

Trustee Lee called the meeting to order at 7:01 p.m. followed by the Pledge of Allegiance. President Brolley was not in attendance.

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 Sonya Abt, Engineer Peter Wallers, Chief of Police Phillip Smith, Clerk Penny Fitzpatrick, Members of the Press and others.

Trustee Lee advised the meeting was being held both in person and remotely pursuant to the Governor's Executive Order regarding the pandemic.

Public Participation

A. Public Comments.

Trustee Lee inquired and Administrator Zoephel confirmed that no Public Comments were received for the meeting.

B. Recognition of Daniel Krakowski for Assisting an Officer.

Chief Smith thanked Trustee Lee, the Village Board and local community for their consistent support of the Police Department. He further thanked Trustee Lee for his many years of service and noted he would be missed in his retirement. Chief Smith recognized Daniel Krakowski and commended him for showing courage and conviction while assisting an officer in the line of duty on March 31, 2021. Chief Smith and Trustee Lee thanked Mr. Krakowski, presented him with a recognition award and had a photo taken with him.

C. Recognition of Trustee Denny Lee.

Trustee Marecek thanked Trustee Lee for being an influential mentor and friend and for his over 20 years of service to the Village of Montgomery. He presented Trustee Lee with a brick paver to acknowledge his service to the Board and noted a duplicate paver was installed in front of Village Hall in his honor. Trustee Marecek read a statement from Paula Mikulich of the Historic Preservation Commission thanking Trustee Lee for his many achievements and wishing him well in his retirement. Trustees Jungermann, Sperling and Betsinger thanked Trustee Lee for mentoring and guiding many of the current Board members and encouraging them to serve on the Village Board, Plan Commission and in many other service capacities. They noted their gratitude and appreciation for his service, recognized his dedication to the community and its residents and shared how much he would be missed.

Engineer Wallers thanked Trustee Lee for his unique counsel and perspective on countless Village projects and noted appreciation for everything he had contributed to Montgomery over the years. He presented Trustee Lee with a gift from Engineering Enterprises, Inc. and noted how much he would be missed. Trustee Gier also shared what a pleasure it had been to work with Trustee Lee as a resident, employee, Board member and friend. He pointed out that many Board members in attendance were wearing Green Bay Packer colors and jerseys in Trustee Lee's honor. Jim Pilmer, Executive Director of Fox Valley Park District, shared that an English Oak Tree would be dedicated and planted in Austin Park in honor of Trustee Lee's many years of service to the Village and for his tireless work on Montgomery Fest each year.

Trustee Lee noted President Brolley was unable to attend the meeting tonight due to a work conflict but had also shared his sincere thanks and praise for Trustee Lee's contribution and service. He noted he was proud of the work he and President Brolley accomplished working together on the Board to bring many new businesses to the community and plan for the construction of a new Public Works building. Trustee Lee shared he was proud to serve as a founding member of the Montgomery Economic Development Corporation and he thanked MEDC Executive Director Coulombe-Fiore for her hard work and achievements and recent efforts towards annexing the previous Caterpillar property into the Village of Montgomery. Trustee Lee thanked everyone for attending the meeting and acknowledging his service and he thanked his wife Jeanette for her support over his many years of service to the community.

Trustee Marecek noted the meeting would take a short recess at 7:18 p.m. to enjoy cake and coffee to celebrate Trustee Lee's retirement. Trustee Lee called the meeting back to order and in session at 7:43 p.m.

Consent Agenda

- A. Minutes of the Village Board Meeting of April 12, 2021.**
- B. Accounts Payable through April 20, 2021 in the Amount of \$507,911.81.**
- C. Appointment of Ben Brzoska, 3122 Fairfield Way, to the Planning and Zoning Commission to Fill a Vacancy for a Term through January 31, 2023.**
- D. Proclamation for Arbor Day on April 30th.**
- E. Proclamation for Plant Trees for Communities.**
- F. Proclamation for Municipal Clerks Week May 2-8, 2021.**

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

Trustee Sperling thanked Clerk Penny Fitzpatrick for her service to the Village Board.

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

Items for Separate Action

A. Ordinance 1911 Accepting an Easement for a Bicycle and Pedestrian Path from S.R. Jacobson (Waiver of First and Passage on Second Reading).

Director Abt summarized Ordinance 1911 and noted it addressed acceptance of an easement for a trail section behind the Montgomery Library which is owned by Montgomery Place Apartments. Trustees Betsinger, Jungermann and Marecek questioned and Engineer Wallers advised the easement would provide road access to construct a future bike and pedestrian path in this area.

Trustee Sperling **moved to approve Ordinance 1911 Accepting an Easement for a Bicycle and Pedestrian Path from S.R. Jacobson (Waiver of First and Passage on Second Reading).** Trustee Marecek seconded this motion.

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

B. Ordinance 1912 Amending Village Code Chapter 3 (Alcoholic Beverages) (Waiver of First and Passage on Second Reading).

Attorney Julien noted Ordinance 1912 created a new Gas Station Liquor License that allowed for beer and wine sales and excluded hard liquor and single serving containers. She noted this new Class M-2 Gas Station Liquor License amended the hours of operation for beer and wine sales to conclude at midnight, instead of at 1:00 a.m. Trustees Marecek and Sperling inquired and Attorney Julien clarified that single serving beer containers would be excluded and explained how the policy language for this item would be amended to denote these restrictions. Attorney Julien clarified this ordinance would need to be approved subject to attorney review.

Trustee Marecek **moved to approve Ordinance 1912 Amending Village Code Chapter 3 (Alcoholic Beverages) Subject to Attorney Review (Waiver of First and Passage on Second Reading).** Trustee Jungermann seconded this motion.

5 Yea. 1 No. Motion carried. Trustee Marecek, Trustee Betsinger, Trustee Gier, Trustee Lee and Trustee Jungermann voting yea. Trustee Sperling voting no.

C. Ordinance 1913 Authorizing a Study of the Feasibility of Establishing Tax Increment Allocation Financing to Improve Deteriorating Physical Conditions and Stimulate New Economic Development of the Former Caterpillar Facility (Montgomery TIF District #3) (Waiver of First and Passage on Second Reading).

Director Abt summarized Ordinance 1913 and noted Reich Brothers, LLC, had petitioned to annex the former Caterpillar plant site into the Village of Montgomery and requested a TIF incentive to assist with redevelopment of this site. She noted a feasibility study was necessary to determine if the site was eligible to establish a TIF District and advised that Teska Associates would be conducting the study, as they had previously conducted the TIF #2 study and were familiar with the Village.

Director Abt outlined the costs, expected timeframe and taxing district notifications that would be necessary for the study and advised a supermajority vote would be required for approval of this ordinance. Trustees Jungermann, Sperling and Marecek inquired and Director Abt reiterated the timeline for the study's completion and discussed whether cost sharing with the developer would potentially take place if the site was determined eligible to become Montgomery's TIF District #3.

Trustee Sperling **moved to approve Ordinance 1913 Authorizing a Study of the Feasibility of Establishing Tax Increment Allocation Financing to Improve Deteriorating Physical Conditions and Stimulate New Economic Development of the Former Caterpillar Facility (Montgomery TIF District #3) (Waiver of First and Passage on Second Reading)**. Trustee Marecek seconded this motion.

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

D. Approval to Participate in Cost-Sharing for Regional Water Study in the Amount of \$46,741.47.

Administrator Zoepfel noted Oswego's Regional Water Study results would be helpful to analyze and would yield pertinent and beneficial information in determining Montgomery's future alternate water supply. He advised the amount of the Village's cost sharing portion, expected timeline to receive the results and noted Consulting Engineers Baxter and Woodman would be completing the study. He advised the study results would be available for staff and the Board to review in order to evaluate all alternate water supply options and come to a timely decision regarding this topic. Trustee Betsinger asked and Administrator Zoepfel clarified the Village would pay for the portion of the study that was applicable to its specific interests.

Trustee Gier **moved to approve Participation in Cost-Sharing for the Regional Water Study in the Amount of \$46,741.47**. Trustee Sperling seconded this motion.

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

E. Award of a Contract to Seven Brothers Painting, Inc. for Power Washing of the Fairfield Way EWST in the Amount of \$33,775.00.

Director Wolf noted this Award of a Contract addressed the power washing of the Fairfield Way Elevated Water Storage Tanks. He advised Seven Brothers Painting, Inc. was the lowest bidder for the project, came in below the engineer's cost estimate and requested Board approval for this award of a contract. Trustees Lee and Jungermann complimented Engineer Waller's estimated versus actual project costs and noted this bid represented a significant project savings for this work.

Trustee Marecek **moved to approve the Award of a Contract to Seven Brothers Painting, Inc. for Power Washing of the Fairfield Way EWST in the Amount of \$33,775.00**. Trustee Betsinger seconded this motion.

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

F. Award of a Contract to Conley Excavating for Montgomery Overflow South Storm Sewer Outfall in the Amount of \$94,013.50.

Engineer Wallers noted this excavating work would extend the Montgomery Overflow South Storm Sewer and provide appropriate drainage for the Countryside neighborhood to Aucutt Road. He explained Conley Excavating was the lowest bidder for the project and came in under the engineer's estimate. Engineer Wallers noted Conley Excavating had done favorable work for the Village previously and requested Board approval for this award of a contract.

Trustee Jungermann **moved to approve the Award of a Contract to Conley Excavating for Montgomery Overflow South Storm Sewer Outfall in the Amount of \$94,013.50**. 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.

G. Waiver of Bid and Approval of Water Meter Replacement Program/ Meter and Supplies Purchase in the Amount of \$222,497.00.

Attorney Julien noted this item was discussed and voted on previously. She shared this waiver of bid and supplies purchase approval needed to be brought back to the Board for clarification and additional bid requirements. Attorney Julien noted the formal waiving of bid needed to be made clear to the Board and a supermajority vote was required to approve this item.

Trustee Gier **moved to approve the Waiver of Bid and Approval of Water Meter Replacement Program/ Meter and Supplies Purchase in the Amount of \$222,497.00**. Trustee Marecek seconded this motion.

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

H. Purchase of New Peterbilt Truck and Equipment Installation in the Amount of \$333,367.39.

Director Wolf noted a Peterbilt truck with the same loader, features and attachments had been purchased previously and attachments could be shared and utilized between these two vehicles. He advised the truck purchased recently had proven to be a huge asset for the Public Works Department in addressing water main breaks and snow removal operations and reducing staff time necessary to switch between these seasonal tasks and uses. Director Wolf noted this purchase came in under the equipment cost estimate and would be handled utilizing the Sourcewell Cooperative allocation, used to make previous vehicle and equipment purchases. He further shared this item would be addressed in the Fiscal Year 2022 Budget and requested Board approval for this purchase.

Trustee Gier **moved to approve the Purchase of New Peterbilt Truck and Equipment Installation in the Amount of \$333,367.39.**

Trustee Sperling seconded this motion.

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

I. Waiver of Bid and Purchase of New Leaf Vac Unit for Swap Load Vehicle in the Amount of \$77,450.00.

Director Wolf noted this piece of equipment correlated with the Peterbilt truck just discussed and approved. He advised it would be used for leaf collection operations, would help to reduce labor costs and would allow for extended leaf pickup time and duration during the fall season. Director Wolf clarified the waiver of bid with this vendor would help to ensure an ease of use to interchangeably switch this equipment between the two Peterbilt trucks and he noted this vendor pricing was researched and confirmed to be favorable. He explained a supermajority vote was required for the Board to be able to approve this waiver of bid for equipment purchase.

Trustee Gier **moved to approve the Waiver of Bid and Purchase of New Leaf Vac Unit for Swap Load Vehicle in the Amount of \$77,450.00.** Trustee Sperling seconded this motion.

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

Items for Discussion

There were no Items for Discussion.

New or Unfinished Business

Trustee Betsinger requested that shrub overgrowth and low hanging tree branches be trimmed back to allow for safer access and use of community trails and sidewalks. Director Wolf noted some parkway trees and decorative shrubs might be privately owned or subject to Homeowners Association rules and guidelines. He requested and Trustee Betsinger noted he would share a list of specific locations to review and assess so that action could be taken and right of way or code enforcement issues could be addressed.

Trustee Jungermann thanked Director Wolf for having overgrown shrubs removed at the Deerfield intersection to provide proper line of sight for traffic in the area. Trustee Jungermann further inquired and Engineer Wallers discussed what the next expected steps and timeline would be to address the Mayfield Drive Traffic Calming Options. He noted a survey with a unique identifier would go out to residents in the area and allow them to vote for one of the five traffic calming options. Engineer Wallers further shared the proposed timeline of when the survey was anticipated to be disbursed to residents for completion and when the information would be available for review on the Village website. Trustees Jungermann and Sperling inquired and Administrator Zoepfel stated that the traffic calming survey results would be tallied and shared with the Board for further discussion and possible action once completed.

Trustee Sperling noted Rotary Club conducted a road cleanup event along the Douglas Road corridor on Saturday, April 14th. She thanked MEDC Director Coulombe-Fiore, Community Development Director Abt and Ben Bzroska for their tremendous help in making the businesses in the area aware of their efforts and for helping to provide cleanup supplies and support for the project. Trustee Sperling shared Rotary Club would be conducting additional community cleanup events later in the year. She inquired and Director Wolf advised when and why the diamond shaped, red warning sign had been installed next to the Mill Street Bridge near the Gray's Mill property. He advised overgrowth in the area had recently been removed and the sign had been installed to address the new space created between the bridge and Gray's Mill property embankment that led down to the Fox River.

Director Wolf shared that staff had discussed future IRP design plans with the property owner and noted a more substantial sign or barrier improvement would be needed for the area. He advised the existing sidewalk at the location was planned to be amended and a

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beer garden entrance was expected to be added on the site. Trustee Sperling thanked Director Wolf for addressing her concerns and monitoring the situation to ensure safety at the location.

Trustee Gier shared the Arbor Day Tree Planting Event was planned for Friday, April 30th at 3:00 p.m. at the park in front of the Montgomery Police Department. He also noted the Mill Street Bridge Flower Box Planting Event would take place on Saturday, May 15th at 9:00 a.m. and volunteers were welcome to attend.

Future Meetings

- A. Planning and Zoning Commission – Thursday, May 6, 2021 at 7:00 p.m.
- B. Village Board Meeting—Monday, May 10, 2021 at 7:00 p.m.
- C. Beautification Committee – Wednesday, May 13, 2021 (Canceled). Bridge Flower Planting Event, Saturday, May 15th at 9:00 a.m.
- D. Historic Preservation Commission – Monday, May 17, 2021 at 6:30 p.m.
- E. Committee of the Whole Meeting – Tuesday, May 18, 2021 at 7:00 p.m. (May Be Canceled).
- F. Intergovernmental Committee Meeting—Monday, May 24, 2021 at 6:00 p.m.
- G. Village Board Meeting—Monday, May 24, 2021 at 7:00 p.m.

Administrator Zoephel noted the Future Meetings Schedule would be approved at each meeting so the Board could decide whether to schedule or cancel future Committee of the Whole Meetings. Trustee Jungermann inquired and Administrator Zoephel explained this change would allow the Board to address and cancel any meetings planned under Future Meetings instead of canceling the Committee of the Whole Meetings under the Consent Agenda as had previously been done.

Trustee Marecek **moved to approve the Future Meetings Schedule.** Trustee Betsinger seconded this motion.

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

Executive Session: None

Adjournment: 8:18 p.m.

Seeking no further business to come before the Board, it was moved by Trustee Jungermann and seconded by Trustee Marecek to **adjourn the meeting.**

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

Respectfully submitted,

Penny Fitzpatrick
Village Clerk