MINUTES
McHenry CITY COUNCIL
City Council Chambers
March 18, 2019

Call to Order:
Mayor Wayne Jett called the regular meeting scheduled for March 18, 2019 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 led those present in the Pledge of Allegiance.

Public Comment:
Mayor Jett asked if anyone in the audience wished to address the Council Members. Mr. Ben Keefe, Bayview Beach. Mr. Keefe stated, in regard to the VFW’s raffle, they would like to amend the proposed ordinance, specifically to the date when the jackpot drops back down again, due to the parking lots being repaired, which may not be ready until June. It was noted that this item is included on this evening’s agenda.

Mr. Tony Esposito, 3336 Waukegan Road, McHenry, representing Chicago Pedal Boats. Mr. Esposito is licensed to operate vessels, including pedal boats, which are currently operated on the Chicago River. He is very interested in bringing pedal boats to Miller’s Point on the river walk as an attraction and to market the company. He said the pedal boats are similar to pontoon boats; however, the participants pedal. He continued on to say that, perhaps, the boats could be available several weekends throughout the summer, as a starting point to raise interest. He mentioned that they have a lot of interest on their Facebook page; 600,000 hits recently. He added that the vessels are inspected by the U.S. Coast Guard, and each boat must have a crew and first mate. For further information, go to www.chicagopedalboats.com

Mayor Jett thanked Mr. Esposito for this information and said that he is interested in this concept. He suggested that Mr. Esposito contact him to schedule a meeting for further discussion.

Consent Agenda:
Motion to approve the following Consent Agenda items:
5A. Appointment of Beth Nall Staley to the Landmark Commission to fill the vacant term expiring on April 30, 2020;
B. Appointment of James C. Scholtz to the Landmark Commission to fill the vacant term expiring on April 30, 2010;

C. Ordinance amending Chapter 12, Licenses and Permits Generally, Section 12-64, Prizes, of McHenry’s Municipal Code:

D. Ordinance approving a Moratorium on Vape Shops within the City of McHenry through December 31, 2019;

E. Ordinance authorizing the Mayor and Deputy Clerk to sign and execute a School Resource Officer Intergovernmental Agreement between the City of McHenry and McHenry High School District 156 for the period June 1, 2019 through May 31, 2024;

F. Ordinance amending the FY18/19 Budget, account 440.00.8200, in the amount of $69,650; and, the award of bid to Mg Mechanical for the replacement of Rooftop Unit (RTU) #4 for the amount of $69,650;

G. Resolution authorizing the City Engineer to update the Zoning Map and the City Clerk to publish Notice of the Zoning Map Update;

H. Special Event Liquor License and Waiver of Park Usage Fee for the McHenry Sunrise Rotary Club’s Community Oktoberfest to be held on Saturday, September 21, 2019;

I. Parks & Recreation Facilities Alcohol and Special Use Permit Requests:

J. March 4, 2019 Council meeting minutes;

K. Issuance of Checks in the amount of $1,038,218.79;

L. As needed Checks in the amount of $81,892.82.

Mayor Jett asked if there were any items listed on the consent agenda the Council Members wished to remove for separate consideration. Item 5C was pulled by Alderman Schaefer; Alderman Curry requested to pull Items 5E and 5D.

5C. Ordinance amending Chapter 12, Licenses and Permits Generally, Section 12-64, Prizes, of McHenry’s Municipal Code: Alderman Schaefer requested to amend dates to the end of July. Alderman Glab mentioned the dates could be amended due to the parking lot repairs needed and the job being dependent on the weather. The request was to extend by 30 days or so. Alderwoman Condon said she sees no problem with the extension, noting they should take time off during Fiesta Days. Alderman Santi stated those specific dates should be noted. In addition, there was a request for no ticket sales between July 11-21, 2019, during the Fiesta Days event, including week days. Motion by Alderwoman Condon to amend this Ordinance for the reduction from $3M to $1M raffle and a 20-day extension to July 31, 2019 with no sales or drawings from July 11 – July 21, 2019; second by Alderman Santi.
Roll Call Vote: Ayes: Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Curry, Alderman Schaefer, Alderman Glab, Alderman Santi. Nays: None; Absent: None; Abstentions: None. Motion carried.

5D. Ordinance approving a Moratorium on Vape Shops within the City of McHenry through December 31, 2019; Alderman Curry pulled this item as he believes a moratorium should be voted on separately by Council. He questioned the date of December 31. Mr. Morefield said he wasn’t at the previous meeting; however the date may be changed if needed as they don’t believe it will take that long. Motion by Alderman Curry for an Ordinance approving a Moratorium on Vape Shops within the City of McHenry through December 31, 2019, second by Alderman Santi. Mayor Jett asked if there was any public comment; hearing none, a Roll Call Vote was taken. Ayes: Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Curry, Alderman Schaefer, Alderman Glab, Alderman Santi. Nays: None; Absent: None; Abstentions: None. Motion carried.

5E. Ordinance authorizing the Mayor and Deputy Clerk to sign and execute a School Resource Officer Intergovernmental Agreement between the City of McHenry and McHenry High School District 156 for the period June 1, 2019 through May 31, 2024; Alderman Curry mentioned the costs going forward, 70/30 split with school district picking up 70%, which is only good for right now, using a 3% increase per year which isn’t quite correct. Further comments were made. There was a mention that the numbers are not conservative enough, as there will be more cost to the City in the future. While it is very important to have a School Resource Officer, resources are very limited. Alderman Glab reminded Council that the City’s district is very big; taxpayers of McHenry pay for the benefit to all the students. Some additional issues were discussed including a referendum and traffic changes. Alderman Schaefer asked if this is an estimated table. Chief Birk said the term of agreement is 5 years; however, this can be changed at any time with notice. He added that this was negotiated similar to other agreements; a 70/30 split, plus 3% increase every year. Chief Birk reiterated that there’s a value to the City and school district in having the SRO. Alderman Curry asked about the payment structure cap. In response, Chief Birk said the City pays the remainder. He suggested optional ways of figuring the fee structure. Alderwoman Condon pointed out the value, she sees that this is so important to have the SRO there; it makes one feel safer just to have this person on site. She appreciated Alderman Curry pointing out the differences, and she’d like to know what the City is absorbing going forward. Chief Birk explained the 70/30 split as a reasonable number to work with. He stated that last year the district changed because their summer school attendance was very high. They are anticipating those numbers to continue to rise. The City wants to make sure that the schools were covered. Alderman Schaefer agreed with Alderwoman Condon to conduct an annual review so that these numbers can be looked at. Alderman Santi reiterated that either side can cancel this agreement; Chief Birk said this is correct. Alderman Glab asked Chief how many years of experience these Officers have. In response, Chief Birk said approximately 2 ½-3 years. The younger Officers seem to acclimate easier in the schools. Alderman Glab said the SRO’s provide so much value above and beyond the school safety factor along with other unrelated issues. He added that the City of McHenry wants to remain fiscally responsible; we agree with having the SRO’s, this is an excellent program. Motion by Alderman Schaefer to approve this Ordinance authorizing the Mayor and Deputy Clerk to sign and execute a School Resource Officer
Intergovernmental Agreement between the City of McHenry and McHenry High School District 156 for the period June 1, 2019 through May 31, 2024, second by Alderwoman Condon.

Roll Call Vote: Ayes: Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Curry, Alderman Schaefer, Alderman Glab, Alderman Santi. Nays: None; Absent: None; Abstentions: None. Motion carried.

Individual Action Item Agenda:
6A. Ordinance authorizing the Mayor’s execution of a Property Tax Abatement Agreement between the City of McHenry and BPI Inc.
Director Martin said they are looking for Council’s consideration. Alderman Glab mentioned a company that’s been in the City of McHenry for 40-45 years and has supported the City all these years. Alderwoman Condon agreed with Alderman Glab; they’ve been a great member of this community and she’s glad they’re moving everything here and expanding here in McHenry. Alderman Schaefer agreed, stating they have a strong history here, and they will be hiring 25-30 additional employees, some of which will be in higher paying positions. He added that this should be considered when looking at the incentives; job creations. Alderman Curry agreed that this is pretty economical for the City, even with the incentives. He believes this is very good all around, from a City standpoint. Attorney Mc Ardle mentioned the first few lines in Paragraph 3; this will be cleaned up this week, if this Ordinance passes. Mayor Jett asked if there were any public comment. Hearing none, Motion by Alderman Curry to approve an Ordinance authorizing the Mayor’s execution of a Property Tax Abatement Agreement between the City of McHenry and BPI Inc, second by Alderman Schaefer.

Roll Call Vote: Ayes: Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Curry, Alderman Schaefer, Alderman Glab, Alderman Santi. Nays: None; Absent: None; Abstentions: None. Motion carried.

6B. Ordinance authorizing the Mayor’s execution of an Incentive Agreement between the City of McHenry and Ricky Rockets.
Director Martin state the Agreement from October 2016 has expired. Bluestone Properties, from Ricky Rockets to Thornton’s, is asking to enter into a new agreement. He noted there are four changes in the site plan; 1) the number of pumps from 7 to 10; 2) the convenience store size has decreased in size; 3) 1800 square feet of retail is no longer being proposed; and 4) a bypass lane will be near the diesel. Mr. Mike McKinnon with Bluestone Properties is in the audience.

Alderman Curry had some concerns about the site plan, including the reduction of retail space, and timeline of construction. Council also had concern with the request for three liquor licenses and three video gaming areas. Mr. McKinnon said that Thornton’s will be leasing the fuel center, and they’ll be working with restaurants for the gaming licenses. Alderwoman Condon was also concerned with the liquor and video gaming licenses, especially the request for a video gaming license in a retail store. She added that she doesn’t believe that have enough information at this time to approve all these licenses. Alderman Schaefer wished to confirm that if Council approves liquor license, then by state statute, each site can receive a video gaming license. Mr. Morefield confirmed that this is correct.
Alderman Schaefer asked if any of their other locations have video gaming. Mr. McKinnon affirmed that their other locations do have video gaming. J. Schaefer asked if this footprint is similar to tot their other sites. Mr. McKinnon said that is correct. Director Martin said the proposed agreement includes three liquor licenses; one for packaged good plus two pour/consumption licenses. He added that the fueling side will be used by Thornton’s; everything else is still with Ricky Rocket’s. Alderwoman Condon believes further information and discussion is necessary prior to voting on this request.

Alderman Santi stated that since this was first passed in October 2016, the Council has had multiple gaming discussions; Council doesn’t want to just approve anything. He added that this sounds like a gaming parlor, which has a negative connotation. He was very open to two legitimate restaurants. He continued on to say that liquor licensing is renewed on an annual basis, and renewal can be denied. Mr. McKinnon said he will continue to work with staff to update language that will be more agreeable with both sides. Alderwoman Condon asked if Council should approve just part of this. Attorney McArdle asked Mr. McKinnon he can come back to a future meeting; Mr. McKinnon confirmed that he would be available. Alderwoman Condon said she’d like to discuss this further at a meeting in April. Part of Council’s concern is that the area is being reduced by 30% yet the owner still wants three gaming licenses. He went on to say that he was hesitant about voting on this in October 2016; now he’s more educated on the subject and he’s even more hesitant. He does not want a video gaming parlor and he’s not interested in adding any more video gaming in McHenry.

Alderman Schaefer asked about the two other sites, which will both be eligible for video gaming if Council approves liquor licenses. He asked what type of restaurants would be considered. Mr. McKinnon wasn’t sure about that. Motion by Alderman Santi, to table this Item until the April 1, 2019 Council Meeting, second by Alderman Glab.

Roll Call Vote: Ayes: Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Curry, Alderman Schaefer, Alderman Glab, Alderman Santi. Nays: None; Absent: None; Abstentions: None. Motion carried.

6C. Consideration of a recommendation by the Finance & Personnel Committee to eliminate the McHenry Municipal Vehicle Sticker Program.

Director Lynch presented the information to Council. Alderman Curry talked about eliminating this program; he believes it’s a fairness issue and that a sizeable percentage of people do not comply. In addition, without reasonable grounds for a traffic stop, this program does not bring in much revenue. He recommends that the City move forward with this elimination of this program. Alderwoman Condon said this has been a topic of discussion for well over a decade. Alderman Schaefer said this is difficult to pass up on revenue streams, and he’d like to recapture funds through other methods. Alderman Glab mentioned some of the issues with the city sticker money; he feels this money should have gone to the street program, not the general fund.

Resident Conrad Greener doesn’t have a problem with paying for the sticker. He asked how the City dump will be monitored without having a City sticker. Chief Birk said Prairieland Disposal is not concerned about this, as they have plenty of space and they don’t get a lot of traffic. Alderman Glab doesn’t agree with this. He stated that when the City goes out for proposals for
waste pickup, they take everything into consideration; more yard waste will be most cost, so there will be a higher cost for pickup if more people use the dump site. Mayor Jett said they’ve had this conversation many times, and the City is well under what they’ve picked up for waste. Alderman Glab suggested having a City sticker at no cost to show McHenry residency. Chief Birk reminded Council of the removal of chapter 13-101 through 13-110 via Ordinance.

Motion made by Alderman Curry for approval to eliminate the McHenry Municipal Vehicle Sticker Program, second by Alderwoman Condon.

Roll Call Vote: Ayes: Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Curry, Alderman Schaefer, Alderman Glab, Alderman Santi. Nays: None; Absent: None; Abstentions: None. Motion carried.

Discussion Only Items:
7A. Inclusion of Boone Creek dredging west of Green Street Bridge as part of the FY19/20 Budget. Parks & Recreation Director Hobson said there will be an additional cost of $200,000 to dredge and remove the material; a cost of $160,000 to dredge only. Mr. Morefield mentioned that this was discussed at a staff meeting last night. He shared suggestions to Council on how best to move forward with this project. Alderman Glab asked if this would last for ten years or will it fill in quickly. He mentioned other areas that have been dug out along with other ways of holding the silt back. The problem is some of these areas are privately owned. It is believed the dredging would last three years or more. Director Hobson said, at this section, vacant land has been on the market for a very long time. The land includes prime development sites but not in the shape it’s in. Mr. Morefield said if the City pays $200,000 the company would be hauling it away. Director Hobson added that the coordination of the two projects together, dredging and hauling it away, will need to work hand in hand. He continued on to say that the boat launch area was dredged before it was moved over near the wastewater treatment plant. There was some discussion about the current condition of the seawalls. In response to a question from Alderman Curry, Director Hobson said the dredging would occur around May 1.

Alderman Schaefer suggested designating where the dredging ends; not just west of Green Street. Alderman Santi asked if there is time to bid this out. B. Hobson said they will give it a try; the contractor works directly with the Fox Waterway. Alderman Curry asked if the City has information on dredging from previous watershed studies. D. Morefield said staff can contact HR Green about dredging and how fast areas typically fill up again. Alderwoman Condon asked if they’re looking for a consensus; B. Hobson said that is correct. Alderwoman Condon stated she is supportive of having this dredging / hauling project included in the budget, Council agreed. Director Hobson said the project would take place from approximately May 1st through September 1st, and they’d be working their way back to Green Street; maybe the west side of the bridge, as well.

Executive Session:
Motion to enter into Executive Session for discussion pursuant to 5 ILCS 120/2©(11)—probably litigation to acquire real estate.
Mayor Jett stated at this time he would entertain a motion to enter into executive session to discuss probable litigation to acquire real estate.

A Motion was made by Alderman Santi, second by Alderman Glab to enter into executive session for discussion pursuant to 5 ILCS 120/2©(11)—probably litigation to acquire real estate. Roll Call Vote: Ayes: Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Curry, Alderman Schaefer, Alderman Glab, Alderman Santi. Nays: None; Absent: None; Abstentions: None. Motion carried.

The Council Members along with Attorney McArdle, City Administrator Morefield, Chief Birk and City of Woodstock’s Chief Deputy City Clerk Howie entered into executive session at 8:40 PM.

Reconvene/Roll Call:

The Council Members along with Attorney McArdle, City Administrator Morefield, Chief Birk and City of Woodstock’s Chief Deputy City Clerk Howie returned to the public meeting at 9:00 PM. A Motion was made by Alderman Curry, second by Alderman Santi to reopen the public meeting. Ayes: Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Curry, Alderman Schaefer, Alderman Glab, Alderman Santi. Nays: None; Absent: None; Abstentions: None. Motion carried.

Request by Chief Birk to return to item 6C: Consideration of a recommendation by the Finance & Personnel Committee to eliminate the McHenry Municipal Vehicle Sticker Program, Ordinance No. MC-19-
Chief Birk stated the repealing out of the Traffic Code: with a need for a motion to implement item 6C, and further to Adopt a proposed Ordinance Appealing Section 13-101 through 13-110. Discussion ensued. Chief Birk will review each section that is related to the city sticker.

Motion by Alderwoman Condon to remove Section 13-101 through 13-110, second by Alderman Mihevc.

Ayes: Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Curry, Alderman Schaefer, Alderman Glab, Alderman Santi. Nays: None; Absent: None; Abstentions: None. Motion carried.

Mr. Morefield said they’re still looking at numbers for this past weekend’s St. Patrick’s Day event.

Staff Reports

Mayor and City Council Comments: Mayor Jett commended Director Bill Hobson and volunteers for a fabulous job on this weekend’s event. Thanks to City staff that assisted. Alderman Schaefer added that the fireworks were great, too!

Adjournment:
There being no further public business to discuss, a Motion was made by Alderman Curry, second by Alderman Santi to adjourn from the public meeting at 9:15 PM.

Roll Call Vote: Ayes: Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Curry, Alderman Schaefer, Alderman Glab, Alderman Santi. Nays: None; Absent: None; Abstentions: None. Meeting adjourned until the April 1, 2019 Council meeting at 7:00 PM.

Respectfully submitted,

Jane Howie
Chief Deputy City Clerk
City of Woodstock

[Signature]