Special Council Meeting  
August 23, 2018

Call to Order
Mayor Wayne Jett called the special meeting scheduled for August 23, 2018 of the McHenry City Council to order at 6:03 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
There was no public representation present.

Mayor Jett opened the conversation with Meyer Material representatives by reporting that he had received a new email offer letter from Lafarge representative Mr. Mark Miller in which he agreed to cease the above ground mining operations on December 31, 2026 which allows the above ground mining operations to continue for seven years and eight months. The Council Members discussed a correction to the end date, seven years and eight months should equate to the above ground operations ceasing on December 31, 2025. The Meyer Material representatives agreed with the Council Members calculation date.

A lengthy discussion ensued regarding the underground restoration operations and the reclamation process. Meyer Material representatives reported that the underground restoration operations does not require any heavy thunderous equipment. In addition, the resources extracted from the site would be wet sand and pea gravel which eliminates the dust and noise concerns. The sales center would remain open and the products would be stock piled until sold. They would continue to haul products to and from the site.

The Council Members discussed their request to have Meyer Material provide the City with Dust and Noise testing equipment. Having the equipment on hand allows for Staff to respond promptly to residents complainants with respect to noise and dust. The Meyer Material representatives will take this request under advisement.
The City Council discussed the requirement with respect to Meyer Material obtaining a Letter of Credit upon beginning the reclamation process. The Letter of Credit protects the City if Meyer Material were to default in their obligations to restore the site. The City would have the ability to access the funds necessary to complete the site reclamation improvements.

The Council Members asked the Meyer Material representatives if they would exit the chamber while the Council Member discussed the negotiation terms in closed session.

Execution Session
Motion to enter into Executive Session to discuss probable or imminent litigation as permitted by 5 ILCS 120/2 (c) (11).
A Mayor Jett stated at this time he would entertain a motion to enter into executive session to discuss probable or imminent litigation as permitted by 5 ILCS 120/2 (C) (11) with possible action to follow.

A Motion was made by Alderman Santi and seconded by Alderman Glab to enter into executive session to discuss probable or imminent litigation as permitted by 5 ILCS 120/2 (c) (11) with possible action to follow. Roll call: Vote: 4-ayes: Alderman Santi, Alderman Glab, Alderman Mihevc and Alderman Schaefer. 0-nays, 0-abstained. Motion carried.

The Council Members along with Attorney Smoron and Deputy Clerk Meadows entered into executive session 7:05 p.m.

Reconvene/Roll Call
The Council Members along with Attorney Smoron and Deputy Clerk Meadows returned to the public meeting at 7:45 p.m. A Motion was made by Alderman Santi and seconded by Alderman Glab to reopen the public meeting. Roll call: Vote: 4-ayes: Alderman Santi, Alderman Glab, Alderman Schaefer and Alderman Mihevc.0-nays, 0-abstained. Motion carried.

Discussion Continuation
The Council Members and Meyer Material representatives continued to negotiate the extension of the Tolled Annexation Agreement terms and conditions.

The Council Members provided the Meyer Material representatives with a list of conditions as follows:

- An eight year plan including processing and operation site locations
- A map depicting reclamation process and mining on the northern site
- City ownership of dust and noise equipment
- Letter of Credit
- Reclamation Plan to be approved by the City Engineer
- Fines
• Annual reporting
• Sound barriers and enclosures
• Sand and gravel height restrictions

The Meyer Material representatives agreed to address each of this conditions. Mayor Jett reported that the Council will conduct a special meeting on September 4th to finalize the negotiations.

Individual Actions Items
Motion to Authorize the Mayor to sign a Second Amended and Restated Standstill a/k/a Tolling Agreement with Meyer Material Company.

Motion to Approve Ordinance Petitioning the City of McHenry Planning and Zoning Commission for Amendments to the City’s Comprehensive Plan and Amendments to the City’s Zoning Text and Map.

There was no action taken on any of the individual action items.

Adjournment
There being no further public business to discuss, a Motion was made by Alderman Santi and seconded by Alderman Schaefer to adjourn from the public meeting at 8:00 p.m. Roll call: Vote: 4-ayes: Alderman Santi, Alderman Schaefer, Alderman Glab and Alderman Mihevc. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

[Signature]
Mayor

[Signature]
Deputy Clerk