City Council Meeting  
May 20, 2019

Call to Order
The City Council of the City of McHenry, Illinois, met in regular session on Monday, May 20, 2019, at 7:00 p.m. in the McHenry City Council Chambers, 333 S. Green Street, McHenry, IL.

Roll Call

Pledge of Allegiance
Mayor Jett proceeded to lead those present in the Pledge of Allegiance.

Proclamation
Mayor Jett read a prepared proclamation proclaiming June 12, 2019, as William Pondel Day.

Recognition
Chief of Police Birk recognized the accomplishments of McHenry Police Officer Larry Popp and the retirement of Canine Officer Duke. Handlers and canine officers of other entities were on hand as well to show their support and recognition of Officer Popp and Duke.

Public Comment
Mayor Jett asked if there were any comments from the public in attendance, and there were none.

Consent Agenda:
Motion to Approve the Following Consent Agenda Items:
A. An Ordinance Prohibiting the Use of Groundwater as a Potable Water Supply by the Installation or Use of Potable Water or by Any Other Method Within a Certain Area in the City of McHenry;
B. A Resolution and Bill of Sale Approving a Transfer of Ownership of Canine Officer Duke from the City of McHenry to Officer Larry Popp;
C. Approval of a Three (3) Year Professional Services Contract for Auditing Services with Eder, Casella and Company in the amount of $130,875;
D. Award of Bid for the 2019 Crack Sealing Maintenance Program to SKC Construction, Inc. in the amount of $24,700;
E. Waiving of Competitive Bids and Award of Bid for 2019 Street Sweeping Services to Lakeshore Recycling Systems in the amount of $79,695;
F. May 6, 2019 City Council Meeting Minutes;
G. Issuance of Checks in the amount of $1,291,250.38;
H. As Needed Checks in the amount of $151,376.94.

No members of the Council wished to remove any items from the consent agenda for separate consideration. **A motion was made by Alderman Schaefer and seconded by Alderman Santi to approve consent agenda items A-H as presented.** There being no further discussion on the motion Deputy Clerk Johnson called the roll. Roll Call: Vote: 7-ayes: Alderman Schaefer, Alderman Santi, Alderman Glab, Alderwoman Baehne; Alderman Mihevc, Alderman Devine, Alderwoman Miller. 0-nays, 0-abstained. Motion carried.

**Individual Action Item Agenda**

**Motion to approve an Ordinance Amending Chapter 14, Section 14-36 Alcoholic Beverages, and Chapter 4 Alcoholic Liquor, to allow for the creation of a “Bring Your Own Alcohol” Liquor License.**

Alderman Santi questioned if they would be able to obtain a gaming license since this is not a full license or a pour license. Chief Burke stated that they are not eligible for gaming. Alderman Glab asked if there would be a limit to the number of licenses, and Chief Burke explained that only two would be issued each year. The Chief also explained that currently there is no way to enforce this through the City’s code, and there is a need to regulate businesses allowing patrons to bring alcohol on site. This type of license would be similar to the special events license in that the Mayor would have the ability to approve licenses without bringing them to Council for approval. It was debated if the licenses would come before the Council at renewal time each year, and it is believed that they would.

Alderman Schaefer stated that he would like the issuance of licenses become a public record, and it was agreed that if a license is issued it would be identified in the Mayor & Council Report section of the agenda. Although there was some discussion that the wording of the ordinance may need to be changed, it was decided that the ordinance could be passed as presented and amended later if needed. **A motion was made by Alderwoman Baehne and seconded by Alderwoman Miller to approve the ordinance Amending Chapter 14, Section 14-26 Alcoholic Beverages, and Chapter 4 Alcoholic Liquor, to allow for the creation of a “Bring Your Own Alcohol” Liquor License.** Roll Call: Vote: 7-ayes: Alderwoman Baehne, Alderwoman Miller, Alderman Devine, Alderman Mihevc, Alderman Schaefer, Alderman Glab, Alderman Santi. 0-nays, 0-abstained. Motion carried.

**Ordinance Amending the FY19/20 Budget, Account 100.22.8300, in the Amount of $27,109.88**
for the Purchase of a Replacement Police Vehicle and Related Equipment; and, Authorization to Purchase One 2019 Ford Interceptor Utility from Buss Ford in an amount not to exceed $32,165.00 and the Purchase and Installation of Vehicle Equipment from Ultrastrobe, Inc. at a cost not to exceed $8,621.36.

Chief Burke explained that a marked patrol vehicle was damaged beyond repair, and there is a need to replace it. Because the vehicle is being purchased through the State’s joint purchase program, this meets the requirements of the bidding process. A motion was made by Alderman Santi and seconded by Alderman Schaefer to pass the Ordinance Amending the FY19/20 Budget, Account 100.22.8300, in the Amount of $27,109.88 for the Purchase of a Replacement Police Vehicle and Related Equipment; and, Authorization to Purchase One 2019 Ford Interceptor Utility from Buss Ford in an amount not to exceed $32,165.00 and the Purchase and Installation of Vehicle Equipment from Ultrastrobe, Inc. at a cost not to exceed $8,621.36. Roll Call: Vote: 7-ayes: Alderman Santi, Alderman Schaefer, Alderman Glab, Alderwoman Baehne, Alderman Mihevc, Alderman Devine, Alderwoman Miller. 0-nays, 0-abstained. Motion carried.

Motion to approve a Revocable License Agreement between the City of McHenry and Pedal and Pour, Inc.

Alderman Santi asked if this agreement was just for one pedal boat. It was explained that this does authorize one pedal boat and it would be necessary to come back to Council to add a second pedal boat. A motion was made by Alderman Santi and seconded by Alderman Glab to approve a Revocable License Agreement between the City of McHenry and Pedal and Pour, Inc. Roll call: Vote: 7-ayes: Alderman Santi, Alderman Glab, Alderwoman Miller, Alderman Devine, Alderman Mihevc, Alderwoman Baehne, Alderman Schaefer. 0-nays, 0-abstained. Motion carried.

Conditional Use Permit for an Assembly Use and Variances for the property located at 4724 and 4716 W. Crystal Lake Road (McHenry High School, West Campus).

City Administrator Morefield explained that this topic calls for a conditional use permit and three variances. This went before the Planning and Zoning Commission with unanimous approval. In addition to the information in the meeting packet, the Council received responses to concerns brought up by some Council members on various topics. A consulting team from Gewalt Hamilton Associates was present on behalf of District 156 to answer questions.

Many issues were discussed at length including the salt dome structure, the plants and landscaping, the drainage area by the pond, a drainage ditch agreement between the school and the City, the size of the retention pond, a tree with a safety issue, the location of the tennis courts, a drainage easement with 39 lots, the possibility of adding a traffic light, and driving issues on Crystal Lake Road and the surrounding subdivisions.
Alderman Miller thanked the representatives from Gewalt Hamilton Associates for their presentation. She also sat in on the presentation with Planning and Zoning. She expressed desire to change to direction and tone of the meeting and thanked the consultants for their work.

In regards to the traffic light, Alderman Glab stated that IDOT should be contacted and should help determine if a light is needed. He said he has been in touch with State Senator Wilcox and would like to have a meeting set up between the City, IDOT, and the School District. Lynn Means of Gewalt Hamilton Associates said that the criteria for installing the light fall from the federal levels, and IDOT would not approve an installation of street lights until those criteria are warranted. The school district previously stated that they would pay for the installation of a light if and when the light is warranted.

During the discussion about the water runoff and the drainage easements, Director of Community Development Polerecki stated that there would be no more runoff coming from the school property as there is now. He is willing to identify issues with the easements for the 39 lots near the school property.

School Superintendent Ryan McTague was present and expressed commitment to work with the City. He feels there is a great relationship with the school, the City, and the Police Department. Although things are difficult with one ingress/egress during the 15 minute windows before and after school, efforts are being made to minimize the impact on driving. He stated that school gets out in a week and a half and school needs to open in the fall. Things need to move forward to make improvements. He is willing to meet with whomever is necessary to get things worked out.

Alderman Miller believes things need to move forward so that the project is not held up. Alderman Baehne stated that this is an exciting time for the school district and the kids, and wishes her kids had these opportunities when they were in school.

City Attorney McArdle suggested a motion be made but with stipulations stated in the motion to help ease some of the concerns by Council members. A motion was made by Alderwoman Miller and seconded by Alderwoman Baehne to approve the Conditional Use Permit for an Assembly Use and Variances for the property located at 4724 and 4716 W Crystal Lake Road (McHenry High School, West Campus), subject to the following conditions to be satisfied within 60 days: 1) the execution of an intergovernmental agreement regarding the timing and payment of costs for a future installation of a traffic light on Crystal Lake Road; 2) Confirmation to the satisfaction of the City Council of the adequacy of the storm drainage easement along Kensington to the south of the school; 3) the site constructed in substantial compliance with the site plans presented tonight with a revised date of May 20, 2019; 4) presentation of information by City staff relative to the northwest drainage agreement and a staff review of the west drainage agreement, pertaining to lots 1-39. Roll Call: Vote: 7-ayes: Alderwoman Miller, Alderwoman Baehne, Alderman Santi, Alderman Glab, Alderman Schaefer, Alderman Mihevc, Alderman Devine. 0-nays, 0-abstained. Motion carried.
Discussion Only Items

Jessup Manufacturing Tax Abatement

City Administrator Morefield explained that Jessup Manufacturing wants to raise buildings and undergo a major expansion to their operations in McHenry. They are looking at a $6 million investment and increasing jobs. Part of the challenge is the costs to complete the project. A packet of information has been submitted along with a preliminary application for the tax abatement program. Mr. Jessup was present to discuss the scope of the project and answer any questions regarding the preliminary request.

Mr. Jessup stated that the company has been in the community for a long time. They are located on Route 120 and also have a facility in Lake Bluff. A packet of information was handed out to Council members, and Mr. Jessup reviewed the materials. The business in McHenry is strong but running out of space. They are looking at options for expanding and would like to do something similar to what was done in Lake Bluff. One big hurdle towards expansion is the need for a water line extended to their location. When they were annexed by the City decades ago, a water line was never extended to their property. They are working on obtaining easements but the estimated cost for the water line alone is $223,000. There would be a lot of benefits to the community by expanding, including the redevelopment of that area, an increased water supply, reduction in truck congestion on Route 120, and the addition of jobs.

It is estimated that property taxes would increase $172,000 per year. Jessup Manufacturing is asking for a five year abatement of 100% to help finance the investment. The taxes for the City of McHenry would account for about $7,000 of that $172,000 increase. If there is enough interest, the issue would be formally brought back before the Council for formal approval and before engaging other taxing bodies of the tax abatement request. Mayor Jett stated that Jessup would clean up the property in the area, fix the façade of the building, and make a nice entrance to the City of McHenry on the east side. The Council came to a consensus that a tax abatement agreement could be brought back to a meeting for consideration.

Thelan Dredging Material Agreement

City Attorney McArdle explained that the City has an agreement with Thelan for the disposal of the Fox waterway using City or contracted trucks. New pricing has been worked out in exchange for releasing Thelan from their letters of credit for improvements on Route 31. An agreement with the details will be brought to the Council at the June 3rd meeting.

Full Service Personal Care Establishment Liquor Licenses

Chief Burke reported that there has been interest in personal care businesses in town to serve alcohol as part of a package for a service that customers are buying. Research has been done and shows that other towns have been issuing licenses similar to the one requested in McHenry.
There was a discussion about the benefits of empowering and helping local businesses versus the possibility of more video gaming. Because the establishment would be serving the alcohol, the business has the opportunity and right to apply for video gaming. Although it was discussed that this is not the intent of a personal care establishment, some Council members feared that this could open the door to more video gaming. Chief Burke was instructed to do more research on the topic and come back to the Council with more information at a later date.

Executive Session
City Attorney McArdle did not want to adjourn into executive session, although he did say there were pending litigation issues at the Water Treatment Plant that would need to be discussed at the June 3rd Council meeting.

Staff Reports
City Administrator Morefield explained that Council members should be getting an email explaining how Dropbox will no longer be used for Council packets. Instructions will be forwarded on about how that information can be retrieved from the City’s Sharepoint intranet.

Chief Burke reported that Sergeant Cox has announced his retirement for June 25th, which opens up a vacancy in the sergeant pool. The Council is invited to attend a small retirement ceremony.

Mayor and City Council Comments
Mayor Jett reported that committee assignments will be brought before the Council at the June 3rd meeting. Interest has also been received for the City Clerk position, and Mayor Jett and City Administrator Morefield will interview candidates in the near future.

Alderman Glab reported that the State Senator has nothing submitted from McHenry for capital improvement projects that need funding. Interim Public Works Director Strange stated that a request went to the McHenry Council of Governments about a possible lift station project. He will sit down with Senator Wilcox and see if that is a funding possibility.

Adjournment
There being no further public business to discuss, a Motion was made by Alderman Santi and seconded by Alderwoman Miller to adjourn from the public meeting at 10:01 p.m. Roll call: Vote: 7-ayes: Alderman Santi, Alderwoman Miller, Alderman Glab, Alderman Schaefer, Alderwoman Baehne, Alderman Mihevc, Alderman Devine. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,
Monte Johnson, Deputy Clerk
Mayor Wayne Jett

Deputy Clerk Monte Johnson