

Village of Montgomery
1300 South Broadway
Montgomery, Illinois 60538

Village Board Meeting
August 27, 2007

Village President Michelini called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

Roll Call

Trustee Felten	Yea	Trustee Keck	Yea
Trustee Mattingly	Yea	Trustee Watermann	Yea
Trustee Lee	Yea	Trustee Heinz	Yea

Also present: Village Manager Anne Marie Gaura, Director of Finance Jeff Zoepfel, Director of Community Development Jane Tompkins, Director of Building Tim Brophy, Director of Public Works Michael Pubentz, Chief of Police Dennis Schmidt, Assistant to the Village Manager Mera Johnson, Deputy Village Clerk Helen Prester, Village Attorney Peter Wilson, Village Engineer Peter Wallers, Members of the Press and others.

Public Participation

A. Recognition of Montgomery Fest Volunteers.

President Michelini and Trustee Heinz recognized Montgomery Fest volunteers for their dedication and commitment to making this annual event a success. Certificates of Appreciation were handed out to those volunteers able to attend tonight's meeting. A special thank you to the Board Members, Village employees, Police and Fire personnel who pitched in to help during the Fest.

B. Proclamation Designating September 2007 as "Save a Life" Month.

President Michelini read a proclamation designating September as "Save a Life" Month. The Save a Life Foundation works with local, state and federal government organizations to highlight the importance of public emergency preparedness and the importance of the Good Samaritan Law.

Trustee Heinz moved **to approve a motion proclaiming September 2007 as Save a Life Month in the Village of Montgomery.** Trustee Felten seconded this motion.

6 Yea. 0 No. Motion Carried. Trustee Heinz, Felten, Keck, Mattingly, Watermann, Lee voting yea.

C. Adrian Saidal, 118 Hamlet Circle, Regarding Overnight Parking on Village Streets.

Mr. Saidal asked that the Board consider limiting parking on Village streets. His vehicle has been broken into on several occasions and he believes such a limit would make neighborhoods more secure. Village President Michelini thanked Mr. Saidal for his comments and told him his suggestion would be taken under consideration.

Board, Commission, and Committee Reports

A. Beautification Committee – Trustee Jeanne Felten

The next meeting will be held Wednesday, September 19, 2007 at 6:00 p.m. at the Village Hall.

B. Development Committee – Trustee Lloyd Mattingly

The next meeting will be Thursday, September 27, 2007 at 7:30 a.m. at the Village Hall.

C. Finance Committee – Trustee Jeannie Felten

The next meeting will be Wednesday, September 12, 2007 at 6:30 p.m. at the Village Hall.

D. Historic Preservation Commission – Village President Marilyn Michelini

The next meeting will be held Monday, September 17, 2007 at 6:30 p.m. at the Village Hall.

E. Intergovernmental and Community Committee- Trustee Peter Heinz

The next meeting will be held Tuesday, September 18, 2007 at 8:00 a.m. at the Village Hall.

Consent Agenda

- A. *Minutes of the Committee of the Whole Meeting of July 17, 2007.*
- B. *Minutes of the Village Board Meeting of July 23, 2007.*
- C. *Minutes of the Special Village Board Meeting of August 8, 2007.*
- D. *Accounts Payable through August 21, 2007 in the Amount of \$1,968,505.65.*
- E. *Building Report for the Month of July 2007.*
- F. *Accounts Receivable Report for the Month of July 2007.*
- G. *Resolution 07-014 Authorizing Participation in the Assist 2007 Homebuyer Assistance Program.*
- H. *Recommendation of the Finance Committee Regarding a Letter of Credit Reduction for Saratoga Springs from \$2,780,440.65 to \$735,830.05.*
- I. *Recommendation of the Finance Committee Regarding a Letter of Credit Reduction for Blackberry Creek Retail Development from \$848,000 to \$98,000.*
- J. *Recommendation of the Finance Committee Regarding a Letter of Credit Reduction for Orchard Prairie North from \$2,609,982.01 to \$720,866.28.*
- K. *Ordinance 1329 Authorizing the Execution of the Illinois Elevator Safety Program Agreement with the Office of the State Fire Marshall (Waiver of First and Passage on Second Reading).*
- L. *Intergovernmental Agreement with Fox Valley Park District for Police Mutual Aid.*

Trustee Felten moved **to approve the Consent Agenda.** Trustee Keck seconded this motion.

6 Yea. 0 No. Motion Carried. Trustee Felten, Keck, Mattingly, Watermann, Lee, Heinz voting yea.

Items for Separate Action

A. Recommendation of the Plan Commission on PC 07-023 Z Revising Section 8 Residential District of the Zoning Ordinance to Create a Special Use for Indoor Sports Facilities (Waiver of First and Passage on Second Reading).

Director Tompkins explained that staff is trying to be proactive by looking for ways to protect adjacent residential from adverse impacts. Therefore, staff is recommending that Village residential districts be amended to add Indoor Sports Facilities as a Special Use in those categories. This will allow the Board to review proposals for such uses and negate any adverse impact on the community.

Trustee Mattingly moved **to Waive First and Pass on Second Reading PC 07-023Z Revising Section 8 Residential District of the Zoning Ordinance to create a Special Use for Indoor Sports Facilities Facilities.** Trustee Felten seconded this motion.

6 Yea. 0 No. Motion Carried. Trustee Mattingly, Watermann, Lee, Heinz, Felten, Keck voting yea.

B. Ordinance 1327 Updating Section 8 Residential Districts of the Montgomery Zoning Ordinance to Create a Special Use for Indoor Sports Facilities (Waiver of First and Passage on Second Reading).

Ordinance 1327 creates the Special Use for Indoor Sports Facilities.

Trustee Mattingly moved **to Waive First and Pass on Second Reading Ordinance 1327 Updating Section 8 Residential Districts of the Montgomery Zoning Ordinance to Create a Special Use for Indoor Sports Facilities.** Trustee Felten seconded this motion.

6 Yea. 0 No. Motion Carried. Trustee Mattingly, Watermann, Lee, Heinz, Felten, Keck voting yea.

C. Ordinance 1330 Amending Chapter 3, Section 3-9, of the Village Code Increasing the Number of Class "C" Liquor License (Waiver of First and Passage on Second Reading).

A Class "C" Liquor License authorizes the sale of liquor in original packages only, not for consumption on the premises where it was sold. Chief Schmidt commented that this will be the fourth Class "C" License issued by the Village. He reminded the Board that the State of Illinois requires the local license be approved and issued prior to their issuing a State Liquor License. Wal-Mart is anxious to move forward on this request so they can start stocking the store for the upcoming grand opening. In response to an inquiry from Trustee Mattingly regarding background checks, Chief Schmidt advised that he is waiting for some fingerprint returns, but everything else is in order.

Trustee Heinz moved **to approve Ordinance 1330 Amending Chapter 3, Section 3-9, of the Village Code Increasing the Number of Class "C" Liquor License for the Montgomery Wal-Mart Store (Waiver of First and Passage on Second Reading).** Trustee Keck seconded this motion.

6 Yea. 0 No. Motion Carried. Trustee Heinz, Felten, Keck, Mattingly, Watermann, Lee voting yea.

D. Agreement with Comcast Cable Communication Inc. Regarding the Relocation of Utilities along River Street for the New Village Hall in the Amount of \$57,750.56.

Assistant to the Village Manager Johnson reminded the Board that they had already seen two similar agreements come before them; one for AT&T and one for Commonwealth Edison. This agreement with Comcast Cable Communications authorizes the relocation of overhead cable to underground in the downtown area at a cost of \$57,750.56.

Trustee Heinz moved **to approve an agreement with Comcast Digital Cable to relocate their utilities underground in the downtown area at a cost not to exceed \$57,750.56.** Trustee Felten seconded this motion.

6 Yea. 0 No. Motion Carried. Trustee Heinz, Felten, Keck, Mattingly, Watermann, Lee voting yea.

E. Ordinance 1331 Amending Chapter 4 of the Village Code Regarding Animal Control (First Reading).

Staff has drafted an amended Animal Control Ordinance for the Board's review. Changes include:

- A provision for offspring of pets or young animals to remain in the household for up to six months from the date of birth.
- Implement a \$50.00 fine for at large animals if paid within seven days of the issuance or \$125.00 if not paid within this timeframe.
- Changed the reference from Seeing Eye Dogs to Service Animals.
- Restated that the maximum number of pets is four, not to exceed two dogs or two cats.

A draft of the language associated with micro-chipping animals and the fines associated with animals at large was also submitted for review. The Aurora Animal Control facility will micro chip pets for a \$15.00 fee.

Trustee Lee has received a number of comments from Village residents on this issue. He reminded the Board that data collected by staff and presented at the last Committee of the Whole Meeting indicated that Montgomery was more prohibitive than surrounding communities in regard to the number of pets allowed: 87% of those polled allow three or four dogs. He reiterated that it is irresponsible pet owners, not the pets themselves that are nuisances, and indicated he has no problem going to three of any species not to exceed a total of four.

Trustee Mattingly has received similar comments. He reminded the Trustees that the Board has always worked to meet or exceed standards set by other communities in the surrounding area, and this issue should be no exception.

Trustee Keck has received comments supporting the current Ordinance, with some residents asking if breed specific language could be incorporated. Trustee Heinz and Trustee Felten are not in favor of changing the current ordinance.

Trustee Watermann moved **to table First Reading of Ordinance 1331 Amending the Animal Control Ordinance until the September 10th Village Board Meeting.** Trustee Lee seconded this motion.

6 Yea. 0 No. Motion Carried. Trustee Watermann, Lee, Heinz, Felten, Keck, Mattingly voting yea.

F. Traffic Signal and Intersection Improvements at Orchard Road and Rochester Drive (To Be Distributed).

Staff has had ongoing discussions with Kane County regarding widening that portion of Orchard Road that is within the Village limits and installation of a traffic signal at Rochester Drive. Work is currently in process to widen Orchard Road to just south of Cornell Avenue. Manager Gaura reminded the Board that the Village worked with business owners in this area several years ago to fund an extension of Cornell Drive to Rochester Drive, which will allow those businesses access to southbound Orchard Road. Once this current roadwork is completed, Cornell Avenue will be right-in and right-out only.

Staff has suggested to the Kane County Department of Transportation that they consider installing a temporary traffic signal and road improvements at the intersection of Orchard and Rochester to help alleviate traffic congestion on this section of road. KDOT seems to be receptive to this idea. They estimate the cost will be in the neighborhood of \$500,000 and are seeking a 50/50 cost sharing with the Village for this project.

Village Gaura outlined the sources available to the Village to fund this project:

- Revolving Loan Fund as a grant for infrastructure improvements.
- Coordination of a Special Service Area.
- Contributions from affected land owners.
- Motor Fuel Tax Funds.

Since this expenditure is not included in the 2008 Budget, Kane County would have to agree not to seek the Village's contribution until after the May 1, 2008.

The Village Manager asked that she be given authority to move forward on coordinating this project with the appropriate Kane County officials under the following conditions:

- 50/50 Cost Sharing
- Willingness of the County to install temporary signals and improvements as soon as possible.
- Agreement not to seek the Village's contribution until after May 1, 2008.

Trustee Keck is not in favor of asking businesses in that area to contribute to these improvements. It is his recommendation that the Village use monies from the Revolving Loan Fund and Motor Fuel Taxes.

Director Pubentz told the Board that the Kane Council of Mayors may have monies to help fund this project also. In response to an inquiry from Trustee Keck, Village Engineer Wallers confirmed that the signal at Rochester should synch with the existing traffic light at Jericho.

Trustee Keck moved **to direct Staff to work with the Kane County Department of Transportation on the installation of a traffic signal at Rochester Drive and Orchard Road by the end of the Fall construction season.** Trustee Heinz seconded this motion.

6 Yea. 0 No. Motion Carried. Trustee Keck, Mattingly, Watermann, Lee, Heinz, Felten voting yea.

Items for Discussion

There were no Items for Discussion this evening.

New or Unfinished Business

Public Works Inquiry

Trustee Heinz asked Director Pubentz to check the shoulder on the Montgomery Road curves. Director Pubentz advised that he is waiting for a vendor to provide some PVC piping to route. Trustee Heinz also asked him to find out if anyone has mowed the east side ditch this year.

Flood

Village Manager Gaura thanked Director Pubentz, Chief Schmidt, Village Hall staff and Village Engineers Wallers for their efforts in helping minimizing damage during the recent heavy rains and subsequent flooding of the Fox River.

Executive Session

There was no Executive Session this evening.

Future Meetings

Village Board Meeting - Monday, September 10, 2007 at 7:00 p.m.
Plan Commission Meeting - Thursday, September 13, 2007 at 7:00 p.m.
Committee of the Whole Meeting - Tuesday, September 18, 2007 at 7:00 p.m.
Village Board Meeting - Monday, September 24, 2007 at 7:00 p.m.

Adjournment – 8:30 p.m.

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

6 Yea. 0 No. Motion Carried. Trustee Heinz, Felten, Keck, Mattingly, Watermann, Lee voting yea.

Barbara G. Argo
Village Clerk