

President Brolley called the meeting to order at 7:07 p.m. and led the Pledge of Allegiance.

Roll Call

Trustee Gier	Yea	Trustee Betsinger	Yea
Trustee Sperling	Yea	Trustee Jungermann	Yea
Trustee Lee	Yea	Trustee Marecek	Yea

Also present: Administrator Jeff Zoephel, Attorney Laura Julien, Director of Public Works Mark Wolf, Director of Finance Justin VanVooren, Director of Community Development Rich Young, Senior Planner Jerad Chipman, Engineer Peter Wallers, Engineer Chris Ott, Deputy Chief Armando Sanders, Deputy Clerk Debbie Buchanan, Members of the Press and others.

President Brolley advised that the Board Meeting was being held both remotely and in person. He shared this was in accordance with the Governor's Executive Order allowing for remote meetings due to the ongoing pandemic. Trustee Sperling, Director Young and Attorney Julien and others were present for the meeting via video conference.

Public Participation

President Brolley announced that the order of the first two items under Public Participation would be reversed.

B. Oswego Fire Protection District Referendum Committee Presentation.

David Eddam, a volunteer for Friends of Oswego Fire, spoke regarding the upcoming referendum for the Oswego FPD. He stated there is a critical need for a 4th paramedic and outlined the many services the district provides in spite of receiving no tax increases for over 18 years. If passed, the referendum would result in a tax increase averaging about \$75 on a \$225,000 home.

A. Public Comments.

Jeff Hester, 322 N River St, spoke against the proposed rezoning of eight homes on North River St. He is concerned the rezoning would put limitations on the rights of these homeowners. He requested the Board wait and rezone in the future when the properties are actually going to be redeveloped.

Andrew Neal, 324 N River St, asked why their eight homes are being singled out to be rezoned.

Cindy Adams, 453 N River St, said her home is 125 years old and she asked the Board to retain residential zoning for the eight homes mentioned. She said the residents want to stay there and want the properties to retain their residential zoning.

President Brolley asked Planner Chipman to comment. Planner Chipman said in working on the new Unified Development Ordinance, one goal was to move closer to conformance with the Village's Comprehensive Plan which shows these properties as commercial. The Plan Commission will be holding a Special Plan Commission Meeting on Thursday, February 18th to discuss further, and the matter will be discussed again at the Board Meeting on February 22nd.

President Brolley suggested residents attend the meeting on February 18th, and stated it is not the Village's desire to push residents out or to cause undue burden. Planner Chipman said Attorney Julien is looking into the legality of various options and said he will be reaching out to residents personally to see if they want a community meeting prior to February 18th. Trustee Jungermann asked why the zoning can't remain residential until a developer comes and wants to rezone, and President Brolley said that will be discussed at the upcoming meetings.

Consent Agenda

- A. Minutes of the Village Board Meeting of January 25, 2021.
- B. Executive Session Minutes of January 25, 2021.
- C. Minutes of the Special Village Board Meeting of January 27, 2021.
- D. Executive Session Minutes of January 27, 2021.
- E. Building Report for January 2021.
- F. Water Production Report for January 2021.

- G. Refuse Report for December 2020.
- H. Accounts Payable through February 4, 2021 in the Amount of \$343,029.93.
- I. Cancel February COW.

Trustee Marecek **moved to approve Items A-I on the Consent Agenda.** Trustee Jungermann seconded this motion.

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

Items for Separate Action

A. Recommendation of the Plan Commission on PC 2021-002 Rescinding the Current Zoning Ordinance and Subdivision Control Ordinance and Replacing it with a Unified Development Ordinance.

President Brolley stated that Items A and B would be discussed together. Planner Chipman explained that the Village has been working with CMAP on the Unified Development Ordinance since 2018 and shared a PowerPoint presentation on the process. Jake Seid from CMAP explained the goals and process of creating the UDO. Fences will have new standards that will be phased in as new fences are constructed. The UDO will help provide consistent procedures that are streamlined and easier to administer.

Planner Chipman mentioned garage standards will be increased to allow a cumulative 850 sf instead of 800 sf. Fences are proposed to have a maximum height of 5'. An online survey garnered over 400 responses regarding fences, sheds, priorities and temporary signage. The UDO is specific to Montgomery and will replace the current Zoning and Subdivision Ordinances and certain sections of the Village Code.

Trustee Sperling asked why zoning districts are being reduced to 5 instead of 7 and why properties would be rezoned to commercial. Director Young explained that we are trying to match the Zoning Ordinance up with the land use plan and the Comprehensive Plan. He said it might be more appropriate to rezoning when there is redevelopment planned as part of a PUD. Attorney Julien explained if the properties were rezoned now, homeowners can continue to use the home but there may be limitations on the properties, so she is researching that issue.

Trustee Jungermann said if properties are rezoned to Mill District, they would be non-conforming and would require a Special Use to do things a typical homeowner is allowed to do. Trustee Lee asked if rezoning would raise taxes. Planner Chipman said he ran comparisons on homes that were rezoned 10 years ago and taxes on one property increased but others did not. Attorney Julien said there could be other factors that caused the increase, and that will also be discussed on February 18th.

Trustee Jungermann questioned limiting the garage size to 850 sf on all properties. He suggested garage size should be based on the size of the lots with a limit on percentage of land coverage. Planner Chipman said the CMAP team discussed that option, but the steering committee decided on a single standard. President Brolley asked if larger properties or agricultural properties could be exempt from the limit. Planner Chipman said currently the limits on shed or garage sizes are the same for everyone and they are not proposing a change. President Brolley asked Planner Chipman to look into it further and get a memo from CMAP on the issue regarding what the options are.

Trustee Jungermann asked if PVC or white vinyl fencing was an option on the survey, and Planner Chipman said it was. Trustee Betsinger asked if the survey results were in favor of 6' fences, why the UDO was proposing 5' fences. Planner Chipman said 6' fences were discussed, but the steering committee felt 5' fences were more neighborhood friendly. He stated that ultimately it is up to the Village Board to set the fence height and President Brolley asked that this issue be discussed at the next Board Meeting.

Trustee Marecek mentioned that although the Village sets certain standards, there are HOA or Annexation Agreement restrictions in place that will trump the Village's rules. He suggested we provide information on the upcoming meeting to all HOAs and invite them to the meeting.

Trustee Jungermann confirmed that if the Board votes to accept the recommendation of the Plan Commission, that vote does not adopt the UDO, it just acknowledges their recommendation. President Brolley thanked CMAP for the grant and for the assistance with this process.

Trustee Marecek **moved to approve the recommendation of the Plan Commission on PC 2021-002.** Trustee Betsinger seconded this motion.

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

B. Ordinance 1903 Adopting the Unified Development Ordinance, Comprehensively Repealing and Replacing the Zoning Ordinance and Repealing Various Previous Ordinances (First Reading).

President Brolley stated this is First Reading and no action is being taken.

C. Resolution 2021-003 Authorizing Use of 2020 Motor Fuel Tax Funds for Snow Removal Materials.

Director Wolf stated we are in a good position with our salt order from last year. We had ordered 1200 tons with the ability to take as much as 20% over or 80% of total amount allowed. He recommends we take the 20% since the price is good right now and we have the space to store it. The price shown in the resolution includes the 20% over.

Trustee Gier **moved to approve Resolution 2021-003 Authorizing Use of 2020 Motor Fuel Tax Funds for Snow Removal Materials.**

Trustee Betsinger seconded this motion.

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

D. Resolution 2021-004 Authorizing Repair Work in IDOT Rights-of-Way.

Director Wolf explained this is a housekeeping item that we pass every two years to allow us to conduct work in IDOT rights-of-way.

Trustee Marecek **moved to approve Resolution 2021-004 Authorizing Repair Work in IDOT Rights-of-Way.** Trustee Jungermann seconded this motion.

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

E. Award of a Contract to RJ O'Neil for Replacement of Rooftop Heating and Cooling Units at Village Hall in the Amount of \$218,822.00.

Director Wolf stated that last May, one of the rooftop HVAC units at Village Hall failed, and due to changes by the IEPA it is not able to be repaired. At a minimum this unit needs to be replaced, but staff is proposing to replace both units due to efficiencies and cost savings involved, since it seems likely the other unit may fail sooner than later. Three proposals were received, and staff recommends accepting the lowest cost proposal which is from RJ O'Neil. There are funds in the budget so staff would like to place the order and complete the work in FY21.

Trustee Gier **moved to approve Award of a Contract to RJ O'Neil for Replacement of Rooftop Heating and Cooling Units at Village Hall in the Amount of \$218,822.00.** Trustee Marecek seconded this motion.

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

F. Resolution 2021-005 Authorizing a Reduction in the Performance Security for Montgomery Place Apartments.

Director Young explained the original amount of the security was \$1,125,359. EEI has reviewed the request for reduction and agreed to authorize a new amount of 718,691.40 representing 110% of the cost of remaining improvements needed. Trustee Jungermann asked if the shrub issue has been resolved and Director Young said yes.

Trustee Lee **moved to approve Resolution 2021-005 Authorizing a Reduction in the Performance Security for Montgomery Place Apartments.** Trustee Marecek seconded this motion.

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

G. Resolution 2021-006 Approving an Agreement Between the Village of Montgomery and JB Commodities, LLC with Regard to Tree Preservation Requirements in the Montgomery Business Center.

Director Young explained that JB Commodities is requesting permission to clear land in the Montgomery Business Center in order to create buildable areas and make the lots marketable. They would make a contribution to the Tree Preservation Fund of \$15,600 based on the calculation of 26 wooded acres that equates to 52 trees at a cost of \$300 per tree. Staff and the arborist have reviewed and recommend approving this request. The \$300 does not include installation of new trees, which would be done in the future by Public

Works staff. Director Young said there are a number of invasive species and it will create a good base for future planting by taking out this tree stand. A future development plan would create a buffer with new planting material.

President Brolley said removal of the trees will make the property much more marketable. Director Young clarified the property in question is east of the sugar dome, on the far east side of Commerce Drive extended.

Trustee Lee **moved to approve Resolution 2021-006 Approving an Agreement Between the Village of Montgomery and JB Commodities, LLC with Regard to Tree Preservation Requirements in the Montgomery Business Center.** Trustee Jungermann seconded this motion.

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

Items for Discussion

A. Liquor License Request from Gray's Mill Estates.

Director Zoepfel explained that due to the several various enterprises planned for Gray's Mill, there may not be an existing liquor license class suited for this business. The Village Attorney will look at the needs of the business and make a recommendation on an appropriate liquor license class or classes and bring that back to the Board for action at a future meeting. Trustee Lee mentioned outdoor events and asked if they will need a special license for each event. Director Zoepfel asked Board members to let him know if there is anything they wanted included or not included in the proposed liquor license.

B. IRP Traffic Calming and Stop Sign Discussion.

Engineer Wallers said that in preparation for the 2021 IRP, they are looking at possible traffic calming measures and/or stop signs on Mayfield Drive and on River Street. He reviewed the four traffic studies that have been done on Mayfield Drive, and summarized that the 25 mph speed limit is appropriate, but that the volume of traffic seems to be the main issue.

Trustee Marecek asked if the speed studies were done with a trailer. Deputy Chief Sanders said the earlier ones were done with trailers, then they got new equipment in 2018 that gathers more specific data. They have focused on enforcement and education, now are looking at engineering to see what can be done to change the patterns. Trustee Jungermann said there is a speeding issue and a cut-through issue and asked about adding stop signs and perhaps speed tables.

Engineer Ott presented various traffic calming options available along with the cost and pros and cons of each option. Some options would greatly impact residents, snow removal and emergency vehicles, which have to all be taken into account. Options could also be combined as desired. Studies show none of the intersections on Mayfield meet warrants for a four-way stop, but they could put stop signs just on Mayfield.

Engineer Wallers recommends at least 80% agreement with residents before installing any of the traffic calming measures. He cautioned that the manual on uniform traffic control devices in Illinois specifically indicates stop signs are not to be used for speed control as they can lead to more accidents if residents ignore them.

President Brolley said we are looking at these options now because we plan to resurface the roads this year and could combine any measures with the resurfacing.

The Board discussed various streets and traffic issues on them in comparison to Mayfield Drive. Engineer Wallers explained that Mayfield Drive is narrower and has driveways on it, which we would not typically allow on a mini-collector road, but was allowed after we were taken to court by the developer due to a pre-annexation agreement. President Brolley asked Engineer Wallers to do outreach to the residents and present three proposed options and invite them to a Zoom public input meeting. Engineer Wallers said he will discuss options with Public Works and the Police Department and come back at a future meeting. Trustee Marecek suggested doing a mailing to homes in the area. Trustee Gier expressed concern that some of these measures would reduce parking which is already crowded. Concerns about speed tables and speed bumps were discussed relative to safety and snow plowing.

Engineer Wallers stated it will take a while to gather all the input. After the discussion he will prepare option packages and send those to residents. President Brolley asked Engineer Wallers to ask about buses also. He also asked about turn restrictions off of Concord at certain times of day to reduce volume.

Deputy Chief Sanders said they are aware there is a problem and they welcome changes to make it safer for everyone.

Engineer Ott discussed possible changes on River Street. He said the intersection of River and Webster meets multi-way stop sign warrants, and they recommend converting it to a 4-way stop due to vehicle/pedestrian conflicts. Engineer Wallers said since this is a significant change, they will use illuminated stop signs. There was consensus that stop signs are needed. Trustee Gier asked if parking will need to be changed so the parked cars don't block visibility. Director Wolf said the cost of illuminated signs has decreased, and the new ones are solar powered and last longer than previously.

It is also proposed to remove the three brick crosswalks on River Street and replace them with two decorated painted crosswalks. The crosswalk furthest south would be eliminated as it is not ADA compliant. Director Wolf said the brick pavers are constantly damaged by traffic and snowplows and require costly maintenance. The paver crosswalks were all redone 3 years ago and already about 30% of the bricks have deteriorated. Director Wolf said the painted product lasts for years and can easily be added where a new crosswalk is desired. Trustee Lee suggested an additional crosswalk from Gray's Mill across to their parking lot. Engineering will need to look at that since it would be close to an intersection.

This item will come back to the Board at a future meeting.

New or Unfinished Business

None.

Future Meetings

- A. Beautification Committee – Wednesday, February 10, 2021 at 6:00 p.m.
- B. Committee of the Whole Meeting – Tuesday, February 16, 2021 at 7:00 p.m. – (Canceled)
- C. Intergovernmental Committee Meeting—Monday, February 22, 2021 at 6:00 p.m. – President Brolley noted this meeting will be moved.
- D. Village Board Meeting—Monday, February 22, 2021 at 7:00 p.m.

Executive Session--None

Adjournment—9:57 p.m.

Trustee Jungermann **moved to adjourn the meeting.** Trustee Marecek seconded this motion.

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

With no further business to come before the Board, the meeting adjourned at 9:57 p.m.

Respectfully submitted,

Debbie Buchanan
Deputy Village Clerk