

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	Yea
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, Engineer Peter Wallers, Chief of Police Phillip Smith, Clerk Penny Fitzpatrick, Members of the Press and others.

President Brolley advised the meeting was being held both in person and remotely pursuant with the Governor's Executive Order regarding the pandemic. He inquired and Administrator Zoepfel discussed whether future Board meetings would continue to be conducted in the current format going forward.

Public Participation

A. Swearing In of New Elected Officials.

President Brolley amended the agenda order and handled the Swearing In of Newly Elected Officials as the first item under Public Participation. Administrator Zoepfel introduced Chief Judge Pilmer who presided over the Oath of Office Declarations for Village Clerk Penny Fitzpatrick, Village Trustees Matt Bauman, Thomas Betsinger, Steve Jungermann, Theresa Sperling and Village President Matthew Brolley. President Brolley thanked Judge Pilmer and Police Chief Smith for their assistance and noted his appreciation for being re-elected to be able to serve the community with the Village Board and staff for the next four years.

B. Public Comments.

Montgomery Foundation Scholarship Committee Member, Marion Bond, shared that scholarship applications from Montgomery high school seniors would be accepted through June 2021. She advised that applications and scholarship instructions were available on their website at themontgomeryfoundation.com and requested staff and the Board share this scholarship opportunity with eligible and interested candidates. President Brolley and Trustee Jungermann thanked her for this opportunity for local students.

President Brolley inquired and Administrator Zoepfel confirmed that no further Public Comments were received for the meeting.

Consent Agenda

- A. Minutes of the Village Board Meeting of April 26, 2021.
- B. Executive Session Minutes of April 20, 2021.
- C. Building Report for April 2021.
- D. Accounts Receivable Report for April 2021.
- E. Water Production Report for April 2021.
- F. Refuse Report for March 2021.
- G. Accounts Payable through May 6, 2021 in the Amount of \$585,028.96.
- I. Appointment of Doug Marecek to the MEDC Board.
- J. Appointment of Steve Jungermann to the MEDC Board.
- K. Appointments by the Village President to the Planning and Zoning Commission.
- L. Appointment by the Village President of Jason Bragg, 2328 Stacy Court, to the Board of Police and Fire Commissioners for a Term from May 1, 2021 through April 30, 2024.
- M. Proclamation Designating May 9-15, 2021 as Police Week and May 15, 2021 as Peace Officers' Memorial Day.
- N. Proclamation Designating May 16-22, 2021 as Public Works Week.
- O. Proclamation for Economic Development Week May 9-15, 2021.
- P. Waiver of Temporary Liquor License Fee for Montgomery Foundation for Street Eats Festival.
- Q. Request from the VFW to Hold Buddy Poppy Days on Friday, May 21 through Sunday, May 23, 2021.

President Brolley noted Item H. Village President Emergency Succession Plan was pulled from the Consent Agenda and would be addressed for action at a future meeting.

Trustee Jungermann **moved to approve Items A-G and I-Q of the Consent Agenda.** Trustee Gier seconded this motion.

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

Items for Separate Action

A. Recommendation of the Planning and Zoning Commission on 2021-006 A Special Use for Outdoor Dining, the Expansion of the Banquet Hall, and Hotel/Motel (Vacation Rental) – The Gray’s Mill Estate.

President Brolley noted Items for Separate Action A. and B. regarding three special uses for The Gray’s Mill Estate would be discussed together and acted on separately. Director Abt noted the Planning and Zoning Commission recommended approval of these three special uses with a parking agreement requirement for the banquet facilities. President Brolley asked and Administrator Zoepfel and Attorney Julien addressed whether there was an issue with providing a liquor license to a business with a hotel/motel vacation rental on the upper level and a bar in the lower level.

Trustee Betsinger inquired and Director Abt noted the banquet facility parking was deficient by approximately twenty parking spaces. President Brolley asked and Director Abt noted the Mill District commercial use parking requirements had changed since the adoption of the Unified Development Ordinance. She advised Staff would come back to the Board to address the parking requirements at a future meeting and requested Board acceptance of this recommendation.

Trustee Marecek **moved to accept the Recommendation of the Planning and Zoning Commission on 2021-006 A Special Use for Outdoor Dining, the Expansion of the Banquet Hall, and Hotel/Motel (Vacation Rental) – The Gray’s Mill Estate.** Trustee Gier seconded this motion.

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

B. Ordinance 1914 Granting Special Uses for Outdoor Dining, Expansion of a Banquet Facility, and Hotel Motel (Vacation Rental) for The Gray’s Mill Estate – 211 N. River Street (Waiver of First and Passage on Second Reading).

With no further discussion, President Brolley requested a motion for Ordinance 1914 granting approval of the three special uses requested by The Gray’s Mill Estate. He noted this item would be handled as Waiver of First and Passage on the Second Reading.

Trustee Marecek **moved to approve Ordinance 1914 Granting Special Uses for Outdoor Dining, Expansion of a Banquet Facility, and Hotel Motel (Vacation Rental) for The Gray’s Mill Estate – 211 N. River Street (Waiver of First and Passage on Second Reading).** Trustee Gier seconded this motion.

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

C. Recommendation of the Planning and Zoning Commission on 2021-006 B Variance to the Unified Development Ordinance for Outdoor Dining Adjacent to a Residentially Zoned Property – The Gray’s Mill Estate.

President Brolley noted Items for Separate Action C., D. and E. would be discussed together and voted on separately. Director Abt advised that two variances to the Unified Development Ordinance were needed to provide Outdoor Dining Adjacent to a Residentially Zoned Property and to Construct Accessory Structures Located in the Corner Side Yard of The Gray’s Mill Estate. She requested Board acceptance of this recommendation.

Trustee Jungermann **moved to accept the Recommendation of the Planning and Zoning Commission on 2021-006 B Variance to the Unified Development Ordinance for Outdoor Dining Adjacent to a Residentially Zoned Property – The Gray’s Mill Estate.** Trustee Marecek seconded this motion.

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

D. Recommendation of the Planning and Zoning Commission on 2021-006 B Variance to the Unified Development Ordinance for Constructing Accessory Structures Located in the Corner Side Yard – The Gray’s Mill Estate.

With no further discussion, President Brolley asked for a motion to accept the recommendation for a Variance to the Unified Development Ordinance for Constructing Accessory Structures Located in the Corner Side Yard of The Gray’s Mill Estate.

Trustee Marecek **moved to accept the Recommendation of the Planning and Zoning Commission on 2021-006 B Variance to the Unified Development Ordinance for Constructing Accessory Structures Located in the Corner Side Yard – The Gray’s Mill Estate.**

Trustee Jungermann seconded this motion.

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

E. Ordinance 1915 Granting Variances for Outdoor Dining Adjacent to Residentially Zoned Property and Accessory Structures Located in a Corner Side Yard for The Gray’s Mill Estate (Waiver of First and Passage on Second Reading).

With no further discussion, President Brolley requested a motion to approve Ordinance 1915 granting the two variance requests discussed for The Gray’s Mill Estate. He noted this item would be handled as Waiver of First and Passage on the Second Reading.

Trustee Marecek **moved to approve the Ordinance 1915 Granting Variances for Outdoor Dining Adjacent to Residentially Zoned Property and Accessory Structures Located in a Corner Side Yard for The Gray’s Mill Estate (Waiver of First and Passage on Second Reading).** Trustee Jungermann seconded this motion.

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

F. Ordinance 1916 Amending the Village Code Section 3-9 to Increase the Number of Class M-2 Liquor Licenses (Prime Time Fuels – 298 Montgomery Road) (Waiver of First and Passage on Second Reading).

Administrator Zoepfel noted Ordinance 1916 was discussed previously and clarified the language for the Class M-2 Liquor Licenses to prohibit the sale of single use cans or small bottles of wine. He requested a Waiver of First and Passage on Second Reading to expedite the processing of this ordinance for Prime Time Fuels. Trustee Jungermann shared he was pleased with this policy compromise and support for a local business owner.

Trustee Jungermann **moved to approve Ordinance 1916 Amending the Village Code Section 3-9 to Increase the Number of Class M-2 Liquor Licenses (Prime Time Fuels – 298 Montgomery Road) (Waiver of First and Passage on Second Reading).** Trustee Gier seconded this motion.

5 Yea. 1 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Betsinger, Trustee Gier and Trustee Bauman voting yea. Trustee Sperling voting no.

Items for Discussion

A. Request for a Liquor License from Debbie’s Video Gaming.

Administrator Zoepfel requested Board feedback and direction regarding this liquor license request. Operations Manager Drew Johnson of Debbie’s Video Gaming noted their gaming lounges were typically located in local shopping centers, were clean and quiet with six gaming devices per location, did not allow admittance to anyone under 21 years of age and supported local community school groups and charities. He further advised that their locations allowed clients to bring in prepared food to eat from local restaurants and served mostly middle to senior aged clientele. Mr. Johnson noted that they would locally hire staff and provide a comfortable hospitality/entertainment venue with a sports bar theme for residents.

President Brolley inquired and Mr. Johnson advised they were currently constructing a gaming location in the Washington Square Shopping Center in Oswego. He further clarified that food would not be prepared at the proposed Montgomery location, snacks, candy and soft drinks would be offered and they were seeking a parlor/tavern liquor license to serve beer, wine and/or mixed drinks. President Brolley discussed that the Board had previously approved liquor licenses and video gaming terminals as ancillary operations to supplement existing businesses. He and Trustees Sperling and Marecek discussed their concerns with approving another liquor license in the well served Douglas Road retail corridor and questioned whether this type of operation was needed in the community. Trustee Jungermann noted he had supported the previously proposed and approved May’s Gaming Lounge planned for the McAlister’s Shopping Center on Route 34, but noted it had not been constructed as planned during the pandemic. He inquired and staff advised

they would ascertain whether May's Lounge was still planning to locate in Montgomery and if Debbie's Video Gaming could secure approval to build out in the McAlister's shopping center location if the space was going to remain unoccupied.

Trustee Gier inquired and Mr. Johnson clarified which vacant retail location on Douglas Road their request applied to. Trustees Bauman and Marecek mentioned that residents had requested more restaurants be provided in the Village but had not asked for more gaming facilities. Mr. Johnson explained that gaming data he had researched indicated more video gaming terminals would be justified for use in the area. President Brolley polled the Board and noted there was not support in favor of this liquor license request at the proposed Douglas Road location. Mr. Johnson inquired and Administrator Zoepfel noted the applicant could reapply for Board consideration utilizing a different location either in person or via videoconference at a future meeting.

B. New Public Work Facility Discussion.

Director Wolf summarized updates and challenges with the site design for the new Public Works Facility. He noted the BNSF Railroad had denied the Village's request to approve a railway crossing for their planned entrance off Aucutt Road that crossed a railroad siding. Director Wolf explained staff was working with Engineering Enterprises, Inc., Williams Architects and Camosy Construction to evaluate an alternate entrance to the facility off Knell Road, an alternate construction site on the west side of Montgomery or postpone the project to take advantage of lower materials costs and construction bid pricing in the next construction season. President Brolley questioned and Director Wolf noted whether the building footprint, design and timeline for construction would remain the same regarding the steel and precast concrete early bid packages. He further shared staff was evaluating all factors for consideration to be able to move forward with the project and maintain the desired timeline for the project.

President Brolley inquired and Administrator Zoepfel addressed when the options and a recommended solution would be presented to the Board for discussion. He also explained the timeline for when bond issuance would be addressed and when bid pricing would be received to determine the actual project cost. Trustee Jungermann stated his concerns with why the unsuitable soil samples and denial of railway access were not uncovered earlier in the planning process. He further asked how much the abandonment costs would be if the project had to be moved to a different location and noted the importance of maintaining the project timeline and budget.

Director Wolf explained that BNSF Railroad's intermediary, Jones Lang LaSalle Brokerage, Inc., had given no indication that the requested railway siding access would not be granted and the application to them could not have been presented until after the building and site plans were completed. Administrator Zoepfel and Director Wolf noted they were evaluating the cost-saving benefits of abandoning the current site versus potentially moving the facility to an alternate site. They noted staff's analysis, summary and recommendations would be brought back for discussion at the next Board meeting. Director Wolf explained issues and impediments with moving the facility to a secondary location as it was not centrally located or ideal for operations. Trustee Marecek inquired and Director Wolf noted the deforestation conducted on the existing site had been contracted out and the overall cost for abandoning the site would be quantified for Board consideration. President Brolley noted he looked forward to a discussion of positive solutions regarding this topic at the next meeting. Director Wolf requested that further questions be shared with staff prior to the next meeting.

New or Unfinished Business

Trustee Gier advised the Mill Street Bridge Flower Planting Project would take place at 9:00 a.m. on Saturday, May 15th and volunteers were welcome. Trustee Jungermann requested that a large print version of the Mayfield Drive Traffic Calming Survey be provided for residents. President Brolley acknowledged the Planning and Zoning Commission members, Ben Brzoska and Marion Bond, who were present at the meeting.

Engineer Wallers noted a few adjustments and clarifications had been made to the online Mayfield Drive Traffic Calming Survey. He shared how many total residences were surveyed, how many completed surveys were received to date, when the results would be presented and how the Board would determine what response rate was adequate to take action. President Brolley and Trustee Betsinger questioned and Engineer Wallers shared that a mailer was sent to residents in the area with a unique access code, information to complete the survey was available on the Village website and whether a plot of the parcels that responded to the survey could be provided for Board review. Trustees Jungermann and Sperling inquired and Administrator Zoepfel noted the results would be brought to the Board to determine a plan of action after the survey responses were received by May 19th.

Trustees Marecek, Sperling, Betsinger and Bauman inquired and Administrator Zoepfel addressed whether a community meeting would take place if the response rate was less than expected, what response rate would be considered favorable and reflective of the affected area and how many residential complaints had been received regarding this issue over the last 15 years. President Brolley noted it was an appropriate time to address traffic calming measures before the Mayfield Drive road resurfacing took place. Trustees Sperling and Marecek discussed whether a comment box with the survey results would be beneficial or not. Administrator Zoepfel summarized the timeline for when the survey results would be gathered and presented to the Board for action at a future meeting.

Trustee Marecek shared that a tragic residential fire took place in Lakewood Creek on Friday, May 7th. He commended the incredible amount of community support and outreach provided to the family in need by local residents and the 3:11 Project. Trustees Marecek, Jungermann and Bauman thanked Amy Lawler of the 3:11 Project for providing and coordinating immediate necessities, clothing and a birthday cake for the family affected by the fire. They suggested that Amy Lawler and the 3:11 Project be recognized by a Board Proclamation for their contribution to the community and the tremendous impact their program has on providing clothes, cash, meals, and support to families in need in the area. Trustee Marecek also commended how quickly the Fire and Police Departments responded to the emergency and cared for the family in distress.

Future Meetings

- A. Beautification Committee – Wednesday, May 13, 2021 (Canceled). Saturday, May 15th at 9:00 a.m. - Bridge Flower Planting.**
- B. Historic Preservation Commission – Monday, May 17, 2021 at 6:30 p.m.**
- C. Committee of the Whole Meeting – Tuesday, May 18, 2021 at 7:00 p.m. (Canceled).**
- D. Intergovernmental Committee Meeting – Monday, May 24, 2021 at 6:00 p.m.**
- E. Village Board Meeting – Monday, May 24, 2021 at 7:00 p.m.**

Administrator Zoepfel clarified that the Committee of the Whole Meeting on May 18th was canceled and requested a motion to approve the Future Meetings Schedule.

Trustee Marecek **moved to approve the Future Meetings Schedule.** Trustee Jungermann seconded this motion.

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

Executive Session: None

Adjournment: 8:20 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.**

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

Respectfully submitted,

Penny Fitzpatrick
Village Clerk