

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	Yea
Trustee Lee	Yea	Trustee Marecek	Yea
Trustee Heinz	No	Trustee Bond	No

Also present: Attorney Laura Julien, Village Administrator Jeff Zoephel, Chief of Police Dan Meyers, Deputy Chief Armando Sanders, Director of Public Works Todd Hoppenstedt, Director of Finance Justin VanVooren, Village Engineer Peter Wallers, Members of the Press and others.

Public Participation

A. Public Comments (Two Minute Opportunity).

No public comments this evening.

B. Swearing in of Village Clerk Penny FitzPatrick.

C. Public Hearing on MetroNet.

President Brolley opened the Public Hearing at 7:05 p.m. He introduced Kathy Scheller from MetroNet in Evansville, IN, who spoke about expanding the company's fiber optic internet, phone and TV network service to Montgomery residents to offer them another choice in service carriers. MetroNet has already brought fiber optic service to Plainfield, Romeoville, Will County, Kendall County and Oswego and looks forward to bringing another competitor to the local marketplace. Hearing no public comments, President Brolley closed the public hearing at 7:14 p.m.

D. Public Hearing of Amendment to Annexation Agreement for Ogden Hill.

President Brolley opened the public hearing at 7:15 p.m. Hearing no public comments this evening, he closed the public hearing at 7:16 p.m.

Consent Agenda

A. Minutes of the Village Board Meeting of September 12, 2016.

B. Accounts Payable through September 22, 2016 in the Amount of \$739,815.50.

C. Cancellation of October 18th Committee of the Whole Meeting.

D. Ordinance 1733 Amending the Special Use for Ogden Hill (Second Reading).

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

4 Yea. 0 No. Motion carried. Trustee Sperling, Trustee Lee, Trustee Jungermann, Trustee Marecek voting yea.

Items for Separate Action

A. Ordinance 1741 Creating a Class C and Class O Liquor License for Binny's Beverage Depot (Waiver of First and Passage on Second Reading).

Administrator Zoepfel clarified that the Class C License would be for liquor sales and the Class O License would be for liquor tasting. President Brolley asked if they are on track to open soon and Administrator Zoepfel stated they will be ready to turn the building over to corporate in two weeks and will then take four additional weeks to complete the stocking process.

Trustee Jungermann moved to approve Ordinance 1741 Creating a Class C and Class O Liquor License for Binny's Beverage Depot (Waiver of First and Passage on Second Reading). Trustee Marecek seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Lee, Trustee Sperling voting yea.

B. Ordinance 1743 Authorizing the Execution of the Fifth Modification to the Annexation Agreement for Ogden Hill (Waiver of the First and Passage on Second Reading).

Administrator Zoepfel stated that this amendment was to allow for another monument sign for Binny's which the Board had previously discussed and agreed to. Attorney Laura Julien stated that it requires a supermajority vote; it requires five yes votes to pass which could include President Brolley's participation. She also asked that it be made subject to attorney review as part of the motion for a few details of the legal description to be worked out.

Trustee Sperling moved to approve the Ordinance 1743 Authorizing the Execution of the Fifth Modification to the Annexation Agreement for Ogden Hill (Waiver of the First and Passage on Second Reading) with attorney review. Trustee Marecek seconded this motion.

5 Yea. 0 No. Motion carried. Trustee Sperling, Trustee Lee, Trustee Jungermann, Trustee Marecek, President Brolley voting yea.

C. Ordinance 1742 Authorizing Execution and Adoption of a Cable Television Franchise Agreement with CMN-RUS, Inc. (MetroNet). (Waiver of the First and Passage on the Second Reading).

Administrator Zoepfel clarified that MetroNet would offer TV, internet and phone service as another service option for our residents. Trustee Lee asked if the service would be underground and if residents' yards would be torn up with installation. Kathy Scheller of MetroNet advised that they follow ComEd aerial or underground power lines in the public easements.

President Brolley asked if service would be provided to the entire Village of Montgomery or just portions of the Village and Ms. Scheller clarified that they would provide service per the outlined Village boundaries. Trustee Jungermann inquired how the lines would be trenched and installed to each box and Ms. Scheller stipulated that they use directional boring which is less invasive to disrupting residents' lawns. Trustee Marecek asked if MetroNet would be available to all residents and Kathy explained that service will be available at the utility boxes and installed to each home individually as they sign up. President Brolley was pleased to have another fiber optic service provider offering competitive rates and service options to Montgomery residents.

Trustee Jungermann moved **to approve Ordinance 1742 Authorizing Execution and Adoption of a Cable Television Franchise Agreement with CMN-RUS, Inc. (MetroNet). (Waiver of the First and Passage on the Second Reading).** Trustee Marecek seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Lee, Trustee Sperling voting yea.

D. Resolution 16-012 Authorization to Join Illinois Public Works Mutual Aid Network.

Director Hoppenstedt outlined the scope and benefits of joining the Illinois Public Works Mutual Aid Network. He explained how it would impact the Village and provide a cost savings in the event of a weather emergency or water, waste water or flooding scenario. He stressed that it would provide a cost savings over contract work and expedite the clean up after a storm. Director Hoppenstedt recommended that the Village join the network based on the benefits of being a member with an annual \$250 occurrence based on the Village of Montgomery's population. Trustee Jungermann agreed that it was a good idea and said he appreciated Director Hoppenstedt's efforts for finding a way to save the Village money.

Trustee Marecek moved to **approve Resolution 16-012 Authorization to Join Illinois Public Works Mutual Aid Network.** Trustee Jungermann seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Sperling, Trustee Lee, Trustee Jungermann voting yea.

E. Award of Contract to Geneva construction for ComEd ROW Shared Use Path in the Amount of \$76,733.00.

Director Hoppenstedt outlined that Engineering Enterprises Inc. performed a bid letting on the Village's behalf for the installation of a shared use path through the ComEd right of way from Gordon to Prescott. The engineer's estimate for this work was over \$80,000, with five bids coming in and Geneva Construction coming in the lowest at \$76,733. Director Hoppenstedt recommended that the contract be awarded to Geneva Construction.

Trustee Marecek asked and Director Hoppenstedt clarified that the project would follow the ComEd easement from Gordon to Prescott in Blackberry Crossing West with the developer paying for the project and no Village funds being used. Trustee Jungermann asked and Director Hoppenstedt

confirmed that Geneva Construction had done a good job for the Village previously with no work issues and was deemed a favorable contractor.

Trustee Marecek moved **to approve Award of Contract to Geneva construction for ComEd ROW Shared Use Path in the Amount of \$76,733.00.** Trustee Jungermann seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Sperling, Trustee Lee, Trustee Jungermann voting yea.

F. Recommendation to Purchase a Vactron LP833SDT Demo Unit at a cost of \$44,449.00.

Director Hoppenstedt summarized the benefit of acquiring a Vactron LP833SDT gently used trailer mounted hydro excavator. He outlined that this unit was previously rented by the Village and used to demonstrate the value of hydro excavation to his staff. Some benefits of using this equipment were a cost and time savings over conventional excavation methods. Director Hoppenstedt recommended the purchase of this valuable and hard to come by rental unit. The unit would come with a full two-year warranty and be paid for using a surplus of funds available in the FY17 Equipment Replacement Fund and would be purchased in lieu of another excavator.

Trustee Sperling was pleased with finding this piece of equipment at a cost savings that would also save on labor. Director Hoppenstedt estimated that \$70,000 was saved over the two-week rental period in time and labor when compared to conventional excavation methods.

President Brolley asked if this unit would help with a quicker response time to water main breaks. Director Hoppenstedt clarified that this unit can be utilized on water main breaks, but its most significant value would be in the repair of valve boxes without using outside contractors. This would allow for quicker response time using this machine to shut off water and avoid flooding if water main breaks should occur.

Trustee Marecek complemented Director Hoppenstedt on acquiring this used machine and getting the rental company to credit the Village for the 20 rental hours used on this machine. Trustee Jungermann thanked Director Hoppenstedt for being fiscally conservative in spending money to save money with the purchase of this unit and the subsequent \$130,000 in overall savings from this purchase. Trustee Lee was pleased that it fit into the budget.

Trustee Jungermann moved **to approve Recommendation to Purchase a Vactron LP833SDT Demo Unit at a cost of \$44,449.00.** Trustee Marecek seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Sperling, Trustee Lee voting yea.

G. Lease Agreement for John Deere 544H to Replace the Village's Wheel Loader.

Director Hoppenstedt summarized this item and recommended replacement of the Case 621 wheel loader due to mechanical issues, prior and expected maintenance costs, a need for new tires, rims

and more. He recommended replacement of this machine immediately, instead of in May 2017, using a \$1 buyout lease structure to cover the first six months of payments. It would be possible to pay the machine off by this time next year with no penalties.

Director Hoppenstedt compared replacement machines made by Caterpillar, John Deere and Komatsu but settled on the John Deere as it would include a forklift attachment, would cost \$5,500 less overall than other models, is more operator intuitive, offers a pay-as-you-go preventative maintenance structure and a warranty that includes transportation and the cost of a loaner in the event of a breakdown. It would also offer the convenience of a local dealer, a more widely used forklift attachment and the best trade in allowance on the current machine.

Trustee Sperling clarified this wheel loader being discussed was a surplus list item to be traded in. Trustee Marecek asked if the unit would be received prior to the winter and Director Hoppenstedt advised that there would be a 45-day lead time for ordering. Trustee Marecek clarified that the local Caterpillar plant does not manufacture this machine so buying it from them was not an option.

Trustee Lee clarified with Director Hoppenstedt that the unit could be paid off by Fall of 2017 using the FY18 budget for use of purchases in May of 2017 with a \$1 buyout.

Trustee Marecek clarified with Director Hoppenstedt that the life expectancy of the machine is 6-20 years but should be traded every six years to avoid maintenance costs and retain residual trade in value. Trustee Marecek inquired about the maintenance agreement and Director Hoppenstedt clarified that John Deere has a pay-as-you-go maintenance agreement through monthly accrual.

Trustee Lee moved **to approve a Lease Agreement for John Deere 544H to Replace the Village's Wheel Loader.** Trustee Jungermann seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Lee, Trustee Jungermann, Trustee Marecek, Trustee Sperling voting yea.

Items for Discussion

Little Free Libraries

Administrator Zoepfel presented an inquiry about installing a Little Free Library on Village property which is allowed with permission from the Board. He wanted to have a policy discussion with the Board to entertain if that was something they wanted to do. The concern is that if it is placed on Village property that Public Works may end up installing and maintaining it. That may become an issue if these units become more prevalent. The Little Library Steward requesting the permit would be required to sign a Stewardship Agreement, but Administrator Zoepfel wanted to discuss maintenance responsibilities if the Steward were to move or the unit was damaged.

Trustee Marecek asked whether a previously installed Little Free Library in Foxmoor/Fairfield was installed on HOA property. Administrator Zoepfel said he believed that it was on Village property. President Brolley asked if Public Works installed that unit and Director Hoppenstedt clarified that they set the post in concrete for the unit on the Fairfield side on Park District property, but did not install the actual unit to it. Public Works did not set the unit on the Foxmoor side. Trustee Sperling asked how many Little Free Libraries exist currently and Trustee Marecek clarified that three exist with a third one being on private property in Lakewood Creek on Avalon.

Trustee Jungermann asked if any issues had been reported of inappropriate use or issues with the units. Policy Chief Meyers said they get damaged often and are subject to vandalism. President Brolley asserted if the Montgomery Foundation donates the unit to the Steward for public good that the Village could find a spot on village property for use without Public Works having to handle maintenance of the unit or oversight of the materials inside. The Steward should be responsible or hand it back to the Montgomery Foundation to take it over with no cost to the Village to install or maintain them.

Trustee Jungermann had no issue with them being placed on public property but was disheartened to hear that the units are subject to vandalism. Trustee Marecek and Trustee Lee were concerned about the liability issue. They asked who is monitoring the content when the unit is on public property and whether it comes back to the Village.

Attorney Laura Julien clarified that the Stewardship Agreement could stipulate that the Steward takes control and responsibility and monitors the unit and its content. However, she said there could be problems with enforcement of the agreement and the Village's role in the case of an issue.

President Brolley discussed that signage should be placed on any unit that is placed on public property that recognizes the Steward as responsible for the unit and that all costs and maintenance go back to the Steward and Foundation and not back to the Village when any issues or problems arise. If it does become an issue or problem, then the Village would have to amend its stance accordingly.

Administrator Zoepfel clarified that the Village Agreement wording would have to be amended as the Little Free Libraries are supposed to be located within three feet of the property line. The proposed unit is near a gazebo so the wording would have to be changed as to how it is currently written since it is not within three feet of the property line.

New or Unfinished Business

Trustee Sperling praised Director Hoppenstedt and the Public Works staff for their quick response with handling a problem in tearing up and reinstalling driveways and sidewalks in her neighborhood. The contractor involved was very grateful to be able to continue their project with little interruption.

Trustee Marecek passed on high praise for Chief Meyers and the Police Department for quickly handling and calming a situation that took place at Boulder Hill School. The Boulder Hill Principal was grateful and wanted his thanks passed on.

Future Meetings

- A. Village Board Meeting – Monday, October 10th, 2016 at 7:00 p.m.**
- B. Beautification Committee – Monday, October 12th, 2016 at 6:00 p.m.**
- C. Historic Preservation Commission – Monday, October 17th, 2016 at 6:30 p.m.**
- D. Committee of the Whole Meeting – Tuesday, October 18th, 2016 at 7:00 pm. (Canceled)**
- E. Village Board Meeting – Monday, October 24, 2016 at 7:00 p.m.**

President Brolley entertained a motion and Trustee Jungermann **moved to approve items A-E of Future Meetings and to go into Executive Session to discuss two matters.** Trustee Marecek seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Sperling, Trustee Lee voting yea.

Executive Session – 7:46 p.m.

- A. To Discuss Collective Negotiating Matters Pursuant to 5 ILCS 120/2 (c)(2).**
- B. To Discuss the Employment of an Employee Pursuant to 5 ILCS 120/2 (c)(1).**

Adjournment: 8:29 p.m.

President Brolley called the meeting back to order at 8:28 p.m.

Trustee Jungermann moved **to adjourn the meeting**, seconded by Trustee Marecek.

4 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Sperling, Trustee Lee voting yea.

Respectfully submitted,

Penny Fitzpatrick
Village Clerk