REGULAR MEETING
January 15, 2018

Mayor Wayne Jett called the regularly scheduled January 15, 2018 meeting of the McHenry City Council to order at 7:00 pm in the McHenry City Council Chambers, 333 South Green Street, McHenry, IL. In attendance were the following Councilmembers: Devine, Mihovec, Glab, Curry, Condon and Santi. Absent: Schaefer. Also in attendance: City Administrator Derik Morefield, Director of Parks and Recreation Hobson, Director of Economic Development Martin, Public Works Project Engineer Strange, Director of Community Development Polerecky, Police Chief Birk, City Attorney McArdle, and Deputy City Clerk Geraghty.

PUBLIC COMMENT
None.

CONSENT AGENDA
A. Advertise for bids to print the 2018 City Newsletter & Parks and Recreation Program Brochures;
B. Ratification of an Occupancy License for 3302 Waukegan Road;
C. Change Order for $13,068.74 and final pay request to R.E. Hummel Construction Company for $98,995.82 for construction of the Miller Riverfront Boat Launch;
D. August 21, 2017 Regular City Council meeting minutes;
E. September 18, 2017 Regular City Council meeting minutes;
F. October 2, 2017 Regular City Council meeting minutes;
G. October 16, 2017 Regular City Council meeting minutes; and
H. Payment of Bills in the amount of $183,436.96.

At Alderman Glab's request, Mayor Jett announced Items D, E, F, and G would be pulled from the Consent Agenda and voted on as separate items.

Motion by Alderman Curry, second by Alderman Santi, approving Consent Agenda Items A, B, C, and H.

Alderman Curry addressed Item C and asked what the process is for approving change orders. Director Hobson answered the project was suspended due to wet weather conditions until July. At the point, construction moved forward quickly until poor soils were discovered in the wetland area in late August, early September. Attorney McArdle asked who authorized the work and Director Hobson answered he and City Engineer Pieper. Alderman Curry clarified that he just wanted to know that staff approved the change order and stated that he understands this happens in a project from time to time. Director Hobson told the Council that he and Engineer Pieper negotiated a lower price for the extra work performed by the contractor. City Administrator Morefield noted the current purchasing policy does not address these matters and will present an amendment to the policy at a future meeting that will clarify the process for staff and Council.

Mayor Jett asked the Clerk to call the roll:
Voting Aye: Curry, Santi, Condon, Devine, Glab, Mihev c.
Voting Nay: None
Absent: Schaefer
Motion Carried.

Consent Agenda Items D, E, F, G, City Council meeting minutes.

Alderman Curry made a motion, seconded by Alderwoman Condon to approve Consent Agenda Items 5 D, E, F, G, City Council meeting minutes.

Alderman Glab announced he will continue to pull City Council minutes placed on the consent agenda and vote no until the city follows state statute regarding how the elected offices are reflected in the minutes.

Mayor Jett asked the Clerk to call the roll:

Voting Aye: Curry, Condon, Devine, Mihev c, Santi.
Voting Nay: Glab
Absent: Schaefer
Motion Carried.

INDIVIDUAL ACTION ITEM AGENDA

A. Motion to approve the following Agreements and Resolutions for the Pearl Street/Lincoln Road Improvements Project: 1) Construction Engineering Services Agreement for Federal Participation with Bollinger Lach & Associates, Inc. for an amount not to exceed $210,765.41; 2) Local Agency Agreement for Federal Participation; 3) Resolution Approving an Intergovernmental Agreement with the State of Illinois to Appropriate Funds for the project; 4) IDOT Resolution Authorizing the Use of MFT Funds; and 5) Intergovernmental Agreement with McHenry Township for Funding Participation for Construction Improvements.

Alderman Glab said he realizes the city must keep moving forward with the project but questioned the city’s cost compared to what the township is paying and added he does not understand why the city has to spearhead all the engineering for Phases I and II and the township was not part of it. The residents of the city have paid over $2.2M to townships of which we get $600-700K back and the change needs to happen in Springfield, not through the Township.

Alderman Santi asked if the city is permitted to negotiate the price of engineering for projects of this type. Project Engineer Strange answered that typically IDOT has a range of percentages per phase, which is approximately 8-12%. The city is paying approximately 8.5% of estimated construction costs so we are on the lower end.
Alderman Santi asked when the city enters into projects with the township, is the city obligated by law to pay a certain percentage of the engineering and could that be negotiated. Project Engineer Strange answered yes, it can be negotiated, the city selects the firm and on a project specific basis negotiates a specific fee based upon the hours and effort needed to provide those services. Alderman Santi asked if all agencies are at the table negotiating. Project Engineer Strange said it is usually between the agency that is contracting and the engineering firm.

City Administrator Morefield asked Alderman Glab if his previous statement was about getting participation from other entities involved in the project to pay for the engineering cost. Alderman Glab said he does not understand why the city is paying all the engineering fees for Phase I and Phase II.

Alderman Santi made a motion, seconded by Alderman Mihevc, to approve Agenda Item 6A as presented.

Mayor Jett opened the floor for further discussion:

Alderman Santi stated that Public Works has done a great job securing federal funding and organizing this project for the city and he is happy to see this project moving forward.

Alderman Glab said this is a regional pathway through the city and he is pleased the project is moving forward.

Mayor Jett asked the Clerk to call the roll:

Voting Aye: Santi, Mihevc, Curry, Devine, Glab.
Voting Nay: None
Absent: Schaefer
Abstain: Condon
Motion Carried.

**DISCUSSION ONLY ITEMS:**

A. McHenry “ShamRocks the Fox” event.

Mayor Jett asked Director Hobson to provide Council with information about the proposed event.

Director Hobson stated this is an exciting opportunity for the city and the planning process is moving much quicker than usual for an event this size. As the event is proposed to be held on St. Patrick’s Day weekend, there is not much time.
As background, last fall staff was approached by Mr. Rob Hardman, owner of Blarney Island who expressed interest in expanding the city’s St. Patrick’s Day celebration to include dyeing the Fox River green as it is done in Chicago. Mr. Hardman for over 15 years has done this for City of Chicago and is looking for a local alternative to draw people to this area. Director Hobson contacted the Fox Waterway Agency and the IDNR about dyeing the river green and the first week. In December, staff was informed that the city was not required to obtain a special permit as long as the waterway was not restricted by the event.

At this point, a committee comprised of members of the Downtown Business Association, Visit McHenry County, McHenry Area Chamber of Commerce, private businesses, individual community members, Mayor Jett and city staff met in December to discuss the possibility of expanding the St. Patrick’s Day events. Through this committee, many ideas were considered and the name “McHenry ShamRocks the Fox” was developed. Miller Point was designated as event central, and Saturday and Sunday offerings with a music fest were considered. Events at Weber Park and Veterans Memorial Parks were also considered and the annual parade and Shamrock Shuffle would continue.

With a better understanding of the scope of the event, and the need to move quickly to secure appropriate logistical elements related to an event in March, staff felt it was important to bring this concept to Council for input.

The proposed schedule of events was presented to the Council. Saturday events would begin at 7:00 AM and end at midnight. The annual Shamrock Shuffle would start things off following by dyeing the Fox River, parade, bagpipers tent, possible kids activities in a separate tent, live music and alcohol sales with open carry throughout downtown to encourage flow to other venues requires Council approval.

The proposed events on Sunday would begin at noon until 6:00 PM. A pancake breakfast in a tent setup in Miller Point was a possibility, live music, and alcohol sales with open carry throughout downtown.

Based on the list of proposed events, several items would require Council approval:

- Temporary use for tent and live entertainment at Miller Point.
- Special Event Liquor License for the event with corresponding times.
- Open carry throughout the downtown area during a designated period.
- Temporary road closures to accommodate the parade on Saturday
- Budget amendment for an amount not to exceed $20,000 for tents, sound stage, lighting, marketing, bands, and purchase of alcohol.
Director Hobson reviewed specific details for each item necessitating Council approval. He stated that through sponsorships, alcohol sales, and merchandise sales the city is expected to breakeven.

Mayor Jett invited members of the event committee in attendance to the podium to address the Council about the event.

Ms. Jackie Berggren, Visit McHenry County.
Ms. Berggren stated she is a member of a Supergroup that helps promote and encourage visitors to McHenry. In her opinion, this event can be amazing and will help the Visitors Bureau promote tourism and draw people to the City of McHenry. Visit McHenry County will continue to work with the Chamber to market the event in and outside the McHenry County area. Ms. Berggren informed the Council that in addition to the proposed budget, Visit McHenry County is committed to spending $4,000-$5,000 towards marketing the event and will include press releases, paid social media Facebook posts, online digital media, and online advertising through Google Ads. Photography and videography services including ground and drone video footage for the promotion of future events will also be done. In conclusion, Visit McHenry County is a great supporter of this event.

Ms. Bates stated she is a member of the Supergroup and expressed her support for the event. She stated this event is a great opportunity to showcase the downtown community and the Fox River, an asset that other communities envy. Ms. Bates announced the Chamber is happy to support the event with a $1,500 sponsorship and to assist with marketing efforts.

Kim Lowe, Kiera’s Confections and Downtown Business Association.
Ms. Lowe stated this is the first time all of the city’s community groups have worked together to organize one event. She hopes this is a starting point for many future events downtown. The Chamber’s annual Downtown Uncorked event brings over 300 people through her store and hopefully this event will bring many more.

Mayor Jett opened the floor for Council discussion and comments:

Alderman Curry said this event could be very successful. He is concerned that the residents of Venice Avenue might be negatively affected by the open carry. He further stated it was a good idea to require plastic cups and to conclude open carry at 6:00 PM, but he is still concerned about the residential areas included in the event area.

Alderman Curry asked if the $20,000 budget amendment is for direct costs of which most the city would recoup and Director Hobson answered yes. Alderman Curry requested that as event planning moves forward, the Council be notified of the actual
costs for additional man-hours for police and city services. He suggested staff work with Finance Director Lynch to setup a separate accounting for the event noting the first year of any project can be tough and we may not make money, but we should know what the numbers are including the cost of man-hours so we can account for it the next year. Director Hobson agreed stating the current budget and revenue forecast for the event at this point is preliminary.

Alderman Condon asked about the time daylight ends in March, as she is concerned about open carry continuing in the evening hours.

Alderman Glab said the most difficult thing about this proposal is that the city does not have a vision for the downtown area; there has never been a good discussion by the Council on what we want to see downtown in the next five to 10 years, will it be retail shops or a party area.

Alderman Glab further stated he is leery of any type of open carry. It is done for Sidewalk Sales and many police officers are required to patrol it. This size event would require a lot of overtime for many police officers. It would be a large expense for the city to have event parking at Miller Point, a stage, and an outside bar adding the city does not have a liquor license. Director Hobson stated the city is permitted to sell alcohol on its property and there are several options to handle the sales. The city could use volunteers from local businesses similar to the Chamber during Fiesta Days and the Rotary Blues, Brews, and BBQ’s event. I.D. wrist banding and ticket sales would be required. The people who are checking I.D.’s and wrist banding will have to be trained. Mr. Hardman operates two bars, Port of Blarney and Blarney’s Island with trained staff to perform these services. He would run the entertainment, soundstage, lighting, and bands because that is what he does for business.

Alderman Glab noted that Mr. Hardman’s businesses are outside the city limits and suggested to be competitive the city should offer local license holders an opportunity to operate the bar. Director Hobson noted that Mr. Hardman has offered to dye the river at no cost and stated the intention of this event is to bring people who normally do not come to McHenry, to McHenry. The open carry will flow people through town and they will stop at the Gambler, Old Bridge, and all other businesses.

Alderman Glab expressed additional concerns about the open carry and asked if it would include all types of alcohol. Director Hobson answered beer, wine, and malt liquors. Alderman Glab provided various scenarios of people who might bring their own alcohol in the trunk of their car and in coolers and walk around town. Director Hobson said coolers and personal alcohol would not be permitted on the site and was not the intention of the open carry. Alderman Glab said he is not in favor of the open carry. Director Hobson stated that the open carry for this event would not be as intense as Sidewalk Sales. During Sidewalk Sales, the streets are closed and bands are setup in the street. For this event, people are asked to stay on the sidewalk and move between
businesses. With Council approval to proceed, family events and space planning will be determined.

Alderman Glab said this is a family event and we are talking about bands and bars. Director Hobson said this is a matter of space planning and as with any event this size, this has to be determined so there is something offered for everyone. The goal is to create an event throughout the entire downtown area.

Mayor Jett recognized Kim Lowe.

Ms. Lowe informed the Council that Sunday events would be more family friendly. There will be a separation between the family and adult events. The taste event will be held on Sunday and stated the recent “Food Truck Extravaganza” held in Woodstock resulted in restaurants actually being busier during the event than on a typical day. The food trucks ran out of food, which pushed people to the restaurants. Creating a vision for the downtown is what they are working towards, not to make it party central but to create a fun town and encourage businesses to move downtown.

Mayor Jett recognized Kay Bates.

Ms. Bates informed the Council that Mr. Hardman would bring a special skill and notoriety to the event. Because of this, the Chamber will sometimes seek someone with expertise outside the city to help draw people to McHenry and make events successful.

Alderman Santi asked if Mr. Hardman was willing to staff alcohol sales and, will he make a profit. Director Hobson answered Mr. Hardman only expects to recover his costs. His profit is the notoriety that comes from this event.

Alderman Santi asked if Mr. Hardman would pick the music and, who would pay for the music. Director Hobson said Mr. Hardman provided the estimated cost for the live entertainment and the city would pay for the bands.

Alderman Santi asked if the city should makes calls to local bar owners and ask if they would like to staff the event. Director Hobson said the Committee could work with the business owners to determine what type of publicity they would like to get out of this event and what type of specials they would like to offer to drive people to their establishment however being a busy weekend, they would most likely want to staff their own business. The business owners staffing the event would only receive notoriety; they would not make a profit from the event tent.

Alderman Santi asked if the parade would still be a walking parade. Director Hobson said the Committee extended the proposed route for the parade and would like to add floats.
Alderman Santi expressed concern about the open carry and the burden it would place on the McHenry Police Department and asked if the hours for open carry could be reduced adding that the event could be successful without the open carry.

As a point of information to Alderwoman Condon’s question, Director Hobson stated sunset on St. Patrick’s Day is predicted at 7:02 PM.

Alderman Devine asked if the sidewalk on the south side of Miller Point is lighted. Director Hobson said the area is well lit.

Alderman Devine suggested temporary fencing around the kids’ tent along the river. Director Hobson said that area would definitely be closed-off adding that other events throughout the country that offer a kids tent are being researched for ideas.

Alderman Devine stated he is undecided about the open carry aspect of the event and is willing to see how it goes this year and readdress it next year.

Mayor Jett said boundaries limiting the areas for open carry could easily be established including reduced hours the first year. He added that is seems there is support for the event; just the open carry is questioned.

Alderwoman Condon said she agreed that the time to stop beer sales should be consistent with other events such as Blues, Brews, BBQ’s and Fiesta Days.

Alderwoman Condon asked if the Council would approve the bands. Director Hobson said that would be a committee decision.

Alderwoman Condon said she was in Naperville on a cold day and the downtown was busy; people were everywhere. Bars, restaurants, coffee, shops, and boutiques were all busy and that is what she envisions for McHenry. The more events we have downtown, the more businesses we will attract. She believes this event has the potential to be great for the downtown. The city will probably find things that will work and things that will need to be adjusted for the next year. Overall, she supports the event and asked what staff needs from the Council to proceed with event planning. Director Hobson said the one thing he would like the Council to support is the expenditure of city funds to begin booking bands and marketing the event with the expectation to bring an action item to the Council at the next meeting. The committee wants to offer a professional and well-organized event.

Director Martin referred to the city’s downtown vision stating everyone would probably agree that they want McHenry to be a destination. Every town is vying for their identity and there are risks concerning alcohol and the boundaries, and there is also a lot of reward with bringing a successful event to downtown. The city has many partners
working together for the same purpose of promoting the community and businesses and our identity.

Chief Birk reported that he and Director Hobson met a few times to discuss some of the concerns previously mentioned this evening regarding security from the water and lighting issues.

To address Council’s concern about the burden that may be placed on the department, Chief Birk stated McHenry Police is well prepared to handle any type of event the Council approves. When you look at any type of burden that may be imposed by providing police services for events, the department is taxed in the summer however there are no other significant events occurring during the time of this event. The department already participates in a smaller version of the event with the 5K and parade.

Chief Birk said this event will cost more and can be absorbed in the overtime budget. As an estimate, conservatively it is Chief Birk’s opinion that the cost for police services for this event as proposed this evening would not exceed $7,000 and probably would be closer to $5,000. As the event date nears, and marketing data is available and the details are finalized, the department will be able to perform an analysis to determine the staffing levels needed. The department does an analysis on every festival they manage so they know exactly how much Fiesta Days and Blues, Brews, and BBQ’s has cost the department to staff. After this event, Chief Birk would be able to provide the Council with the exact cost to the city as far as police services.

Regarding open carry, Chief Birk stated he and Director Hobson discussed this topic at length. There are numerous events throughout the city where people are allowed open carry in the downtown districts and they occur seamlessly with no issues whatsoever. Regarding the Sidewalk Sales event, Chief Birk stated that he agreed with Alderman Glab that every year it has gotten easier to manage since added restrictions were put in place but this event is not the same as far as law enforcement is concerned. Closing down a street and permitting a large crowd to gather in the street is much different then allowing people to walk on the sidewalks from place to place. Early on, it was agreed that they did not want people out walking with open alcohol during nighttime hours.

Chief Birk reported his home is one of nine on Venice Avenue that would be effected by this event. Venice Avenue is a heavily traveled road during Fiesta Days. During sidewalk sales, it is common to see groups of 30 to 50 people walk past his house on their way to the Gambler or Buddyz or Riverside Drive after the event. There has never been an occurrence or issue on Venice Avenue nor has he ever received complaints from his neighbors. As with any event, people have to be responsible. The department is prepared to enforce public intoxication if people are not acting responsibly as they walk.
from one establishment to another. Open carry is permitted but public intoxication is not.

Alderman Glab asked how many hours of overtime were needed for the last Fiesta Days event. Chief Birk said he would have to go to his office to get the information however for Fiesta Days from start to finish was approximately $23,000 in police services for two weeks of events and added that Fiesta Days is a very complex event. Staffing levels for Sidewalk Sales will always be higher than for an event of this type, at least for the first year.

Alderman Glab said he is not in favor of open carry if this is going to be a family event, he expressed concerns over people bringing coolers or violating the wrist banding rules, and he would prefer open carry to be permitted only in the downtown area. Chief Birk stated the city has had no issues with coolers or wrist banding violations for past events.

Mayor Jett asked for a show of hands in support of the event as presented; all expressed support.

Mayor Jett asked for a show of hands not in support of open carry. No Council members raised their hand. Alderman Glab said he was not totally against it but he has reservations.

Mayor Jett asked for a show of hands in support of a proposed budget for $20,000 paid through the Tourism Fund. Alderman Santi said he would support the expenditure as a not to exceed amount. Director Hobson said at this point, $20,000 is an estimate and when he brings this forward as an action item he will have a better estimate.

Alderman Glab asked for the amount in the Tourism Fund. City Administrator Morefield said at the beginning of the fiscal year, the balance was $399,538, and proposed ending balance is $464,588.

Alderman Curry said we are part of the Fox River and that is our economy and this would be a great event for the city and it involves the Fox River, adding he looks forward to seeing the River dyed green and someday walking along the Riverwalk from Weber Park south. Alderman Curry said he was still a bit concerned about the open carry in residential areas however; Chief Birk's statements regarding Venice Avenue reassured him.

**STAFF REPORTS**

Director Hobson reported a Riverwalk Foundation meeting was held this afternoon. The foundation is formulating a plan to expand the Riverwalk and will present the plan to the Council sometime in late spring.
Director Polerecky reported the Community Development Committee was scheduled to meet on January 22, at 7:00 PM.

City Administrator Morefield distributed the results of the Downtown Parking Analysis conducted by McHenry Police and a preliminary agenda supplement for the January 29 Committee of the Whole meeting regarding the FY18/19 – FY22/23 General Fund Capital Improvement Program.

**MAYOR AND CITY COUNCIL COMMENTS**

Mayor Jett announced the McHenry Downtown Theater opened for business on Wednesday, January 18.

Alderwoman Condon publically thanked the Public Works Department for the great job they are doing clearing the snow this season.

Alderwoman Condon stated her desire for the city to have a marketing plan with a trained social media person on staff as discussed during last year’s budget cycle.

Alderwoman Condon expressed her dismay that Alderman Glab did not approve the Council minutes presented in the Consent Agenda because of the use of Alderwoman in the minutes.

Alderman Santi inquired about the Northern United Soccer club who expressed interest in Petersen Park and if the city was capable of something like this. Director Hobson said he, Mayor Jett, City Administrator Morefield and Parks and Recreation Chairman Alderman Schaefer met with representatives from the soccer club to discuss a potential partnership with the club.

Alderman Glab referenced the new Dartmoor speed sign stating a laser light shines at drivers as they approach the sign instead of a flashing light. Chief Birk said it is possible that the LED display on the sign was hit by something or someone and may need to be repaired; staff will investigate.

**EXECUTIVE SESSION**

Motion by Alderman Santi, seconded by Alderman Devine to enter into Executive Session for the purpose of 5 ILCS 120/2(c)(21) for the semi-annual review of Executive Session minutes; 5 ILCS 120/2(c)(5) for the purchase or lease of real property for use of the Public body; and 5 ILCS 120/2(c)(3) for selection of a person to fill a vacancy in a public office.

Voting Aye: Santi, Devine, Glab, Condon, Curry, Mihevc
Voting Nay: None.
Absent: Schaefer.
Motion carried.

The Council entered Executive Session at 8:50 pm.

Motion by Alderman Santi, seconded by Alderman Curry, to adjourn Executive Session.

Voting Aye:  Santi, Curry, Devine, Glab, Mihevc, Condon.
Voting Nay:  None.
Absent:  Schaefer.
Motion carried.

Council reconvened Open Session at 9:32 pm.

**INDIVIDUAL ACTION ITEM AGENDA CONTINUED**

B. Anticipated motion to pass a Resolution authorizing the approval and/or release of McHenry City Council Executive Session minutes and destruction of any Executive Session meeting recordings that exist more than 18 months after the date the meeting was recorded, 5 ILCS 120/2(c)(21).

Motion by Alderman Santi, seconded by Alderman Curry, to pass a Resolution authorizing the approval and/or release of McHenry City Council Executive Session minutes and the destruction of any Executive Session meeting recordings that exist more than 18 months after the date the meeting was recorded as recommended.

Voting Aye:  Santi, Curry, Devine, Mihevc, Condon.
Voting Nay:  Glab.
Absent:  Schaefer.
Motion carried.

**ADJOURNMENT**

Motion by Alderwoman Condon, second by Alderman Santi, to adjourn the meeting.

Voting Aye:  Condon, Santi, Curry, Devine, Glab, Mihevc
Voting Nay:  None
Absent:  Schaefer
Motion Carried.

The meeting adjourned at 9:33 pm.

[Signatures: Mayor, Deputy City Clerk]