Regular City Council Meeting
June 18, 2018

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Call to Order
Mayor Wayne Jett called the regularly scheduled June 18, 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 Comment
Mayor Jett reported that at this time he would like to invite School District 156 Assistant Superintendent of Curriculum, Mr. Carl Vallianatos to present the CHARACTER COUNTS' awards. Assistant Superintendent Vallianatos provided those in attendance with an overview of the CHARACTER COUNTS COLALITION's mission statement. He noted that from time to time the organization recognizes members of the community that display exemplary acts of character.

Assistant Superintendent Vallianatos commented on the first CHARACTER COUNTS award recipient, Mr. Doug Martin. He reported that Mr. Martin is an incredible individual and is passionate about the City of McHenry outside his role as Director of Economic Development. He went onto introduce the second CHARACTER COUNTS award recipient Mr. Keith Wagner owner of Fabrik Molded Plastics a local manufacturing company. He reported that he had worked closely with both recipients to expand the manufacturing and technical education programs available at the McHenry Community High School.

Assistant Superintendent Vallianatos continued on to report that about three years ago he approached Mr. Martin with an idea to develop an MTI Career Expo.
He noted that he and Mr. Martin had a grand vision of having twenty exhibitors participate. Within two months they had fifty exhibitors.

Assistant Superintendent Vallianatos concluded his discussion by recognizing both Mr. Martin and Mr. Wagner for assisting in developing strong partnerships with other organizations and assisting in the development of an incubator EDC program. Council Members along with those in attendance applauded Mr. Martin and Mr. Wagner for their accomplishments and community service.

Alderman Glab arrived at 7:05 p.m.

Mayor Jett asked if anyone else in attendance wished to address the Council Members. Mr. Serpico who resides at 4608 Chesapeake asked if there was a procedure in place which allowed the public with an opportunity to directly question Staff. Mayor Jett responded that the Staff Members are always available and willing to answer any residents' questions during regular business hours. Mr. Serpico thanked the Council Members for their time.

Mayor Jett asked if anyone else in attendance wished to comment. The audience offered no additional comments.

Proclamation

Mayor Jett read a proclamation declaring the week of June 21st to the 29th as City of McHenry Bicycle Week.

Consent Agenda

Motion to Approve the Following Consent Agenda Items:

A. Ordinance adopting Prevailing Wage Rates to be Paid to Laborers, Mechanic and other Workers Performing Construction of Public Works in the City of McHenry, McHenry County, Illinois;

B. Awarding a bid to Maneval Construction Company, Inc. for the Timothy Lane and Clover Avenue Water Main Replacement Project in the amount of $734,879.89;

C. Awarding a bid to Copenhaver Construction, Inc. for the Green Street Bridge Rehabilitation Project in the amount of $373,358.50;

D. Awarding a Professional Services Contract with Bollinger Lach & Associates, Inc. for Construction Engineering Services for the Green Street Bridge Rehabilitation Project in an amount not to exceed $39,983.00;

E. Acceptance of a proposal from Xylem Water Solutions USA to replace the raw sewage pumps at the Willow Avenue Sanitary Sewer Lift Station in an amount not to exceed $44,357.50;
F. Waive the bidding requirements for the purchase of a 2018 Transit Cargo Van from Buss Ford in an amount not to exceed $29,500, and the purchase of a 2018 4x4 Super Cab with six (6)-foot bed and snowplow from Sunnyside Company in an amount not to exceed $38,165;

G. Block Party Request - Temporary Closure of a portion of Shannon Drive and Limerick Lane on July 14th from 2:30-9:00 p.m.;

H. Special Event Liquor License request from Montini Catholic School, 1405 N. Richmond Road, for a fundraiser on Saturday, September 15th from 4:00-11:00 p.m.;

I. Special Event Liquor License request from the McHenry Area Chamber of Commerce for the McHenry Downtown Uncorked event on Saturday, September 15th from 1:00-4:00 p.m.;

J. May 7, 2018 Regular City Council meeting minutes

K. June 4, 2018 Regular City Council meeting minutes; and

L. As needed Checks in the amount of $605,375.57

M. Payment of Bills in the amount of $434,333.60.

Mayor Jett asked if any of the Council Members wished to remove any items from the Consent Agenda for separate consideration. Alderman Curry wished to remove Consent Agenda item A. Alderman Santi concurred with Alderman Curry’s recommendation to remove Consent Agenda item A for separate consideration.

Mayor Jett stated that at this time he would entertain a motion to approve Consent Agenda items B-M as presented. A Motion was made by Alderman Santi and seconded by Alderman Glab to approve Consent Agenda items B-M as presented. Mayor Jett asked if there was any discussion on the consent agenda items under consideration. Alderman Curry questioned items B and C with respect to engineer’s estimated probable cost. He asked if the estimated probable cost was provided by the outside engineering consultant. Engineer Strange replied yes. Alderman Curry noted that it is agreeable to know that the bids are below 25-30% of the budgeted cost. However, he wants to ensure Staff is closely reviewing the engineer’s probable cost estimates.

Alderman Schaeffer questioned if all the property owners on Timothy Lane and Clover Avenue have been informed of the water main replacement project. Engineer Strange reported that in the early planning stages of the project the residents had been notified. In addition, he has been on site and met many of the residents. Engineer Strange went on to report that in the next week or two the plan is to reach out to all the residents that will be impacted by the project.

There was some discussion with respect to the resident’s private driveway aprons. Engineer Strange reported that most of the driveway aprons will be removed and replaced. Alderman Santi noted that the resident with the concrete apron which was installed at the homeowner’s expense will be personally notified.
There being no further discussion on the Motion, Deputy Clerk Meadows called the roll: Roll call: Vote: 6-ayes: Alderman Santi, Alderman Glab, Alderman Curry, Alderman Devine, Alderman Mihevc, Alderman Schaefer. 0-nays, 0-abstained. Motion carried.

Removed Consent Agenda Item 6.A.
Ordinance adopting Prevailing Wage Rates to be paid to Laborers, Mechanics, and other Workers Performing Construction of Public Works in the City of McHenry, McHenry County, Illinois.

A Motion was made by Alderman Schaefer and seconded by Alderman Mihevc to approve an Ordinance adopting Prevailing Wage Rates to be paid to Laborers, Mechanics, and other workers Performing Construction of Public Works in the City of McHenry, McHenry County Illinois. Mayor Jett asked if any Council Members wished to comment on this matter. Alderman Curry noted that as he had discussed in years past the State of Illinois Prevailing Wage Act cost the municipalities and ultimately the taxpayer’s money. Alderman Glab concurred with Alderman Curry’s comments. Alderman Glab questioned, if the ordinance failed to pass would this effect the City’s ability to obtain grants or government funding. Attorney Mc Ardle was uncertain the impact this action would have on government funding. However, he noted that the statute does not mandate that a municipality pass an ordinance or resolution adopting the Prevailing Wage Rates, the only requirement is that the governing entity comply with the prevailing wage rates. Attorney Mc Ardle suggested the Council Members direct Staff to draft a resolution stating the fact that the City is not adopting a Prevailing Wage Ordinance. However, they will comply with the law with respect to paying prevailing wages to Laborers, Mechanics and other Workers performing construction of Public Works in the City of McHenry. Alderman Schaefer and Alderman Mihevc removed their motions.

A Motion was then made by Alderman Curry and seconded by Alderman Schaefer to direct Staff to draft a Resolution to send to the Illinois Department of Labor stating that the City of McHenry does not support adopting a Prevailing Wage Ordinance. However, the City of McHenry will comply with the law with respect to Prevailing Wage Rates. Roll call: Vote: 6-ayes: Alderman Curry, Alderman Schaefer, Alderman Santi, Alderman Glab, Alderman Mihevc, and Alderman Devine. 0-nays, 0-abstained. Motion carried.

Individual Action Items Agenda:
Motion to approve a transfer of a Class G1-3 liquor license issued to La Hacienda Restaurant, Inc., to El Gordo Mexican Restaurant Inc. located at 929 N. Front Street.
Alderman Glab noted that this action is a simple transfer of property.

Mayor Jett asked if anyone in 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 Santi and seconded by Alderman Curry to approve a transfer of a Class G1-3 liquor license issued to La Hacienda Restaurant, Inc. to El Gordo Mexican Restaurant Inc. located at N. 929 N. Front Street. Roll call: Vote: 6-ayes: Alderman Santi, Alderman Curry, Alderman Devine, Alderman Glab, Alderman Mihevc, Alderman Schafer. 0-nays, 0-abstained. Motion carried.

Motion to approve a sign variance to White Oaks at McHenry located at 4605 West Crystal Lake Road, to allow two feather banners 10’ in height and 31” wide, to be posted on the property for a time period not to exceed December 31, 2018.

Director Polerecky provided the Council Members with an overview of variance request. He reported that the current sign ordinance allows for banners to be placed but they are limited to 60 days a year with a maximum posting of 30 days each time and 30 days must elapse between postings.

Alderman Santi asked if there are any other businesses or organizations that current comply with the sign ordinance regarding feather banners. Director Polerecky reported that to his knowledge the VFW is the only organization or business that uses feather banners to advertise.

Alderman Glab questioned if their current wooden sign was a temporary sign or a permanent sign. Staff replied that the wooden sign was a permanent sign.

Alderman Glab expressed his concerns with allowing feather banner signs for an extended amount of time. He noted that in his opinion the feather banners are a distraction to motorist. In addition, he was uncertain if it was an appropriate means of advertising for a memory care facility. Alderman Glab believed patients seeking this type of treatment could consult a healthcare professional.

Ms. Shultz a White Oaks representative was in attendance and she approached the podium to speak on behalf of the White Oaks Memory Clinic’s request for the sign variance. Ms. Shultz reported that when the feather banners are visible inquiries on the services they offer increases by 30%. In addition, the majority of the motorist passing by assumes that the White Oaks Memory Clinic is affiliated with Heritage Woods Assisted Living facility.

Alderman Glab noted that the City has ordinances in place for a reason. In his opinion, the request to allow an extended time period for the placement of feather banners to be visible is unreasonable.

Mayor Jett asked if anyone in the audience wished to comment on this matter. Resident Mr. Kohen agreed with Alderman Glab. He too believed the feather banners were more appropriate for a grand opening or an ACE Hardware Store.

Mayor Jett asked the Council Members if they had any more comments on the matter under consideration.
The Council Members discussed the current language of the sign ordinance regarding the restrictions on allowable time feather banners may be posted. Alderman Glab noted that the facility in question is located within a residential setting which is not conducive to this type of signage.

There being no further discussion on the motion, a **Motion was made by Alderman Schaefer and seconded by Alderman Mihevc to approve a sign variance to White Oaks at McHenry located at 4605 West Crystal Lake Road, to allow two feather banners 10’ in height and 31” wide, to be posted on the property for a time period not to exceed December 31, 2018.** Roll call: Vote: 4-ayes: Alderman Schaefer, Alderman Mihevc, Alderman Devine, Alderman Santi. 2-nays: Alderman Curry and Alderman Glab. 0-abstained. Motion carried.

**Motion to approve a sign variance request from Jexals Wings-Zeria for the property located at 1260 North Green Street to allow one additional wall sign, for a total of three wall signs, an additional 74.1 sq./ft. of additional sign area not to exceed 165.6 sq./ft., and an additional 36 sq./ft. of projecting sign area.**

Director Polerecky provided the Council Members with an overview of the sign variance request. He reported that under the current sign ordinance, the applicant is permitted two wall signs which total size may not exceed 91.5 sq./ft. The allowable square footage of a wall sign is determined by the building frontage per the municipal code. The building frontage in this case is on Green Street side, with a total calculated building frontage of 61 feet. The applicant is requesting a total wall sign size of 165.6 sq./ft., 74.1sq./ft. larger than what is permitted. In addition, the sign ordinance also only allows two wall signs per building in a commercial district and the applicant is requesting one additional wall sign, for a total of three.

Director Polerecky went on to comment on the applicant’s request for a projecting sign. He noted that this is a common way for a business to advertise in the downtown area. The ordinance allows for all businesses in a C-4 zoning district to have one projecting wall sign. However, they are limited to 5 sq. /ft. The applicant is requesting a variance to allow a 41 sq. /ft. projecting sign on the northwest corner of the building. The primary purpose of the sign is to direct traffic to the takeout pickup area on the east side of the building.

Mayor Jett asked the Council Members if they had any comments on the matter under consideration. Alderman Curry noted that he would prefer the projecting sign did not reference video gaming. Alderman Glab agreed, however the reference to video gaming would not change his decision on the way he would vote on this matter.

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

Alderman Santi noted that in his opinion the owners of Jexals had done a remarkable job on their restaurant design. The restaurant will be an asset to the downtown commercial district.
There being no further discussion on this matter, a Motion was made by Alderman Santi and seconded by Alderman Mihevc to approve a sign variance request from Jexals Wings-Zeria for the property located at 1260 North Green Street to allow one additional wall sign, for a total of three wall signs, an additional 74.1 sq. /ft. of additional sign area not to exceed 165.6 sq. /ft., and an additional 36 sq. /ft. of projecting sign area. Roll call: Vote: 4-ayes: Alderman Santi, Alderman Mihevc, Alderman Devine, Alderman Glab. 2-nays: Alderman Curry and Alderman Schaefer. 0-abstained. Motion carried.

Motion to approve a sign variance request from Speedway, LLC for the property located at 1304 South Route 31 for one additional wall sign, for a total of three wall signs with a total combined size of 144 square feet; and, a 15’ sign height variance, for a total freestanding sign height not to exceed 30’.

Director Polerecky provided the Council Members with an overview of the sign variance request from the Speedway, LLC for the property located at 1304 South Route 31. He reported that Speedway, LLC is requesting a variance for their freestanding sign and one additional wall sign on their building for a total of three wall signs.

Alderman Curry questioned if any other business locations within the City limits had a sign of the height being requested. Director Polerecky reported that Staff had measured two different signs close to the Speedway’s site including the Mobil gas station on South Route 31 and Gary Lang Auto Group. He noted that the Mobil station is not located within the city limits. However, the Mobil sign is 30’ in height the same height that Speedway is proposing and the Gary Lang Auto Group sign is 20’4” in height.

Alderman Glab commented on the current sign ordinance language. He noted that the sign ordinance was drafted with a vision of safeguarding the city’s streetscapes and maintaining aesthetically pleasing landscape.

Architect Kalischefski on behalf of Speedway, LLC approach the podium to comment on the variance request. He reported that they have designed the proposed fueling station plan and signage to be consistent with the proposed IDOT’s Route 31 expansion plan. In addition, the signage height is recommended by both the American Planning and the National Planning Associations. When the Association’s develop their recommendations on signage heights they take into consideration motorist safety, line of sight, speed limits and other factors.

Architect Kalischefski went on to discuss in length the various renderings depicting the proposed signage and locations.

Alderman Glab thanked Mr. Kalischefski for his presentation. He questioned if Speedway had acquired the needed Right-Of-Ways from IDOT to accommodate their site plan. Mr. Kalischefski reported that they had discussed their concept plan with IDOT representatives.
Engineer Strange reported that IDOT Representatives will be providing the City Council Members with an update on their proposed Rt. 31 expansion plan at an upcoming Council Meeting. The Council Members concluded their discussion on Speedways’ sign various request.

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

There being no further discussion on this motion, a Motion was made by Alderman Schaefer and seconded by Alderman Santi to approve a sign variance request from Speedway, LLC for the property located at 1304 South Route 31 for one additional wall sign, for a total of three wall signs with a total combined size of 144 square feet; and, a 15’ sign height variance, for a total freestanding sign height not to exceed 30’. Roll call: Vote: 4-ayes: Alderman Schaefer, Alderman Santi, Alderman Mihevc, and Mayor Jett. 3-nays: Alderman Curry, Alderman Devine and Alderman Glab. 0-abstained. Motion carried.

Motion to approve a Professional Services Agreement Contract Change Order to add Phase I Engineering Services for the intersection street lighting to the Bull Valley Road Multi Use Project with Hampton Lenzini and Renwick, Inc. in an amount not to exceed $10,556.00.

Engineer Strange commented on the request of a Professional Services Contract Change Order to add Phase I Engineering Services for intersection street lighting for the Bull Valley Multi Use Project.

Alderman Glab questioned if the total cost of the change order is the City’s obligation. Engineer Strange reported that the City is obligated to pay the full amount. However, the County reimburses the City 20% of the incurred cost.

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 this motion, a Motion was made by Alderman Santi and seconded by Alderman Schaefer to approve a Professional Services Agreement Contract Change Order to add Phase I Engineering Services for the intersection street lighting to the Bull Valley Road Multi Use Project with Hampton Lenzini and Renwick, Inc. in an amount not to exceed $10,556.00. Roll call: Vote: 6-ayes: Alderman Santi, Alderman Schaefer, Alderman Curry, Alderman Devine, Alderman Glab and Alderman Mihevc. 0-nays, 0-abstained. Motion carried

Staff Reports
Director Hobson provided the Council Members with an update on upcoming special events.

Mayor and City Council Comments
Alderman Glab noted that for the first time in 21 years he was stuck in traffic and running a few minutes late for the meeting. He went on to thank Mayor Jett for offering to wait a few minutes until he arrived to start the meeting.
However, he would prefer that the meetings start on time regardless of which Alderman or Alderwoman is detained for whatever reasons.

**Executive Session.**
**Motion 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) (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) and to conduct the semi-annual review of Executive Session Minutes as permitted by 5 ILCS 120/2(c) (21). A Motion was made by Alderman Santi and seconded by Alderman Glab to enter into executive session to discuss probable litigation and review executive session minutes with action to follow. Roll call: Vote: 6-ayes: Alderman Santi, Alderman Glab, Alderman Curry, Alderman Devine, Alderman Mihevc, and Alderman Schaefer. 0-nays, 0-abstained. Motion carried.

The Council Members along with Administrator Morefield, Attorney McArdle and Deputy Clerk Meadows entered into executive session at 8:14 p.m.

**Reconvene/Roll Call**
The Council Members along with Administrator Morefield, Attorney McArdle, and Deputy Clerk Meadows returned to the public meeting at 8:47 p.m. Clerk Meadows called the roll. Roll call: Alderman Devine, Alderman Curry, Alderman Schaefer, Alderman Glab, Alderman Santi, Alderman Mihevc and Mayor Jett.

**Individual Action Items Agenda Continued:**
**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 month after the date the meeting was recorded, 5ILCS 120/2 (c)(21).**
There being no further discussion on the motion, a Motion was made by Alderman Santi and seconded by Alderman Devine to approve a Resolution authorizing the approval and 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, 5ILCS120/2 (c)(21) as presented. Roll call: Vote: 6-ayes: Alderman Santi, Alderman Devine, Alderman Curry, Alderman Glab, Alderman Mihevc and Alderman Schaefer. 0-nays, 0-abstained. Motion carried.
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 8:51 p.m. Roll call: Vote: 6-ayes: Alderman Curry, Alderman Santi, Alderman Schaefer, Alderman Mihevc, Alderman Glab and Alderman Devine. 0-nays, 0-abstained. Motion carried.

[Signatures]
Mayor
Deputy City Clerk