

**Village of Montgomery
200 North River Street
Montgomery, Illinois 60538**

**Village Board Meeting
June 22, 2009**

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 Kaczmarek	Yea	Trustee Watermann	Yea
Trustee Lee	Yea	Trustee Heinz	Yea

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

Public Participation

A. *Public Hearing on an Amendment to the Annexation Agreement for Blackberry Crossing West.*

Village President Michelini called the Public Hearing to order at 7:03 p.m. Village Attorney Andersson explained that this amendment simply adds a new model of home that can be built in the Blackberry Crossing West development. Hearing no questions or comments from the Board or the Audience, Village President Michelini closed the Public Hearing at 7:05 p.m.

B. *Cindy Adams, 453 North River Street, Regarding Mill District Rezoning.*

Ms. Adams has lived in Montgomery for forty plus years. She expressed concern with the proposed Mill District and stated that a number of property owners in that area have no interest in being included in this rezoning. A petition opposing this change has been circulated and signed by residents and was submitted to the Board for review. Ms. Adams asked the Board to take into consideration the concerns of these residents prior to making a final decision on this matter.

C. *Jodie Hough, 188 Holmes Place, Regarding Fieldstone Place.*

Ms. Hough presented a petition to the Board on behalf of the homeowners in Fieldstone Place. She asked that the Village hold Grand Pointe Homes responsible for eliminating areas that fill with standing water and the noxious weeds that have overrun common areas and empty lots. She asked that the Board of Trustees ensure the safety of residents in this area by making Grand Pointe Homes accountable for these maintenance issues.

Village Attorney Andersson advised that the Development Committee met last month to discuss these issues. Options available to the Village in this matter range from continuing to encourage the developer to take responsibility for these issues to pulling the bonds and letters of credit and having the Village try to complete the improvements as far as those funds will allow. Staff will continue to try and work with the developer. The Village Attorney has also moved forward with Notices to Appear to the developer.

Board, Commission and Committee Reports

A. Beautification Committee – Trustee Jeanne Felten

The Beautification Committee will meet on Wednesday, July 15, 2009 at 6:00 p.m. at the Village Hall.

B. Development Committee – Trustee Rob Watermann

The Development Committee will meet on Thursday, June 25, 2009 at 7:30 a.m. at the Village Hall.

C. Finance Committee – Trustee Bill Keck

The Finance Committee Meeting scheduled for July 8, 2009 has been canceled. The next Meeting will be held on Wednesday, August 12, 2009 at 6:30 p.m. at the Village Hall.

D. Historic Preservation Commission - Village President Marilyn Michelini

The Historic Preservation Commission will meet Monday, July 20, 2009, at 6:30 p.m. at the Village Hall.

E. Intergovernmental and Community Committee - Trustee Denny Lee

The Intergovernmental and Community Committee will meet on Tuesday, July 21, 2009 at 8:00 a.m. at the Village Hall.

F. Montgomery Anniversary Committee - Trustee Bill Keck

The Montgomery Anniversary Committee will meet on Monday, June 29, 2009 at 6:30 p.m. at the Village Hall.

Consent Agenda

Village President Michelini advised that one of the Trustees has asked that the following items be removed from the Consent Agenda.

J. Resolution 09-017 Authorizing the use of MFT Funds for Municipal Maintenance in the Amount of \$117,168.17.

K. Addendum to the Security System and Services Agreement for the Interview Room Recording System with Alarm Detection Systems, Inc. in the Amount of \$10,318.00.

N. Waiver of Bid and Award of a Contract to TruGreen of Plainfield IL for FY 2010 Fertilizer and Weed Control Services in the Amount of \$23,275.20.

They will be discussed under Items for Separate Action.

A. Minutes of the Special Village Board Meeting of May 19, 2009.

B. Minutes of the Committee of the Whole Meeting of May 19, 2009.

C. Minutes of the Village Board Meeting of May 26, 2009.

D. Accounts Payable through June 16, 2009 in the Amount of \$485,776.09.

E. Building Report for the Month of May 2009.

F. Accounts Receivable Report for the Month of May 2009.

G. Cancellation of the Village Board Meeting of July 13, 2009.

H. Ordinance 1423 Authorizing the Execution of the Fifth Amendment to the Annexation Agreement for the Blackberry Crossing Addition (Ryland) Property (Waiver of First and Passage on Second Reading).

I. Ordinance 1424 Regulating the Wages of the Village (Waiver of First and Passage on Second Reading).

L. Recommendation of the Development Committee on Bond Reductions for Balmorea Units 1, 2 and 3.

M. First Amendment to the Lime Sludge Removal and Disposal Agreement with Synagro Central L.L.C. in an Amount Not to Exceed \$50,000.00.

O. Waiver of Bid and Award of a Contract for Pavement Marking Services to Perform Traffic Control Systems Ltd. of Elk Grove Village, IL for an Amount Not to Exceed \$15,000.00.

P. The United States Conference of Mayors Deferred Compensation Program, the Deferred Compensation Plan for Public Employees, Loans to Participants Amendment to Plan Document.

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

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

Items for Separate Action

A. Recommendation of the Zoning Board of Appeals on ZBA 099-11 V on a Ground Sign Height Variance for 1420 South East River Road.

Director Tompkins explained that the Riverview Diner is seeking a variance that will allow them to erect a sign 13 feet 6 inches tall, which exceeds the 6-foot maximum height allowed under current Village ordinances. The new sign height and position would provide greater visibility from Route 25. Another option would be to erect a sign on the property that fronts Mill Street.

Both Trustee Heinz and Trustee Keck stated they had no issue with allowing this variance. Village President Michelini agreed, stating it was important to support businesses in the Village. Trustee Lee argued that there were other placement options available that would be in conformance with Village regulations.

Village Attorney Andersson reminded the Board that variances should only be allowed when the strict standards that are in the ordinance for granting a variance are met. If this criteria cannot be met, then the variance should not be granted. If the Board determines it does not agree with the stipulations contained in an ordinance, then it should fix the ordinance.

Trustee Watermann moved **to table a Recommendation of the Zoning Board of Appeals on ZBA 099-11V on a Ground Sign Height Variance for 1420 East River Road.** Trustee Felten seconded this motion.

5 Yea. 1 No. Motion Carried. Trustee Watermann, Lee, Heinz, Felten, Keck voting yea. Trustee Kaczmarek voting no.

B. Recommendation of the Zoning Board of Appeals on ZBA09-012 for a Variance for a Detached Garage Size for 170 Sherman Avenue.

The Petitioner has asked that this item be tabled until the July 27, 2009 Village Board Meeting.

Trustee Heinz moved **to table a Recommendation of the Zoning Board of Appeals on ZBA09-012 for a Variance for a Detached Garage Size for 170 Sherman Avenue until the July 27th 2009 Village Board Meeting.** Trustee Felten seconded this motion.

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

C. Agreement between the Village of Montgomery and Operating Engineers, Local 150 (Public Employees Division).

Assistant to the Village Manager Johnson reminded the Board that staff has been in negotiations with this union since February 2005. On April 15, 2009 the Village and the International Union of Operating Engineers Local 150 (Public Employees Division) reached a tentative settlement agreement. The bargaining unit members have already ratified this agreement. A summary of the economic and non-economic items included in the agreement was detailed and include:

- Wages, Merit Increases and Performance Evaluations
- Insurance
- Hours of Work
- Certification Pay
- Overtime Distribution
- Uniforms
- Sick Time
- Vacation
- Residency
- Duration of the Agreement. This Agreement will be in effect until April 30, 2012.

Trustee Watermann moved **to approve an Agreement between the Village of Montgomery and Operating Engineers, Local 150 that will be effective until April 30, 2012.** Trustee Lee seconded this motion.

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

D. Intergovernmental Agreement with the Aurora Township Fire Protection District for Dispatch Services.

Chief Schmidt is seeking approval from the Board to enter into an Agreement with the Aurora Township Fire Protection District for dispatch services. With the addition of Aurora Township, the Police Department will divide their dispatch personnel budget equally between the six entities utilizing those services. Mapping and maintenance fees are also charged to each of the Fire Protection Districts.

Trustee Felten moved **to approve an Intergovernmental Agreement with Aurora Township Fire Protection District for Dispatch Services.** Trustee Lee seconded this motion.

5 Yea. 0 No. Motion Carried. Trustee Felten, Keck, Kaczmarek, Heinz voting yea. Trustee Watermann abstained.

E. Resolution 09-017 Authorizing the use of MFT Funds for Municipal Maintenance in the Amount of \$117,168.17.

Director Pubentz advised that these funds will be used to pay for road salt used the previous winter and approved in the previous budget. Approximately \$15,000 is targeted for tree trimming and removal as a result of high winds in August of 2008.

Trustee Lee moved **to approve Resolution 09-017 Authorizing the Use of MFT Funds for Municipal Maintenance in the Amount of \$117,168.17.** Trustee Felten seconded this motion.

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

F. Addendum to the Security System and Services Agreement for the Interview Room Recording System with Alarm Detection Systems, Inc. in the Amount of \$10,318.00.

Chief Schmidt is seeking approval from the Board to procure a recording system for the Police Department Interview Room. He explained that Illinois mandates the recording of some police interrogations, and the current system is tied into the security system. Alarm Detection Services will separate the two systems and upgrade the Interview Rooms to a stand-alone system. Funding for this upgrade will be provided from the Forfeiture and Seizure Fund.

Trustee Watermann moved **to approve the Addendum to the Security System and Services Agreement for the Interview Room Recording System with Alarm Detection Systems, Inc. in the Amount of \$10,318.00.** Trustee Felten seconded this motion.

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

G. Waiver of Bid and Award of a Contract to TruGreen of Plainfield IL for FY 2010 Fertilizer and Weed Control Services in the Amount of \$23,275.20.

Director Pubentz advised that TruGreen will provide fertilizer and weed control for the 2009 season. TruGreen has done Village-owned property for a number of years and they have always provided high quality work. This quote includes two applications. Trustee Kaczmarek questioned the cost and asked if another quote could be obtained. Staff advised it was too late in the session to identify and bring on board a new provider. It was suggested that concerns of this nature should be addressed at the committee level prior to coming before the Board.

Trustee Heinz moved **to approve a Waiver of Bid and Award of a Contract to TruGreen of Plainfield, Illinois in the Amount of \$23,275.20 for Fertilizer and Weed Control Services.** Trustee Felten seconded this motion.

5 Yea. 1 No. Motion Carried. Trustee Heinz, Felten, Keck, Watermann, Lee voting yea. Trustee Kaczmarek voting no.

Items for Discussion

A. Riva Ridge Fire Water Use.

Engineer Wallers prepared a summary of water use at the residential fire at 2415 Riva Ridge Road in the Blackberry Crossing West subdivision. The fire lasted for approximately 90 minutes and was classified as a two-alarm blaze. The fire departments operated five separate pumping units, including an aerial unit.

- Volume of Water Used: 40,000 gallons

- Maximum Rate of Flow: 2000 to 3000 gallons per minute
- Hose Streams: 2 - Master Steams/4 - 2 1/2" streams
- Classification: 2 Alarm

Assistant Chief Fairfield confirmed that there were no water limitations at the scene.

New or Unfinished Business

A. *Maple Trees*

Trustee Keck has received inquiries from several residents regarding maple trees dying this summer. He asked Director Pubentz to check into this inquiry and report back to the Board at a future meeting.

Executive Session - 8:20 pm

Trustee Felten moved **to adjourn to Executive Session to discuss:**

A. 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) and

B. Employment of an Employee Pursuant to 5ILCS 120/2(c)(1).

Trustee Watermann seconded this motion.

6 Yeas. 0 No. Motion Carried. Trustee Felten, Keck, Kaczmarek, Watermann, Lee, Heinz voting yea.

Meeting Reconvened - 8:50 p.m.

Village President Michelini called the Meeting back to order at 8:50 p.m.

Items for Separate Action

A. *Report on Closed Session Minutes.*

Village Attorney Andersson stated that the Board is required to review Executive Session Minutes every six months to determine if there are any that should be released. Based on a review of Executive Sessions Minutes, it has been determined that one set of Minutes will be released. These are the Minutes from the December 8, 2008 Executive Session, which is the review for the second half of 2008 Executive Minutes.

Trustee Heinz moved **to Release the Executive Session Minutes dated December 8, 2008.** Trustee Watermann seconded this motion.

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

B. *Employment Agreement.*

Village President Michelini asked the Board for a motion to approve the Employment Agreement for the Village Manager Anne Marie Gaura.

Trustee Felten moved **to approve an Employment Agreement with the Village Manager Anne Marie Gaura.** Trustee Lee seconded this motion.

4 Yea. 3 No. Motion carried. Trustee Felten, Watermann, Lee voting yea. Trustee Keck, Kaczmarek, Heinz voting no. Village President Michelini voting yea.

Future Meetings

- A. Plan Commission Meeting - Thursday, July 16, 2009 at 7:00 p.m.
- B. Committee of the Whole Meeting - Tuesday, July 21, 2009 at 7:00 p.m.
- C. Village Board Meeting - Monday, July 27, 2009 at 7:00 p.m.

Adjournment – 9:05 p.m.

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

6 Yea. 0 No. Motion carried. Trustee Heinz, Felten, Keck, Kaczmarek, Watermann, Lee voting yea.

Barbara G. Argo
Village Clerk