



CITY OF CRYSTAL LAKE
AGENDA
CITY COUNCIL
REGULAR MEETING

City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
October 18, 2016
7:30 p.m.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Minutes – October 18, 2016 Regular City Council Meeting
5. Accounts Payable
6. **Public Presentation**
The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the City staff, Mayor or City Council will not be allowed at this time, nor will any comment from the Council. Personal invectives against City staff or elected officials are not permitted.
7. Mayor's Report
8. City Council Reports
9. Consent Agenda
 - a) Harris Bank Trust 114690 (D'Andrea Banquet), 4419 Northwest Highway-Motion to refer the petitioner's request to the November 2, 2016 Planning and Zoning Commission meeting for zoning consideration and to the November 15, 2016 City Council meeting for the annexation public hearing.
 - b) Space Management, Chicago Title Land Trusts 1004004149 & 1004004152 & Reinhardt/Kirk Annexation Public Hearings - Continuation to the November 1, 2016 regular City Council meeting for the Annexation Public Hearings.
 - c) Justin Schroeder Memorial Foundation, 1023 McHenry Ave. – Temporary Class "16" Liquor License request for their annual fundraiser held on November 5, 2016.
 - d) Panther Pursuit Run/Walk Benefit for Immanuel Lutheran School - Approval of the Special Event and Waiver of Fees for Police Officer Assistance on May 13, 2017.
 - e) Ridge Run Benefit for Glacier Ridge Elementary School PTA – Approval of the Special Event and Waiver of Fees for Police Officer Assistance on May 7, 2017.
 - f) Copley Annexation Agreement reconsideration - request to be continued to the November 1, 2016 regular City Council meeting.
10. Amendments to sections of the City Code pertaining to video gaming.
11. Villavicencio & Lienhard, 4617 South Route 47 – County Zoning Request for a Conditional Use Permit for a landscaping business.
12. Kelecus, 1320 Virginia Road – Final Planned Unit Development Amendment to allow a truck maintenance facility.

13. **Burger King, 250 W. Virginia – Special Use Permit Amendment to allow changes to the approved elevations.**
14. **Resolution accepting the Comprehensive Annual Financial Report of the City of Crystal Lake for the Fiscal Year ending April 30, 2016.**
15. **Council Inquiries and Requests.**
16. **Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation, the sale, purchase or lease of real property, collective bargaining, and personnel.**
17. **Reconvene to Regular Session.**
18. **Economic Development Committee Reappointment.**
19. **Adjourn.**

If special assistance is needed in order to participate in a City of Crystal Lake public meeting, please contact Brad Mitchell, Assistant to the City Manager, at 815-459-2020, at least 24 hours prior to the meeting, if possible, to make arrangements.



Agenda Item No: 9a

**City Council
Agenda Supplement**

Meeting Date: October 18, 2016

Item: Harris Bank Trust 114690 (D'Andrea) - Annexation Referral
4419 Northwest Highway

Recommendation: Motion to refer the petitioner's request to the November 2, 2016, Planning & Zoning Commission meeting for zoning consideration and to the November 15, 2016, City Council meeting for the annexation public hearing.

Staff Contact: Michelle Rentzsch, Community Development Director

Background: The petitioner is requesting annexation of a parcel that totals approximately 2.3 acres, located on Route 14. The parcel is improved with D'Andrea Banquet Conference Center.

The petitioner respectfully requests that this matter be referred to the November 2, 2016, Planning & Zoning Commission meeting for zoning consideration and the November 15, 2016, City Council meeting for the annexation public hearing.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 9b

**City Council
Agenda Supplement**

Meeting Date: October 18, 2016

Item: Space Management, Chicago Title Land Trusts 1004004149 & 1004004152 (Whiskey Business and Shopping Center) and Reinhardt/Kirk Annexation Public Hearing Continuation

Recommendation: Motion to continue the 1) Space Management, 2) Chicago Title Land Trusts 1004004149 & 1004004152 and 3) Reinhardt/Kirk request to the November 1, 2016 City Council meeting for the Annexation Public Hearings.

Staff Contact: Michelle Rentzsch, Community Development Director

Background:

Space Management- The annexation public hearing was continued by the City Council on the September 22nd meeting. The petitioner is requesting the annexation of two parcels that total 2.85 acres, located at 6905 Cog Circle. The parcels are improved with Space Management and multiple tenants.

Chicago Title Land Trusts- The petitioner is requesting the annexation of three parcels that total approximately 3.04 acres, located at 4616 Route 176, 4709 Route 176 and lot 13 on Reiland Drive. The parcels are improved with Whiskey Business, a commercial retail shopping center, auto repair business and outdoor storage.

Reinhardt/Kirk- The property is contiguous with the above property and consists of one parcel that totals approximately 0.28 acres, located at 851 Reiland Drive. The property would be involuntarily annexed after the annexation of the Chicago Title Land Trusts.

City staff respectfully requests that these petitions be continued to the November 1, 2016, City Council meeting for the Annexation Public Hearing in order to continue to work with the petitioners on their respective annexation agreements.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 9c

**City Council
Agenda Supplement**

Meeting Date: October 18, 2016

Item: Class 16 Temporary Liquor License Request –
Justin Schroeder Memorial Foundation

Staff Recommendation: Motion to approve issuance of a Class “16” Temporary
Liquor License to the Justin Schroeder Memorial
Foundation

Staff Contact: Eric T. Helm, Deputy City Manager

Background:

The City has received a request from the Justin Schroeder Memorial Foundation for the issuance of a Class “16” Temporary Liquor License in order to sell beer and wine at the Foundation’s annual fundraiser to be held at St. Elizabeth Ann Seton’s Community Center, located at 1023 McHenry Avenue, on November 5, 2016 from 6:00 p.m. to 11:00 p.m. The funds raised during this event will be used to fund two scholarship programs administered by the foundation. The first program is designated for a graduating senior at Crystal Lake South High School. The second is available to any qualifying McHenry County student who attends Marquette University to study engineering. These scholarship programs were established to honor the memory of Cathy and Kevin Schroeder’s son, Justin, who was a student at both Crystal Lake South High School and Marquette University.

Section 329-5-P of the City Code permits the issuance of a Class “16” Temporary Liquor License for the retail sale of beer and wine for consumption upon the premises specified in the license where sold. The license shall be issued to not-for-profit corporations qualified to do business in the State of Illinois. The license shall be for a period not to exceed three (3) days, and shall be issued only for special events sponsored by the not-for-profit corporation requesting the license.

Attached for City Council review is a copy of all support documentation regarding this request.

Votes Required to Pass:

Simple majority



Agenda Item No: 9d

**City Council
Agenda Supplement**

Meeting Date: October 18, 2016

Item: 2017 Immanuel Lutheran School Panther Pursuit Run/Walk Benefit Special Event

Recommendation: Motion to approve the Panther Pursuit Special Event on Saturday, May 13, 2017, as requested subject to the conditions contained in this agenda supplement, and to waive the chargeback fees for the requested Police Department detail.

Staff Contact: Michelle Rentzsch, Director of Community Development

Background:

Immanuel Lutheran School is requesting approval to hold the Panther Pursuit Run/Walk Benefit on May 13, 2017, beginning at 8:00 AM. This event includes the same 5K route that was used last year and a new 10K route. Since they are requesting Police Department assistance, this event is classified as a Major Special Event requiring City Council approval.

The proceeds from the race will benefit the Immanuel Lutheran School. This is the second year that the school is holding the event and there were no reported problems from last year's event.

City staff has reviewed the petitioner's request and recommends approval provided the following conditions are met:

- 1) The volunteers for the event must carry cellular phones or radios to contact 911 in case of an emergency. Volunteers are not to direct traffic.
- 2) The event organizers must coordinate with the Crystal Lake Police Department regarding assistance during the event. Please contact the Police Department by April 15, 2017 to determine/arrange for police officers for traffic control, lead vehicle, etc. Police assistance will be required at the following intersections: McHenry/Union, McHenry/Paddock and Walkup/Paddock.
- 3) "Race In Progress" signs must be posted a minimum of two days prior to the event.
- 4) Streets are not to be marked with paint or any permanent materials.
- 5) All debris created by the event shall be cleaned up during and after the event.

- 6) Race organizers shall advise runners and walkers that fall well behind the lead pack to use sidewalks to complete the race route.
- 7) Petitioner must adhere to the required City insurance provisions for the use of City-owned property by providing a certificate of insurance naming the City as additional insured, and sign the required Indemnity/Hold Harmless agreement.
- 8) Emergency vehicle access must be maintained throughout the event.
 - a. Provide 20-foot access lane(s) for emergency vehicles to gain access to the building, Fire Department Connection, and the event site.
 - b. Items should not be placed on the roadway to prohibit access, and volunteers must be available to remove barricades to allow emergency vehicles on the roadway, if necessary.
 - c. Fire hydrants located on or near the property of the event must remain unobstructed and "No Parking" signs posted.
- 9) If tents or canopies will be used, the petitioner needs to contact the Fire Rescue Department (815-356-3640) for further review.
- 10) Generators, if used, shall be a minimum of 20 feet from any tents/canopies and protected from the public by fencing, enclosure, or other approved means.
- 11) Any barricades used to restrict traffic or pedestrians must be easily moveable or manned by event staff should an emergency occur during the event hours.
- 12) Promotional and informational banners and signage may need a limited duration sign permit issued from the Building Division.
 - a. Please contact the Building Division regarding signage to be used in conjunction with the event.
 - b. Ensure that all signage used for the event does not block the line of sight of vehicles exiting the parking lot.
- 13) In the case of inclement weather, an alternate date can be approved by the City Manager.

Again this year, Immanuel Lutheran School is requesting Police Department assistance for the race. They are also requesting a waiver for the chargeback fees for the Police detail. The estimated cost for the Police detail is \$450.00. The City Council has approved this waiver for the 2016 Panther Pursuit.

The petitioner has agreed to meet these conditions. Part of the proposed course uses the McHenry County Conservation District Prairie Trail. The event organizers have secured permission from MCCD for using the trail for this event. The application, a map of the course, and other information has been attached.

Votes Required to Pass:

Simple majority vote of the City Council



Agenda Item No: 9e

**City Council
Agenda Supplement**

Meeting Date: October 18, 2016

Item: 2017 Glacier Ridge Elementary School Ridge Run Special Event

Staff Recommendation: Motion approve the Glacier Ridge Run Special Event on Sunday, May 7, 2017, as requested subject to the conditions contained in this agenda supplement, and to waive the chargeback fees for the requested Police Department detail.

Staff Contact: Michelle Rentzsch, Director of Community Development

Background:

The PTA of Glacier Ridge Elementary School is requesting approval to hold the Ridge Run on Sunday, May 7, 2017, beginning at 8:00 AM. The event includes a 1-mile walk/run and a 5K run. Since they are requesting road closures and Police Department assistance, this event is classified as a Major Special Event requiring City Council approval.

The PTA is requesting that a portion of Village Road between Moorland Drive and Driftwood Lane in front of Glacier Ridge School, as well as Kingsgate Lane at Village Road, be closed during the event. The proceeds from the race will benefit the PTA of Glacier Ridge Elementary School. The City Council has approved similar requests in previous years and no issues have been reported regarding this event.

City staff has reviewed the petitioner's request and recommends approval provided the following conditions are met:

- 1) The volunteers for both races must carry cellular phones or radios to contact 911 in case of an emergency. Volunteers are not to direct traffic.
- 2) The PTA's race coordinators must coordinate with the Crystal Lake Police Department regarding assistance during the event. Please contact the Police Department by April 15, 2017 to determine/arrange for police officers for traffic control, lead vehicle, etc.

- 3) "Race In Progress" signs must be posted a minimum of two days prior to the event at the following intersections: Village/Moorland, Village/Driftwood, Village/Golf Course, Golf Course/Alexandra, Driftwood/Alexandra, Alexandra/Dogwood, and Driftwood/Dogwood.
- 4) Streets are not to be marked with paint or any permanent materials.
- 5) All debris created by the event must be cleaned up during and after the event.
- 6) Petitioner must adhere to the required City insurance provisions for the use of City-owned property by providing a certificate of insurance naming the City as additional insured, and sign the required Indemnity/Hold Harmless agreement.
- 7) City-owned barricades must be used to block off the street closure sections. Barricades must be placed to allow access to existing crosswalks.
- 8) A "Local Traffic Only" sign must temporarily be placed at the intersections of Moorland/Village, Kingsgate/Village, and Driftwood/Village. Also, signs must be placed along the race course ahead of the event to notify motorists of the upcoming race.
- 9) The petitioner must send a notice to all affected property owners along Village Road.
- 10) Local traffic access to Village Road must be maintained throughout the event. Volunteers should be available to remove barricades to allow property owners on the roadway, if necessary.
- 11) Emergency vehicle access must be maintained throughout the event.
 - a. Provide 20-foot access lane(s) for emergency vehicles to gain access to the building, Fire Department Connection, and the event site.
 - b. Items should not be placed on the roadway to prohibit access, and volunteers must be available to remove barricades to allow emergency vehicles on the roadway, if necessary.
 - c. Fire hydrants located on or near the property of the event must remain unobstructed and "No Parking" signs posted.
- 12) If tents or canopies will be used, the petitioner needs to contact the Fire Rescue Department (815-356-3640) for further review.
- 13) Generators, if used, shall be a minimum of 20 feet from any tents/canopies and protected from the public by fencing, enclosure, or other approved means.
- 14) Any barricades used to restrict traffic or pedestrians must be easily moveable or manned by event staff should an emergency occur during the event hours.
- 15) Promotional and informational banners and signage may need a limited duration sign permit issued from the Building Division.
 - a. Please contact the Building Division regarding signage to be used in conjunction with the event.
 - b. Ensure that all signage used for the event does not block the line of sight of vehicles exiting the parking lot.
- 16) In the case of inclement weather, an alternate date can be approved by the City Manager.

Again this year, the PTA is requesting Police Department assistance for the race. They are also requesting a waiver for the chargeback fees for the Police detail. The estimated cost for the Police detail is \$850.00. The City Council has approved this waiver for past Ridge Run requests.

The petitioner has agreed to meet these conditions. The special event application requesting approval for the road closures, information regarding the courses and safety precautions, and a map indicating the portion of the street to be closed, have been attached for City Council consideration.

Votes Required to Pass:

Simple majority vote of the City Council.



Agenda Item No: 9f

**City Council
Agenda Supplement**

Meeting Date: October 18, 2016

Item: Motion to Reconsider - Continuation

Recommendation: Motion to continue the Copley Annexation Agreement reconsideration request to the November 1, 2016 City Council meeting.

Staff Contact: Michelle Rentzsch, Community Development Director

Background:

At the September 20, 2016 regular City Council meeting, there was a motion to reconsider the Copley Annexation Agreement. That motion was tabled and continued to the October 18, 2016 regular City Council meeting. To provide additional time to resolve the annexation agreement stipulations, it is requested that this matter be tabled and continued to the November 1, 2016 City Council meeting.

The petitioner's attorney is unable to attend the October 18, 2016 City Council meeting and has requested this item to be considered at the November 1, 2016 City Council meeting.

Votes Required to Pass: A simple majority vote.



Agenda Item No. 10

**City Council
Agenda Supplement**

Meeting Date: October 18, 2016

Item: Video Gaming Ordinance-Amended Language

Staff Recommendation: *City Council Discretion*

(1) Motion to adopt an ordinance amending chapter 268-3 (K) of the City Code pertaining to video gaming.

(2) No Action.

Staff Contact: Eric T. Helm, Deputy City Manager

Background:

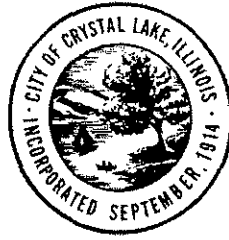
At the April 5, 2016 City Council meeting, the City Council adopted an ordinance allowing for video gaming in the City of Crystal Lake. The City's video gaming code and State gaming regulations both require restaurants and bars to restrict access to the video gaming machines if the establishment allows individuals under 21 to enter. Following the City Council's review of recent video gaming applications and site plans, it has required that all establishments have a wall partition or room separating the video gaming machines from the rest of the bar or restaurant. Also, at the September 20, 2016 City Council meeting, the City Council expressed a desire to ensure that all bars and restaurants construct a wall that separates the gaming machines from the rest of the establishment, even if the establishment restricts access to patrons over 21.

In order to accommodate the City Council's desire that all bars and restaurants, no matter the age entrance requirements, segregate the video gaming machines from the rest of the establishment, it is recommended that the City Council modify chapter 268-3 (K) of the City Code. This clarification is necessary since the current City Code only requires segregated video gaming machines in establishments that allow individuals under 21 to enter. The proposed modifications will also clarify that a physical barrier may include a full or partial wall. The existing language and the proposed language are compared below:

<u>Chapter 268-3 (K)</u> <u>Existing</u>	<u>Chapter 268-3 (K)</u> <u>Proposed</u>
<p>Video gaming terminals shall be placed in an area restricted to individuals age 21 or over. <i>If individuals under the age of 21 are allowed in any portion of the licensed establishment, the video gaming terminals shall be located in a segregated area which shall not be accessible to persons under the age of 21.</i> If an establishment's layout does not reasonably allow for a completely segregated area, the video gaming terminals shall be located in an area determined by the City Manager or his/her designee as being the most segregated area of the establishment. An application for a video gaming license shall be accompanied by a site plan which depicts the area in which the video gaming will take place, which site plan shall be subject to the review and approval of the City Manager or his/her designee. The area constructed for video gaming shall be constructed in such a manner so that video gaming terminals may not be visible from the exterior of the building in which they are located.</p>	<p>Video Gaming Terminals <i>may only be located within a Licensed Premises in an area which is separated by a physical barrier that will restrict access to persons under the age of 21 and will also provide a visual barrier to patrons of the Licensed Premises who are not engaged in or accompanying a person engaged in the use of a Video Gaming Terminal. The physical barrier may consist of a full or partial wall or such other physical barrier as may be determined by the City Manager or his/her designee to be sufficient to accomplish the purposes of this section.</i> An application for a Video Gaming Permit shall be accompanied by a site plan which depicts the area in which the video gaming will take place, which site plan shall be subject to the review and approval of the City Manager or his/her designee. <i>The physical barrier shall be constructed in such a manner so that at all times the area in which the Video Gaming Terminals are located is visible to an employee of the Licensed Premises who is over the age of 21.</i> The area constructed for video gaming shall be constructed in such a manner so that Video Gaming Terminals may not be visible from the exterior of the building in which they are located.</p>

Votes Required to Pass:

Simple majority.



DRAFT

The City of Crystal Lake Illinois

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF CRYSTAL LAKE
PERTAINING TO THE AMENDMENT OF CHAPTER 268.**

WHEREAS, the City of Crystal Lake, (the "City") is a home rule municipality as contemplated under Article VII Section 6 of the Constitution of the State of Illinois and the passage of this Ordinance constitutes an exercise of the City's home rule powers; and

WHEREAS, the Mayor and City Council have found and determined that it is in the best interest of the City and its residents to amend the City Code.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE as follows:

SECTION I: Recitals.

The foregoing recitals are hereby incorporated as though fully restated herein.

SECTION II: Method of Amendments: As used in this ordinance, strikethroughs represent deletions, bold letters represent additions. Items within brackets are explanatory, only, and are not intended to be included within the text of the City Code.

SECTION III: Amendments to Section 268-3 (K)

Section 268-3 (K) of the City Code of Ordinances is hereby amended as follows:

~~Location screening and supervision. Video gaming terminals shall be placed in an area restricted to individuals age 21 or over. If individuals under the age of 21 are allowed in any portion of the licensed establishment, the video gaming terminals shall be located in a segregated area which shall not be accessible to persons under the age of 21. If an establishment's layout does not reasonably allow for a completely segregated area, the video gaming terminals shall be located in an area determined by the City Manager or his/her designee as being the most segregated area of the establishment. An application for a video gaming license shall be accompanied by a site plan which depicts the area in which the video gaming will take place, which site plan shall be subject~~

~~to the review and approval of the City Manager or his/her designee. The area constructed for video gaming shall be constructed in such a manner so that video gaming terminals may not be visible from the exterior of the building in which they are located.~~

Location Screening and Supervision. Video Gaming Terminals may only be located within a Licensed Premises in an area which is separated by a physical barrier that will restrict access to persons under the age of 21 and will also provide a visual barrier to patrons of the Licensed Premises who are not engaged in or accompanying a person engaged in the use of a Video Gaming Terminal. The physical barrier may consist of a full or partial wall or such other physical barrier as may be determined by the City Manager or his/her designee to be sufficient to accomplish the purposes of this section. An application for a Video Gaming Permit shall be accompanied by a site plan which depicts the area in which the video gaming will take place, which site plan shall be subject to the review and approval of the City Manager or his/her designee. The physical barrier shall be constructed in such a manner so that at all times the area in which the Video Gaming Terminals are located is visible to an employee of the Licensed Premises who is over the age of 21. The area constructed for video gaming shall be constructed in such a manner so that Video Gaming Terminals may not be visible from the exterior of the building in which they are located.

SECTION IV: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION V: Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any Court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentence, phrases or portions of the Ordinance.

SECTION VI: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provide by law. This Ordinance shall be effective retroactively to April 5, 2016.

DATED at Crystal Lake, Illinois, this 18th day of October, 2016.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
AARON T. SHEPLEY, MAYOR

SEAL

ATTEST:

CITY CLERK

PASSED: October 18, 2016

APPROVED: October 18, 2016

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



Agenda Item No: 11

**City Council
Agenda Supplement**

Meeting Date:

October 18, 2016

Item:

COUNTY ZONING REQUEST

Elidio Villavicencio and Amy Lienhard
4617 South Route 47

Recommendation:

City Council's discretion.

- a) Motion to object to the proposed Conditional Use Permit, directing staff to proceed with an objection at the County Zoning Board of Appeals meeting.
- b) No action

Staff Contact:

Michelle Rentzsch, Community Development Director

Background:

- As is customary with County Zoning requests within the City's mile and a half planning jurisdiction, the City received notice of this request.
- The property in question consists of approximately 2.2 acres and is zoned "A-1" Agriculture District with a Conditional Use.
- The property is approximately 2,000 feet north of the intersection of Routes 47 and 176. It is approximately 4,000 feet northwest of the current City boundary.
- The County is requiring all current holders of Conditional Use Permits to renew those approvals, which is driving this current request.

Request:

- The renewal of a Conditional Use Permit for a landscape business with outside storage and a garden center. In addition, a variation to allow outside storage in the front yard.
- The property is not within the Crystal Lake Watershed and staff has no concerns with this request.

Votes Required to Pass:

A simple majority vote.



Agenda Item No: 12

**City Council
Agenda Supplement**

Meeting Date: October 18, 2016

Item: REPORT OF THE PLANNING & ZONING COMMISSION

Request: Final Planned Unit Development Amendment to allow a truck maintenance facility.

Petitioner: Tom Kelecus, petitioner
1320 Virginia Road

PZC Recommendation: To approve the PZC recommendation and adopt an ordinance granting the Final Planned Unit Development Amendment for 1320 Virginia Road.

Staff Contact: Michelle Rentzsch, Community Development Director

Background:

- The property is the site of the former Meyer Materials' gravel mine, which was subsequently purchased by Curran Materials and now is owned by Jemco (Sunset Logistics).
- The property has a Planned Unit Development (PUD) approval. The PUD regulated the mining and also currently allows the clean construction debris fill and any future redevelopment of the property. Currently, the petitioner is seeking a Final PUD Amendment to allow a ~42,000 square-foot truck maintenance facility on a portion of the property.

PZC Highlights:

- The Planning and Zoning Commission (PZC) asked about the private driveway entrance. The driveway would be paved with asphalt millings and would be designed to carry the weight of a fire truck and the trucks entering and leaving the site.
- There are two old billboards on the property that must be removed via the former annexation agreement. This PUD approval would require their removal by January 2, 2017. The PZC requested that the billboard leases be provided to Council for review.
- The PZC reviewed the Findings of Fact and found that this petition meets the criteria.

The PZC recommended **approval (6-0)** of the petitioner's request with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Jemco Properties, received 08/08/16)
 - B. Building Plans (Ideal Designs, dated 07/12/16, received 07/19/16)
 - C. Engineering Plans (Haeger Engineering, dated 07/18/16, received 07/19/16)
 - D. Grading Plans (Haeger Engineering, dated 07/21/16, received 07/22/16)
 - E. Stormwater Management Report (Haeger Engineering, dated 07/18/16, received 07/19/16)
 - F. Pollution Prevention Plan (Haeger Engineering, dated 07/18/16, received 07/19/16)
2. The access drive is considered a private driveway and has not been constructed to City standards. In the future, if the driveway needs to be converted to a public roadway in order to serve multiple lots or developments, the millings would need to be removed and the roadway would need to be constructed to City standards including curbing, fire hydrants, lighting, road thickness, sidewalk, etc.
3. Subject to a previous contractual obligation, the annexation agreement, the two billboards on the property were to be removed by March 18, 2007. These two billboards shall be removed 90 days from the approval of this petition, no later than January 2, 2017. **The petitioner can present, to the Council, any existing contracts or lease agreements with the billboard companies.** (Amended by PZC)
4. Provide a landscape plan for review and approval.
5. The petitioner shall address all of the review comments and requirements of the Community Development, Fire Rescue, Police, and Public Works Departments as well as the City's stormwater consultant.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 13

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	October 18, 2016
<u>Item:</u>	Burger King – 250 W. Virginia Street
<u>Request:</u>	A Special Use Permit Amendment to allow changes to the approved elevations.
<u>Petitioner:</u>	Nicole Weir, Interplan LLC, petitioner
<u>PZC Recommendation:</u>	To approve the PZC recommendation and adopt an ordinance granting the Special Use Permit Amendment to allow changes to the approved elevations at 250 W. Virginia Street.
<u>Staff Contact:</u>	Michelle Rentzsch, Community Development Director

Background:

- Existing Use: The subject property is an existing Burger King.
- Previous Approvals: A special use permit was approved in 1998 to allow a drive through facility and a fast food restaurant for the existing fast food restaurant. The special use permit included approved elevations.
- The proposed façade improvements will be very similar to the recently renovated Burger King located on Route 176.

PZC Highlights:

- The PZC asked if any alterations to the existing freestanding pole sign were planned. The petitioner explained that the plan was just to paint the sign, but they could look into changing the sign to meet UDO standards.
- The PZC felt that the Findings of Fact had been met.

The PZC recommended **approval (6-0)** of the petitioner's request with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Interplan LLC, dated 07/21/16, received 09/12/16)
 - B. Elevations (Interplan LLC, dated 07/22/16, received 09/12/16)
 - C. Plan Set (Interplan LLC, dated 09/09/16, received 09/12/16)

2. Any cosmetic change to the freestanding sign must be complementary to the principal structure.
3. Where the greenhouse feature of the building is being removed, foundation landscaping must be added along the façade.
4. The total allowable square footage of wall signs is 150 square feet, as permitted by the UDO.
5. Any future changes to the façade may be approved administratively if the design standards in Article 4-1000 are met.
6. The petitioner shall comply with all of the requirements of the Community Development and Fire Rescue Departments.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 14

City Council Agenda Supplement

Meeting Date:	October 18, 2016
Item:	Annual Audit for the Fiscal Year 2015-2016
Staff Recommendation:	Motion to adopt a Resolution accepting the Comprehensive Annual Financial Report of the City of Crystal Lake for the Fiscal Year ending April 30, 2016.
Staff Contact:	George Koczwar, Director of Finance Laura Herrig, Assistant Finance Director Stephanie Wrolson, Accountant

Background:

The City of Crystal Lake Fiscal Year 2015-16 Comprehensive Annual Financial Report (CAFR) has been completed. This report is management's annual financial report to the taxpayers, governing council, oversight bodies, investors and creditors of the City. This report provides a historical picture of the City's financial status as of April 30, 2016 and activities for the year (May 1, 2015 to April 30, 2016). **Selden Fox, Ltd. has expressed that the City's financial statements present fairly, in all material respects, the financial position of the City for the fiscal year ended April 30, 2016 (a "clean" opinion).** The report is available on-line at the City's website, under the "About Us" tab, under "Website Transparency."

State law (65 ILCS 5/8-8) requires that all general-purpose local governments publish within six months of the close of each fiscal year a complete set of financial statements presented in conformity with generally accepted accounting principles (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants.

In addition, on July 16, 2014, Public Act 98-0738 was signed into law. It relates to new requirements concerning the audit of annual financial statements. The effective date of this act was January 1, 2015. This Act was added to the Illinois Municipal Code and requires the auditor to perform the following within sixty days after the issuance of audited financial statements:

- Provide a copy of the management letter and audited financial statements to the Municipality's Corporate Authorities. If the county or municipality maintains a website, these reports shall be posted to the website.
- Present the information from the audit to the Municipality's Corporate Authorities either in person or by a live phone or web connection during a public meeting.

Comprehensive Annual Financial Report, Communication with Those Charged with Governance, and Management Letter

Comprehensive Annual Financial Report (CAFR)

The CAFR is a thorough, detailed presentation of the City's financial position and activities for the year. **The 2015-16 CAFR was audited by Selden Fox, Ltd. The City received a "clean" opinion (see page 2), the highest obtainable.** As indicated in the CAFR, the auditors note:

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, the aggregate remaining fund information of the City of Crystal Lake, Illinois as of April 30, 2016, and the respective changes in financial position and where applicable cash flows thereof, and the respective budgetary comparison for the General Fund, the Motor Fuel Tax, Fire Rescue and Home Rule Sales Tax Funds (major Special Revenue Funds) for the year ended, in conformity with accounting principles generally accepted in the United States of America.

The CAFR is a valuable tool that enables City officials and investors to make financial decisions from sound and timely information. The report provides an independently audited accounting of the financial condition of the City. The CAFR contains a set of financial statements comprising the financial report of the City that complies with the accounting requirements promulgated by the Governmental Accounting Standards Board (GASB). GASB provides standards for the content of a CAFR in its annually updated publication Codification of Governmental Accounting and Financial Reporting Standards. The CAFR is composed of three sections: Introductory, Financial and Statistical. It combines the financial information of fund accounting and Enterprise Authorities accounting.

Communication with those Charged with Governance and Management Letter

Currently, Auditing Standards require two separate communications following the audit of the financial statements. The Auditor's **Communication With Those Charged With Governance** requires the communication of: the auditor's responsibilities under generally accepted auditing standards, an overview of the planned scope and timing of the audit, and significant findings from the audit. As indicated in the attached Communication, the auditors:

- Found the disclosures in the financial statements are neutral, consistent, and clear.
- Encountered no significant difficulties in dealing with management in performing and completing the audit.
- Encountered no disagreements with management.

Also included in this Communication are adjusting entries, entries made by City staff to account for post-year-end transactions (for example, the receipt of funds from the Village of Lakewood for May, 2016 Fire Protection Services and for amounts due from Comcast Cable following a review of franchise fee payments they made to the City). Adjusting entries also include reclassifying debt due within the next fiscal year, from a long-term liability to a short-term liability and reclassifying a portion of contributions made to IMRF from a General function or activity to the Public Safety and Highways and Streets functions for GASB 34 reporting purposes. Finally, adjusting entries were made in order to account for the City's net pension liability, as required by GASB Statement 68. All three types of entries occur regularly during the normal course of an audit.

The second communication following the audit of the financial statements which requires the communication of deficiencies in internal control that meet the definition of a material weakness or a significant deficiency (**Management Letter**). **The attached Management Letter does not include any information of any deficiencies.** The attached Management Letter highlights upcoming GASB pronouncements.

In addition to the two required communications, the auditor may communicate other matters to those charged with governance that are not required by US Auditing Standards if the auditor feels such matters are of importance to the local government. These communications may be combined into one report or delivered in separate reports.

GASB 67 and 68

Different standards-setting bodies have authority for establishing accounting reporting standards for the different levels of government. Accounting and financial reporting standards for the federal government are recommended by the Federal Accounting Standards Advisory Board (FASAB). Accounting and financial reporting standards for state and local government in the United States are set by the Governmental Accounting Standards Board (GASB).

The Governmental Accounting Standards Board (GASB) is the source of generally accepted accounting principles (GAAP) used by state and local governments in the United States. As with most of the entities involved in creating GAAP in the United States, it is a private, non-governmental organization. The GASB is subject to oversight by the Financial Accounting Foundation (FAF), which selects the members of the GASB and the Financial Accounting Standards Board, and funds both organizations.

The mission of the Governmental Accounting Standards Board is to establish and improve standards of state and local governmental accounting and financial reporting that will result in useful information for users of financial reports and guide and educate the public, including issuers, auditors, and users of those financial reports.

The GASB recently established new reporting requirements for "defined benefit" pensions plans. (Defined benefit pension plans guarantee a certain level of benefits based on a calculation, typically including years of service, as opposed to the 401k-type plans for which benefits depend on contributions and the performance of the investments). In summary, the requirements stipulate that governments providing defined benefit pensions to 1) recognize their long-term obligation for pension benefits as liabilities on the balance sheet for the first time, 2) more comprehensively and comparably measure the annual costs of pension benefits, and 3) enhance note disclosures and Required Supplementary Information for pension plans. GASB took this action by adopting Statements 67 and 68, which supersede Statements No. 27 and 50. (More detailed information on these GASB statements can be found at their website at www.gasb.org.)

These new reporting requirements affects how the City reports pension obligations rather than how the City funds its pensions. These changes have been incorporated into the City's Comprehensive Annual Financial Report (CAFR). Statement 67 was incorporated in the CAFR for fiscal year ending April 30, while Statement 68 is being incorporated in the attached CAFR for fiscal year ending April 30, 2016.

According to a GASB press release, Statement 67 "addresses financial reporting for state and local government pension plans. Statement 68 establishes new accounting and financial reporting requirements for governments that provide their employees with pensions."

Statement 67 does not have much of an impact on the City's reporting requirements; instead, it affects the reporting requirements of the actual plans. There are three different types of pension plans: single-employer plans, agent multiple-employer plans, and cost-sharing multiple-employer plans. In Crystal Lake's case, all eligible non-sworn employees are part of the Illinois Municipal Retirement Fund (IMRF). IMRF is an agent multiple employer plan. Crystal Lake police officers and firefighter/paramedics are part of their respective public safety pension plans. The Crystal Lake Police Pension Plan and the Crystal Lake Firefighter's Pension Fund are single-employer plans.

Prior to implementing GASB 68, employers recognized annual pension cost under a funding approach, wherein pension expense was the annual required contribution to the plan. A pension liability arose when there was a difference between the annual contributions required and the annual contributions made. With the implementation of GASB 68, employers recognize a liability in their financial statements as employees earn their pension benefits (i.e., as they provide services to the government).

Statement 68 will only impact what information will go on the City's financial statements. It does not affect the City's cash position. The City's statutorily required contribution formulas to IMRF and the Police and Firefighters' pension funds are unchanged. Instead, the City has to recognize a liability for future pension benefits in excess of accumulated resources. This will not impact how much the City has to contribute. These changes will reduce the City's equity in its financial statements, but not its actual equity in the bank. On the balance sheet, there will be a liability for the unfunded portion of the pension plans.

In summary, the impact will be that:

- Accounting liabilities will be higher than funding liabilities
- Accounting liabilities are recorded for the first time
- Contribution rates will not increase because of these new requirements
- Initially, there may be some confusion

Certificate of Achievement for Excellence in Financial Reporting Program (GFOA CAFR Program)

The Government Finance Officers Association (GFOA) is a professional association of approximately 17,500 state, provincial, and local government finance officers in the United States and Canada. The GFOA established the Certificate of Achievement for Excellence in Financial Reporting Program (CAFR Program) in 1945 to encourage and assist state and local governments to go beyond the minimum requirements of generally accepted accounting principles to prepare comprehensive annual financial reports that evidence the spirit of transparency and full disclosure and then to recognize individual governments that succeed in achieving that goal.

Reports submitted to the CAFR program are reviewed by selected members of the GFOA professional staff and the GFOA Special Review Committee (SRC), is comprised of individuals with expertise in public-sector financial reporting and includes financial statement preparers, independent auditors, academics, and other finance professionals.

For the twenty-six consecutive year, the City's financial report has been prepared to comply with the high standards of the GFOA Certificate of Conformance for Excellence in Financial Reporting Award Program criteria.

Recommendation

It is staff's recommendation to adopt a Resolution accepting the Comprehensive Annual Financial Report of the City of Crystal Lake for the Fiscal Year ending April 30, 2016. Members of the audit firm and Finance Department staff will be present at the meeting to address any questions.

Votes Required to Pass:

Simple majority



DRAFT

RESOLUTION TO ACCEPT THE COMPREHENSIVE ANNUAL FINANCIAL REPORT OF THE CITY OF CRYSTAL LAKE FOR THE FISCAL YEAR ENDING APRIL 30, 2016

WHEREAS, the City of Crystal Lake has prepared financial statements provided for in a Comprehensive Annual Financial Report ("CAFR") for the fiscal year ended April 30, 2016; and

WHEREAS, Selden Fox, Ltd, an independent audit firm, ("Auditor") has audited the financial statements contained in the CAFR of the City of Crystal Lake in accordance with Generally Accepted Accounting Standards and Government Auditing Standards; and

WHEREAS, it is the Auditor's responsibility to express an opinion on these financial statements based upon their audit; and

WHEREAS, in the opinion of the Auditor, the financial statements as audited present fairly, in all material respects, the financial position of the City of Crystal Lake as of April 30, 2016, and the results of its operations for the year then ended in conformity with Generally Accepted Accounting Principles; and

WHEREAS, the Auditor has presented the information from the audit to the City Council in person during the October 18, 2016 City Council meeting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Crystal Lake, McHenry County, Illinois, as follows:

Section 1. The City Council be and hereby accepts the audited Comprehensive Annual Financial Report, the Communication with those Charged with Governance, and Management Letter for the City of Crystal Lake for the fiscal year ending April 30, 2016.

Section 2. City Staff is directed to post all required documents per Public Act 098-0738 on the City of Crystal Lake website.

DATED this 18th day of October, 2016.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL
ATTEST

CITY CLERK

PASSED: October 18, 2016
APPROVED: October 18, 2016



Agenda Item No: 18

**City Council
Agenda Supplement**

Meeting Date: October 18, 2016

Item: Economic Development Committee Reappointment

Mayor's Recommendation: Motion to reappoint a member to the Economic Development Committee.

Contact: Aaron T. Shepley, Mayor

Background:

The membership term of Todd Schroll expired on September 30th. Mr. Schroll is interested in reappointment to a 3-year term on the Committee. Mr. Schroll filled the vacancy of Councilmember Haig Haleblian after his appointment to the City Council.

Appointments to the Economic Development Committee are nominated and confirmed by the Mayor and City Council.

Should the Council have any questions, please contact Mayor Shepley.

Votes Required to Pass: Simple majority



The City of Crystal Lake Illinois

DRAFT

**RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CRYSTAL LAKE, ILLINOIS**

confirming reappointments to the Economic Development Committee

WHEREAS, the Economic Development Committee consists of 9 members nominated and confirmed by the Mayor the Crystal Lake City Council; and

WHEREAS, the Mayor and City Council of the City of Crystal Lake, has recommended the following individual for re-appointment:

Economic Development Committee

Name
Todd Schroll

Term Expires
September 30, 2019

NOW, THEREFORE, by the adoption of this resolution, the City Council confirms the said reappointments as listed.

DATED this 18th day of October, 2016.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

Aaron T. Shepley, Mayor

SEAL

ATTEST

Nick Kachiroubas, City Clerk

Passed: October 18, 2016

Approved: October 18, 2016