Call to Order
Mayor Wayne Jett called the regular meeting scheduled for December 17, 2018 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.

Proclamation
Mayor Jett read a proclamation recognizing Mr. Patrick Wirtz for his contributions to the community and for serving on the Landmark Commission for twelve years. During which time he worked on numerous projects related to the preservation of the historic landmarks located throughout the City. Mayor Jett continued on to proclaim December 17th as Patrick Wirtz Day and asked all Citizens to pay tribute to this outstanding individual and further wished to bestow upon Patrick Wirtz the title of “Chairman Emeritus”. Those in attendance applauded Mr. Patrick Wirtz contributions to the community.

Public Comment
Mayor Jett asked if those in attendance had any comments they wished to share with the Council Members. Those in attendance offered no comments.

Consent Agenda:
Motion to Approve the Following Consent Agenda Items:
A. Approval of the Police Pension Fund Annual Report for Fiscal Year 2017/18;
B. Parks Facilities/Special Use Permits;
C. December 3, 2018 City Council Meeting Minutes;
D. Issuance of Checks in the amount of $734,597.24; and
E. As Needed Checks in the amount of $432,131.24
Mayor Jett asked if there were any items list on the consent agenda the Council Members wished to remove for separate consideration. The Council Members offered no comments. A **Motion was made by Alderman Curry and seconded by Alderman Schaefer to approve the consent agenda items A-E as presented.** Roll call: Vote: 7-ayes: Alderman Curry, Alderman Schaefer, Alderman Glab, Alderman Santi, Alderwoman Condon, Alderman Devine and Alderman Mihevc. 0-nays, 0-abstained. Motion carried.

**Individual Action Item Agenda:**
Subject to full execution of an Amendment to the Meyer Southside Annexation Agreement: Motion to Approve an Ordinance granting an extension of the existing conditional use permit for the continued operation of the Meyer/Lafarge commercial sand and gravel business on the Southside of Illinois Route 120.

Attorney McArdle reported that City and Meyer/Lafarge had in good faith negotiated the terms of the amendments to the annexation agreement and both parties find the amended terms acceptable.

Attorney McArdle continued on to discuss the amended terms of the annexation agreement regarding the Dry Bank Mining operations. He reported that as depicted on the Mining Plans, the Dry Bank mining shall be fully completed and the primary crusher will be removed no later than December 31, 2024. The Wet Mining operations also depicted on the Mining Plans will cease no later than December 31, 2026.

Attorney McArdle discussed the reclamation process. He reported that the reclamation of parcel A as depicted on the Mining Plans will be completed no later than December 31, 2021. He reported that the Material Processing, Stockpile Area and Haul Road Berm shall be reclaimed no later than June 30, 2028 or within 18 months of expiration of mining operations on the North Parcel whichever is later.

Attorney McArdle discussed the amendments to the fee schedule, which will be paid to the City annually during the course of the agreement.

He continued on to discuss the amendments to the hours of operations. The mining operations will only be conducted Monday-Friday from 7:00 am-7:00 pm and on Saturday from 5:00 am-3:00 pm. In addition, loading and maintenance hours shall be from 5:00 am to 8:00 pm.

Attorney McArdle reported that in compliance with the Mining Plans, Meyer upon the adoption of this Ordinance will provide to the City a surety bond. However, no later than December 31, 2024, Meyer shall provide to the City a clean irrevocable letter of credit in an amount equal to
100% of the estimate cost to reclaim the entire Subject Property which will be determined by the City’s consulting engineer.

Attorney McArdle discussed the amendments to the Noise restrictions. He reported that Meyer is required to supply to the City a new datalogger device, and related materials approved by Meyer and the City’s consultant. This device will provide the City with the ability to periodically test the noise levels coming from the subject property.

Attorney McArdle commented on the amendment to the Dust restrictions. He reported that Meyer will provide the City with a DustTrak DRX Monitoring device which will be approved by the City’s consultants. Alderman Curry noted that dust generated within the subject property shall not exceed the Federal and State National Ambient Air Quality Standards of PM 10 and PM 2.5.

Alderman Curry commented on the language in the agreement with respect to Illinois Route 120. He reported that Meyer has agreed to maintain and remove any loose gravel from the driveway and entrance areas to Route 120. In addition, at the weigh station signage will be clearly posted by Meyer requiring all trucks hauling materials to clean the trucks sides and back of loose materials to prevent spillage. Meyer’s employees shall inspect trucks leaving the Subject Property and notify drivers to clean loose gravel off their trucks as needed.

Attorney McArdle noted that the requirements of approval for passage of the Ordinance amending the Meyer Annexation Agreement requires a supermajority vote. He proceeded to thank Mr. Willie, Alderman Curry and Staff for all their negotiating efforts. Alderwoman Condon also thanked Alderman Curry for all the time and hard work he provided in the negotiating process. She noted that Alderman Curry went above and beyond the duties of an Alderman. Aldermen Santi and Glab also acknowledged and thanked Alderman Curry for devoting so much time and energy during the negotiating process.

There being no further discussion on the motion, a Motion was made by Alderman Curry and seconded by Alderwoman Condon to approve an Ordinance granting an extension of the existing conditional use permit for the continued operation of the Meyer/Lafarge commercial sand and gravel business on the Southside of Illinois Route 31. Roll call: Vote: 7-ayes: Alderman Curry, Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Schaefer, Alderman Glab and Alderman Santi. 0-nays, 0-abstained. Motion carried.

Motion to approve an Ordinance Authorizing the Mayor to sign and Deputy City Clerk to Attest an Amendment to the South Meyer Material Annexation Agreement.
A Motion was made by Alderman Curry and seconded by Alderman Santi to approve an Ordinance authorizing the Mayor to sign and the Deputy Clerk attest to an amendment to the South Meyer Material Annexation Agreement. Roll call: Vote: 8-ayes: Alderman Curry, Alderman
Santi, Alderman Glab, Alderman Schaefer, Alderman Mihevc, Alderman Devine, Alderwoman Condon and Mayor Jett. 0-nays, 0-abstained. Motion carried.

Motion to approve an Ordinance granting a Conditional Use Permit to allow a Tavern, Outdoor Seating with Alcohol and Smoking Area, Food Trucks and Outdoor Entertainment.

Director Martin provided the Council Members with an overview of the proposed conditional use permit petition. He reported that the subject property was annexed and developed as a McDonald’s restaurant in 1993 and is now vacant. He continued on to report that Mr. Shah purchased the property and he intends to open an upscale whiskey/cigar bar. Director Martin noted that the subject property is very difficult to improve with a viable land use. Due to the fact that there is a deed restriction on the property by the seller, that no food is permitted to be cooked within the building for 20 years-from the date of the purchase.

Alderman Glab asked Mr. Shah where he intended to locate the food trucks. Mr. Shah replied that the food trucks would only be parked onsite during special events. He thought that the south side of the parking lot might be the best location. Alderman Glab commented on the fact that the way the ordinance is drafted the location of the food trucks is open ended and he is uncomfortable with not having a defined area noted.

There was some discussion with respect to the parking location of the food trucks. Alderwoman Condon suggested that the ordinance reflect that the location of all food trucks shall be approved by Staff. The Council Members concurred with Alderwoman Condon’s recommendation.

Alderman Mihevc questioned the distance between Miller Road and the access point of the subject property. Director Schmitt estimated the subject property’s entrance is about 250’ off of Miller Road. In addition, He asked what the speed limit was on Miller Road. Chief Birk reported that the speed limit along Miller Road was 45 mph.

Alderman Santi asked Mr. Shah what was the proposed establishment’s hours of operation. Mr. Shah reported that he had not established any set hours of operation as of yet.

Alderman Santi noted that Mr. Shah is a well-known and respected businessman and he is certain the establishment will be successful.

Alderwoman Condon commented on the fact that in her opinion this was a unique concept plan and the establishment will enhance the City’s character.

Mayor Jett asked if those in attendance had any questions on the motion under consideration. The audience offered no comments.
There being no further discussion on the motion, a Motion was made Alderman Schaefer and seconded by Alderman Curry to approve an Ordinance granting a Conditional Use Permit to allow a Tavern, Outdoor Seating with Alcohol and Smoking Area, Food Trucks and Outdoor Entertainment. Roll call: Vote: 6-ayes: Alderman Schaefer, Alderman Curry, Alderman Santi, Alderman Glab, Alderman Devine and Alderwoman Condon. 1-nay: Alderman Mihevc, 0-abstained. Motion carried.

Motion to adopt an Ordinance amending the FY18/19 Budget, Fund 200 (Tourism Fund) in the amount of $331,000 for the purchase of property described below; and, a motion to authorize the Mayor to sign and Deputy Clerk to attest the purchase agreement and all closing documents with McHenry Savings Bank relating to the City’s acquisition of three (4) parcels, located on Green Street and south of Illinois Route 120 and totaling approximately 1.59 acres, for a purchase price of $611,000 plus any applicable closing costs.

Administrator Morefield discussed the proposed budget amendment ordinance which will allow for the purchase of four parcels located on Green Street south of Illinois Route 120. 50% of the purchase will be funded from the Tourism Fund and the remaining portion of the acquisition will be acquired via a 5-year installment contract with a 3.50% interest rate.

Mayor Jett asked those in attendance if they had any question on the motion under consideration. Those in attendance offered no comments.

There being no further discussion on the motion, a Motion was made by Alderman Santi and seconded by Alderwoman Condon to adopt an Ordinance amending the FY18/19 Budget, Fund 200 (Tourism Fund) in the amount of $331,000 for the purchase of property described below; and, a motion to authorize the Mayor to sign and Deputy Clerk to attest the purchase agreement and all closing documents with McHenry Savings Bank relating to the City’s acquisition of four (4) parcels, located on Green Street and south of Illinois Route 120 and totaling approximately 1.59 acres, for a purchase price of $611,000 plus any applicable closing costs. Roll call: Vote: 7-ayes: Alderman Santi, Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Curry, Alderman Schaefer and Alderwoman Glab. 0-nays, 0-abstained. Motion carried.

Motion to approve an Ordinance replacing and adopting new existing and Future Land Use Maps for the City of McHenry Comprehensive Plan and Development Policies; and, an Ordinance adopting a Consistency Policy for the City of McHenry Comprehensive Plan and Development Policies.
Director Martin discussed the proposed Existing and Future Land Use Maps as amended. He reported that the Planning and Zoning Commission methodically considered each quadrant of the City, along with any boundary agreements that were applicable. He reported that moving forward the Planning and Zoning Commission will update the maps annually. In addition, the Planning and Zoning Commission unanimously recommended approval of the Consistency Policy to become part of the City’s Comprehensive Plan and Development Policies.

A lengthy discussion ensued, Staff recommended if the Council Members had any comments with respect to the amended maps to forward their comments to Director Martin.

Alderman Santi thanked the Planning and Zoning Commissioners for all their hard work.

Mayor Jett asked those in attendance if they had any comments with respect to the matter under consideration. Those in attendance offered no comments.

There being no further discussion on the motion, a Motion was made by Alderman Curry and seconded by Alderman Santi to approve an Ordinance replacing and adopting new existing and Future Land Use Maps for the City of McHenry Comprehensive Plan and Development Policies; and, an Ordinance adopting a Consistency Policy for the City of McHenry Comprehensive Plan and Development Policies. Roll call: Vote: 7-ayes: Alderman Curry, Alderman Santi, Alderman Glab, Alderman Schaefer, Alderman Mihevc, Alderman Devine and Alderwoman Condon. 0-nays, 0-abstained. Motion carried.

Motion to approve an Ordinance adopting a Text Amendment to the City of McHenry Zoning Ordinance adding a New Zoning District Classification Titled Agriculture District; and, an Ordinance adopting a Text Amendment to the City of McHenry Zoning Ordinance adding a New Zoning District Classification Titled Mixed Use Districts.

Director Martin provided the Council Members with an overview of the proposed Zoning Ordinance text amendments. He reported that the Planning and Zoning Commission throughout their review of the Future Land Use Map believed it was in the best interest of the City to recommend creating two new zoning districts.

Director Martin commented on the purpose of creating an Agriculture Zoning District. He reported that the creation of the Agriculture District allows for property to be farmed or used for other acceptable uses without committing to a future land use.

Director Martin continued on to discuss the proposed Mixed Use District. He reported that this classification allows mixed-use buildings within neighborhoods to provide retail, service and other uses on the ground floor and residential units above the nonresidential space. In addition, this type of zoning classification affords more creativity than is currently permitted in the C-4 and
C-5 zoning districts.

Alderman Glab was uncertain how the zoning text amendments would benefit the City.

Alderman Condon supported the zoning text amendments. In her opinion this type of zoning district will simulate developers’ creativity.

Mayor Jett asked those in attendance if they had any comments with respect to the matter under consideration. Those in attendance offered no comments.

There being no further discussion on the motion, a Motion was made by Alderwoman Condon and seconded by Alderman Schaefer to approve an Ordinance adopting a Text Amendment to the City of McHenry Zoning Ordinance adding a New Zoning District Classification Titled Agriculture District; and, an Ordinance adopting a Text Amendment to the City of McHenry Zoning Ordinance adding a New Zoning District Classification Titled Mixed Use Districts. Roll call: Vote: 6-ayes: Alderwoman Condon, Alderman Schaefer, Alderman Santi, Alderman Devine, Alderman Mihevc and Alderman Curry. 1-nay: Alderman Glab, 0-abstained. Motion carried.

Motion to approve an Ordinance prohibiting the use of Groundwater as Potable Water Supply by the Installation or Use of Potable Water Supply Wells or by any other method within a Certain Area in the City of McHenry.

Director Polerecky reported that the Community Development Department is aware of certain properties in the City limits along Lake Avenue, Route 120 and Erin Street which have been used over a period of time for commercial/industrial purposes. In addition, the subject properties are connected to the City’s water system and this action complies with EPA regulations.

Mayor Jett asked those in attendance if they had any questions or comments regarding this matter. The audience offered no comments.

There being no further discussion on the motion, a Motion was made by Alderman Santi and seconded by Alderman Schaefer to approve an Ordinance prohibiting the use of Groundwater as Potable Water Supply by the Installation or Use of Potable Water Supply Wells or by any other method within a Certain Area in the City of McHenry. Roll call: Vote: 7-ayes: Alderman Santi, Alderman Schaefer, Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Glab and Alderman Curry. 0-nays, 0-abstained. Motion carried.

Motion to approve a request from the McHenry Riverwalk Foundation to allow construction of a brick paver pavilion and gazebo, consistent with the VOA Construction Plan for the Riverwalk, on the property at 1202 N. Riverside Drive.
Director Hobson provided the Council Members with an overview of the proposed Riverwalk construction of Phases 2A.1 and 2A.2. He commented on the Riverwalk Foundation’s contribution with respect to the first phase of the Riverwalk in which they donated $60,000 for the ornate sign and donor recognition wall that is located just off of Green Street. He reported that the Foundation has once again came forward and is offering a donation in the amount of $320,000 to extend the Riverwalk from Miller Point past two private businesses and under the Route 120 bridge.

Director Hobson continued on to discuss the proposed Riverwalk improvements which will include a public pavilion that was initially designed and always designated for Miller Point. In addition, the construction of a gathering space for events, both public and private. These features will further enrich the downtown district.

Alderman Condon express her excitement with respect to the proposed enhancements to the Riverwalk and also extended her deep appreciation to the Riverwalk Foundation Members. Alderman Curry also echoed Alderman Condon’s expressions of excitement and deep appreciation to the Riverwalk Foundation Members.

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

There being no further comments on the motion, a Motion was made by Alderman Santi and seconded by Alderman Curry to approve a request from the McHenry Riverwalk Foundation to allow construction of a brick paver pavilion and gazebo, consistent with the VOA Construction Plan for the Riverwalk, on the property at 1202 N. Riverside Drive. Roll call: Vote; 7-ayes: Alderman Santi, Alderman Curry, Alderman Glab, Alderman Schaefer, Alderman Mihevc, Alderman Devine and Alderman Condon. 0-nays, 0-abstained. Motion carried.

Motion to approve a Temporary Use Permit, Special Event Liquor License, the Open Carry of Alcoholic Beverages, Various Street Closures, and an Ordinance Amending the FY18/19 Tourism Fund Budget in an amount not to exceed $10,000 for the Shamrocks the Fox Event to be held on Saturday, March 16th and Sunday, March 17th 2019.

Director Hobson provided the Council Members with an overview of the proposed McHenry ShamRocks the Fox St. Patrick’s Day festival. He commented on the fact that last year was the first year the City hosted the St. Patrick’s Day festival and the event proved to be extremely successful. This year the Special Event Committee has tweaked some of the event’s components. They proposed changes to the parade route. The parade route would begin on Kane Ave. to allow for additional parking at the East Campus and sufficient space to organize and line up the parade participants. In addition, the Special Event Committee has proposed changes to the event times. The event’s alcohol sales hours will be 11:00 am-11:00 pm on Saturday and from noon-6:45 pm on Sunday.
Director Hobson went on to discuss the draft ordinance amending the FY19/20 Tourism Fund budget in an amount not to exceed $10,000. He reported that last year the event was extremely successful with a profit after expenses over $8,000. He noted that with the impact of last year’s event and timing, and the fact that the Special Event Committee was able to begin planning the event earlier, it is anticipated that the Committee will be able to acquire more private sponsorships. He reported that there is one more expense that was not included in last year’s budget. The expense is to pay for a small fireworks display on Sunday night. The fireworks display would be a 15 minute display beginning at 6:45 pm at Miller Point.

Mayor Jett asked if those in attendance had any comments regarding the matter under consideration. Those in attendance offered no comments.

There being no further discussion on the motion, a Motion was made by Alderman Schaefer and seconded by Alderwoman Condon to approve a Temporary Use Permit, Special Event Liquor License, the Open Carry of Alcoholic Beverages, Various Street Closures, and an Ordinance Amending the FY18/19 Tourism Fund Budget in an amount not to exceed $10,000 for the Shamrocks the Fox Event to be held on Saturday, March 16th and Sunday, March 17th 2019. Roll call: Vote: 7-ayes: Alderman Schaefer, Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Curry, Alderman Glab and Alderman Santi. 0-nays, 0-abstained. Motion carried.

Motion to a) pass a Resolution approving Executive Session meeting minutes as presented; b) authorize the release of Executive Session meeting minutes as presented; and, c) the destruction of any Executive Session recordings that have existed for more than 18 months and for which the minutes of that meeting have been approved.

Administrator Morefield reported that the executive session minutes were previously reviewed and discussed at the last City Council meeting in executive session.

There being no further discussion on the motion, a Motion was made by Alderman Curry and seconded by Alderman Santi to pass a Resolution approving Executive Session meeting minutes as presented; b) authorize the release of Executive Session meeting minutes as presented; and, c) the destruction of any Executive Session recordings that have existed for more than 18 months and for which the minutes of that meeting have been approved. Roll call: Vote: 7-ayes: Alderman Curry, Alderman Santi, Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Schaefer and Alderman Glab. 0-nays, 0-abstained. Motion carried.

Discussion Only Items:
There were no discussion only items listed on the agenda.
Executive Session
There were no matters to discuss in an executive session.

Staff Reports
The Staff Members offered no reports.

Mayor and City Council Comments
Mayor Jett reported that he will be unavailable beginning December 30th through January 12th. He authorized Alderman Schaefer to handle any matters that needed to be addressed immediately.

Adjournment
There being no further public business to discuss, a Motion was made by Alderman Santi and seconded by Alderwoman Condon to adjourn from the public meeting at 8:48 p.m. Roll call: Vote: 7-ayes: Alderman Santi, Alderwoman Condon, Alderman Schaefer, Alderman Glab, Alderman Curry, Alderman Mihevc and Alderman Devine.

Respectfully submitted,
Debra Meadows

Mayor

Deputy Clerk