

Village President Brolley called the meeting to order at 7:01 p.m. followed by the Pledge of Allegiance led by Girl Scout Troop 1608.

**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 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, Director of Community Development Rich Young, Members of the Press and others.

**Public Participation**

**A. Public Comments (Two Minute Opportunity).**

No public comments this evening.

**Consent Agenda**

**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.**

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

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

**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).**

Director Young discussed the first reading for the concrete industrial site property at 1415 Bohr Avenue which was previously presented to the Board. At that time, the Board accepted the Plan Commission's recommendations to deny the special use and variance requests associated with the

location's prior site plan. Major modifications were since made to the site plan and Director Young recommended approval with minor text amendments. Those included a minor setback variance on the west side of the site plan and special use for the paved storage lot.

Many questions and discussions followed including that the items to be stored inside the lot would be enclosed by a six-foot-tall fence and would include concrete materials, stone and topsoil but not mulch. Also touched upon were questions about the parameters and necessity of the two thirds majority vote, if the surrounding area was residential, height restrictions and quantities of materials stored and how to enforce the restriction parameters for the proposed storage lot.

Director Young clarified that the special use could include a quantity and height requirement for the stored materials and that the area surrounding the property was zoned industrial, not residential. Attorney Andersson clarified that a two thirds majority vote would be required since the prior site proposal was denied and that it requires having four of the six Trustees vote in its favor.

President Brolley summarized and confirmed with Director Young that any proposed signage would have to meet the signage code requirements for the industrial area and that any further comments or questions regarding the proposal could be directed to staff prior to the next meeting in two weeks.

### Items for Discussion

#### **A. Liquor License Request for Shell Gas Station.**

Chief Meyers presented a liquor license request for the Shell Gas Station on Montgomery Road. He clarified that three Class M Liquor Licenses currently exist on the west side of Montgomery at Speedway, Murphy Oil and Orchard Stop Gas Stations, but that none existed on the east side of town. The license request presented was contingent on the potential owners, Moses and Jeevan, buying the Shell Gas Station. The current owner of this gas station does not have a license to sell liquor.

Moses and Jeevan, the potential owners of the Shell Gas Station, addressed the Board and requested a Class M liquor license but were agreeable to selling beer only. They advised that there was additional space for coolers on the west side of the store to stock and sell beer. They also felt that their being competitive in the marketplace would be contingent on securing this liquor license.

Many questions and discussions ensued. Some of these included concerns about the amount of storage space available for liquor sales at this location, that the area was already well served for liquor by other businesses and that the majority of the Trustees were not in support of hard liquor being sold at this location, especially in small bottles. Also discussed was whether video gaming in relation to having a Class M Liquor License was permitted or an issue and whether the potential buyers would be competitive and successful at this location if they were not granted the license to sell liquor. The majority of Trustees were in favor of drafting a new liquor license to include Beer Only sales for this location.

Attorney Andersson clarified and addressed the concerns that small bottles sales had previously been prohibited in the Class M Liquor License restrictions and that gaming would not be an issue or apply as this location would not be serving food, have a pouring liquor license or be a truck stop.

President Brolley thanked Jeevan and Moses for their presentation and clarified that the Village does not currently have a class of liquor license for Beer Only sales but that they would be agreeable to creating one. He summarized that the Board had previously declined other requests to secure liquor licenses in this area but that this proposal could come back before the Board for review pending a background check and the drafting of a new class of liquor license for Beer Only.

### **New or Unfinished Business**

Trustee Sperling pointed out that it was World Polio Day, which she wore a shirt in support of. She noted that World Polio Day is Rotary International's biggest cause and that they have been fighting polio since 1985.

### **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.**

### **Executive Session – None**

### **Adjournment: 7:25 p.m.**

Trustee Heinz **moved to adjourn**. Trustee Jungermann seconded this motion.

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