

President Brolley called the meeting to order at 7:05 p.m. followed by the Pledge of Allegiance.

Roll Call

Trustee Gier	Yea	Trustee Betsinger	Yea
Trustee Sperling	Yea	Trustee Jungermann	Yea
Trustee Bauman	No	Trustee Marecek	Yea

Also present: Attorney Laura Julien, Director of Public Works Mark Wolf, Director of Community Development Sonya Abt, Director of Finance Justin VanVooren, Engineer Peter Wallers, Chief of Police Phillip Smith, Human Resources Manager Meghan Ostreko, Communications Manager Kristina Nemetz, Clerk Penny Fitzpatrick, Members of the Press and others.

President Brolley advised the meeting was being held both in person and remotely to accommodate petitioners and members of the public who preferred to attend the meeting virtually. He shared this format was no longer in response to the Governor's Executive Order regarding the pandemic.

Public Participation

A. Public Comments.

President Brolley inquired and Director Abt advised that no in person Public Comments were received for the meeting. He did share an email comment received from Gary Nightingale and his wife requesting more police presence and neighborhood visibility during the 4th of July week. They hoped this request would help to deter the use of loud and dangerous fireworks throughout the community.

Consent Agenda

- A. Minutes of the Special Village Board Meeting of June 14, 2021.
- B. Minutes of the Village Board Meeting of June 14, 2021.
- D. Appointment of Trustee Theresa Sperling as President Pro Tempore.
- E. Appointment by the Village President of Gretchen Countryman, 188 Maple Ridge Lane, to the Historic Preservation Commission for a Term through May 31, 2023.
- F. Appointment by the Village President of Brittany Johnson, 1940 Springhaven Court, to the Historic Preservation Commission for a Term through May 31, 2024.
- G. Appointment by the Village President of Hailey Brzoska, 3122 Fairfield Way, to the Historic Preservation Commission for a Term through May 31, 2024.
- H. Appointment by the Village President of John Aman, 2406 Mayfield Drive, to the Historic Preservation Commission for a Term through May 31, 2024.
- I. Approval of A & A Amusements Carnival Amusement Permit.
- J. Village President Emergency Succession Planning.
- K. Waiver of Temporary Liquor License Fee for Montgomery Fest.

President Brolley noted Item C. Accounts Payable through June 24, 2021 in the Amount of \$993,616.61 was removed from the Consent Agenda and added for approval as Item H. under Items for Separate Action. He advised Item J. Village President Emergency Succession Planning would be amended to read: Doug Marecek, Steve Jungermann and Theresa Sperling in order of seniority on the Village Board.

Trustee Betsinger **moved to approve Items A, B, D-K of the Consent Agenda, Edited as Stated.** Trustee Marecek seconded this motion.

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

Items for Separate Action

A. Ordinance 1918 Amending a Special Use, Planned Unit Development for the Montgomery Business Center (Second Reading).

President Brolley noted Ordinance 1918 was pulled from the Consent Agenda and would be addressed as Second Reading. Director Abt summarized this item, discussed why this special use was being requested, considering the contract for this property had expired, and

shared the Planning and Zoning Commission had recommended approval of this request. Attorney John Philipchuck requested permission to move forward with this special use request. Board questions and concerns included whether the outdoor material storage would be restricted to trucks, trailers and containers (regardless of the end user), whether outdoor storage forty feet in height had been previously allowed and whether spruce or pine trees could provide necessary natural screening for adjacent properties.

Further Board questions asked included how many shipping containers could be stacked forty feet in height and whether the ordinance language could be clarified to limit storage to enclosed containers with no open rack storage. President Brolley asked and Attorney Julien clarified whether other types of storage would require Board approval. Attorney Philipchuck requested the ability to move forward with this request and noted clarifying language limiting the outdoor storage parameters was acceptable. President Brolley asked and received Board feedback to move forward with this request, subject to attorney review. Attorney Julien clarified whether the request would apply to enclosed shipping or storage containers or substantially similar uses as approved.

Trustee Sperling **moved to approve Ordinance 1918 Amending a Special Use, Planned Unit Development for the Montgomery Business Center, Subject to Attorney Review (Second Reading)**. Trustee Gier seconded this motion.

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

B. Resolution 2021-009 Adopting the Revised Employee Manual.

President Brolley summarized Resolution 2021-009 and discussed the clarified Work From Home language in the Revised Employee Manual. He shared the revised Holiday Schedule would include Martin Luther King, Jr. Day and June 19th and would remove the spring holiday currently recognized. He further advised the Village Administrator's ability to enact changes to the HR Manual would be limited, unless the changes pertained to state and federal law, emergency scenarios or Board approval was granted. Trustee Gier thanked staff for revising the Work From Home language but requested a formal problem resolution process be adopted to address employment conflicts. President Brolley noted support that Administrator Zoepfel would appropriately handle any such employment scenarios.

Trustee Sperling **moved to approve Resolution 2021-009 Adopting the Revised Employee Manual**. Trustee Betsinger seconded this motion.

3 Yea. 2 No. Motion carried. Trustee Sperling, Trustee Jungermann and Trustee Betsinger voting yea. Trustee Marecek and Trustee Gier voting no.

C. Resolution 2021-008 to Induce the Redevelopment of Certain Property Within the Proposed Redevelopment Project Area (Former Caterpillar Site).

Director Abt summarized Resolution 2021-008 and noted the property owner petitioned the Village for Annexation and requested a TIF incentive and inducement to redevelop the former Caterpillar site. She explained Teska and Associates, Inc. was conducting a TIF Eligibility Study and indicated their preliminary report was favorable. Trustee Jungermann asked and Director Abt addressed the next steps in the process once the resolution was adopted and noted approval would be subject to the finalized TIF Study, formalized TIF District and property annexation. She further shared a Redevelopment Agreement would outline eligible expenses for the site and would be subject to both Board and Attorney review. President Brolley noted this process could be a useful tool to best market the site for new uses and would be pending other ordinance and annexation requirements.

Trustee Jungermann stressed that the Route 30 intersection improvements and widening projects would need to be prioritized, funded and completed by the State before additional truck traffic from the improved facility could be permitted. Trustee Gier and President Brolley asked and Attorney Julien explained in what order the Property Annexation, TIF District Adoption and Redevelopment Agreement would take place for approval. Trustee Marecek questioned and Director Abt discussed how much the owner was seeking in eligible TIF expenses and noted the Board would determine what expenses would be appropriate to address regarding this request. Trustee Sperling asked and Attorney Julien advised whether the property would be annexed after the eligibility study was completed.

Attorney Bernard Citron of Thompson Coburn, LLP discussed how much the owner spent to purchase the site and how much the estimated property improvements were projected to be. He shared they filed a Petition for Annexation, filed an Application for Zoning with the Community Development Department, would have a Hearing before the Planning and Zoning Commission and would come back to the Board with a Planned Unit Development to accommodate any ordinance requirements. Attorney Citron discussed the process and timing to coordinate the Annexation, Zoning and Redevelopment Agreements would depend on when the TIF eligibility study was completed. He noted staff and Reich Brothers, LLC would work on a term sheet before the annexation took place, shared the owner was excited about this project and was committed to redevelop the property in a mutually beneficial way. President Brolley shared he was pleased to have a partner to invest in the community and improve this property for future use.

Trustee Jungermann **moved to approve Resolution 2021-008 to Induce the Redevelopment of Certain Property Within the Proposed Redevelopment Project Area (Former Caterpillar Site)**. Trustee Sperling seconded this motion.

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

D. Award of a Contract to Conley Excavating for the Waubensee Creek Shared Use Path in the Amount of \$264,000.00.

Engineer Wallers discussed the Shared Use Path connecting the Virgil Gilman Trail to the sidewalk at Route 30 (along the Waubensee Creek and past the Montgomery Library). He noted a grant was received from Kendall County for this project, Conley Excavating came in under the engineers estimate as the lowest bidder and staff recommended approval of this bid. Trustees Marecek and Betsinger inquired and Engineer Wallers addressed how the grant funds would be applied to the project cost and shared the circumstances explaining why their bid came in lower than the other bids. President Brolley asked and Engineer Wallers noted the construction and restoration timetable for the project and thanked Kendall County for their contribution to the project to benefit the entire community.

Trustee Marecek **moved to approve Award of a Contract to Conley Excavating for the Waubensee Creek Shared Use Path in the Amount of \$264,000.00.** Trustee Gier seconded this motion.

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

E. Rejection of Bids for Well 14 and 15 Water Treatment Plant Cation Exchange Media Replacement.

Engineer Wallers explained the rationale for rejecting the bids for Wells 14 and 15. He apologized for the electronic bidding system issue that created a clerical error and explained this scenario was impacted by the pandemic circumstances. He inquired and Attorney Julien advised staff to reject these bids and readvertise the project for bid again.

Trustee Jungermann **moved to approve the Rejection of Bids for Well 14 and 15 Water Treatment Plant Cation Exchange Media Replacement.** Trustee Marecek seconded this motion.

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

F. Replacement of Three Police Vehicles.

Chief Smith explained the plan to replace three police vehicles included a \$15,000 grant for police cameras. He clarified the grant funding application needed to be submitted by July 1st and requested approval for the needed balance to complete the purchase.

Trustee Gier **moved to approve the Replacement of Three Police Vehicles.** Trustee Marecek seconded this motion.

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

G. Ordinance 1920 Amending the Village Code Section 3-9 to Create a Class G Liquor License for Taco Madre at 2112 Baseline Road (Waiver of First and Passage on Second Reading).

Attorney Julien clarified that Taco Madre previously held a Class G Liquor License, had not renewed it and requested that it be reinstated. Trustee Marecek inquired and Attorney Julien noted this liquor license did not grant packaged liquor sales. Trustee Betsinger asked and Attorney Julien discussed whether Ordinance 1920 could be approved contingent on clarifying with the petitioner that this request was in reference to granting a Class G License. She further noted the petitioner could come back to request a separate packaged liquor license at a future meeting.

Trustee Marecek **moved to approve Ordinance 1920 Amending the Village Code Section 3-9 to Create a Class G Liquor License for Taco Madre at 2112 Baseline Road, Subject to Confirmation with Taco Madre (Waiver of First and Passage on Second Reading).** Trustee Betsinger seconded this motion.

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

H. Accounts Payable through June 24, 2021 in the Amount of \$993,616.61.

President Brolley noted this item was removed from the Consent Agenda as Item C. and would be voted on separately as Item H. under Items for Separate Action.

Trustee Marecek **moved to approve the Accounts Payable through June 24, 2021 in the Amount of \$993,616.61.** Trustee Sperling seconded this motion.

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

Items for Discussion

A. Fence Height Discussion.

Director Abt summarized the previous fence height discussion, shared further information on fence height regulations from neighboring communities and noted the previous informal survey completed showed a preference for six-foot fences. She provided a detailed subdivision map outlining fence height requirements throughout the Village that included Homeowners Association and Annexation Agreement requirements. She requested Board direction on whether to move forward with a fence height text amendment process and suggested, if so, that corner side yards require shorter fences or set back requirements. President Brolley clarified regardless of what the Board decided that all residents may not necessarily be happy with the fence height standard regulations.

Trustee Sperling showed support for continuing to allow six-foot fences where they were previously permitted, asked that the fence height ordinance on the Village website be clarified to be more easily understood and noted she was not in support of the recently approved five-foot fence height. Trustee Gier noted that no fence style, type and height consistency existed in the Village and overall conformity would not be possible. He further shared coyotes could jump six-foot fences, the five-foot fence height was a reasonable compromise and he questioned how to administer the code and provide a reasonable standard in all the situations. President Brolley asked and Director Abt clarified that maintenance and repair of existing fences could take place as long as fifty percent or more of the fence was not damaged. If damage exceeded that percentage, the fence would have to be replaced to conform with the current code.

Trustee Marecek shared he preferred the four to five-foot fence heights which allowed for a better sense of community and more attractive visual aesthetic and were a better compromise with existing HOA and Annexation Agreements requirements. He supported grandfathering areas with six-foot fences and questioned if the Board was regulating personal property too much when special agreements were not present. Trustee Jungermann noted residents with HOAs and Annexation Agreements did not have the option to install five and six-foot fences regardless of what the UDO policy supported. President Brolley shared it was important to allow residents to put up fences and limit them as little as possible while creating a consistent feel to the community. Trustee Betsinger advised he did not have an issue with six-foot fences and noted it was important to recognize the results of the survey completed and the feedback from neighboring communities that indicated a preference for six-foot fences. He reiterated that neighborhoods under special agreements operated with different rules separate and distinct from the UDO regulations approved by the Village.

President Brolley summarized the discussion noting the majority of the Board was open to take a second look at the UDO regarding fence heights and have a discussion with the Planning and Zoning Commission to consider a text amendment to the policy. President Brolley reiterated that the policy previously supported six-foot fences unless a neighborhood agreement prohibited it. He inquired and Director Abt explained the UDO could not be amended without involving the Planning and Zoning Commission and going through their public hearing process to bring a text amendment back to the Board for adoption. President Brolley directed staff to do further research on the issue so the Board could come to a decision and deal with variant circumstances on a case-by-case basis.

New or Unfinished Business

Trustee Sperling thanked Director Wolf and the Public Works staff for their hard work helping the Village of Woodridge clean up damage and debris caused by recent tornados. Trustee Gier asked and Director Wolf explained the Illinois Public Works Mutual Aid Network (IPWMAN) Agreement allowed municipalities to assist one another with aid and relief responding to disaster events. Trustee Marecek recognized and thanked the Public Works staff for their hard work repairing water main breaks and restoring water service to the community during challenging weather conditions.

Trustee Jungermann noted he met with IL Representative Keith Wheeler to request the Route 30 widening project between Routes 31 and 47 be prioritized and funded as soon as possible. He shared this project would provide traffic relief and improved safety for residents and cautioned traffic would increase once the Caterpillar property was renovated, occupied and commercial traffic from the location increased. He commented these improvements could move quickly into the construction phase once federal funding was granted as the design process was already completed. Trustee Jungermann shared a willingness to gather support from IL Representatives Foster and Underwood and other municipalities to facilitate this roadway widening and improvement project.

Trustee Jungermann further asked and President Brolley discussed whether the unmarked speed limit for the Village could be addressed at a future meeting, possibly amended and enforced from 30 to 25 mph in residential areas. Trustee Jungermann also inquired and President Brolley discussed whether driveway aprons disrupted by concrete sidewalk and curb work could be replaced entirely instead of partially. Engineer Wallers noted he could bring back information regarding the expense to address complete versus partial driveway apron removal and replacement for discussion at a future meeting.

Trustee Jungermann noted he evaluated the available parking during the first outdoor wedding at The Gray's Mill Estate and commented that he did not observe any parking issues, despite a large celebration taking place at the VFW at the same time. He additionally asked and Director Abt discussed whether garbage cans were prohibited from being stored in front of houses in between garage days. He finally questioned and Attorney Julien discussed whether drones were restricted and controlled by the FAA to ensure residents were granted privacy and safety in their backyards. She shared she would need to investigate the issue and see what other municipalities had done to address drone usage and restrictions. Trustee Jungermann asked and Director Wolf advised why the street sign on the northwest corner of Fairfield Way and Shetland Lane had been installed on a resident's property instead of on the light pole. He advised he would investigate the issue and report back at a future meeting.

Future Meetings

- A. Planning and Zoning Commission—Thursday, July 1, 2021 at 7:00 p.m.**
- B. Village Board Meeting—Monday, July 12, 2021 at 7:00 p.m.**
- C. Beautification Committee – Wednesday, July 14, 2021 at 6:00 p.m. (Canceled)**
- D. Historic Preservation Commission – Monday, July 19, 2021 at 6:30 p.m.**
- E. Committee of the Whole Meeting – Monday, July 20, 2021 at 7:00 p.m.**

President Brolley advised the Intergovernmental Committee meeting would likely be added on Monday, July 12th at 6 p.m. and shared that Items F. and G. were duplicate items not pertinent to the current Agenda. He requested a motion to approve the Future Meetings Schedule with the changes discussed.

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

5 Yea. 0 No. Motion carried. All were in favor to approve and none opposed the Future Meetings Schedule.

Executive Session: None

Adjournment: 8:41 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.**

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

Respectfully submitted,

Penny Fitzpatrick
Village Clerk