Regular City Council Meeting
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Call to Order
Mayor Wayne Jett called the regularly scheduled July 23, 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.

Mayor Jett reported that Alderman Schaefer is out of town for business purposes and has asked to participate remotely as provided by City Ordinance with consent of the City Council Members. At this time Mayor Jett stated that he would entertain a motion to allow Alderman Schaefer to participate remotely via teleconference. **A Motion was made by Alderman Santi and seconded by Alderwoman Condon to approve Alderman Schaefer’s request to participate via teleconference.** Roll call: Vote: 6-ayes: Alderman Santi, Alderwoman Condon, Alderman Devine, Alderman Glab, Alderman Mihevc and Alderman Curry. 0-nays, 0-abstained. Motion carried. Mayor Jett reported that Alderman Schaefer has now joined the meeting in progress.

Public Comment
Mayor Jett asked if there was anyone in attendance that wished to comment on any matter not listed on the agenda. Mr. Jeff Varda who resides at 3400 Biscayne Road approached the podium. He commented on a recent City Council presentation by SolarStone in which they discussed the development of a “solar farm” on a portion of the Peterson Farm. Mr. Varda noted that he supported solar energy. However, in his opinion there were so many other ways that the historic farm could be utilized.
Mr. Varda provided the Council Members and Staff with handouts depicting a survey that was conducted during A Day at the Farm event. The guest ranked activities they would like to see at a living farm. Some of the top ranking activities included receptions, reunions, community garden plots, educational classes and living farms.

Mr. Varda continued on to discuss, why in his opinion a Solar Plan should only be developed in conjunction with the overall plan for Peterson Farm. He noted that heritage sites and historic buildings are important and have a positive impact on the community. In addition, historic destination benefits the local economy and attract external investment as well as maintaining existing businesses of all types.

Mr. Varda thanked the Council Members for their time and the Council Members thanked Mr. Varda for his input.

**Consent Agenda**

**Motion to Approve the Following Consent Agenda Items:**

A. Execution of an Easement Agreement relating to 4506 Clearview Avenue;
B. Execution of an Easement Agreement relating to 1715 Illinois Route 31;
C. Issuance of Checks in the amount of $464,544.13;
D. Payment of Bills in the amount of $350,860.61.

Mayor Jett asked if any of the Council Members wished to remove any of the consent agenda items for separate consideration. The Council Members offered no comments. **A Motion was made by Alderwoman Condon and seconded by Alderman Curry to approve the consent agenda items A-D as presented.** Roll call: Vote: 7-ayes: Alderwoman Condon, Alderman Curry, Alderman Devine, Alderman Mihevc, Alderman Santi, Alderman Glab and Alderman Schaefer. 0-nays, 0-abstained. Motion carried.

**Individual Action Item Agenda:**

**Motion to approve an Annexation Agreement, Annexation, Zoning Map Amendment, Conditional Use Permit, and Variances to allow a fueling station and convenience store for the property located at the northwest corner of Ringwood Road and Illinois Route 120 (2009 Ringwood Road – Speedway)**

Attorney McArdle reported that there are four action items contained in this agenda item. The first item is the approval of an Annexation Agreement for the property located at the northwest corner of Ringwood Road and Illinois Route 120. The second item under consideration is the annexing of the Subject Property followed by the Zoning Map Amendment, Conditional Use Permit and the request for variances. Attorney McArdle stated that if the first action item fails the others action items are irrelevant with no Council action necessary.
Director Martin reported that the subject property is currently locate in unincorporated McHenry County and requires annexation to the City. He reported that Speedway has agreed to construct a berm across the entire length of the northern property line of the subject property which abuts the Chesapeake Hills Subdivision. In addition, Speedway shall design the stormwater system on the subject property such that the water releases at a rate of .11 cfs. Rather than the otherwise required rate of .15 cfs. Director Martin reported that he is in full support of this development.

Alderman Curry commented on an incident involving Speedway’s underground storage tanks which leaked into the Willowbrook’s sewer system and exploded. He noted that the EPA and the Illinois State Fire Marshall have imposed new requirements and regulations regarding underground storage tanks which goes into effect in October of this year. Alderman Curry asked a WT Group representative if the new Speedway underground storage tanks would comply with the new regulations. The WT Group representative replied yes. He stated that the new underground storage tanks would have a double protective wall instead of a single wall and state of the art monitoring equipment.

Alderman Glab commented on the improved design of the stormwater system. He questioned where and how was the stormwater run-off conveyed. WT Group representative reported that the stormwater is collected in the North and is release to the South in an IDOT easement. He noted that the stormwater engineering is in the preliminary stages and has not yet been permitted by IDOT.

Alderman Glab expressed his concerns with not addressing the zoning on all of the Subject Property being annexed. He questioned if the adjacent property owners would receive notice if and when the remaining Subject Property owners were in the process of petitioning the City for a zoning classification.

Attorney McArdle reported that the annexation agreement has provisions and the applicant agrees that prior to any development occurring on the Subject Property, other than the proposed fueling station and convenience store, an amendment of this Agreement must be reached with the City Council. Applicant waives any vested rights or other permitted rights, zoning or otherwise, to further use or develop the Subject Property without amendment of this Agreement. However, if Council wants to require notice of adjacent property owners, they may do so.

Alderwoman Condon expressed concerns with requiring any additional notices. She noted that Council had done their due diligence and the annexation agreement would need to be amended
and approved by this or the next City Council prior to any additional development on the subject property.

Mayor Jett asked if anyone in the audience wished to comment on this matter. Resident John Wsol approached the podium. He encouraged the Council Members to consider carefully the implications of approving this annexation agreement. Mr. Wsol noted that this is a complex development. He proceeded to thank the Council Members for their support.

Mayor Jett stated at this time he would entertain a motion to approve the annexation agreement of approximately seven and half acres commonly located at the Northwest corner of Ringwood Road and Illinois Route 120. A Motion was made by Alderwoman Condon and seconded by Alderman Santi to approve an Ordinance authorizing the execution of an Annexation Agreement for an approximately seven and half acre property located at the northwest corner of Ringwood Road and Illinois Route 120 in McHenry County, Illinois.

Alderwoman Condon addressed the audience. She thanked them for their input and noted that the Council Members had listened to their comments which assisted in the concessions and amendments to the agreement.

Alderman Santi questioned if the motion also contained the 15 day notice requirement. Attorney McArdle replied no.

Alderman Devine asked the WT Group representative what method was used with respect to the soil testing. WT Group representative reported that earlier in the year they had completed geotechnical investigations and will have a Geo Tech and State Fire Marshall on site during the construction. Attorney McArdle asked what did the soil investigations measure. WT Group representative replied the soil test determines the physical properties of the soil and rock below the surface. Director Polerecky reported that it is the same type of soil boring tests that are conducted for all types of construction projects.

There being no further discussion on the motion, Deputy Clerk Meadows called the roll. Roll call: Vote: 7-ayes: Alderwoman Condon, Alderman Santi, Alderman Curry, Alderman Mihevc, Alderman Devine, Alderman Schaefer and Mayor Jett. 1-nay: Alderman Glab. 0- abstained. Motion carried.

An Ordinance annexing approximately seven and a half acres commonly located at the northwest corner of Ringwood Road and Illinois Route 120 in McHenry County, Illinois.

Mayor Jett stated that at this time he would entertain a motion to approve an Ordinance annexing the Subject Property. A Motion was made by Alderwoman Condon and seconded by Alderman Curry to approve an Ordinance annexing approximately seven and a half acres commonly located at the northwest corner of Ringwood Road and Illinois Route 120 in McHenry County, Illinois. Roll call: Vote: 7-ayes: Alderwoman Condon, Alderman Curry,
Alderman Devin, Alderman Mihevc, Alderman Schaefer, Alderman Santi and Mayor Jett. 1-nay: Alderman Glab. 0-abstained. Motion carried.

An Ordinance granting a zoning map amendment to C-2 Neighborhood Commercial for the property located at the Northwest Corner of Illinois Route 120 and Ringwood Road in the City of McHenry County, Illinois.

Mayor Jett stated that this time he would entertain a motion of granting a zoning map amendment to C-2 Neighborhood Commercial for the Subject Property. A Motion was made by Alderman Santi and seconded by Alderwoman Condon to grant a zoning map amendment to C-2 Neighborhood Commercial for the property located at the northwest corner of Illinois Route 120 and Ringwood Road in the City of McHenry County, Illinois. Roll call: Vote: 6-ayes: Alderman Santi, Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Curry, Alderman Schaefer. 1-nay: Alderman Glab. 0-abstained. Motion carried.

An Ordinance granting a Conditional Use Permit to allow an Automobile Fueling Station and Variances for the Property located at the northwest corner of Illinois Route 120 and Ringwood Road in the City of McHenry, McHenry County, Illinois.

Mayor Jett stated at this time he would entertain a motion to grant a Conditional Use Permit to allow an Automobile Fueling Station and Variances for the Subject Property. A Motion was made by Alderwoman Condon and seconded by Alderman Devine to grant a Conditional Use Permit to allow an Automobile Fueling Station and Variances for the Property located at the northwest corner of Illinois Route 120 and Ringwood Road in the City of McHenry, McHenry County, Illinois. Roll call: Vote: 6-ayes: Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Santi, Alderman Schaefer, Alderman Curry. 1-nay: Alderman Glab. 0-abstained. Motion carried.

Motion to approve a Sign Variance for 2009 Ringwood Road (Speedway)

Director Polerecky provided the Council Members with an overview of Speedway’s sign variance request. He reported that the Community Development Department received a sign variance request from Speedway gas station located at 2009 Ringwood Road. Speedway is proposing an additional free standing sign with an additional 15’ in height, for a maximum of 30’ and one additional wall sign on the building.

Alderwoman Condon stated that she supports the additional free standing sign and the additional wall sign. However, she is opposed to the request with respect to an additional 15’ in height. Alderman Curry agreed with Alderwoman Condon’s comments.

A lengthy discussion ensued with respect to the 30’ height of the sign variance request. The Council Members as a whole was not in favor of granting the request. The Petitioner tried to justify the need for the 30’ sign. After a lengthy debate the petitioner withdrew their petition and will comply with the Sign Ordinance. The Council Members thanked the Petitioner for respecting the City’s Ordinances and investing in the community.
Mayor Jett asked if anyone in the audience wished to comment on this matter. Those in attendance offered no comments.

**A Motion was made by Alderman Curry and seconded by Alderwoman Condon to approve a Sign Variance for 2009 Ringwood Road (Speedway) which allows of one additional freestanding sign 15’ in height located at the corner of Ringwood Road and Route 120 and a second freestanding sign, located further north/west on Route 120 15’ in height.** Roll call: Vote: 7-ayes: Alderman Curry, Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Glab, Alderman Schaefer and Alderman Santi. 0-nays, 0-abstained. Motion carried.

**Motion to approve an Ordinance Granting a Conditional Use Permit and Variances for the fueling station located at the southwest corner of Crystal Lake Road and Bull Valley Road (5301 Bull Valley Road-BP).**
Director Martin provided the Council Members with an overview of the petition requesting a Conditional Use Permit and Variances for the BP Fueling Station located at 5301 Bull Valley Road.

Alderwoman Condon questioned if the additional lighting would project onto the adjacent properties. Director Martin replied no, the LED lights would be installed over the pump area and project downward. In addition, Director Martin reported that the current Lighting Ordinance needs to be updated.

Alderman Santi asked the petitioner if the gas station will remain open during the remodeling project. The petitioner replied no, the current facility will be torn down and completely rebuilt.

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

**A Motion was made by Alderman Santi and seconded by Alderman Mihevc to approve an Ordinance granting a Conditional Use Permit and Variances for the fueling station located at the southwest corner of Crystal Lake Road and Bull Valley Road (5301 Bull Valley Road-BP).** Roll call: Vote: 7-ayes: Alderman Santi, Alderman Mihevc, Alderman Schaefer, Alderwoman Condon, Alderman Glab, Alderman Curry and Alderman Devine. 0-nays, 0-abstained. Motion carried.

**Motion to approve a Sign Variance for 5301 Bull Valley Road (BP).**
Director Polerecky provided the Council Members with an overview of the Sign Variance request for the BP Gas Station located at 5301 Bull Valley Road. He reported that the Community Development Department received a sign variance request from BP to permit for an additional 7’5” of height for a maximum height of 22’5”, and a variance to allow a three sided freestanding sign.

A representative of Graham Enterprises Inc., commented on the request. She reported that the request for a larger than permitted sign is generated by the desire to rebrand BP Gas Stations
which includes a new Trio logo. In order to include the new logo, current gas prices and other information the extra height is needed. Alderman Curry once again stated that the Ordinance with respect to signage height had been adopted for a reason and is in the best interest of the City’s ability to maintain an aesthetically pleasing streetscape. Alderwoman Condon agreed with Alderman Curry’s comments.

Attorney McArdle informed the petitioner that it appeared the Council Members were not in favor of granting the Sign Variance unless the petitioner withdrew the portion of the petition requesting an additional 7’5” in height. The petitioner agreed to withdraw that portion of the request and comply with the City’s Sign Ordinance with respect limiting the sign to 15’.

A Motion was made by Alderman Curry and seconded by Alderwoman Condon to approve the Sign variance for 5301 Bully Valley Road, BP Redevelopment granting two additional wall signs, a freestanding sign 15’ in height and one three sided free standing sign. Roll call: Vote: 7-aYES: Alderman Curry, Alderwoman Condon, Alderman Devine, Alderman Mihevc, Alderman Schaefer, Alderman Santi and Alderman Glab. 0-nays, 0-abstained. Motion carried.

Motion to approve a Sign Variance for the Dairy Queen, located in the Northgate Shopping Center.
Director Polerecky provided the Council Members with an overview of the Dairy Queen’s request for a sign variance. He reported that a variance was granted to the Northgate Shopping Center to allow for the additions of logos to the East Elevation of the buildings and to lift color restrictions originally placed on the signs. Dairy Queen is requesting an amendment to accommodate a corporate sign change. The Council Members discussed the unique characteristics of the Northgate Shopping Center. They all supported granting the sign variance for the Dairy Queen.

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

A Motion was made by Alderman Santi and seconded by Alderman Devine to approve a Sign Variance for the Dairy Queen, located in the Northgate Shopping Center. Roll call: Vote: 7-aYES: Alderman Santi, Alderman Devine, Alderman Mihevc, Alderman Curry, Alderman Glab, Alderman Schaefer and Alderwoman Condon. 0-nays, 0-abstained. Motion carried.

Motion to approve a Budget Amendment Ordinance, increasing Fund 100 (General), Department 33 (Streets), Account 5110 (Contractual) by $44,430; and approve a Professional Services Contract with HR Green, Inc. in the amount of $44,430 for design services for Pearl Street Illinois Transportation Enhancement Program improvements.
Director Schmitt discussed the budget amendment request. He reported that the City submitted applications for funding for these improvements during the design phase of the Pearl Street and Lincoln Road Surface Transportation Program (STP) improvements.
However, due to the timeline for the call for proposals and the necessity to construct the multi-use path in 2018 these improvements will need to be completed as a separate project. The resurfacing and multi-use path project along Pearl Street is anticipated to be completed in fall of this year and will be constructed such that the streetscape improvements will be completed the following year with minimal conflict to what is currently under construction. City Staff solicited proposals for Professional Engineering Services for ITEP improvements on Pearl Street from the City’s pool of prequalified firms. The Request for Proposal (RFP) was distributed to all five (5) firms prequalified in the Municipal Engineering Transportation category and HR Green was the apparent lowest proposal. Acceptance of this proposal would first require the approval of an ordinance amending the FY18/19 Budget and increasing the Contractual account of the Streets budget by $44,430.

Mayor Jett asked if the Council Members had any comments on this matter. The Council Members offered no comment. Mayor Jett then proceeded to ask if anyone in the audience had any questions regarding this matter. Those in attendance offered no comments.

There being no further comments on the Ordinance, a Motion was made by Alderman Schaefer and seconded by Alderman Santi. Roll call: Vote: 7-ayes: Alderman Schaefer, Alderman Santi, Alderwoman Condon, Alderman Devine, Alderman Curry, Alderman Glab and Alderman Mihevc. 0-nays, 0-abstained. Motion carried.

Motion to adopt the Classification and Compensation Study completed by GovHR and approve a Budget Amendment Ordinance, increasing Fund 100 (General) by $26,771; Fund 400 (Recreation Center) by $11,023; and Fund 620 (Information Technology) by $4,265 for the purpose of implementing wage adjustments for those positions that fall below the minimum ranges as identified in the new Classification and Compensation Plan.
Director Campanella reported that the Finance and Personnel Committee had approved the Classification and Compensation Study completed by GovHR along with implementing the wage adjustments for certain positions. Alderman Santi asked if Director Campanella knew how long GovHR had been conducting Classification and Compensation Studies. She estimated about 20 years.

Alderwoman Condon stated that she supported the compensation increases for those positions noted in the study.

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

There being no further discuss on the Ordinance, a Motion was made by Alderman Curry and seconded by Alderman Mihevc to adopt the Classification and Compensation Study completed by GovHR and approve a Budget Amendment Ordinance, increasing Fund 100 (General) by $26,771; Fund 400 (Recreation Center) by $11,023; and Fund 620 (Information Technology) by
$4,265 for the purpose of implementing wage adjustments for those positions that fall below the minimum ranges as identified in the new Classification and Compensation Plan.

Motion to approve a Budget Amendment Ordinance, increasing Fund 100 (General) by $63,113, for the purpose of hiring a City Planner.
Administrator Morefield reported that the Finance and Personnel Committee had unanimously approved the recreation of this position. He went on to note that the City has not had a full-time City Planner since 2009, just after the economic recession. Administrator Morefield continued by stating that Director Martin is a professional planner by education/training, has fulfilled this role secondary to his primary responsibility of economic development. However, given the prioritization of economic development by the City Council, it is important that Director Martin’s time be committed fully to economic development-related activities. Director Martin will still be assisting the newly hired City Planner throughout the transition period.

Alderman Glab expressed concerns with respect to the essential need of the recreation of this position. In addition, he noted that two positions had been recently added to the Economic Development Department.

Alderwoman Condon noted that since the economic recession several positions continued to go unfilled and in her opinion this has a negative impact on the community as a whole. In addition, she knows for a fact that Director Martin and his Staff works well over 40 hours a week and she supports the hiring of a City Planner.

Director Campanella provided the Council Members with clarification on the two Economic Development positions. She noted one position was promoted from within the department and the other employee was transferred from the Administration Department.

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

There being no further discussion on the Ordinance, a Motion was made by Alderman Curry and seconded by Alderman Devine to approve a Budget Amendment Ordinance, increasing Fund 100 (General) by $63,113, for the purpose of hiring a City Planner. Roll call: Vote: 7-ayes: Alderman Curry, Alderman Devine, Alderman Schaefer, Alderman Mihevc, Alderman Glab, Alderman Santi and Alderwoman Condon. 0-nays, 0-abstained. Motion carried.

Motion to approve a Resolution authorizing the placing of a Binding Referendum Question on the November 6, 2018 General Election Ballot regarding the issuance of bonds in an amount not to exceed $30,000,000 for the purpose of constructing an indoor pool, a gymnasium, and an outdoor family aquatic park.
Director Hobson reported that the City has performed a great deal of due diligence gathering information on the potential expansion of the McHenry Recreation Center. As the City was planning the initial phase of the recreation center, a master plan was developed that left open space to add on to the project in the future. The master plan began in earnest just a year after opening the center due to the community response to the project. In 2017 a community needs assessment was administered and results spoke to the desired expansion of the facility and the willingness to pay for that expansion. The next step was to ensure the viability of the project and each of the proposed elements through a pro-forma, which was completed earlier this year. Again, the data came back in a positive light exhibiting the profitability of the project as a whole.

The Council Members engaged in a lively debate with respect to the Binding Referendum Question being placed on the November 6th General Election Ballot. Alderman Glab expressed concerns with asking voters to vote on a property tax increase. He noted that he has seen negative comments on social media sites. Alderman Santi questioned the Referendum language although he noted that the question was already wordy enough. Attorney McArdle reported that he will amend the referendum language.

Alderman Condon noted that she was indifferent with respect to the outcome of the referendum. However, she believed taking the question to the voters was the right thing to do.

There was a lengthy discussion with respect to the Referendum Question being binding or advisory. Attorney McArdle reported that if the Referendum Question was advisory the City Council was not obligated to take action on a favorable outcome due to the fact that the City is Home Rule.

Mayor Jett asked those in the audience if they had any question or comments on the matter currently under discussion. Mr. Joseph Vollz commented on the proposed referendum. He noted that if the referendum were to pass the property tax would be significant. He reported that he manages several recreational facilities and he questioned if Staff had researched grants and private/public partnerships opportunities or considered entering into intergovernmental agreements in which each entity agrees to share their various amenities. Mr. Vollz went on to offer his assistance in researching other funding sources. Staff thanked Mr. Vollz for the offer.

Mr. Chuck Wheeler approached the podium. He expressed his concern with the not to exceed $30,000,000 amount. Mr. Wheeler suggested phasing the recreational improvements over time. In his opinion if the referendum were to pass the property tax increase would place an undue burden on many homeowners. Mr. Wheeler thanked the Council Members for their time.

There being no further discussion on the Resolution, a Motion was made by Alderman Schaefer and seconded by Alderwoman Condon to approve Resolution authorizing the placing of a Binding Referendum Question on the November 6, 2018 General Election Ballot regarding the issuance of bonds in an amount not to exceed $30,000,000 for the purpose of construction an
**indoor pool, a gymnasium, and an outdoor family aquatic park.** Roll call: Vote: 5-ayes: Alderman Schaefer, Alderwoman Condon, Alderman Mihevc, Alderman Santi and Alderman Devine. 2-nays: Alderman Glab and Alderman Curry. 0-abstained. Motion carried.

**Discussion Only Items**  
Presentation by representatives from the Illinois Department of Transportation (IDOT) regarding future improvements to Illinois Route 31 through the City of McHenry.  
A representative from IDOT provided the Council Members with an overview of their 5 year Highway Improvement Program as it impacts the City. Director Schmitt reported that he was looking for direction from the City Council with respect to the City’s intentions moving forward regarding the locally funded improvements. These intentions will be formalized in the form of an approval Letter of Intent between IDOT and the City. This letter of intent would not be the final Intergovernmental agreement between the City and IDOT and would have no immediate financial impact.

A lengthy discussion ensued. Director Schmitt reported that he will move forward with the Letter of Intent and bring the Intergovernmental Agreement between the City and IDOT to the Public Works Committee for review and recommendation.

**Adjournment**  
There being no further public business to discuss, A **Motion was made by Alderman Santi and seconded by Alderman Devine to adjourn from the public meeting at 10:37 p.m.** Roll call: Vote: 6-ayes: Alderman Curry, Alderman Santi, Alderman Mihevc, Alderman Glab and Alderman Devine and Alderwoman Condon. 0-nays, 0-abstained. Motion carried.

[Signatures]
Mayor

[Signature]
Deputy City Clerk