

President Brolley called the meeting to order at 7:01 p.m. followed by the Pledge of Allegiance.

### Roll Call

Trustee Gier	Yea	Trustee Betsinger	Absent
Trustee Sperling	Absent	Trustee Jungermann	Yea
Trustee Bauman	Yea	Trustee Marecek	Yea

Also present: Attorney Laura Julien, Director of Public Works Mark Wolf, Village Engineer Pete Wallers, Village Engineer Chris Ott, Chief of Police Phillip Smith, Deputy Clerk Hameeda Hashim, Members of the Press and others.

Absent: Trustee Sperling, Trustee Betsinger, Village Clerk Debbie Buchanan, Administrator Jeff Zoephel, Director of Community Development Sonya Abt, Director of Finance Justin VanVooren, and Communications Manager Kristina Nemetz.

### Public Participation

#### A. Public Comments.

Robert Baldyga who lives on Mayfield Drive thanked the board for closing the street at Roxbury Lane a couple of years ago. However, this is still a huge concern as cars are speeding through the barriers. Residents feel that they either need to open or close it as they still see traffic through it all day causing an issue for those living in front of it. Video recordings were taken, and they were told to call the police when it happened but by the time they call the police, it is too late. In closing, if this road was to be shut down, it would not be an issue as school buses are for a different district, and delivery services will be able to take an alternative route. Oswego Fire Station 3 can get to the duplexes faster by going across Orchard Road on Galena and turning right on Concord. This will not affect the Montgomery Police Department as it is faster for them to turn right out of their station onto Route 30 and then right onto Lakewood Creek Drive to get from Concord to get to Mayfield. President Brolley thanked Rob and stated that Village Staff is doing traffic counts and that this issue is going to come back to the Board and this testimony is helpful to the Board for when it does. Trustee Marecek wanted to clarify that it is two different schools in the same school district. Trustee Brolley ended by saying he was happy to hear that the current status of the road with the barricades is a vast improvement from what it was before.

Sharon Catich discussed concerns regarding the proposed variances for the property located at 1975 Aucutt Road which was in relation to items C and D under separate action. She and her husband own the property at the end of Commerce drive which backs up onto the property in question. The three businesses that back up onto this property are all concerned about air, water, and wetlands pollution, particularly Lab media who addressed the board at the PZC meeting on July 7. All they are asking for is that the space requested to park semis be paved. Semis are leaky which will go down into the groundwater and possibly into the wetlands.

### Consent Agenda

- A. Minutes of the Village Board Meeting of June 27, 2022.
- B. Accounts Payable through July 11, 2022 in the Amount of \$587,799.55.
- C. Account Receivables for June 2022.
- D. Building Report for June 2022.
- E. Water Production Report for June 2022.
- F. Waiver of Temporary Liquor License Fee for Montgomery Fest.
- G. Approval of Windy City Amusements Carnival Amusement Permit.
- H. Appointment of Kevin Fricke to the Historic Preservation Commission.

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

4 Yea. 0 No. Motion carried. Trustee Jungermann, Marecek, Trustee Gier, and Trustee Bauman voting yea.

### Items for Separate Action

**A. Resolution 2022-012 Approving an Intergovernmental Agreement Between the Village of Montgomery and the Fox Valley Park District (Montgomery Park).**

Attorney Julien explained that this resolution authorizes the execution of the IGA with Fox Valley Park District for a long-term lease and for the improvements at Montgomery Park. This agreement includes a twenty (20) year initial term with automatic renewal by five (5) additional ten (10) year terms and authorizes the improvements including the elevated stage, stage covering, memorial plazas, future easements for the offsite compensatory storage, and more along with the reservation of the park for Montgomery Fest and other Village special events.

Trustee Jungermann asked if at any point the amenities would be restricted to the residents and Attorney Julien responded the agreement states that it would need to be a unique circumstance and notice will need to be provided.

Trustee Marecek **moved to approve Resolution 2022-012 Approving an Intergovernmental Agreement Between the Village of Montgomery and the Fox Valley Park District (Montgomery Park).** Trustee Jungermann seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Gier, Trustee Bauman, and Trustee Jungermann, voting yea.

**B. Resolution 2022-013 Authorizing an Amendment to the Intergovernmental Agreement Between the Village of Montgomery and the Fox Valley Park District (Montgomery Park)**

Since the passage of the original agreement, the Village had some additional concerns about the maintenance provisions that were included. This amendment has changes to section 5 waiving the \$3000.00 maintenance fee in the case that the Village and the Park District formulate a plan and are satisfied with the Village's improvements of the maintenance on the property.

Trustee Marecek **moved to approve Resolution 2022-013 Authorizing an Amendment to the Intergovernmental Agreement Between the Village of Montgomery and the Fox Valley Park District (Montgomery Park).** Trustee Jungermann seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Gier, Trustee Bauman, and Trustee Jungermann, voting yea.

**C. Recommendation of the Planning & Zoning Commission on PZC 2022-009 Special Use and Variance Requests for 1975 Aucutt Rd.**

The Petitioner is proposing to operate a truck terminal at 1975 Aucutt Road which is zoned M-1 Light Manufacturing. The existing building will remain as-is however, the Petitioner is proposing to use the Southeast portion of the Property for the outdoor storage of trucks for a proposed truck terminal which is a special use in the M-1 District. As part of the special use for outdoor storage, the Petitioner is also requesting an alternative surface for the outdoor storage area.

The proposed truck terminal will also require four variances from the Unified Development Ordinance to allow for semi-truck trailer parking smaller than the required 12 ft. by 60 ft. minimum, to not provide the required fencing along the south and west boundaries of the outdoor storage area, to not provide the required minimum landscape screening along the south and north boundaries of the outdoor storage area, and to provide landscape screening along the interior perimeter of the fence on the east boundary of the outdoor storage, rather than the required exterior.

The public hearing was held on July 7; adjacent business owners and residents were in attendance and expressed environmental concerns due to the proximity of the wetlands and floodplain, traffic, noise and dust, safety, and security to name a few. The Planning and Zoning commission recommended approval of the special use with an alternative surface with conditions but did not recommend approval of the variation of the fence screening requirement for the outdoor storage area.

The petitioner Ruben Hernandez stated that he owned another property in Montgomery with a similar use which hasn't had any complaints. Trustee Marecek asked and Mr. Hernandez answered that there are no facilities for the drivers and there are trash enclosures that are available to them.

Trustee Jungermann asked and Mr. Hernandez answered that he is up to code on all his properties in the Village of Montgomery, Kane and Kendall counties.

Trustee Bauman asked and Engineer Wallers answered that the primary advantage of the paved surface is the all-weather nature, and you eliminate dust. The owner of the property is responsible for this housekeeping regardless of the type of surface.

Trustee Gier asked, and Mr. Hernandez answered that the existing building will be used for the logistics of the trucking company and that the property on Commerce dr. is intended for a warehouse but not as a parking lot for trucks. Trustee Gier mentioned that the entire Aucutt rd. corridor has been required to pave their gravel.

President Brolley clarified that Mr. Hernandez is purchasing the entire property including the building and the goal would be to lease this out to either one or several users. Mr. Hernandez also stated that he has a couple of prospects that are very interested. President Brolley continued by saying that he does not want the Village to get into a situation where this property started with a plan for long-term heavy equipment storage for a user that came into the property to then approve a special use so that it can be sold/leased to anyone. He continued to state that for the proposed use, some sort of paving is required.

Trustee Marecek stated and Trustee Jungermann and Trustee Bauman agreed that it needs to be an impervious surface.

Trustee Marecek **moved to approve the recommendation of the Planning & Zoning Commission on PZC 2022-009 Special Use and Variance Requests for 1975 Aucutt Rd.** Trustee Jungermann seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Gier, Trustee Bauman, and Trustee Jungermann, voting yea.

**D. Ordinance 1971 Granting a Special Use Permit for Outdoor Storage with Alternative Surfaces and Variations from Sections 10.04.A.3 (Parking Design Standards), 11.07.B.2.b (Screening Requirements) and 11.07.B.3.b (Screening Requirements) (Waiver of First and Passage on Second Reading).**

Trustee Gier asked and Mr. Hernandez answered that the company he intends to lease to will be using the space for a mechanic shop, logistics station and to park their trucks. Drivers will not sleep in their cars; they will park and leave. Trustee Jungermann asked and Mr. Hernandez answered that the mechanic shop will have regular business hours (no more than 10 hours).

President Brolley asked, and Mr. Hernandez answered that the space is entirely gated with a fence in the front.

Trustee Marecek stated and Trustee Gier agreed that they will move forward with the recommendation of the Planning and Zoning commission with the exception of the alternative surface.

Subject to attorney review, Trustee Marecek **moved to approve Ord inance 1971 Granting a Special Use Permit for O outdoor Storage with Alternative Surfaces and Variations from Sections 10.04.A.3 (Parking Design Standards), 11.07.B.2.b (Screening Requirements) and 11.07.B.3.b (Screening Requirements) with the approved sur face required (Waiver of First and Passage on Second Reading)** . Trustee Bauman seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Gier, Trustee Bauman, and Trustee Jungermann, voting yea.

<b>Items for Discussion</b>
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**A. Liquor License Request for Gas N Wash - 1055 Orchard Rd.**

Kim Farback Operating Officer for Gas N Wash located at 1055 Orchard Rd. requested a Class M liquor license. The board is in favor.

**B. 2022 Pavement Management Report Study Update.**

At the June 13 Village Board meeting, a PSA for design engineering for Concord was approved and since then a draft 5-year program came out for the Kane Kendall Council of Mayors and is currently in the public comment period. A full transportation meeting to approve this will be held in July and then will be approved by the full Council in August and then approved by CMAP in October. The Village was seemingly successful in three projects (Concord Drive and Baseline Road Resurfacing Projects) along with Douglas Ave. resurfacing from Route 30 to Ashland Ave. which is a joint project with the City of Aurora is projected to start in 2027.

Another project is the IGA that was approved between Aurora Township and the Village of Montgomery for road improvements of the streets in the Blackberry Heights Subdivision. This will be done as part of the Village's project in 2024 but the township will pay for their roads.

In 2023, The Village was projected to get \$750,000.00 dollars in federal funds for the Concord Resurfacing, and in 2023, the Village was projected to get \$395,000.00 in federal funds for Baseline Rd and the Village has received five out of six installments of the Rebuild only Bond Funds that the Governor approved 2-3 years which is to be used next year in addition to the MFT funds for the resurfacing projects.

Nest steps would be for improvement on next year's road to move forward with a PSA for design engineering that will allow for inspections of the streets to request Bids in early January in order to start construction in April or May, 2023.

#### New or Unfinished Business

Trustee Gier asked, and Director Wolf responded that the New Public Works Building is coming along with the building pad being completed, water mains with the exception of the hydrants have been installed and the raw line relocation is complete.

Trustee Marecek attended the Cricket Wireless ribbon cutting and there was some interest in sponsoring Montgomery Fest.

#### Executive Session

No Executive Session was held.

#### Future Meetings

- A. Police Pension Board Meeting - Wednesday, July 13, 2022 at 11:00A.
- B. Beautification Committee - Wednesday, July 13, 2022 at 6:30P - CANCELLED.
- C. Historic Preservation Commission - Monday, July 18, 2022 at 6:30P.
- D. Committee of the Whole - Tuesday, July 19, 2022 at 7:00P - CANCELLED.
- E. Village Board Meeting - Monday, July 25, 2022 at 7:00P.

#### Adjournment: 8:16 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.**

4 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Gier, and Trustee Bauman voting yea.

Respectfully submitted,

Hameeda Hashim  
Deputy Village Clerk