

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	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.

Resident Rob Baldyga shared his concerns about speeding on Mayfield Drive and noted he has been working with Trustee Marecek and Police Chief Meyers to address the issue. Trustee Marecek said he had productive meetings with Mayfield Drive residents with some actionable items discussed. Deputy Police Chief Sanders said the Village has installed "Speed Kills" signs in the area and will work with residents to gather radar statistics.

Trustee Sperling asked when the speed limit trailer was last positioned at this location and Police Chief Meyers said it could be placed there again as a deterrent. Trustee Lee inquired if a permanent radar detection sign that flashes speeds could be placed on Mayfield Drive and Police Chief Meyers said he would work with Director VanVooren to look into funding for one. President Brolley shared his concerns about resident safety and asked for staff and Trustee Marecek to bring back their findings at a future meeting.

B. Swearing in of Village Clerk Penny FitzPatrick.

President Brolley swore in Village Clerk FitzPatrick, congratulated her and took photos with her family.

C. Swearing In of Officer Matthew Demetral.

Deputy Police Chief Sanders introduced Officer Demetral and spoke about his education, interests and accomplishments, after which President Brolley swore in Officer Demetral.

D. Recognition of Kyle Hammond on Achieving his Eagle Scout Award.

President Brolley recognized Kyle Hammond for achieving his Eagle Scout Award which included building fishing line recycling containers around neighborhood ponds for proper disposal of fishing lines. President Brolley presented him with a certificate.

E. Proclamation to Become a Purple Heart Community.

President Brolley read the proclamation to make Montgomery a Purple Heart Community which thanked, acknowledged and honored the Montgomery veterans who earned the purple heart medal as a result of being wounded in combat. Rick Gardner, of the Fox Valley Veterans Breakfast Club and member of the Military Order of the Purple Heart, thanked the veterans who attended and the board for proclaiming Montgomery a Purple Heart Community.

Administrator Zoepfel shared the Purple Heart Community Plaque to be displayed in the village hall and Purple Heart Community signs that will be installed throughout Montgomery in various locations.

Trustee Sperling **moved to approve the Proclamation to Become a Purple Heart Community**. Trustee Marecek seconded this motion.

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

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

Fire Chief Meyers of the Montgomery Fire District shared concerns about the TIF rebate process for Michels Corporation and felt it was pulled out of the calculations a year too soon. He asked when the improvements were completed, when the occupancy permit was issued and wanted more time to review how staff came to their conclusion regarding this substantial tax payer.

President Brolley emphasized the overall use of the Michels property, how it was originally classified as vacant property and how substantial improvements to the building and site were attributed to the TIF District. He felt these improvements affected the assessment and EAV once the property was occupied. Some discussion ensued as to whether Michels was pulled out a year before it should have been. President Brolley noted the conversation was effectively discussing Items E. and F. of Items for Separate Action.

Director VanVooren handed out a spreadsheet that outlined the EAV and Fair Value changes and Tax Increment amounts for the Michels Corporation property from 2013 to date. He noted based on his analysis, that a \$920 rebate would go back to the taxing districts for 2015 and \$948 for 2016. also explained that the improvements would have been done before the 2015 levy in December 2015 and would have been collected in calendar year 2016. Trustee Jungermann inquired when the site development permit was signed off on and Director VanVooren said he would have to get back to him with that information.

Director VanVooren explained that the permit for Michel's overall site development and use, including the storage yard, was issued in June 2015. A separate permit was pulled for updates to the building which was not considered in the calculations. Director Young also outlined the substantial improvements made to the site for storm water management, fencing, wetland mitigation, driveway installation, tree removal and detention.

President Brolley summarized that this complicated issue involved discussions on the levy year, tax year, fiscal year and calendar year. He noted the building assessments and fair market value of the property increased due to the improvements Michels invested into the use of the property which directly correlated to a measure of TIF growth. He noted this item would be discussed again later in the agenda to determine how staff should proceed with the TIF rebate process for this property.

Consent Agenda

A. Minutes of the Village Board Meeting of May 8, 2017.

B. Accounts Payable through May 18, 2017 for FY2017 in the Amount of \$361,214.81.

C. Accounts Payable through May 18, 2017 for FY2018 in the Amount of \$840,770.93.

D. Accounts Receivable Report for April 2017.

E. Appointment by the Village President of Patricia Torrance, 526 S. River Street, to the Historic Preservation Commission for a Term through May 31, 2020.

F. Appointment by the Village President of Gretchen Countryman, 188 Maple Ridge Road, to the Historic Preservation Commission for a Term through May 31, 2020.

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

Trustee Jungermann **moved to approve items A-G 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 Zoning Board of Appeals on 2017-009 V Fence Height Variance for Old Dominion at 2150 Aucutt Road.

President Brolley noted Items for Separate Action A. and B. would be discussed together. Director Young stated the petitioner, Electric Guard Dog, requested a fence height variance be granted on behalf of Old Dominion Freight Line for a 10-foot-high electrified fence. The Zoning Board of Appeals recommended and voted to approve the variance and staff suggested acceptance of the ZBA report.

Trustee Marecek attended the Plan Commission meeting on this issue and noted the fence was actually a horizontal black trip wire used to engage a security camera and alert the company if triggered, not a true electric fence. Old Dominion felt the fence height variance was required to maintain their insurance rates, protect some of their expensive property and they use this type of fence without issue at their other locations.

Trustee Marecek **moved to approve the Recommendation of the Zoning Board of Appeals on 2017-009 V Fence Height Variance for Old Dominion at 2150 Aucutt Road.** Trustee Bond seconded this motion.

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

B. Ordinance 1771 Granting a Variance for Old Dominion at 2150 Aucutt Road (First Reading).

President Brolley clarified that Ordinance 1771 granting a variance was not being voted on tonight. It will be added to Items for Separate Action at a future meeting. He asked the board to let staff know if they would like to see a presentation on the fence specs by the petitioner.

C. Ordinance 1772 Declaring Surplus Property (Waiver of First and Passage on Second Reading).

Director Hoppenstedt presented Ordinance 1772 which declared numerous items of village property as surplus. Upon approval, he will market the various police, public works and community development vehicles and equipment for resale or trade in.

President Brolley asked how the units were marketed and sold and if the units were stripped of all village logos and municipal equipment before being released. Director Hoppenstedt stated they are stripped and sold to registered, qualified buyers on govdeals.com, an online auction site which offers the best resale value for the

items. Staff also confirms that payment is good and received before the equipment is released. Director Hoppenstedt shared that they rarely sell the equipment outright. If so, that is done only after staff has tried unsuccessfully to sell the items on the auction site.

Trustee Jungermann **moved to approve the Ordinance 1772 Declaring Surplus Property (Waiver of First and Passage on Second Reading)**. 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.

D. Award of a Contract to American Road Maintenance for Shared Use Path and Police Parking Lot Seal Coat in the Amount of \$50,873.00.

Director Hoppenstedt outlined that one bid was received for the sealcoating of the police department parking lot and shared used paths and came in slightly over budget. He recommended approval of the current bidder, American Road Maintenance for these seal coating projects.

Engineer Wallers shared that a 3-year seal coating cycle exists for the police department, village hall and public works facility parking lots. He explained that coal tar sealing products will be used on previously sealed parking lots and new Gilsonite GSB-88 rejuvenating products will be used on unsealed bike paths as they have differing effectiveness and application requirements. He further discussed past and current difficulties with getting multiple bids for seal coating jobs from contractors who are not used to issuing bonds or working with municipalities. He felt the single bid accepted was reasonable for the value and supported awarding the contract to American Road Maintenance.

Trustee Lee questioned the pricing details provided in the bid and Engineer Wallers clarified since various products quoted have specific uses, the details of the bid were a bit confusing. He noted the EEI cover letter correctly summarized which products and prices would be used for seal coating the parking lots and bike paths. President Brolley asked if staff had worked with this contractor before and Director Hoppenstedt stated he had previous positive experience with them at another municipality.

Trustee Marecek **moved to approve Award of a Contract to American Road Maintenance for Shared Use Path and Police Parking Lot Seal Coat in the Amount of \$50,873.00**. Trustee Sperling 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. Resolution 2017-003 Authorizing the Supporting the Rebate of TIF Funds.

Administrator Zoepfel shared that some of the TIF resolution language had been changed from the previous meeting. Trustee Marecek asked for clarification on how the 3% increase would be applied and calculated and thanked staff for working with the fire district to get the resolution wording corrected and resolved. Administrator Zoepfel explained the 3% increase would be calculated annually on a compound basis.

Trustee Jungermann approved of the revised resolution wording as well. Fire Chief Meyers agreed with the revised wording but noted he was concerned with the math calculations and implementation of the TIF rebate.

Trustee Jungermann **moved to approve Resolution 2017-003 Authorizing the Supporting the Rebate of TIF Funds**. Trustee Sperling 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. Levy Year 2015 TIF #2 Rebate Approval.

Administrator Zoephel clarified the TIF rebate process of taking the staff recommendations to the Joint Review Board in December for discussion and bringing those recommendations and JRB comments to the board for review, consideration and final rebate approval. There was somewhat of a JRB meeting discussion tonight regarding Michels and the Levy Year 2015 TIF #2 rebate approval, but consensus was not reached on the findings between staff and the fire district. He summarized it was up to the board to choose to approve the rebate as presented or gather more information to make their decision.

Trustee Marecek asked for more information on when the site development permit closed and Trustee Jungermann asked when the final inspection was completed versus when the assessment was done. Director Young advised the process to confirm completed site improvement plans can include bonding and an inspection and take quite a while to close as seasonal work, wetland mitigation, storm water management and landscaping have to be established and can be reviewed up to a year later. He will research the process of getting the information to the assessor for review and report back to the board.

Trustee Bond confirmed the next board meeting was on June 12th and asked if the rebate amount being discussed was \$920. Administrator Zoephel outlined if the TIF keeps a portion of the increment, \$920 would be rebated to the taxing districts. If the TIF doesn't keep any portion of the increment, it would rebate \$11,534 to the taxing districts. The Board would like the process clarified and more information provided to make a decision. Trustee Bond agreed with the staff recommendation on the 2015 TIF rebate.

President Brolley would like to know how the process is different to close a site development permit versus a building permit so that it can be forwarded to the assessor for review. This item will be added to the June 12th meeting. Any questions or further comments should be forwarded to staff.

Items for Discussion

A. Quarterly Financial Report.

Director VanVooren shared the April 30th unaudited numbers for the quarterly financial report. He noted the highlights and shared that state sales tax came in higher than last year and \$52,000 above projections, mostly due to commercial openings since last year. The infrastructure improvement fund came in \$80,000 above projections and the last three pages of the report show the cash and investments the village currently holds. Trustee Marecek noted that telecommunication numbers continued to decline with the use of cell phones and lack of land lines phones and confirmed that the village does not collect for satellite TV. President Brolley said a boost should be seen in telecommunications as people sign up to use MetroNet.

President Brolley asked why the water fund revenues were down \$700,000 from anticipated. Director VanVooren clarified that was due to the timing of the journal entries and audit and once the June billings were recorded, the results would bump up by \$500-600,000. Finally, President Brolley cautioned that state cuts to the Local Government Distributive Fund (LGDF) may affect the village's general budget by 10%, equating to a \$200,000 deficit as Springfield tries to balance their debt. That would be equal to the cost of two officers' salaries and would come out of the village reserves.

New or Unfinished Business

Trustee Sperling stated the Rotary Club flower planting project at the VFW was postponed. She is working to reschedule and would like for them to be planted before the VFW Memorial Day Service at Riverside Cemetery. She invited the other trustees to attend the service and show their support for our local veterans. She also wanted to congratulate Engineer Wallers who will be sworn in on the Library Board on Wed, May 24th.

Trustee Bond reported to Director Hoppenstedt that he had not received any resident complaints about any chlorine odor in the water in the last four weeks. He appreciated the positive feedback and noted that the complaints decreased rapidly once the new equipment was properly calibrated. Trustee Jungermann agreed.

Trustee Heinz reported that the village code enforcement officer was bitten in the arm by a dog who jumped over a fence. He felt something should be done about the situation. President Brolley said they can and will be responding to that situation and does not want this to happen to a village employee. Trustee Bond commented that they should consider requiring fencing taller than four feet for all future residential developments. Police Chief Meyers spoke to the village attorney about the dog bite issue and noted it was the second incident related to this animal. He will bring updates to the board as they progress.

Future Meetings

- A. Plan Commission – Thursday, June 1, 2017 at 7:00 p.m. (Canceled).
- B. Village Board Meeting – Monday, June 12, 2017, at 7:00 p.m.
- C. Beautification Committee – Wednesday, June 14, 2017 at 6:00 p.m.
- D. Historic Preservation Commission – Monday, June 19, 2017 at 6:30 p.m.
- E. Committee of the Whole Meeting – Tuesday, June 20, 2017 at 7:00 p.m.
- F. Intergovernmental Committee – Monday, June 26, 2017 at 6:00 p.m.
- G. Village Board Meeting – Monday, June 26, 2017, at 7:00 p.m.

Executive Session: 8:45 - 9:11 p.m.

A. To Discuss Litigation, Where the Village of Montgomery Finds That Such Action is Probable or Imminent Pursuant to 5 ILCS 120/2(c)(11).

Trustee Sperling moved to **adjourn to Executive Session To Discuss Litigation, Where the Village of Montgomery Finds That Such Action is Probable or Imminent Pursuant to 5 ILCS 120/2(c)(11)**. 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.

Adjournment: 9:13 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**.

Village Board Meeting
May 22, 2017
Page 7 of 7

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