



CITY OF CRYSTAL LAKE
AGENDA
CITY COUNCIL
REGULAR MEETING
City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
December 4, 2018
7:30 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes – November 20, 2018 Regular City Council Meeting**
5. **Accounts Payable**
6. **Public Presentation**
The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the City staff, Mayor or City Council will not be allowed at this time, nor will any comment from the Council. Personal invectives against City staff or elected officials are not permitted.
7. **Mayor's Report**
8. **City Council Reports**
9. **Consent Agenda**
10. **County Zoning Request – Lily Pond Road, One Energy Development LLC.**
11. **800 Reiland Drive – Plat of Vacation.**
12. **161 S. Virginia Road, Chicago Plastic Systems – Manufacturing Job Creation and Investment Grant Program Matching Grant.**
13. **5720-5902 N. Route 31, Spring Creek LLC – Waiver of Waiting Requirement and Fees**
14. **754 Saddle Ridge – Special Use Permit to allow a Nursing Care Facility.**
15. **Unified Development Ordinance (UDO) Text Amendment Section A-1400 Impact Fees.**
16. **Intergovernmental Agreement – Crystal Lake Park District Indemnification of the Use of Park Impact Fees.**
17. **Three Oaks Recreation Area Picnic Pavilion A - Rental Deposit Recommendations.**
18. **Consultant Selection Approval North Main Street Improvement Phase 2 Design Engineering.**

19. **Motor Fuel Tax Appropriation for North Main Street Improvement Phase 2 Design Engineering Services.**
20. **Bid Award – Water Treatment Chemicals.**
21. **Council Inquiries and Requests.**
22. **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.**
23. **Reconvene to Regular Session.**
24. **Adjourn.**

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



Agenda Item No: 10

**City Council
Agenda Supplement**

Meeting Date: December 4, 2018

Item: COUNTY ZONING REQUEST

One Energy Development LLC
Lily Pond Road

Recommendation: City Council's discretion.
a) Motion to object to the proposed rezoning and conditional use permit, directing staff to proceed with an objection to the County Hearing Officer.
b) No action.

Staff Contact: Michelle Rentzsch, Director of Community Development
Elizabeth Maxwell, City Planner

Background:

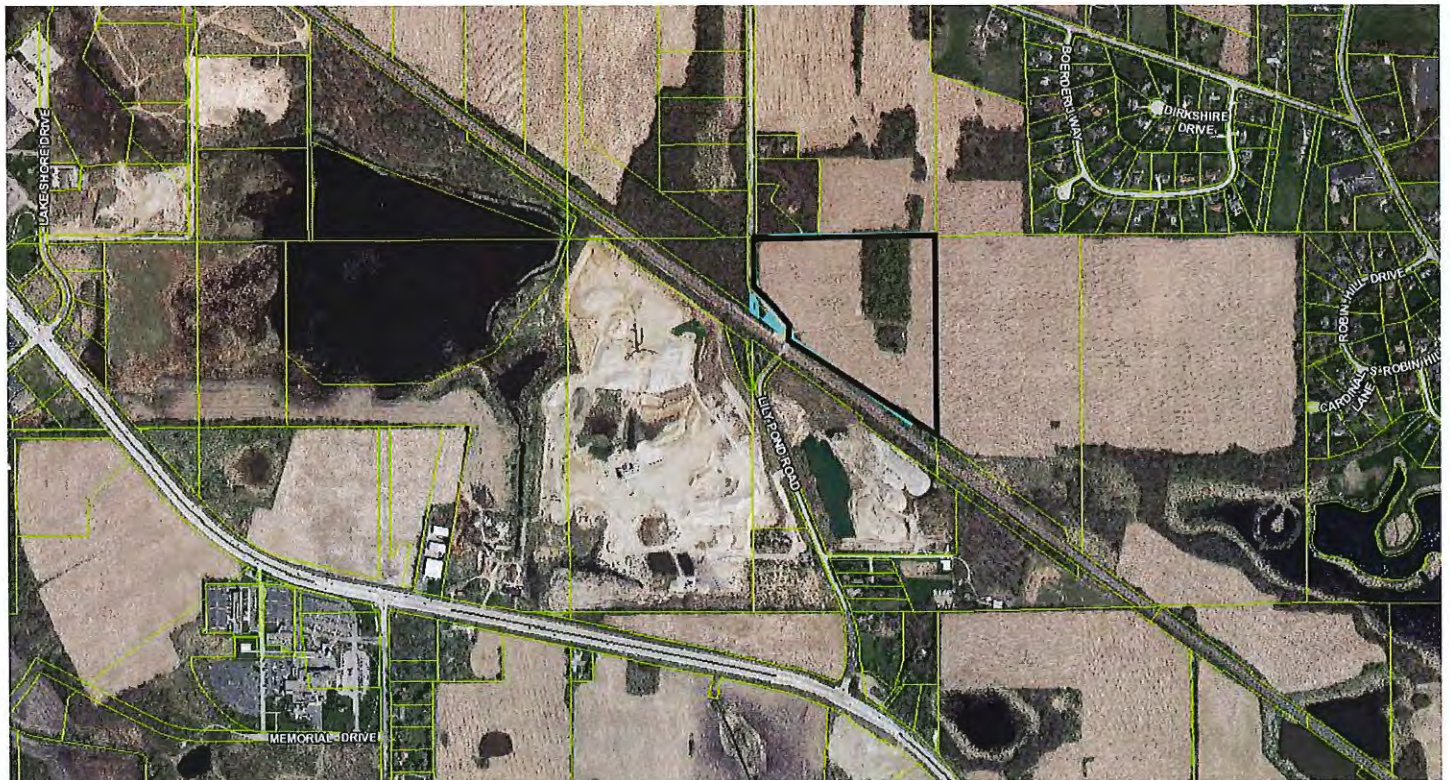
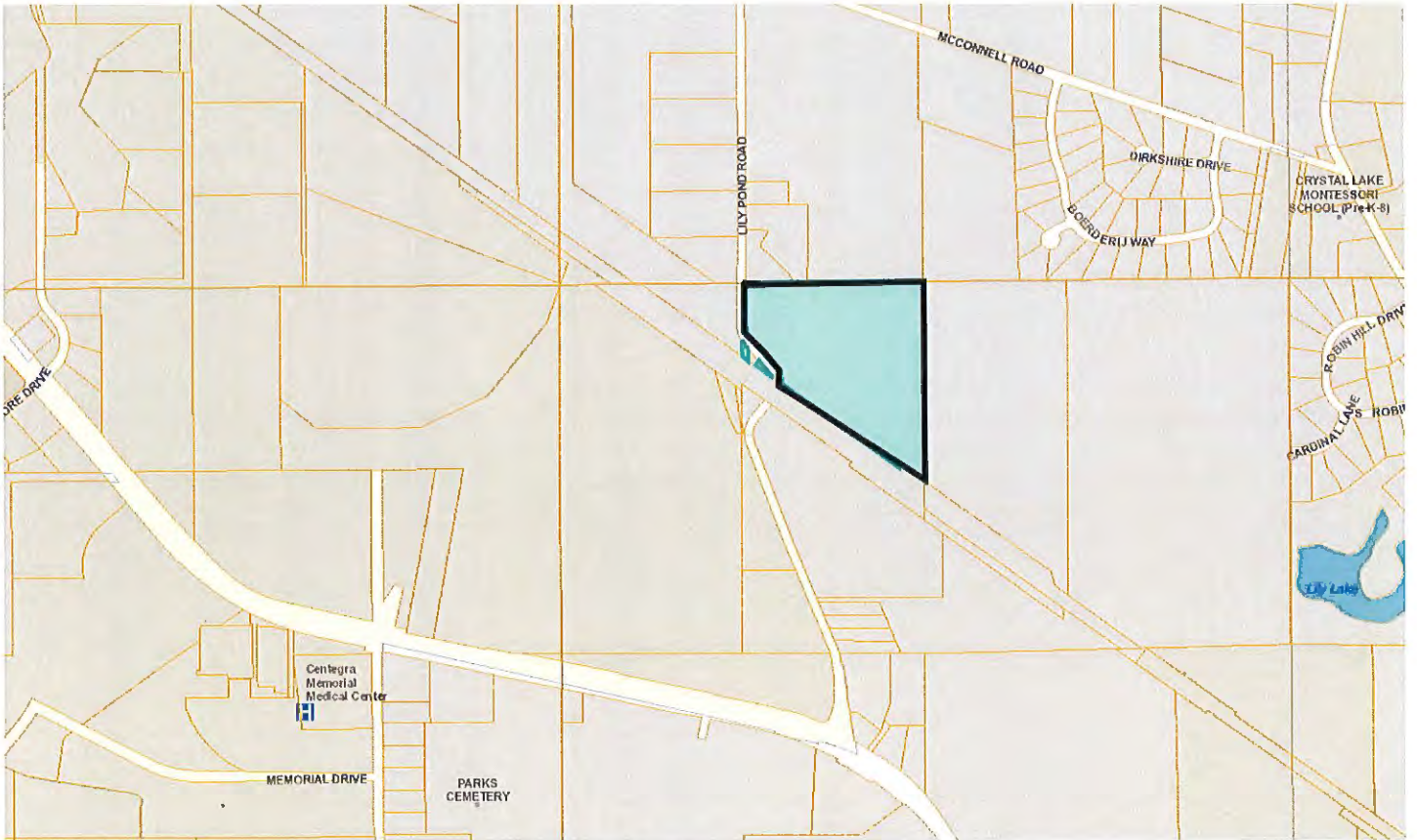
- As is customary with County Zoning requests within the City's mile and a half planning jurisdiction, the City received notice of this request.
- The property in question consists of approximately 21.746 acres and is zoned "E-1" Estate District. The property is currently farmland.
- The property is located on the east side of Lily Pond Road, just north of the railroad tracks. It is approximately ½ mile from the current City boundary.

Request:

- The petitioners are requesting a rezoning to "A-1" Agriculture District and a Conditional Use Permit to allow a Solar Farm.
- The site is approximately 1/3 mile from a similar proposed facility in the City of Woodstock.
- Based on the proposed funding from the State of Illinois, it is likely that not all the proposed solar farms would be approved.
- The property is not in the Crystal Lake Watershed and City staff sees no concerns with this request.

Votes Required to Pass: A simple majority.

County Zoning Request – One Energy Development LLC - 13-23-100-022 - Lily Pond Road





Agenda Item No: 11

City Council Agenda Supplement

Meeting Date: December 4, 2018

Item: Reiland Drive Vacation

Recommendation: Motion to adopt an ordinance vacating a portion of Reiland Drive for the benefit of Reiland Investments, Inc., doing business as GPM Pump Trucks.

Staff Contact: Michelle Rentzsch, Director of Community Development
Kathryn Cowlin, Assistant City Planner

Background:

- The proposed vacation was continued from the November 20, 2018 City Council meeting.
- The proposed partial vacation of Reiland Drive was a stipulation in the annexation agreement for Jemco Properties located at the terminus of Reiland Drive. The annexation agreement was executed on December 5, 2017.

Request:

- The vacation of a portion of Reiland Drive for the benefit of Reiland Investments, Inc., doing business as GPM Pump Trucks.
- An ingress and egress easement would be granted to the City to allow for emergency access to the condo buildings located south of the vacated right-of-way.



Votes Required to Pass: A simple majority.

Ord. No.
File No.



The City of Crystal Lake Illinois

AN ORDINANCE VACATING A PORTION OF REILAND DRIVE

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

SECTION I: That it is in the best interest of the City of Crystal Lake that a portion of the road, hereinafter described, be vacated.

SECTION II: That that portion of the road, described as follows:

That part of Reiland Drive formerly known as Amway Drive and formerly known as Elm Drive (a private road) lying South and adjoining Lots 1 to 4, excepting the Easterly 22.7 feet of Lot 4, in Elmwood Heights, being a subdivision of part of the East half of the Northwest Quarter of Section 34, Township 44 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded December 12, 1957 as Document No. 332585, in Book 13, of Plats, page 8, in McHenry County, Illinois.

be and is hereby vacated, with all reverting to 824 Reiland Drive.

SECTION III: That all public service facilities now situated in that part of the road vacated and the rights, ways and easements therefore are hereby reserved to the City of Crystal Lake or to the public utility, as the case may be, owning the same, for continuing public service by means of such facilities and for the use, maintenance, renewal and reconstruction of such facilities for such purpose.

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 4th day of December, 2018.

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

Passed: December 4, 2018

Approved: December 4, 2018



Agenda Item No: 12

**City Council
Agenda Supplement**

Meeting Date: December 4, 2018

Item: Manufacturing Job Creation and Investment Grant Program Matching Grant application request for Chicago Plastic Systems, 161 S. Virginia Road, requesting \$10,000 in matching grant funds.

Recommendations: City Council's discretion:

1. Motion to award \$10,000 in Manufacturing Job Creation and Investment Grant Funds to Chicago Plastic Systems, 161 S. Virginia Road, and to adopt a Resolution authorizing the City Manager to execute the Grant Agreement with Chicago Plastic Systems, or
2. Motion to deny the grant application request.

Staff Contact: Michelle Rentzsch, Director of Community Development
Heather Maieritsch, Economic Development Manager

Background:

The Retailer and Manufacturer Job Creation and Investment Program was instituted in 2011 as a tool to help attract new businesses to Crystal Lake. This program provides matching grant funding to new and existing retailers and manufacturers who occupy vacant space, hire new full-time or part-time employees, and/or install eligible furniture, fixtures, and equipment (FFE).

KEY FACTORS

- Chicago Plastic Systems has been in Crystal Lake for over 20 years and has grown substantially during this time. They are looking to relocate and expand their headquarters to 161 S. Virginia Road. This will enable the company space to continue expansion and have all business operations at one location.
- New location will double their space and add new manufacturing machinery, additional material handling equipment, and building improvements, adding infrastructure, modernizing the facility and enhancing the visual appeal of the location.
- The company will be adding 12 new full-time employees.

Chicago Plastic Systems is eligible for a \$10,000 grant award under the matching grant program guidelines.

Upon approval of the grant by the City Council, the City and applicant will enter into an agreement that includes all the stipulations for the grant award. The agreement specifies what documentation must be submitted before the payment is disbursed. Additionally, it has provisions to recoup the grant in case the business closes before the required four-year period. The agreement and application are attached.

In order to objectively analyze the applications for funding, eligibility criteria have been established in the Ordinance approving this program. The list below outlines the evaluation of the applicant's request in relation to our eligibility criteria:

1. The program is open to any new manufacturer or professional service provider that will occupy vacant manufacturing space or a building, or that will construct a new building for its business.
 Meets *Does not meet*

2. Applicant business must develop and manufacture finished hard or soft goods, provide technological products, equipment, or software.
 Meets *Does not meet*

3. Applicant must provide written proof of employment recruitment and of fixture, furniture, and equipment (FFE) costs.
 Meets *Does not meet*

4. Applicant must file an application for grant funding prior to commencing improvements.
 Meets *Does not meet*

5. Grant recipient may re-apply after five years from the date of recipient's previous award.
 Meets *Does not meet*

6. Eligible FFE includes, but is not limited to, shelving, racks, tables, chairs, furniture, point-of-sale systems, fixed computer equipment used in business operation, televisions located in dining rooms or showrooms, office furniture and appliances.
 Meets *Does not meet*

7. Applicant's business must be new to Crystal Lake City limits; in-town relocations are ineligible.
 Meets *Does not meet*

The applicant's request has been evaluated based on the above eligibility criteria and their planned purchase of FFE and the new employees. The current application would meet seven of the seven eligibility criteria.

FUNDING STATUS OF 2017-2018 PROGRAM

For the 2017-2018 Fiscal Year, there is \$80,000 budgeted for the Retailer and Manufacturer Job Creation and Investment Program. This is the fourth application received this fiscal year for the program, so there are sufficient funds for the grant.

Applicant Name/ Business Name	Address	Total Requested	Date Approved	Amount Approved
Knife Experience	230 W. Virginia St #450	\$10,000	10/17/17	\$10,000
Mum Floral and Design	37 North Williams Street	\$5,000	10/17/17	\$5,000
Flying Friends	435 Angela Lane	\$10,000	11/7/17	\$10,000
Camfil Farr	500 S Main	\$10,000	3/20/18	\$10,000
La Mega Michoacán	19 E Berkshire Drive, Unit D	\$10,000	3/20/18	\$10,000
Chicago Plastic Systems	161 Virginia Road	\$10,000		Pending
Totals		\$55,000		Pending

Votes Required to Pass:

A simple majority.

2018-12 Chicago Plastic Systems 161 S. Virginia Road





The City of Crystal Lake Illinois

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 execute an agreement with Chicago Plastic Systems, for a Manufacturing Job Creation and Investment Matching Grant in an amount not to exceed \$10,000.

DATED at Crystal Lake, Illinois, this 4th day of December, 2018.

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
MAYOR

SEAL

ATTEST:

CITY CLERK

PASSED: December 4, 2018

APPROVED: December 4, 2018



Agenda Item No: 13

**City Council
Agenda Supplement**

Meeting Date: December 4, 2018

Item: Waivers from the requirement to wait one year before resubmittal and the application fee (\$1,410) for the Preliminary/Final PUD for a car wash and rezoning upon annexation of Parcels 6 & 7.

Greg Barich, Spring Creek LLC
5720-5902 N. Route 31

Recommendation: City Council discretion:
A) Motion to grant the petitioner's request, waiving the one-year wait requirement and the application fees for the car wash.
B) Motion to deny the petitioner's request.

Staff Contact: Michelle Rentzsch, Director of Community Development

Background:

At the November 20, 2018 regular meeting, the City Council considered and voted on a request for a car wash and rezoning upon annexation for two parcels all located along Route 31. The petition had received a unanimous motion for approval from the PZC and agreed to meet all the PZC recommended conditions at the City Council meeting. Area neighbors brought up concerns about stormwater and noise and the petitioner would like the opportunity to meet with the neighbors to address their concerns and provide a thorough response to the Council's questions on these topics.

The UDO stipulates that petitioners must wait one year before submitting a substantially similar zoning request.

Section 9-200K.2 Repeated application. If a request has been denied by the City Council, it or one substantially similar may not be resubmitted within 12 months of the denial, unless there is substantial change in the facts or a change in City policy which would change the outcome, as determined by the Zoning Administrator.

The attached letter is respectfully requesting a waiver from this requirement and from the requirement to pay application fees (\$1,410) again. Granting the request would afford time and opportunity for the petitioner to meet with the surrounding property owners and address their

concerns and provide a thorough report for the Planning & Zoning Commission and City Council's consideration at a future meetings.

Votes Required to Pass: A simple majority.



Agenda Item No: 14

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 04, 2018
<u>Item:</u>	REPORT OF THE PLANNING & ZONING COMMISSION
<u>Request:</u>	Special Use Permit to allow a nursing care facility.
<u>Petitioner:</u>	Therese Rubino-Goerd, petitioner Joe Gottemoller, attorney 752 Saddle Ridge
<u>PZC Recommendation:</u>	A motion to adopt a resolution denying the petition for a Special Use Permit for a nursing care facility at 752 Saddle Ridge.
<u>Staff Contact:</u>	Michelle Rentzsch, Director of Community Development Kathryn Cowlin, Assistant City Planner

Background:

- The subject property is a single-family home located at the end of a cul-de-sac in the Goerd Subdivision.
- UDO Requirements: Nursing care facilities are required to obtain a Special Use Permit. Nursing care facilities are permitted with a special use permit in the Farming, Office and all Residential zoning districts.
- Request: The petitioner is requesting a Special Use Permit for a nursing care facility, utilizing the existing residence.

Additional Information:

- The petitioners seek to use the single-family home at 752 Saddle Ridge as a for-profit nursing care facility. Following the initial hearing before the PZC on June 20, 2018, the petitioners amended their request to limit the total number of residents that are served in this nursing care facility from 8 to now 5 people plus the necessary number of on-site staff of caregivers, nurses or management. The City Council remanded the petition to the PZC to consider the amended petition.
- The Residential Estate zoning district permits single-family uses. Other uses are either permitted by limited use (approved administratively if criteria are met) or are specially permitted (approved by the City Council) in the zoning district. Nursing care facilities are specially permitted since the facility is a business use.

- The for-profit nursing care business use would allow the petitioner to continually accept new residents when an opening occurs. The continuous influx of residents is not comparable to the traditional family unit.
- The UDO defines a family and nursing care facility as follows (emphases added):

FAMILY

1. One of the following:
 - a. One or more persons related by blood, marriage or legal adoption (including foster children) together with not more than two domestic servants living as a single not-for-profit housekeeping unit occupying a dwelling unit.
 - b. Two or fewer persons not related by blood, marriage or legal adoption together with their children (including foster children) together with not more than two domestic servants living as a single not-for-profit housekeeping unit occupying a dwelling unit.
 - c. Not more than five adult persons who are not necessarily related to each other by blood, marriage or legal adoption living **as a single not-for-profit housekeeping unit** occupying a dwelling unit.
2. For purposes of this Ordinance, "single not-for-profit housekeeping unit" shall mean the joint occupancy and use of the entire dwelling unit and the facilities therein with the exception of bedrooms by all of the residents.
3. See Chapter 302, Housing Code, of the Code of Ordinances of the City of Crystal Lake for standards for occupancy of a residential dwelling unit.

NURSING CARE FACILITIES

The UDO defines nursing care facilities as establishments primarily engaged in providing inpatient nursing and rehabilitative services. The care is generally provided for an extended period of time to individuals requiring nursing care. **These establishments have a permanent core staff of registered or licensed practical nurses who, along with other staff, provide nursing and continuous personal care services.** Examples include convalescent homes or convalescent hospitals (except psychiatric), nursing homes, homes for the elderly with nursing care, rest homes with nursing care, inpatient care hospices, etc.

- The application and associated documents submitted by the applicant for this request are for a nursing care facility. The Findings of Fact for special uses and nursing care facilities must be met.

PZC Highlights June 20, 2018:

- The neighbors who attended the Planning & Zoning Commission meeting overall opposed the proposed use in a residential area.
- The neighbors stated that there could be a negative effect on the surrounding property values, increased traffic volume on the cul-de-sac and there are public safety concerns since there are no sidewalks within the subdivision. The neighbors also questioned the inconsistent testimony from the petitioner during the public hearing regarding the number of staff and the level of care provided to the residents.

- The PZC inquired about the level of care provided and the petitioner stated that hospice care would be provided by Medicare if a resident gets to that stage of life.
- The PZC observed that a number of cars may be at the house at one time for the possible caregivers or hospice nurses and that the house is located at the end of a cul-de-sac.
- The PZC discussed that home occupations are permitted in the residential zoning districts, but that they are conditioned to not increase traffic congestion in the neighborhood. The PZC felt the proposed use could negatively impact the neighborhood.
- The PZC set forth in its Findings of Fact that the required standards for a special use permit had not been met, specifically, Standard number 1, as the use is not desirable at the proposed location.

PZC Highlights September 19, 2018:

- The petitioner described the revised request to house 5 unrelated seniors and the necessary number of caregivers at the proposed location.
- The petitioner clarified that she would not be administering care or medications, but would be aiding in daily activities.
- The neighbors stated that the number of residents does not affect the Findings of Fact and that the use is still not desirable in the proposed location.
- The neighbors stated that similar nearby senior care businesses have rooms available and that the proposed use is not needed in the community.
- The PZC noted that the cul-de-sac serving the property is nonconforming in length, which could affect access to emergency vehicles.
- The PZC set forth in its Findings of Fact that the required standards for a special use permit had not been met, specifically, Standard numbers 1 & 4, as the use is not desirable at the proposed location and the use will not negatively impact traffic circulation.

Complaints received by the City of operating without zoning approvals:

- The request was before the PZC on June 20, 2018 and September 19, 2018.
- The City received five (5) written complaints from surrounding neighbors of the use of the property as a nursing care facility since the last PZC meeting in September. Included in the complaints were screenshots of website and Facebook page for the business.
- The City issued a written request regarding on the ongoing activity at the subject property on October 22, 2018. It was requested that a written response be supplied to the City by October 31, 2018. The letter was hand delivered to the subject property by a CSO. A response was not received.
- The City issued a second notice on November 5, 2018 and required a written response by November 13, 2018. The letter was hand delivered to the subject property by the Building Commissioner.
- The City received a response from attorney Joe Gottemoller stating only Ms. Rubino-Goerdt and her mother resided at the subject property and the nursing care facility use was not in operation.

- All complaint letters, notices and the response letter are attached.

Recommendation:

The PZC recommended **to deny (5-0)** the petitioner's request with the understanding that in the event that the City Council approves the request, such approval should be made subject to the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Therese Rubino-Goerdts, dated 05/23/18, received 08/18/18)
 - B. Floor Plan (Therese Rubino-Goerdts, dated 05/23/18, received 05/29/18)
2. The subject property is limited to **8 5** residents ~~including~~ **plus the** live-in staff **person**.
3. Outdoor recreation must be limited to the rear yard.
4. Any signage must comply with the UDO residential signs restrictions.
5. Visitors and staff must park in the driveway for the residence.
6. The petitioner shall address all of the review comments and requirements of the Community Development and Fire Rescue Departments.

Votes Required to Pass: A favorable vote of two-thirds of the Corporate Authorities holding office is required to approve the special use permit over the negative recommendation of the Planning and Zoning Commission. Accordingly, five favorable votes are required for approval. The attached resolution denying the petition for a Special Use Permit for a nursing care facility at 752 Saddle Ridge requires a simple majority of the City Council.

PLN-2018-00034 SENIOR CARE HOMES – 752 SADDLE RIDGE





The City of Crystal Lake Illinois

RESOLUTION
A RESOLUTION DENYING THE APPLICATION FOR
A SPECIAL USE PERMIT FOR A NURSING CARE FACILITY
SENIOR CARE HOMES AT 752 SADDLE RIDGE

WHEREAS, the City of Crystal Lake ("*City*") received an application ("*Application*") from Senior Care Homes of Crystal Lake ("*Applicant*") for a special use permit to allow a for-profit nursing care facility for five unrelated seniors and one live-in caregiver ("*Nursing Care Proposal*") to be located on the property commonly known as 752 Saddle Ridge ("*Property*"); and

WHEREAS, in accordance with the Crystal Lake Unified Development Ordinance (the "*UDO*"), the City's Planning and Zoning Commission (the "*PZC*") undertook a public hearing process regarding the Application, including two hearing sessions (one of which followed a remand from the City Council), which hearings occurred pursuant to proper notice; and

WHEREAS, at the conclusion of the public hearings, the PZC recommended that the Application be denied by a 5-0 vote (with one PZC member absent and one PZC seat unfilled); and

WHEREAS, the City Council of the City (the “*Council*”) has reviewed the Application, the recommendation of the PZC, and the zoning limitations on the Property as set forth in the UDO; and

WHEREAS, based on such evidence and recommendation, the Council determined that the Application for the Nursing Care Proposal on the Property is not in conformity with the City’s UDO; and

WHEREAS, the Council desires to formally set forth its determination and adopt certain findings of fact in support thereof;

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

SECTION ONE: **Recitals.** The foregoing recitals are hereby incorporated into and made a part of this Resolution as if fully set forth herein.

SECTION TWO: **Findings of Fact.** The Council hereby makes the following findings of fact:

1. The Property consists of approximately 1.13 acres. It is located in the City’s RE District.
2. The UDO allows nursing care facilities on properties within any residential and office zoning district, subject to obtaining approval of a special use permit.
3. On or about May 29, 2018, the Applicant filed the Application with the City. The original Application for the special use permit stated that the Property would be limited to 8 unrelated seniors and the necessary number of caregivers.
4. The public hearing on the Nursing Care Proposal commenced before the PZC on June 20, 2018. The PZC voted 5-0 to recommend denial of the Nursing Care Proposal. Five of the seven members of the PZC were present.
5. The Nursing Care Proposal was placed on the August 7, 2018 City Council agenda. On or about July 31, 2018 the Applicant requested to change the request from 8 unrelated seniors to 5 unrelated seniors. Due to the change in request, the City

Council remanded the Nursing Care Proposal to the PZC for further hearing.

6. On or about August 18, 2018, the Applicant filed a revised Application with the City. The revised Application for the special use permit stated that the Property would be limited to 5 unrelated seniors and the necessary number of caregivers.
7. The public hearing on the Nursing Care Proposal continued before the PZC on September 5, 2018. At the conclusion of the continued public hearing, the PZC voted 5-0 to recommend denial of the Nursing Care Proposal. Five of the seven members of the PZC were present.
8. On September 5, 2018, the PZC found that the use is not necessary or desirable at the proposed location to provide a service or facility which will further the public convenience and general welfare, and that the use will negatively impact traffic circulation. These criteria were referenced during the motion as Findings of Fact number 1 and 4 of the UDO Section 650-2-400-B.
9. Furthermore, the commercial nature of the Nursing Care Proposal is not desirable in the neighborhood of the Property, which neighborhood is an isolated, purely residential neighborhood in which the Property is at the end of a nonconforming cul-de-sac.
10. The proximate locations and availability of similar services make the Nursing Care Proposal unnecessary to serve the community, and the denial of the special use permit for the Nursing Care Proposal will not have a material impact on seniors seeking out such services and housing opportunities to find them elsewhere within the Crystal Lake and in reasonable proximity to the Property.
11. The Nursing Care Proposal is unsuitable for the neighborhood, especially in light of the lack of amenities, such as sidewalks, nearby or on-site to accommodate the proposed residents of the Nursing Care Proposal.
12. The proposed location is at the end of a legal nonconforming cul-de-sac without a secondary point of ingress and egress. The character of the cul-de-sac may impair the ready and convenient access of service and emergency vehicles in the event of any street obstruction. Said cul-de-sac was approved as part of the approval of the Goerdts Subdivision as a single family residential development, which subdivision received a variation from the maximum cul-de-sac length of 500 feet to allow a 1,350-foot cul-de-sac.
13. The Application for the special use permit and the Applicant's testimony contains inconsistencies regarding the intensity of use of the Property, including the number of staff and service personnel (as well as the number and type of vehicles) anticipated in connection with the proposed use.

SECTION THREE: Denial of Application. Based upon the findings of fact in

Section Two, the City hereby denies the Application.

SECTION FOUR: Effective Date. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this ____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2018.

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
Mayor

SEAL

ATTEST:

City Clerk

PASSED: December 4, 2018

APPROVED: December 4, 2018



Agenda Item No: 15

**City Council
Agenda Supplement**

Meeting Date: December 4, 2018

Item: UDO Text Amendment Section A-1400 Impact Fees

PZC Recommendation: Motion to approve the PZC recommendation and to adopt an ordinance amending Sections A-1400 Criteria for requiring park, recreation land and school site dedication and A-1500 Fire/Rescue capital facilities fees of the UDO replacing it with Section A-1400 Impact Fees.

Staff Contact: Michelle Rentzsch, Community Development Director
Elizabeth Maxwell, City Planner

Background:

- The proposed text amendments would amend the Impact Fees to reflect the current economy.
- Changes to the Fair Market Value and the fees for the Schools, Park District, Police, Fire Rescue, and Public Works are proposed.
- The proposed changes have been discussed with the School Districts and the Park District. All entities understand the need for the changes and their comments are attached.

Request:

The amendments to the UDO are attached to this report and a brief summary of the main points is highlighted below:

Fair Market Value

- The Fair Market Value has been revised and updated to be more reflective of the current economy and represent the location where the majority of building is occurring.
- The Fair Market Value is increasing from \$135,000 to \$163,276.

Formulas

- The formula for the school impact fee has been updated to use actual data from Districts 47 and 155 regarding enrollment numbers and acreage of school sites.

- The formula for the Library, Police, Fire/Rescue, and Public Works is based on the current operating budget and Census population.
- Public Works is a new fee being established, which will cover costs associated with Streets, Fleet & Facilities, Health, and the storm sewer system and infrastructure.
- The formula for Parks remains the same. A new component in the distribution of the fee is that the fee will be split between the Park District and the City of Crystal Lake.

Indemnification Agreements

- The City has entered into Indemnification Agreements with District 46, District 47, and District 155. The Indemnification Agreement with the Crystal Lake Park District has been approved by their Board and follows for City Council approval on tonight's agenda.
- Fees would not be disbursed without a fully executed Indemnification Agreement.

Needs Assessment

- Consistent with controlling law that impact fees be specifically and uniquely attributable to the effect of development on the public body or service provider receiving such fees, a needs assessment requirement is being established to demonstrate that the legal standards are satisfied.

PZC Highlights:

- The Planning and Zoning Commission (PZC) discussed the proposed changes to the fees.
- Following discussion, the PZC recommended **approval (5-0)** of the proposed changes as presented.

Votes Required to Pass: A simple majority.



The City of Crystal Lake Illinois

AN ORDINANCE AMENDING
THE CITY OF CRYSTAL LAKE
UNIFIED DEVELOPMENT ORDINANCE
REGARDING IMPACT FEES

WHEREAS, the City of Crystal Lake is a home rule municipal corporation under the Illinois Constitution; and

WHEREAS, pursuant to Illinois law, its home rule authority, and the provisions of the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, the City has authority to impose exactions on the development of property in the City to address impacts upon the City, its services, and its facilities that are specifically and uniquely attributable to such development; and

WHEREAS, the City has determined that the impacts of the development of property are most pronounced on services and facilities affecting schools, libraries, parks, playgrounds and recreation facilities, open space, police services, fire and emergency services, and public works services; and

WHEREAS, the City has established and implemented a program of impact fees for certain new developments within the City of Crystal Lake; and

WHEREAS, the impact fees that have been imposed by the City are consistent with the authority granted to the City by the Illinois Constitution, Illinois statutes, and case law; and

WHEREAS, the City has determined that it is appropriate to amend the Unified Development Ordinance in order to consolidate all of the impact fee regulations into one Section of the ordinance, including the administration and collection of these fees, to set forth in detail the longstanding method for calculating the applicable impact fees, and to establish calculations for impact fees that may become due from smaller residences; and

WHEREAS, the Mayor and City Council of the City have determined that it is in the best interest of the City and its residents to amend the City of Crystal Lake Unified Development

Ordinance as set forth in this Ordinance, which amendment is intended to continue in force the basic policy of the City relating to impact fees;

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

SECTION ONE: Recitals. The foregoing recitals are by this reference incorporated into and made a part of this Ordinance as if fully set forth.

SECTION TWO: Amendment to Section A-1400 of the City's Unified Development Ordinance. Section A-1400, entitled, "Criteria for requiring park and school donations and recreation land and school site dedications," of Chapter 650, entitled "Unified Development Ordinance," of the Crystal Lake City Code, is hereby re-titled and amended in its entirety, so that said Section A-1400 shall hereafter be and read as follows:

**Appendix Section A-1400
IMPACT FEES**

A. FINDINGS AND PURPOSE:

1. It is declared to be the policy of the City that the provision of various public facilities required to serve new residential development is subject to the control of the City in accordance with the comprehensive plan of the City for the orderly, planned, efficient, and economical development of the City.
2. New residential developments cause and impose increased and excessive demands upon public facilities and services that are specifically and uniquely attributable to those new residential developments. Affected facilities and services include public schools, libraries, parks, playgrounds and recreation facilities, open space, police services, fire and emergency services, and public works services.
3. Planning projections indicate that new residential development shall continue and shall place ever-increasing demands on the school districts, the City, and other governmental bodies to provide necessary public facilities.
4. Development potential and property values are influenced and affected by City policy as expressed in the comprehensive plan and as implemented by the City Unified Development Ordinance and other City regulations.
5. To the extent that new residential developments place demands upon public facilities that are specifically and uniquely attributable to such developments, those demands

should be satisfied by requiring that the new residential developments creating the demands pay the cost of meeting the demands.

6. The amount of the development impact fees to be required of new residential developments shall reflect the proportionate share of the cost of the additional public facilities or operations needed to support such developments (including during the period of time between occupancy and full inclusion in the general property tax rolls) in accordance with Illinois law, and such development impact fees shall be calculated to ensure that new residential developments pay only that portion of the costs of acquiring needed lands and, to the extent permitted by law, the needed facilities specifically and uniquely attributable to the new residential developments or the portion of the costs of the operation for services not reflected by general property taxes to serve the new residential development.
7. The City Council, after careful consideration, hereby finds and declares that imposition of development impact fees upon new residential developments to finance, in accordance with Illinois law, the acquisition of certain land and public facilities or the operations for services, the demand for which is created by such developments within the City, is in the best interests of the general welfare of the City and its residents, is equitable, and does not impose an unfair burden on such developments. Therefore, the City Council deems it necessary and desirable to adopt this Section as herein set forth.

B. APPLICABILITY:

1. General. This Section requires payment of development impact fees, ordinarily payable at building permit issuance, unless otherwise set forth in a development agreement approved by the City, in an amount equal to the proportionate share of the cost of the various public facilities or services required to serve certain developments. The fees for school, library, park and open space, police, fire and public work services and facilities shall be uniformly applicable to all residential development, as defined herein.
2. Use of Development Impact Fees: The use of development impact fees by public bodies and public service providers shall be governed by this Section and the applicable laws of the State of Illinois.
3. Collection, Disbursement and Alternate Arrangements. The City shall collect and disburse impact fees, enter into alternate agreements and agree to land dedication in lieu of fees provided that the City and the respective public body have entered into an intergovernmental agreement in which the public body fully indemnifies the City

in connection with its administration of this Section and to reimburse the City for any expense it may incur including but not limited to consultant's fees, expert's fees and attorney's fees in the enforcement or defense of this Section.

C. GENERAL PROCEDURES FOR DEVELOPMENT IMPACT FEES:

1. Calculation of Development Impact Fees. The Building Division shall calculate development impact fees due from any particular residential development pursuant to and in accordance with this Section, and the City shall present such calculations in writing to the developer and to each public body and public service provider eligible to receive development impact fees due from any particular residential development. Development impact fees due from any particular residential development shall be collected at the time of building permit for any particular residential development, unless otherwise set forth in a development agreement approved by the City. A developer may challenge the calculation or imposition of development impact fees by filing a written objection with the City Clerk within ten (10) days after receipt of the calculation from the City Manager. Such objection shall set forth with particularity the basis for challenging the calculation and shall be accompanied by any evidence supporting such objection. In addition, if requested by the City Manager, the developer shall obtain or provide such other information as may be reasonably requested for purposes of evaluating the developer's objection. The final determination of calculation or applicability of development impact fees shall be made by the City Council, in its sole discretion, based upon such information submitted by the developer and from other sources available to the City Council or that may be submitted to the City Council by a public body or public service provider.
2. Collection of Development Impact Fees.
 - (a) Public Bodies with Intergovernmental Agreements. Any development impact fees due to a public body pursuant to an intergovernmental agreement and the provisions of this Section shall be collected by the City at the time of building permit.
 - (b) Public Bodies without Intergovernmental Agreements. Any development impact fees relating to public facilities for public bodies that have not entered into intergovernmental agreements with the City pursuant to this Section shall be collected by the City's Building Division, which shall hold such development impact fees in trust for the affected public body or bodies.

- (c) Public Service Providers. Any development impact fees relating to public facilities for public services providers shall be paid to the City and collected by the Building Division.

Unless expressly provided otherwise in a development agreement approved by the City, the developer shall not be entitled to any further permits, approvals, or authorizations relating to the development until the developer delivers such payments to the City.

3. Transfer of Funds to Accounts. Upon receipt of development impact fees, the Building Division shall forward such fees to the Finance Director. In addition,
- (a) The Finance Director shall establish an account in a bank authorized to receive deposits of City funds.
- (b) The development impact fees deposited in the account shall be used solely for the purposes of and in accordance with this Section.
- (c) The Finance Director shall maintain and keep adequate financial records for the account, which shall show the source and disbursement of all revenues, and which shall account for all moneys received. Such records shall account for moneys received as being funds allocable to the particular public body or public service provider to which the funds are allocable under this Section.

Whenever the City receives development impact fees in trust pursuant to Section C(2)(b), the Finance Director shall separately account for such fees held in trust.

4. Disbursement of Funds. In order to ensure that each distribution of development impact fees from the account shall be used solely and exclusively for the provision of projects consistent with the applicable needs assessment on file with the City, prior to the City Council authorizing disbursement of any such funds in accord with this Section, the City Clerk shall be in receipt of one of the following:
- (a) A fully executed intergovernmental agreement between the City and the public body receiving such funds governing certain aspects of the implementation of this Section by the City and the public body; or
- (b) With respect to development impact fees for any authorized public facilities relating to a public service provider, a fully executed statement of disbursement from the affected public service provider.

No impact fees shall be disbursed until the City Clerk has received the fully executed intergovernmental agreement or statement of disbursement required pursuant to paragraphs (a) and (b) above, as applicable.

5. Previously Approved Developments. For any residential development for which a final plat or final development plan has been approved before the date set forth in this Section, the development impact fee shall be as set forth in any applicable development, subdivision, annexation, or other agreement relating to such development. If there is no such agreement, the terms and provisions of this Section shall apply.

D. USE OF DEVELOPMENT IMPACT FEES:

Development impact fees paid pursuant to this Section shall be restricted to use solely and exclusively to finance, in accordance with Illinois law, the acquisition of certain land and public facilities or the operations for services, for paying the cost of public facilities, whether payment is made directly therefor, or as a pledge against bonds, revenue certificates, or other obligations of indebtedness. In the event that a public body or public service provider does not take the steps necessary to effect disbursement of its development impact fees within five years after collection thereof, the City shall have the right to offset against such development impact fees the reasonable costs for fund management, accounting, and auditing services therefor.

E. EFFECT OF DEVELOPMENT IMPACT FEES ON ZONING AND SUBDIVISION REGULATIONS:

This Section shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements; or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other applicable regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

F. DEVELOPMENT IMPACT FEES AS ADDITIONAL AND SUPPLEMENTAL REQUIREMENT:

Development impact fees are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development or subdivision of land or the issuance of building permits. In no event shall a property owner be obligated to pay for public facilities in an amount in excess of the amount calculated pursuant to this Section; but a property owner may be required to pay, pursuant to City ordinances, regulations, or

policies, for other public facilities in addition to the development impact fees for public facilities as specified herein.

G. LAND IN LIEU OF DEVELOPMENT IMPACT FEES:

1. Prior to any preliminary plat or preliminary planned development approval (or such later time as the City Council may, in its discretion, allow), a public body or public service provider may make a request in writing to the City Council to allow for a donation of land in lieu of development impact fees related to any development. Such a request shall specifically itemize the public body's or public service provider's reasons for requesting land in lieu of development impact fees.
2. Upon receipt of a request from a public body or public service provider for land in lieu of development impact fees, the City Council shall consider and perform an analysis of such request, and make a determination thereon by resolution duly adopted. The resolution shall be based upon a review of the needs assessment on file with the City Clerk for the public body or public service provider making the request, as well as the following factors: (1) other developments occurring in the prior year within the surrounding area of the development, (2) public facilities actually constructed and servicing the surrounding area of the development, (3) changing public facility needs and capacity at existing public facilities servicing the surrounding area of the development, and (4) such other factors as the City Council may deem to be relevant.
3. Requests of land in lieu of development impact fees shall be made specifically for the construction of public facilities or expansion of public facilities on adjacent parcels.

H. PREPARATION OF NEEDS ASSESSMENTS:

Each public body and public service provider shall periodically prepare a study to assess the need for additional public facilities. The study may consist of a detailed examination or analysis of existing public facilities, service standards, and/or research regarding sites. Such study should also reflect (1) development occurring in the prior years, (2) public facilities actually constructed, (3) changing public facility needs, (4) inflation, (5) revised cost estimates for public facilities, (6) changes in the availability of other funding sources applicable to public facility projects, and (7) such other factors as may be relevant. Each public body or public service provider shall maintain on file with the City Clerk its most recent needs assessment study. In addition, the City may request, as a condition of calculating or disbursing any development impact fees from any particular residential development, that the public body or public service provider certify that the needs

assessment study on file with the City Clerk reasonably reflects such public body's or public service provider's need for public facilities. Two or more public bodies or public service providers may join together in the preparation of a needs assessment provided the assessment ultimately contains the information required under this Section for each service area served by each such public body and/or public service provider.

I. USE AND CONTENT OF NEEDS ASSESSMENT:

1. A needs assessment shall ordinarily contain the following information for each service area described in the assessment:
 - (a) An inventory of existing lands and buildings utilized by the public body or public service provider to provide services within the service area;
 - (b) An identification of the area of each building within a service area and, in the case of schools, the number of students then enrolled in each school building;
 - (c) A projection of the character of development that is expected to occur during the succeeding 10-year period that will be affecting any service area;
 - (d) An identification of the amount of lands that will be necessary for each service area in order to accommodate the demands of the projected development;
 - (e) A general description of the total building area and, in the case of schools, temporary classrooms, if any, that will be necessary for each service area in order to provide capacity for the projected development; and
 - (f) An identification of additional public facilities required to meet the demands of the projected development.

The specific contents of a needs assessment may vary depending on the nature of the needs described and intended uses of development impact fee moneys.

2. Public bodies and public service providers that complete needs assessments for the acquisition of lands shall periodically update those needs assessments and shall amend their adopted land acquisition plan based on those updated needs assessments.

J. SOURCE INFORMATION FOR POPULATION ESTIMATE VARIABLE IN IMPACT FEE FORMULAS:

1. Where applicable, calculation of required development impact fees or land dedication, as set forth in this Section, shall be made in accordance with the population density projections contained in the Table of Estimated Ultimate Population Per Dwelling Unit, as defined in this Section.
2. In the event a developer files a written objection, within ten (10) days after receiving notice of the development impact fee calculation pursuant to Subsection C(1) of this Section, to the use of the Table of Estimated Ultimate Population Per Dwelling Unit, the developer shall obtain and submit, at his or her own cost, a demographic study showing the estimated population to be generated from the residential development; and in that event, final determination of the density formula to be used in such calculations shall be made by the City Council, in its sole discretion, based upon such demographic information submitted by the developer and from other sources available to the City Council or that may be submitted to the City Council by a public body.

K. DETERMINATION OF LAND VALUE AND DISTRIBUTION OF DEVELOPMENT IMPACT FEES:

1. Determination of Land Value. Where applicable, the development impact fees for public facilities shall be based on the fair market value of an acre of land for such facilities. For purposes of this Section, the "fair market value" of an improved acre of land in and surrounding the City shall be no less than \$163,276, which amount may be adjusted from time-to-time by ordinance or resolution of the City Council. Such land value shall be used in making any calculations required in this Section unless the developer files a written objection within ten (10) days after receiving notice of the development impact fee calculation pursuant to Subsection C(1) of this Section. In the event of any such objection, the developer, at his or her own cost, shall obtain and submit an independent appraisal from an MAI designated appraiser indicating the fair market value of such improved land in the area of the proposed development. Final determination of the fair market value per acre of such land shall be made by the City Council in its sole discretion based on such information submitted by the developer and from other sources which may be submitted to the City Council by the public bodies or public service providers or others.
2. Distribution of Development Impact Fees. The development impact fee for public facilities shall be collected in accordance with Subsection C(2) of this Section and shall be used solely for public facilities of the public bodies or public service providers for which such development impact fees are designated. Subject to Subsection H of this Section, and provided the City Clerk has in his or her

possession the respective agreements and indemnities of the public bodies as required by this Section or any required statement of disbursement from public service providers (as the case may be), any development impact fees so collected and held by the City shall be forwarded from time to time to the public body or public service provider to be used in the funding of public facilities and for other purposes as permitted by law and in accordance with any applicable intergovernmental agreement.

L. CRITERIA FOR DETERMINING SCHOOL DEVELOPMENT IMPACT FEE:

The following criteria shall govern the calculation of the school development impact fee:

1. Service Area Requirement and Population Ratio. The school development impact fee shall be calculated based on the amount of land that would be required for a school site in light of the ultimate number of students to be generated by the residential development. The school development impact fee requirement shall be determined by obtaining the product of the following: (1) estimated number of students to be generated by the residential development within each school classification, as derived from the most current version of the Table of Estimated Ultimate Population per Dwelling Unit; over (2) the maximum recommended number of students to be served in each such school classification as established in this Section; times (3) the recommended number of acres for a school site of each school classification as established in this Section. The product thereof shall be the acres of land deemed needed to have sufficient school site land to serve the estimated increased number of students in each such school classification. The school site development impact fee shall be the cash amount equal to the product of the number of acres required for school site times the fair market value of land per acre ("*\$FMV*") established in Subsection K(1) of this Section.
2. School Classification and Size of School Site. School classifications and the size of school building sites within the City shall be determined in accordance with the following criteria:

School Classification by Grade	School Capacity (Students)	Acres
Elementary	578	7
Junior High	983	15
High School	1,655	80

3. School Site Development Impact Fee.

The formula for determining an impact fee for School Sites shall be as follows:

$$(EUPST/SC \times SA) \times FMV$$

Where:

- EUPST is the Estimated Ultimate Population Per Dwelling Unit for the School Type as determined by Table A
- SC is the School Capacity as shown in 2 above
- SA is the required School Acreage for a classification of school as shown in 2 above
- FMV is the Full Market Value of an acre of land as defined in Subsection K 1.

4. Location. Where land in lieu of development impact fees is requested, or required pursuant to Subsection G or R, the comprehensive plan and the standards adopted by the affected school district shall be used as guidelines in locating sites.

M. CRITERIA FOR DETERMINING LIBRARY IMPACT FEE

The following criteria shall govern the calculation of the library development impact fee. This requirement shall be determined by the cost per capita method by obtaining the quotient of the following: (1) the actual current Fiscal Year's operating costs for the library as established in the most recently completed annual audit for the library; (2) divided by the population of the City as established by the most recent federal census therefor. This number will be (3) multiplied by the estimated population generated by the residential development to be served by the library as derived from the most current version of the Table of Estimated Ultimate Population per Dwelling Unit. This derived value will represent an estimate of the impact of the proposed residential development on the library.

Formula:

$$\frac{\text{Current Fiscal Year Operating Costs}}{\text{Census Population}} = \text{Cost per new resident}$$

$$\text{Cost per new resident} \times \text{Projected new residents} \\ = \text{Library Development Impact Fee}$$

N. CRITERIA FOR DETERMINING POLICE IMPACT FEE

The following criteria shall govern the calculation of the Police development impact fee. This requirement shall be determined by the cost per capita method by obtaining the quotient of the following: (1) the actual current Fiscal Year's operating costs for the Police Department as established in the most recently completed annual audit for the City; (2) divided by the population of the City as established by the most recent federal census therefor. This number will be (3) multiplied by the estimated population generated by the residential development to be served by the Police as derived from the most current version of the Table of Estimated Ultimate Population per Dwelling Unit. This derived value will represent an estimate of the impact of the proposed residential development on Police services.

$$\frac{\text{Current Fiscal Year Operating Costs}}{\text{Census Population}} = \text{Cost per new resident}$$

$$\text{Cost per new resident} \times \text{Projected new residents} \\ = \text{Police Development Impact Fee}$$

O. CRITERIA FOR DETERMINING FIRE RESCUE IMPACT FEE

The following criteria shall govern the calculation of the Fire Rescue development impact fee. This requirement shall be determined by the cost per capita method by obtaining the quotient of the following: (1) the actual current Fiscal Year's operating costs for the Fire Rescue Department as established in the most recently completed annual audit for the City; (2) divided by the population of the City as established by the most recent federal census therefor. This number will be (3) multiplied by the estimated population generated by the residential development to be served by the fire Rescue Department as derived from the most current version of the Table of Estimated Ultimate Population per Dwelling Unit. This derived value will represent an estimate of the impact of the proposed residential development on Fire Rescue services.

Formula:

$$\frac{\text{Current Fiscal Year Operating Costs}}{\text{Census Population}} = \text{Cost per new resident}$$

$$\text{Cost per new resident} \times \text{Projected new residents} \\ = \text{Fire Rescue Development Impact Fee}$$

P. CRITERIA FOR DETERMINING PUBLIC WORKS DEPARTMENT IMPACT FEE

The following criteria shall govern the calculation of the Public Works development impact fee. This requirement shall be determined by the cost per capita method by obtaining the quotient of the following: (1) the actual current Fiscal Year's operating costs for the Public Works Department as established in the most recently completed annual audit for the City; (2) divided by the population of the City as established by the most recent federal census therefor. This number will be (3) multiplied by the estimated population generated by the residential development to be served by the Public Works department as derived from the most current version of the Table of Estimated Ultimate Population per Dwelling Unit. This derived value will represent an estimate of the impact of the proposed residential development on Public Works services.

Formula:

$$\frac{\text{Current Fiscal Year Operating Costs}}{\text{Census Population}} = \text{Cost per new resident}$$

$$\begin{aligned} &\text{Cost per new resident} \times \text{Projected new residents} \\ &= \text{Public Works Development Impact Fee} \end{aligned}$$

Q. CRITERIA FOR DETERMINING PARK IMPACT FEE:

The following criteria shall govern the calculation of the park improvement fee:

- (1) Service Area Requirement and Population Ratio. The public facilities that would be required for park purposes shall be directly related to the ultimate population to be generated by the residential development. The park impact fee requirement shall be determined by obtaining the product of the following: (1) estimated population to be served by the park system, as derived from the Table of Estimated Ultimate Population per Dwelling Unit; multiplied by (2) the ratio of minimum park acreage per additional person added; times (3) the sum of the recommended number of acres of park site for each park classification as established in this Section. The product thereof shall be the acres of land deemed needed to have sufficient park site land to serve the estimated increased population. The park site improvement fee shall be the cash amount equal to the product of the number of acres required for park site times the fair market value of land per acre ("*\$FMV*") established in Subsection K(1) of this Section.

(2) Park Acreage per Population. The National Recreation and Park Association establishes a benchmark of 10 acres of park per 1,000 people, creating a 0.01 acre of park per person:

(3) Park Development Impact Fee:
The formula for calculating shall be as follows:

$$\text{EUPDU} \times \text{AP} \times \text{FMV}$$

Where:

- EUPDU is the Estimated Ultimate Population Per Dwelling Unit found in Table B.
- AP is the ratio of minimum park acreage per additional person added in the residential development, which is the minimum park acres divided by 100 [i.e., AP = 0.01].
- FMV is the Full Market Value of an acre of land as defined in Subsection K. 1.

(4) Distributive Share. The Park Development Impact Fee moneys shall be distributed (subject to the terms of this Section) based on the following shares: (i) 60% to the Crystal Lake Park District; and (ii) 40% to the City for park and recreational purposes.

(5) Location. Where the park district requests land in lieu of its share of the development impact fees, or a land dedication for such share is required pursuant to Subsection G., the comprehensive plan shall be used as a guideline in locating sites. Factors affecting the location of required park site dedication shall include but not be limited to:

- (1) Accessibility to population served;
- (2) Existence of mature vegetation;
- (3) Proximity to permanent and seasonal waterways;
- (4) Existence of or proximity to unique topographical features; and
- (5) The value of the site as an extension of existing elements of the park system.

R. RESERVATION OF ADDITIONAL LAND:

Where land is requested in lieu of a development impact fee or in lieu of a portion of a development impact fee, and the comprehensive plan or the standards of the City call for a larger park site or school site in a particular residential development than the developer is required to dedicate, the land needed beyond the developer's dedication shall be reserved in accord with the Statutes of the State of Illinois for subsequent purchase by the City or other public body designated by the City; provided that a negotiated purchase is made within one year from the date of approval of the final plat, or an agreement between the developer and the City [or the park or school board where such board has entered into an intergovernmental agreement with the City in accordance with Subsection C.2(a) of this Section] is recorded outlining specific conditions for the conveyance of such property.

S. COMBINING WITH ADJOINING DEVELOPMENT:

Where land is requested in lieu of a development impact fee and the residential development is less than forty acres, where practical, a park site or school site should be combined with dedications from adjoining developments in order to produce a usable park site or school site without undue hardship on a particular developer.

T. GENERAL SITE STANDARDS:

The slope, topography, and geology of any dedicated site as well as its surroundings must be suitable for its intended purpose. Wetlands, stormwater detention areas, retention areas, and areas of steep slope shall not be accepted for ownership and maintenance by the City, nor shall such lands be credited against development impact fees if accepted by a school district, park district, or the City for ownership and maintenance. A creditable park site shall be not less than one acre in area.

U. SCHOOL SITE STANDARDS:

A school site shall be dedicated in a condition ready for full infrastructure improvements as required by this code, including but not limited to electrical service, water service, sanitary sewer, storm sewer and street improvements. Depending upon projected timing for the construction of school facilities, a cash contribution may be required in lieu of the sidewalk and street tree improvements. The cash contribution shall be equal to the cost of such improvements consistent with approved engineering plans and estimates of cost.

V. RULES OF CONSTRUCTION, DEFINITIONS RELATING TO SECTION A-1400:

For purposes of this Section A-1400, the following rules of construction and definitions shall apply:

- (1) The language in the text of this Section A-1400 shall be interpreted in accordance with the following rules of construction:
 - (a) The singular number includes the plural number, and the plural the singular;
 - (b) The word "shall" is mandatory; the word "may" is permissive; and
 - (c) The masculine gender includes the feminine and neuter.
- (2) The following words and phrases shall, for the purposes of this Section A-1400, have the meanings respectively ascribed to them in this subsection, except when the context otherwise indicates.
 - (a) **"Bedroom"** means any room in a dwelling unit that is designed and intended for sleeping purposes. In the absence of other means of determining the status of a room in a dwelling unit, a "bedroom" is a room that (a) is suitable for sleeping purposes, (b) is greater than 100 square feet in floor area, and (c) is not a living room, dining room, kitchen, or bathroom.
 - (b) **"Building Permit"** means the permit issued by the City for the construction, reconstruction, alteration, addition, repair, placement, removal, or demolition of or to a building or structure within the corporate limits of the City .
 - (c) **"Building Site"** means an area of land designed, intended, or used as a location for a structure.
 - (d) **"Code"** means the Crystal Lake City Code.
 - (e) **"Comprehensive Plan"** means the official plan for the development of the City adopted by the City Council.
 - (f) **"Developer"** means the person undertaking a residential development, which may, for purposes of this Section, include without limitation the owner as well as the subdivider of the land on which the development is to take place.

- (g) **"Development"** means any of the following activities occurring, or receiving required final approvals, on or after July 21, 2009:
 - (i) any subdivision of land;
 - (ii) any re-subdivision or modification of an existing subdivision;
 - (iii) any planned unit development;
 - (iv) any modification of an existing planned unit development; or
 - (v) any construction, reconstruction, alteration, addition, repair, or placement of or to a building that requires issuance of a building permit.
- (h) **"Development Agreement"** means an agreement, entered into between a developer and the City, approving and governing the project.
- (i) **"Development Impact Fee"** means a special and additional fee imposed on a parcel of property provided pursuant to the provisions of this Section.
- (j) **"Gross Acreage"** means the entire area of a parcel of real property or a building site expressed in acres or portions thereof.
- (k) **"Intergovernmental Agreement"** means an agreement to be entered into between the City and each public body, individually, that affirms each public body's acknowledgement that this Section shall control the collection and distribution of development impact fees, or land in lieu of development impact fees relating to developments, and that creates the responsibility for each public body to fully indemnify the City in connection with its administration of this Section.
- (l) **"Person"** means any individual, firm, partnership, association, corporation, organization or business, or charitable trust.
- (m) **"Planned Unit Development"** shall have the same meaning ascribed to it in the zoning code.
- (n) **"Proportionate Share"** means the cost of a public facility specifically and uniquely attributable to a development, after consideration of the generation

of additional demand from the development, and any appropriate credits for contribution of money, dedication of land, or taxes dedicated for such projects.

- (o) **Public Body:** Collectively, any school district, library, and park service provider (other than the City) having territory that is co-extensive, in whole or in part, within the City of Crystal Lake.
- (p) **"Public Facility"** means sites and facilities for providing school, library, park and open space, police, fire and emergency, and public works services that may be financed in whole or in part by the requirement of, or funds generated from, a development impact fee, as well as any other use of such development impact fee funds permitted by law.
- (q) **"Public Service Provider"** means the Parks and Recreation Department, the Police Department, the Fire Department, and the Public Works Department of the City.
- (r) **"Residential Development"** means any development, as defined in this Section, that is (a) used, or is designed or intended to be used, entirely or in part, for residential purposes, and (b) contemplates, or results in, a net increase in the number of lots, dwelling units, or bedrooms over that which previously existed on the property on which the development is, or is to be, located.
- (s) **School District:** means the following public school districts:
 - Crystal Lake Community Consolidated School District No. 47
 - Crystal Lake Community High School District No. 155
 - Woodstock Community Unit School District No. 200
 - Prairie Grove Consolidated School District No. 46

situated wholly or partially within the corporate limits of the City.

- (t) **"Service Area"** means any classification, whether geographic, functional, or otherwise, described in a public body's or public service provider's needs assessment that is used to quantify and identify public facilities required by such public body or public service provider to meet an existing or projected service standard.

- (u) **"Service Standard"** means the existing level of service delivery associated with a public facility for which a development impact fee shall be required.

- (v) **"Sites"** mean lands that are: (i) leased or owned, or to be leased or owned, by a public body or public service provider; and (ii) used, to be used, or capable of being used for any purposes of the public body or public service provider.

- (w) **"Subdivision"** shall have the meaning ascribed to it in the subdivision regulations.

TABLE A

TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT

Type of Unit	Pre-School 0-4 Years	Elementary Grades K-5 5-10 Years	Junior High Grades 6-8 11-13 Years	TOTAL Grades K-8 5-13 Years	High School Grades 9- 12 14-17 Years	Adults (18-up)	Total Per Unit
Single Family Detached							
2 Bedroom	0.133	0.136	0.048	0.184	0.020	1.700	2.017
3 Bedroom	0.292	0.369	0.173	0.542	0.184	1.881	2.899
4 Bedroom	0.418	0.530	0.298	0.828	0.360	2.158	3.764
5 Bedroom	0.283	0.345	0.248	0.593	0.300	2.594	3.770
Single Family Attached							
1 Bedroom	0.000	0.000	0.000	0.000	0.000	1.193	1.193
2 Bedroom	0.064	0.088	0.048	0.136	0.038	1.752	1.990
3 Bedroom	0.212	0.234	0.058	0.292	0.059	1.829	2.392
4 Bedroom or More	0.323	0.322	0.154	0.476	0.173	2.173	3.145
Multiple Family Dwelling and Community Residence							
Efficiency	0.000	0.000	0.000	0.000	0.000	1.294	1.294
1 Bedroom	0.000	0.002	0.001	0.003	0.001	1.754	1.758
2 Bedroom	0.047	0.086	0.042	0.128	0.046	1.693	1.914
3 Bedroom or more	0.052	0.234	0.123	0.357	0.118	2.526	3.053

TABLE B**TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT**

Single Family Detached	
2 Bedroom	2.017
3 Bedroom	2.899
4 Bedroom	3.764
5 Bedroom	3.770
Single Family Attached	
1 Bedroom	1.193
2 Bedroom	1.990
3 Bedroom	2.392
4 Bedroom or More	3.145
Multiple Family Dwelling and Community Residence	
Efficiency	1.294
1 Bedroom	1.758
2 Bedroom	1.914
3 Bedroom or more	3.053

SECTION THREE: Amendment to Section A-1500. Section A-1500, entitled “Fire/Rescue Capital facilities fees,” of Chapter 650, entitled “Unified Development Ordinance,” of the Crystal Lake City Code is hereby repealed, and said Section A-1500 shall hereafter be reserved for future use.

SECTION FOUR: Effective Date. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

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

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

Passed: November 20, 2018
Approved: November 20, 2018



Agenda Item No: 16

**City Council
Agenda Supplement**

Meeting Date: December 4, 2018

Item: Intergovernmental Agreement between the City of Crystal Lake and the Crystal Lake Park District on the indemnification of the use of Park Impact Fees.

Recommendation: Motion to adopt a resolution authorizing the City Manager to execute an intergovernmental agreement between the City of Crystal Lake and the Crystal Lake Park District for the indemnification of the use of park impact fees.

Staff Contact: Michelle Rentzsch, Director of Community Development

Background:

As defined in the Unified Development Ordinance, the City collects park impact fees from residential developers in Crystal Lake. The derivation of the fee is outlined in the UDO and the fee is collected when building permits are issued. The ordinance also specifies how the impact fees can be used. When the City collects these impact fees, the City distributes the allocated funds to the Park District.

Over the past few years, Illinois municipalities have been sued for the improper use of impact fee revenues by school and park districts. The attached agreement will protect the City by indemnifying the City in the event of any such litigation. The proposed changes to the park impact fee are anticipated in this agreement.

The agreement was authored by special counsel for the City, Vic Filippini, and was approved by Crystal Lake Park District's Board on October 11, 2018. The City Council has previously approved the same agreement between the City and Districts 47, 155, and 46.

Votes Required to Pass:

A simple majority.



The City of Crystal Lake Illinois

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be authorized to execute an intergovernmental agreement between the City of Crystal Lake and the Crystal Lake Park District for the indemnification of the use of park impact fees.

DATED at Crystal Lake, Illinois, this 4th day of December, 2018.

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
MAYOR

SEAL

ATTEST:

CITY CLERK

PASSED: December 4, 2018

APPROVED: December 4, 2018



Agenda Item No: 17

**City Council
Agenda Supplement**

Meeting Date: December 4, 2018

Item: Three Oaks Recreation Area Picnic Pavilion A Rental Deposit Recommendations

Staff Recommendation: Motion to adopt an ordinance amending Chapter 241-20 C-1 pertaining to the deposit amounts for Pavilion A of the Three Oaks Recreation Area.

Staff Contact: Eric Helm, Deputy City Manager
Nick Hammonds, Management Analyst

Background:
The 2018 season at the Three Oaks Recreation Area was very successful. Following the end of the season, City staff has reviewed the park’s operations and recommends a change to the City Code. The recommended change is a modification of the Picnic Pavilion (A) rental deposit and formally modify the City Code to reflect the proposed change.

Pavilion Rental Deposit Modifications – (Amend Chapter 241-20 C-1)
The City’s Picnic Pavilion (A) continues to be a popular amenity at Three Oaks Recreation Area. In 2018, the Picnic Pavilion (A) was reserved both on Saturday and Sunday of every weekend in June through September. City staff evaluated the billing process and recommends a flat deposit amount of \$150 for resident and non-resident groups.

Staff proposes the following table to reflect the recommended changes in the City Code.

	Three Oaks Pavilion A Deposit Structure		
Group Size	Resident	Non-Resident Off	Non-Resident Peak
1-100	\$100 \$150	\$100 \$150	\$100 \$150
101-150	\$150	\$150	\$150
151-200	\$200 \$150	\$200 \$150	\$200 \$150

The fee structure for all group sizes would remain the same. A change to the deposit is being recommended for two reasons. First, the deposit change is recommended to improve the invoice and deposit remittance process. Groups often request parking and beach tallies, where the fees for non-resident vehicles or people entering the park for the group is subtracted from the deposit. The current rental deposit of \$100 for groups of 1-100 guests, which is a majority of the rentals, often times does not cover the full expense of parking tallies and beach tallies. Finance staff currently remits invoices to guests to pay for additional non-resident fees that were not covered by the deposit. This process is time consuming and requires additional work by Finance staff to ensure that pavilion rentals are paid in full. Increasing the deposit from \$100 to \$150 will ensure that fewer separate invoices are given to customers.

Second, a flat deposit amount for each group size will improve the functionality of the online pavilion rental feature beginning in 2019. The current deposit structure of varying amounts is not compatible with the online rental features. The proposed deposit changes would assist in streamlining the online pavilion rental process and ensure that each guest is charged the accurate deposit amount.

In order to enact these changes, City staff recommends changes to City Code 241-20 C-1 regarding the existing deposit amounts.

Votes Required to Pass:

Simple majority vote of the City Council



Ord. _____
File No. _____

**ORDINANCE AMENDING THE CODE
OF THE CITY OF CRYSTAL LAKE, ILLINOIS**

WHEREAS, The City of Crystal owns and operates the Three Oaks Recreation Area; and

WHEREAS, the City desires to charge a fee for pavilion rentals that will help fund the operations and maintenance of the park.

WHEREAS, Residents and non-residents can rent out of the picnic pavilion at the Three Oaks Recreation Area; and

WHEREAS; there continues to be a high interest to rent the pavilions at the Three Oaks Recreation Area; and

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

SECTION I: That CHAPTER 241 Fees, Article 20 Three Oaks Recreation Area Fees shall be amended as follows:

§ 241-20. Three Oaks Recreation Area Fees

C. Pavilion Rental Rates

(1) Pavilion A – Picnic Grove

Number of People	Resident		Nonresident	
	Fee	Deposit	Fee	Deposit
1-100 (off)	\$110	\$150	\$200	\$150
1-100 (summer)	\$110	\$150	\$220	\$150
101-150 (off)	\$145	\$150	\$270	\$150
101-150 (summer)	\$145	\$150	\$290	\$150
151-200 (off)	\$180	\$150	\$340	\$150
151-200 (summer)	\$180	\$150	\$360	\$150

SECTION II: That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

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

DATED at Crystal Lake, Illinois this 4th day of December, 2018.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: December 4, 2018

APPROVED: December 4, 2018

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



Agenda Item No: 18

**City Council
Agenda Supplement**

Meeting Date: December 4, 2018

Item: Consultant Selection Approval for the North Main Street Improvement for Phase 2 Design Engineering.

Staff Recommendation: Motion to award the proposal for the North Main Street improvement for Phase 2 Design Engineering to the most qualified, responsible and responsive proposer, Baxter & Woodman, Inc., and adopt a Resolution authorizing the City Manager to execute an agreement with Baxter & Woodman, Inc., in the amount of \$262,200.00 and approve changes in scope by 10 percent of the original price.

Staff Contact: Abigail Wilgreen, City Engineer

Background:

The North Main Street project includes the following:

- Install a new traffic signal with other improvements at the intersection of North Main Street and Route 176,
- Resurface North Main Street from Route 176 to south of Woodstock Street,
- Upgrade water main along Route 176, east of North Main Street and along North Main Street from Route 176 to North Main Street,
- Improve vehicle sight lines at the North Main Street and Prairie Street intersection.

Construction of this project will be funded using Federal Surface Transportation Program grant funds. The City has submitted Preliminary Engineering to IDOT and is waiting for approval. The next step is for the City to engage a qualified engineering consultant to complete the Design Engineering.

Consultant Selection Process

The City sent the Request for Qualifications & Proposal (RFQ&P) directly to qualified engineering firms and the City's standard advertising practices were followed. Through this notification process, the City received five proposals.

The Engineering Division reviewed the proposals based on the consultants' qualifications and the proposed cost. The qualifications criteria considered during the review were:

- Firm Experience
- Scope of Services
- Relevant Project Examples
- References

Firm	Baxter & Woodman ¹	HR Green	Hampton, Lenzini and Renwick	V3	Civiltech
Proposal Cost	\$262,200.00	\$275,600.00	\$279,186.00	\$294,434.44	\$298,270.82

¹ Indicates the most qualified, responsible, responsive proposer

Of the five proposals received, Baxter & Woodman was deemed qualified and has the lowest overall cost, and is therefore the most qualified, responsive and responsible proposer. Baxter & Woodman is providing a knowledgeable project manager who has extensive experience with projects similar to the North Main Street improvement which are federally funded and processed through the Illinois Department of Transportation. The proposal outlined that the project manager has the training and experience to handle the project successfully. Additionally, Baxter & Woodman recently completed the Design Engineering for the Route 14 and Virginia Intersection Improvement, and their performance was very satisfactory.

Based on the proposals received and the experience and qualifications noted, it is the recommendation of the Engineering Division to select Baxter & Woodman to perform the North Main Street Phase 2 Design Engineering.

The City has budgeted for this project and has sufficient reserves in its MFT fund for the Phase 2 Design Engineering.

Votes Required to Pass:

A simple majority.



The City of Crystal Lake Illinois

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be authorized to execute an agreement with Baxter & Woodman, Inc. for the North Main Street Improvement Design Engineering in the amount of \$262,200.00. The City Manager is additionally authorized to approve up to 10 percent in justifiable contract amendments from a contingency allowance.

DATED at Crystal Lake, Illinois, this 4th day of December, 2018.

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
MAYOR

SEAL

ATTEST:

CITY CLERK

PASSED: December 4, 2018

APPROVED: December 4, 2018



Agenda Item No: 19

**City Council
Agenda Supplement**

Meeting Date: December 4, 2018

Item: Appropriation of MFT funds for the North Main Street Improvement.

Staff Recommendation: Motion to adopt a Resolution appropriating \$288,500.00 in MFT funds for the North Main Street Improvement Phase 2 Design Engineering Services.

Staff Contact: Abigail Wilgreen, City Engineer

Background:

It is recommended that the City Council appropriate \$288,500.00 in Motor Fuel Tax (MFT) funds for the North Main Street Improvement. This appropriation is for the Phase 2 Design Engineering consulting services.

Any funds that are obligated and not spent will be returned to the City's unobligated balance once the project is complete. The City has sufficient reserves in its MFT fund for the construction and this project has been included in the FY 2018-2019 budget.

Votes Required to Pass:

A simple majority.



Agenda Item No: 20

**City Council
Agenda Supplement**

Meeting Date: December 4, 2018

Item: Water Treatment Chemicals Bid Award

Staff Recommendation: Motion to award the bid to the lowest responsive and responsible bidder for Liquid Hydrofluosilicic Acid and Ortho Poly Phosphate to Hawkins Inc. and Chlorine to Alexander Chemical, and adopt a Resolution authorizing the City Manager to execute a one-year contract with an option for an additional year with Hawkins Inc. and execute a one-year contract with Alexander Chemical in the submitted bid amounts.

Staff Contact: Michael Magnuson, Director of Public Works

Background:

On November 14, 2018, the City of Crystal Lake publicly opened and read aloud the bids received for purchasing water treatment chemicals. These chemicals are used at the City's five water treatment plants to comply with drinking water standards.

The following is a breakdown of the bids received:

	Hawkins	Alexander	Carus Corp	Univar	Shannon
Base Year 2019					
Liquid Hydrofluosilicic Acid (Gal.)	3.32✓	No Bid	\$3.4505	\$4.5000	\$5.3300
Ortho Poly Phosphate (Gal.)	4.77✓	No Bid	\$4.8450	No Bid	\$8.7700
Chlorine Gas (Lb.)	\$0.3950	0.319✓	No Bid	No Bid	No Bid
Optional Year 2020					
Liquid Hydrofluosilicic Acid (Gal.)	\$3.3400	No Bid	\$3.4505	No Bid	\$5.9300
Ortho Poly Phosphate (Gal.)	\$4.7900	No Bid	\$4.8450	No Bid	\$9.7700
Chlorine Gas (Lb.)	\$0.4050	No Bid	No Bid	No Bid	No Bid

✓ Indicates recommended lowest responsible, responsive bidder.

Discussion:

Hawkins, Inc. submitted the lowest bid price for Liquid Hydrofluosilicic Acid and Ortho Poly Phosphate, while Alexander Chemical provided the lowest bid price for Chlorine Gas. The delivery of these chemicals will begin in 2019.

Recommendation:

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. The City has worked with both vendors previously. It is staff's recommendation to award a one-year contract with an option for an additional year with Hawkins, Inc. for Liquid Hydrofluosilicic Acid and Ortho Poly Phosphate, and award a one year contract with Alexander Chemical for Chlorine Gas in the submitted bid amounts.

Votes Required to Pass:

Simple Majority



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 one-year contract with an option for an additional year with Hawkins Inc. for Liquid Hydrofluosilicic Acid and Ortho Poly Phosphate and a one-year contract with Alexander Chemical for Chlorine Gas in the submitted bid amounts.

DATED this 4th day of December, 2018.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: December 4, 2018

APPROVED: December 4, 2018