

President Matt Brolley called the meeting to order at 7:01 p.m. followed by the Presentation of the Colors by Boy Scout Troop 12 and the Pledge of Allegiance.

**Roll Call**

Trustee Gier	Yea	Trustee Betsinger	Yea
Trustee Sperling	Yea	Trustee Jungermann	Yea
Trustee Lee	Yea	Trustee Marecek	Yea

Also present: Administrator Jeff Zoephel, Attorney Pete Wilson, Chief of Police Phillip Smith, Deputy Chief Armando Sanders, Director of Community Development Rich Young, Director of Finance Justin VanVooren, Director of Public Works Mark Wolf, Engineer Peter Wallers, Deputy Clerk Debbie Buchanan, Members of the Press and others.

**Public Participation**

**A. Public Comments (Two Minute Opportunity).**

There were no public comments this evening.

**B. Public Hearing on Frelk SSA.**

President Brolley opened the Public Hearing on the Frelk SSA at 7:05pm. Hearing no comments, President Brolley closed the Public Hearing at 7:05 pm.

**C. Suicide Awareness Proclamation.**

Trustee Sperling moved to approve the Suicide Awareness Proclamation. Trustee Marecek seconded this motion.

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

**D. Recognition of Montgomery Fest Volunteers.**

Trustee Lee reviewed areas of responsibility for this year's Montgomery Fest, thanked all volunteers for their hard work, and presented certificates to the volunteers. Dan Dittman was presented with a plaque honoring him for serving 8 years as head car show judge.

A short recess was taken at 7:17pm. The meeting resumed at 7:23 pm.

**Consent Agenda**

- A. Minutes of the Village Board Meeting of July 22, 2019.
- B. Building Report for July 2019.
- C. May 2019, June 2019 and July 2019 Accounts Receivable Reports.
- D. Water Usage Report for July 2019.
- E. Accounts Payable through August 8, 2019 in the Amount of \$819,625.48
- F. Accounts Payable through August 22, 2019 in the Amount of \$714,563.81.
- G. Appointment by the Village President of Brian Baier, 2062 William Drive, to the Board of Police and Fire Commissioners to Fill a Vacancy through April 30, 2020.

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

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

<b>Items for Separate Action</b>
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**A. Recommendation of the Plan Commission on PC 2019-012 FP Final Plat in the Ogden Hill Commercial Subdivision – Inland National Development Company, LLC.**

President Brolley introduced this item and explained it is related to Item B, Ordinance 1864.

Director Young explained that item is for approval of a Final Plat for a small subdivision of an outlot in Ogden Hill for a 3,600 sf medical center. Cross access has been worked out to the satisfaction of all parties, including the Fire Protection District. This will be a doctors' office building.

Trustee Marecek moved to approve the Recommendation of the Plan Commission on PC 2019-012 FP Final Plat in the Ogden Hill Commercial Subdivision – Inland National Development Company, LLC. Trustee Gier seconded this motion.

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

**B. Ordinance 1864 Approving a Final Plat in the Ogden Hill Commercial Subdivision (Inland National Development Company, LLC) (First Reading).**

President Brolley stated this is the ordinance that would approve the Final Plat for the medical building. There was consensus to place this item on the Consent Agenda for the next meeting.

**C. Ordinance 1865 Amending Chapter 16 ½ of the Village Code (Raffles) (First Reading).**

Attorney Wilson explained that State law regarding raffles changed effective July 1<sup>st</sup>, so this ordinance will bring the Village Code back into compliance with State law. One change is that raffle tickets can be sold outside the Village. Board members were in consensus to place this item on the Consent Agenda for the next meeting.

**D. Award of a Contract to Brandt Excavating for the Marviray Manor and Downtown Lead Water Service Line Replacement in the Amount of \$1,060,741.25.**

Engineer Wallers explained that this project will replace approximately 105 lead service lines. Bids came in about \$70,000 under the estimate, and the low bidder is experienced in this type of work. The Village has submitted to the IEPA for a low-interest loan that offers 100% loan forgiveness up to \$1 million. Staff is requesting approval of intent to award this contract once the IEPA approves all the paperwork.

Engineer Wallers also explained the process for completing the work. The contractor will make appointments with the 105 residents. There will be a public meeting on September 17<sup>th</sup> at which all questions will be answered and explained. They hope to start the work in October, dependent upon IEPA approval of the loan. They would do as much work as possible this season, then complete it in the spring. There will be some street restoration this year, but that will be included in next year's IRP.

Trustee Betsinger asked what would happen if IEPA approval is delayed and work cannot start this year? Engineer Wallers said the bid was for work this year and next, so the delay should not affect the price. President Brolley emphasized that we are getting a \$1 million grant to do a \$1 million project. After completion, we won't have any lead service lines in the Village, which is a huge thing to cross off our list.

Trustee Gier moved to approve the Award of a Contract to Brandt Excavating for the Marviray Manor and Downtown Lead Water Service Line Replacement in the Amount of \$1,060,741.25, Pending Approval and Issuance of the IEPA Loan. Trustee Jungermann seconded this motion.

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

**E. Professional Services Agreement with Engineering Enterprises, Inc. for Construction Engineering for the Marviray Manor and Downtown Lead Water Service Line Replacement.**

Director Wolf explained the agreement with EEI. The engineer's estimate is \$159,500 and is largely for construction observation. The contract estimates the contractor can replace two service lines per day, but if they can do more it would reduce the costs of construction observation.

Trustee Marecek **moved to approve the Professional Services Agreement with Engineering Enterprises, Inc. for Construction Engineering for the Marviray Manor and Downtown Lead Water Service Line Replacement.** Trustee Gier seconded this motion.

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

**F. Public Infrastructure and Development Agreement between the Village of Montgomery, Jericho & Orchard, LLC and Daniel Deufel.**

Director Young explained this agreement is related to the southwest corner of Jericho & Orchard Roads. There is need for a water detention facility, and there has been a long-standing draft agreement for this property with the owners across the road to the east in exchange for a monetary amount to the Village. The detention facility can be enlarged and would allow for development on a smaller parcel on the east side of Orchard Road. This tri-party agreement was in the works before Ricky Rockets proposed their project. Staff recommends approval subject to engineering and attorney review.

Trustee Sperling inquired if there will be a culvert under the road to direct the water to that area. Engineer Wallers stated a culvert was installed when Orchard Road was widened to convey the stormwater to the east. The area to the east will be deepened to provide for more buildable area. The third party to the agreement is the Deufel family, who owns the property on the east side of Orchard Road. There are no specific development plans for that property yet.

Trustee Jungermann **moved to approve the Public Infrastructure and Development Agreement between the Village of Montgomery, Jericho & Orchard, LLC and Daniel Deufel, subject to Engineering and Attorney Review.** Trustee Marecek seconded this motion.

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

**G. Resolution 2019-011 Rebating Fees for New Residential Construction.**

Director Young stated this resolution would rebate fees on new residential construction only, similar to the resolution passed two years ago. It does not apply to renovations, only new single-family home construction in all areas of the Village. There has been an uptick in permits in the past years, but it helps to have this rebate in place, as there are still a number of lots available and this rebate helps our builders to compete with nearby communities. It only rebates Village fees, such as tap-on fees, etc. and does not take away from other taxing bodies. Staff recommends renewing the rebate for another two years and reevaluating at that time. It would also apply to any new subdivisions approved in the next two years. President Brolley reminded the Board this rebate was first passed in 2012 and then was reinstated two years ago.

Trustee Marecek **moved to approve Resolution 2019-011 Rebating Fees for New Residential Construction.** Trustee Jungermann seconded this motion.

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

**H. T-Mobile First Amendment to Lease Agreement.**

Administrator Zoepfel stated that Verizon built a monopole on the Well 8 site and the Village is trying to relocate other antennas from the water tower to the monopole. T-Mobile is responsible for moving their antenna and for any repairs that would be needed.

Trustee Marecek **moved to approve the T-Mobile First Amendment to Lease Agreement.** Trustee Gier seconded this motion.

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

**I. Intergovernmental Agreement with Fox Valley Park District Regarding Police Services.**

Chief Smith stated this agreement will renew our previous agreement with the Fox Valley Park District for mutual aid and has been reviewed by counsel.

Trustee Gier **moved to approve the Intergovernmental Agreement with Fox Valley Park District Regarding Police Services.** Trustee Marecek seconded this motion.

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

**J. Rotary Club Request for Temporary Liquor License and Waiver of Fee.**

Trustee Sperling recused herself from the discussion and left the meeting.

Administrator Zoepfel said the Rotary Club is planning a block party on October 5<sup>th</sup> from 10am to 3pm with a beer tent. Their request includes some extra time for set up and take down.

Trustee Marecek **moved to approve the Rotary Club Request for Temporary Liquor License and Waiver of Fee.** Trustee Jungermann seconded this motion.

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

Trustee Sperling rejoined the meeting following the vote.

<b>Items for Discussion</b>
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**A. Municipal Regulation of Recreational Cannabis.**

Director Young explained that since the State has legalized cannabis effective January 1, 2020, there are municipal issues to consider, such as whether to allow cannabis-related businesses, and if so, there are zoning, taxation and other considerations. If the Board wishes to allow the sale of cannabis, staff recommends making it a special use in the business district. Staff also recommends a special use for dispensary and cultivation. The Village has the authority to set hours of operation, distances to other types of businesses, and whether to allow on-premise consumption. Taxation includes a State-wide tax, but Villages and Counties can add impose up to a 3% tax on cannabis.

Attorney Wilson stated that the Village can prohibit or regulate any or all of the types of cannabis-related businesses. Private consumption will be legal, so the option is for the Village to regulate if is sold, grown or dispensed here and if we want to tax it.

A lengthy discussion ensued regarding locations, number of facilities, and zoning issues. Director Young clarified that no applicant has approached staff regarding a cannabis business, but it would be best to have it on the books before the question arises. The Board generally agreed they would like all cannabis uses to be special uses.

Questions were raised about related law enforcement issues. Chief Smith said that currently there is not an approved procedure or device to gage someone's level of intoxication from cannabis. Attorney Wilson explained that the State law provides limits on how much a person can possess, and even within the legal limit it must be in a sealed, child-proof container when in a vehicle.

President Brolley said if the Village is going to allow cannabis, we should max out the retail tax and earmark those funds for our Police Department or for schools for drug/alcohol education. Attorney Wilson said the Village can regulate cannabis similar to liquor licenses, in regards to limiting the locations, hours, number of locations, consumption on or off premises, etc. Board members were interested in pursuing those types of controls, possibly by adopting ordinances similar to surrounding communities or order to benefit the entire area.

President Brolley asked Board members to forward any questions to Director Young.

**B. Metra's Commuter Rail Station Guidelines.**

Director Young relayed that Metra is doing a BNSF extension survey and has asked municipalities along the extension line for input on the type of Metra station they want in their community. Based on projected ridership, Metra anticipates we would need a 1,858 sf facility. Metra provides a basic design of a waiting area with benches, but there are additional options for vendor space, a/c, restrooms, etc. that we would need to pay for. This is the early stage, but for planning purposes they would like to know if we want a basic functional facility or additional amenities.

Trustee Betsinger questioned if we want a Metra station here and why. Director Young explained that staff and previous boards felt it would revitalize the downtown area. President Brolley stated that Metra will not extend to Montgomery only, but will go into Oswego and Yorkville and if there is ridership here, that would help development in the area.

President Brolley suggested staff should use existing plans as a starting point for planning purposes. Trustee Sperling asked about parking and parking fees. Director Young stated any parking fees would go to the Village as it would be a municipal lot. He asked Board members to forward any thoughts to him so he can respond to Metra.

**New or Unfinished Business**

Trustee Gier announced Arbor Day would be celebrated on September 21<sup>st</sup> at 9am at the Police Department. There is room to eventually plant up to 20 trees around the silo there, but this year they would like to plant a tree where one is missing. Arborist Ed Pfaff will have a long-term plan ready for planting around the silo for the April 2020 Arbor Day, which could possibly include benches. Corinne Vargas will issue a press release on this event.

Trustee Gier said people have asked about a memorial of some kind for Pete Heinz, and suggested that a future Public Works facility could be dedicated to him or have his name put on the building due to his long-time association with the Public Works Department. President Brolley said it is a great time to bring that up and find a way to honor him and include that in the planning of a new facility.

Trustee Marecek said the first planning meeting for the Police Department Halloween Safety Event was on Saturday. They need a lot of volunteers and suggested the Boy Scouts might like to volunteer to run games. The next planning meeting is on the day of the Arbor Day planting.

Trustee Marecek also said he went to a bowling tournament for the Aurora Area Convention and Visitor Bureau. There are two pro bowlers who are Montgomery residents, so they brought the tournament here. Then on Sunday he went to

the retiring of the colors at the VFW and around 80 flags were retired. Boy Scouts and Cub Scouts were there and it was great to see the veterans working with the young men on properly retiring the flags.

**Future Meetings**

- A. Plan Commission—Thursday, September 5, 2019 at 7:00 p.m. (Canceled)
- B. Village Board Meeting—Monday, September 9, 2019 at 7:00 p.m.
- C. Historic Preservation Commission—Monday, September 16, 2019 at 6:30 p.m. (May Be Canceled)
- D. Committee of the Whole—Tuesday, September 17, 2019 (May Be Canceled)
- E. Beautification Committee—Wednesday, September 18, 2019 at 6:00 p.m. (New Date)
- F. Intergovernmental Committee—Monday, September 23, 2019 at 6:00 p.m.
- G. Village Board Meeting—Monday, September 23, 2019 at 7:00 p.m.

**Executive Session: None**

**Adjournment: 8:26 p.m.**

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

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

Respectfully submitted,

Debbie Buchanan  
Deputy Village Clerk