

President Brolley called the meeting to order at 7:02 p.m. followed by the Pledge of Allegiance.

Roll Call

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

Also present: Administrator Jeff Zoepfel, Attorney Laura Julien, Director of Public Works Mark Wolf, Director of Finance Justin VanVooren, Director of Community Development Sonya Abt, Chief of Police Phillip Smith, Communications Manager Kristina Nemetz, Clerk Penny Fitzpatrick, Members of the Press and others.

Public Participation

A. Public Comments.

President Brolley inquired and Administrator Zoepfel noted no Public Comments were received for the meeting.

B. Recognition of Village Clerk Penny FitzPatrick.

President Brolley presented Clerk Penny FitzPatrick with a commemorative plaque acknowledging her five years of service with the Village Board. He thanked her for her dedication to the Village and noted refreshments would be provided after the meeting. President Brolley clarified the Clerk position would remain vacant until the Board appoints a replacement and Deputy Clerk Debbie Buchanan would fulfill the role in the interim.

President Brolley noted Consent Agenda Item D. Proclamation for Breast Cancer Awareness Month would be pulled from the agenda and acted on separately.

Proclamation for Breast Cancer Awareness Month.

President Brolley invited Trustee Sperling to read the Proclamation declaring October 2021 as Breast Cancer Awareness Month in the Village of Montgomery. She thanked President Brolley, staff and the Board for their support regarding this important issue.

Trustee Sperling **moved to approve the Proclamation for Breast Cancer Awareness Month.** Trustee Marecek seconded this motion.

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

Consent Agenda

A. Minutes of the Village Board Meeting of September 13, 2021.

B. Accounts Payable through September 23, 2021 in the Amount of \$769,282.53.

C. Refuse Report for August 2021.

E. Ordinance 1927 Granting a Parking Variance in the Village of Montgomery, Kane and Kendall Counties, Illinois (ALDI - 2050 Mayfield Drive) (Second Reading).

Trustee Marecek **moved to approve Items A-C and E of the Consent Agenda.** Trustee Bauman seconded this motion.

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

Items for Separate Action

A. Award of a Contract for Bid Package #2.30, Excavation/ Earth Work/ Site Demo/ Site Utilities/ Aggregate Piers for the New Public Works Facility to Performance Construction & Engineering, LLC in the Amount of \$1,468,000.00.

Director Wolf noted four bids were received for this project and the lowest bidder was Performance Construction & Engineering, LLC. He shared, after review and reference checks, that both staff and Camosy Construction recommended awarding the contract for excavation, earth work, site demolition/utilities and aggregate pier work for the construction of the new Public Works Facility.

Director Wolf further addressed a clarification to the bid pricing and noted project funding would come from bond funds and the IRP program, since facility access off Knell Road was being addressed. Trustee Sperling questioned and Director Wolf outlined how much the bid had come in under budget once the IRP funds were deducted from the bid package. She and President Brolley further inquired and Director Wolf noted Performance Construction & Engineering, LLC operated locally and had favorable references from their previous municipal work.

Trustee Gier **moved to approve the Award of a Contract for Bid Package #2.30, Excavation/ Earth Work/ Site Demo/ Site Utilities/ Aggregate Piers for the New Public Works Facility to Performance Construction & Engineering, LLC in the Amount of \$1,468,000.00.** Trustee Sperling seconded this motion.

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

B. Ordinance 1928 Approving a Redevelopment Agreement by and between the Village of Montgomery, Illinois and Orchard & Jericho LLC (Waiver of First and Passage on Second Reading).

Director Abt summarized Ordinance 1928 and advised this item formalized and approved an agreement to redevelop this property for hospitality and retail use. She noted the Gas 'N Wash was scheduled for development by December 2022 and a strip shopping center was planned to be developed by December 2023. Director Abt clarified how much the Village would reimburse the developer for TIF eligible expenditures for this \$42 million development project. She additionally shared the developer was present on the call to answer any questions the Board may have regarding this redevelopment agreement.

Trustee Marecek and President Brolley inquired and Administrator Zoepfel explained funding would come from TIF #2 and no sales tax component was included in the agreement. Trustee Sperling asked and Director Abt shared the site work and start date for construction would depend on when KDOT permitting was provided in either in Fall 2021 or next Spring 2022.

Trustee Marecek **moved to approve Ordinance 1928 Approving a Redevelopment Agreement by and between the Village of Montgomery, Illinois and Orchard & Jericho LLC (Waiver of First and Passage on Second Reading).** Trustee Sperling seconded this motion.

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

C. Resolution 2021-014 Authorizing an Agreement between the Village of Montgomery, H&K Property Dev LLC, and Balmorea of Montgomery Townhome Association Regarding Certain Road Improvements and Maintenance (Helene Rieder Drive) (Tabled from Sept. 13 Board Meeting).

Director Abt summarized Resolution 2021-014 which addressed resurfacing the private Helene Rieder Drive in the Balmorea Townhome Development. She and Attorney Julien discussed the revised agreement and options available to the Village if the fees collected at the time of permitting were insufficient to cover the cost of improvements planned for 2025. Also discussed were what recourse the Village would have if the developer did not complete the townhomes and improve/maintain this private roadway according to the Village's standards.

Administrator Zoepfel explained how the Village would apply sufficient fees held for road improvements at the time of construction, request the balance of fees needed if enough were not collected at the time of permitting or return the fees to the developer if they preferred to handle the roadway maintenance independently. Attorney Julien discussed whether this private roadway qualified for coverage by a Special Service Agreement and Director Abt advised whether the Village could take the developer to court if the road was not improved and maintained. Trustees Sperling and Gier questioned whether the developer would proactively set aside the necessary funds to properly maintain, plow and resurface this private roadway for residents in the area over the next ten years. Trustee Bauman inquired and Directors Abt and Wolf discussed why a developer would enact a PUD in this manner in their original townhome development agreement.

Trustee Marecek **moved to approve Resolution 2021-014 Authorizing an Agreement between the Village of Montgomery, H&K Property Dev LLC, and Balmorea of Montgomery Townhome Association Regarding Certain Road Improvements and Maintenance (Helene Rieder Drive) (Tabled from Sept. 13 Board Meeting).** Trustee Sperling seconded this motion.

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

D. Professional Services Agreement with Engineering Enterprises, Inc. for Design Engineering for 2022 Infrastructure Road Program in the Amount of \$167,948.00.

Director Wolf requested approval of this PSA with Engineering Enterprises, Inc. for Design Engineering of the 2022 Infrastructure Road Program. He discussed the areas that would be resurfaced or receive preventative maintenance in Blackberry Creek West, Orchard Prairie North, Griffin and Civic Center Drive, Ashland Avenue, Knell Road (off Orchard Road) and the Police Department parking lot. President Brolley commented that the next cycle of road rebuilding will be exponentially more expensive to budget for than this current five-year road resurfacing cycle and the Board would need to prepare for that fiscal need.

Trustee Gier **moved to approve the Professional Services Agreement with Engineering Enterprises, Inc. for Design Engineering for 2022 Infrastructure Road Program in the Amount of \$167,948.00.** Trustee Bauman seconded this motion.

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

E. Resolution 2021-015 Establishing a Replacement Tree Fee in Lieu Rate.

Director Abt summarized Resolution 2021-015 which would enact a standard tree replacement flat fee. She noted Village Arborist, Ed Pfaff, researched and recommended a \$300 per tree fee that would include the cost of installation. This fee amount would be used for tree replacement or installation of additional trees in public owned properties and right of ways. President Brolley inquired and Director Abt advised that a tree survey would be required. Administrator Zoephel asked and Director Wolf shared he believed that 2.5- to-3-inch caliper trees would likely be utilized going forward.

Trustee Gier **moved to approve Resolution 2021-015 Establishing a Replacement Tree Fee in Lieu Rate.** Trustee Betsinger seconded this motion.

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

Items for Discussion

There were no Items for Discussion shared for the meeting.

New or Unfinished Business

Trustee Sperling extended a thank you to Public Works for their assistance in cleaning up the garbage and tires collected after the Rotary Club and Friends of the Fox River Sponsored River Clean Up event. Trustee Bauman inquired and Director Wolf advised when the Lakewood Creek and Concord Drive stop sign was projected to be installed next week.

Trustee Marecek inquired and Director Wolf noted he would look into whether the speed trailer on Lakewood Creek Drive needed battery maintenance to operate properly. Trustee Marecek shared the Halloween Safety Event was coming up on October 10th at the Police Department and he invited everyone to attend. Administrator Zoephel noted the Montgomery 5K/10K River Run was this Saturday, Oct 2nd and a great community event.

Future Meetings

- A. Planning and Zoning Commission – Thursday, October 7, 2021 at 7:00 p.m.
- B. Village Board Meeting—Monday, October 11, 2021 at 7:00 p.m.
- C. Beautification Committee – Wednesday, October 13, 2021 at 6:00 p.m. – Moved to October 20, 2021 for Halloween Decorations Contest Judging at 5:30 p.m.
- D. Historic Preservation Commission – Monday, October 18, 2021 at 6:30 p.m. (Canceled).
- E. Committee of the Whole Meeting – Tuesday, October 19, 2021 at 7:00 p.m. (May Be Canceled).
- F. Intergovernmental Committee Meeting—Monday, October 25, 2021 at 6:00 p.m.
- G. Village Board Meeting—Monday, October 25, 2021 at 7:00 p.m.

President Brolley noted the Future Meetings Schedule did not need to be approved at this time.

Executive Session: 7:37 – 7:44 p.m.

- A. To Discuss the Employment of an Employee Pursuant to 5 ILCS 120/2 (c)(1).

B. To Discuss the Minutes of Meetings for the Purposes of Approval by the Body of the Minutes as Mandated by Section 2.06 Pursuant to 5 ILCS 120/2(c)(21).

President Brolley advised the Board would go into Executive Session to discuss these two topics and would return afterwards to Report on Closed Session Minutes.

Trustee Sperling **moved to adjourn to Executive Session To Discuss the Employment of an Employee Pursuant to 5 ILCS 120/2 (c)(1) and To Discuss the Minutes of Meetings for the Purposes of Approval by the Body of the Minutes as Mandated by Section 2.06 Pursuant to 5 ILCS 120/2(c)(21).** Trustee Gier seconded this motion.

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

Items for Discussion

A. Report on Closed Session Minutes.

Attorney Julien noted she only recommended release of the March 22, 2021 Executive Session Minutes and no other minutes.

Trustee Bauman **moved to approve the Report on Closed Session Minutes.** Trustee Sperling seconded this motion.

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

Adjournment: 7:46 p.m.

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

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

Respectfully submitted,

Penny Fitzpatrick
Village Clerk