



CITY OF CRYSTAL LAKE
AGENDA
CITY COUNCIL
REGULAR MEETING
City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
February 6, 2018
7:30 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Proclamations – 25 Year Milestone Business Anniversaries for Pauly Toyota and JMS Marketing**
5. **Approval of Minutes – January 16, 2018 City Council Meeting**
6. **Accounts Payable**
7. **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.
8. **Mayor's Report**
9. **City Council Reports**
10. **Consent Agenda**
 - a. *Continuation of the Copley Annexation Agreement Reconsideration Request to the July 17, 2018 City Council meeting.*
 - b. *Crystal Lake Park District – Class 16 Temporary Liquor License requests for Summer/Fall Park District events.*
 - c. *Adoption of 2018 Annual Zoning Map as presented.*
11. **Medela LLC Special Event Request to hold a Company Picnic at Three Oaks Recreation Area on Saturday, June 23, 2018.**
12. **Habitat for Humanity, 431 McHenry Avenue – Preliminary and Final Plat of Subdivision for 9 lots and deferral to bury overhead utility lines along Lake Street until an areawide program is established.**
13. **Skiermanski, 675 Woodland Drive – Simplified Residential Variation to a construct a new home 3 feet, 6 inches above the permitted maximum height of 28 feet.**

14. **McDonald's, 230 N. Route 31 –Special Use Permit Amendment to allow changes to the approved elevations and site plan.**
15. **6107 Northwest Highway – Sign Variations for Pet Supplies Plus and a future tenant.**
16. **Conceptual Review - Plum Creek Senior Housing – 8300 Route 14 (Goldman Property.)**
17. **Ordinance Creating a Massage Establishment License.**
18. **Building Fee Code Update – Information Only.**
19. **Banking Services Proposal Award.**
20. **Bid Award – Well #8 Maintenance and Rehabilitation.**
21. **Bid Award – Sewer Lining Services.**
22. **Bid Award – Lift Station #2 Electrical Panel Replacement Project.**
23. **Vehicle Purchase – State of Illinois Joint Purchase Contract for a 2018 Ford F350 Truck.**
24. **Vehicle Purchase – National Joint Powers Alliance (NPJA) Contract for a F3990 Kubota Tractor.**
25. **Sustainability Committee Appointment.**
26. **Planning and Zoning Commission Reappointments.**
27. **Council Inquiries and Requests.**
28. **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.**
29. **Reconvene to Regular Session.**
30. **Adjourn.**

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



Agenda Item No: 10a

**City Council
Agenda Supplement**

Meeting Date: February 6, 2018

Item: Motion to Reconsider - Continuation

Recommendation: Motion to continue the Copley Annexation Agreement reconsideration request to the July 17, 2018 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 and was subsequently continued to the February 6, 2018 City Council meeting.

It is requested that this item be continued to the July 17, 2018 City Council meeting to allow both parties time to review the Annexation Agreement.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 10b

**City Council
Agenda Supplement**

Meeting Date: February 6, 2018

Item: Class 16 Temporary Liquor License Requests –
Crystal Lake Park District 2018 Summer/Fall Events

Staff Recommendation: Motion to approve issuance of twelve (12) Class 16
Temporary Liquor Licenses to the Crystal Lake Park
District for the Park District's 2018 Summer/Fall events.

Staff Contact: Eric Helm, Deputy City Manager

Background:

The City has received a request from the Crystal Lake Park District for the issuance of Temporary Liquor Licenses for the Park District's 2018 Summer/Fall events. The Park District is requesting twelve (12) Class 16 Temporary Liquor Licenses for the scheduled events.

The 2018 Summer/Fall events include softball tournaments at Lippold Park on April 27-29, May 10-12, May 17-19, June 6-8, June 22-24, June 29 – July 1, July 13-15, August 3-5, August 9-11, September 13-15, October 4-6 and "Blast on the Beach" at Main Beach on June 23rd, Rain Date June 24th.

Section 329-5-P of the City Code - Class "16" Temporary Liquor License - authorizes the retail sale of beer and wine for consumption upon the premises specified in the license where sold for a period not to exceed three (3) days for special events sponsored by a not-for-profit organization.

The Park District has submitted the required application forms, certificates of insurance and fees for the twelve (12) Class 16 Temporary Liquor Licenses.

Votes Required to Pass:

Simple majority



Agenda Item No: 10c

**City Council
Agenda Supplement**

Meeting Date: February 6, 2018

Item: Annual Adoption of the Zoning Map

Recommendation: Motion to adopt an ordinance approving the 2018 Crystal Lake Zoning Map, as presented.

Staff Contact: Michelle Rentzsch, Community Development Director

Background: Attached is the 2018 updated Zoning Map, which reflects the current zoning and the zoning amendments within the City that were approved by the City Council prior to December 31, 2017. As required by State Statute 65 ILCS 5/11-13-19, the updated map should be published no later than March 31st of each year. The GIS based zoning map, which is available on the City's website and provides a convenient reference material for customers, is attached for the Council's information.

Below is a brief summary of the parcels that were rezoned. The asterisk represents a rezoning upon annexation.

Petition	Location	Acreage	From	To
2017-21	256 Oak Street	0.45	B-1	B-2
2017-23	4712 Reiland Drive	4.22*	(B-1 County)	E
2017-26	320 Station Drive	7.5	B-2	O
Total Acreage		12.15 acres		

Votes Required to Pass: A simple majority vote.

DRAFT

ORDINANCE NO. ____
FILE NO. ____

ORDINANCE ADOPTING 2018 OFFICIAL ZONING MAP

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS:

SECTION I: That the City of Crystal Lake Zoning Map, a copy of which is attached hereto, marked Exhibit "A" by reference made a part hereof, including all revisions effective the 31st day of December, 2017, is hereby approved as the official Zoning Map for the City of Crystal Lake.

SECTION II: That the City Clerk is hereby authorized to publish said Zoning Map in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.

SECTION III: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION IV: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this 6th day of February, 2018.

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

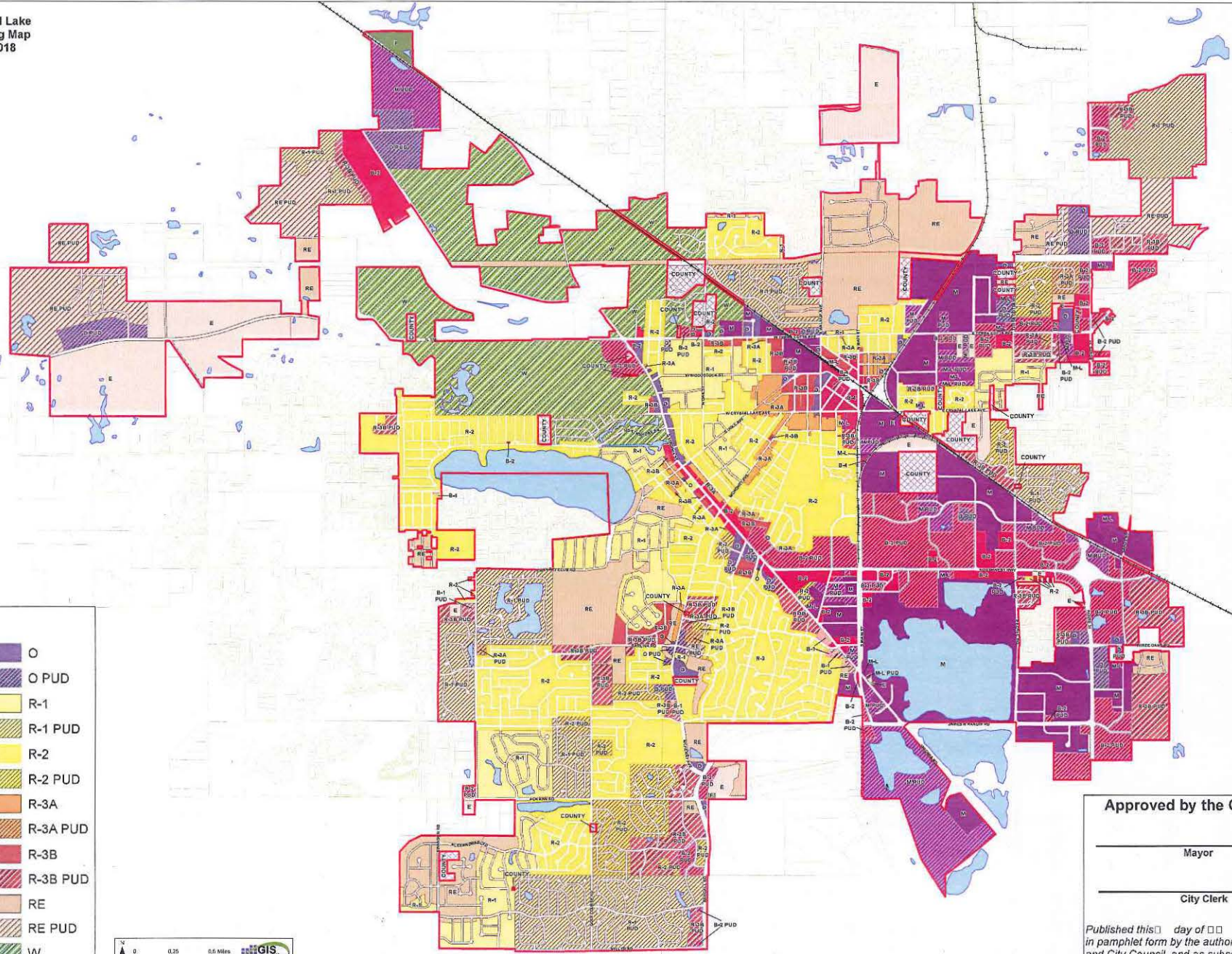
SEAL

ATTEST:

Nick Kachiroubas, City Clerk

Passed: February 6, 2018

Approved: February 6, 2018



Legend

	B-1		O
	B-1 PUD		O PUD
	B-2		R-1
	B-2 PUD		R-1 PUD
	B-4		R-2
	B-4 PUD		R-2 PUD
	COUNTY		R-3A
	E		R-3A PUD
	F		R-3B
	M		R-3B PUD
	M PUD		RE
	M-L		RE PUD
	M-L PUD		W



Approved by the City Council

 Mayor

 City Clerk

Published this day of 2018,
 in pamphlet form by the authority of the Mayor
 and City Council, and as subsequently revised.



Agenda Item No: 11

City Council Agenda Supplement

<u>Meeting Date:</u>	February 6, 2018
<u>Item:</u>	Medela LLC Special Event at Three Oaks Recreation Area
<u>Council Discretion:</u>	Motion authorizing approval of the Medela LLC company picnic, to be held on Saturday, June 23, 2018, at Three Oaks Recreation Area, subject to the recommended conditions.
<u>Staff Contact:</u>	Melanie Nebel, Assistant to the City Manager Eric T. Helm, Deputy City Manager

Background:

Medela LLC is requesting approval for their company picnic at Three Oaks Recreation Area on Saturday, June 23, 2018 from 5:30 am (tent set up) to 3:30 pm. The actual event time will be from 11:30 am – 3:30 pm. Medela was founded in 1961 by Olle Larsson in Zug, Switzerland and provides medical devices for nursing mothers. The company has international recognition and its U.S. headquarters is located in McHenry, IL. Medela has previously held their annual employee picnic at Independence Grove in Libertyville and is looking for a location closer to their employee's homes as 58 of their employees currently reside in Crystal Lake.

The company is requesting approval for rental of the Picnic Grove Pavilion and surrounding grass area for 500 guests and exclusive use of the upper parking lot (135 parking spaces). During this event, the public will be inconvenienced in the following ways:

- The petitioner will have exclusive use of the picnic grove, including the pavilion, along with the other park pavilions.
- The petitioner is requesting exclusive use of the upper parking lot in order to accommodate a majority of the attendees. The petitioner expects 200 vehicles for the event. 135 vehicles can be accommodated in the upper lot. The remaining 65 vehicles will be directed to park off site. *No event parking will be allowed in the Quarry Cable Park parking lot or the main parking lot.*
- The City expects that the park's amenities will be busier than usual, which could create longer lines and wait times for entry to the parking lot, beach, marina and other park amenities.

City Staff Review

City Staff has reviewed the event and recommended several conditions in order to minimize the inconvenience to the public. The operations at the park will be open as normal throughout the day. Staff suggests the installation of a barrier (Snow Fence around Picnic Grove) by the petitioner to separate event activities from the general public. Signage will also be utilized to notify guests of Three Oaks that the picnic may interfere with parking availability. Finally, the main parking lot and the Quarry Cable parking lot will be reserved for the general public and attendees will not be allowed to park in these areas. When the upper parking lot is filled with event attendees, additional attendee vehicles will be directed to off-site parking.

The City of Crystal Lake, along with the Crystal Lake Police and Fire Rescue Departments, have provided support and feedback. The Police Department advised that additional staff at the park the day of the event will not be necessary. Staff will notify the Police Department prior to the event and an Officer will be posted to respond to an incident at the park. The Fire Rescue Department will be on site to inspect any tents or objects that are larger than 400 square feet. Fire safety hazards and placement of the portable toilets will be inspected as well.

There will be no impact to the Board House or Quarry Cable Park and Grille. The marina will be open during the event, and the event may draw participants to utilize the Beach and Quarry Cable Park and Grille after the completion of their company picnic. A staff member will be positioned at the entrance of the Quarry Cable Park parking lot to ensure that only Quarry Cable Park customers use this lot.

The main concern for this event will be parking accessibility. Staff has been in contact with Medela to coordinate a shuttle service for the company's employees to park in an off-site location. This would greatly reduce the amount of parking spaces used for the event and allow non-event patrons access to the park.

Required Petitioner Fees

<i>Fee Type</i>	<i>Amount</i>
Refundable Pavilion Deposit	\$200
Refundable Tent Damage Deposit (over 200 people)	\$1000
Total Refundable Fees	\$1,200
Application Fee	\$75
Out of Town Fee	\$150
Non-Resident Pavilion Rental Fee (all pavilions)	\$810
Three Oaks Staffing Fee (4 employees/\$15 per hour/5 hours)	\$300

Preparation, Cleaning & Restoration Fee (as needed/ 3 staff members / \$30 per hour/ 2 hours)	\$180
Table Moving Fee (as needed)	\$25
Sound System Fee	\$75
Total Non-Refundable Fees	\$1,615

Recommended Conditions:

City staff has reviewed the petitioner's request and offers the following conditions:

1. Three Oaks Recreation Area Conditions:
 - a. Comply with all City Code regulations, Special Event requirements, and Pavilion rental requirements, including all insurance requirements.
 - b. The use of tents or canopies is subject to review by the Fire Prevention Bureau. The petitioner shall provide a detailed site plan for tents or canopies prior to the event.
 - c. Maintain access to all fire lanes and the south lake marina boat ramp. Provide a plan for all on-site signage prior to the event, which shall be reviewed by the City and approved prior to placement.
 - d. Installation of a barrier (snow fence) around the Picnic Grove Area. Location to be approved by City staff.
 - e. Receive approval from 3rd party property owners for off-site parking. Staff recommends that all guest parking for the event be off-site.
 - f. Number and location of portable toilets to be determined by petitioner and City Staff prior to event.
 - g. Submit for City approval, severe weather plans and an evacuation plan.
 - h. Sound system shall not disturb other users of the park.
 - i. All temporary electrical items shall comply with the 2005 Electric Code and shall be subject to City inspection.
2. Medela LLC must provide the City with a site plan for set-up at the Three Oaks Recreation Area and parking plan for volunteers and event workers for review by City Departments.
3. All debris created by the event shall be cleaned up during and after the event.
4. 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.
5. The petitioner shall contact the Fire Rescue Department for further review of tent/canopy locations. Locations must be approved by the Fire Rescue Department. Tents/canopies

must be installed and removed day of the event. Should safety concerns arise, Three Oaks Staff reserves the right to request the removal of tents/canopies.

6. In the case of inclement weather, an alternate date can be approved by the City Manager.
7. The petitioner is responsible for the required costs, which are for use of Three Oaks Recreation Area, as stated on pages 2 and 3 of the Agenda Supplement. These are estimated costs, and actual costs could be more.
8. Once the upper parking lot is full, all attendees will utilize off-site parking.
9. Medela LLC must provide shuttle buses for attendees utilizing off-site parking. Petitioner shall provide an adequate evacuation plan for attendees utilizing shuttle buses.
10. Medela LLC must receive approval from third party property owners for off-site parking. Remote parking locations and signage plans will need to be submitted. A sign plan for the remote parking locations will be submitted to the City's Building Division for approval. The City must receive the written authorization by the third party property owner for parking by June 1, 2018.
11. Medela LLC must provide payment, completed special event application, proof of volunteers, insurance, severe weather and evacuation plan, hold harmless and liability waivers by June 1, 2018 or the event may be cancelled.

The petitioner is aware of the recommended conditions and will be present at the meeting.

Votes Required to Pass:

Simple majority vote of the City Council



Agenda Item No: 12

**City Council
Agenda Supplement**

Meeting Date:

February 6, 2018

Item:

REPORT OF THE PLANNING & ZONING COMMISSION

Habitat for Humanity (Fox Valley Farms Subdivision)

Requests:

1. Preliminary and Final Plat of Subdivision for 9 lots.
2. Deferral to bury the overhead utility lines along Lake Street until an area-wide program is established.

Petitioner:

Lisa Waggoner, attorney
431 McHenry Avenue

PZC Recommendation:

To approve the PZC recommendations and adopt an ordinance granting the Final Plat of Subdivision with deferral for the burial of the overhead utility lines until an area wide program is established for Habitat for Humanity at 431 McHenry Avenue.

Staff Contact:

Michelle Rentzsch, Community Development Director

Background:

- The property contains an older home with several accessory structures.
- Habitat for Humanity coordinates volunteers, including the prospective homeowner, who needs to contribute 250 hours of labor to the construction, to build the homes. They plan to construct 3 homes per year beginning in 2018.
- The existing parcel would be subdivided into 9 lots with direct driveway access to McHenry Avenue. Each house plan and design will be selected based on the prospective owner and their needs and would meet the UDO residential design criteria.
- The subdivision is in the Crystal Lake Watershed and has been engineered to meet all of the City's requirements for new development in the Watershed.

PZC Highlights:

- The PZC members were supportive of Habitat's mission.
- The PZC questioned the number of driveways along McHenry Avenue. They suggested an alternative road behind the lots. The petitioner stated the need for the rain gardens to

meet the watershed requirements and the desire to not create double-frontage lots for these lots and the neighboring homes to the east.

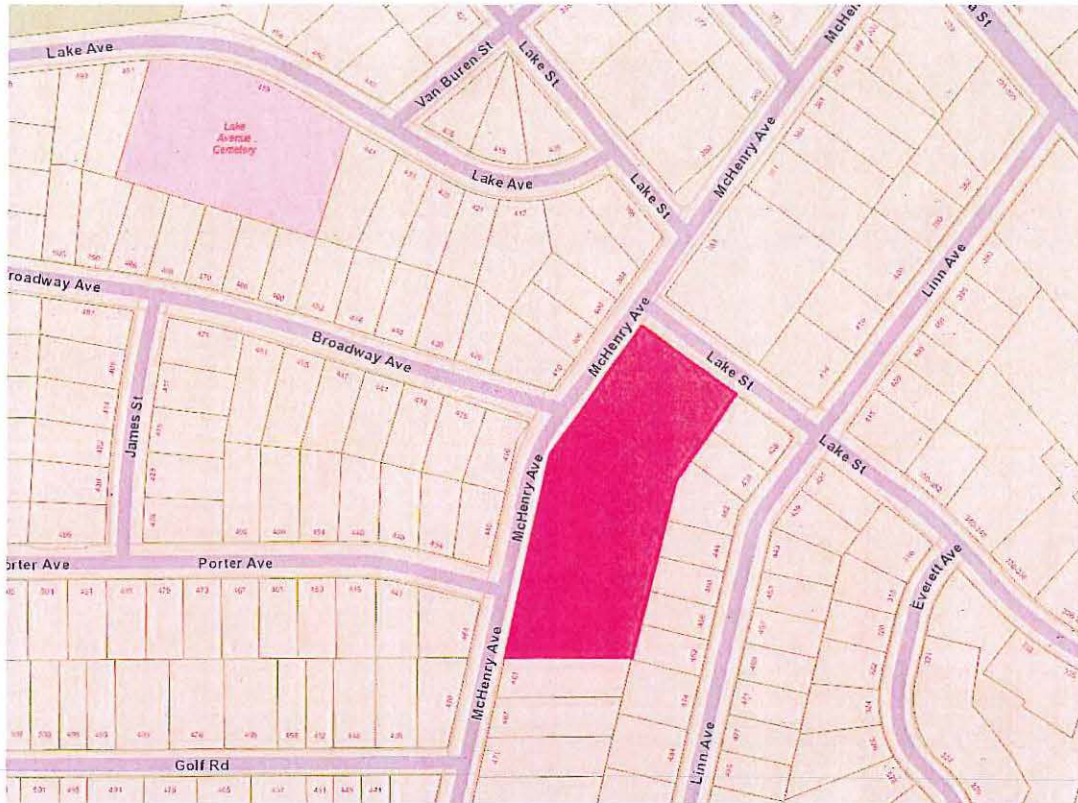
- The PZC reviewed the Findings of Fact and found that the petition meets the criteria.

The PZC recommended **approval (4-0)** 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 (Habitat for Humanity, received 10/16/17)
 - B. Final Plat of Subdivision (Vanderstappen dated 12/18/17, received 12/18/17)
 - C. Engineering Plans (J. Condon & Assoc., dated 12/18/17, received 12/18/17)
2. Final Plat of Subdivision:
 - a. Work with staff to finalize the watershed easement.
 - b. If CC&Rs or deed restrictions are established for the lots, provide a copy for review by staff.
 - c. Any new ComEd utility service must be buried, no new service poles are permitted on these lots.
 - d. Amend the "Plan and Zoning Commission" certificate heading to read "Planning and Zoning."
3. An SSA shall be established by the property owner prior to the sale of the individual lots, which will allow for the perpetual maintenance of the watershed easement.
4. The single-family lots will not be exempt from the tree preservation ordinance and the total tree removal inches are required to be replaced. Any trees removed during mass grading shall be documented and any trees removed during specific lot improvements shall be documented.
5. Provide a Letter of Credit for all public improvements including the parkway trees, public utilities and the sidewalk installation.
6. The petitioner shall address all of the review comments and requirements of the Community Development, Fire Rescue, Police, and Public Works Departments.

Votes Required to Pass: A simple majority vote.

2017-35 Fox Valley Farms – 431 McHenry Ave.





DRAFT

The City of Crystal Lake Illinois

**AN ORDINANCE GRANTING A PRELIMINARY AND FINAL
PLAT OF SUBDIVISION FOR FOX VALLEY FARMS**

WHEREAS, pursuant to the terms of a Petition (File 2017-35) before the Planning and Zoning Commission, the petitioner, Habitat for Humanity of Northern Fox Valley, has requested issuance of a Preliminary and Final Plat of Subdivision for 9 lots and Deferral to bury existing overhead utility lines until an area wide program is established for the property at 431 McHenry Avenue, City of Crystal Lake, Illinois; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, held a public meeting at 7:30 p.m., on January 17, 2018 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed Preliminary and Final Plat of Subdivision; and

WHEREAS, on January 17, 2018, the Planning and Zoning Commission, having fully heard and considered the presentation of all those present at the public meeting, made a findings of fact as required by law and recommended to the Mayor and City Council of the City of Crystal Lake that the proposed Final Plat of Subdivision be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #2017-35, dated as of January 17, 2018; and

WHEREAS, it is in the best interest of the CITY OF CRYSTAL LAKE that the Final Plat of Subdivision be issued as requested in said Petition.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That a Final Plat of Subdivision for 9 lots and Deferral to bury existing overhead utility lines until an area wide program is established for the property commonly known as 431 McHenry Avenue (19-06-481-001, 19-06-481-002) Crystal Lake, Illinois.

SECTION II: Said Final Plat of Subdivision is issued with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Habitat for Humanity, received 10/16/17)
 - B. Final Plat of Subdivision (Vanderstappen dated 12/18/17, received 12/18/17)
 - C. Engineering Plans (J. Condon & Assoc., dated 12/18/17, received 12/18/17)
2. Final Plat of Subdivision:
 - A. Work with staff to finalize the watershed easement.
 - B. If CC&Rs or deed restrictions are established for the lots, provide a copy for review by staff.
 - C. Any new ComEd utility service must be buried, no new service poles are permitted on these lots.
 - D. Amend the "Plan and Zoning Commission" certificate heading to read "Planning and Zoning."
3. An SSA shall be established by the property owner prior to the sale of the individual lots, which will allow for the perpetual maintenance of the watershed easement.
4. The single-family lots will not be exempt from the tree preservation ordinance and the total tree removal inches are required to be replaced. Any trees removed during mass grading shall be documented and any trees removed during specific lot improvements shall be documented.
5. Provide a Letter of Credit for all public improvements including the parkway trees, public utilities and the sidewalk installation.
6. The petitioner shall address all of the review comments and requirements of the Community Development, Fire Rescue, Police, and Public Works Departments.

SECTION III: That the City Clerk be and is hereby directed to amend the pertinent records of the City of Crystal Lake to show the granting of subdivision and deferral in accordance with the provisions of this Ordinance, as provided by law.

SECTION IV: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provide by law.

DATED at Crystal Lake, Illinois, this 6th day of February, 2018.

City of Crystal Lake, an
Illinois municipal corporation

Ord. No.
File No.

Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

Passed: February 6, 2018

Approved: February 6, 2018



Agenda Item No: 13

**City Council
Agenda Supplement**

Meeting Date: February 6, 2018

Item: REPORT OF THE PLANNING & ZONING COMMISSION

Request: Simplified Residential Variation to construct a new home 31 feet 6 inches in height, a variation of 3 feet 6 inches above the permitted maximum height of 28 feet.

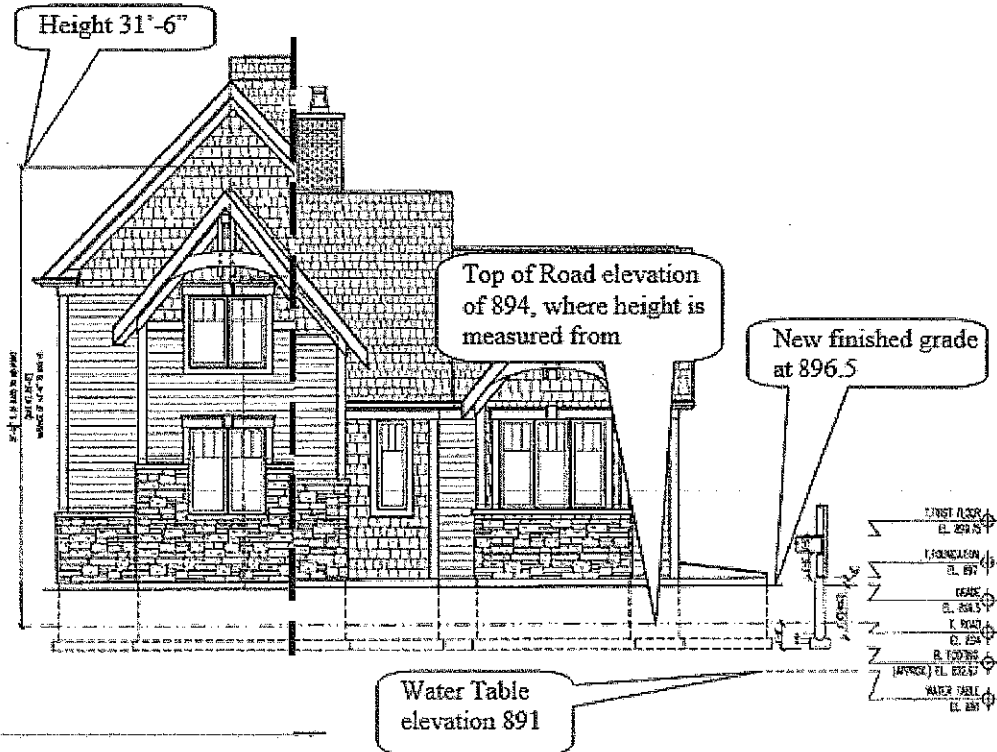
Scott Skiermanski, petitioner
675 Woodland Drive

PZC Recommendation: Motion to approve the PZC recommendation and adopt an ordinance granting the variation for 675 Woodland Drive.

Staff Contact: Michelle Rentzsch, Community Development Director

Background:

- The water table is very high on this lot and to keep the crawl space out of the water table, it needs to be raised up and fill brought in to cover the foundation.



Key Factors:

- Request: Variation to allow the construction of a new single family residence with an ultimate height of 31 feet 6 inches.

PZC Highlights:

The following discussion took place during the Planning and Zoning Commission hearing:

- The Planning and Zoning Commission (PZC) found that this was a very challenging lot and sympathized that the house should be out of the water table to prevent the sump pump from running continuously.
- There was some discussion if changes could be made to the home to reduce the height, for example to lower the roof pitch, so the variation would not be needed.
- The majority of the PZC found that the petition met the Findings of Fact.

The Planning and Zoning Commission recommended **approval (3-1)** of the petitioners' request with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Skiermanski, received 12/15/17)
 - B. Architectural Drawings (ALA Architects, dated 11/06/17, received 12/15/17)
2. Petitioner shall provide a grading plan illustrating new fill height and appropriate grading, which would not affect the floodplain.
3. The petitioner shall address all of the review comments and requirements of Community Development Department.

Votes Required to Pass:

A simple majority vote

2017-49 KEATY – 675 WOODLAND DR – VARIATION



Ord. No.
File No.



DRAFT

The City of Crystal Lake Illinois

AN ORDINANCE GRANTING A VARIATION
AT 675 WOODLAND DRIVE

WHEREAS, pursuant to the terms of the Application (File #2017-49) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested the granting of a Simplified Residential Variation from Section 3-200 to allow a new residential structure at 31 feet 6 inches in height, a variation of 3 feet 6 inches above the 28-foot maximum height permitted in the zoning district; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on January 2, 2018 in the Northwest Herald, held a public hearing at 7:30 p.m., on January 17, 2018 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed Simplified Residential Variation; and

WHEREAS, on January 17, 2018, the Planning and Zoning Commission, having fully heard and considered the testimony of all those present at the public hearing who wished to testify, made findings of fact as required by law and recommended to the Mayor and City Council of the City of Crystal Lake that the proposed Simplified Residential Variation be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #2017-49, dated as of January 18, 2018; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the Variation be granted as requested in said Application.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That a Variation be granted from the Crystal Lake Unified Development Ordinance Section 3-200 to allow a new residential structure at 31 feet 6 inches in height, a variation of 3 feet 6 inches above the 28-foot maximum height permitted in the zoning district at the property at 675 Woodland Drive (19-06-177-013), Crystal Lake, Illinois.

SECTION II: That the Variation be granted with the following conditions:

Ord. No.
File No.

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Skiermanski, received 12/15/17)
 - B. Architectural Drawings (ALA Architects, dated 11/06/17, received 12/15/17)
2. Petitioner shall provide a grading plan illustrating new fill height and appropriate grading, which would not affect the floodplain.
3. The petitioner shall address all of the review comments and requirements of Community Development Department.

SECTION III: That the City Clerk be and is hereby directed to amend all pertinent records of the City of Crystal Lake to show the granting of a Simplified Residential Variation in accordance with the provisions of this Ordinance, as provided by law.

SECTION IV: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provide by law.

DATED at Crystal Lake, Illinois, this 6th day of February, 2018.

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

Passed: February 6, 2018

Approved: February 6, 2018



Agenda Item No: 14

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	February 6, 2018
<u>Item:</u>	REPORT OF THE PLANNING & ZONING COMMISSION McDonald's – 230 N Route 31
<u>Request:</u>	A Special Use Permit Amendment to allow changes to the approved elevations and site plan.
<u>Petitioner:</u>	Lisa Donmeyer, Lingle Design Group, representing the 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 and site plan at 230 N Route 31.
<u>Staff Contact:</u>	Michelle Rentzsch, Community Development Director

Background:

- Existing Use: The subject property is an existing McDonald's restaurant.
- Previous Approvals: A special use permit was approved in 1989 to allow a drive through facility and a fast food restaurant. The special use permit included an approved site plan and elevations.
- Proposed Changes: The proposed plan includes renovating the entire exterior to update the branding and altering the site to comply with ADA requirements. The exterior renovations are similar to the McDonald's located at the intersection of Route 14 and Crystal Point Drive.

PZC Highlights:

- The PZC thanked the petitioner for investing in the property.
- The PZC felt that the Findings of Fact had been met.

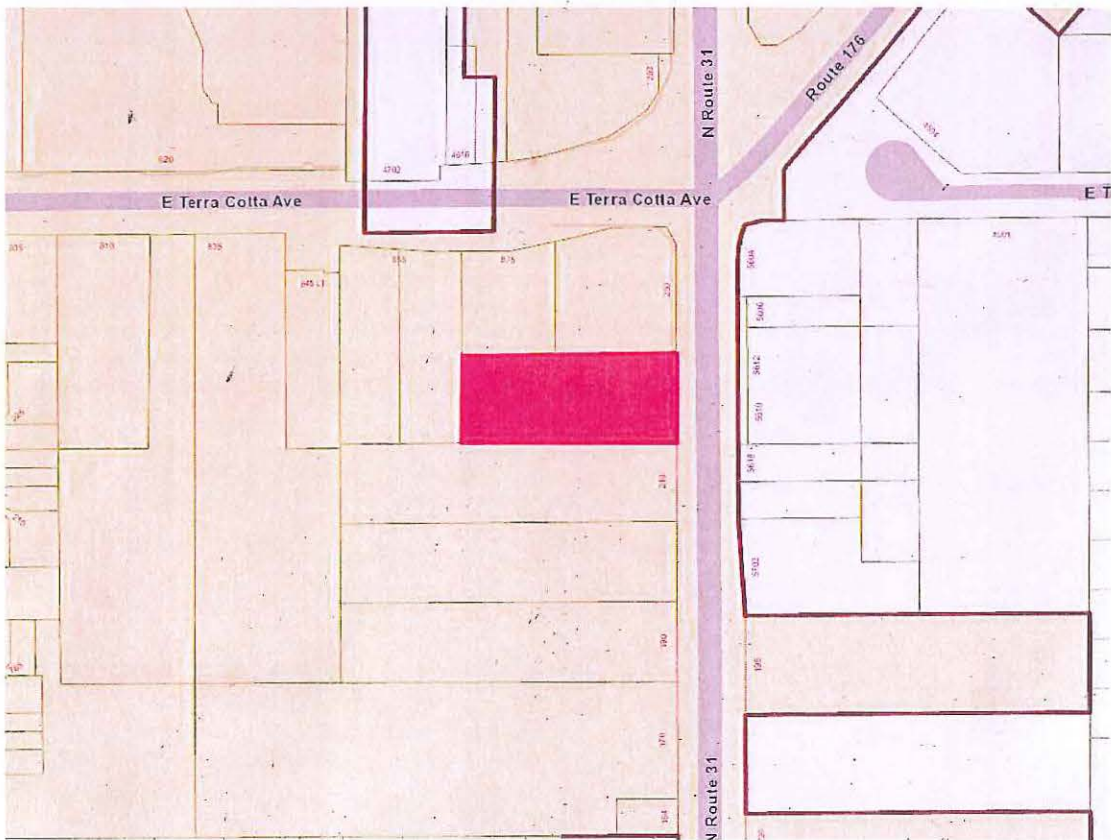
The PZC recommended **approval (4-0)** of the petitioner's request with the following conditions:

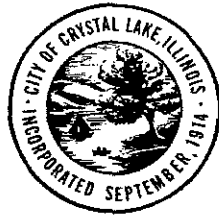
1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (McDonald's USA LLC, dated 12/13/17, received 12/20/17)
 - B. Elevations (Lingle Design Group Inc, dated 01/11/18, received 01/11/18)
 - C. Colored Rendering (Lingle Design Group Inc, dated 01/11/18, received 01/11/18)
 - D. Site Plan (Lingle Design Group Inc, dated 11/29/17, received 12/20/17)

2. The total allowable square footage of wall signs is 150 square feet, as permitted by the UDO.
3. Any future changes to the façade may be approved administratively if the design standards in Article 4-1000 are met.
4. 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.

2017-51 McDonald's – 230 N. Route 31





DRAFT

The City of Crystal Lake Illinois

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT AMENDMENT
AT 230 N. ROUTE 31**

WHEREAS, pursuant to the terms of a Petition (File #2017-51) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of a Special Use Permit Amendment to allow changes to the approved elevations and site plan for the property located at 230 N. Route 31; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on January 2, 2018 in the Northwest Herald, held a public hearing at 7:30 p.m., on January 17, 2018 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed Special Use Permit Amendment; and

WHEREAS, on January 17, 2018, the Planning and Zoning Commission, having fully heard and considered the testimony of all those present at the public hearing who wished to testify, made findings of fact as required by law and recommended to the Mayor and City Council of the City of Crystal Lake that the proposed Special Use Permit Amendment be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #2017-51, dated as of January 18, 2018; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Special Use Permit Amendment be issued as requested in said Petition.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That a Special Use Permit Amendment be issued to allow changes to the approved elevations and site plan for the property commonly known as 230 N. Route 31 (14-34-326-012), Crystal Lake, Illinois.

Section II: Said Special Use Amendment is issued with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (McDonald's USA LLC, dated 12/13/17, received 12/20/17)
 - B. Elevations (Lingle Design Group Inc., dated 01/11/18, received 01/11/18)
 - C. Colored Rendering (Lingle Design Group Inc., dated 01/11/18, received 01/11/18)
 - D. Site Plan (Lingle Design Group Inc., dated 11/29/17, received 12/20/17)
2. The total allowable square footage of wall signs is 150 square feet, as permitted by the UDO.
3. Any future changes to the façade may be approved administratively if the design standards in Article 4-1000 are met.
4. The petitioner shall comply with all of the requirements of the Community Development and Fire Rescue Departments.

Section III: That the City Clerk be and is hereby directed to amend all pertinent records of the City of Crystal Lake to show the issuance of a Special Use Permit Amendment in accordance with the provisions of this Ordinance, as provided by law.

Section IV: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provide by law.

DATED at Crystal Lake, Illinois, this 6th day of February, 2018.

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

Passed: February 6, 2018

Approved: February 6, 2018



Agenda Item No: 15

**City Council
Agenda Supplement**

Meeting Date:

February 6, 2018

Item:

Sign Variations for Pets Supplies Plus and a future tenant to allow:

- A. 350 square feet of building wall signage, a variation of 200 square feet and
- B. A second free-standing sign at 60 square feet and 14 feet in height, a variation of 5 feet in height and to allow two freestanding signs.

Petitioner:

David Mangurten, petitioner
6107 Northwest Highway

Recommendation:

City Council Discretion:

- A. Motion to approve an ordinance with the recommended conditions for the variations as requested.
- B. Motion to deny the variation request.

Staff Contact:

Michelle Rentzsch, Community Development Director

Background:

- The property is an existing retail building. Over the years improvements on Route 14 by IDOT have restricted access to this property with the installation of a barrier median.
- The property owner has had difficulty keeping tenants at the location due to the access limitations. The protective wing walls for the Prairie Trail are to the east of this property and limit the visibility a ground freestanding sign. A left in or out of the property from Route 14 is also prohibited.

Analysis

- Wall Signs:
 - A single building is permitted 150 square feet of wall signage. The request is for a total of 350 square feet of wall signage (for two tenants), a variation of 200 square feet.

- As a corner tenant, Pet Supplies Plus would be permitted 75 square feet of wall signage. The request is for 292 square feet of wall signage, a variation of 217 square feet.
- The remaining 58 square feet of wall signage is reserved for a future tenant.
- Free-Standing Sign:
 - A single free-standing sign is permitted on site. An existing pole sign is on the west side of the property and would be used for the future tenant.
 - The petitioner is requesting a second free-standing sign for the Pet Supplies Plus user. The second sign would be on the east side of the property.
 - Free-Standing signs are permitted to be 80 square feet and 9 feet in height. The existing signs in the area are:

Property/Business	Sign Area (square feet)	Sign Height (feet)
PIQ, existing freestanding sign	60	10
Chen's	55	8
Arby's	56	16
Home State Bank	60	8
Wendy's	55	15
Fox Valley Animal Hospital	60	10
Heartland Cabinets	64	9
PIQ, proposed 2nd freestanding sign	60	14

The City Council can grant a variation from the requirements of the Ordinance to overcome an exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent the display of a sign as intended by the Ordinance and where the following standards are met:

- A. The proposed variation will not serve merely as a convenience, but alleviate some demonstrable and unusual hardship.
- B. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The proposed variation will not by itself, or with other signs, contribute to the creation of a visual distraction which may lead to personal injury or a substantial reduction in the value of the property.
- C. The proposed variation is in harmony with the intent, purpose and objectives of the Ordinance.

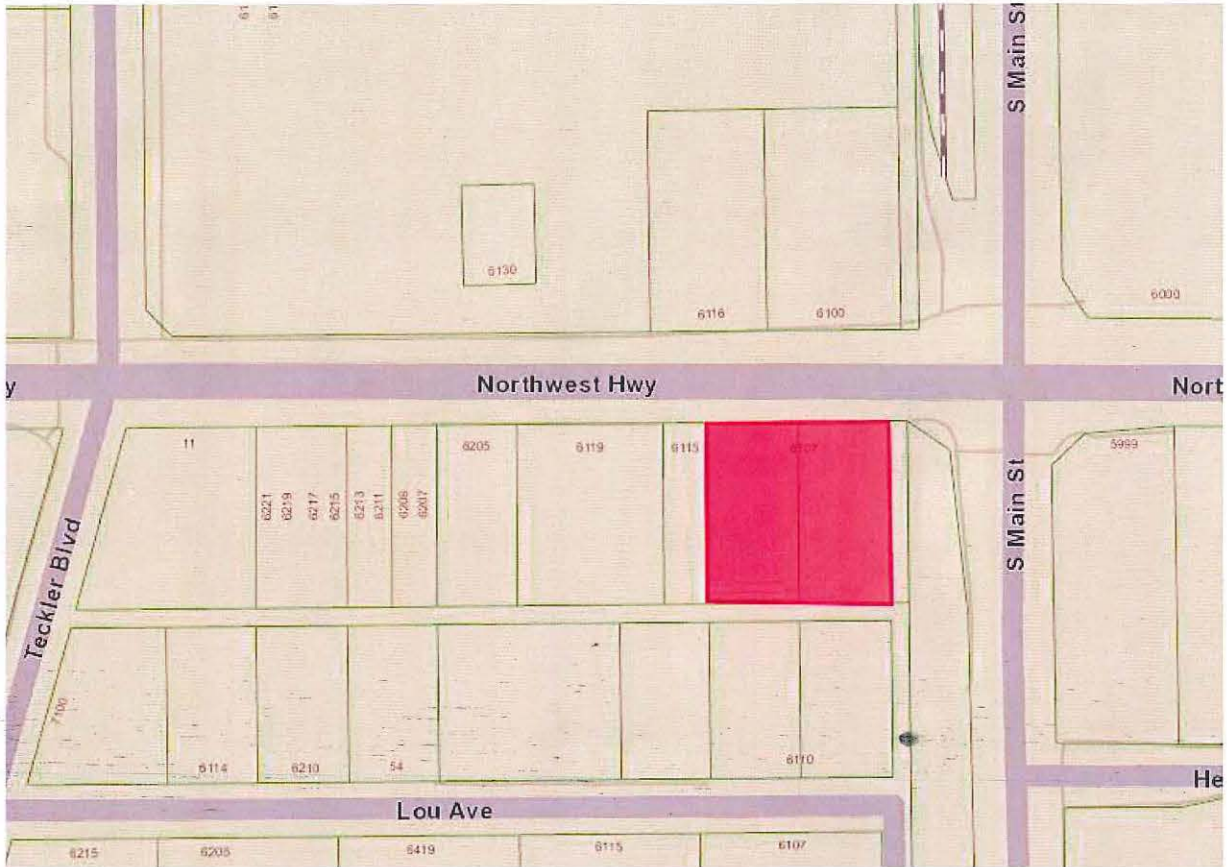
If a recommendation is made, the following conditions are suggested:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (National Shopping Plazas, received 01/23/18)
 - B. Sign Plan (KMA Architects, dated 01/22/18, received 01/23/18)

2. The variation for the second freestanding sign shall be void and must be removed if Pet Supplies Plus vacates the space.
3. The sign panel on the free-standing sign shall have a background that is a neutral color like tan or beige.

Votes Required to Pass: Simple majority vote

2018-07 PET SUPPLIES PLUS – SIGN VARIATION





DRAFT

The City of Crystal Lake Illinois

**AN ORDINANCE GRANTING A SIGN VARIATION FOR
6107 NORTHWEST HIGHWAY**

WHEREAS, pursuant to the terms of the request (File #2018-07) before the City of Crystal Lake, the Petitioner has requested a sign variation to allow 350 square feet of wall signage and a second free-standing sign at 60 square feet 14 feet in height for Pet Supplies Plus and a future tenant; and

WHEREAS, a hearing of the request was held before the City of Crystal Lake City Council in the manner and in the form as prescribed by Ordinance and Statute; and

WHEREAS, as a result of said hearing, the City Council made a motion to approve the sign variation as requested; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the sign variation be granted as requested,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That a sign variation be granted to allow 350 square feet of wall signage and a second free-standing sign at 60 square feet 14 feet in height for Pet Supplies Plus and a future tenant located at 6107 Northwest Highway (19-08-226-010), Crystal Lake, Illinois with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (National Shopping Plazas, received 01/23/18)
 - B. Sign Plan (KMA Architects, dated 01/22/18, received 01/23/18)
2. The variation for the second sign shall be void if Pet Supplies Plus vacates the space.

SECTION II: That the City Clerk be and is hereby directed to amend all pertinent records of the City of Crystal Lake to show the granting of Variations in accordance with the provisions of this Ordinance, as provided by law.

SECTION III: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this 6th day of February, 2018.

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

Passed: February 6, 2018

Approved: February 6, 2018



Agenda Item No: 16

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	February 6, 2018
<u>Item:</u>	Plum Creek Villas - Conceptual review for a proposed senior living subdivision with apartments and duplexes at the northwest corner of Route 14 and Ridgefield Road.
<u>Recommendation:</u>	For Discussion Only
<u>Staff Contact:</u>	Michelle Rentzsch, Community Development Director

Background

- The site is located north of Route 14 and west of Ridgefield Road. Direct access to this site would be from Ridgefield Road.
- The property is zoned W PUD Watershed and specific design standards can be established through the Planned Unit Development overlay.
- This project is designed for seniors and would be age restricted.

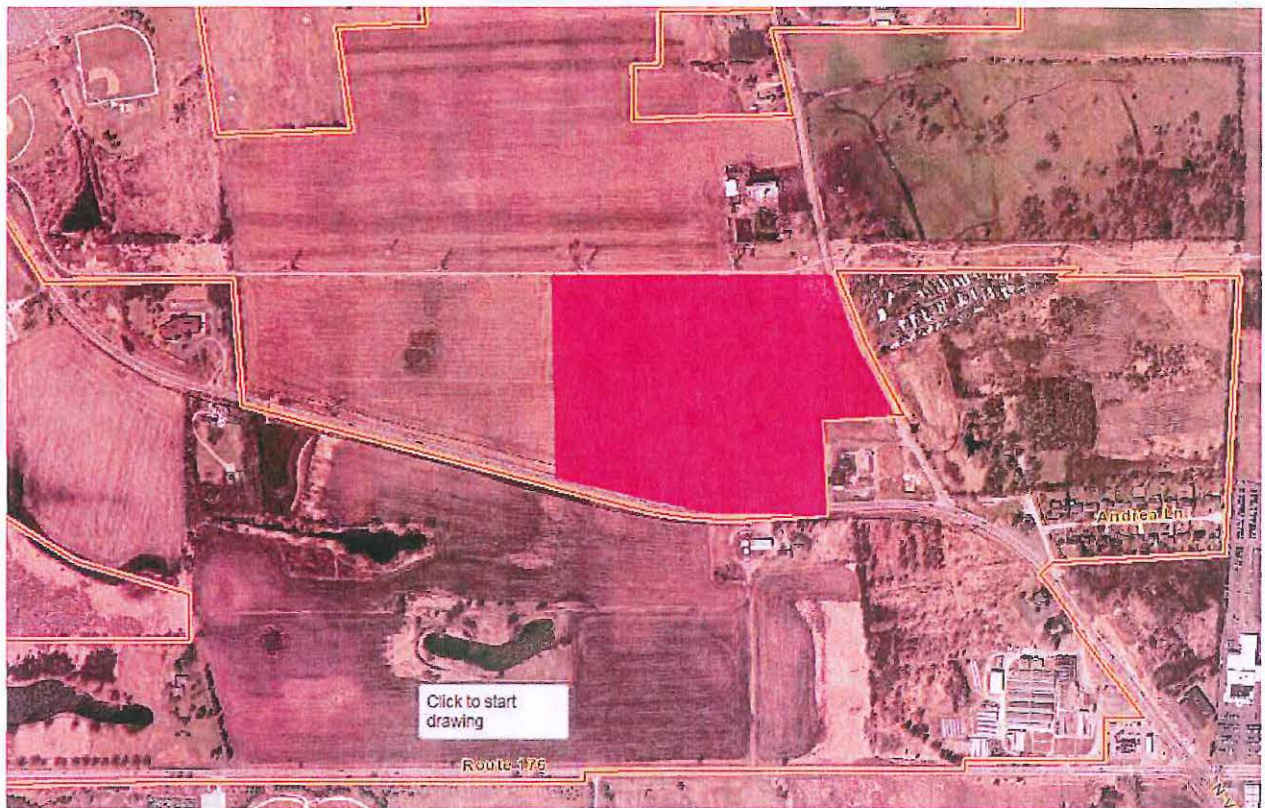
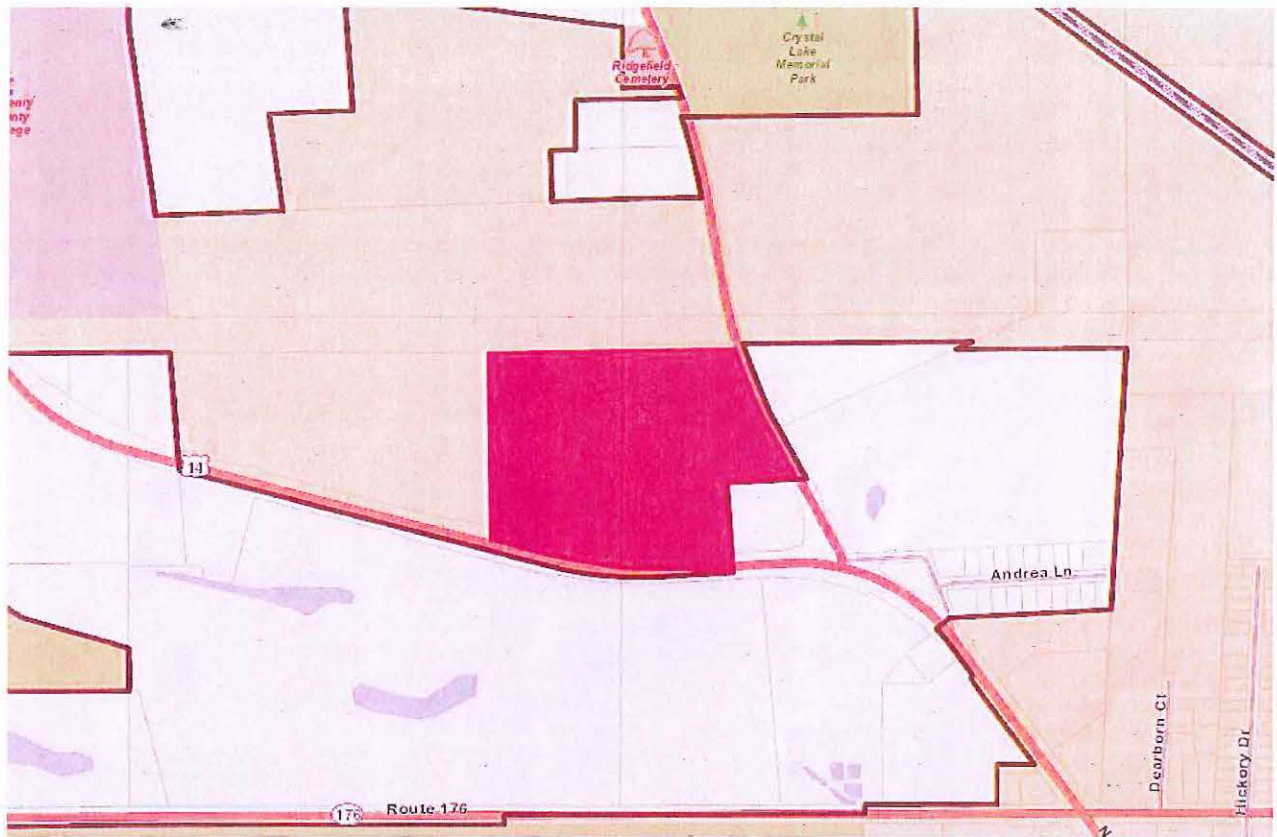
Conceptual Plan Highlights

- A prominent 3-story apartment style building with 100 apartment units adjacent to Ridgefield Road.
- Behind this building is a curvilinear street for 50 duplex units.
- In front of this complex, along Route 14, is 11 acres reserved for commercial development. The developer hopes to attract uses including restaurants that would provide services to the residential population.

PZC Discussion

- The PZC was very complimentary of the architecture and the design of the buildings including the duplexes.
- The PZC also asked if residential uses were appropriate for this parcel as it is far from existing services and retail uses.
- The PZC was in favor of the development and encouraged them to move forward.

2018-05 PLUM CREEK SENIOR HOUSING (GOLDMAN PROPERTY) – CONCEPT REVIEW





Agenda Item No: 17

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	February 6, 2018
<u>Item:</u>	Massage Establishment License
<u>Recommendation:</u>	Motion to approve the ordinance creating a massage establishment license.
<u>Staff Contact:</u>	James Black, Chief of Police Michelle Rentzsch, Director of Community Development

Background:

Several years ago, the State of Illinois passed legislation that changed the manner in which massage therapists were regulated. As a result of this change, all massage therapists are now licensed and regulated by the Illinois Department of Financial and Professional Regulations (IDPR). Local municipalities no longer have the authority to license or regulate massage therapists.

Legislation does, however, allow local jurisdictions to license and regulate massage establishments. There are over 30 neighboring communities in the northern Illinois area that have established massage licenses for massage establishments. The attached ordinance creates a process for a massage establishment license, as well as the standards by which they will be regulated. Licensing massage establishments is an important component of ensuring that only legitimate massage businesses operate within the City.

Since December of 2013, the Crystal Lake Police Department has made arrests for the offense of *Prostitution* at six separate massage establishments. After several arrests made in 2017, Police Department staff observed potential code violations occurring at some establishments. Specifically, there were resident complaints on a current massage establishment, where the resident felt that there were employees living in the business and that there was 24 hour activity occurring at the business. The Police Department, during one investigation, also discovered that a business owner of a Crystal Lake establishment was also an owner of a massage business in a different municipality where there were prostitution arrests made. Some of the Crystal Lake establishments are no longer in business, while others remain open. While the Police Department can continue to enforce criminal activity and make arrests where appropriate, it is difficult to enforce City code without a massage ordinance in place. Having the ability to regulate the **establishment** will give the City the authority to involve the business owner and potentially

employ an administrative process to close their business in response to the illegal activity. Ultimately, this sends the message that the City will not tolerate this illegal activity and thereby lessen the chance of its occurrence and potentially prevent any future illicit business from opening in the city.

An invitation was sent to the City's massage establishments to an Open House, which was held on September 11, 2017, at 6pm, at City Hall to review the parameters of the proposed Massage Establishment License Ordinance, collect feedback and answer any questions. A summary of feedback that staff received is attached.

Key Factors:

- This license would be for the business, not the massage therapists employed by the business. They are licensed separately by the State.
- The massage business license fee of \$50 applies only to new massage establishments. Massage establishments existing prior to 2016 would not be charged a fee for their license.
- The license application requires the business to complete the application, complete a background check, and provide annual updates of the information.
- This is a similar process to the tattoo parlor license that has been enforced by the City for many years.

The City's special counsel has reviewed the attached ordinance and it is in an acceptable format.

Votes Required to Pass: A simple majority vote.

CITY OF CRYSTAL LAKE

DRAFT

ORDINANCE NO. _____

AN ORDINANCE ADOPTING CHAPTER 335 OF THE CRYSTAL LAKE ILLINOIS
MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS

Adopted by the
Mayor and City Council
of
the City of Crystal Lake
McHenry, Illinois
this _____ day of _____, 2018

Published in pamphlet form by direction
and authority of the City of Crystal Lake
McHenry County, Illinois
this _____ day of _____, 2018

DRAFT

ORDINANCE NO. _____

AN ORDINANCE ADOPTING CHAPTER 335 OF THE CITY OF CRYSTAL LAKE ILLINOIS MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS

WHEREAS, the regulation of massage establishments is a matter of growing importance to prevent the proliferation of unlawful conduct and to prevent such establishments from being used for the purposes of prostitution in violation of the Illinois Criminal Code; and

WHEREAS, the City of Crystal Lake is a home rule unit of local government pursuant to Article VII, Section 6 of the Illinois Constitution of 1970 and may exercise any power and legislate as to matters which pertain to its local government and affairs; and

WHEREAS, massage establishments directly affect the public health, safety and welfare of the residents of the City of Crystal Lake; and

WHEREAS, in addition to those powers conferred upon the City of Crystal Lake as home rule unit of local government, the Illinois Municipal Code provides that the Corporate Authorities of the City of Crystal Lake Illinois may define, prevent, and abate nuisances, 65 ILCS 5/11-60-2; and

WHEREAS, prostitution and obscenity are nuisance problems associated with massage establishments and the licensing of massage establishments assists to prevent and abate such nuisances; and

WHEREAS, the City of Crystal Lake is authorized do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases; and

WHEREAS, prostitution is a problem associated with massage establishments and the licensing of massage establishments assists to prevent prostitution and the spread of sexually transmitted diseases; and

WHEREAS, massage therapists are licensed by the Illinois Department of Financial and Professional Regulations pursuant to the Massage Licensing Act, 225 ILCS 57/1, *et seq.*, however the Illinois Department of Financial and Professional Regulations does not regulate massage establishments; and

WHEREAS, the Corporate Authorities of the City of Crystal Lake desire to protect the public health by preventing the spread of diseases through unsanitary practices and facilities; and

WHEREAS, the City of Crystal Lake Illinois is authorized to enact such ordinances as they will assist in the prevention of prostitution within the corporate boundaries of the City of Crystal Lake; and

WHEREAS, Crystal Lake, as a home rule authority and as expressly permitted by the Illinois Municipal Code may classify, regulate and restrict the location of trades and industries and the locations of buildings designed for specified industrial, business, residential, and other uses, 65

ILCS 5/11-13-1(4), and further to prohibit uses, buildings, or structures incompatible with the character of such districts 65 ILCS 5/11-13-1(7). Accordingly, the City of Crystal Lake may zone and regulate where such businesses may be conducted; and

WHEREAS, Crystal Lake as a home rule authority and as expressly permitted by the Illinois Municipal Code may license, tax, regulate, or prohibit theatricals and other exhibitions, shows and amusements and may license, tax, and regulate all places for eating or amusement, 65 ILCS 5/11-42-5. Accordingly, the City of Crystal Lake may regulate nontherapeutic massage establishments that constitute a recreation; and

WHEREAS, Crystal Lake as a home rule authority and as expressly permitted by the Illinois Municipal Code may do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases, 65 ILCS 5/11-20-5. Accordingly, the City of Crystal Lake may regulate massage establishments to prevent prostitution and the spread of sexually transmitted diseases; and

WHEREAS, the Corporate Authorities of the City of Crystal Lake have determined that it is in the interest of the public health, safety and welfare of the citizens of the City of Crystal Lake to regulate massage establishments.

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

SECTION 1: The foregoing recitals are true and correct and are incorporated into the text of this ordinance as its findings to the same extent as if each such recital had been set forth herein in its entirety.

SECTION 2: The Municipal Code of the City of Crystal Lake is hereby amended to add Chapter 335 to be entitled "MASSAGE ESTABLISHMENTS" which shall hereinafter provide as follows:

ARTICLE IX. MASSAGE ESTABLISHMENTS

Sec. 335-1. - Definitions.

For purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Massage Therapist – Any person licensed by the Illinois Department of Financial and Professional Regulation. who, for consideration or gratuity whatsoever, engages in the practice of massage as defined herein.

License. A massage establishment license as provided in this article.

Massage. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft tissues of the body with the hands or with aid of any mechanical, electrical apparatus or appliances or by the application of air, liquid, or vapor baths of any kind with or without such supplementary aids as rubbing alcohol, liniments,

antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations used in this practice.

Massage establishment. Any establishment that provides massage therapy, employs at least one licensed massage therapist, and does not offer illicit sexual services under the guise of therapeutic massage. This shall include any establishment having a fixed place of business where any person, firm, association, partnership, or corporation engages in, carries on or permits to be engaged in, carried on any of the activities mentioned in the definition of massage, including but not limited to what are commonly known and referred to as spas, suntan spas, parlors, bathhouses and massage parlors. A massage business shall not include any accredited educational facility that teaches massage therapy or masseuse techniques, nor shall it include any licensed health care facilities, or establishment of duly licensed doctors. A massage establishment may employ only persons that have a state license issued by the Illinois Department of Professional Regulation pursuant to the Illinois Massage Licensing Act, 225 ILCS 57/1 et seq., as it may be amended from time to time, to engage in the practice of massage. An establishment whose primary business is beauty salon, barber shop or similar which offers massage limited to the head, neck, shoulders, hands, feet and legs below the knee are not considered massage establishments.

Patron. An individual who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefore.

Person. Any individual, partnership, association, joint stock company, limited liability company, corporation or combination of individuals of any form, kind or character whatsoever.

Sexual or genital area. The genitals, pubic area, anus or perineum of any person; or the vulva or breasts of any female.

Sec. 335-2. - License required.

Massage establishment license required. It shall be unlawful for any person to engage in, conduct, carry on, or permit to be engaged in, conducted, or carried on, in or upon any premises in the City, the business of operating a massage establishment without having first obtained a valid and current license therefore issued by the City pursuant to the terms of this article. A separate license shall be required for each massage establishment location regardless of whether multiple establishments are operated by the same person.

Sec. 335-3. - Application for massage establishment license.

(a) An application for a massage establishment license as required in section 335-2 hereof shall be filed with the Director of Community Development or his/her designated representative. The application shall be made in writing upon a form provided by the Director of Community Development or his/her designated representative and shall be completed in full and signed by the applicant, if an individual, or by a duly authorized agent thereof, if not an individual, verified by oath or affidavit, that all of the information in the application is complete, true and correct and shall include but shall not be limited to the following:

- (1) The name and type of ownership of the business, i.e., whether individual, partnership, limited liability company, corporation, or otherwise.
- (2) The name under which the business is to be conducted, including any trade name(s) or assumed business name(s).
- (3) The location and description of the premises or place of business which is to be operated under such license as well as all telephone numbers where the business is to be operated.
 - a. If a leased premises, a copy of the lease shall be provided. The term of such lease must not end until after the expiration date of the license for which application is being made.
 - b. The name and address of the owner(s) of the premises, and, if said premises is held in trust, the names and addresses of all the owners of the beneficial interest of a trust.
 - c. Whether any other activities or business will be conducted at the same location and the physical facilities to be used.
- (4) In the case of an individual, the full name, residence address with zip code, date of birth, gender and a physical description of the applicant including height, weight, color of hair and eyes.
- (5) In the case of a partnership, the full name, residence address with zip code, date of birth, gender and a physical description including height, weight, color of hair and eyes of all partners (whether general or limited) and any other persons entitled to share in the profits thereof.
- (6) In the case of a limited liability company or corporation, the purpose for which said limited liability company or corporation is organized, the full name, residence address with zip code, gender, date of birth and a physical description including height, weight, color of hair and eyes of all members and managers of the limited liability company, the directors and officers of the corporation and/or of all persons acting as managers or assistant managers or other persons principally in charge of the operation of the Massage Establishment situated or to be situated in the City.
- (7) The date of formation of the partnership or limited liability company, if a partnership or limited liability company, the date of incorporation, if an Illinois corporation, or the date of becoming qualified under the Illinois Business Corporation Act, 805 ILCS 5/1.01 et seq., to transact business in Illinois, if a foreign corporation.
- (8) A copy of the state issued ID of all licensed massage therapists engaged in massage at the massage establishment, as well as current copies of the licenses of all licensed massage therapists.
- (9) A complete list of the full name, residence address with zip code, date of birth, gender and a physical description of the managers, assistant managers or other persons principally in charge of the operation of the massage establishment including height, weight, color of hair and eyes of the managers, assistant managers or other persons principally in charge of the operation of the massage establishment.

(10) The business, occupation, employment of applicant, if an individual, for three (3) years preceding the date of application.

(11) Whether applicant or its duly authorized agent, if not an individual, ever made an application for a license under this article, or a massage business license or similar license to a state or county, City or other unit of local government and was denied or not granted such license, and if so, where and when, and the reasons for the denial or why such license was not granted.

(12) Whether a license issued to the applicant or its duly authorized agent, if not an individual, under this article, or a massage business license or similar license issued by any state or county, city or City or other unit of local government, has ever been suspended or revoked and the reasons for the suspension and/or revocation.

(13) Whether the applicant or its duly authorized agent, if not an individual, has ever plead guilty or been found guilty of a violation of any of the provisions of this article or any ordinance of any other Illinois municipality or unit of government which regulates massage establishments or the providing of massages, or any Illinois statute regulating massage establishments or massage therapy.

(14) A complete statement of all instances in which the applicant has plead guilty or has been found guilty under the laws of any state or under the laws of the United States as provided in this section. If the applicant is a limited liability company or corporation, the statement shall include applicant's duly authorized agent and all of the applicant's members, managers, officers and directors, and all persons acting as managers or assistant managers or other persons principally in charge of the operation of the Massage Establishment. If the applicant is a partnership, such statement shall include all general partners and any limited partner. Such listing shall include the following:

a. Any offense involving sexual misconduct with children or other sex offenses as defined in Chapter 720 ILCS 5/1-1 et seq.

b. Any felony based upon conduct or involvement in such related business activity or similar business activity.

c. Any felony unrelated to conduct or involvement in such related business activity or similar business activity, but which felony involved the use of a deadly weapon, traffic in narcotic drugs or controlled substances, or violence against another person, including rape or other sexual misconduct.

d. Any misdemeanor or licensing ordinance violation, based upon conduct or involvement in such related business activity or similar business activity.

(b) Except in the case of an application for a renewal of a license and fingerprints are already on file for all persons who are required to provide a complete set of fingerprints, the applicant shall submit a complete set of fingerprints with the application. If the applicant is a corporation, partnership or limited liability company, fingerprints must be submitted for all persons acting as managers or assistant managers or other persons principally in charge of the operation of the

Massage Establishment. The owners, partners and principal managers of any other legal entity entitled to do business in the state shall also be fingerprinted. The City may, in its sole discretion, either require the applicant to have his/her fingerprints taken and submitted for processing by the Illinois State Police and direct that the results be sent directly to the City, c/o the Chief of Police or the City may require that all such fingerprinting shall be done by the City Police Department. If the City does the fingerprinting then the fingerprints shall be submitted to the appropriate state and/or federal agencies for processing as available. The cost of fingerprinting shall be paid by the applicant in addition to any application or license fee.

(c) The applicant shall submit a written authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for a license.

(d) The applicant shall submit a copy of identification which shall include but shall not be limited to a driver's license, if any, and two copies of a current portrait photograph of the applicant at least two (2) inches by two (2) inches. The portrait shall include the head and shoulder area with the face forward pose. A new and current portrait shall be required with each renewal application. If the applicant is a corporation, partnership or limited liability company, the identification and the portrait must be submitted for each person acting as a manager or assistant manager or other person principally in charge of the operation of the Massage Establishment. The City, in its sole discretion, may require that any portrait photograph required by these provisions be taken by the City Police Department.

(e) The applicant shall submit proof of professional and/or general liability insurance in the minimum amount of \$1,000,000 per occurrence.

(f) The applicant shall submit a current copy of any draping protocols, sexual conduct policies or other similar policies and procedures for the proposed massage establishment.

(g) The applicant shall submit such other information, documentation, and identification of the applicant as the Director of Community Development or his/her designated representative and/or the Chief of Police shall deem necessary to determine the identity of the applicant or to process the application.

Sec. 335-4. - Limitation and restriction on issuance and renewal of license.

Upon receipt of a properly completed application including payment in full of all fees in connection therewith for a massage establishment license, the Director of Community Development or his/her designated representative shall submit the completed application to the Chief of Police or his/her designated representative for evaluation. Upon receiving the application for a massage establishment license, the Chief of Police, or his/her designated representative, shall conduct an investigation.

The Director of Community Development or his/her designated representative shall request the premises be inspected by or on behalf of the Fire Rescue Department, the Building Commissioner, the appropriate health inspector and any other applicable department or inspector to assure that the proposed operation complies with all applicable laws, including building, electrical, plumbing,

health, housing, zoning, and fire codes of the City and any other regulations of the City relating to the public health, safety and welfare. The appropriate departments and/or inspectors shall inspect the premises proposed to be operated as a massage establishment, make an investigation of the application and make written recommendations to the Director of Community Development or his/her designated representative concerning compliance with City codes and federal or state laws. The Chief of Police or his/her designated representative shall promptly deliver to the Director of Community Development or his/her designated representative all of the written recommendations along with his written recommendation with respect to whether the application for a license should be approved, denied or held for further review.

Within forty-five (45) days of the date that a fully completed application, including payment of all fees therefore is filed, the Director of Community Development or his/her designated representative shall issue a license if he or she has received a recommendation of approval from the Chief of Police and provided that all of the requirements of this article have been satisfied, or the Director of Community Development or his/her designated representative shall notify the applicant in writing that the application has been denied or is held for further review. The period of such additional review shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional review, and after receiving the above described written recommendations from the Chief of Police or his/her designated representative, the Director of Community Development or his/her designated representative shall advise the applicant in writing whether the application is granted or denied consistent with the recommendation of the Chief of Police or his/her designated representative. The license shall be denied if the applicant fails to comply with the requirements of this article or with the requirements of any other provision of this City Code which is applicable to the business and/or activities of the applicant.

(1) No massage establishment license shall be issued to or renewed for:

a. An applicant, where the applicant or its duly authorized agent, or any of the applicant's members, managers, officers, directors, limited partners, general partners, or any persons acting as managers or assistant managers or other persons principally in charge of the operation of the Massage Establishment has pled guilty to or has been found guilty of any one or more of the following offenses:

1. Any offense involving sexual misconduct with children or other sex offenses as defined in Chapter 720 ILCS 5/1-1 et. seq.

2. Any felony based upon conduct or involvement in such related business activity or similar business activity, within the past ten (10) years.

3. Any felony unrelated to conduct or involvement in such related business activity or similar business activity, but which felony involved the use of a deadly weapon, traffic in narcotic drugs or controlled substances, or violence against another person, including rape or other sexual misconduct, within the past five (5) years.

4. Any misdemeanor or licensing ordinance violation by any state or other unit of local government based upon conduct or involvement in such related

business activity or similar business activity, within the past five (5) years of the date of the application including but not limited to the denial, suspension or revocation of such a similar license by any state or other unit of local government within five (5) years of the date of the application.

- b. An applicant whose license issued under this article has been revoked for cause or the applicant has been found guilty of any violation of any provision of this article.
- c. An applicant who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- d. An applicant under the age of eighteen (18) years of age.
- e. An applicant who has failed to submit a complete application and who has failed to cure the defect(s) within ten (10) days after written notice of any such failure to cure. Unless additional time is granted by the City.
- f. An applicant who has been convicted of any other criminal offense involving dishonesty, fraud, deceit or moral turpitude within five (5) years of the date of the application.
- g. An applicant who has knowingly made or provided false, misleading or fraudulent statements or information to the City to disclose information required in the license application.

(2) In addition to the provisions in subsection (1) above, no massage establishment license shall be issued to or renewed for:

- a. An applicant who is not an owner or a beneficial owner of the business to be operated by the licensee.
- b. A partnership, if any general partners thereof, or any limited partner owning any interest in such partnership has pled guilty to or has been found guilty of any one or more of the offenses listed in this article.
- c. A corporation or limited liability company, if any officer, manager or director, of such limited liability company or corporation has pled guilty to or has been found guilty of any one or more of the offenses listed in this article.
- d. A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act 805 ILCS 5/1.01 et. seq. to transact business in the state.
- e. An applicant if the premises in which the massage establishment is to be operated shall not be in compliance with all applicable codes and ordinances of the City, including but not limited to, zoning, building, and life safety codes.

Sec. 335-5. - Review by the City Manager of denial of an application for a license.

The denial by the Director of Community Development or his/her designated representative to issue a license pursuant to an application made therefore shall be subject to review by the City Manager or his/her designated representative provided that a request for such review is made in writing by the applicant to the City Manager or his/her designated representative within ten (10) days of the issuance of the written denial of the application. The City Manager or his/her designated representative shall conduct a hearing to review the application submitted to the City by the applicant, the report of the Chief of Police or his/her designated representative and/or any other reports of inspections made and of any other relevant facts and evidence determined. The applicant may present any relevant evidence in support of his/her request that the denial of the application be reviewed and reversed. The City Manager or his/her designated representative shall determine whether the denial of the application shall be affirmed or whether the denial shall be reversed and the application approved. If the City Manager or his/her designated representative reverses the decision and approves the application, the license applied for shall be issued. The decision of the City Manager or his/her designated representative to affirm the denial of the application shall be final and subject to judicial review only by a court of competent jurisdiction to the extent otherwise provided by law.

Sec. 335-6 – Suspension or revocation of massage establishment license.

(a) Any license issued for a massage establishment may be suspended for a period not to exceed thirty (30) days by the Chief of Police or his/her designated representative upon written notice to the license holder, which notice shall state a basis or charge as listed in Section 335-6 (b) below. The notice shall be served by mailing a copy thereof by regular U.S. Mail, addressed to the licensee at the address of the licensed premises and shall be deemed served on the date of mailing (the "service date") and/or by delivering a copy of the notice to the manager of the licensed premises or to any other employee on the licensed premises. The business shall not operate under a suspended license. The license holder may request in writing a hearing before the City Manager or his/her designated representative within ten (10) days of the service date. If a written request for a hearing is not made within ten (10) days of the service date, the Chief of Police or his/her designated representative may revoke any license permanently.

(b) The Chief of Police or his/her designated representative may suspend or revoke a license if he/she determines that any one or more of the following have occurred:

- (1) A licensee has violated or is not in compliance with the provisions of this article
- (2) A licensee has knowingly allowed prostitution, as defined by the Illinois Criminal Code, or allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, bestiality, prostitution, or flagellation to occur in or on the licensed premises. If any employee has been charged with prostitution or engaged in any of the other acts as listed above, the licensee is assumed to be knowledgeable of the activity.

- (3) A licensee will be revoked knowingly conducted or allowed to be conducted massage activities in the City during a period of time when the licensee's license was suspended.
- (4) There is no licensed massage therapist employed by the licensee or otherwise engaged or committed to provide massage services on the licensed premises.
- (5) A licensee or its authorized agent knowingly advertises for the providing of services within the massage establishment which are unlawful.
- (6) Any employee of the licensee, including a licensed massage therapist, is engaged in any conduct at licensee's place of business which violates any of the provisions of this article, any Unlawful Acts as stated in Section 335-19, or any other ordinances of the City relating to the license, the licensed premises, or any state law.
- (7) Where any applicant has committed any fraud, misrepresentation or made a false statement on an application for a license under this article.
- (8) In any case where the licensee refuses to permit any duly authorized police officer or inspector of the City to inspect the premises or the operations therein.
- (9) The failure or refusal of the licensee to pay any fine, penalty or charge owed to the City.
- (10) In the event that the licensee would not now qualify for the issuance of a license or the renewal thereof
- (11) By the recommendations of the health officer that such business is being managed, conducted, or maintained without regard for the public health or health of patrons or without due regard to proper sanitation or hygiene.
- (12) The licensee shall be deemed to have actual or constructive knowledge of any violations hereinabove set forth if they occur on the licensed premises by any person(s) acting as an agent or otherwise receiving compensation. Such license may also be suspended by the Director of Community Development or his/her designated representative upon the recommendations of the health officer that such business is being managed, conducted, or maintained without regard for the public health or health of patrons or without due regard to proper sanitation or hygiene. The licensee shall be permitted to present any relevant evidence bearing on the alleged violations set forth in the notice

(c) Any decision of the Chief of Police or his/her designated representative to suspend or revoke a license may be appealed to the City Manager or his/her designated representative

by the licensee by a request in writing therefore made to the City Manager or his/her designated representative within ten (10) days of the issuance by the City Manager of any order of suspension. The City Manager or his/her designated representative shall review the record of the hearing held before the City Manager or his/her designated representative if any was held or if no hearing was held, the basis for such order of suspension, and based upon such review shall make a decision to either affirm or reverse the decision of the Chief of Police or his/her designated representative to suspend the license. If the City Manager or his/her designated representative decides to affirm the decision to suspend the license, he or she may also modify the term of the suspension provided that in no event shall the suspension exceed thirty (30) days. Any suspension ordered by the provisions hereof shall be stayed until all administrative appeals made to officials of the City as provided herein (and not including any appeal of a decision of a City official made to any court of competent jurisdiction) have been concluded. The decision of the City Manager or his/her designated representative to affirm or reverse a suspension shall be final and subject to judicial review only by a court of competent jurisdiction to the extent otherwise provided by law.

(d) Any order to suspend or revoke a license shall be stayed until all administrative appeals made to officials of the City as provided herein (and not including any appeal of a decision of a City official made to any court of competent jurisdiction) have been concluded. The decision of the City Manager or his/her designated representative shall be final and subject to judicial review only by a court of competent jurisdiction to the extent otherwise provided by law.

(e) Any licensee whose license has been revoked is barred from applying for a new license.

Any suspension or revocation of the license, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this article or other ordinances of the City.

Sec. 335-7. - Facility requirements.

No license to conduct a massage establishment shall be issued unless an inspection by the City reveals that the establishment complies with each of the following minimum requirements:

(1) Rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the Illinois Plumbing Code and the City building code. Plumbing fixtures shall be installed in accordance with the Illinois Plumbing Code and City plumbing code.

a. A utility sink or mop basin with a source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

(2) Restrooms, including toilet facilities, shall be provided in convenient locations, which meet all of the current plumbing code requirements.

(3) If dressing or locker facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, segregated dressing, locker and massage room facilities shall be provided.

(4) All equipment shall be installed in accordance with the requirements of the current City codes.

(5) The massage establishment premises shall be in compliance with all applicable codes and ordinances of the City, including but not limited to, zoning, building and life safety codes.

Sec. 335-8. - Operating requirements.

(a) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(b) No use of residential furniture in the space, which includes dressers, beds, sofas, etc.

(c) Price rates for all massage services shall be prominently posted and/or pricing sheets shall be available for review to all prospective patrons, at the front desk and/or in the massage treatment areas. A placard must also be posted and visible in the massage treatment area or in a location available to all prospective patrons advising: "No massage services other than those posted or listed on a pricing sheet available for customer review shall be provided for any compensation whatsoever. There shall be no bargaining or solicitation for massage services between patrons, massage therapists, and/or employees."

(d) All employees, including licensed massage therapists, shall be clean and shall be fully covered by wearing clean, nontransparent outer garments, completely covering the sexual and genital areas.

(e) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

(f) No massage establishment granted a license under the provisions of this article shall place, publish or distribute or cause to be placed, published distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any massage services.

(g) Eating in the massage work areas shall not be permitted. Animals, except seeing eye dogs, shall not be permitted in the massage work areas.

(h) The sexual or genital areas of patrons shall be completely covered at all times when in the presence of an employee of the massage establishment or any licensed massage therapist.

(i) No licensed massage therapist or massage establishment employee or agent shall administer a massage to any part of a patron's body which exhibits a skin fungus, skin infection, skin inflammation or skin eruption, unless a physician duly licensed in the state has certified in writing, that such patron may safely be massaged on that area and prescribing the conditions thereof.

(j) Each licensed massage therapist shall wash his or her hands in hot running water with proper disinfectant before administering a massage to each patron.

(k) No massage establishment licensee under the provisions of this article shall knowingly permit any person to remain in or upon the licensed premises who commits any act of public indecency or obscenity as provided in this Code or as provided in the Illinois Criminal Code.

(l) Oils, creams, lotions or other preparations used in administering massages shall be kept in clean, closed containers or cabinets and shall be dispensed in unit doses so that bulk containers are not contaminated between clients.

(m) Each massage establishment shall operate in compliance with all applicable local, state and federal laws and regulations, including but not limited to any such laws and regulations relating to discrimination based on race, color, religion, national origin, gender, disability or age.

Sec. 335-9. - Manager on premises.

At all times during the operation of a massage establishment, while massage activities are taking place, there shall be present a manager, assistant manager or other persons principally in charge of the operations of the licensee, and a licensed massage therapist, each of whom shall not be less than eighteen (18) years of age. A licensed massage therapist may also serve as a manager, assistant manager or person principally in charge.

Sec. 335-10. - Alcoholic beverages prohibited.

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any massage establishment and no massage establishment shall be located on any premises for which a license to sell alcoholic liquor has been issued.

Sec. 335-11. - Hours of operation.

No massage establishment shall be open for business or in operation between the hours of 9:00 p.m. and 7:00 a.m., except to complete massage services scheduled and initiated prior to 8:30 p.m.

Sec. 335-12. - Employment of massage therapist.

No person shall employ as a massage therapist any person unless said person is a properly licensed massage therapist pursuant to Illinois law and the Massage Licensing Act, 225 ILCS 57/1, *et seq.*

Sec. 335-13. - Display of license.

The massage business license and the massage therapy license of each and every licensed massage therapist employed in the massage establishment shall be displayed in an open and conspicuous place in the massage establishment or available upon request.

Sec. 335-14. - Inspection of massage establishments.

Whenever inspections of the premises used for or in connection with the operation of a licensed massage establishment are provided for or required by this article, or any ordinance of the City or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the City, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto for the purpose of making the inspection any officer or employee of the City who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested. Each such inspection shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee to fail to allow such inspection officer(s) access to the premises or to hinder such officer(s) in any manner.

Sec. 335-15. - Name and place of business.

No person granted a license hereunder shall operate the massage establishment under a name not specified in the license, nor shall the business be conducted under any different designation or at any location not specified in the massage establishment license.

Sec. 335-16. - Transfer-changes in ownership or management.

(a) Any license issued pursuant to this article shall be applicable only to the specific licensee and location designated, and may not be sold, transferred, or otherwise assigned. Notwithstanding the foregoing, if the licensee remains the same and a request is made to designate and substitute a different location, the Director of Community Development or his/her designated representative may approve such new location upon submission of proof that such location is in compliance with all of the provisions of this article and receives zoning approval. A fee of fifteen dollars (\$15.00) shall be required for processing a request to change the location of the massage establishment.

(b) A transfer in the ownership or control of a massage establishment shall constitute a change in the licensee and the existing license shall be deemed surrendered and extinguished. A new application for license shall be filed and processed as provided in this article prior to such transfer taking effect. Any transfer in the ownership or control of a massage establishment in violation of this article shall constitute the operation of an unlicensed massage establishment.

(c) Notice shall be provided prior to any change of the designated manager conducting business for the massage establishment licensee. The new manager must be qualified to operate the massage establishment as provided in this article. The licensee shall, not less than ten (10) business days before such change is to take effect, give the Director of Community Development or his/her designated representative notice of such change. The notice shall include any information concerning the new manager which is required in this article.

Sec. 335-17. - Exemptions.

The provisions of this article shall not apply and no license shall be required for any units of government, hospitals, nursing homes, and sanitariums or for any individual while engaged in the personal performance of their respective professions provided such individual is holding an unrevoked certificate to practice the healing arts under the laws of the state, including but not limited to physicians, surgeons, chiropractors, osteopaths, physical therapists, nurses, paramedics, state registered athletic licensees who administer athletic related massages in the normal course of

training duties or to those working under the direction of any such individuals in any such units of government, hospitals, nursing homes and sanitariums.

Sec. 335-18. - License fee and period of license.

(a) The fee for the original application for a massage establishment shall be fifty dollars (\$50.00). There shall be no fee for each renewal application. This amount shall be non-refundable. All fees shall be paid at the time each application is submitted to the City. No application shall be processed without the payment in full of the applicable fees even if the application is made for a period of less than a full year.

(b) Commencing with May 1, 2018, each license year shall commence on May 1 of each year and shall expire on April 30 of the following year unless an application is submitted after May 1 for any year (but before April 30 in the following year) in which case the license shall commence when issued but shall expire on the 30th day of April following the date of issuance.

(c) An application for the renewal of a license shall be submitted not later than forty-five (45) days prior to the expiration of the license.

Sec. 335-19. - Unlawful acts.

(a) It shall be unlawful for any individual, in a massage establishment, to knowingly place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital area or part of any other person.

(b) It shall be unlawful for any individual, in a massage establishment, to knowingly allow a patron of the massage establishment to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital area or part of any licensed massage therapist or any other employee of the massage establishment.

(c) It shall be unlawful for any individual, in a massage establishment, to expose his or her sexual or genital area or part, or any portion thereof, to any other individual.

(d) It shall be unlawful for any individual, while in the presence of any other individual in a massage establishment, to fail to conceal with a fully opaque covering, the sexual or genital area or part of his or her body.

(e) It shall be unlawful for any agent, employee or representative of a massage establishment, while in the presence of a patron in the massage establishment, to wear clothing that is not modest, professional and appropriate for street wear.

(f) It shall be unlawful for any individual owning, operating, or managing a massage establishment, to knowingly cause, allow or permit in or about such massage establishment any agent, employee, or any other individual under his control or supervision to perform any such acts deemed to be unlawful by the provisions in subsections (a), (b), (c), (d), and (e) of this section.

(g) It shall be unlawful for any person who holds a license to operate a massage establishment within the City to fail to comply with any of the conditions and regulations set forth in this article.

Sec. 335-20. - Public nuisance.

Any location used as a massage establishment in violation of this article is hereby declared to be a nuisance.

Sec. 335-21. - Violation and penalty.

Every person, except those persons who are specifically exempted by this article, whether acting as an individual owner, employee of the owner, operator or employee of the operator, or whether acting as a mere agent or independent contractor for the owner, employee or operator, or acting as a participant or worker in any way directly or indirectly who gives massages or operates a massage establishment or provides any of the services defined in this article without first obtaining a license and paying a fee to do so from the City or who violates any provision of this article shall upon a finding of guilty be punished by a fine of not less than two hundred fifty dollars (\$250.00) and shall not exceed seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed on each day during or upon which a violation occurs or continues.

Sec. 335-22. - Application to existing massage establishments.

The owner of any massage establishment which was in operation within the City prior to the effective date of the ordinance from which this article derives shall submit a completed application for a license to the Director of Community Development or his/her designated representative, as required by this article, within sixty (60) days of the effective date of this article. In the event that such license is granted, such massage establishment may only be operated, following the granting of such license, in full compliance with the provisions of this article. In the event that such license is denied, or in the event that the owner of a massage establishment fails to submit a completed application within said sixty (60) day period, the massage establishment shall cease all operations effective on the earlier of the third day following the date on which the Director of Community Development or his/her designated representative mails notification of the denial of the license, or the sixty-first (61st) day following the effective date of this article in the event that a completed application is not filed (hereinafter, "the termination date") in the event that the massage establishment continues to operate following the termination date, such continued operation shall be deemed to be in violation of the provisions of this article. Any initial license granted to an existing and operational massage establishment after the effective date of this ordinance shall be valid until April 30th, 2018.

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith. Each section and provision of this ordinance are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be

affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.

SECTION 4: All ordinance or parts of ordinance in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5: This ordinance shall be enforced from and after May 1, 2018.

PASSED THIS 6th DAY OF February, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this 6th day of February, 2018.

Aaron Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk



Agenda Item No: 18

City Council Agenda Supplement

Meeting Date:	February 6, 2018
Item:	Building Fee Code Update
Recommendation:	Information only.
Staff Contact:	Michelle Rentzsch, Director of Community Development Mike Magnussen, Building Commissioner

Background:

For the past several years, the Building Division has worked to make the fees charged for Building Permits easier to understand and to bring the actual fees charged to be more in line with neighboring communities. For example, in 2014, the Building Division introduced a tiered flat fee structure for common types of permits, such as roofs, fences, and siding.

As part of this effort, the Building Division did an extensive survey of other communities in the area (attached) regarding fees they charged for common permit types. It was discovered that the City was lower than just about every other community in the survey. Below is a table that summarizes some of the findings.

Item	5,000 sf restaurant	4-bedroom 2000 sf house	Multifamily Apartment Bldg 8 units	10,000 sf office building	30,000 sf industrial building	2,500 sf tenant build-out	1,500 sf attached townhouse
Crystal Lake Current Fee	\$2,748	\$1,610	\$4,763	\$4,822	\$10,510	\$505	\$1,201
Average Fee	\$3,838	\$1,805	\$7,991	\$6,736	\$14,083	\$1,446	\$1,574
% Difference	28%	11%	40%	28%	25%	65%	24%

Another common issue is that the Building Division cannot answer how much a commercial building permit fee will be without detailed information. This calculation of the permit fee for this type of activity can include number of electrical outlets, number of plumbing fixtures, the output of the air conditioning and heating system, and the cubic footage of the building itself. The fees that relied on these factors could only be calculated once a detailed review of the final plans was completed. Commonly, builders ask the City to calculate the building fee for their

project. Given that Crystal Lake permit fees are based on these very detailed factors, it is very difficult and time intensive to respond to these inquiries.

The proposed code changes have two overall **goals**:

- 1) Simplify the factors in calculating permit fees so our customer can estimate their permit fees, and
- 2) Adjust permit fees in correlation with the amount of staff review/inspections and to be closer to nearby communities.

New Construction Fees: For new building construction, the City currently has a very complex way of calculating fees. First, there is a permit fee based on square footage. Then there is a plan review fee that is based on both cubic footage and square footage. Then, there are permit fees for plumbing, electrical, air conditioning, and heating systems that are based on factors such as number of fixtures, number of outlets, and BTU output.

The International Code Council (ICC) has established a best practice recommendation that uses square footage, average construction costs based on use and construction method, and a multiplier factor that is based on the building department's budget. The ICC publishes this in its Building Valuation Data update and is published twice per year. Each update makes small adjustments to the square foot construction costs.

This ICC best-practice method is proposed to calculate new building construction as it streamlines how the City would collect fees, it's based on a substantiated system developed by the industry's leading authority, and last but not least, provides an easier way for our customers to estimate their permit fees. This method includes permit fees, plan review fees, and fees for plumbing, electric, and HVAC.

Building Alteration Fees: Currently, the fee for an alteration or remodeling permit is based on the valuation of remodel, plus the plan review, plumbing, HVAC, and electrical fees described above. The proposed fee still uses valuation as one of the primary factors for the basic permit fee. The proposed plan review fee is based solely on square footage, and no longer uses cubic footage as a factor. Also, plumbing, electrical, and HVAC fees would be based on square footage and no longer calculated based on fixture count, outlet count, BTU output, or any other detailed factors. Based on permits issued in the past three years, the average permit fee is expected to increase about 26 percent, which would generally bring the City up to the average of what area communities collect.

Other Proposed Enhancements:

- A) ***Automatic Consumer Price Index (CPI) Adjustment:*** Building fees will now be subject to an automatic annual adjustment based on the CPI for the Chicago-Gary-Kenosha region. The CPI adjustment would take place each year on May 1. Any adjustment would be rounded up to the nearest cent. This will mean that most fees will go up a few cents each year and help eliminate any large jumps in fees in future years.
- B) ***Flat Fee Tiers:*** The flat fees were instituted in 2014 as a way to simplify the fee structures of several small residential projects. This has been successful. The proposed

language increases each tier \$5 per year for four years, at which point they would be subject to the CPI. Additionally, some of the projects were moved into different tiers based on the number of inspections conducted for each request.

C) *Certificates of Occupancy*: The City currently charges the following fees for certificates of occupancy:

- Residential: \$15
- Commercial: \$40
- Industrial: \$50

As part of the survey of other communities, the City found that many communities are charging more the double that amount. The proposed increase for all certificates of occupancy is \$50, then the fee will increase by \$10 every year for four years, at which point it would be subject to the annual CPI increase. This would bring the certificate of occupancy fee in line with other communities.

D) *Elevator Review and Inspection Fees*: Elevator reviews and inspections are conducted by a third party on behalf of the City. The proposed \$50 increase would help to cover the City's costs for administering the reviews and inspections and still keep us below the average of area communities'.

E) *Zoning Fees*: Currently, a zoning fee between \$5 and \$30 is being charged for new and alteration building permits. To streamline the overall fees collected, this is being eliminated and the cost for this service is being absorbed into other fees.

F) *Small Wireless Facility Permit Fees*: A recent change in Illinois law has granted local units of government the ability to charge permit fees for small wireless facilities. The City has incorporated this change into its building fee code in accordance with the provisions of the new law.

G) *Planning Services Fees*: Planning services fees are currently located in the Unified Development Ordinance (City Code Chapter 650). In an effort to locate all fees in one City Code chapter, the Planning fees will be moved to Chapter 241. The fees themselves remain unchanged, with the exceptions of the addition of an Administrative Variation fee of \$25 and the elimination of tree removal permit fees and limited use permit fees.

H) *Reinspection Fees*: Currently, the City charges \$100 for each inspection after the second failed inspection. The fee is being raised to \$150.

I) *Same Day Inspection Fees*: A same day inspection fee of \$150 had been added to the fee schedule. The intent of this fee is to discourage permittees from calling for an inspection request on that same day. The Building Division states that all inspection should be made at least one business-day in advance, but does accommodate these same-day requests.

Votes Required to Pass:

Simple majority of City Council present.



DRAFT

The City of Crystal Lake Illinois

AN ORDINANCE AMENDING CHAPTER 241: FEES OF THE CODE OF ORDINANCES OF THE CITY OF CRYSTAL LAKE, ILLINOIS

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

SECTION I: That Section 241-2 is hereby deleted and replaced with the following:

§ 241-2. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

Alteration: Any construction, retrofit or renovation to an existing structure other than repair or addition that requires a permit. Also, a change in a building, electrical, gas, mechanical or plumbing system that involves any extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

Dwelling Unit: See the definition for “dwelling unit” in Chapter 650, Unified Development Ordinance

Square Footage: The square footage, where used as the basis of a building permit fee, shall be computed from the outside perimeters of such buildings, structures, or space. All floor levels are to be added in computing the total square footage.

Small Wireless Facility: A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Valuation: The reasonable value of all services, labor, materials, and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy

SECTION II: That Section 241-3 is hereby deleted and replaced with the following:

§ 241-3. Building Review and Permit Fees

A. New Construction

- (1) The permit fee for new building construction shall be calculated using the following formula:

$$\text{Permit Fee} = \text{GA} \times \text{SFCC} \times \text{PFM}$$

Where:

- GA is the gross area of new building
- SFCC is the square foot construction cost as calculated using the Building Valuation Data update published by the International Code Council (ICC) and adopted by City Council Resolution
- PFM is the Permit Fee Multiplier found in § 241-3A(2)

- (2) The permit fee multiplier is as follows:

Type of Construction	Multiplier
Residential, including multifamily, duplex, and townhouse construction	0.0056
Commercial, industrial, office, church, institutional	0.0051

- (3) The fee for a new building that is submitted for plan review but ultimately not issued a building permit is 25% of the new construction building fee.

B. Alterations. The fee for alterations shall be:

Valuation	Fee
Up to \$5,000	\$40.00
\$5,001 to \$10,000	\$50.00
Over \$10,000	\$50.00 + \$4 per \$1,000, or portion thereof, over \$10,000

C. Flat fees for miscellaneous projects.

- (1) The following table shall be used to calculate fees for miscellaneous projects contained in this section:

- (a) May 1, 2018 through May 1, 2021.

Tier	Fee Effective May 1, 2018	Fee Effective May 1, 2019	Fee Effective May 1, 2020	Fee Effective May 1, 2021
Tier 1	\$35.00	\$40.00	\$45.00	\$50.00
Tier 2	\$40.00	\$45.00	\$50.00	\$55.00
Tier 3	\$50.00	\$55.00	\$60.00	\$65.00

(b) Beginning May 1, 2022, and on May 1 of each calendar year thereafter, the flat fees shall be adjusted using the December to December Consumer Price Index percentage change for the Chicago-Gary-Kenosha area (the "CPI") as determined by the United States Bureau of Labor Statistics. All adjustments shall be rounded up to the next cent. If the CPI is discontinued or replaced, such other governmental cost of living index or computation which replaces the CPI shall be used in order to obtain substantially the same result as would be obtained if the CPI had not been discontinued or replaced.

(2) The following permit types are Tier 1 permits; this fee includes a minimum of one inspections.:

- (a) Residential furnace and air conditioning together.
- (b) Residential furnace separate.
- (c) Residential air conditioning separate.
- (d) Water heater.
- (e) Irrigation systems.
- (f) Other permits requiring one inspection.

(3) The following permit types are Tier 2 permits; this fee includes a minimum of two inspections and a review as necessary:

- (a) Roofs.
- (b) Siding.
- (c) Windows.
- (d) Fences.
- (e) Driveways.
- (f) Sidewalks/Stoops/Porches.
- (g) Fire pits separate.
- (h) Electrical service upgrade or repair.
- (i) Water service repair.
- (j) Sewer service repair.
- (k) Other permits requiring a minimum of two inspections.

(4) The following permit types are Tier 3 permits; this fee includes a detailed plan review, and a minimum of two inspections:

- (a) Gazebos.
- (b) Sheds.
- (c) Patios.
- (d) Pergolas.

- (e) Fireplaces.
- (f) Permanent above ground swimming pools.
- (g) Storable swimming pools.
- (h) Hot tubs.
- (i) Other permits requiring a detailed plan review and a minimum of two inspections.

D. Building alteration plan review.

Square Footage	Building Plan Review Fee
0 - 1,000	\$50.00
1,001 - 3,000	\$100.00 plus \$0.0400 per square foot
3,001 - 20,000	\$150.00 plus \$0.0400 per square foot
20,001 - 50,000	\$200.00 plus \$0.0400 per square foot
50,001 - 100,000	\$250.00 plus \$0.0400 per square foot
Over 100,000	\$300.00 plus \$0.0400 per square foot

- E. Electrical. Electrical fees shall be as follows, per dwelling unit, or units, except that each separate office, store, or business within a building shall be considered a separate unit:

Square Footage	Electrical Plan Review Fee
0 - 1,000	\$50.00
1,001 - 3,000	\$100.00
3,001 - 20,000	\$150.00
20,001 - 50,000	\$200.00
50,001 - 100,000	\$250.00
Over 100,000	\$300.00

F. Plumbing. Plumbing fees shall be as follows:

- (1) Per dwelling unit or units, except that each separate office, store, or business within a building shall be considered a separate unit:

Square Footage	Plumbing Plan Review Fee
0 - 1,000	\$50.00
1,001 - 3,000	\$100.00
3,001 - 20,000	\$150.00
20,001 - 50,000	\$200.00

Square Footage	Plumbing Plan Review Fee
50,001 – 100,000	\$250.00
Over 100,000	\$300.00

(2) Water and sewer tap inspection fees:

Item	Fee
Water tap inspection	\$150.00
Sewer tap inspection	\$150.00

G. Heating, ventilating, and air conditioning (HVAC). Heating, ventilating and air conditioning fees shall be as follows, per dwelling unit or units, except that each separate office, store, or business within a building shall be considered a separate unit:

Square Footage	HVAC Plan Review Fee
0 - 1,000	\$50.00
1,001 – 3,000	\$100.00
3,001 – 20,000	\$150.00
20,001 – 50,000	\$200.00
50,001 – 100,000	\$250.00
Over 100,000	\$300.00

H. Parking lot review and inspection fee: \$150.

I. Elevators, dumbwaiters, escalators, moving walks and hoisting equipment. Elevator, dumbwaiter, escalator, moving walk and hoisting equipment fees shall be as follows:

Item	Fee
New permit inspections for elevators, escalators, platform lifts, dumbwaiters, and dock lifts	\$225.00
Re-inspection for existing elevators, escalators, platform lifts, dumbwaiters, and dock lifts	\$75.00

J. Certificates of occupancy.

(1) May 1, 2018 through May 1, 2021.

	Fee Effective May 1, 2018	Fee Effective May 1, 2019	Fee Effective May 1, 2020	Fee Effective May 1, 2021
Certificate of	\$50.00	\$60.00	\$70.00	\$80.00

	Fee Effective May 1, 2018	Fee Effective May 1, 2019	Fee Effective May 1, 2020	Fee Effective May 1, 2021
Occupancy				

- (2) Beginning May 1, 2022, and on May 1 of each calendar year thereafter, the flat fees shall be adjusted using the December to December Consumer Price Index percentage change for the Chicago-Gary-Kenosha area (the "CPI") as determined by the United States Bureau of Labor Statistics. All adjustments shall be rounded up to the next cent. If the CPI is discontinued or replaced, such other governmental cost of living index or computation which replaces the CPI shall be used in order to obtain substantially the same result as would be obtained if the CPI had not been discontinued or replaced.
- (3) Temporary occupancy with a hold-harmless agreement signed by the owner and Building Commissioner, or his/her designee, for any unfinished items of a minor or nonhazardous nature when approved only by the Community Development Department official: \$35.00.

K. In-ground swimming pool review and inspection: \$150.

L. Building demolition, flat fee per building: \$150.

M. Moving of buildings, with bond and insurance as required by ordinance: \$150.00.

N. Starting work without a permit. A charge of 100% of the permit fee will be added if work is started without a permit.

O. Performance/Completion deposit requirement.

- (1) Every applicant shall post with the City, at the time of issuance or approval of a temporary occupancy certificate, a performance/completion deposit in the following amounts:

- (a) All building permits when a temporary occupancy certificate is granted:

Use	Cost/Size	Fee
Residential	Any new	\$1,500.00
Residential	Addition valued over \$10,000	\$500.00
Commercial/Industrial/Other	0 - 2,500 square feet	\$1,500.00
Commercial/Industrial/Other	2,501 square feet - 15,000 square feet	\$3,000.00
Commercial/Industrial/Other	15,001 square feet - 75,000 square feet	\$5,000.00
Commercial/Industrial/Other	75,001 square feet - 250,000	\$10,000.00

Use	Cost/Size	Fee
	square feet	
Commercial/Industrial/Other	250,001 square feet and over	\$15,000.00

- (2) The City shall have the right, at all times at its option, to draw on the performance/completion deposit for costs, including, without limitation, legal fees and administrative expenses incurred or to be incurred by the City in exercising any of its rights under the City Code of Crystal Lake in the event:
- (a) The applicant undertakes any work in violation of any provision of the City Code or any permit issued or plan approved pursuant to the City Code; or
 - (b) The applicant fails or refuses to complete the work or conditions authorized by any temporary occupancy certificate in accordance with all plans and conditions approved in connection with a temporary occupancy certificate. Once it reaches the expiration, 10% of the initial deposit will be deducted monthly until the work is completed or the deposit is exhausted. Once the deposit has been depleted, the applicant will be subject to citations and fines outlined in § 248-2. The City's determination of such costs shall be based either on costs actually incurred by the City or reasonable estimates of costs to be incurred.
- (3) The City shall return any unused portion of the performance/completion deposit to the applicant without interest, as follows:
- (a) For all temporary occupancy certificates: after completion of all work and conditions within the approved time frame.
- (4) A deposit posted pursuant to this subsection shall be forfeited to the City in full if the permittee does not complete the conditions or requirements of a temporary occupancy certificate on or before the date specified within the temporary occupancy certificate.

P. Signs. The fee to be charged for permits issued for the erection, construction, or alteration of any sign or other advertising structure shall be as follows:

Item	Fee
Alteration of existing sign	\$20.00
Fixed canopy and fixed awning signs	\$20.00, plus \$0.10 per square foot of plan area, horizontally projected
Illuminated signs and illuminated awning signs	\$30.00, plus \$0.10 per square foot of gross surface area of each face thereof
Nonilluminated signs (unless temporary or limited duration)	\$25.00, plus \$0.10 per square foot of gross surface area of each face thereof
Retractable canopies and awnings	\$20.00
Limited duration signs	\$20.00
New or altered illuminated sign, electrical inspection	\$25.00 per sign

Q. Small wireless facilities. Permit application fees for small wireless facilities shall be as follows:

Item	Permit Application Fee
Small wireless facility with new pole	\$1,000.00
One small wireless facility on an existing utility pole	\$650.00
Two or more small wireless facilities on an existing utility pole	\$350.00 per small wireless facility

R. Permit extension.

1. Fee for permit extensions.

Item	Fee
First six month extension	25% of original permit fee
Second six month extension	50% of original permit fee
Third six month extension and every extension thereafter	100% of original permit fee

2. The Building Commissioner or his/her designee may waive the permit extension fee.

S. Annual fee adjustments.

- (1) All fees in § 241-3 shall be adjusted on May 1 of each calendar year using the December to December Consumer Price Index percentage change for the Chicago-Gary-Kenosha area (the "CPI") as determined by the United States Bureau of Labor Statistics, unless otherwise provided for in § 241-3. All adjustments will be rounded up to the nearest cent.
- (2) The following fees are exempted from § 241-3S(1):
 - (a) Subsection A, new building construction permit fee.
 - (b) Subsection C, flat fees for miscellaneous projects.
 - (c) Subsection J, certificates of occupancy.
 - (d) Subsection O, performance/completion deposit requirement.
 - (e) Subsection Q, small wireless facilities.
 - (f) Subsection R, permit extensions.
 - (g) Additionally, the per square foot fees in Subsection D (building alteration plan review) shall be rounded up to the next one-thousandth of a cent and not the nearest cent.
- (3) For the purposes of calculating future fee adjustments, the baseline year for all fees in § 241-3 is 2018.
- (4) If the CPI is discontinued or replaced, such other governmental cost of living index or computation which replaces the CPI shall be used in order to obtain substantially the same result as would be obtained if the CPI had not been discontinued or replaced.

SECTION III: That Section 241-4 is hereby deleted and replaced with the following:

§ 241-4: Planning services fees.

The following fees shall apply for the following planning services. The application fee for temporary use permit applications filed after the applicant has implemented the temporary use shall be twice the fees stated in this section. Additionally, this does not prevent the City from taking further actions authorized by the Code of Ordinances of the City.

Request	Fee
Administrative variation	\$25.00
Annexation	\$750.00/acre
Appeal	\$250.00
Cul-de-sac	\$5,000.00 (per cul-de-sac)
PUD amendment	\$355.00
PUD, conceptual review	\$200.00
PUD, preliminary	≤2 acres = \$755.00 >2 acres = \$755.00 + \$50.00/additional acre or portion thereof
PUD, final	≤2 acres = \$505.00 >2 acres = \$505.00 + \$50.00/additional acre or portion thereof
PUD, watershed	≤2 acres = \$355.00 >2 acres = \$505.00 + \$50.00/additional acre or portion thereof
Rezoning (to nonresidential)	≤2 acres = \$505 >2 acres = \$505.00 + \$50.00/additional acre or portion thereof
Rezoning (to residential)	≤2 acres = \$305 >2 acres = \$305.00 + \$50.00/additional acre or portion thereof
Right-of-way vacation	\$300.00
Special meetings	\$500.00
Sign variation	\$100.00
Special event	\$50.00

Request	Fee
Special use permit	≤ 2 acres = \$355.00 > 2 acres = \$505.00 + \$50.00/additional acre or portion thereof
Special use permit, home day care	\$80.00
Subdivisions, administrative	\$175.00
Subdivisions, minor	≤ 2 acres = \$300.00 > 2 acres = \$300.00 + \$50.00/additional acre or portion thereof
Subdivisions, major (preliminary plat)	≤ 2 acres = \$300.00 > 2 acres = \$300.00 + \$50.00/additional acre or portion thereof
Subdivisions, major (final plat)	≤ 2 acres = \$600.00 > 2 acres = \$600.00 + \$50.00/additional acre or portion thereof
Temporary use permit, administrative or City Council approval	\$40.00
Text amendment	\$350.00
Variation, simplified residential	\$100.00
Variation, nonresidential	≤ 2 acres = \$305.00 > 2 acres = \$505.00
Zoning verification	\$25.00

SECTION IV: That Section 241-18 be amended to read as follows:

§ 241-18. Street, curb, and sidewalk breaks.

- A. Street break, new or repair: \$125.00.
- B. Curb or sidewalk break, new or repair: \$10.00 per each break.

SECTION V: That Section 241-37 be amended to read as follows:

§ 241-37. Additional inspection fees.

- A. Reinspection fee. Whenever the Community Development or Fire Rescue Department shall make an inspection after a second failed inspection pursuant to the issuance of a notice under

the ordinances of the City of Crystal Lake, a fee of \$150.00 shall be paid for that inspection and each subsequent inspection. Said fee shall be paid at the time the inspection is requested. The Building Commissioner, or his/her designee, may waive this fee.

B. Same-day inspection fee: Inspection requests made without a minimum of 24 hours' notice shall incur a fee of \$150.00. Said fee shall be paid at the time the inspection is requested. The Building Commissioner, or his/her designee, may waive this fee.

SECTION VI: That the following sections be deleted:

- 241-5. Industrial, commercial, offices, church, and schools.
- 241-6. Alteration, remodeling, and repair of any building or structures
- 241-7. Electrical
- 241-8. Plumbing
- 241-9. Heating
- 241-10. Air conditioning
- 241-11. Sewer/water tap
- 241-19. Curb or sidewalk break.
- 241-21. Building plan review
- 241-23. Driveway
- 241-24. Parking Lots
- 241-25. Fences
- 241-26. Housing
- 241-27. Elevators, dumbwaiters, escalators, moving walks and hoisting equipment
- 241-28. Swimming pools
- 241-29. Building demolition
- 241-30. Moving of buildings
- 241-31. Zoning fees
- 241-32. Certificate of occupancy
- 241-40. Definitions
- 241-41. Computation of floor area
- 241-42. Surcharge
- 241-43. Performance/Completion deposit requirement
- 241-44. Signs

SECTION VII: That all remaining sections in Chapter 241 be renumbered in sequential order.

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

SECTION IX: That this Ordinance shall be in full force and effect from and after May 1, 2018 as provide by law.

DATED at Crystal Lake, Illinois, this 20th day of February, 2018.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
AARON T. SHEPLEY, MAYOR

SEAL

ATTEST:

CITY CLERK

PASSED: February 20, 2018

APPROVED: February 20, 2018

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



Agenda Item No: 19

City Council Agenda Supplement

Meeting Date: February 6, 2018

Item: Banking Services

Staff Recommendation: Motion to accept and award the proposal for banking services to the most responsive and responsible proposer, First Midwest Bank, and adopt a resolution authorizing the City Manager to execute agreements for banking services for five (5) years with an option to renew for an additional five (5) year period based on the submitted proposal from First Midwest Bank.

Staff Contact: George J. Koczwar, Director of Finance

Background:

On December 15, 2017, the City publicly opened and read aloud the proposals received for banking services and retail lockbox services. Nine financial institutions participated in the process.

Below is a breakdown of the proposals received for general account services and lockbox services:

Banking Service	Annual Billing
First Midwest Bank*	\$9,294
US Bank	\$13,477
Fifth Third Bank	\$17,234
Crystal Lake Bank	\$20,994
Associated Bank	\$22,795
Harris Bank	\$24,635
Home State Bank	\$29,984
Chase Bank	\$32,768

*Recommended Proposal

Below is a summary of the banking services to be provided as requested as part of the Request for Proposals.

Deposit Services - The selected bank will provide for a primary concentration account, through which, all City deposits and disbursements will flow, including incoming and outgoing wire transfers and electronic fund transfers.

Deposit Locations – The selected bank will provide a deposit location within the corporate limits of the City of Crystal Lake.

Checking Services – The selected bank will provide checking services including a monthly CD-ROM with images and an index of paid checks, returned check services, file transfer service for direct deposits and direct debits, and check and ACH positive pay services.

Change/Currency Order Services – The City periodically requires change for cashiers at various locations and the ability to cash a petty cash check.

Analysis Services – Each month the selected bank will provide electronically to the City an account analysis showing the activity for each compensation category and the resulting charges for that activity, computation of the average daily collected balance, the resulting excess or deficit position for the month's activity, and the compensating balances required to support the monthly activity.

Banking Deposit Courier Services (Armored Car Service) – The City currently does not use a courier for pickup of daily deposits. As part of this contract, the selected contractor will provide banking courier services at two locations: City Hall (100 W. Woodstock Street) and the Three Oaks Recreational Area (5517 Northwest Hwy). All deposits will be taken to the local bank branch.

Lockbox Services – The selected bank will provide lockbox services to receive utility bill payments. Currently, the City issues 14,000 utility bills every month with approximately 2,700 being processed through the lockbox. Utility bills currently have a retail lockbox, a wholesale lockbox, and an electronic lockbox.

Reconciliation Services – The selected bank will provide reconciliation services including deposit reconciliation services.

Bank Statements – The bank statement date will be the last day of the calendar month and is required to be delivered electronically to the City within five working days after the end of that calendar month.

Cash Management Services - Daily excess cash balances in the City's Depository account may be automatically swept daily to a short term investment account.

Collateralization of Account Balances – All City funds on deposit will be collateralized at all times. The amount of the collateral provided by the selected bank will not be less than 105% of the market value of the net amount of deposits and investments to be secured

On-Line Services – The selected bank will provide internet on-line automated balance reporting, allowing access to balances with detailed transaction information on all accounts. This will include the ability to perform check inquiries, stop payments, check return management, lockbox detailed information, ACH initiation, and wire transfers.

City-issued Credit Cards - The selected bank will be the new issuer of the city-issued credit cards.

Recommendation

The Finance Department has reviewed all proposals received for completeness and accuracy in accordance with the Request for Proposal documents. It is staff's recommendation to approve a contract with First Midwest Bank for banking services. A combination of compensating balances and direct charges will fund all bank service charges. First Midwest Bank currently holds the contract for banking services and City staff are satisfied with their services.

Votes Required to Pass:

Simple Majority



DRAFT

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS, that the City Manager is authorized to execute and the City Clerk is authorized to attest agreements for banking services for five (5) years with an option to renew for an additional five (5) year period based on the submitted proposal from First Midwest Bank.

DATED this 6th day of February, 2018

CITY OF CRYSTAL LAKE, an
Illinois Municipal Corporation,

By: _____
Aaron T. Shepley, Mayor

SEAL

ATTEST

Nick Kachiroubas, City Clerk



Agenda Item No: 20

**City Council
Agenda Supplement**

Meeting Date: February 6, 2018

Item: Well #8 Maintenance & Rehabilitation

Staff Recommendation: Motion to award the bid for maintenance and rehabilitation work on Well #8 to the lowest responsive, responsible bidder, Water Well Solutions, and adopt a resolution authorizing the City Manager to execute a contract with Water Well Solutions in the submitted bid amounts with a 10% contingency for unforeseen expenses.

Staff Contact: Michael Magnuson, P.E., Director of Public Works

Background:

On January 18, 2018, the City of Crystal Lake publicly opened and read aloud the bids received to perform maintenance and rehabilitation work to the City's Well #8. This well is located next to the Water Treatment Plant #3 (WTP #3) building at 850 Virginia Rd. The well pumping equipment was last pulled and rehabilitated in 2010.

The following table includes bid pricing for the Well #8 project:

Bidder	Total Bid (Base + Selected Alternates)
^x Layne Christensen Aurora, IL	\$154,538.00
[√] Water Well Solutions Elburn, IL	\$174,195.00
Great Lakes Water Resources Joliet, IL	\$176,375.00
Municipal Well & Pump Waupun, WI	\$ 188,514.00

[√] Indicates the lowest responsive and responsible bidder

^x Indicates bidder did not meet specifications

Layne Christensen's bid contained an exception stating they were not willing to include the 2-year warranty as specified in the City's bid documents.

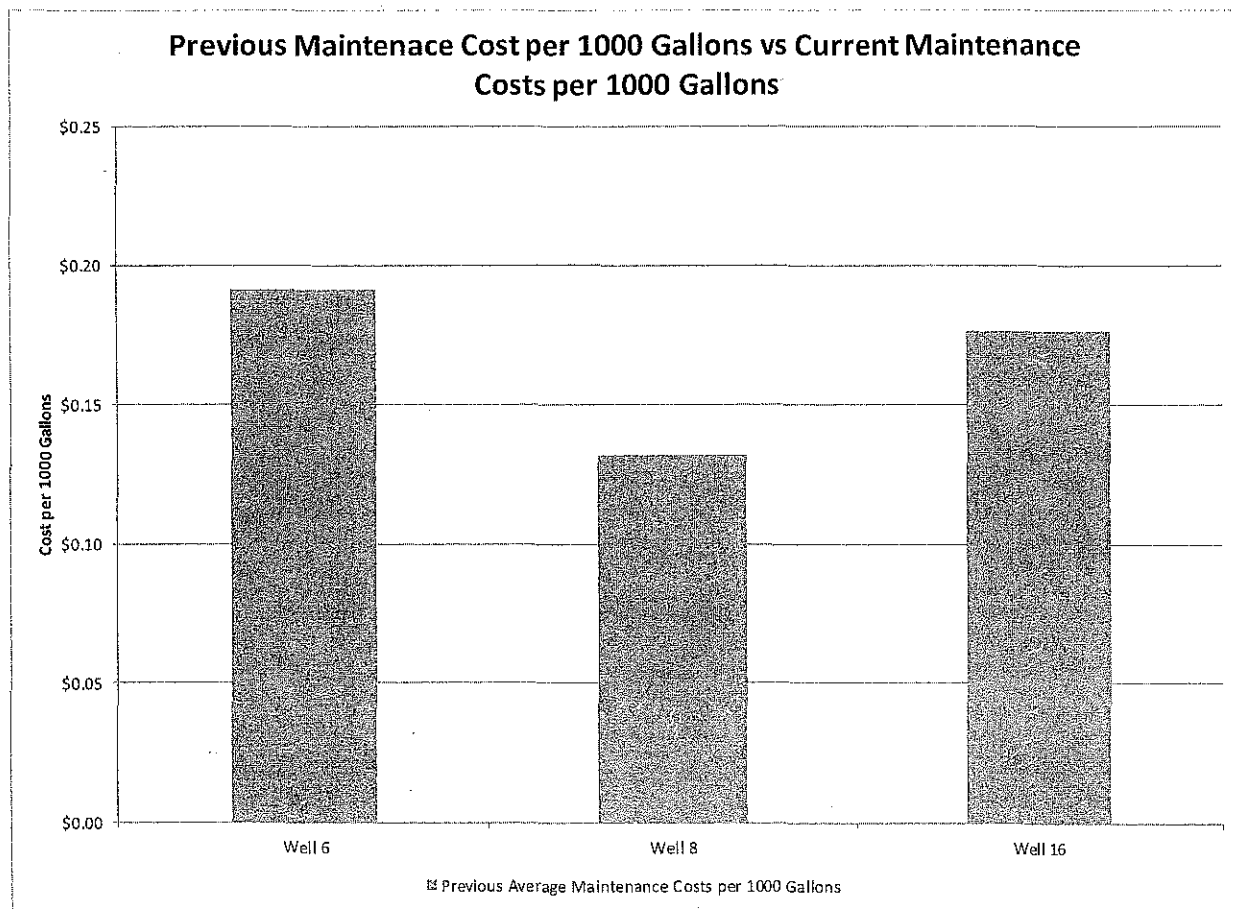
The bid price includes maintenance and rehabilitation work as well as inspection of all equipment, replacement/repairs (if required based on inspection) and chemical treatment work required before placing the well back into service.

The Public Works Department tracks and reviews well rehabilitation and repair costs on a per 1,000 gallons pumped basis since not all wells are utilized the same. Deep wells are utilized to pump larger volumes of water compared to shallow wells. The Department's tracking of costs "per thousand gallons pumped" along with pump run time (hours of operation) are two of the metrics Public Works staff uses to monitor costs and make decisions on well rehabilitation.

All of the wells in Crystal Lake obtain their source water from geologic layers consisting of sand and gravel (shallow wells) or glacial sandstone (deep wells). The fine sand present in these deposits damages the pumping equipment over time, which results in the need to rehabilitate or replace components. Sand in our source water is a continual operating challenge for the City that is managed daily by staff.

Well #8 is the largest of the City's four deep wells and has produced over 2 billion (2,027,000,000) gallons of water since it was last serviced in 2010. Well #8 is the highest producing well and is utilized heavily to meet summer demands. This well has been taken out of service only two times since 2007.

The current maintenance cost per 1,000 gallons for Well #8 is less than other deep wells due to its higher production.



Recommendation:

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. Water Well Solutions has submitted the lowest responsive and responsible bid per the specifications stated in the bid document and based on a typical scenario and anticipated repairs needed. The Public Works Department staff has used Water Well Solutions for other projects and they have been a very responsive contractor. It is the recommendation of staff to award the bid to the lowest responsive, responsible bidder, Water Well Solutions to perform the work on Well #8, in accordance with the terms and conditions of the bid document. There are sufficient funds in the FY 2017/2018 Budget for this expense.

Votes Required to Pass:

Simple Majority



DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a contract between the CITY OF CRYSTAL LAKE and Water Well Solutions for Well #8 maintenance and rehabilitation in the submitted bid amounts, with a 10% contingency.

DATED this 6th day of February, 2018

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: February 6, 2018
APPROVED: February 6, 2018



Agenda Item No: 21

**City Council
Agenda Supplement**

Meeting Date: February 6, 2018

Item: Sewer Lining Services Bid

Staff Recommendation: Motion to award the contract for sewer pipe lining services to the lowest responsive and responsible bidder, Insituform Technologies, and to adopt a resolution authorizing the City Manager to execute a contract with Insituform Technologies in the submitted bid amounts with a 10% contingency for unforeseen expenses.

Staff Contact: Michael Magnuson, Director of Public Works

Background:

On January 29, 2018, the City of Crystal Lake publicly opened and read aloud the bids received for the lining of sanitary and storm sewer at various locations throughout the City. The following is a breakdown of the base bids received:

BIDDER	BASE BID TOTAL
✓ Insituform Technologies LLC Orland Park, IL	\$ 572,912.00
Hoerr Construction Inc. Peoria, IL	\$ 583,541.00
Michels Pipe Service Brownsville, WI	\$ 626,057.00
Benchmark Construction Bartlett, IL	\$ 643,365.00
Kenny Construction Northbrook, IL	\$ 699,710.00
Visu-Sewer of IL, LLC Joliet, IL	\$ 699,917.50

✓ Indicates lowest responsive and responsible bidder

This project will address structural deficiencies in sanitary and storm sewers that have been detected by Public Works crews. Sewer lining is an annual program in the Public Works Department. The cured-in-place-pipe (CIPP) lining process is a preferred method used for rehabilitating cracked, broken and failed sanitary or storm sewer pipes. Lining is less expensive and more efficient than traditional open cut excavation and pipe replacement methods and is normally installed with little or no surface disruption.

Public Works proposes to line the following sewers under this contract:

Storms Sewers

Address / Location	Length, ft.
Nash Road Easement (Lake to 410 Nash Rd.)	560
Nash Road Easement (410 Nash Rd. to Golf Rd.)	515
Nash Road Easement (Golf Rd. to 510 Nash Rd.)	580
510 Nash Rd. to 528 Nash Rd.	200
Rte. 176 & Second St. to 207 Second St.	400
207 Second St. to Second St. and Gates St.	330

Sanitary Sewers

Address / Location	Length, ft.
Church & Maple to Church & Pomeroy	350
400 Oriole to Oriole & Pomeroy Ave	290
400 Oriole to 424 Oriole	305
Ellsworth & Sherman to Ellsworth & Prairie	375
217 Ellsworth to Sherman & Ellsworth	245
254 Church St. to Church & McHenry Ave	250
411 Keith to Keith & Eugene	370
358 Grove to Grove & Pomeroy	460
15 S. Williams St. to 31 S. Williams St	200
31 S. Williams to Williams & Paddock	300
177 W. Virginia St to 181 W. Virginia St	240
89 Faringdon to Faringdon Ct	140
Walkup & Paddock to 95 S. Walkup	280
Elisnoor & Plymouth to Elisnoor & Berkshire	335
115 Elmhurst to 95 Elmhurst	235
95 Elmhurst St to Elmhurst & Center	285
366 Hilkert Ct to Oak St & Hilkert Ct	325
Esther & Williams to 13 Esther	345
25 S. Oriole to Oriole & Pine	250
Ellsworth & Beardsley to Ellsworth & RR Tracks	490
Franklin & Walkup to Franklin & Williams	555
510 E. Broadway to E. Broadway & James	251
165 Peterson to 191 Peterson	230
476 Everett to 502 Everett	300

232 First St to First & Sherman	375
9 Maple St to 41 Maple	350
61 Maple St to 95 Maple St	355
95 Maple St to 117 Maple St	355
117 Maple St to 144 Maple St	350

Recommendation

The Public Works Department has reviewed bids received for completeness and accuracy in accordance with the invitation to bid document. The Public Works Department recommends that the contract for Sewer Lining Services be awarded to the lowest responsive and responsible bidder, Insituform Technologies, in the amount of \$572,912.00. Sufficient funds are available for this project in the FY2017/2018 budget.

Votes Required to Pass:

Simple majority



DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is hereby authorized and directed to award the contract for sewer lining services to the lowest responsive and responsible bidder, Insituform Technologies., and adopt a resolution authorizing the City Manager to execute a contract with Insituform Technologies in the submitted bid amount with a 10% contingency for unforeseen expenses.

DATED this 6th day of February 2018

CITY OF CRYSTAL LAKE, an
Illinois Municipal Corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: February 6, 2018
APPROVED: February 6, 2018



Agenda Item No: 22

**City Council
Agenda Supplement**

Meeting Date: February 6, 2018

Item: Lift Station #2 Electrical Panel Replacement Project

Staff Recommendation: Motion to award the contract for the Lift Station #2 Electrical Panel Replacement Project to the lowest responsive and responsible bidder, Ron Jones Electric, and to adopt a resolution authorizing the City Manager to execute a contract with Ron Jones Electric in the submitted bid amount of \$43,145.00 with a 10% contingency for unforeseen expenses.

Staff Contact: Michael Magnuson, Director of Public Works

Background:

On January 18, 2018, the City of Crystal Lake publicly opened and read aloud the bids received for the Lift Station #2 Electrical Panel Replacement Project. The completion of this project will address several improvements. The following is a breakdown of the base bids received:

	Base	Optional PLC	Total
✓ Ron Jones Electric South Elgin, IL	\$29,645	\$13,500	\$43,145.00
Northwest Technical Crystal Lake, IL	\$28,600	\$19,900	\$48,500.00
Associated Electric Woodstock, IL	\$29,875	N/A	\$29,875.00

✓ Indicates lowest responsive and responsible bidder

Lift Station #2 is located at 318 Berkshire Drive. The project will consist of replacement and installation of the lift station's electrical control panel. This installation will include a new control panel, concrete pad, and interior components (transfer switch, pump circuit breakers and starters, generator receptacle, programmable logic controller and wiring).

Recommendation

The Public Works Department has reviewed bids received for completeness and accuracy in accordance with the invitation to bid document. The Public Works Department recommends that the contract for the Lift Station #2 Replacement Panel Project be awarded to the lowest responsive and responsible bidder, Ron Jones Electric, in the amount of \$43,145.00. This project will use funds from the FY2017/2018 Budget.

Votes Required to Pass:

Simple majority



DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is hereby authorized to award the contract for the Lift Station #2 Replacement Panel Project to the lowest responsive and responsible bidder, Ron Jones Electric, and adopt a resolution authorizing the City Manager to execute a contract with Ron Jones Electric in the submitted bid amount of \$43,145.00 with a 10% contingency for unforeseen expenses.

DATED this 6th day of February 2018

CITY OF CRYSTAL LAKE, an
Illinois Municipal Corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: February 6, 2018
APPROVED: February 6, 2018



Agenda Item No: 23

**City Council
Agenda Supplement**

Meeting Date:

February 6, 2018

Item:

Vehicle Purchase-State of Illinois Joint Purchase Contract #4018301, a 2018 Ford F350 Truck

Staff Recommendation:

Motion to adopt a resolution authorizing the City Manager to execute an agreement with Bob Ridings Inc. for the purchase of one Ford F350 Truck through the State of Illinois Joint Purchase Contract #4018301 in the amount of \$41,609.00

Staff Contact:

Michael Magnuson, Director of Public Works

Background:

The Public Works Department's fiscal year 2017/2018 budget includes replacement of a 2001 Ford F250 truck (75,000 miles) with a 2018 Ford F350 truck. The current truck is used for snow plowing, however the Streets Division intends to use the new vehicle as a multi-purpose unit for such tasks as transporting water tanks for tree watering and hauling debris.

Through the State of Illinois Joint Purchase Contracts, the City is able to take advantage of the Cooperative members' leveraged contract. This program allows members to combine purchasing power, which significantly reduces costs. All items that are bid through the cooperative follow the same public procurement statutes that the City follows during the competitive, sealed bidding process.

Recommendation:

The Public Works Department recommends purchasing one Ford F350 truck for a total of \$41,609 from Bob Ridings Inc. in Taylorville, IL through the Illinois Joint Purchase Contract. Funds have been budgeted for this purchase.

Votes Required to Pass:

Simple Majority



DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a Purchase Agreement between the CITY OF CRYSTAL LAKE and Bob Ridings Inc. for the purchase of one Ford F350 truck through the State of Illinois Joint Purchase Contract in the amount of \$41,609.00.

DATED this 6th day of February, 2018.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: February 6, 2018
APPROVED: February 6, 2018



Agenda Item No: 24

**City Council
Agenda Supplement**

Meeting Date: February 6, 2018

Item: Vehicle Purchase-NPJA Contract #062117, F3990 Kubota Tractor

Staff Recommendation: Motion to adopt a resolution authorizing the City Manager to execute a purchase agreement with Russo Power Equipment, for the purchase of one F3990 Kubota Tractor in the amount submitted through the NJPA Awarded Contract #062117 in the amount of \$36,886.52.

Staff Contact: Michael Magnuson, Director of Public Works

Background:

The Public Works Department's fiscal year 2017/2018 budget includes replacement of a 2001 John Deere tractor. The Public Works Department will use the new tractor for sidewalk snow removal and sweeping bike paths.

As members of the National Joint Powers Alliance (NPJA), the City is able to take advantage of the Cooperative members' leveraged contract. This program allows members to combine purchasing power, which significantly reduces costs. All items that are bid through the cooperative follow the same public procurement statutes that the City follows during the competitive, sealed bidding process.

City staff also received quotes for similar tractors with other vendors. The NPJA contracted price was lowest.

Recommendation:

The Public Works Department recommends purchasing the Kubota tractor for a total of \$36,886.52 from Russo Power Equipment in Schiller Park, IL through NJPA. Funds have been budgeted for this purchase.

Votes Required to Pass:

Simple Majority



DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a Purchase Agreement between the CITY OF CRYSTAL LAKE and Russo Power Equipment for the purchase of one Kubota tractor through National Joint Power Alliance Contract# 062117-KBA in the amount of \$36,886.52.

DATED this 6th day of February 2018.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: February 6, 2018
APPROVED: February 6, 2018



Agenda Item No: 25

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	February 6, 2018
<u>Item:</u>	Sustainability Committee Appointment
<u>Staff Recommendation:</u>	Council Discretion 1) Motion to appoint Scott Kuykendall to the Sustainability Committee. 2) No Action
<u>Staff Contact:</u>	Melanie Nebel, Assistant to the City Manager

Background:

On November 17, 2015, the City Council approved a resolution establishing the Sustainability Committee which replaced the City's Ad Hoc Clean Air Counts Advisory Committee established in 2007. The Sustainability Committee was created for the purpose of continuing to assist the City of Crystal Lake in promoting environmental sustainability within the City. The Sustainability Committee consists of nine (9) members who shall be residents of the City of Crystal Lake, attend a school in Crystal Lake, or otherwise work in or own a business in the City of Crystal Lake.

The Sustainability Committee currently has 8 members since the resignation of Steve Fuller from the Committee in September. Scott Kuykendall is a Crystal Lake resident who has over 20 years of experience as a professional ecologist and environmental scientist. Mr. Kuykendall attends Sustainability Committee meetings regularly, and works for the McHenry County Planning and Development Division as a Water Resources Specialist. The Sustainability Committee voted to recommend his appointment at the December 13, 2017 committee meeting.

Votes Required to Pass:

Simple majority of City Council present



Agenda Item No: 26

City Council Agenda Supplement

Meeting Date:

February 6, 2018

Item:

Planning and Zoning Commission Reappointments

Recommendation:

Motion to confirm the reappointments of Jeff Greenman, Jim Jouron, and Al Skluzacek to the Planning & Zoning Commission.

Contact:

Aaron T. Shepley, Mayor

Background:

The four year terms of Jeff Greenman, Jim Jouron, and Al Skluzacek on the Planning and Zoning Commission expired on January 31, 2018. Mr. Greenman, Mr Jouron, and Mr. Skluzacek have expressed interest in reappointment to terms expiring on January 31, 2022.

Planning and Zoning Commission appointments/reappointments are made by Mayor Shepley and confirmed by the City Council.

Votes Required to Pass:

Simple majority.