Regular Meeting
July 10, 2018

Call to Order
Mayor Wayne Jett called the regularly scheduled July 10, 2018 meeting of the McHenry City Council to order at 7:00 pm in the McHenry City Council Chambers, 333 S. Green Street, McHenry, IL.

Roll Call

Pledge of Allegiance
Mayor Jett reported that at this time he would like to invite Jay Cushman and Kale Resmer from Boy Scout Troop #149 to lead those present in the Pledge of Allegiance.

Public Hearing for Fiscal Year 2018/19 Appropriation Ordinance:
Mayor Jett opened the Public Hearing for the presentation of Fiscal Year 2018/19 Appropriation Ordinance in the amount of $44,504,270 at 7:03 pm. He asked if anyone in attendance had any comments or questions with respect to the 2018/19 Appropriation Ordinance. Those in attendance offered no comments.

Mayor Jett asked if the Council Members had any comments or questions regarding the 2018/19 Appropriation Ordinance. The Council Members offered no comments.

A Motion was made by Alderman Santi and seconded by Alderman Curry to close the Public Hearing at 7:05 p.m. Roll call: Vote: 6-ayes: Alderman Santi, Alderman Curry, Alderwoman Condon, Alderman Glab, Alderman Mihevc, and Alderman Schaefer. 0-nays, 0-abstained. Motion carried.

Motion to adopt the Fiscal Year 2018/19 Appropriation Ordinance in the amount of $44,504,270.
A Motion was made by Alderman Curry and seconded by Alderman Santi to adopt the Fiscal Year 2018/19 Appropriation Ordinance in the amount of $44,504,270. Roll call: Vote: 6-ayes: Alderman Curry, Alderman Santi, Alderman Mihevc, Alderman Glab, Alderman Schaefer, Alderwoman Condon. 0-nays, 0-abstained. Motion carried.

Public Comment
Mayor Jett asked if anyone in attendance wished to address the Council Member at this time. Those in attendance offered no comments.

Consent Agenda
Motion to Approve the Following Consent Agenda Items:
   A. Ordinance amending Chapter 21, Streets and Sidewalks, of the City of McHenry Municipal Code, adding Article VIII, Prevailing Wage Rates;
   B. Ordinance amending Chapter 10, Article 1, Section 10-5, Recreational Burning of the City of McHenry Municipal Code;
   C. Ordinance providing for the Regulation of, and Application for Small Wireless Facilities in the City of McHenry;
   D. Pay Application #26 to Williams Brothers Construction in the amount of $596,324.84 for Wastewater Treatment Plant Improvements;
   E. An amended Purchasing Policy and Procedures with the addition of language regarding Change Orders.
   F. Parks Facilities/Picnic Permits;
   G. Block Party Requests - Temporary Closure of Court Street to Green Street on July 29th from 8:30 a.m.-7:00 p.m. and Temporary Closure of Jennifer Lane on August 18th from noon-11:59 p.m.;
   H. June 18, 2018 Council meeting minutes;
   I. Issuance of Checks in the amount of $556,882.47
   J. Payment of Bills in the amount of 214,630.69.

Mayor Jett asked if any of the Council Members wished to remove any items from the consent agenda for separate consideration. Alderman Curry reported that he wished to remove items A and B for separate consideration.

Mayor Jett stated that at this time he would entertain a motion to approve consent agenda items C-J as presented. A Motion was made by Alderman Curry and seconded by Alderman Schaefer to approve consent agenda items C-J as presented. Roll call: Vote: 6-ayes: Alderman Curry, Alderman Schaefer, Alderwoman Condon, Alderman Glab, Alderman Mihevc and Alderman Santi. 0-nays, 0-abstained. Motion carried.
Removed Consent Agenda Item 7.A. & 7.B.
Ordinance amending Chapter 21, Street and Sidewalks, of the City of McHenry Municipal Code, adding Article VIII, Prevailing Wage Rates.
Attorney McArkle commented on the proposed adoption of an Ordinance amending Chapter 21, Street and Sidewalks, of the City of McHenry Municipal Code, adding Article VIII, Prevailing Wage Rates. He noted that the Ordinance simple states that the City will comply with paying prevailing wage with respect to public works projects. However, after the last Council meeting in which this matter was discussed the Council Members strongly communicated their desire to send a separate message expressing their displeasure with the Illinois Department of Labor’s expectation that very municipality must adopt an ordinance which confirms that the public body has investigated and ascertained the prevailing rate of wages in June of each year. Attorney McArkle reported that he will draft a resolution strongly expressing the Council Members dissatisfaction with the Prevailing Wage Act and place the resolution on the next Council Agenda for their consideration.

There being no further discussion on the ordinance, a Motion was made by Alderman Curry and seconded by Alderman Schaefer to approve the Ordinance amending Chapter 21, Street and Sidewalks, of the City of McHenry Municipal Code, adding Article VIII, Prevailing Wage Rates. Roll call: Vote; 6-ayes: Alderman Curry, Alderman Schaefer, Alderman Glab, Alderman Mihevc, Alderman Santi and Alderwoman Condon. 0-nays, 0-abstained. Motion carried.

Ordinance amending Chapter 10, Article 1, Section 10-5, Recreational Burning in the City of McHenry Municipal Code.
Director Polerecky provided the Council Members with an overview of the details of the proposed language amending the Municipal Code amendment with respect to “recreational burning.” He continued on to report that currently the code only allows for portable fire pits. Staff recommends removing the word “portable” and replacing the word with permanent or stationary fire pits. The fire pits shall be no more than forty-eight inches (48”) across and no more than twenty-four inches (24”) in depth. In addition, the proposed language recommends the fire pit shall be surrounded by a noncombustible barrier and located on a noncombustible, hard level surface when in use, such as, but not limited to, concrete, paver bricks or asphalt.

Director Polerecky stated the code amendment will allow residents many options with respect to the construction of hardscape style fire pits.

Alderman Curry reported that he had asked to remove this consent agenda item due his concerns with the 48” restriction on the allowable open area. He questioned if the proposed language is prohibiting any existing fire pits that are larger in circumference. Director Polerecky reported no, as the majority of the fire pits are located in residents’ backyards and City Code Enforcement Officers do not enter private property without due cause. He reported that the code amendment is to serve as guidelines. Alderwoman Condon reported that the Community Development Committee had approved the code amendment to assist in bringing current residents who already have stationary fire pits into compliance.
There was some discussion about the location of fire pits relative to trees and other hazards.

Alderman Schaefer recommended the stationary pits only be allowed in rear yards. Director Polerecky reported that this matter is addressed in the Zoning Code’s section titled “Accessory Uses and Structures”.

Alderman Glab recommended in the future Staff consider amending the Recreational Burning Ordinance with respect to fire pit circumference with the consideration of the lot size.

There being no further discussion on the Municipal Code amendment, a Motion was made by Alderwoman Condon and seconded by Alderman Schaefer to approve an Ordinance amending Chapter 10, Article 1, Section 10-5, Recreational Burning of the City of McHenry. Roll call: Vote: 4-ayes: Alderwoman Condon, Alderman Mihevc, Alderman Schaefer and Mayor Jett. 3-nays: Alderman Curry, Alderman Glab and Alderman Santi. 0-abstained. Motion carried.

Individual Action Items Agenda
Motion to approve the transfer of Class A-13 from Linda’s Attic, Inc. d/b/a Main Street Saloon, to I.M. Stein, Inc. d/b/a Moe’s On Main located at 3914 W. Main Street effective upon Council approval and issuance of the State Liquor License.

Mayor Jett reported that he had met with the new owner Mr. Fritz Larson who also owns another establishment in town (Big Fran’s Boardwalk Gaming). Mayor Jett reported that Mr. Larson has plans to remodel the restaurant and bar. Alderwoman Condon commented on the fact in her opinion Mr. Larsen is a respected businessman and will be an asset to the downtown business community.

Mayor Jett asked if anyone in attendance wished to comment on this matter. There were no comments offered by anyone in attendance.

There being no further discussion on the motion, a Motion was made by Alderman Santi and seconded by Alderman Curry to approve the transfer of Class A-13 from Linda’s Attic, Inc. d/b/a Main Street Saloon, to I.M. Stein, Inc. d/b/a Moe’s On Main located at 3914 W. Main Street effective upon Council approval and issuance of the State liquor License. Roll call: Vote: 6-ayes: Alderman Santi, Alderman Curry, Alderwoman Condon, Alderman Mihevc, Alderman Schaefer and Alderman Glab. 0-nays, 0-abstained. Motion carried.

Motion to approve an Ordinance granting a variance from Article V. Commercial Districts, Table 6: Commercial District Requirements, to allow a reduction in the required front yard building setback requirement, from 30’ to an average of 14’, to allow the expansion of an existing retail grocery store and the construction of a 2,947 square-foot addition to the existing building, for the property located at 2226 N Richmond Road.
Director Martin provided the Council Members with an overview of the variance request from the property owners of 2226 N Richmond Road (Aldi). He reported that Aldi is seeking a variance from Article V. Commercial Districts, Table 6: Commercial District Requirements, to allow a reduction in the required front yard setback requirement, from 30‘ to an average of 14‘ to allow the expansion of an existing retail grocery store and construction of a 2,947 square-foot addition to the existing building. He noted that Planning and Zoning Commission recommended approval of the variance request.

Alderman Curry asked if there were any future plans to extend the current dead end street adjacent to the store. Director Martin replied not to his knowledge.

Alderman Glab noted that in past conversations there was discussion regarding a potential residential development east of the dead end street.

Mayor Jett asked if anyone in attendance had any comments with respect to the matter under consideration. Those in attendance offered no comments.

There being no further discussion on the motion, a Motion was made by Alderman Schaefer and seconded by Alderwoman Condon to approve an Ordinance granting a variance from Article V. Commercial Districts, Table 6: Commercial District Requirements, to allow a reduction in the required front yard setback requirement, from 30‘ to an average of 14‘, to allow the expansion of an existing retail grocery store and the construction of a 2,947 square-foot addition to the existing building, for the property located at 2226 N Richmond Road. Roll call: Vote: 6-ayes: Alderman Schaefer, Alderwoman Condon, Alderman Santi, Alderman Glab, Alderman Curry and Alderman Mihevc. 0-nays, 0-abstained. Motion carried.

Motion to approve an Ordinance providing for variances from Table 19: Permitted Obstructions of Required Yards and Table 20: Standards for Accessory Structures to permit exceed the maximum permissible setback and maximum cumulative square footage for all accessory structures/buildings, for the property located at 1706 Beach Road.

Director Martin provided the Council Members with an overview of a variance request to exceed the maximum permissible setback and a variance to exceed maximum cumulative square footage for all accessory structures/buildings on the subject property located at 1706 Beach Road.

He reported that the applicant would like to construct an approximate 998 square foot detached garage off of W. Beach Place and needs two variances.
One to construct a detached garage in the required side yard setback, and the other is to exceed the maximum cumulative square footage for accessory structures 1,238 square feet (1,000 square feet is permitted). He reported that the Planning and Zoning Commission had unanimously recommended approval of the two variances.

Mayor Jett asked if anyone in attendance wished to comment on the matter under consideration. Those in attendance offered no comments.

Mayor Jett asked if any of the Council Members had any questions or comments. The Council Members offered no comments.

There being no further discussion on the motion, a Motion was made by Alderman Glab and seconded by Alderman Curry to approve an Ordinance providing for variances from Table 19: Permitted Obstructions of Required Yards and Table 20: Standards for Accessory Structures to permit exceed the maximum permissible setback and maximum cumulative square footage for all accessory structures/buildings, for the property located at 1706 Beach Road. Roll call: Vote: 6-ayes: Alderman Glab, Alderman Curry, Alderwoman Condon, Alderman Mihevc, Alderman Santi and Alderman Schaefer. O-nays, 0-abstained. Motion carried.

Motion to approve an Ordinance amending the FY18/19 General Fund Budget, increasing Fund 100, Department 01, Account 4220 by $11,000 for the purpose of providing additional Façade Improvement Grants and replenishing the available funding for future projects.

Director Martin provided the Council Members with an overview for the reasons of the recommendation to approve amending the FY18/19 General Fund Budget. He reported that the City budgets $5,000 annual to fund the Façade Improvement Grants. Director Martin continued on to report that on tonight’s agenda there are two façade improvement grant requests totaling $7,000. In addition, per the Boon Creek LLC agreement for the redevelopment of the theater the City had already allocated $5,000 in a façade grant. If tonight’s grant requests are approve this action would require a minimum budget amount of $7,000 added to the $5,000 amount that is budgeted annually and already allocated to Boon Creek LLC the total fund account would have a shortfall so Staff is recommending a budget amendment in the amount of $11,000, which would result in the City’s ability to replenish the façade improvement grant fund back to $5,000.

Alderwoman Condon expressed her support of the façade grant improvement program.

Alderman Glab noted that the façade improvement grant program annual budget line item needs to be reviewed. He noted that the line item budget dollar amount has remained the same of many of years and agrees with Alderwoman Condon’s comments supporting the façade grant program.

Alderman Curry also agreed that during the next fiscal year budget discussions the façade grant program should be one of the topics.
Mayor Jett asked if anyone in attendance wished to comment on the matter under consideration. Those in attendance offered no comment.

There being no further discussion on the motion, a Motion was made by Alderman Curry and seconded by Alderman Santi to approve an Ordinance amending the FY18/19 General Fund Budget, increasing Fund 100, Department 01, Account 4220 by $11,000 for the purpose of providing additional Façade Improvement Grants and replenishing the available funding for future projects. Roll call: Vote: 6-ayes: Alderman Curry, Alderman Santi, Alderman Glab, Alderman Mihevc, Alderman Schaefer, Alderwoman Condon. 0-nays, 0-abstained. Motion carried.

Motion to approve a Façade Improvement Grant in the amount of $3,000 for the property located at 1402 N. Riverside Drive.
Director Martin provided the Council Members with an overview of the façade improvement in the amount of $3,000 for the property located at 1402 N. Riverside Drive. He reported that the application was submitted by Mr. John Macrito for awnings and power washing at 1402 N. Riverside Drive. The total cost for both projects is $14,870 and the Landmark Commission had reviewed the request at their May 1, 2018 meeting and recommended approval.

Alderman Glab reported that the awnings look great and improves the aesthetic of the streetscape.

Mayor Jett asked if anyone in the audience wished to comment on this matter. Those in attendance offered no comments.

There being no further discussion on the motion, a Motion was made by Alderman Schaefer and seconded by Alderman Santi to approve a Façade Improvement Grant in the amount of $3,000 for the property located at 1402 N. Riverside Drive. Roll call: Vote: 6-ayes: Alderman Schaefer, Alderman Santi, Alderman Glab, Alderman Curry, Alderwoman Condon and Alderman Mihevc. 0-nays, 0-abstained. Motion carried.

Motion to approve a Façade Improvement Grant in the amount of $4,000 for the property located at 3308 W. Elm Street.
Director Martin provided the Council Members with an overview of the façade grant application in the amount of $4,000 for the property located at 3308 W. Elm Street. He reported that the application was submitted by Jay Bomberg for awnings at 3308 W. Elm Street (Riverside House). The Landmark Commission review the application at their May 1, 2018 meeting and recommended a grant award of $4,000. The work has since been completed.

Alderman Curry noted that the awnings look great and are an enhancement to the façade.

Mayor Jett asked if anyone in attendance wished to comment on this matter. Those in attendance offered no comments.
There being no further discussion on the motion, A Motion was made by Alderman Santi and seconded by Alderwoman Condon to approve a Façade Improvement Grant in the amount of $4,000 for the property located at 3308 W. Elm Street. Roll call: Vote: Alderman Santi, Alderwoman Condon, Alderman Glab, Alderman Mihevc, Alderman Curry and Alderman Schaefer. 0-nays, 0-abstained. Motion carried.

Motion to approve a temporary use permit submitted by McHenry County Living to conduct a food truck event, between the hours of 11:00 a.m. to 4:00 p.m. on July 21, 2018, on Main Street (between Front Street and Crystal Lake Road).

Director Hobson provided the Council Members with the background of the proposed McHenry County Living “Truck Off McHenry” event. He reported that a few months ago, staff were approached by McHenry County Living about placing up to 10 craft vendors on Main Street during Sidewalk Sales to draw visitors to the event. Then, on Monday July 2\textsuperscript{nd}, Staff learned that McHenry County Living’s plan had expanded the scope to become the “Truck Off McHenry”, which would run in conjunction with Sidewalk Sales. As advertised and understood, Truck of McHenry is an event involving up to fifteen food trucks and ten craft vendors.

After learning of the proposed expansion of the event, Staff met with the organizers from McHenry County Living on Tuesday, July 3\textsuperscript{rd} and advised them that due to the expansion of the scope of their original plan they would need to appear before the City Council to seek approval of a Temporary Use Permit to hold their event.

Alderman Schaefer expressed his support for the event. He asked if all the business owners impacted by the event had been notified. Staff replied yes, McHenry Living Staff had met with each business owner on Main Street.

Alderman Santi also supported the event. He noted that several surrounding communities host similar events.

Alderman Glab was uncertain if these types of event increase sale tax revenue and general sales for the local businesses. However, these events do have an impact on motorist.

Mayor Jett believed these types of events does have a positive impact on local businesses and the local economy.

Alderwoman Condon also agreed that these types of events has a positive impact on local businesses and brings people to the City that otherwise might not visit.

Alderman Schaefer also expressed his support for this event and other similar types of City events.
Alderman Glab noted that these types of event have a negative impact on the City’s resources.

A lengthy discussion ensued with respect to the pros and cons of hosting these types of events.

Mayor Jett asked if anyone in attendance wished to comment on this matter. Those in attendance offered no comments.

There being no further discussion on the motion, a Motion was made by Alderman Schaefer and seconded by Alderwoman Condon to approve a temporary use permit submitted by McHenry County Living to conduct a food truck event, between the hours of 11:00 a.m. to 4:00 p.m. on July 21, 2018, on Main Street (between Front Street and Crystal Lake Road). Roll call: Vote: 5-ayes: Alderman Schaefer, Alderwoman Condon, Alderman Mihevc, Alderman Santi, Alderman Curry. 1-nay: Alderman Glab, 0-abstained. Motion carried.

Motion to waive permit fees associated with Downtown Projecting Signs.
Director Martin reported that he along with Ms. Dorothy Wolf had been working with the downtown businesses to install projecting signs throughout all three downtown areas, which would be uniform in design and comply with the City’s sign ordinance.

Director Martin reported that the design, signs, and related installation hardware cost is approximately $175. The current permit fee for projecting signs are $50 for non-illuminating sings and $55 for illuminating signs. In an effort to entice businesses to participate in this unified sign program, Staff is recommending the sign permit fee be waived if businesses should choose to purchase and install these types of signs. He and Staff believe the projecting signs would serve as a major enhancement to the downtown areas and the fee relative to the cost is somewhat disproportionate.

Alderman Glab expressed his concerns with waiving the fees. He noted fees have been established for a reason.

The Council Members discussed in length ways to ensure the sign were consistent in design and style.

The Council Members concurred that the fees for the existing businesses will be waived for a 12 month period after approval of this motion and new businesses have the option to opt into the program during the first 90 days they are opened for business. In addition the signs must be similar to the design depicted in the July 10, 2018 City Council packet supplement.

Alderman Glab reiterated the fact that he was not in favor of waiving any fees. He noted that fees generate revenue which is then used to maintain, repair or replace infrastructure.
Mayor Jett asked if anyone in attendance wished to comment on this matter. Those in attendance offered no comments.

There being no further discussion on the motion, a Motion was made by Alderman Santi and seconded by Alderman Curry to approve to waive permit fees associated with Downtown Projecting Signs with conditions as follows:

A. **After approval of this motion existing businesses have 12 months to opt into the projecting sign program.**
B. **After approval of this motion new businesses have 90 days after opening a business to opt into the projecting sign program.**
C. **The projecting signs must be similar to the July 12, 2018 City Council meeting packet supplement depicting the projecting sign.**


**Discussion Only Items:**  
**Presentation by SolarStone and discussion regarding the development of a “solar farm” on a portion of the Petersen Farm Site.**

Director Martin reported that in recent months City Staff had been contacted by firms seeking to develop Solar Farms within the City limits. One such firm, SolarStone representative Mr. Simanton is in attendance tonight to provide the Council Members with a presentation regarding the development of a solar farm on a portion of the Petersen Farm Site.

Mr. Simanton provided the Council Members with a power point presentation depicting the proposed site and explaining the installation and operations of a solar farm. The Council Members discussed in length the positive and negative impact of solar farms.

Staff will continue to reach the solar farm land lease options and report back. This matter will be placed on a future City Council agenda as a discussion item.

**Staff Reports**
Director Hobson provided the Council Members with an update on Fiesta Days.

Administrator Morefield thanked Staff for all their hard work on coordinating all the upcoming special events.

**Mayor and City Council Comments**
Mayor Jett reported that he will once again be participating in the Fiesta Days’ Dunk Tank fund raiser event.

Alderman Condon encouraged all the Alderman to attend Fiesta Days on Sunday. This day devoted to family fun activities and is a free day in the park.

**Executive Session.**
**Motion to enter into Executive Session for the purpose of:** 5 ILCS 120/2 (c) (11) to discuss probable litigation

Mayor Jett stated that at this time he would entertain a motion to enter into Executive Session to discuss probable litigation as permitted by 5 ILCS 120/2(c) (11) with business to follow. **A Motion was made by Alderman Condon and seconded by Alderman Curry to enter into executive session to discuss probable litigation with action to follow.** Roll call: Vote: 6-ayes: Alderman Santi, Alderman Glab, Alderman Curry, Alderman Condon, Alderman Mihevc, and Alderman Schaefer. 0-nays, 0-abstained. Motion carried.

The Council Members along with Administrator Morefield, Attorney Mc Ardle, Director Martin and Deputy Clerk Meadows entered into executive session at 9:15 p.m.

**Reconvene/Roll Call**

The Council Members along with Administrator Morefield, Attorney Mc Ardle, Director Martin and Deputy Clerk Meadows returned to the public meeting at 9:50 p.m. Clerk Meadows called the roll. Roll call: Alderman Condon, Alderman Curry, Alderman Schaefer, Alderman Glab, Alderman Santi, Alderman Mihevc and Mayor Jett.

**Individual Action Items Agenda Continued:**
**Motion to authorize the Mayor’s execution of an Amended and Restated Standstill a/k/a Tolling Agreement between Meyer Material Company and the City of McHenry.**

Attorney Mc Ardle reported the Standstill Tolling Agreement that was executed earlier this year, to be effective from April 30, 2018 through August 6, 2018 will quickly expire. He reported that both parties have identified that additional time is needed to continue negotiations and, as such, have drafted an Amended and Restarted Tolling Agreement document to extend the terms of the Standstill Agreement through October 1, 2018.

There being no further discussion on the motion, **a Motion was made by Alderman Curry and seconded by Alderman Condon to authorize the Mayor’s execution of an Amended and**
Restated Standstill a/k/a Tolling Agreement between Meyer Material Company and the City of McHenry.

Adjournment
There being no further public business to discuss, A Motion was made by Alderman Curry and seconded by Alderman Santi to adjourn from the public meeting at 10:00 p.m. Roll call: Vote: 6-ayes: Alderman Curry, Alderman Santi, Alderman Schaefer, Alderman Mihevc, Alderman Glab and Alderwoman Condon Devine. 0-nays, 0-abstained. Motion carried.

Mayor

Deputy City Clerk