

Village President Brolley called the meeting to order at 7:00 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 Zoepfel, 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.

Montgomery Foundation President Marion Bond explained that proceeds from the beer tent at Montgomery Fest provided for the dedication of two Little Free Libraries in Montgomery and two \$1,000 college scholarships to Montgomery high school seniors from Oswego East and Kaneland High School. These students, Sean Fitzpatrick and Kaitlyn Caul, were selected for their academic excellence, participation in extracurricular activities and commitment to community service volunteerism. President Bond thanked everyone who made these opportunities possible and President Brolley congratulated the students and wished them success in their college endeavors.

B. Public Hearing on the Budget.

President Brolley opened the Public Hearing at 7:03 p.m. Hearing no public comments, he closed the Public Hearing at 7:04 p.m.

Consent Agenda

- A. Minutes of the Committee of the Whole Meeting of February 21, 2017.**
- B. Minutes of the Village Board Meeting of February 27, 2017.**
- C. Executive Session Minutes of February 27, 2017.**
- D. Building Report for February 2017.**
- E. Accounts Payable through March 9, 2017 in the Amount of \$560,370.10.**
- F. Accounts Receivable Report for February 2017.**
- G. Cancellation of March 21, 2017 Committee of the Whole Meeting.**
- H. Ordinance 1746 Approving the 2017 Official Zoning Map (Second Reading).**

Trustee Jungermann moved to approve items A-H 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 and Trustee Heinz voting yea.

Items for Separate Action

A. Recommendation of the Plan Commission on PC 2017-003 SU Special Use for Outdoor Storage and Alternative Surfaces Located at 1100 SW Lake Street and 1150 S Lake Street – ATMI Precast, Inc.

Director Young stated this special use with alternate surfaces was for outdoor storage of precast concrete panels on three different sites combined to one developed site. This location would replace the current ATMI Precast site at Center Point.

The Plan Commission recommended approval with suggestions on setbacks, staggered height limitations per the zoning ordinance, alternate surfaces, screening the site with landscaping and adding slats to the existing fencing. In addition, the existing concrete plant and billboard on site would be removed, two Morton storage buildings would remain and future lighting development would take place. Director Young requested Board approval for this recommendation.

Trustee Sperling **moved to approve the Recommendation of the Plan Commission on PC 2017-003 SU Special Use for Outdoor Storage and Alternative Surfaces Located at 1100 SW Lake Street and 1150 S Lake Street – ATMI Precast, Inc.** 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. Ordinance 1747 Granting a Special Use for ATMI Precast at 1100 SW Lake and 1150 S Lake Street (First Reading).

President Brolley advised that the Board will look to approve this item on the Consent Agenda at the next meeting.

C. Recommendation of the Zoning Board of Appeals on 2017-004 V Alternative Surfaces Setback Variance – ATMI Precast, Inc.

President Brolley clarified that this item was to accept the report of the Zoning Board of Appeals and that the variance request was a three-three tie. There was no further discussion on the topic and he asked for a motion to approve the recommendation as presented.

Trustee Sperling **moved to approve the Recommendation of the Zoning Board of Appeals on 2017-004 V Alternative Surfaces Setback Variance – ATMI Precast, Inc.** 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.

D. Ordinance 1756 Granting a Variance for ATMI Precast at 1100 SW Lake Street and 1150 S Lake Street (First Reading).

President Brolley advised that the Board will look to approve this item on the Consent Agenda at the next meeting.

E. Ordinance 1759 Adopting the Operating and Capital Improvement Budgets for Fiscal Year 2018 (First Reading).

Director VanVooren presented first reading of this ordinance for the FY2018 Budget and no action was requested at this time. He stipulated that the Water Improvement Funds Budget and other topics would be discussed and open for questions later in the meeting under Items for Discussion.

F. Professional Services Agreement with Engineering Enterprises for Design and Construction Engineering Services for Hartway Drive Water Main Improvements.

Director Hoppenstedt explained that nearly 1500 feet of the Hartway water main has deteriorated and is currently undersized so they plan to replace the current six-inch water main with an eight-inch main. It is scheduled to go out to bid in April with construction planned for June and July. By acting quickly with these changes, Public Works would also achieve some efficiencies as this road was scheduled to be repaved in 2017. Director Hoppenstedt requested Board approval for this professional services agreement.

Trustee Jungermann moved to approve the Professional Services Agreement with Engineering Enterprises for Design and Construction Engineering Services for Hartway Drive Water Main Improvements. Trustee Marecek seconded this motion.

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

Items for Discussion

A. Fiscal Year 2018 Water and Water Improvement Funds Budget.

Director VanVooren presented the Fiscal Year 2018 Water and Water Improvement Funds Budget. This is the last of three discussions regarding the budget. Second reading and approval of the budget ordinance is scheduled for the March 27, 2017 Board meeting.

Director VanVooren recommended the addition of a water operator and the systemic replacement of the lead service lines for Water Operations. He indicated that the Hartway Water Main construction and engineering was included in the budget and that the water meter replacement program would continue as necessary for the Water Improvement Fund. Finally, rehabilitations and improvements were planned for the Well 3 and 8 well houses and the Jefferson Street and Illinois Route 25 lift stations. Trustee Jungermann inquired and Director Hoppenstedt clarified that the water meter replacement program would continue on an annual basis and remain an ongoing budget item.

Administrator Jeff Zoepfel addressed previous Board questions regarding the police department's request to add four new police officers in the General Fund Budget, versus the two that were proposed in the budget. He explained that adding two new officers in FY18 would bring the number of sworn officers up to 30 and he outlined the cost of adding a new officer including their training, salary and pension on an annual basis.

Director Zoepfel shared the recommended FBI Midwest standard ratio of officers per thousand residents as 1.7 and commented that adding the two proposed officers in the FY18 budget would bring Montgomery's ratio of officers per thousand residents to 1.54, similar to the ratios of surrounding communities. This would improve Montgomery's ratio of officers per thousand residents in a responsible way with a balanced budget and without deficit spending. It was agreed that they would keep the two proposed police officers in the FY18 budget and add one additional officer in FY19 and FY20, further bringing the ratio of officers per thousand residents up to 1.61. Administrator Zoepfel summarized that this issue would be subject to Board approval.

Various questions were raised by Trustees Marecek, Jungermann and Bond. Chief Meyers stated that the part time officers are not counted in the 30 sworn officers, but that they do help to improve the officer to resident ratio. He said the new patrol officers would be assigned where they were most needed from an operations standpoint after their academy and field training was complete.

President Brolley reiterated that Chief Meyers would assess where the new patrol officers would be most needed, as the community plan and trends may change over time, and that having additional patrol officers on the street, regardless of where they are assigned, was most important. He also commented on the importance of remaining fiscally responsible with the FY18 budget in this climate when the state's budget and its possible effects on Montgomery are uncertain.

Trustee Lee inquired whether the \$25,000 demolition fund costs previously discussed for a local home and the Clay Street location were included in the FY18 budget and if they could be reassigned in the budget to fund additional police officers. Director VanVooren and Director Hoppenstedt clarified that those items were included in the FY17 budget, not in the current budget, and that the funds were anticipated to be utilized in the next several months.

Trustees Sperling, Lee, Jungermann and Marecek commented on a \$6,000-\$15,000 community survey in the General Fund Budget and voiced concerns on whether a survey was needed or would be beneficial at this time. They felt that the funds for the survey could possibly be better used for other purposes. Trustee Lee also questioned whether feedback from the survey would be more beneficial than speaking directly to the residents and cautioned about spending money on a survey that could yield little response. Finally, Trustee Bond inquired whether the Board could receive copies of prior Village surveys for reference.

Trustee Marecek stated the survey could be beneficial in discovering what the residents want and need as it could potentially gather data from a larger percentage of residents than the prior mail in responses with the aid of social media and electronic reporting. Finally, he cautioned that conducting the survey now with no funds set aside to handle the suggested improvements may not be beneficial or cost effective in the long run.

Administrator Zoepfel and Director VanVooren addressed the Trustees questions and President Brolley summarized the statistical merit of the survey, that staff will explore the need for the survey as they move forward, that there could be value in a more formal outreach to residents so that staff could receive more comprehensive feedback and finally, that plans for any needed suggestions could be funded for going forward, if deemed a priority. President Brolley advised staff to proceed with looking into the survey further.

Trustee Bond inquired whether the new equipment for the chlorine treatment was a budgeted item. Director Hoppenstedt clarified that the additions had been made already and that Public Works was currently trying to fine tune the automation process. He shared that some residents are experiencing a taste and/or odor that they are unhappy with, that it is expected to last until mid-April and that hopefully by then, residents will become more accustomed to the taste and odor and that Public Works will have hopefully achieved the desired result with the new system by then.

Trustee Marecek thanked Director Hoppenstedt for getting information about the chlorine water treatment changes onto the Village website and Facebook page for residents to learn more about the process and issues. President Brolley summarized that any further questions about the Fiscal Year 2018 Budget should be directed to staff and that it will be up for approval in two weeks.

B. Water Works System Master Plan.

Engineers Pete Wallers and Jeff Freeman of EEI presented and summarized the Water Works System Master Plan. Mr. Freeman advised that the first draft had been previously shared with staff and the plan is scheduled to come back to the Board for approval in April 2017. He discussed the sub-regional approach of joining with Oswego and Yorkville to put in a Fox River intake and water treatment plant which would distribute treated water back to the three communities and shared that the other two communities endorsed the idea as well.

Mr. Freeman discussed in detail how water conservation could save money, stabilize the system and delay the need for improvements, how water use from the current deep sandstone aquifer was projected out over time and how its capacity was anticipated to be exceeded in the future. He discussed how the best alternative presented was a sub-regional approach for sustainability involving Oswego and Yorkville and how water quality and sustainability could be affected in the future if an alternate water source was not planned for.

He explained why utilizing Lake Michigan water would not be a better option as it would not be cost effective to connect to the existing distribution system, and would then be subject to rates controlled by them. He shared the advantages of seeking a withdrawal permit sooner rather than later for a better economy of scale, operation and maintenance perspective to work together to put in a collective Fox River intake and water treatment plant with Oswego and Yorkville.

Mr. Freeman discussed that the process of governance, land acquisition, testing, design, permitting and financing would take a few years, but that the sustainability of the existing deep aquifer should be fine for the next 10-30 years. Montgomery already has a lime softening plant for water treatment that would assist in implementing the sub regional approach with Oswego and Yorkville. He asked for questions and comments and advised that they would present this plan to the Board on April 10th, 2017 for consideration.

Many questions were raised by Trustees Sperling, Bond and Marecek in regard to who regulates the withdrawing of water from the Fox River, whether Fox River Low Flow requirements would differ for one community versus multiple communities and what the cost of the withdrawal permit would be. Mr. Freeman explained that the Illinois Department of Natural Resources (IDNR) handles the permitting of withdrawal of surface water, which would include the protected low flow requirements, that the water would have to be treated according to the Illinois EPA and Federal requirements. The IEPA would permit the construction of the treatment system and oversee the treatment plant. The first step in the process would be land acquisition and design engineering for the property where the water will be drawn from to be able to begin the permitting process. Trustee Bond favored beginning the process sooner rather than later.

Trustee Sperling shared concerns over residents' water conservation and questioned the ramifications if conservation measures were not put into place. Mr. Freeman responded that neither the current nor the proposed system of intake, withdrawal and treatment will last forever and that any system would need to be expanded in the future for population growth and corporate build outs of their land. He also explained that a natural reduction in water use will occur as updated water saving plumbing technology becomes the norm and water loss is avoided.

Trustee Marecek inquired about the replenishment of the deep sandstone aquifer for our region and thanked Mr. Freeman for his thorough presentation. Finally, President Brolley inquired about the impact of having additional communities withdrawing from the Fox River instead of the deep aquifer. Mr. Freeman advised that it would be good to get the permit for the Fox River sooner rather than later. President Brolley stated that this item would be added to the April agenda for future approval and that this was an important task for the Village

to plan ahead in order to be able to continue to provide quality drinking to the community for the next 50-100 years. He thanked Engineer Wallers and Freeman for their presentation.

Engineer Wallers presented the Board with a special achievement award from the American Council of Engineering Companies (ACEC) received by EEI for the Water Works System Master Plan Study.

C. Lucky's Beef n Dogs Tax Incentive Request.

Director Young presented the Lucky's Beef n Dogs Tax Incentive Request again which had been discussed previously but was tabled as two Board members had been absent for the presentation. He restated that the petitioner, Mr. Manfre, was investing \$72,000 in improvements and the building owner was investing \$120,000 into the former Pizza Hut building. Staff suggested a 50/50 tax rebate incentive for Mr. Manfre and was looking for Board direction on the issue.

Trustees Sperling and Jungermann did not feel their prior conversations with Mr. Manfre had been focused on the gaming aspect of the business and they were interested in supporting a local Montgomery resident who wanted to open a restaurant along the Douglas Road corridor. Trustee Sperling asked what happens to a business and its liquor license if the owner becomes incapacitated or deceased. Attorney Julien said it depended on how the corporate documents were filed and said she would check the statute in regard to the liquor license. Trustee Sperling also asked the Montgomery Economic Development Committee if Mr. Manfre was able to purchase the property and Char from MEDC indicated that the owner had declined his request to purchase the building. Trustees Sperling and Jungermann were in favor of the tax incentive request.

Trustee Bond shared concern about the lack of restaurant equipment updates listed in the proposed improvements. It was explained that the restaurant came with some existing restaurant equipment and that grills, kitchen lighting, additional duct work, venting hoods and an Ansel system were planned updates. Trustees Bond and Heinz were not in favor of offering the tax incentive request.

Trustee Marecek was additionally concerned that Mr. Manfre was trying to get sales tax rebates on money that he wasn't investing himself. He also noted that the petitioner's business plan consistently highlighted gaming, which the Board is not in favor of. Although Mr. Manfre's liquor license was dependent on maintaining the required food versus liquor sales, he would have until the end of 2018 to meet the appropriate thresholds.

President Brolley shared that he preferred to see tax dollars utilized for an inducement on building purchases that could be transferrable in the future. He said this proposal did not meet the threshold for the tax rebate incentive program based on the building improvements being made and that this tax rebate offer should not be given when other recent businesses who made more substantial improvements had been denied. Based on Board feedback, staff should not move forward with this request. President Brolley directed staff to notify the applicant accordingly in regard to their tax incentive request. He also indicated that he looked forward to the opening of this new restaurant in Montgomery.

New or Unfinished Business

Trustee Sperling thanked Director Hoppenstedt, Police Chief Meyers and Jack Rosenstiel for hosting a recent water plant tour for the Rotary Club. The event was piggybacked onto another tour already planned so no overtime was used. They did a great job, the tour was interesting and very much enjoyed by the club members and families. Secondly, she noted that a resident contacted her about possibly swapping out the yield signs

that are on Main Street with the stop signs that are at Railroad Street. This was suggested as there is not much through traffic since closing that end of Railroad Street and the traffic is all going through on Main Street instead. She referred the question to Engineer Wallers and Director Hoppenstedt for consideration.

Trustee Lee brought up concerns about landscapers dropping off marketing baggies with rocks inside on residents' lawns and driveways. He said this issue arises each year in springtime and he wanted to forward the issue to Director Young to see if the landscaper in question could be contacted about the issue. Secondly, he voiced concern over a Trustee candidate for the local election not following the directions in regard to placement of election signs in the right of way or in resident's property without permission. He said that homeowners were complaining to him about signs being placed in their yards and reinstalled once removed and that he would be bringing up the issue at the candidates meeting on March 23rd.

Trustee Jungermann asked about the right of way for pedestrian versus car traffic in crosswalks and intersections near Lakewood Creek school. He wondered if more crosswalks should be installed to ensure pedestrian safety going to and from school from the Orchard Prairie North subdivision. Chief Meyers advised that the crosswalk signs on Margaret had been reviewed by Engineer Wallers, Director Hoppenstedt, Administrator Zoephel and Trustee Marecek and expanded as the line of sight was very difficult when cars parked near the crosswalk dropping kids off for Lakewood Creek School. He also cautioned that children should be supervised in the crosswalks and should be aware of their surroundings.

Trustee Marecek noted that the crosswalks right around Lakewood Creek School are high density, high traffic and that is why they were amended recently. The crosswalk at Margaret and Prescott was amended because it didn't have proper signage and cars were parking right on top of the crosswalk with no line of sight. The Police Department and Public Works responded immediately to mark the area, put up signs and created a better line of sight for drivers. He also noted that both areas discussed were not designated drop off and pick up areas and that problems arise because parents don't wait in line in the designated drop off areas and instead pull down side streets to drop off their kids. Trustee Marecek thanked Director Hoppenstedt, Administrator Zoephel and the Police Department as he had received many favorable comments since the crosswalks were amended. The Police Department, Sergeant Palko and Lakewood Creek School continue to monitor the area and educate drivers on the new amended crosswalk safety.

Finally, Trustee Marecek commented that prior residential concerns on potential speeding on Troon in the Lakewood Creek West area did not show data supporting actual speeding with residents on radar. He said it was a misperception and thanked the Police Department, Sergeant Palko and staff for taking the time to address and try to resolve the issue.

Future Meetings

- A. Historic Preservation Commission – Monday, March 20, 2017 at 6:30 p.m.**
- B. Committee of the Whole Meeting – Tuesday, March 21, 2017 at 7:00 p.m. (To Be Canceled)**
- C. Intergovernmental Committee – Monday, March 27, 2017 at 6:00 p.m.**
- D. Village Board Meeting – Monday, March 27, 2017, at 7:00 p.m.**

Executive Session- None

Adjournment: 8:52 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