

President Brolley called the meeting to order at 7:03 p.m. followed by the Pledge of Allegiance.

<b>Roll Call</b>
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Trustee Sperling	Yea	Trustee Jungermann	Yea
Trustee Lee	Yea	Trustee Marecek	Yea
Trustee Heinz	Absent	Trustee Bond	Yea

Also present: Administrator Jeff Zoephel, Attorney Steve Andersson, Chief of Police Daniel Meyers, Director of Public Works Todd Hoppenstedt, Director of Finance Justin VanVooren, Director of Community Development Rich Young, Engineer Peter Wallers, Village Clerk Penny Fitzpatrick, Members of the Press and others.

<b>Public Participation</b>
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**A. Public Comments.**

Chris Verthein, a Blackberry Crossing resident, spoke regarding the maintenance, restocking and depletion of the fish population in his neighborhood pond. Board discussion was had regarding fishing license requirements in the village, if the Police Department was empowered to handle enforcing fishing regulations and if non-residents could be restricted from fishing in village ponds. President Brolley noted he would have Director Hoppenstedt contact Mr. Verthein to discuss the possibility of adding a catch and release program supported with Illinois Department of Natural Resources signage to help enforce local fishing regulations in the village.

Steve Golz, Montgomery resident and owner of the Merlin Automotive Repair Shop on Route 30, and Ray Munoz, General Manager for Merlin, expressed concern over the board allowing a second automotive special use for Christian Brothers Automotive Services next to their business. Mr. Golz and Mr. Munoz gave examples of how both automotive repair shops were full service, how the addition of Christian Brothers could adversely affect their business and noted their auto repair shop has been a long-term Montgomery business. They requested the board vote against approval of a second automotive special use for Christian Brothers.

Andrew Decker, a Lakewood Creek resident, requested the board consider amending the municipal code to allow for bee keeping for personal use in the village. He noted the importance of protecting the declining bee population and supporting this environmental initiative. President Brolley stated bee keeping was currently not allowed by village ordinance and thanked Mr. Decker for his inquiry. After board discussion, there was support to address this request and review the municipal code in regard to bee keeping at a future meeting.

**B. Proclamation for National Engineers Week.**

President Brolley read the Proclamation for National Engineers Week and recognized the week of February 18 – 24, 2018 as National Engineers Week in the Village of Montgomery.

Trustee Marecek **moved to approve the Proclamation for National Engineers Week.** Trustee Sperling seconded this motion.

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

**C. MEDC Update.**

Dr. Neil Schlupp, Chair of the Montgomery Economic Development Corporation, gave an update on the loss of Butterball and Caterpillar and the addition of Old Dominion Freight Line and Performance Food Service to the MEDC board. Charlene Coulombe-Fiore, Executive Director for the MEDC, presented their year in review and discussed the addition of Carl Buddig and Company and other new, redeveloped or expanded local businesses. She noted the loss of manufacturing jobs by VVF Illinois Services, LLC but shared possible interest and future use in the building, site and railyard by BNSF Railroad and the State of Illinois.

Executive Director Fiore also highlighted how the MEDC promotes business in Montgomery and encourages local business interaction with their annual golf outing fundraiser and holiday appreciation party. She thanked the board, staff, media and local businesses for their involvement, partnership and support of the MEDC. President Brolley mentioned the need to discuss and respond to the 2,000 Caterpillar jobs that will be lost in 2018, the impact that loss will have on the local economy and noted how a local coalition is proactively working with the village to contend with those job losses and market the property.

<b>Consent Agenda</b>
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**A. Minutes of the Village Board Meeting of January 22, 2018.**

**B. Executive Session Minutes of January 22, 2018.**

**C. Building Report for January 2018.**

**D. Accounts Receivable Report for January 2018.**

**E. Accounts Payable through February 8, 2018 in the Amount of \$1,164,299.85.**

**F. Cancellation of the February 20, 2018 Committee of the Whole Meeting.**

**G. Appointment by the Village President of Todd Carlson, 2958 Shetland, to the Board of Fire and Police Commissioners for a Term through April 30, 2020.**

**H. Appointment by the Village President of Ryan Anderson, 2986 Stirling Court, to the Plan Commission for a Term through January 31, 2023.**

**I. Appointment by the Village President of Ryan Anderson, 2986 Stirling Court, to the Zoning Board of Appeals for a Term through January 31, 2023.**

Trustee Jungermann **moved to approve Items A-I on the Consent Agenda.** Trustee Marecek seconded this motion.

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

<b>Items for Separate Action</b>
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**A. Ordinance 1799 Amending the Orchard Crossings Planned Unit Development to Allow for a Second Motor Vehicle Services Special Use – Christian Brothers Automotive Services – 1937 U.S. Route 30 Highway (Second Reading).**

President Brolley noted this was the second reading for Ordinance 1799 Amending the Orchard Crossings PUD to Allow for a Second Motor Vehicle Services Special Use for Christian Brothers Automotive Services. Director Young noted this item would be tied to Ordinance 1800 Granting a Special Use for Christian Brothers Automotive Services. He also shared additional information provided by the property owner discussing similar use examples, noted feedback from the Merlin's property owner and discussed a minor change to the site plan for the second automotive special use.

Johnathan Wakefield, New Store Entitlement Director, and Tim Richardson, ASE Master Mechanic Technician for Christian Brothers Automotive, addressed the board and requested approval for the second automotive special use for Christian Brothers. They shared Christian Brothers is a different type and scope of automotive repair business in regard to equipment, training, price point and capabilities to be offered for Montgomery residents. They suggested their company would bring more specialized jobs to the area and is seeking to compete with local auto dealerships for auto repair business and not with Merlin.

Additionally, John Thompson of McVickers Development, requested approval for the second automotive special use for Christian Brothers and noted the automotive restrictive covenant for this site expired in December 2013, thereby allowing current automotive competition for this proposed location. He felt the addition of and investment by Christian Brothers would offer a favorable selection of services to residents and sales tax and local employment to the village. Jerry Callaghan, representing McVickers Development, also discussed that the automotive competition created by Christian Brothers would not diminish the land value of the proposed or adjacent property and should not prevent this business development from being approved.

Much board discussion took place regarding whether the addition of Christian Brothers next to the Merlin location would damage the existing business owner and diminish the property values, why the restrictive covenant that existed was allowed to expire and whether the Christian Brother's franchisee was vetted and decided yet. Also questioned and discussed were why the original PUD and Ordinance 1321 in 2007 only allowed for one auto related use, how the new proposal amended and permitted a second auto related special use and whether the board should limit competition in the village based on zoning and the proximity of a competitive use. Attorney Andersson explained the landowners had a restrictive covenant for the location which had since expired and the board had the ability to change its PUD, Ordinance and Zoning Laws as a policy decision.

President Brolley summarized that the village prides itself on being a pro-business, pro-growth community that invites new businesses into the village. Additional board debate and discussion was had which re-addressed the proposed business location in relation to Merlin, private covenant secured and not extended, effect on land value of the proposed location, competition in regard to Merlin, board zoning not favoring one business over another in the village and finally, how board decisions are made when the special use standards and criteria have been met. The resulting motion for Ordinance 1799 failed due to a lack of board consensus on this item.

Trustee Marecek **moved to approve Ordinance 1799 Amending the Orchard Crossings Planned Unit Development to Allow for a Second Motor Vehicle Services Special Use – Christian Brothers Automotive Services – 1937 U.S. Route 30 Highway (Second Reading)**. Trustee Bond seconded this motion.

2 Yea. 3 No. Motion failed. Trustee Marecek and Trustee Lee voting yea. Trustee Bond, Trustee Sperling and Trustee Jungermann voting no.

**B. Ordinance 1800 Granting a Special Use for Motor Vehicle Services in the Orchard Crossings Planned Unit Development – Christian Brothers Automotive Services – 1937 U.S. Route 30 Highway (Second Reading).**

President Brolley noted this was the second reading for Ordinance 1800 but no action would be taken on this item since the motion to approve Ordinance 1799 failed.

**C. Resolution 2018-002 Approving Financial Policies.**

Director VanVooren noted there were no changes to Resolution 2018-002 Approving Financial Policies from when it was previously presented and discussed at the November 27<sup>th</sup>, 2017 meeting. There were no questions regarding this item.

Trustee Marecek **moved to approve Resolution 2018-002 Approving Financial Policies**. Trustee Sperling seconded this motion.

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

**D. Resolution 2018-003 Approving an Investment Policy.**

Director VanVooren noted there were no changes to Resolution 2018-003 Approving an Investment Policy from when it was previously presented and discussed. There were no board questions regarding this item.

Trustee Marecek **moved to approve Resolution 2018-003 Approving an Investment Policy.** Trustee Jungermann seconded this motion.

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

**E. Resolution 2018-004 Approving a Debt Management Policy.**

President Brolley noted there were no board questions regarding this item.

Trustee Jungermann **moved to approve Resolution 2018-004 Approving a Debt Management Policy.** Trustee Marecek seconded this motion.

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

**F. Ordinance 1801 Adopting 2014 National Electric Code (First Reading).**

Director Young outlined the minor changes regarding the continued use of metal conduit, use of GFCI circuits, use of arc fault breakers and use of emergency lighting and remodeling requirements for updating smoke and CO2 detectors throughout the structure.

Trustee Marecek inquired and Director Young clarified that these code changes will affect all new construction and remodeling projects that require a permit. President Brolley asked and Director Young confirmed these amendments were consistent with how neighboring communities were amending their electric code. President Brolley noted this was the first reading and no action would be taken on this item tonight.

**G. Ordinance 1802 Adopting 2015 International Property Maintenance Code (First Reading).**

Director Young outlined the amendment adjustments in regard to stair railing dimensions and safety, regional climate requirements for heat supply and window screening during winter months and the property maintenance site requirements for grass cutting in excess of eight inches in height. President Brolley noted this was the first reading and no action would be taken on this item tonight.

**The board took a brief recess at the conclusion of the Items for Separate Action discussion at 8:43 p.m. President Brolley called the meeting back to order to address and review the Items for Discussion at 8:50 p.m.**

<b>Items for Discussion</b>
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**A. Fiscal Year 2019 General Fund Budget.**

Director VanVooren summarized the Fiscal Year 2019 General Fund Budget projecting a net surplus of \$165,000. President Brolley asked and Director VanVooren confirmed that the entire 2019 budget was posted on the village website for public review. Trustee Bond shared he was pleased to see that the tree planting and replacement program had been increased and expanded. President Brolley noted this item will be discussed again at a future meeting.

**B. TIF #2 Rebate.**

Director VanVooren summarized the TIF #2 rebates for the 2016 Levy for the Orchard Road TIF District noting the rebates totaled \$132,710, with two parcels taken out for Butterball and Michels. This information was presented to and approved by the Joint Review Board in December 2017 and the amounts to be rebated were not questioned. The board discussed and consensus was reached to direct staff to proceed to release the funds to the taxing districts, waiving the 30-day board review and waiting period. President Brolley noted this item will be discussed again at a future meeting.

**C. Snow Parking Ordinance.**

Director Hoppenstedt summarized the current Snow Parking Ordinance and recommended revising the ordinance to improve parking compliance for the 2018-2019 snow season. He suggested reducing the two inches of snow fall parking restriction requirement, prohibiting street parking once snow begins to accumulate on the roadway and prohibiting street parking until eight hours after snowfall has stopped and the streets have been completely cleared.

Much board discussion was had questioning the amount, effectiveness and consequences of the \$25 street parking ticket fines issued during a snow event, if that parking ticket fee should be increased initially or with subsequent infractions to compel parking compliance and if more signage should be used alerting residents about snow event parking restrictions. Police Chief Meyers noted over 200 parking tickets were issued during the recent snow event and shared that the parking ticket fine fees could be added to the village water bills for collection.

The board showed support with having staff move forward with revising the snow parking ordinance. President Brolley thanked Director Hoppenstedt and Public Works for their hard work during the recent snow event, for bringing this recommendation forward and summarized these ordinance changes will be worked on by staff in relation to the 2018-2019 snow season.

**D. Lead Service Line Replacement Project Update.**

Engineer Wallers provided an update on the Lead Service Line Project and shared some project replacement challenges with homes on slab foundations versus basements, providing counter method electrical grounding and asbestos remediation costs and procedures when it is encountered in homes. He suggested delaying this lead service line replacement project by a year to apply for an Illinois EPA grant, which allows loan forgiveness on a low interest loan for up to half the cost of the project loan, up to a maximum of \$500,000.

Engineer Wallers summarized that there would be no material impact on residents by delaying this work for a year, grant approval would save the village a substantial amount of money on the project and the work would be completed in the 2019 construction season. President Brolley noted board consensus for staff to proceed with applying for the low interest loan program. This item will come back to the board for approval at a future meeting.

**E. Well 3 Rehabilitation.**

Engineer Wallers shared that the Well 3 Rehabilitation will be done this year and requested board approval to utilize the Professional Services Agreement in place with Layne Christensen Company for this maintenance project. This previously approved PSA provides the village with project cost discounts and time savings. President Brolley noted board approval to proceed with this staff request.

**New or Unfinished Business**

Trustee Jungermann asked for consideration and review of a stop sign at Chad Court, Chad Lane and Adam Avenue and inquired about the status of the Route 30 culvert drainage project bidding, work and timetable. Engineer Wallers noted Com Ed had been contacted regarding the easement to start the process. Plans and specs for this

project are ready, but that direction and feedback from the state had not yet been received. He advised they could break ground in the spring with Com Ed approval once the project is bid.

Trustee Jungermann inquired and Director Young confirmed the vacant property west of Chad Court was zoned for business/commercial. Finally, Trustee Jungermann asked and Director Hoppenstedt confirmed that the village does not handle the snow removal on the sidewalks surrounding the Lakewood Creek School.

President Brolley closed noting the cost for the recent snow removal event was \$38,000 in staff overtime over an eight-day period to clear and maintain the roads. Trustee Marecek complimented Director Hoppenstedt for diligently working to reduce overtime costs for snow removal. Director Hoppenstedt noted that most snow storms occur overnight and the village's first priority is to maintain safe road conditions during a snow event.

**Future Meetings**

- A. Beautification Committee Meeting—Wednesday, February 14, 2018 at 6:00 p.m. (Canceled).
- B. Committee of the Whole Meeting--Tuesday, February 20, 2018 at 7:00 p.m. (May Be Canceled).
- C. Village Board Meeting—Monday, February 26, 2018 at 7:00 p.m.

**Executive Session – Time: 9:36 to 10:00 p.m.**

- A. To Discuss the Acquisition of Real Property Pursuant to 5 ILCS 120/2(c)(5).**
- B. To Discuss the Employment of an Employee Pursuant to 5 ILCS 120/2 (c)(1).**
- C. To Discuss Litigation Which is Filed and Pending, Pursuant to 5 ILCS 120/2(c)(11).**

Trustee Jungermann **moved to go into Executive Session To Discuss the Acquisition of Real Property Pursuant to 5 ILCS 120/2(c)(5), To Discuss the Employment of an Employee Pursuant to 5 ILCS 120/2 (c)(1) and To Discuss Litigation Which is Filed and Pending, Pursuant to 5 ILCS 120/2(c)(11).** Trustee Marecek seconded this motion.

A motion to go into Executive Session was moved by Trustee Jungermann and seconded by Trustee Marecek. All were in favor to adjourn to Executive Session at 9:35 p.m.

**Adjournment: 10:02 p.m.**

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

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

Respectfully submitted,

Penny Fitzpatrick  
Village Clerk