

Village President Brolley called the meeting to order at 7:05 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: Administrator Jeff Zoephel, Attorney Laura Julien, 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

Elyse Cintora, 1015 Harmony Drive, shared that she had a suspicious vehicle recently parked on her street and then called the non-emergency police number to report it. She asked if that is the correct procedure and what an expected police response time should be.

Chief Meyers said that he would check the call activity log for that Friday evening and explained how busy the Friday afternoon shifts are. Call response times vary depending on what other situations the officers are dealing with and the call volume occurring at the time of the call. He thanked her for sharing her concerns and indicated he would follow up with her.

Gerald Staraitis of Fox Valley Score spoke to the Board about his organization and how it helps small businesses in Kendall County and the surrounding area.

B. Proclamation for Small Business Week.

President Brolley thanked Gerald Staraitis of Fox Valley Score for submitting the Proclamation for Small Business Week.

Trustee Bond **moved to approve the Proclamation for Small Business Week.** Trustee Marecek seconded this motion.

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

C. Fire Chief Tom Meyers Regarding the TIF Rebate Process.

Fire Chief Tom Meyers of the Montgomery and Countryside Fire Protection District thanked the Board and staff for their efforts and productive meetings to make improvements on how the TIF Rebate Process was executed. He expressed gratitude for their efforts to implement this agreement and assist the taxing districts.

Chief Meyers said he appreciated the Board support and outlined his concern over the TIF Rebate Process. He thanked the Board for their understanding and assistance in working to finalize the TIF Rebate Agreement.

Consent Agenda

- A. Minutes of the Village Board Meeting of April 10, 2017.**
- B. Executive Session Minutes of April 10, 2017.**
- C. Accounts Payable through April 20, 2017 in the Amount of \$337,982.47**
- D. Accounts Receivable Report for March 2017.**
- E. Ordinance 1765 Annexing and Zoning Territory at Jericho Lake Park (Fox Valley Park District) 39W259, 39W339 and 39@321 Jericho Road (Second Reading).**
- F. Ordinance 1766 Granting a Variance for Coffman Truck Sales at 1149 West Lake Street (Second Reading).**

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

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

Items for Separate Action

A. Water Works System Master Plan.

President Brolley shared that the Water Works System Master Plan had been discussed several times over the past year, with the last draft presented at the March 13th meeting. He said this plan was a long while in the making and showed good intergovernmental cooperation and planning for the future of Montgomery.

Trustee Sperling **moved to approve the Water Works System Master Plan.** Trustee Jungermann seconded this motion.

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

B. Refuse Contract Discussion and Award of a Contract.

Director Hoppenstedt shared the details and highlights of the refuse and recycling contract proposals from Republic Services and DC Trash. He requested that the Board decide which contract they preferred so the chosen service provider and staff would have time to formalize their legal contracts and specific program details. An opt out clause would be included in the service provider's contract in the case of a failure to perform. Attorney Laura Julien agreed that an opt out clause should be used and commented that a performance bond could be included in the contract as well.

Republic has served Montgomery since 2002. For the new contract term, they offered weekly collection for \$17.25 per month, with the senior program at \$1.70 per bag. They would provide 95-gallon rolling refuse carts, would continue unlimited waste collection in appropriate containers and spring and fall clean up dates, but would not collect electronic waste as part of their proposal. Yard waste would require a \$1.50 sticker per bag with unlimited yard waste collected in the first two weeks and last six weeks of the collection cycle, and refuse hauling provided with no additional cost for Montgomery Fest.

Comparatively, DC Trash proposed a cost of \$16.47 per month, with rolling recycling and refuse carts in 95, 65 or 35 gallon sizes to select from prior to delivery, free exchanges if any cart was damaged or not to the customer's liking and unlimited waste collection in any container not exceeding 50 pounds, eliminating the need for spring and fall clean up weeks. DC Trash also would offer electronic waste pickup once a month,

unlimited bags and bundles of yard waste all season long, refuse hauling at Montgomery Fest and portable restrooms and hand washing stations at Village events offered for no additional charge.

Trustee Marecek and Trustee Lee asked for clarifications relating to what size tote would be provided if a resident didn't specify a size and how exchanges of totes would be handled. Dan Christensen of DC Trash replied that if a homeowner didn't specify a size container, they would get a 95-gallon container for trash and 65-gallon container for recycling with the option to exchange it for another size within two weeks of receipt.

Trustee Sperling asked about DC Trash's current customers, fleet size and capacity to service Montgomery. Mr. Christensen said his current customers are the Town of Cortland, Village of Waterman, Virgil Township and the Village of Sugar Grove beginning in August 2017. He has a 12-vehicle collection fleet, with two trucks on order if the Montgomery contract is awarded. He felt confident with his ability to add Montgomery and Sugar Grove to his clientele list in August despite being a young, new company. Trustee Sperling said she had some hesitations with going with a new company as Republic's service record was known and they had done a great job for the Village. Upon looking at the numbers and the services provided, however, she felt that DC's proposal was a fantastic savings opportunity for the Village.

Trustee Sperling also inquired if Mr. Christensen had seen any dump and run problems with offering unlimited trash pickup with his other contracts and he said he had not. Trustee Bond asked and Mr. Christensen clarified that all waste streams, including recycling and yard waste, would be collected on the same day, but different areas of the Village will be assigned different collection days.

Trustee Heinz and Trustee Jungermann asked if DC Trash offered a senior pickup program for the 182 residents currently using that program and Trustee Lee asked if different colored lids were used on the trash versus recycling cans. Mr. Christensen said they did not have a senior program offered in their proposal but that they could possibly add it in with further negotiations and that their recycling can lids were lime green for ease of use. Trustee Jungermann asked and Director Hoppenstedt clarified that bulk leaf pickup would continue in the fall with the DC Trash proposal. Trustee Jungermann agreed that the DC Trash proposal was a better one but stressed that the senior program should be incorporated into their proposal as well.

Trustee Marecek stated that DC Trash's proposal was \$250,000 cheaper in year one and that despite Republic's excellent service over the years, there was too much of a difference in price to stay with them. He also voiced concerns over keeping the senior bag program, questioned if DC Trash would be able to handle starting new contracts with Montgomery and Sugar Grove concurrently and if they could provide the 12,000 new rolling carts needed by August. Mr. Christensen responded that he had experience working for a large refuse company and would be able handle both Villages' needs and that he had placed a tentative order for the 12,000 totes to be provided, assembled and delivered pending acceptance of the Montgomery contract.

Trustee Lee shared that the 35-gallon trash container may be perfect for seniors as they are on wheels for ease of use and would keep the racoons out of their trash. The most recent Republic proposal was not cost effective or even close in comparison to DC's proposal. Trustee Bond said he had reached out to residents for their opinions on the refuse contract via Facebook and received hundreds of responses and compliments about Republic's service and collection personnel.

President Brolley commented that the DC proposal was more cost effective, but he echoed a hesitancy with going with a newer company compared to Republic's reliable service performance and that Montgomery would become DC's largest client at the same time they were beginning to service Sugar Grove. He spoke very

highly of Republic's reputation and service. Director Hoppenstedt echoed that Republic had been pleasant to work with from a staff perspective with few complaints received about them.

President Brolley invited Tom Lintner, Municipal Services Manager for Republic, to the podium to address the Board. Mr. Lintner clarified that Republic's yard waste program would be unlimited yard waste for two weeks in April and four weeks in the fall and said yard waste is hauled to a disposal site in Bristol. He stressed that they have been a good service partner to the Village over the years. He thanked the Board for their positive comments and kind words and said he would share them with his staff.

President Brolley summarized that this was a big decision for the Board to make. He noted Trustee Heinz's desire to stay with Republic Services and the remainder of the Board's indication to move forward with DC Trash's proposal. Director Hoppenstedt clarified that he would address a senior program with Mr. Christensen as part of their negotiations, thanked the Board for their patience on this complicated issue and advised that the final contract would come before the Board at a future meeting. President Brolley directed staff to move forward with finalizing the contract with DC trash, thanked both companies for coming and for the positive past relationships and anticipated future relationships going forward.

C. Ordinance 1767 Authorizing the Issuance of \$3,500,000 Waterworks System Revenue Bonds (Waiver of First and Passage on Second Reading).

President Brolley advised that Ordinances 1767 and 1768 would be discussed together but voted on separately. Director VanVooren shared that State law requires that revenue bonds be passed first in Ordinance 1767. Then Ordinance 1768 would issue alternate revenue bonds in place of regular revenue bonds about a month after the hearing takes place. It was intended that the bonds would be sold in late May or early June and closed at the end of June. No questions or comments were presented for either Ordinance 1767 or 1768.

Trustee Marecek **moved to approve Ordinance 1767 Authorizing the Issuance of \$3,500,000 Waterworks System Revenue Bonds (Waiver of First and Passage on Second Reading)**. Trustee Jungermann seconded this motion.

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

D. Ordinance 1768 Authorizing the Issuance of \$3,500,000 General Obligation Alternate Bonds (Waiver of First and Passage on Second Reading).

Trustee Marecek **moved to approve Ordinance 1768 Authorizing the Issuance of \$3,500,000 General Obligation Alternate Bonds (Waiver of First and Passage on Second Reading)**. Trustee Bond seconded this motion.

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

Items for Discussion

A. Draft Resolution for TIF Rebate Process.

President Brolley shared that an in-depth discussion of the TIF Rebate process took place at the last meeting regarding what the Board was doing, how they had originally intended for the Ordinance to be implemented and how they would like for it to be handled in the future. Trustee Heinz said that the TIF rebate process should be cleared up as soon as possible with a new agreement finalized and back pay dispersed to the taxing districts. President Brolley shared that everyone including the Fire District agreed with that sentiment.

Administrator Zoepfel said that he summarized the Board comments from the last meeting and incorporated them into a revised draft resolution. This provides that at the end of each year, staff would review the permits and prepare recommendations on whether any parcels with existing structures had redeveloped or expanded to a point where the TIF should begin keeping a portion of the increment. Staff would then present those recommendations to the Joint Review Board (JRB) at its annual meeting and bring the results with any JRB comments to the Village Board for consideration. The Board would then make a determination with the data gathered and decide if the TIF should keep a portion of the increment for any of the recommended parcels.

Trustee Marecek inquired about the JRB feedback and Trustee Sperling asked for clarification on whether the agreement would include any changes in EAV from the assessor. She felt those details should be listed and outlined as part of the process. Administrator Zoepfel and President Brolley clarified that every step of the process was not listed, that staff looks at EAV as part of the building permit review and noted her concerns.

Administrator Zoepfel went on to explain that if the Village does decide to begin keeping a portion of the increment, then the rebate of the previous background EAV would continue at that level, increasing by some percentage each year. The percentage increase still needs to be determined and agreed upon so that fluctuations in EAV and other changeable market factors do not harm the taxing districts. He felt that coming up with a flat percentage would be better, easier and provide more certainty for the taxing districts so they would know what to expect and count on for their budgeting over the life of the agreement.

Trustee Sperling, Trustee Jungermann and Trustee Marecek suggested that staff review statistics for the TIF area over time to determine an accurate and reasonable flat rate percentage. President Brolley agreed that some research could be done to justify why a certain percentage increase would be reasonable. Administrator Zoepfel said staff would do some research and get some averages to the Board for consideration.

Trustee Jungermann asked for an example of the TIF rebate process and asked when a building permit was substantial enough to trigger review. Administrator Zoepfel stated that all permits would be reviewed each year to see what work was done, what the value of the work was and how the EAV had changed. A report would be brought to the JRB with a recommendation, then presented to the Board for review and action. It was clarified that maintenance repairs would not apply.

Trustee Lee would like a list of all 27 buildings in the TIF District to be provided. Director VanVooren said that he could provide a map and list of the buildings for the Board. Administrator Zoepfel said that if a vacant parcel was developed, that the TIF District would retain the entire increment for that parcel.

Trustee Marecek inquired about the timing of when permits are pulled for review in relation to when construction is completed and taxes are paid out. Director VanVooren clarified that the final permit and tax information could be delayed by almost 18 months until an increase in EAV would be seen for permits depending on when they were closed out. Director Young shared that a month of review takes place before the JRB meeting is held which provides plenty of notice for the all taxing bodies to be informed of any changes. He further clarified that only closed permits are applicable for TIF Rebate discussion.

Trustee Marecek clarified that the Board would receive the staff review and recommendations, including any JRB meeting comments, that would summarize the final rebate dollar amounts. He also confirmed that Board members have the right to disagree in writing with the findings presented. Trustee Jungermann asked Fire Chief Meyers for his final comments or thoughts on the revised agreement.

Chief Meyers asked that some of the specific language in the agreement be clarified. Attorney Julien and Administrator Zoephel said a property would have to be both improved and assessed to be considered for the rebate. Secondly, Chief Meyers shared that Director VanVooren has a detailed report of EAV changes over time within the TIF district that could be used to help determine a flat percentage increase. President Brolley stated that the report might be helpful in determining a percentage increase that would capture inflation, be locked in over time, not fluctuate and be fair.

Chief Meyers said that the discussions with staff were making good progress, were close to consensus and he was pleased with the use of the JRB meeting to communicate updates and changes to the taxing districts.

Trustee Marecek clarified that the revised agreement would apply retroactively back to January 13, 2014 to make the taxing bodies whole with any monies that were due from the changes.

President Brolley clarified that the revised agreement focuses on whether a building permit issued meets a threshold from staff's point of view, which causes them to draft a report explaining the reason why a parcel is being pulled out. He felt this was a common-sense approach and review of how the decision was made on all improved parcels in question on an annual basis, without trying to stipulate dollar amounts or types of improvements as a trigger. If he could go back in time, he would have preferred to set this agreement with a five percent cost of living increase for the properties that have been locked into the TIF for the life of the TIF so that no debate or issue would exist.

Trustee Marecek and President Brolley shared that there is usually no rebate for properties within a TIF District. They commented that the current Board was trying to help the taxing districts and Chief Meyers was trying to advocate on behalf of the residents and Fire District. President Brolley felt they were close to resolution on the agreement and that in the next month, staff should have a revised agreement ready for Board approval at a future meeting. Administrator Zoephel noted he would work on amending the agreement per the discussion points shared during the meeting. Fire Chief Meyers thanked the Board and President Brolley for their understanding and all their work and efforts in getting the agreement revised.

New or Unfinished Business

Trustee Jungermann asked for an update on the hydrant flushing in response to some resident complaints about a chlorine smell. Director Hoppenstedt shared that the hydrant flushing was almost complete and should alleviate the chlorine smell. In response to Facebook posts and concerns about a sewer, metallic or blood type smell to the water, he stated that no calls or complaints had been received about the issue.

Director Hoppenstedt reiterated the intent of the flushing was to clear sediment and minerals from the lines which could account for the metallic smell, and urged residents with specific concerns to contact staff for further review and evaluation. Director Hoppenstedt shared that an open house informational meeting had

been conducted in regard to the chlorine smell and that all homes with concerns were tested and had fallen well within the acceptable IEPA and Illinois Department of Public Health tolerances.

President Brolley shared a written request and hand drawn picture from Trustee Marecek's daughter asking for farm animals, specifically pigs, to be allowed within the Village limits. President Brolley also shared that a vacancy had opened up on the Plan Commission and a press release would be forthcoming looking for qualified applicants to fill that position.

Future Meetings

- A. Plan Commission Meeting – Thursday, May 4, 2017 at 7:00 p.m.
- B. Village Board Meeting – Monday, May 8, 2017, at 7:00 p.m.
- C. Beautification Committee – Wednesday, May 10, 2017 at 6:00 p.m.
- D. Historic Preservation Commission – Monday, May 15, 2017 at 6:30 p.m.
- E. Committee of the Whole Meeting – Tuesday, May 16, 2017 at 7:00 p.m.
- F. Intergovernmental Committee – Monday, May 22, 2017 at 6:00 p.m.
- G. Village Board Meeting – Monday, May 22, 2017, at 7:00 p.m.

Executive Session: None

Adjournment: 8:59 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 and Trustee Lee voting yea.

Respectfully submitted,

Penny Fitzpatrick
Village Clerk