

Village President Brolley called the meeting to order at 7:02 p.m. followed by the Pledge of Allegiance.

Roll Call

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

Also present: Administrator Jeff Zoephel, Attorney Steve Andersson, Chief of Police Daniel Meyers, Deputy Chief of Police 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.

There were no public comments this evening.

B. Proclamation for Rain Barrel Month.

Trustee Bond moved to approve the Proclamation for Rain Barrel Month. Trustee Lee seconded this motion.

5 Yea. 0 No. Motion carried. Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz and Trustee Marecek voting yea.

Consent Agenda

A. Minutes of the Village Board Meeting of March 27, 2017.

B. Building Report for March 2017.

C. Accounts Payable through April 6, 2017 in the Amount of \$211,947.88.

D. Cancellation of April 18, 2017 Committee of the Whole Meeting.

E. Ordinance 1764 Amending Section 6-1.1 of the Montgomery Village Code of Ordinances/International Building Code (IBC) Local Amendments (Second Reading).

Trustee Lee moved to approve items A-E on the Consent Agenda. Trustee Heinz seconded this motion.

5 Yea. 0 No. Motion carried. Trustee Lee, Trustee Heinz, Trustee Marecek, Trustee Bond and Trustee Sperling voting yea.

Items for Separate Action

A. Recommendation of the Plan Commission on PC 2017-006 A Annexation – Fox Valley Park District.

Director Young presented the Fox Valley Park District's plan to annex into Montgomery three small parcels of land by Jericho Lake Park with some improvements made to the overall park facility including restrooms and a

parking area. The Plan Commission recommended annexing this property and zoning it R1 for park and open space use, in keeping with the master land use plan.

Trustee Bond **moved to approve the Recommendation of the Plan Commission on PC 2017-006 A Annexation – Fox Valley Park District.** Trustee Heinz seconded this motion.

5 Yea. 0 No. Motion carried. Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz and Trustee Marecek voting yea.

B. Ordinance 1765 Annexing and Zoning Territory at Jericho Lake Park (Fox Valley Park District) 39W259, 39W339 and 39@321 Jericho Road (First Reading).

President Brolley advised that this was the first reading of the annexation and rezoning ordinance for this property. He advised that action would not be taken this evening and Administrator Zoepfel suggested this item be placed on the consent agenda for a future meeting.

C. Recommendation of the Zoning Board of Appeals on 2017-007 V Sign Variance – Coffman Truck Sales.

Director Young explained that the franchiser for Coffman Truck Sales has requested that they update one of their signs; however, the Village Sign Ordinance requires any sign that is taken down be modified to an 8-foot monument style sign. Coffman Truck Sales requested a variance to replace their existing sign with a new one at the existing height of 20 feet. Director Young suggested that the Lake Street corridor is somewhat unique with industrial uses on adjacent properties and recommended approval of the 20-foot pole sign and the variance as requested by Coffman Truck Sales.

Trustee Bond asked why there was a single dissenting vote on the issue and Director Young advised that the person indicated an argument for consistency with the ordinance.

Trustee Marecek **moved to approve the Recommendation of the Zoning Board of Appeals on 2017-007 V Sign Variance – Coffman Truck Sales.** Trustee Bond seconded this motion.

5 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee and Trustee Heinz voting yea.

D. Ordinance 1766 Granting a Variance for Coffman Truck Sales at 1149 West Lake Street (First Reading).

President Brolley advised that this was the first reading for the ordinance officially granting a variance. He suggested that this item be added to the consent agenda for a future meeting.

E. Replacement of Three Police Vehicles.

Director Hoppenstedt explained that the Village utilizes an equipment replacement program to budget and plan for the replacement of vehicles and equipment annually. Staff evaluates all equipment as it approaches the replacement cycle time frame to see if replacement could be delayed or if some other type of equipment was appropriate. He recommended replacement of two Police squad cars and one less equipped administrative Police vehicle with Ford Taurus for a total expense of \$129,269.

Trustee Lee inquired which budget year the purchase would be made from and Director Hoppenstedt clarified that the units would be purchased from the FY2018 budget. Trustee Bond inquired and Police Chief Meyers confirmed that he was satisfied with the choice of vehicles.

Trustee Heinz **moved to approve the Replacement of Three Police Vehicles.** Trustee Marecek seconded this motion.

5 Yea. 0 No. Motion carried. Trustee Heinz, Trustee Marecek, Trustee Bond, Trustee Sperling and Trustee Lee voting yea.

F. Replacement of Public Works Combination Backhoe.

Director Hoppenstedt recommended replacement of Unit 370, a Case Backhoe, with a combination backhoe and the trading in of another unit in order to better meet the needs of the department and reduce the fleet size. He recommended the purchase of a John Deere 410 through the National Joint Powers Alliance governmental buying program, which would be like getting a \$190,000 machine for \$82,000 with the discounts and trade ins. Trustee Lee asked if this savings was enough to cover an additional Police officer's salary and Director Hoppenstedt said it was not.

Trustee Marecek asked if Public Works would be short a machine by trading in both units and Director Hoppenstedt explained that the capital cost to keep both machines was significant and that both units were rarely needed at the same time. He also shared that the Village of Oswego recently went through a similar fleet downsizing process and that both villages agreed to work together to share machines if needed. Trustee Marecek was thankful for the intergovernmental cooperation.

Trustee Marecek **moved to approve the Replacement of Public Works Combination Backhoe.** Trustee Bond seconded this motion.

5 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee and Trustee Heinz voting yea.

G. Replacement of Public Works Large Plow Truck.

Director Hoppenstedt recommended replacement of Unit #272, a large plow truck, with a stainless steel dump body truck, with an integrated plow and tailgate spreader. He advised that the new Peterbilt platform truck was more reliable and his department would get more use out of the investment by changing the body style to something that Public Works could utilize 12 months out of the year. This gently used demo truck from JX Peterbilt would come nicely equipped for \$164,986. No Board questions were presented.

Trustee Marecek **moved to approve the Replacement of Public Works Large Plow Truck.** Trustee Lee seconded this motion.

5 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee and Trustee Heinz voting yea.

H. Replacement of Public Works and Community Development Vehicles.

Director Hoppenstedt recommended replacement of four lighter duty Public Works and Community Development vehicles for the Arborist, Water Division and Code Enforcement to better serve the needs of those departments. The total aggregate expense of \$156,057 for these vehicles would be split between Coffman GMC for the trucks, Monroe Truck Equipment for the stainless steel dump body and Sauber Manufacturing Company to refurbish, repaint and reinstall an existing utility box.

Although the new trucks came in collectively \$5,500 over budget, the vehicle and equipment purchases throughout the Village were currently \$47,000 under budget overall, and the difference could be made up through the sale of the old units at auction. He asked the Board to waive competitive bid on these vehicles to be able to do business locally with Coffman GMC Trucks, who gave him shorter lead times, a six-inch larger plow, better fleet consistency and longer warranties by about 2 years. Trustee Lee stated he would be happy to buy locally from Coffman Trucks.

Trustee Marecek **moved to approve the Replacement of Public Works and Community Development Vehicles.** Trustee Heinz seconded this motion.

5 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee and Trustee Heinz voting yea.

I. Replacement of Public Works Bobcat Toolcat.

Director Hoppenstedt recommended replacement of the Bobcat Toolcat with a Ventrac machine which can clear snow, rough cut right of ways, finish mow larger areas, grind stumps, and many other features. He shared the Ventrac's versatility and recommended the purchase of this unit under the NJPA contract through Burris Equipment Company for \$38,796. He felt this unit was a better choice for performance and cost for the department.

Trustees Marecek and Lee asked if the unit included stump grinding equipment to handle parkway trees and if the Village would still contract out the 200 tree stumps removals annually. Director Hoppenstedt advised that the majority of tree stump grinding would still be contracted out but that this unit would afford his department the option to do some tree stump removals as needed.

Trustee Marecek **moved to approve the Replacement of Public Works Bobcat Toolcat.** Trustee Heinz seconded this motion.

5 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee and Trustee Heinz voting yea.

J. Award of a Contract to The Base Group for Ogden Hill EWST Cleaning and Logo Repair in the Amount of \$45,000.00.

Engineer Wallers advised that the Village had been cleaning and inspecting the inside and outside of the elevated storage tanks on a 5-7 year cycle. The Ogden Hill tank was next on the schedule for maintenance and he advised that this was an intermediate step before fully repainting the tanks every 15-20 years. The Base Group is a new contractor to the area from Colorado and that their references from Wisconsin and neighboring states came back favorably. He asked for approval of the award for the contract to power wash the tanks, clean them out and repaint the lettering on the Ogden Hill Elevated Water Storage Tank.

President Brolley commented that he remembered prior bids for work of this kind being widespread in cost. Engineer Wallers explained that not all contractors can do this type of work so it limits contractor bids. There are also limits to scheduling and availability of crews to do the work in the time frame needed. He stated that the Board has the option to reject the bids, delay for a year, but there is no guarantee the bid pricing would improve.

Trustee Lee inquired how much was in the budget for this item and Engineer Wallers confirmed that there were sufficient funds to do the work. Trustee Marecek asked about the schedule and Engineer Wallers outlined that they planned to do the work in May, before heavier water use occurred in June and July, as the project was dependent on warm weather and low winds.

Trustee Marecek **moved to approve the Award of a Contract to The Base Group for Ogden Hill EWST Cleaning and Logo Repair in the Amount of \$45,000.00.** Trustee Lee seconded this motion.

5 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee and Trustee Heinz voting yea.

Items for Discussion

A. Refuse Contract with Republic Services.

Director Hoppenstedt shared that staff met with Republic Services to renegotiate a more cost-effective refuse contract that would include the use of rolling totes for trash pickup. Many services would remain the same as the current contract, with the exception of yard waste which would change to unlimited bags in the month of November and require a \$1.50 sticker per bag for the remainder of the year. This differs from the current contract which allowed for one free bag of yard waste per week, with all subsequent bags requiring a \$2.90 sticker.

Director Hoppenstedt shared that Republic's contract was ready for approval and could be brought back on April 24th for review unless the Board wanted to seek further renegotiations or proposals from other refuse contractors. He stated that both the brush collection and bulk leaf programs would continue going forward, that this was the second negotiation of the existing refuse contract with Republic and that the Village had worked with them for the past 15 years with good service and quick response times to questions and concerns.

He summarized that staff had shared comparable refuse contracts from other villages in the negotiations. Those contractors in Yorkville and Sugar Grove offered potentially better deals providing rolling totes for trash and recycling, unlimited yard waste throughout the growing season at no additional charge, electronic recycling events, Christmas tree collection, portable bathrooms and sinks for municipal events and other miscellaneous services provided with no additional charge. Unfortunately, their programs would exclude a senior bag program and bulk leaf disposal, would potentially require a 10-year contract and would need to be vetted for references and service history. He felt he could obtain better proposals, but that time was of the essence as 6,000-12,000 rolling carts for trash and recycling would need to be ordered, produced and delivered before the existing Republic contract expired. Director Hoppenstedt requested the Board's feedback on whether to continue the negotiations with Republic or move forward with researching other refuse contracts.

Bruce Thomas, General Manager for Republic Services, expressed appreciation for the Village's past business. He shared Republic's concerns with providing free yard waste as an option as fly dumping from neighboring villages could occur if that service was offered. He cautioned that the cost of the next contract in 5-7 years could be affected if unlimited yard waste were allowed and the Village's total weight of yard waste tonnage collected exceeded current standards. He felt that the current yard waste program was utilized by 40% of the residents and that the sticker program was a more efficient way of paying for the service than charging all Montgomery residents a flat fee.

Mr. Thomas encouraged the Village to switch to using rolling totes for trash collection as those containers have worked well for recycling. Republic would only have to bring in 6,000 new containers to handle the trash and that a new vendor may have difficulty providing 12,000 new totes for trash and recycling by the July 31st contract deadline. Republic provides the Village a dedicated local supervisor as part of the contract and that they provided guaranteed service the Village can count on. He asked the Board to continue into a third round of renegotiation talks with Republic Services.

Many questions and much discussion arose from the Board regarding the contract renegotiations. Trustee Lee and Trustee Marecek showed concern over the competitiveness of the renegotiated Republic contract, the annualized cost of the yard waste stickers, the length of the contract, the size of the totes, and other issues. They hoped that Republic would come back with a much better contract cost so the Village could continue their working relationship.

Trustee Bond inquired if the garbage and recycling trucks were outfitted to handle incidental spillage. Mr. Thomas stated that brooms and shovels were provided on all trucks for clean up if spillage happened. Also, gaskets and seals around the back end of the trucks keep refuse from falling out.

Administrator Zoephel reiterated that staff will continue to renegotiate Republic's contract and asked for Board approval to negotiate with other carriers concurrently. He felt this would enable staff to achieve the best cost and level of service in the time left before Republic's contract ends. Director Hoppenstedt agreed, and shared that the contract should be finalized and approved by May 8th so that the 6,000-12,000 new totes could be ordered and service could continue uninterrupted.

President Brolley was pleased with Republic's past service and asked them to provide better pricing. He also requested an apples-to-apples comparison on other refuse contracts within the next two weeks. A special Committee of the Whole meeting could be held, if necessary, to further discuss research and negotiation results.

B. Discussion of Ordinance Authorizing the Issuance of \$3,500,000 General Obligation Alternate Bonds for the Purpose of Water and Sewer Projects.

Director VanVooren outlined that the Board had approved Resolution 2017-002 declaring its official intent to reimburse certain capital expenditures from the proceeds of future debt at the February 27, 2017 Board meeting. This was done with the possible issuance of \$3.5 million of Series 2017 Bonds in mind, which would be utilized to undertake the Hartway Water Main Replacement and three other projects listed in the packet. Staff is looking for consensus on whether to issue the bonds and would bring the Ordinance to the April 24th Meeting if the Board decided to move forward.

Administrator Zoephel reminded the Board that staff had been looking at an IEPA low interest loan to handle the lift station upgrades, but that the agency has been non responsive to their requests for over 16 months. Staff felt that replacing the Riverside and Hartway water mains and replacement of lead service lines all at once would be more beneficial for the residents, and therefore staff is suggesting issuing the bonds. Administrator Zoephel asked if the Board agrees with issuing the bonds for the work or if they prefer to wait on the status of the IEPA loan.

Trustee Marecek and Trustee Sperling asked how many lead service lines need to be replaced and what the time frame would be on all four of these projects. Director Hoppenstedt said about 50 lead service lines need to be replaced all the way up to the meters and that contracting the work out would be best. Engineer Wallers

stated that the Hartway replacement was scheduled for this coming fiscal year and should be completed before July 10, 2017 to be able to complete the road resurfacing. The bulk of the other work would be done in the 2018 and 2019 construction seasons.

President Brolley liked that the water and sewer projects were being bundled together with the road improvement projects. He reiterated his frustration with the state's incredibly slow response time and asked if the current water rate structure would cover the payments for these projects. Director VanVooren confirmed that was the case. President Brolley also asked if the Board approved the Bonds, if staff would abandon the IEPA loan option and Engineer Wallers confirmed that would be the case. President Brolley gave staff direction to proceed and bring back documents for review at a future meeting.

New or Unfinished Business

President Brolley officially congratulated Trustees Lee, Sperling and Jungermann for being reelected to the Village Board. He stated it has been a pleasure working with them and that he looked forward to collaborating with them over the next several years. He also congratulated Village Clerk Penny FitzPatrick on her first term election to the Board and the Trustees in turn, congratulated President Brolley on his reelection as Village President.

Administrator Zoepfel provided an update on the TIF rebate process. He summarized that Montgomery and Countryside Fire Chief Tom Meyers shared his concerns about the current TIF process at the February 13, 2017 Board meeting. The Board's direction from that meeting was to work with Fire Chief Meyers to come to a resolution within 30 days. It has been two months since that meeting, with both sides trying to cooperate to resolve the issue. Progress has been made, but scheduling conflicts have been experienced on both sides and the issue is still outstanding.

Administrator Zoepfel said he wanted to be clear on the Board's intent, as this is a policy issue for the Board to decide. He asked what process the Board wanted to use to determine when the Village would keep a portion of the incremental tax increase. Currently, if a building had no expansion or redevelopment, the Village would not keep any incremental increase on that property and it would all be rebated back to the 17 taxing districts. This rebating process is only being questioned by the Montgomery and Countryside Fire District and that the 16 other taxing districts were happy to get any tax increment money. The main issue at hand from Fire Chief Meyers is about how to determine when the Village would start keeping a portion of the increment. The current process is for Director VanVooren go through all the building permits for the year to review the improvements being done, how the EAV had changed compared to the value of the building permits, talk with Administrator Zoepfel and then make a list of staff recommended rebates.

Administrator Zoepfel suggested a modified version of the process in which Director VanVooren would review the permits as described to make the initial determination. If staff recommended to start keeping some of the increment, they would inform Fire Chief Meyers as to the reasons, and if Fire Chief Meyers disagreed, then the case could come to the Board with staff's recommendation and the Fire District's rebuttal. It would then be up to the Board to make the final determination. He felt it should be the Board's decision on how to handle the tax rebating process. Administrator Zoepfel commented that good progress had been made with Fire Chief Meyers but that the Chief still felt that the township assessor should decide whether the Village should start keeping some part of the increment and not the Board, which Administrator Zoepfel did not recommend. As a second option, Fire Chief Meyers suggested that a list of types of improvements be created to define when the Village would retain a portion of the tax increment. Administrator Zoepfel did not want to take away

the Board's decision making power and was not in favor of this option. He advised that he would continue to meet with the Montgomery and Countryside Fire District to try to come to a consensus, but that Board direction was needed to whether they wanted the tax assessor involved or a list of improvements to be the final deciding factor on this issue.

Much Board discussion was had over this topic with many questions raised on how to proceed and how this resolution would be upheld over the 23-year agreement as Board members changed.

Administrator Zoepfel advised that this was the only scenario he knew of where a municipality was going above and beyond TIF law to help a taxing body. He stated that \$36,998 in total rebates had been paid to all 17 taxing districts in year one and that year two monies had not been paid out yet due to the ongoing discussion. He explained that funds would be retroactively paid to the taxing districts once a rebate process was agreed upon. He asked if staff should release the year two money under the current resolution and then recalculate based on the new agreement if the process changes. Director VanVooren shared that the funds are received in November, and that he checks the permits and concludes his evaluation in December or January.

Administrator Zoepfel said he would prefer to follow the Board's professional judgement to decide on parcels as they come up based on a list of guidelines for making their decision. Staff would then advise Fire Chief Meyers on the Board's decision, try to involve him more up front and explain why the recommendation was being made. If he disagreed, the case would come before the Board for consideration. The Chief also could attend the Joint Review Board meeting for all the taxing bodies to hear the information together with plenty of notice to be able to attend.

President Brolley summarized that the whole goal of the tax rebate was to get the taxing districts back to 2008 levels and that he would like the issue to be wrapped up in the next 60-90 days with approving the resolution or approving the rebating of funds from last year. He summarized that the Board's consensus did not support allowing a third party to make decisions on behalf of the Board or having a hard and fast list of improvements that dictated when the Village would or would not retain a portion of the rebate.

He inquired what reasonable percentage of incremental growth above the base should be offered each year on the parcels that are pulled out and asked staff to look at the data for Kane County over time to come up with a percentage that made sense. President Brolley said he was glad that the resolution would be clarified with all the same Board members that were on the Board when it was originally drafted as they understand the original intent of the resolution.

Administrator Zoepfel shared that he would prepare a revised resolution on the TIF rebate process based on the Board's discussion and bring it back to the Board for approval, sooner rather than later, and then share it with the Fire District. President Brolley and the Board agreed with his plan to move forward on the matter. Finally, Engineer Peter Wallers shared that there would be a Road Program Open House at the Village Hall on Wednesday, April 19th from 7-9 pm to inform residents about upcoming road work. Notifications will be posted in neighborhoods regarding work, but also asked for assistance in getting the word out to residents using social media and through neighborhood Homeowners Associations.

Future Meetings

A. Beautification Committee – Wednesday, April 12, 2017 at 6:00 p.m.

B. Historic Preservation Commission – Monday, April 17, 2017 at 6:30 p.m.

C. Committee of the Whole Meeting – Tuesday, April 18, 2017 at 7:00 p.m. (Canceled)

D. Intergovernmental Committee – Monday, April 24, 2017 at 6:00 p.m.

E. Village Board Meeting – Monday, April 24, 2017, at 7:00 p.m.

Executive Session: 9:03 – 9:20 p.m.

A. To Discuss Litigation Which is Filed and Pending, Pursuant to 5 ILCS 120/2(c)(11).

Trustee Heinz **moved to go into Executive Session to Discuss Litigation Which is Filed and Pending, Pursuant to 5 ILCS 120/2(c)(11)**. Trustee Marecek seconded this motion.

5 Yea. 0 No. Motion carried. Trustee Heinz, Trustee Marecek, Trustee Bond, Trustee Sperling and Trustee Lee voting yea.

Adjournment: 9:21 p.m.

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

5 Yea. 0 No. Motion carried. Trustee Heinz, Trustee Marecek, Trustee Bond, Trustee Sperling and Trustee Lee voting yea.

Respectfully submitted,

Penny Fitzpatrick
Village Clerk