

President Brolley called the meeting to order at 7:08 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: Attorney Peter K. Wilson, Deputy Chief of Police Armando Sanders, Director of Public Works Todd Hoppenstedt, Director of Community Development Rich Young, Director of Finance Justin VanVooren, Engineer Peter Wallers, Members of the Press and others.

**Public Participation**

**A. Public Comments.**

President Brolley announced that dog bites and attacks were not on the agenda but he welcomed residents to share their comments on the issue. Residents Kathy Zuilek, Lynn Stacy-Smith, Nicole Baron, Dominique Castillo, Cheryl Distajo and Jordan Fell expressed their concern over a potential no second chance dog bite ordinance that would propose euthanizing dogs after one bite. The no second chance discussion came up at the June 12, 2017 board meeting when staff discussed two village employees who were attacked by vicious dogs unprovoked and required stitches from their injuries.

The residents and animal care professionals who spoke offered their advice and expertise in safely dealing with dogs in various circumstances and their opinions on existing animal control laws. They also offered to help educate pet owners on proper pet socialization and training and residents, children and staff on safe dog interaction. They were also open to consulting with staff on a committee to encourage responsible dog ownership and enforce more financial accountability for irresponsible dog ownership. The speakers suggested clear cut, case by case consideration of scenarios when a dog should be euthanized after attacking a person and suggested rehabilitation or mandatory training for the dog and owner as an alternative.

President Brolley apologized for any confusion with this item not being on the agenda this evening and noted that no proposal was currently before the board for this issue. He shared that staff is currently reviewing the policy portion of the state statute to clarify and strengthen the existing ordinance. Once researched, it will come back before the board for discussion and potential action in the future. He understood the community concern in regard to a no second chance policy as pets are considered family and the need for each dog bite scenario to be handled on a case by case basis.

He asked the animal advocates who attended to provide their email address to Deputy Chief Sanders so they could be kept updated on the progress of this item and summarized that he would like to work with them to create a public relations flyer or pamphlet that could be distributed to help educate residents on how to interact responsibly and safely with animals in the community.

Trustee Jungermann thanked the residents who attended and clarified the dog bite cases previously discussed were village employees who experienced unprovoked dog attacks and severe injuries. He felt some sort of threshold needed to be set to protect residents and children with increased fines and consequences for pet

owners whose animals were deemed vicious or dangerous. Deputy Chief Sanders shared that Kane County Animal Control recently came out for training with the Montgomery officers. Trustee Bond thanked the residents for sharing their expertise on the issue and felt a better result would come from the good conversations had. Trustee Sperling reminded everyone that it is our police officers, not county animal control officers, who have to deal with pet scenarios in the community which is not their main job and she felt additional animal interaction training would be beneficial as well.

Finally, Trustee Lee noted that animal control cannot go onto private property to secure a dangerous or vicious dog but our police officers have to respond to those scenarios. He urged careful consideration of the circumstances of dog attacks on a case by case basis and liked the idea of neighborhood watch groups partnering with animal care professionals to help provide education to residents on responsible dog ownership.

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

Fire Chief Meyers noted his concern over the 18 months that staff and the fire district have been working on the TIF rebate process and he hoped it would be resolved soon. He shared his objection with staff's findings to pull Michels Corporation out of the TIF rebate process and expressed a need to have Butterball properly calculated and refunded for the first rebate year. He also mentioned that a final occupancy permit had not yet been issued for Michels Corporation. Finally, he noted that roughly \$12,000 in background EAV was being considered to either be rebated to the taxing districts or moved into the TIF Fund for Levy Year 2015.

President Brolley commented that resolving the TIF rebate process was very important to the board and to maintaining a positive ongoing relationship with the fire district. He wanted Chief Meyer's concerns noted on record and to have a policy resolution in place and implemented that the fire district agreed with and approved of. He closed stating that the TIF rebate process for Michels Corporation was on the agenda for further discussion later this evening.

<b>Consent Agenda</b>
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**A. Minutes of the Village Board Meeting of June 12, 2017.**

**B. Accounts Receivable Report for May 2017.**

**C. Accounts Payable through June 22, 2017 in the Amount of \$662,023.73.**

**D. Ordinance 1773 Adopting a 2017 Prevailing Wage Rate (Waiver of First and Passage on Second Reading).**

Trustee Marecek **moved to approve items A-D on the Consent Agenda.** 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.

<b>Items for Separate Action</b>
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**A. Levy Year 2016 TIF #2 Rebate Approval.**

Director VanVooren clarified this Item for Separate Action should reference Levy Year 2015 and not Levy Year 2016. He noted the timing of when the three permits for Michels Corporation were provided to the assessor were in July, August and November of 2015 per a previous board request for additional information. Staff

believes the assessor had the necessary information for the 2015 Levy Year and has calculated the rebate based on taking Michels out of the TIF, except for the background EAV.

President Brolley suggested the Levy Year 2015 TIF #2 rebate be addressed at a future meeting with the data more easily summarized for the board to review for Michels Corporation and Butterball. He and Director Young noted and the assessor confirmed all improvement dollars for the building and grading permits for Michels were assigned to the front parcel of the property because that is the assigned address for the business. They shared that the assessor is well aware of the valuation of the property for the permits that have been issued. Director Young summarized that the assessed value has dramatically increased for the property even though the final certificate of occupancy has not been issued. President Brolley closed stating they are looking at use of the property regardless of where the parcel lines lie.

Trustee Bond inquired if the total amount of \$12,000 in tax rebates applied to all the taxing districts or just the fire district. Director VanVooren stated the amount applied to all the taxing districts with approximately \$1,000 for the fire district. Trustee Marecek noted a more detailed breakdown of the data by tax year would be beneficial for the board to review and suggested paying interest back to the taxing districts for any recalculations that may be due to them.

Trustee Jungermann agreed and inquired why Michels was still on a temporary certificate of occupancy. Director Young explained that they have not yet completed all the lighting improvements proposed to the rear storage yard indicated on their building plans. He will contact them to see if they still intend to complete them. Trustee Sperling and Trustee Lee also asked that the tax rebate data be better summarized for review including the details for Michels and Butterball. President Brolley closed stating that the Levy Year 2015 TIF #2 rebate will be discussed at a future meeting for further review.

**B. Ordinance 1774 Supplemental Ordinance Providing for the Issuance of General Obligation Alternate Bonds, Series 2017 (Waiver of First and Passage on Second Reading).**

Director VanVooren shared the series 2017 general obligation alternate bonds had been sold. He noted the results of the sale and the completed Ordinance 1774 documents were provided to the board. Anthony Miceli from Speer Financial, Inc., municipal advisor to the village, spoke and shared the specific details of the sale.

President Brolley asked what the cost to issue the bonds was and what the revised versus true interest rate was. Mr. Miceli explained the cost of issuance was approximately \$40,000 in total fees. He outlined that they estimate where the rates are going to be and revise the final amount to meet village's goals. In this case, the goal was a water works project deposit of \$3.4 million dollars with a final interest rate under 3.2%. In closing, President Brolley noted how important this project was to remove existing lead service lines to protect residents from lead exposure in their water supply.

Trustee Marecek **moved to approve Ordinance 1774 Supplemental Ordinance Providing for the Issuance of General Obligation Alternate Bonds, Series 2017 (Waiver of First and Passage on Second Reading).** Trustee Lee seconded this motion.

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

**C. Recommendation to Waive Competitive Bid and Award a Contract for Street Striping to Preform Traffic Control Systems, Ltd., of Elk Grove Village in an Amount Not to Exceed \$24,000.00.**

Director Hoppenstedt discussed that street striping is done in critical areas annually and other areas on a rotating basis. Preform Traffic Control Systems has done the village street striping for many years and their staff is familiar with our road ways. He asked for approval to waive competitive bid to continue to work with this professional, well known contractor up to the \$24,000 threshold to cover more striping territory. Trustee Marecek asked how much this was over the threshold and Director Hoppenstedt advised it could be as much as \$2,000-4,000 over threshold to complete more roadway striping.

Trustee Bond **moved to approve Recommendation to Waive Competitive Bid and Award a Contract for Street Striping to Preform Traffic Control Systems, Ltd., of Elk Grove Village in an Amount Not to Exceed \$24,000.00.** 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. Intergovernmental Agreement with the Montgomery Countryside Fire Protection District for the Transfer of Property at 331 Clay Street.**

Director Hoppenstedt stated the location at 331 Clay Street had many uses in the past with Public Works most recently using it for supplemental storage space. It was recently considered for demolition until the fire district expressed an interest in it. He recommended an intergovernmental agreement transferring ownership of the property from the village to the fire district as the agreement has been reviewed and approved by the fire district board and village attorney. Director Young inquired if the agreement was approved by the fire district's attorney and Fire Chief Meyers said it had been agreed upon and was signed by the fire district board subject to final review by the fire district and village attorneys.

Trustee Marecek **moved to approve Intergovernmental Agreement with the Montgomery Countryside Fire Protection District for the Transfer of Property at 331 Clay Street.** 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. Resolution 2017-004 Approving the Release of a Deed Restriction for 1460 S.E. River Road (Fox Valley Park District).**

Director Young noted that 1460 S.E. River Road was the old police station property which still had a deed restriction in place. He advised it was staff's recommendation that the deed restriction be removed so it can be transferred to the Fox Valley Park District. President Brolley stressed how enjoyable it had been to work with the Fox Valley Park District over the last several years and that he looked forward to working with them in the future. He asked to have that sentiment conveyed to their newly elected Board and Executive Director.

Trustee Marecek **moved to approve Resolution 2017-004 Approving the Release of a Deed Restriction for 1460 S.E. River Road (Fox Valley Park District).** 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.

**A. Montgomery Development Fund Program.**

Director Young presented the draft for this new two-part program which uses the resources from the existing revolving loan fund for low interest loans. One third of the 1.6 million dollars in funds would be used for three-year forgivable loans or grant programs for specific retail and commercial business corridors with a \$2,500 minimum and \$10,000 maximum loan amount. The loans would be used for aesthetic cleanup of properties for awning, canopy, tuck-pointing, landscape, window and signage repairs.

The second part of the program would utilize the remaining two thirds of the funds available and be similar to the revolving loan fund currently in place. It would be for projects in the commercial, manufacturing, industrial and distribution areas with a \$10,000 minimum and no maximum for business expansion or remodeling within a five-year repayment period. This program could be used for property acquisition, site preparation, clearing, heavy machinery, demolition or working capital.

A new loan committee of three to five members called the Montgomery Development Fund would be formed to review and make recommendations on applications with final board approval. Members should have banking or finance backgrounds and the fund committee would function like the Plan Commission or Zoning Board of Appeals. Director Young asked for board input on the draft of this fund program which would provide community and economic development for Montgomery.

Trustee Sperling inquired about the minimum timeframe stipulations for operation for the loans, if a differentiation between the two program loan amounts would exist, if fees from a third party service would be passed on to the businesses and finally, how to define if a business not in the corporate limits of the village was principally beneficial. Director Young stated that additional conditions and wording could be added to the plans to better define them with input from the village attorney. He noted a demarcation to define the two programs could be created without creating a gap in loan amounts and agreement wording could be included for any third party loan servicing fees to be passed on to the applicant. He stated that any applicant would go through the loan committee and village board for a decision to deem it as principally important to the village if it was located outside the corporate limits.

Finally, Director Young noted that one loan currently exists on the revolving loan fund for Butterball and is anticipated to be paid back next month. President Brolley asked Director VanVooren to reach out to Butterball to ensure repayment of their loan took place before they ceased operation and vacated the building. Charlene Coulombe-Fiore of the MEDC indicated that Butterball should be ceasing production in July with top personnel still available onsite until August. President Brolley closed stating that the Montgomery Development Fund Program will be discussed again at a future meeting.

**B. Fox Valley Park District Liquor License Request.**

President Brolley invited Jeff Palmquist from the Fox Valley Park District to discuss their 2018 Liquor License request for the Stewart Sports Complex. Mr. Palmquist shared that they would like to provide alcohol on two mobile beverage carts during large tournament events and weekday adult leagues. The park district feels they need this license to stay competitive with other sports complex locations in the area, to streamline their application process and to allow them to provide the right controls necessary at their events.

Trustee Marecek inquired if this liquor license would include special events and Mr. Palmquist said that would have to be clarified. President Brolley stated the board would be creating a new liquor license class that would be unique for the park district from this request. He is comfortable with the self-policing and care taken by the park district but asked for clarification if this would encompass large tournaments where both youth and adult

leagues would be going on and Mr. Palmquist said it would. Trustee Bond asked if the license would also apply to the adjacent Jericho Lake property and Mr. Palmquist stated it would not.

President Brolley noted this request was for discussion only, would require a new class of liquor license to be created and any questions could be directed to Mr. Lundquist. This item will be added to a future agenda for discussion to potentially create a new liquor license for issuance next year.

**C. Petition to Disconnect Property on Jericho Road.**

Engineer Wallers noted this petition to disconnect property on Jericho Road was in reference to inconsistencies with the Aurora University project right of way. He proposed reverting back to the previous boundary agreement as the guide for determining where the right of way would be to clean up the short corridor and make it align properly. This would be done using an intergovernmental agreement with Aurora University, the City of Aurora and the Village of Montgomery to determine the access for the complex and maintenance for the roadway.

Trustee Jungermann confirmed with Engineer Wallers that the sports complex would still be located in Montgomery. Trustee Lee asked how big the six parcels referenced were and Engineer Wallers and Director Young explained they were very small and simply the length of the right of way. President Brolley suggested this item be placed on consent at a future meeting.

**New or Unfinished Business**

Trustee Marecek thanked the Board and Fox Valley Park District for co-sponsoring the Sunday in the Park event over the weekend. He noted it went very well and he thanked EEI for their ice cream donation. He also thanked the Montgomery Police Department for being present and interacting with the community, Public Works for their help with clean up and Clerk Penny Fitzpatrick for help with scooping the ice cream.

Director Hoppenstedt announced that IL Route 31/Lake Street is scheduled to be closed Saturday, July 15<sup>th</sup> through Sunday, July 23<sup>rd</sup> so IDOT and the Burlington Junction Railroad can repair the railroad crossing at Aucutt Road at Webster Street. It will be closed to all traffic. He noted the work may be subject to postponement for weather or if the state cannot pass its transportation bill. Signs will start going up to give advance warning to motorists of detours but will come back down if the project is postponed. He anticipates heavy congestion, detour delays and longer green light signaling to assist motorists with the detour. He encouraged residents to plan ahead for alternate routes and longer drive times during the closure.

**Future Meetings**

- A. Beautification Committee – Wednesday, June 28, 2017 at 6:00 p.m.**
- B. Plan Commission – Thursday, July 6, 2017 at 7:00 p.m. (Canceled)**
- C. Village Board Meeting – Monday, July 10, 2017, at 7:00 p.m.**
- D. Beautification Committee – Wednesday, July 12, 2017 at 6:00 p.m.**
- E. Historic Preservation Commission – Monday, July 17, 2017 at 6:30 p.m.**
- F. Committee of the Whole Meeting – Tuesday, July 18, 2017 at 7:00 p.m. (To Be Canceled).**
- G. Intergovernmental Committee – Monday, July 24, 2017 at 6:00 p.m.**
- H. Village Board Meeting – Monday, July 24, 2017, at 7:00 p.m.**

**Executive Session: 9:13 – 9:26 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 Jungermann **moved to go into 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 Marecek seconded this motion.

5 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Bond, Trustee Lee and Trustee Heinz voting yea. Trustee Sperling stepped away from the meeting briefly.

**Adjournment: 9:27 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