City Council Meeting  
June 17, 2019

Call to Order
The City Council of the City of McHenry, Illinois, met in regular session on Monday, June 17, 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.

Promotion Ceremony
Chief of Police Jon Birk lead the promotion ceremony of Detective Brian Aalto to the rank of Sergeant. Police Commissioner Brian Roberts also spoke to the hard work and dedication of Detective Aalto. The oath of office was given by Judge Robert Zalud.

Public Hearing
Mayor Jett opened the Public Hearing for the Presentation of Fiscal Year 2019/2020 Appropriation Ordinance in the amount of $48,726,399.00 at 7:07 p.m. He asked if there were any comments from the public in attendance, and there were none. A motion was made by Alderman Santi and seconded by Alderwoman Baehne to close the public hearing at 7:08 p.m.


A motion was made by Alderman Schaefer and seconded by Alderman Santi to adopt the Fiscal Year 2019/2020 Appropriation Ordinance in the amount of $48,726,399.00. Alderman Glab commented on the rising appropriation amount, and thanked an unnamed businessman in attendance for the revenue he helps bring to the City. Mayor Jett asked if there was anybody in the public that wanted to comment on the item, and there were none. Roll Call: Vote: 7-ayes: Alderman Schaefer, Alderman Santi, Alderwoman Miller, Alderman Devine, Alderman Mihevc, Alderwoman Baehne, Alderman Glab. 0-nays, 0-abstained. Motion carried.

Public Hearing
Mayor Jett opened the Public Hearing on the City of McHenry's proposed Ordinance Authorizing Renewal and Execution of a Cable Franchise Agreement between the City of McHenry and Comcast at 7:09 p.m. He asked if there were any comments from the public, and one gentlemen spoke for the nonprofit organization Internet Freedom for McHenry County. He spoke of the wishes to get fiber internet throughout the County, and hopes the City can work to help provide opportunities for businesses, homes, and schools to get high speed internet.

Joan Sage was present from Comcast and stated that the FCC regulates cable but does not regulate internet services. She explained that Comcast provides internet speeds up to 1Gbps where service is offered, and there is also a program available for low income families to get internet at a discounted price.

A motion was made by Alderman Santi and seconded by Alderwoman Miller to close the public hearing at 7:15 p.m. Roll Call: Vote: 7-ayes: Alderman Santi, Alderwoman Miller, Alderman Glab, Alderman Schaefer, Alderwoman Baehne, Alderman Mihovec, Alderman Devine. 0-nays, 0-abstained. Motion carried.

A motion was made by Alderman Schaefer and seconded by Alderwoman Miller to adopt the proposed Ordinance Authorizing Renewal and Execution of a Cable Franchise Agreement between the City of McHenry and Comcast. Alderman Jett asked if anybody on the Council wanted discussion on the item, and there were none. Alderman Jett asked if there was anybody from the public that wanted to comment on the item, and there were none. Roll Call: Vote: 7-ayes: Alderman Schaefer, Alderwoman Miller, Alderman Santi, Alderman Glab, Alderwoman Baehne, Alderman Mihovec, Alderman Devine. 0-nays, 0-abstained. Motion carried.

Public Comment
Mayor Jett explained that any member of the public has an opportunity to comment, and he allowed Joe and Kim Doherty to come forward for discussion so that their opinions could be heard before passage of agenda item 11 E. Mr. Doherty introduced Donna More to speak on their behalf. Ms. Moore gave her background in representing establishments that want to expand their operations with gaming. She gave her beliefs on liquor and video gaming, and urged the Council to consider changing their proposed ordinance due to the definitions given and the limitations of only allowing five gaming machines. Mayor Jett asked if the Council had any questions for Ms. Moore or the Dohertys, and there were none.

Mayor Jett asked if there other comments from the public. Noreen Floden explained her issues moving to their new house due to the FHA loan and variance requirements. She asked if the Council would be willing to approve the variance and forgo the formalities of the variance requirements so that they can get approved and moved in. Alderman Glab asked if it were possible to move forward on this since it is an unusual circumstance. Director Polerecky explained that he has been working with the family on this situation. There are legal
requirements that must be met, and the soonest the variance could be approved would be at the July 15th City Council meeting.

Consent Agenda:

Motion to Approve the Following Consent Agenda Items:

A. Mayor's recommendation for the appointment of Troy Strange as the Director of Public Works for the City of McHenry;
B. Mayor's recommendation for the appointment of Trisha Ramel to the position of City Clerk for the City of McHenry through April 30, 2021;
C. Mayor's recommendation for the appointment of Mike Mrachek as Vice Chairman of the Economic Development Commission;
D. Ordinance designating the property located at 2102 W. Illinois Route 120 a/k/a Riverside Chocolate Factory as Historical Landmark in the City of McHenry;
E. Ordinance approving a proposed amendment to the Final Plat of Subdivision of the Heidner Properties Subdivision;
F. Ordinance approving minor variances for the property located at 1207 N Park Street;
G. Proposed Sign Variances for the Starbucks, located at 4305 W. Elm Street, to permit a projecting sign in the C5 Zoning District and an additional 37 square feet of wall signage (from 60sf to 97sf);
H. Reduction of a Letter of Credit for the Townhomes of Prairie Lakes (Prairie Lakes of McHenry LLC) from $1,321,237 to $422,795.80;
I. Special Event Liquor License for McHenry Rotary for Blues Brews BBQ for August 16-18, 2019, in Petersen Park;
J. June 3, 2019, City Council Meeting Minutes;
K. Issuance of Checks in the amount of $666,826.99;
L. Issuance of As Needed Checks in the amount of $819,296.21.

No members of the Council wished to remove any items from the consent agenda for separate consideration. Several members of the Council congratulated Mr. Strange, Ms. Ramel, and Mr. Mrachek on their appointments. Alderman Glab was also happy to see the Riverside Chocolate Factory designated a landmark as that building has been in his memory since he was a kid. A motion was made by Alderman Schaefer and seconded by Alderwoman Baehne to approve consent agenda items A-L as presented. There being no further discussion on the motion Deputy Clerk Johnson called the roll. Roll Call: Vote: 7-ayes: Alderman Schaefer, Alderwoman Baehne, Alderwoman Miller, Alderman Devine, Alderman Mihevc, Alderman Glab, Alderman Santi. 0-nays, 0-abstained. Motion carried.

Individual Action Item Agenda

Motion to adopt an Ordinance approving a Conditional Use Permit to allow an indoor amusement establishment to operate a raffle which would benefit the McHenry County Youth Sports Association (MCYSA) at 4314A W Elm
This item will not be discussed or voted on by the Council as there are outstanding issues that need to be addressed before coming before the Council for approval or consideration.

Motion to adopt an Ordinance amending Section 26-24 of the McHenry Municipal Code (Waterworks user rates)

Director of Finance Carolyn Lynch explained that the water rates must be addressed and set to the level needed for the water system. The rates are being adjusted as planned in the budget. Mayor Jett asked if there were comments from members of the public, and there were none. A motion was made by Alderwoman Miller and seconded by Alderman Mihevc to adopt an Ordinance amending Section 26-24 of the McHenry Municipal Code. Roll Call: Vote: 7-ayes: Alderwoman Miller, Alderman Mihevc, Alderman Santi, Alderman Glab, Alderman Schaefer, Alderwoman Baehne, Alderman Devine. 0-nays, 0-abstained. Motion carried.

Motion to adopt an Ordinance amending the FY19/20 Budget, account 100.22.8300, in the amount of $22,621; and, authorization to purchase one 2019 Ford Interceptor Utility from Buss Ford not to exceed $32,165, purchase and install emergency vehicle equipment from Ultrastrobe, Inc. not to exceed $8,342.25

Chief Birk explained that a marked patrol vehicle was damaged beyond repair in an accident, and a replacement is needed. Alderman Glab stated that over the years there have been more of these accidents, which shows that traffic patterns are changing and we need to be aware with different stages of traffic planning. Alderman Santi asked if there was any recourse to recover the extra money that must be produced to purchase the vehicle. Almost $18,000 was received from insurance, but the city must pay quite a bit more to make up the difference. City Administrator Morefield explained that insurance companies are involved, and that can be a time consuming process. The City does try to recover as much money as possible, but the process is quite lengthy and difficult. A motion was made by Alderwoman Baehne and seconded by Alderman Santi to adopt an Ordinance amending the FY19/20 Budget, account 100.22.8300, in the amount of $22,621; and, authorization to purchase one 2019 Ford Interceptor Utility from Buss Ford not to exceed $32,165, purchase and install emergency vehicle equipment from Ultrastrobe, Inc. not to exceed $8,342.25. Roll Call: Vote: 7-ayes: Alderwoman Baehne, Alderman Santi, Alderman Glab, Alderman Schaefer, Alderman Mihevc, Alderman Devine, Alderwoman Miller. 0-nays, 0-abstained. Motion carried.

Motion to adopt an Ordinance amending the FY19/20 Budget, account 100.01.5110, in the amount of $22,000; and, acceptance of a bid from McHenry Heating & Excavating, Inc. in the amount of $22,000 for the demolition of public buildings in Neumann Park and Court Street

City Administrator Morefield reported that the demolition of these facilities has been discussed as improvements to the downtown area by the Council in the past. This would open up line of sight between Greet Street and Court Street, and would also offer more parking. Alderman Santi
stated that he liked moving forward with these projects, but was questioning why they weren’t included in the budget. Mr. Morefield explained that the project for the parking lot was in the budget, but the cost for these teardowns was not, and that it was just an oversight. He also reported that the Landmark Commission has approved the teardown of the buildings. A motion was made by Alderman Santi and seconded by Alderman Glab to adopt an Ordinance amending the FY19/20 Budget, account 100.01.5110, in the amount of $22,000; and, acceptance of a bid from McHenry Heating & Excavating, Inc. in the amount of $22,000 for the demolition of public buildings in Neumann Park and Court Street. Roll Call: Vote: 7-ayes: Alderman Santi, Alderman Glab, Alderman Schaefer, Alderwoman Baehne, Alderman Mihevc, Alderman Devine, Alderwoman Miller. 0-nays, 0-abstained. Motion carried.

**Motion to adopt an Ordinance amending Chapter 4: Alcoholic Liquor to allow a detailed definition of “Full Bar” and the addition of a Personal Care Establishment License**

Alderman Santi thanked Chief Burke, Attorney McArdle, and Mr. Morefield on the time they have devoted to the liquor code. Alderwoman Miller thanked everybody for being open to new ideas and discussions. Alderwoman Baehne asked how this ordinance would affect the Doherty’s. Attorney McArdle stated that the Doherty’s need a liquor license to do their video gaming. Right now there is no direction to take on their request, and this ordinance is not being passed in favor or against the Doherty’s. A motion was made by Alderman Schaefer and seconded by Alderwoman Miller to adopt an Ordinance amending Chapter 4: Alcoholic Liquor to allow a detailed definition of “Full Bar” and the addition of a Personal Care Establishment License. Roll Call: Vote: 7-ayes: Alderman Schaefer, Alderwoman Miller, Alderman Devine, Alderman Mihevc, Alderwoman Baehne, Alderman Glab, Alderman Santi. 0-nays, 0-abstained. Motion carried.

**Motion to adopt an Ordinance amending Chapter 9, Devices, Coin-Operated, Section 9-10, Video Gaming Terminals, of the City of McHenry’s Municipal Code**

Chief Birk stated that the purpose of the ordinance is to rewrite the video gaming code to include key changes that helps give the Council the authority to grant licenses. Changes include language regulating signage, partitions, and limits on the number of terminals each establishment is allowed.

Mayor Jett asked if there were any comments from the public in attendance. Donna More once again addressed the Council and stated that the ordinance as written doesn’t match the expansion legislation being passed by the State. She also states that under the new definition, it opens up interpretation of various points on granting the liquor license. She also explained how other municipalities create another category of liquor licenses to handle video gaming cafes as opposed to giving them a full bar license. Mayor Jett asked if there were any questions or comments from the Council, and there were none. A motion was made by Alderman Schaefer and seconded by Alderman Santi to adopt an Ordinance amending Chapter 9, Devices, Coin-Operated, Section 9-10, Video Gaming Terminals, of the City of McHenry’s Municipal Code. Roll Call: Vote: 7-

Roll Call: Vote: 7-ayes: Alderman Schaefer, Alderwoman Miller, Alderman Devine, Alderman Mihevc, Alderwoman Baehne, Alderman Glab, Alderman Santi.. 0-nays, 0-abstained. Motion carried.

Staff Reports, Mayor’s Report and Council Comments
There were no staff reports or Mayor’s Report. Alderwoman Baehne asked about biking, bike lanes, and a City Planner, and it was decided that these would be good topics for the strategic planning session. Alderman Santi asked about surveys for the planning session, and Mr. Morefield reminded the Council to have those turned in by this Thursday the 20th.

Executive Session

A motion was made by Alderman Glab and seconded by Alderwoman Miller to adjourn to executive session at 8:04 p.m. to discuss pending litigation (5 ILCS 120/2(c)(11).). Call: Vote: 7-ayes: Alderman Glab, Alderwoman Miller, Alderman Santi, Alderwoman Baehne, Alderman Schaefer, Alderman Mihevc, Alderman Devine. 0-nays, 0-abstained. Motion carried.

Mayor Jett reconvened the meeting from executive session at 8:26 p.m. A motion was made by Alderman Glab and seconded by Alderwoman Miller to return to open session. Roll Call: Vote: 7-ayes: Alderman Glab, Alderwoman Miller, Alderman Santi, Alderman Schaefer, Alderwoman Baehne, Alderman Mihevc, Alderman Devine. 0-nays, 0-abstained. Motion carried.

Adjournment
There being no further public business to discuss, a motion was made by Alderman Schaefer and seconded by Alderman Santi to adjourn the meeting at 8:26 p.m. 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.

Mayor Wayne Jett

Deputy Clerk Monte Johnson