

**Village of Montgomery  
200 N. River Street  
Montgomery, Illinois 60538**

**Village Board Meeting  
June 12, 2017**

Trustee Lee called the meeting to order at 7:01 p.m. followed by the Pledge of Allegiance. He presided over the meeting as President Brolley was not present.

**Roll Call**

Trustee Sperling	Absent	Trustee Jungermann	Yea
Trustee Lee	Yea	Trustee Marecek	Yea
Trustee Heinz	Yea	Trustee Bond	Yea

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 Community Development Rich Young, Engineer Peter Wallers, Members of the Press and others.

**Public Participation**

**A. Public Comments.**

None this evening.

**B. Fire Chief Tom Meyers Regarding the TIF Rebate Process.**

Chief Meyers reported that the Fire Department's Pancake Breakfast was a huge success. He thanked the board members and community who participated in the event. He also noted the TIF Rebate was not on tonight's agenda but he was prepared to answer any questions if needed.

**Consent Agenda**

- A. Minutes of the Village Board Meeting of May 22, 2017.**
- B. Executive Session Minutes of May 22, 2017**
- C. Building Report for April 2017.**
- D. Accounts Payable through June 8, 2017 in the Amount of \$392,703.61.**
- E. Cancellation of June 20, 2017 Committee of the Whole Meeting.**
- F. Carnival Permit for A&A Attractions.**

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

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

**Items for Separate Action**

**A. Ordinance 1771 Granting a Variance for Old Dominion at 2150 Aucutt Road (Second Reading).**

Trustee Marecek moved to approve the Ordinance 1771 Granting a Variance for Old Dominion at 2150 Aucutt Road (Second Reading). Trustee Jungermann seconded this motion.

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

<b>Items for Discussion</b>
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None.

<b>New or Unfinished Business</b>
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Trustee Jungermann shared that a community wide meeting is planned for Wednesday, June 14<sup>th</sup> at 7:00 p.m. at the Village Hall regarding recent community crime and nuisance issues. The Police Department will do a presentation and Trustee Bond will address Neighborhood Watch initiatives. Trustee Lee was pleased that Neighborhood Watch issues would be discussed as concerns were raised at the recent Mayor on the Move meeting about cars being broken into and teens being out past curfew.

Trustee Marecek mentioned that the Sunday in the Park community wide event will take place on Sunday, June 25<sup>th</sup> from 4-8 p.m. at the park behind Lakewood Creek School. Food will be available for purchase and a free concert will be provided. This event was a big success last year and he is looking forward to another great event again this year.

Trustee Jungermann shared that two Village employees were recently attacked by dogs while on duty. Both cases required stitches for their wounds. In one of the instances, the dog had previously bitten someone else multiple times. He noted concern for everyone and especially children at risk from dogs in the community that are dangerous or vicious.

He questioned the second chance rule the Village follows and asserted that dogs that attack people should be euthanized after their first instance, not their second. Trustee Jungermann also felt dog owners should have penalties or charges filed against them once a person has been attacked by their dog.

Trustee Lee stated that Montgomery abides by the two bite rule and cautioned against euthanizing pets after one instance. Trustee Marecek noted that the circumstances under which the bite takes place are important to take into consideration as dogs can be territorial and unpredictable if someone enters their home or yard.

Attorney Laura Julien shared that the county prosecutor has been updated on the seriousness of these dog bite cases and the Village is taking action and pursuing these cases in local court. The individuals affected also have the ability to pursue a separate, individual cause of action against the homeowner if they so choose. In regard to the two bite rule ordinance, the Village has to follow state regulations in order to declare a dog dangerous or vicious. Staff is currently revisiting this ordinance to strengthen the language, make it stricter in accordance with state law and implicate greater dog owner accountability in cases of negligence.

Police Chief Meyers agreed that the ordinance regarding dog attacks may need to be amended and he is working with Attorney Julien on the issue. They will bring their findings back to the board at a future meeting. He further noted that per the Kane County Animal Control Supervisor, Village staff cannot go onto private property to remove a dog that has attacked someone. This scenario is also being discussed and reviewed by staff.

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Trustee Jungermann shared another concern over recent juvenile issues and asked if fines for juvenile offenses could be increased. He felt the financial responsibility for juvenile offenses should be passed on to the parents. Police Chief Meyers stated curfew is 11 p.m. on Sunday-Thursday and midnight on Friday and Saturday for juveniles under the age of seventeen.

Trustee Bond shared an instance where a resident captured images of three juveniles on her patio at 2 a.m. with a motion sensitive camera. He felt more education on curfew hours should be addressed with residents so that juveniles are not out at inappropriate times. Trustee Lee agreed and noted how important it was for residents to know where their children were at all times.

Trustee Jungermann asked if any progress had been made providing access to the Hintsche property. He noted this property is in the TIF District, which will benefit the Village once it is developed, and shared his concerns.

Administrator Zoephel shared that Senior Planner Chipman had been in contact with the property owner. He also noted this was not reviewed by staff because it was a private sale between two land owners. Director Young said that there is dedicated access available to the property owner with improvements required across a railroad spur. There is also private access offered through an adjacent property. He noted the property owner has indicated he is not willing to install a culvert and stone railroad spur crossing to create direct access.

Trustee Marecek noted that the Village would not make a developer put in a roadway to an undeveloped, vacant piece of property. He agreed that any other improvements should have been negotiated by the property owner at the time of sale, as this was private property sold between two land owners. Finally, he noted access should not be provided using tax payer dollars if the owner chooses not to improve his property.

Trustee Lee shared that the railroad crossing improvement may cost approximately \$3,000 to install and suggested the TIF District possibly pay for the improvement. Attorney Julien clarified that the Village has no obligation to get involved in this instance as it was a private transaction. A typical private sale and transfer of land would not come before the Village for review.

Trustee Bond shared that the annual Floral Display Contest is underway. The Beautification Committee will accept nominations through June 26<sup>th</sup>. People can submit the property address on the Village website or by calling Public Works. You can nominate your own property or another property. Forty winners will be selected from the nominated addresses on June 28<sup>th</sup> and a sign will be placed in their yard denoting their recognition.

**Future Meetings**

- A. **Beautification Committee Floral Display Judging – Wednesday, June 28, 2017 at 6:00 p.m.**
- B. **Historic Preservation Commission – Monday, June 19, 2017 at 6:30 p.m.**
- C. **Committee of the Whole Meeting – Tuesday, June 20, 2017 at 7:00 p.m. (Canceled).**
- D. **Intergovernmental Committee – Monday, June 26, 2017 at 6:00 p.m.**
- E. **Village Board Meeting – Monday, June 26, 2017, at 7:00 p.m.**

**Executive Session: None**

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<b>Adjournment: 7:23 p.m.</b>
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Seeking no further business to come before the Board, it was moved by Trustee Heinz and seconded by Trustee Jungermann to **adjourn the meeting.**

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

Respectfully submitted,

Penny Fitzpatrick  
Village Clerk