
891 KNELL ROAD
MONTGOMERY, IL 60538
(630) 896-9241

SCALE: N.T.S.
DATE: 02/19/10

DETAIL NUMBER: WMT-E (DETAILS) 0054
DRAWN: CLN.
REVISION: 04/12/05

R.O.W. & REMAINING GRASSED AREA: IDOT CLASS 1 SEEDING MIXTURE

PERMANENT SEEDING MIXTURE - 500 LBS./AC. KENTUCKY BLUEGRASS
300 LBS./AC. PERENNIAL RYEGRASS
200 LBS./AC. CREEPING RED FESCUE

TEMPORARY SEEDING MIXTURE - 150 LBS./AC. RYE OR WHEAT
100 LBS./AC. OATS

GRASSED WATERWAY AREA: CLASS 5 SEEDING MIXTURE

PERMANENT SEEDING MIXTURE - 150 LBS./AC. KENTUCKY BLUEGRASS
150 LBS./AC. SMOOTH BROME GRASS

TEMPORARY SEEDING MIXTURE - 150 LBS./AC. RYE OR WHEAT
100 LBS./AC. OATS

SEEDING SCHEDULE	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
PERMANENT SEEDING MIXTURE NONIRRIGATED												
IRRIGATED												
DORMANT (DOUBLE RATE)												
TEMPORARY SEEDING MIXTURE RYE OR WHEAT												
OATS												

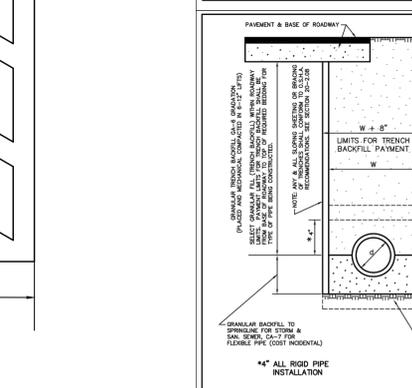
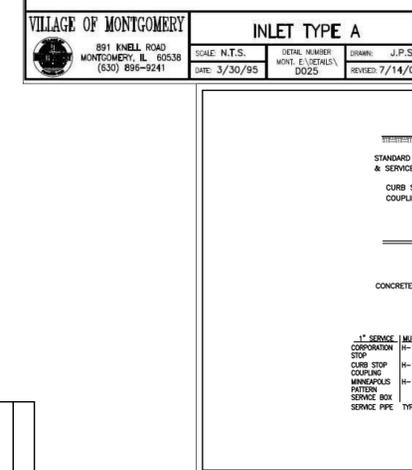
FERTILIZER MIXTURE FOR PROPOSED SEEDING AREAS

NITROGEN (N) 120 LBS./AC.
PHOSPHORUS (P) 52 LBS./AC. OR 120 LBS./AC. P₂O₅
POTASSIUM (K) 100 LBS./AC. OR 120 LBS./AC. K₂O

VILLAGE OF MONTGOMERY
891 KNELL ROAD
MONTGOMERY, IL 60538
(630) 896-9241

SCALE: N.T.S.
DATE: 2/14/90

DETAIL NUMBER: WMT-E (DETAILS) 0045
DRAWN: J.P.S.
REVISION: 4/08/02



VILLAGE OF MONTGOMERY
1300 S. BROADWAY
MONTGOMERY, ILLINOIS
(630) 896-1354

SCALE: N.T.S.
DATE: 4/12/05

DETAIL NUMBER: WMT-E (DETAILS) 0024
DRAWN: KCP.
REVISION: 04/12/05

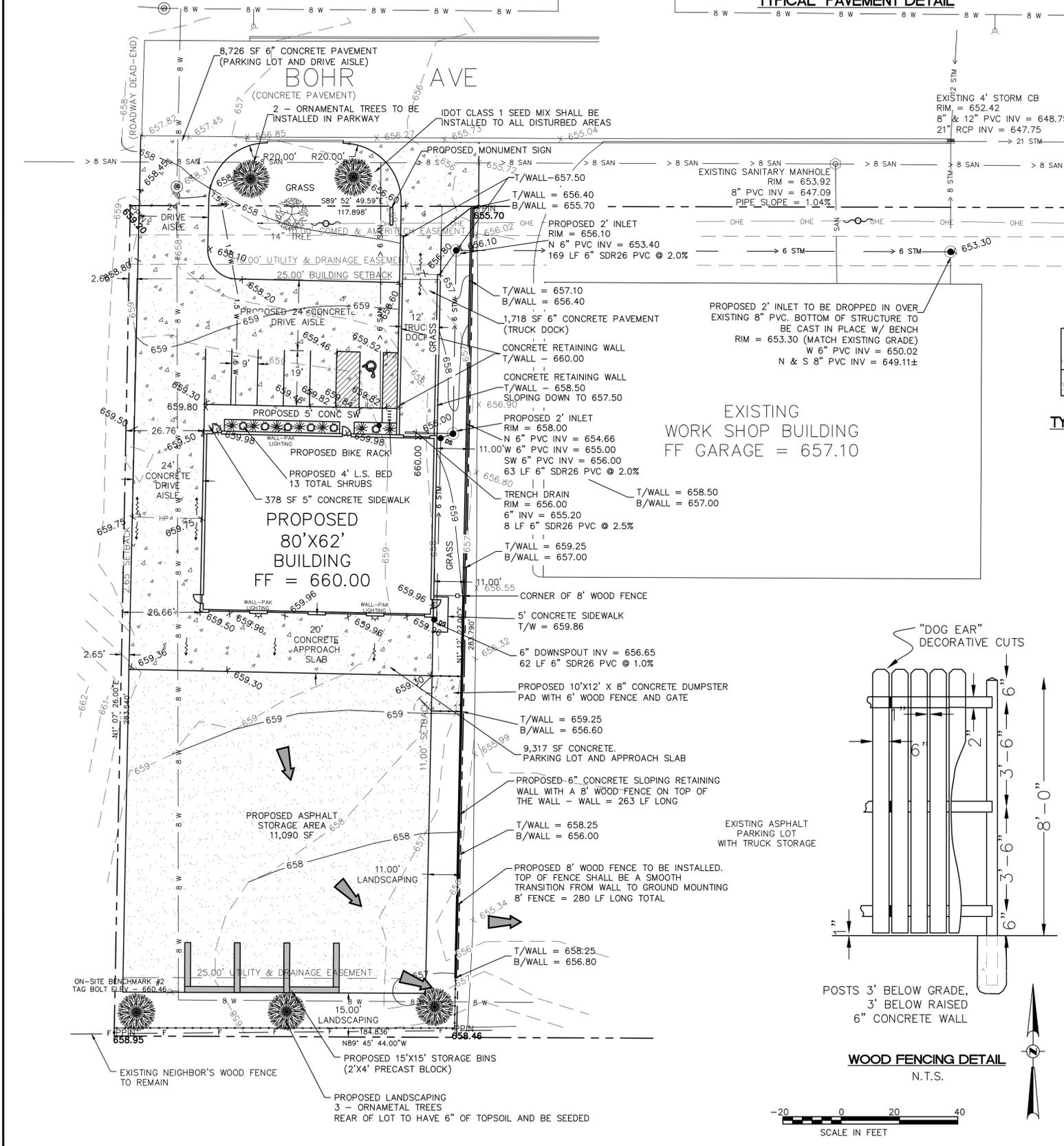
NOTES:

- ANY FLARE OR EXCAVATION BEYOND THE LIMITS SPECIFIED SHALL BE BACKFILLED ACCORDINGLY AT THE EXPENSE OF THE CONTRACTOR.
- THE PROVIDING AND INSTALLATION OF THE GRANULAR BACKFILL FROM THE POINT SPECIFIED TO BELOW THE BOTTOM OF THE PIPE SHALL BE INCIDENTAL TO THE UNIT COST OF THE TYPE OF SEWER BEING CONSTRUCTED.
- TRENCH BACKFILL LIMITS SHALL BE DEFINED AS 2' BEHIND CURB AND GUTTERS AND 2' BEYOND AGGREGATE SHOULDERS, SIDEWALKS, BIKE PATHS, OR OTHER PAVED AREAS.
- THE BOTTOM WIDTH OF THE TRENCH (W) SHOULD NOT EXCEED THE WIDTHS STATED IN SECTION 20-2.03 OF STANDARD SPECIFICATIONS FOR WATER AND SEWER MAIN CONSTRUCTION IN ILLINOIS. (LATEST EDITION)
- WITH A FIRM AND STABLE TRENCH FOUNDATION, D.I. WATER MAIN MAY BE CONSTRUCTED WITHOUT GRANULAR BEDDING. PROVIDE A PROPER NOTCH AT THE TRENCH BOTTOM FOR ALL BELLS AND PROVIDE SELECT EARTH BACKFILL TAMPED AND COMPACTED IN PLACE TO 6" (MIN.) ABOVE TOP OF W.M. WHERE NECESSARY FOR PROPER NOTCH OF TRENCH BOTTOM WHERE DIRECTED AND/OR REQUIRED WITHIN PAVED AREAS PROVIDE 4" (MIN.) OF GRANULAR BEDDING (COST INCIDENTAL).
- CONTRACTOR SHALL MAKE HIS OWN DETERMINATION AS TO THE ACTUAL AMOUNT OF GRANULAR TRENCH BACKFILL REQUIRED. NO ADJUSTMENT TO BID PRICE WILL BE ALLOWED UNLESS THERE IS A CHANGE IN THE PLANS.
- OUTSIDE THE LIMITS FOR TRENCH BACKFILL, (AS DESCRIBED IN NOTE 3) NON-STRUCTURAL FILL MATERIAL SHALL BE MANUALLY COMPACTED TO 85% OF THE STANDARD PROCTOR DENSITY.
- MANUAL COMPACTION IS THE ONLY ACCEPTABLE FORM OF BACKFILL COMPACTION. SETTING IS NOT ALLOWED.

VILLAGE OF MONTGOMERY
1300 S. BROADWAY
MONTGOMERY, ILLINOIS
(630) 896-1354

SCALE: N.T.S.
DATE: 04/10/04

DETAIL NUMBER: WMT-E (DETAILS) 0024
DRAWN: J.P.S.
REVISION: 04/12/05



TEBRUGGE ENGINEERING
410 E. CHURCH STREET - SUITE A SANDWICH, ILL. 60548
PHONE: (815) 786-0195 TEBRUGGEENGINEERING.COM

NO.	DATE	NOTES

PREPARED FOR:
RUBEN HERNANDEZ
791 NORTH FARNSWORTH AVE AURORA, IL

LOT 7 - BOHR INDUSTRIAL PARK
CIVIL SITE PLAN

PROJECT NO. 16 352 02
SCALE: 1" = 20'
DATE: 10.7.16

SHEET NO. 3
OF 3 SHEETS

EXHIBIT C

ENGINEERING ENTERPRISES LETTER



September 27, 2016

Mr. Jerad Chipman
Senior Planner
Village of Montgomery
200 N. River Street
Montgomery, IL 60538

**Re: Lot 7 - Bohr Industrial Park – Engineering Plans
Montgomery, Illinois**

Dear Mr. Chipman,

We have reviewed the Engineering Plans (3 sheets), dated September 1, 2016 for the above referenced site.

Our review of these plans is to generally determine the plan's compliance with Village ordinances and whether the improvements will conform to existing Village systems and equipment. This review and our comments do not relieve the designer from his duties to conform to all required codes, regulations, and acceptable standards of engineering practice. Engineering Enterprises, Inc.'s review is not intended as an in-depth quality assurance review, we cannot and do not assume responsibility for design errors or omissions in the plans.

We offer the following comments:

General Comments

1. A Stormwater Permit will need to be submitted for this project. The Stormwater Permit application and supporting calculations will need to be provided as applicable. Stormwater detention for this Lot has previously been provided for in the detention basin for the Bohr Industrial Park. However, the submittal must document the conveyance of the runoff from the site to the detention basin.
2. An estimate of probable cost needs to be provided for the project improvements. A letter of credit will have to be provided for any improvements in the ROW, the stormwater and erosion control improvements, and the landscaping improvements before construction.
3. The project will require review and approval from the Fox Metro Water Reclamation District. The plans should be submitted to Fox Metro for Review and approval and the Village copied on the correspondence.

4. An easement must be provided for the existing water main on the west side of the Lot.
5. A Lighting and Photometric Plan should be provided.

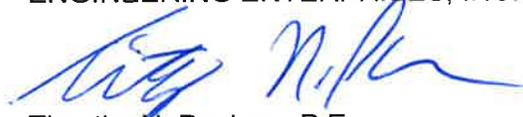
Engineering Plans

6. The datum for the site benchmarks should be provided.
7. Curb and gutter is required around the perimeter of the parking area in accordance with Village Ordinance requirements.
8. The storage area behind the building should be paved. If the owner wants to use an alternate surface the proposed specifications for the surface should be provided on the engineering plans. The existing material does not meet ordinance requirements and would have to be removed and replaced.
9. An AutoTurn Exhibit should be provided to show the truck movements required to utilize the proposed dock. We recommend the dock be reconfigured so that utilization of the dock does not require drivers to stop in the roadway before beginning the docking movement.
10. The grading plan shows water from the east side of the Lot flowing directly onto the neighboring property. The drainage should be controlled in a drainage swale or by other means and conveyed to an established flow path to the detention basin.
11. The location of the b-box for the proposed water service should be shown on the plans.

The above items should be addressed and then Engineering Plans and supporting documentation should be resubmitted for review. If you have any questions or need additional information, please contact our office.

Respectfully Submitted

ENGINEERING ENTERPRISES, INC.



Timothy N. Paulson, P.E.
Project Manager

TNP/me

Pc: PGW, EEI



**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: October 18, 2016

B of T Date: October 24, 2016

Subject: Ordinance 1745 Granting a Variance to the West Side Yard Setback Requirement for 1415 Bohr Avenue

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

Background/Policy Implications:

The attached ordinance is to grant a variance to the west side yard setback requirement for 1415 Bohr Avenue. The Zoning Board of Appeals voted to recommend the denial of the variance petition due to certain issues identified by staff in Zoning Board of Appeals Advisory Report ZBA 2016-030.

Following the hearing in front of the Zoning Board of Appeals, petitioner amended portions of its request and addressed many of these outstanding issues and revised plans were presented to the Village Board at the October 10, 2016, Village Board meeting.

Please note that this item requires a 2/3 vote of the Village Board.

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. 1745

**AN ORDINANCE GRANTING A VARIANCE TO THE WEST SIDE YARD SETBACK REQUIREMENTS
FOR
1415 BOHR AVENUE,
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. 1745

**AN ORDINANCE GRANTING A VARIANCE TO THE WEST SIDE YARD SETBACK REQUIREMENTS
FOR
1415 BOHR AVENUE,
VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS**

BE IT ORDAINED by the 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 1970 Constitution of the State of Illinois, and accordingly, acts pursuant to those powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, the land described in **Exhibit A** of this ordinance is within the boundaries of the Village of Montgomery and presently zoned (M-2) General Manufacturing District, and is sought by the petitioner to be granted a variance from the west side yard variance setback limits; and,

WHEREAS, all hearings required to be held before agencies of the Village took place pursuant to proper legal notice, including publication; and,

WHEREAS, the Zoning Board of Appeals recommended to the Village Board of Trustees the denial of said application based on certain identified deficiencies, however, the Village Board now finds by a 2/3 vote of the trustees that the deficiencies identified by the Zoning Board of Appeals have since been addressed; and,

WHEREAS, the Village Board has adopted the following findings of fact as attributed to the petitioner in Zoning Board of Appeals Advisory Report ZBA 2016-030: (1) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations governing the district in which it is located; (2) that the plight of the owner is due to unique circumstances; (3) that the variation, if granted, will not alter the essential character of the locality; (4) that the particular physical surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out; (5) that the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoning classification; (6) that the need or purpose of the variation is not based exclusively upon a desire to make more money out of the property; (7) that the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located; and (8) that the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values in the neighborhood.

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: WEST SIDE YARD VARIANCE

That the property legally described on the attached **Exhibit A** (hereby incorporated by reference) is granted a variance from Section 11.02 of the Village's Zoning Ordinance as follows:

Petitioner is granted a variance to encroach eight (8) feet into the side yard setback on the west side of the property as shown on the site plan in **Exhibit B**.

SECTION TWO: CONDITIONS

The variance is granted upon the following conditions and restrictions pursuant to Sections 14.08(1-9) of the Village of Montgomery Zoning Ordinance:

- 1) That this variance is limited to the proposed site and may not be expanded or changed from the site as proposed, without prior Village approval.
- 2) The petitioner, and owner of record of the property in question (and their heirs, assigns, lessees, etc.) by applying for this variance, agree to be bound by all the terms of this ordinance and waive any claims of vested rights, reliance, or other defenses, of any type or character, to defend against a revocation of said variance based on any violation of the above provisions. The provisions of this variance shall be binding on the heirs, successors, and/or assigns of the petitioners and/or owners of record of the parcel described in **Exhibit A** hereof.
- 3) The Village President, Village Clerk, and staff are authorized to execute any such additional documents as are necessary to document this grant of variance for said property.

SECTION THREE: 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:

Penny Fitzpatrick,
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	___	___	___	___

LIST OF EXHIBITS

EXHIBIT A: **Legal Description**
EXHIBIT B: **Site Plan**

EXHIBIT A

LEGAL DESCRIPTION

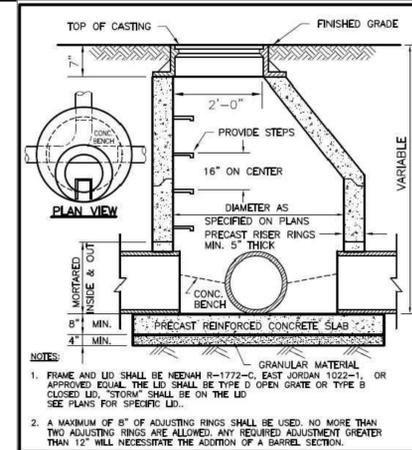
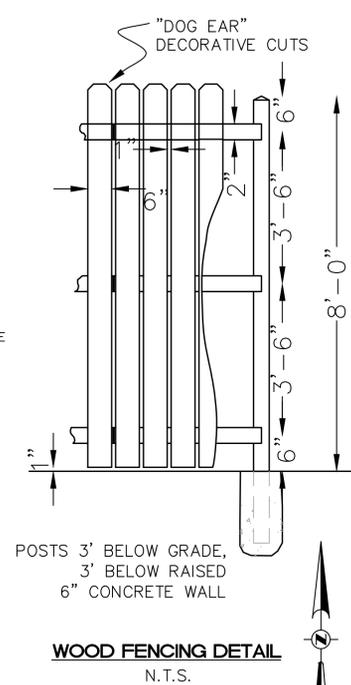
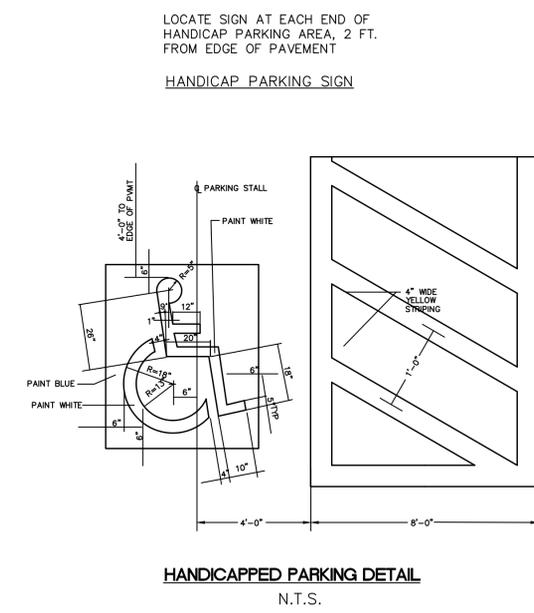
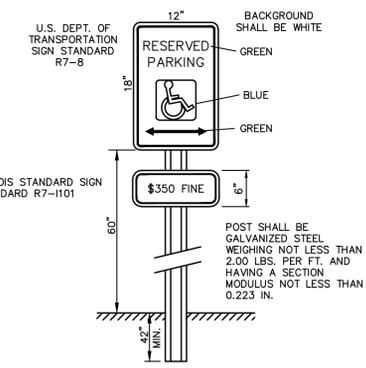
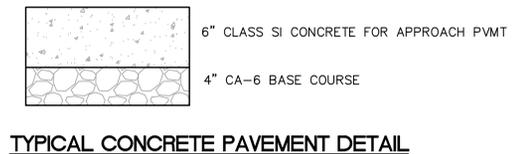
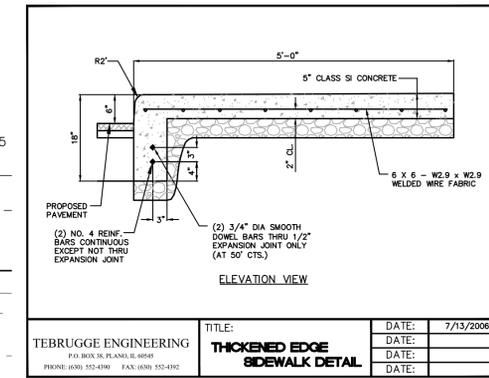
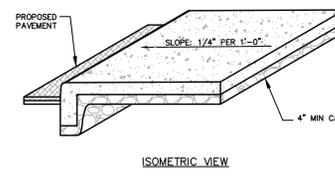
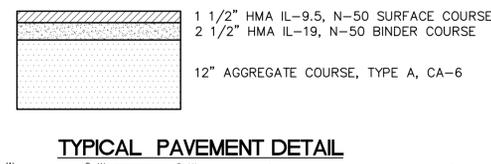
**BOHR INDUSTRIAL PARK LOT 7 LOT DIMENSIONS: 117.9 X 280 APPROX LOT SQ FT
33012 SUBDIVISION: Montgomery Business Park**

EXHIBIT B

SITE PLAN

PROPOSED PARKING LOT
NUMBER OF STALLS PROVIDED
5 + 1 HANDICAP STALLS

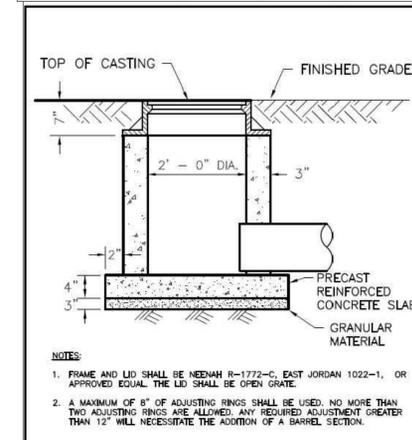
6 TOTAL



VILLAGE OF MONTGOMERY
891 KNEEL ROAD
MONTGOMERY, IL 60538
(630) 896-9241

SCALE: N.T.S.
DATE: 11/28/95

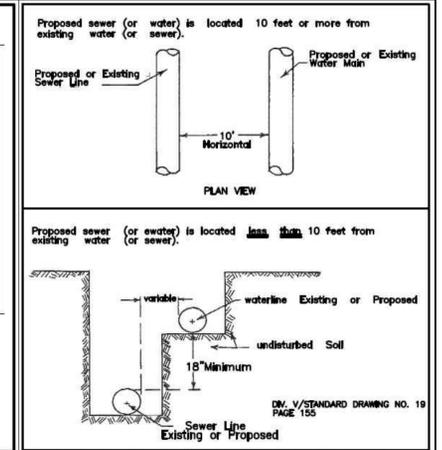
DETAIL NUMBER: WMT E (DETAILS) D030
DRAWN: J.P.S.
REVISION: 7/14/05



VILLAGE OF MONTGOMERY
891 KNEEL ROAD
MONTGOMERY, IL 60538
(630) 896-9241

SCALE: N.T.S.
DATE: 3/30/95

DETAIL NUMBER: WMT E (DETAILS) D025
DRAWN: J.P.S.
REVISION: 7/14/05



VILLAGE OF MONTGOMERY
891 KNEEL ROAD
MONTGOMERY, IL 60538
(630) 896-9241

SCALE: N.T.S.
DATE: 02/19/10

DETAIL NUMBER: WMT E (DETAILS) D054
DRAWN: CLN.
REVISION: 04/12/05

R.O.W. & REMAINING GRASSED AREA: IDOT CLASS 1 SEEDING MIXTURE
PERMANENT SEEDING MIXTURE - 500 LBS./AC. KENTUCKY BLUEGRASS
300 LBS./AC. PERENNIAL RYEGRASS
200 LBS./AC. CREEPING RED FESCUE

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100 LBS./AC. OATS

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150 LBS./AC. SMOOTH BROME GRASS

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100 LBS./AC. OATS

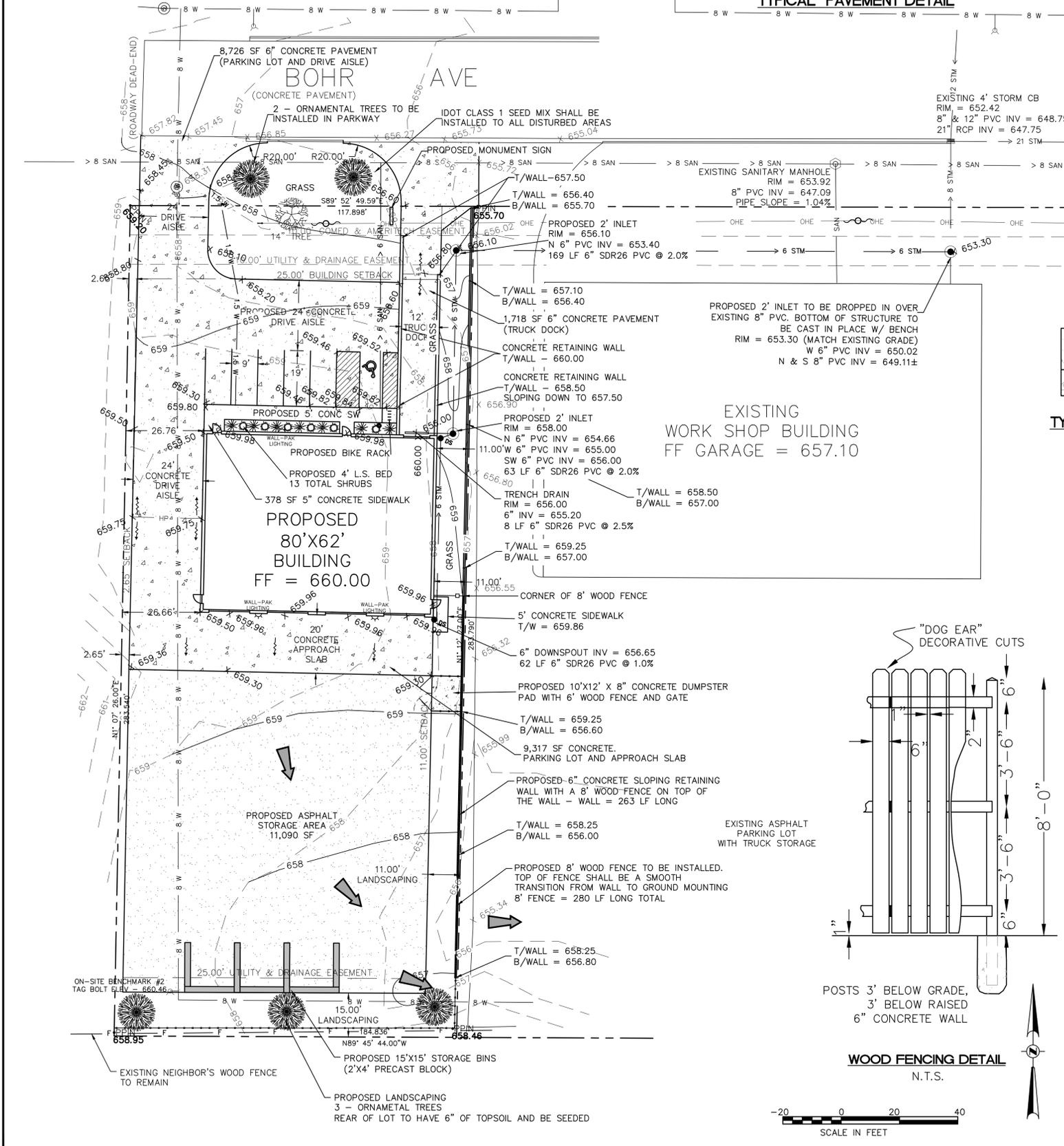
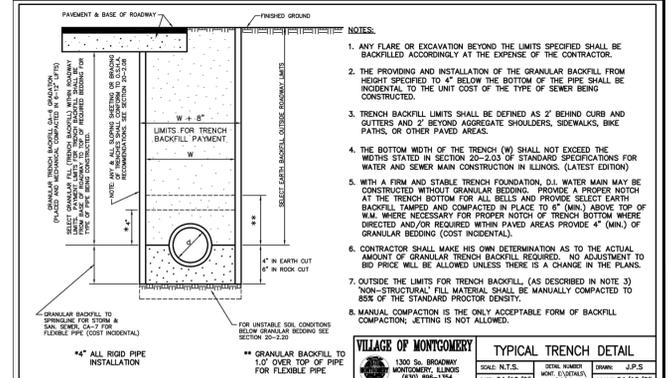
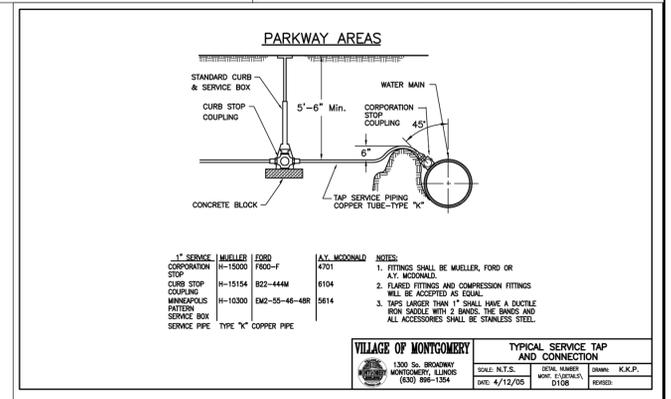
SEEDING SCHEDULE	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
PERMANENT SEEDING MIXTURE NONIRRIGATED												
IRRIGATED												
DORMANT (DOUBLE RATE)												
TEMPORARY SEEDING MIXTURE RYE OR WHEAT												
OATS												

FERTILIZER MIXTURE FOR PROPOSED SEEDING AREAS
NITROGEN (N) 120 LBS./AC.
PHOSPHORUS (P) 52 LBS./AC. OR 120 LBS./AC. P₂O₅
POTASSIUM (K) 100 LBS./AC. OR 120 LBS./AC. K₂O

VILLAGE OF MONTGOMERY
891 KNEEL ROAD
MONTGOMERY, IL 60538
(630) 896-9241

SCALE: N.T.S.
DATE: 2/14/90

DETAIL NUMBER: WMT E (DETAILS) D045
DRAWN: J.P.S.
REVISION: 4/08/02



TEBRUGGE ENGINEERING
410 E. CHURCH STREET - SUITE A SANDWICH, IL 60548
PHONE: (815) 786-0195
TEBRUGGEENGINEERING.COM

NO.	DATE	NOTES

PREPARED FOR:
RUBEN HERNANDEZ
791 NORTH FARNSWORTH AVE AURORA, IL

LOT 7 - BOHR INDUSTRIAL PARK
CIVIL SITE PLAN

PROJECT NO. 16 352 02
SCALE: 1" = 20'
DATE: 10.7.16

SHEET NO. 3
OF 3 SHEETS



**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: October 18, 2016

B of T Date: October 24, 2016

Subject: Liquor License Request for Shell Gas Station

Submitted By: Dan Meyers, Chief of Police

Background/Policy Implications:

Moses Chinnam has contacted the Village regarding his interest in obtaining a liquor license for the Shell gas station at 298 Montgomery Road (corner of Montgomery Road and Douglas). Mr. Chinnam will be present at the Board Meeting on October 24th 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: October 17th 2016

To,

The Board

Village of Montgomery,

200 North River Street,

Montgomery, IL 60538

From,

Shell Gas Station,

298 Montgomery Road,

Montgomery, Illinois

Subject: Request for a retail liquor license for Shell Gas Station at Montgomery, Illinois.

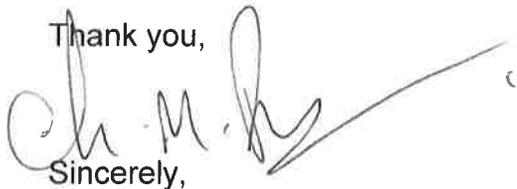
Dear Sir / Madam –

We would like to request a retail *liquor license* for the **Shell Gas Station** located at **298 Montgomery Road, Montgomery, Illinois** to enable us to “sell at retail” general alcohol and liquor products within the Shell Gas Station’s convenient store located at the same address.

Please let us know if additional information is needed to obtain this license for the store.

Thank you,

Sincerely,

A handwritten signature in black ink, appearing to read 'Moses Chinnam', with a long horizontal flourish extending to the right.

Moses Chinnam,

Phone: **708-369-9662**