

Village President Brolley called the meeting to order at 7:03 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	No

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, Community Development Senior Planner Jerad Chipman, Engineer Peter Wallers, Members of the Press and others. Trustee Bond arrived after the pledge at 7:08 pm.

Public Participation

A. Swearing in of Newly Elected Officials by Judge Robert Pilmer.

President Brolley invited the newly elected board members to take a group photo and be sworn in individually by Judge Robert Pilmer. Trustee Jungermann, Trustee Sperling, Trustee Lee and President Brolley all took their oaths with Judge Pilmer and President Brolley thanked the judge for coming.

B. Public Comments.

None at this time.

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

Fire Chief Meyers of the Montgomery and Countryside Fire Protection District provided the board with additional information from the assessor's office regarding the Aurora Township property classes and assessed values to help them determine an accurate percentage increase for the TIF area. He shared fire district's concerns over some wording in the revised resolution that he felt conflicted with the new way the TIF rebates would be processed. He wanted to be sure the board had the final vote on any properties to be removed from the TIF Rebate.

Lastly, he questioned another section of the agreement that discussed the need for board members to object to the report in writing within 30 days of the presentation. He felt that section no longer applied as the village board should make the final determination on whether a property would be in the TIF Rebate or not. Chief Meyers thanked the board for their consideration in finalizing the resolution and stressed his desire to have the agreement correct and complete before it was passed. He closed saying the fire district was not satisfied with the revised resolution as it was presented and hoped it would be amended noting his concerns.

D. Public Hearing on the Proposal to Sell General Obligation Alternate Bonds in the Amount of \$3,500,000 for the Purpose of Financing Improvements to the Waterworks System.

President Brolley opened the public hearing at 7:15 pm and shared this proposal to sell general obligation alternate bonds for work that would be started this year. Hearing no comments, the public hearing was closed at 7:16 pm.

E. Proclamation for Municipal Clerks Week.

President Brolley announced the Proclamation for Municipal Clerks Week, May 7th-13th, 2017 in the Village of Montgomery.

Trustee Jungermann **moved to approve the Proclamation for Municipal Clerks Week.** 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.

F. Proclamation for Economic Development Week.

President Brolley announced the Proclamation for Economic Development Week, May 8th-13th, 2017 in the Village of Montgomery.

Trustee Marecek **moved to approve the Proclamation for Economic Development Week.** 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.

G. Proclamation for Public Works Week.

President Brolley announced the Proclamation for Public Works Week, May 21st-27th, 2017 in the Village of Montgomery.

Trustee Sperling **moved to approve the Proclamation for Public Works Week.** Trustee Bond seconded this motion.

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

H. Proclamation for Police Week and Peace Officers' Memorial Day.

President Brolley announced the Proclamation for Police Week, May 14th-20th, 2017 and Peace Officers' Memorial Day, Monday May 15th, 2017 and thanked the Village Clerk, Deputy Clerk, Montgomery Economic Development Corporation, Public Works Department and Police Department for all the work they do in various roles for the Village of Montgomery.

Trustee Sperling **moved to approve the Proclamation for Police Week and Peace Officers' Memorial Day.** Trustee Lee seconded this motion.

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

Consent Agenda

A. Minutes of the Village Board Meeting of April 24, 2017.

B. Building Report for April 2017.

C. Accounts Payable for FY2017 through May 4, 2017 in the Amount of \$339,740.52.

D. Accounts Payable for FY2018 through May 4, 2017 in the Amount of \$130,968.27.

E. Cancellation of May 16, 2017 Committee of the Whole Meeting.

F. Temporary Liquor License and Waiver of Fee Request from Dickson Murst Farm Partners.

President Brolley announced the initial Consent Agenda vote failed with a 5-1 vote as the board vote needed to be unanimous (with Trustee Bond initially voting no). Therefore, after consultation, President Brolley advised that Consent Agenda Items G., H. and I. would be moved to Items for Separate Action as letters H., I. and J. to be discussed later tonight. The Board then voted a second time on the revised Consent Agenda for Items A-F.

Trustee Jungermann moved to approve items A-F 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 2017-008 SU Special Use for a Drive Through at Earthmover Credit Union Located on Baseline Road.

President Brolley commented that Items for Separate Action A. and B. would be discussed together and voted on separately. Senior Planner Chipman presented the Plan Commission's special use proposal for a drive through at Earthmover Credit Union located on 2195 Baseline Road. The petitioner requested the ability to construct a second customer service building on the property with three to four drive through lanes. The current building would be renovated and serve as their headquarters office space and has an existing drive through. The Plan Commission requested approval with a few minor outstanding items. Trustee Lee noted he was happy to see this bank location expanding.

Joe Haider, the designer and lead manager for the project, spoke to explain about the renovations and new construction. Trustee Marecek inquired if the old drive-through would be removed and how they planned to control traffic flow issues where the ATM was located. Mr. Haider and Senior Planner Chipman responded that the old drive through would be removed and the "Do Not Enter" signs would remain. Trustee Jungermann inquired when construction would begin and Mr. Haider advised it would start in August to September 2017 and take about eight months to complete both projects. Trustee Bond thanked the designer for the thoughtful landscaping and downcast lighting plan, stating it would be a nice addition to the area.

Trustee Lee moved to approve the Recommendation of the Plan Commission on PC 2017-008 SU Special Use for a Drive Through at Earthmover Credit Union Located on Baseline Road. Trustee Bond seconded this motion.

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

B. Ordinance 1770 Granting a Special Use Request for Earth Mover Credit Union at 2195 Baseline Road (First Reading).

President Brolley noted Ordinance 1770 granted a special use request for Earth Mover Credit Union. This is a first reading for this ordinance and will be voted on at a future meeting.

C. Agreement for Residential Refuse Collection with DC Trash for 2017-2023.

Director Hoppenstedt outlined the residential refuse collection agreement with DC Trash which included a new senior discount option. They will offer a ten percent discount for seniors 65 and older who own and reside in their home, up to 300 participating seniors. He requested board approval of the contract so staff can finalize the details and provide a smooth service transition when the new contract begins in August.

Trustee Sperling asked if residents in the Senior Program would automatically get the smallest size trash bin and Dan Christensen from DC Trash advised residents will be able to specify which size they want. If not specified, they will get the largest sized bin for trash and medium sized bin for recycling. Trustee Jungermann asked if the largest recycling bin would cost more and Mr. Christensen explained that all waste and recycling bin sizes are included with no extra cost and residents can exchange their bin for a different size throughout the term of the agreement.

Trustee Lee asked if the blue bag senior program would continue and if the cans for seniors would be uniquely marked. Director Hoppenstedt clarified that the blue bag program would be ending. All residents including seniors can choose the can size that best serves their needs and there will not be uniquely marked cans for seniors. Trustee Lee also asked if putting additional trash or furniture out with the waste and recycling bins would cost extra for residents. Mr. Christensen replied that there is no additional cost or limit on refuse, recycling or yard waste. He asked residents to fill the rolling carts first and then use additional bags or cans for seasonal times as needed.

He shared that the 96-gallon cart holds eight to ten kitchen trash bags which is sufficient for the average household. If a second rolling bin was regularly needed, residents could rent a second can from DC Trash for \$2.50 per month per can. President Brolley asked how to make residents aware of the ability to rent a second cart if they regularly need more space. Mr. Christensen said that DC Trash will distribute literature to residents attached to the carts which includes instructions on the program and extra rental costs for additional bins.

Trustee Heinz thanked DC Trash for the senior program. Trustee Bond encouraged residents to use the wheeled carts exclusively in order to contain the trash and avoid windblown litter and animal intrusion. Trustee Lee asked to have sample can sizes available for viewing in the Village Hall lobby and inquired how the extra can costs would be billed. Mr. Christensen shared that DC Trash would bill for any additional costs beyond the normal per home per month contract cost.

President Brolley restated his concern regarding DC Trash's ability to service and staff two new contracts concurrently with Montgomery and Sugar Grove. He asked what happens if they can't perform and how they are handling staffing to provide adequate service for both communities. Mr. Christensen shared that DC Trash is putting up a \$300,000 performance bond providing financial protection for the Village. In addition, DC Trash will add and train 3-4 more employees to their current 15-person crew to handle the Montgomery contract, add an additional customer service rep for the area and additional equipment in early July. He noted that they carry additional swing drivers to cover staff vacations and call-ins and have additional standby trucks and substantial spare equipment at their disposal. He has extensive experience handling large refuse sites with 42 municipal contracts at a time so he is well versed and adaptive with handling multiple municipalities.

Trustee Marecek inquired if scheduled trash days will change. Director Hoppenstedt noted most routes should stay the same and Mr. Christensen agreed that fewer than 1000 homes will be changed with cart tags used to inform residents of any service day changes. DC Trash will also plan routes to coordinate neighboring communities in Boulder Hill, Montgomery and Sugar Grove so that staff can be easily shifted between the

routes if needed. Director Hoppenstedt thanked Attorney Julien for working with staff and DC Trash to get the contract handled and expedited.

Trustee Bond **moved to approve the Agreement for Residential Refuse Collection with DC Trash for 2017-2023.** 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.

D. Award of a Contract to Geneva Construction for Light Road Railroad Approach Improvements in the Amount of \$91,000.00.

Director Hoppenstedt outlined that as part of the Illinois Commerce Commission's stipulation agreement #1640, the Village has facilitated the design and bid process for the grade crossing improvements at Light Road. The expense for land acquisition, engineering and construction are fully funded by the grade crossing protection fund. Three bids were received and they are recommending approval and award of the bid to Geneva Construction for the Light Road Railroad Approach Improvements. President Brolley clarified that this is not being paid for out of Village funds but instead by a federal grant program.

Trustee Marecek **moved to approve the Award of a Contract to Geneva Construction for Light Road Railroad Approach Improvements in the Amount of \$91,000.00.** 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.

E. Award of a Contract to Superior Excavating for Hartway Drive Water Main Improvements in the Amount of \$228,769.00.

Director Hoppenstedt shared that ten bids were received for the Hartway Water Main Replacement project with Superior Excavating's bid coming in 36% below the engineer's estimate. The contractor has done some large scale work for the Village before and recommended their award of the contract. Trustee Jungermann inquired why they came in so much lower than the engineer's estimate. Director Hoppenstedt explained that seven other bidders were also lower than the engineer's estimate so there was some consistency among the bidders. He feels confident they have incorporated everything needed into the bid. President Brolley confirmed that this job will be paid for by the general obligation alternate bonds discussed earlier.

Trustee Jungermann **moved to approve the Award of a Contract to Superior Excavating for Hartway Drive Water Main Improvements in the Amount of \$228,769.00.** 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.

F. Professional Services Agreement with Engineering Enterprises for the Montgomery Overflow Floodplain Improvements Feasibility Study.

Director Hoppenstedt shared that the Montgomery overflow, which is the area that runs from Jericho Lake partially above and below ground, under Orchard and Aucutt Roads and towards Route 30 has been an area of chronic flooding, poor drainage and mosquito infestation. It has been a long term problem for the Village but funding has always been a challenge. The Professional Service Agreement presented would authorize EEI to conduct a study and begin to prepare a plan to address the overflow issue to reduce the impact of the

floodplain on neighboring residential, industrial and commercial sites. He requested approval of this PSA which would utilize funds from TIF2.

President Brolley stated this was a much needed study to hopefully make a good part of the land developable for the future, which is one of the goals of the TIF. Trustee Sperling inquired if all the land discussed was within the TIF2 area. Engineer Wallers responded that the majority of the area is within TIF2. He stated that until they do the study, EEI would not know where the improvements would be made, but that you can use TIF funds for improvements outside the TIF if it benefits the TIF district.

He also shared that as EEI looks at and weighs alternatives, they will look at options that are cost effective and beneficial to the TIF and residents in the area and will bring back models, information gathered and a plan to the Board for discussion. Further, they have to work with two agencies that affect the area that include federally protected wetlands, a floodway controlled by the state and the local floodplain that is the village responsibility. Trustee Marecek clarified that the agreement dollar amount for the study would be approximately \$62,000.

Trustee Bond **moved to approve Professional Services Agreement with Engineering Enterprises for the Montgomery Overflow Floodplain Improvements Feasibility Study.** 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.

G. Resolution 2017-003 Authorizing Supporting of the Rebate of TIF Funds.

President Brolley asked for a summary of the TIF Rebate Resolution updates. Administrator Zoephel stated it was listed under Items for Separate Action as it was a priority for the board but it does not need to be approved tonight if further changes need to be made. It can be revised again with board comments and suggestions and approved at a future meeting.

Staff added language to explain what relevant data the decision was based on and researched historical metrics to see if the 3% increase was accurate. Director VanVooren provided the results in the information packet provided to the Board. It discussed the Property Tax Extension Limitation Law (PTELL) average of 2.28% going back to 1993 and the National Counsel of Real Estate Investment Fiduciaries (NCREIF) national average of 2.68% over twenty years. He asked the Board to determine the percentage increase they were comfortable with based on the research and data provided.

Administrator Zoephel agreed with Fire Chief Meyers that the agreement language should be changed to clarify that the board members will make the final determination of the rebate amount, the language should reference the TIF not the Village, the board members will have 14 days to object before the decision is made final and finally, board consensus was to adopt a 3% increase. These comments will be incorporated into the revised resolution which will come back to the board for discussion at the next meeting. At that time, Administrator Zoephel will let them know what rebate numbers those changes will create and shared that the changes will apply retroactively going back to the beginning of the TIF. If everything is resolved, the board will have the opportunity to vote on the revisions at a future meeting.

President Brolley reiterated the entire reasoning behind the rebate of TIF funds was to ensure that they were not hurting any of the taxing bodies by approving the TIF in the downturn, most specifically the Montgomery and Countryside Fire District who have been strong advocates for their residents and a great partner in this

process. He summarized that staff will make the changes and it will come back to the board at a future meeting for discussion under Items for Separate Action.

H. Ordinance 1769 Revising the Village Code with Regard to the Historic Preservation Commission (Waiver of First and Passage on Second Reading).

President Brolley noted this item was moved from Consent Agenda Item G. Trustee Bond was concerned with nonresidents on the commission as he preferred that Montgomery tax dollars be overseen by Montgomery residents. Trustee Lee clarified that the Beautification Committee has a budget but the HPC does not as they do their own fund raising and grants. Administrator Zoephel clarified there was a line item in the budget for the HPC when the Village contributed to the printing for the Montgomery history book and to replace the HPC computers. He shared that Montgomery residents are still the majority on the HPC board but revising the Village Code for the HPC allows for nonresidents and involved previous Montgomery residents to share their knowledge and serve the community.

Trustee Bond **moved to approve Ordinance 1769 Revising the Village Code with Regard to the Historic Preservation Commission (Waiver of First and Passage on Second Reading)**. 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.

I. Appointment of Paula Mikulich, 22 Chatham Place, to the Historic Preservation Commission for a Term from through May 31, 2021.

President Brolley noted this item was moved from Consent Agenda Item H.

Trustee Marecek **moved to approve Appointment of Paula Mikulich, 22 Chatham Place, to the Historic Preservation Commission for a Term from through May 31, 2021.** 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.

J. Appointment of Linda Chomiak, 1861 Garfield in Aurora, to the Historic Preservation Commission for a Term from through May 31, 2019.

President Brolley noted this item was moved from Consent Agenda Item I.

Trustee Marecek **moved to approve Appointment of Appointment of Linda Chomiak, 1861 Garfield in Aurora, to the Historic Preservation Commission for a Term from through May 31, 2019.** 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.

Items for Discussion

None at this time.

New or Unfinished Business

Trustee Bond shared that the Mill Street Bridge flower box planting event will take place on Saturday, May 20 at 9 a.m. to help beautify the downtown area. He asked for planting volunteers to help Public Works with the project. Everyone is welcome and all the materials are supplied including coffee and donuts. Trustee Sperling shared that the Montgomery Rotary Club will also be working together on flower bed planting projects at the VFW at 10 a.m. that morning.

Future Meetings

- A. Beautification Committee – Wednesday, May 10, 2017 at 6:00 p.m.—Canceled due to Community Planting Day on May 20th, 2017**
- B. Historic Preservation Commission – Monday, May 15, 2017 at 6:30 p.m.**
- C. Committee of the Whole Meeting – Tuesday, May 16, 2017 at 7:00 p.m. (To Be Canceled)**
- D. Intergovernmental Committee – Monday, May 22, 2017 at 6:00 p.m.**
- E. Village Board Meeting – Monday, May 22, 2017, at 7:00 p.m.**

Executive Session: None

Adjournment: 8:23 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