Regular Meeting
May 7, 2018

Call to Order
Mayor Wayne Jett called the regularly scheduled May 7, 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 proceeded to lead those present in the Pledge of Allegiance.

Public Hearing
Annexation Agreement between the City of McHenry, Speedway Inc., Christian Kalischefski and 1st Midwest Bank and 13455 & Fuhler Properties which consist of 7.59 acres, more or less, and is located at the northwest corner of IL State Route 120 & Ringwood Road in the City of McHenry also known as 2009 Ringwood Road, McHenry, IL 60050.

A. Motion to approve an Ordinance authorizing the Mayor’s execution of an Annexation Agreement between the City of McHenry, Speedway Inc., and others, which consists of 7.59 acres, more or less, and is located at the northwest corner of IL State Route 120 & Ringwood Road in the City of McHenry, IL 60050.

B. Motion to approve an Ordinance annexing the property at 2009 Ringwood Road.

C. Motion to adopt an Ordinance granting a zoning map amendment to C-2 Neighborhood Commercial, a conditional use permit to allow and automobile fueling station and variances for the property located at the northwest corner of Ringwood Road and Illinois Route 120, with conditions

A Motion was made by Alderman Santi and seconded by Alderman Schaefer to open the Public Hearing at 7:02 p.m. Roll call: Vote: 6-ayes: Alderman Santi, Alderman Schaefer, Alderman Curry, Alderman Devine, Alderman Glab and Alderman Mihevc, 0-nays, 0-abstained. Motion carried.

Mayor Jett invited all those in attendance that wished to comment on this matter to approach the podium one at a time and state their name and address for the record.
Regular City Council Meeting  
Page 2  
May 7, 2018

Resident Frank Serpico who resides at 5608 Chesapeake addressed the Council Members. He expressed his concerns with the proposed fueling station and convenience store which may also offer video gaming being located in close proximity to a school site. He commented on a similar proposed Speedway site located in Lake in the Hills with similar concerns. Mr. Serpico continued on to discuss the site’s longtime drainage issues and detention pond concerns. He noted that eventually along Route 120 the City will have three large fueling stations in close proximity of each other and he was uncertain if this is the image citizens wanted for the City. In conclusion, Mr. Sepico noted that he did not support having video gaming adjacent or near a school site. He thanked the Council Members for their time.

Mayor Jett noted that the fueling station under consideration will only be selling package liquor unlike the Lake in the Hills’ site that has a pouring license.

Ms. Judith Walter who resides at 5618 Chesapeake addressed the Council Members. She noted that 4 of the 5 Homeowner Association Board Members were in attendance. She and the other Board Members concurred with Homeowner Association Board Member Serpico’s comments. She expressed her concerns with respect to video gaming, lighting, drainage, landscaping and the potential increase in traffic. Ms. Walter continued on to highlight her four major concerns.

She commented on her first concern was with respect to the proposed 80’ sign. In her opinion the sign is appropriate for interstates but not for a small community such as McHenry. Ms. Walter discussed her second concern which was regarding the amount of signage Speedway is requesting.

Ms. Walter commented on her remaining two concerns regarding the proposed berm. She noted that the 5’ proposed berm was not tall enough to shield the residents adjacent to the property. Ms. Walter suggested planting fast growing evergreen or placing a fence on top of the berm. Either option would be acceptable to the residents. In addition, she questioned if the berm would be completed as promised if Speedway were to sell the northern portion of the property. She continued on to note that the arborist working with Speedway is an employee of the City and questioned if the arborist had the residents best interest in mind. Ms. Walter suggested that one of the HOA Board Members be a part of the berm landscape committee. Ms. Walter thanked the Council Members for their time.

Mayor Jett noted that the sign variance is still a work in progress and will be coming back for Council consideration at a future meeting.

Resident John Wsol who resides at 5604 Chesapeake addressed the Council Members. He reported that the City currently has 12 fueling stations and questioned if the City really needed a 13th fueling station. In addition, Mr. Wsol noted that in the City limits gas prices per gallon are .13 to .15 cents higher than any of the other surrounding communities.

Mr. Wsol commented on the Strategic Planning Committee’s efforts. He noted that they had published various surveys and studies.
One of the studies’ listed pros and cons of future development within the City. He noted that one of the cons was traffic congestion. Mr. Wsol noted that in the HOA Board’s opinion adding a 13th fueling station will only add to the traffic congestion. He also has reviewed the traffic studies and reported that the City’s own engineer suggested that the proposed fueling station may have an impact on traffic.

Mr. Wsol discussed the types of commercial sites that he believed would be more desirable and have a positive impact on the local economy. He hopes the Council will consider delaying the vote on this matter until they and Staff can review the proposed development further. He thanked the Council for their time.

Mayor Jett asked if there was anyone else in attendance that wished to comment on this matter. The audience offered no comments.

Mayor Jett stated that he would entertain a motion to close the public hearing. A Motion was made by Alderman Santi and seconded by Alderman Schaefer to close the public hearing. Roll call: Vote: 6-aes: Alderman Santi, Alderman Schaefer, Alderman Curry, Alderman Mihevc, Alderman Glab and Alderman Devine. 0-nays, 0-abstained. Motion carried.

Mayor Jett stated that he would entertain a Motion to approve an Ordinance authorizing the Mayor’s execution of an Annexation Agreement between the City of McHenry, Speedway Inc., and others, which consists of 7.59 acres, more or less, and is located at the northwest corner of IL State Route 120 & Ringwood Road in the City of McHenry, IL 60050.

A Motion was made by Alderman Schaefer and seconded by Alderman Santi to approve the action under consideration. Mayor Jett asked if the Council Members had any comments on this matter. Alderman Glab reported on the fact that he has reservations with respect to approving the annexation agreement permitting a fueling station. He questioned if Council should be investigating this matter more closely. Alderman Glab commented on the property’s history with respect to drainage issues. Alderman Devine agreed with Alderman Glab’s comments on the property’s drainage issues.

Alderman Curry questioned if Staff could verify the prevision of an easement for a pumping station as noted on the proposed plans. Director Schmitt reported that currently there is a booster station located across the street. The booster station pumps potable water up the hill. The function of the pumping station would be to add pressure to the booster station when water demands were high. Director Schmitt noted that the pumping station was sized for this development and in the future there will be a need to have the pumping station functional.

Alderman Curry commented on the northern portion of the property which consist of approximately 3 acres and as he understood the plans for that portion of the property is undefined. Director Martin replied yes except for the portion of the property that will serve as a buffer.
Alderman Curry noted that the proposed plans depicts the berm directly adjacent to the Condominium Development to be at an elevation of 5’. Director Martin reported that at this time he would ask that Developer Mr. Kalischefski address the Council with respect to details of the proposed development.

Mr. Kalischefski with WT Group along with Mr. Kirkland from Speedway discussed the plans for the berm. He noted that the proposed berm is 5’ in height and increasing to 13’ in height and the length is comparable to the 25 yard line of a football field. A lengthy discussion ensued with respect to details of the berm, detention area and the landscaping plans.

Mr. Kalischefski went on to discuss the proposed development’s lighting plan. He noted that the lights are designed to project downwards with no back splash. A brief discussion ensued regarding the proposed lighting plan.

Alderman Curry commented on the proposed access points. Mr. Kalischefski reported that there are three proposed access points. The full access is depicted off of Route 120 with a vehicular right-in/right out off of Ringwood Road and a commercial right-out access also off of Ringwood Road. He continued on to discuss their market study regarding their projected customer base. He noted that this fueling station is not similar to a truck stop there is no showers and no overnight parking. Their market study confirmed that the fueling station will serve motorist and truck drivers currently utilizing Route 120 in their routine commutes.

Alderman Schaefer questioned Staff with respect to the proposed fueling station’s land mass as it relates to open space transition to the residential area. Director Martin stated that to his knowledge this development has one of the largest open space transition areas.

Alderman Schaefer questioned the size of the underground storage tanks. Mr. Kalischefski noted that the underground storage tanks comply with State regulations and Speedway has additional safeguards in place. In addition, the State Fire Marshall annually inspects the underground storage tanks.

Alderman Santi asked what percentage of the fuel sold will be diesel. Mr. Kalischefski reported that they estimate about 30% of the fuel sold will be diesel.

Alderman Santi inquired about Speedway’s business plan with respect to the undefined 3 acres of open space. Mr. Kalischefski reported that the land purchase included the 3 acres in question and was not dividable. However, with respect to Speedway’s business plan Mr. Kalischefski reported that he would have to contact Speedway’s Land Acquisitions Director who was scheduled to be in attendance however he became ill.

Alderman Santi asked Staff if Council would have to take some type of action in the future with respect to the 3 acres of open space. Director Martin replied yes, either zoning or subdivision approval would require Council action.
Alderman Santi noted that the developer appears to be willing to work with the City addressing the landscaping concerns. Mr. Kalischefski replied yes, they are willing to work in good faith to address any landscaping concerns.

Alderman Schaefer inquired what the total number of individual fueling stations is. Mr. Kalischefski replied the total amount of individual fueling stations is 16.

Alderman Glab reported that he still has reservation on the proposed annexation of the Speedway property. He noted that if the annexation was approved tonight so would be the request to grant an amendment to the zoning. Which in his opinion would open the door to allow several types of permitted commercial uses that would not require City Council approval.

Attorney McArdle noted that approval of the annexation agreement requires a 2/3 vote which is six votes.

Attorney McArdle commented on the fact that if the Council Members concurred to table the vote on the proposed annexation agreement they may want to provide Staff with a clear direction on what issues the Council Members would like addressed.

John Donato who resides at 5617 Chesapeake, expressed concern with respect to the proposed fueling station being open 24 hours/seven days of the week. In his opinion this poses a security risk to the adjacent residential development.

Alderman Santi asked Attorney McArdle about placing a restriction in the agreement with respect to the undefined 3 acre area. Attorney McArdle reported that Council could place restrictions on that portion of the property.

Alderman Schaefer and Alderman Santi withdrew their original motions to approve the annexation agreement.

A Motion was made by Alderman Santi and seconded by Alderman Glab to table the approval of an Ordinance authorizing the Mayor's execution of an Annexation Agreement between the City of McHenry, Speedway Inc., and others, which consists of 7.59 acres, more or less, and is located at the northwest corner of IL State Route 120 & Ringwood Road in the City of McHenry, IL 60050. With direction from Staff with respect to stormwater, development of the northern area and landscaping. Roll call: Vote: 6-ayes: Alderman Santi, Alderman Glab, Alderman Devine, Alderman Mihevc, Alderman Curry, and Alderman Schaefer. 0-nays, 0-abstained. Motion carried.

A Motion was made by Alderman Schaefer and seconded by Alderman Santi to table items 4. B. and 4.C. Roll call: Vote: 6-ayes: Alderman Schaefer, Alderman Santi, Alderman Glab, Alderman Devine, Alderman Mihevc and Alderman Curry. 0-nays, 0-abstained. Motion carried.
Presentation of CHARACTER COUNTS! Citizen of Character Recognition Awards
Mayor Jett introduced Ms. Kay Bates a representative of the McHenry Area Chamber of Commerce. Ms. Bates presented the CHARACTER COUNTS awards to Marty Kampmier and Lisa Cowger for their dedication to the community and their volunteerism efforts in collecting over 10,000 lbs. of food for the local food pantries. Those in attendance applauded and thanked the volunteers for their community service.

Public Comment
Mayor Jett asked if anyone in the audience wished to comment on any matters not listed on the agenda. Those in attendance offered no comments.

Consent Agenda
Motion to Approve the Following Consent Agenda Items:

A. Ordinance authorizing the Sale of a Police Vehicle owned by the City of McHenry by public auction;
B. Waive bid requirements and approve a purchase order for the purchase of water meters From Midwest Meter, Inc. in an amount not to exceed $250,000.00;
C. Waive bid requirements and accept the proposal from the sole provider, Corrective Asphalt Materials of Sugar Grove, IL. in the amount of $51,528.80 for Roadway Reclamite Application;
D. Publicly bid the Timothy Lane/Clover Avenue Water Main Replacement Project;
E. Publicly bid the Green Street Bridge Rehabilitation Project;
F. Contract purchase order for the 2nd year option for bulk road salt to Compass Minerals America, Inc. in amount not to exceed $86,610.00;
G. Resolution approving an Intergovernmental Agreement with the State of Illinois and the City of McHenry appropriating funds for the Curran Road Improvement Project in an amount not to exceed $34,889.00;
H. Authorization to continue a service agreement with the Northeastern Illinois Regional Crime Laboratory and pay the annual fees in an amount not to exceed $38,985.00.
I. Temporary Use Permit to allow a boat sales event at McHenry Savings Bank, 353 Bank Drive;
J. Parks Facilities/Special Use permits;
K. April 16, 2018 City Council meeting minutes;
L. April 30, 2018 Annual City Council meeting minutes; and
M. Payment of Bills in the amount of $50,375.38.

Mayor Jett asked the Council Members if they wished to remove any of the consent agenda items for separated consideration. A Motion was made by Alderman Schaefer and seconded by Alderman Santi to remove consent agenda items J and K for separate consideration. Roll call: Vote: 6-ayes: Alderman Schaefer, Alderman Santi, Alderman Mihovec, Alderman Glab, Alderman Devine and Alderman Curry. 0-nays, 0-abstained. Motion carried.
A Motion was made by Alderman Santi and seconded by Alderman Schaefer to approve the Consent Agenda items A-I and items L & M as presented. Roll call: Vote: 6-ayes: Alderman Santi, Alderman Schaefer, Alderman Curry, Alderman Devine, Alderman Glab and Alderman Mihevc. 0-nays, 0-abstained. Motion carried.

Removed Consent Agenda Items J & K
Park facilities/Special Use permits
Alderman Schaefer asked if special use permit fees were paid prior to Council’s approval. Director Hobson responded yes.

April 16, 2018 City Council meeting minutes
The meeting minutes were not completed as of yet and were not included in the packet.

Individual Action Items Agenda
Motion to adopt an Ordinance granting a zoning map amendment to C-5 Highway Commercial, conditional use permit to allow an automobile fueling station and variances for the property located at the southeast corner of Dayton Street and South Illinois Route 31.
Director Martin reported that the Planning & Zoning Commission previously held a Public Hearing on this matter on April 11, 2018 and voted unanimously to recommend approval of the zoning map amendment, conditional use permit and variance for the property located at the southeast corner of Dayton Street and South Illinois Route 31. In addition, the Council had considered the evidence and recommendation from the Planning and Zoning Commission and finds that the approval of the request is consistent with the objectives of the City’s Zoning Ordinance.

Mayor Jett asked if anyone in the audience wished to comment on the Ordinance under consideration. There were no comments offered from anyone in attendance.

A Motion was made by Alderman Santi and seconded by Alderman Mihevc to approve an Ordinance granting a zoning map amendment to C-5 Highway Commercial, conditional use permit to allow an automobile fueling station and variances for the property located at the southeast corner of Dayton Street and South Illinois Route 31. Roll call: Vote: 6-ayes: Alderman Santi, Alderman Mihevc, Alderman Schaefer, Alderman Glab, Alderman Devine, Alderman Curry. 0-nays, 0-abstained. Motion carried.

Motion to approve connection to the City’s sanitary sewer system for the property located at 1920 Orchard Beach Road, with conditions.
Director Martin provided Council with an overview on the sewer connection request for 1920 Orchard Beach Road. He noted that the property owner would be permitted to tie directly into the City’s sanitary sewer system (manhole). However, if he decides to sell his property, the sewer main would be required to be extended to the end of his property line. In order to ensure the aforementioned conditions are memorialized with the current and future property owners, staff will record a memorandum of recording against the property.
Director Martin stated that Staff recommends permitting the property owner of 1920 Beach Road to connect to the City’s sanitary sewer system subject to the following conditions:

- Property must annex when it becomes contiguous
- Non-resident fees must be paid
- Sanitary sewer main must be extended if Mr. Cloe sells the property
- Recapture fee is required at the time of permit in accordance with the existing recapture agreement
- Memorandum of Recording shall be recorded against the 1920 Orchard Beach Road

There was some discussion with respect to Orchard Beach Road being a private road which is the reason why the properties along Orchard Beach Road are not contiguous.

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

There being no further discussion on the motion, a Motion was made by Alderman Schaefer and seconded by Alderman Mihevc to approve the connection to the City’s sanitary sewer system for the property located at 1920 Orchard Beach Road, with conditions. Roll call: Vote: 6 ayes: Alderman Schaefer, Alderman Mihevc, Alderman Curry, Alderman Devine, Alderman Glab, and Alderman Santi. 0-nays, 0-abstained. Motion carried.

**Motion to approve a sign variance request for Hansen’s Alignment and Auto, 1313 N. North Drive**

Director Polerecky provided the Council Members with an overview of the sign variance request from the owner of Don Hansen’s Auto Service Shop. He noted that Don Hansen’s Alignment facility located at 1313 N. North Drive has been in business for over 36 years. Mr. Hansen has invested money into a new roof, new windows and new siding. This transformation and upgrades to his building is evidence of Mr. Hansen’s dedication and investment to the City of McHenry.

Director Polerecky commented on the industrial zoning district restrictions. He reported that the industrial sign restrictions are more restrictive than the more common commercial district zoning which allows for two signs with an allowable total size of 48 sq. /ft. He went on to discuss Mr. Hansen’s request which proposes one additional 4’x16’ wall sign on the South elevation and one 5’x6’ wall sign on the East elevation which is an existing sign that was removed during the renovations. Director Polerecky noted all other previous signage would not be reinstalled.

The Council Members discussed Mr. Hansen’s variance request. Alderman Glab asked for clarification on the fact that the variance approval would be tied to the property address. Director Polerecky replied yes. Alderman Glab stated that he would support the approval of the variance if the approval was tied to the current type of business being conducted on the property.
Mayor Jett asked if anyone in the audience wished to comment on the motion under consideration. The audience offered no comments on this matter.

There being no further discussion on the motion, a Motion was made by Alderman Glab and seconded by Alderman Schaefer to approve a sign variance request for Hansen’s Alignment and Auto Service, 1313 N. North Drive with the condition that the sign variance is only valid if the property remains an alignment and auto service shop. Roll call: Vote: 6-ayes: Alderman Glab, Alderman Schaefer, Alderman Santi, Alderman Mihevc, Alderman Devine and Alderman Curry. 0-nays, 0-abstained Motion carried.

Motion to approve a request to transfer a Class F2-10 Liquor License from Jeet Shop N Go, Inc. d/b/a/ Riverside Shop N Go to Gaagi 2 Inc. d/b/a/ Riverside Shop N Go located at 1325 N. Riverside Drive. Mayor Jett discussed the request to transfer a Class F2-10 Liquor License currently held by Jeet Shop N Go, Inc. d/b/a/ to Mr. Alay N. Shah President of GAAGI 2 Inc. who is purchasing the Riverside Shop N Go. He noted that the sale of the establishment is contingent on the successful completion of the liquor license transfer. Mayor Jett reported that all the necessary paperwork has been submitted and the transfer fee has been paid.

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

Mayor Jett asked if the Council Members had any comments on the motion. The Council Members offered no comments, a Motion was made by Alderman Santi and seconded by Alderman Curry to approve a request to transfer a Class F2-10 Liquor License from the Jeet Shop N Go, Inc. d/b/a/ Riverside Shop N Go to BAAGI 2 Inc. d/b/a Riverside Shop N Go located at 1325 N. Riverside Drive. Roll call: Vote: 6-ayes: Alderman Santi, Alderman Curry, Alderman Devine, Alderman Glab, Alderman Mihevc and Alderman Schaefer. 0-nays, 0-abstained. Motion carried.

Motion to approve a request for a Class A Liquor License to Chen’s Jackpot Café’ Inc. d/b/a/ Chen’s Asian Café’ located at 4117 Shamrock Lane (formerly Beerability). Mayor Jett reported that he had personally meet with Mr. Chen. In addition, Mr. Chen has submitted all his required paperwork and paid the liquor license fee. He reported that currently Mr. Chen holds a similar license in Round Lake Beach and Staff had been in contact with them and they confirmed that Mr. Chen’s establishment had no liquor license violations.

There being no further discussion on the motion, a Motion was made by Alderman Santi and seconded by Alderman Devine to approve a request for a Class A Liquor License to Chen’s Jackpot Café’ Inc. d/b/a/ Chen’s Asian Café’ located at 4117 Shamrock Lane (formerly Beerability). Roll call: Vote: 6-ayes: Alderman Santi, Alderman Devine, Alderman Curry, Alderman Glab, Alderman Mihevc, and Alderman Schaefer. 0-nays, 0-abstained. Motion carried. The Council Members welcomed Mr. Chen to the business community.
Staff Reports
Director Hobson provided the Council Members with an update on the new Boat Launch. Director Hobson reported that there will be a soft opening held this Saturday.

Mayor and City Council Comments
Mayor Jett asked the Council Members if they were favor of moving the scheduled July 9th Council meeting to July 10th due to the fact that the annual Police Golf Outing is scheduled for July 9th. The Council Members concurred with Mayor Jett’s recommendation to move the meeting to July 10th. Staff will post the proper notices.

Alderman Schaefer commented on a recent Park & Recreation Department’s event that was held last Saturday. He noted that all the athletic organizations were in attendance and the event itself was well attended.

Executive Session
A Motion was made by Alderman Santi and seconded by Alderman Curry to enter into executive session at 8:35 p.m. to discuss purchase of lease of property for the use of the Public Body as permitted by 5 ILCS 120/2(c) (5) with no action to follow. Roll call: Vote: 6-ayes: Alderman Santi, Alderman Curry, Alderman Devine, Alderman Glab, Alderman Mihevc and Alderman Schaefer. 0-nays, 0-abstained. Motion carried.

Reconvene/Roll Call
The Council Members along with Administrator Morefield, Attorney Mc Ardle, and Deputy Clerk Meadows entered into executive session at 8:35 p.m. and returned to the public meeting 8:56 p.m. Clerk Meadows called the roll. Roll call: Alderman Devine, Alderman Curry, Alderman Schaefer, Alderman Glab, Alderman Santi, Alderman Mihevc and Mayor Jett.

Adjournment
There being no further public business to discuss, A Motion was made by Alderman Santi and seconded by Alderman Curry to adjourn from the public meeting at 8:58, Roll call: Vote: 6-ayes: Alderman Santi, Alderman Curry, Alderman Schaefer, Alderman Mihevc, Alderman Glab and Alderman Devine. 0-nays, 0-abstained. Motion carried.

Mayor

Deputy City Clerk