



**CITY OF CRYSTAL LAKE**  
**AGENDA**  
**CITY COUNCIL**  
**REGULAR MEETING**  
City of Crystal Lake  
100 West Woodstock Street, Crystal Lake, IL  
City Council Chambers  
May 21, 2019  
7:30 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes – May 7, 2019 Regular City Council Meeting**
5. **Amending of May 15, 2018 and June 5, 2018 Regular City Council Meeting Minutes**
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. **1050 North Shore Drive, Moe-B-Dick's North Shore Pub, Special Event Request to allow a washer tournament**
  - b. **Unified Development Ordinance (UDO) Text Amendments – Referral to the June 5, 2019 Planning & Zoning Commission Meeting for review and consideration**
  - c. **2411 Country Club Road, County Zoning Request**
11. **City Code Amendment to Increase Number of Class 9 Liquor Licenses from 5 to 6 – Blazin Wings, Inc, DBA Buffalo Wild Wings, 5575 Northwest Highway**
12. **45 W. Franklin, Crystal Lake Central High School, High School District 155 – Special Use Permit to allow for an accessory structure over 900 feet in area**
13. **975 Nimco Drive, Unit D – Alternative Use Permit to allow for an axe-throwing lounge, an All Other Amusement & Recreation Use**
14. **Public Highway At-Grade Crossing Agreements with Union Pacific Railroad – Crystal Lake Avenue at Main Street Improvement**
15. **Appropriation of MFT funds for the railroad crossing improvements for the Main Street and Crystal Lake Avenue Intersection Improvements**

- 16. Stormwater Solutions: Purchasing of various materials and contractor assistance and waiving of the formal bidding process as defined by Chapter 102-3 of the City Code and authorizing the approval of individual purchases to the lowest responsible and responsive proposers**
- 17. Council Inquiries and Requests**
- 18. 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**
- 19. Reconvene to Regular Session**
- 20. 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: 10a**

**City Council  
Agenda Supplement**

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<b><u>Meeting Date:</u></b>	May 21, 2019
<b><u>Item:</u></b>	Moe-B-Dick's North Shore Pub Special Event request to allow a washer tournament.
<b><u>Recommendation:</u></b>	Motion to approve the issuance of a Special Event for Moe-B-Dick's North Shore Pub to allow a Washer Tournament, pursuant to the recommended conditions below.
<b><u>Staff Contact:</u></b>	Michelle Rentzsch, Director of Community Development

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**Background:** Moe-B-Dick's (1050 North Shore Drive) has applied for a Special Event to allow a washer tournament to take place in the backyard of the subject property. This event has been approved annually since 2004.

The applicant is requesting permission to allow a washer tournament, which is an outdoor game similar to horseshoes, in the backyard of the Moe-B-Dick's property. The applicant would like permission to have the tournaments take place on Saturday, June 8, 2019, Saturday, August 3, 2019, and Saturday, September 7, 2019, from noon until 8:00 p.m.

In addition, the applicant is requesting permission to allow the tournament players to purchase alcohol inside of the bar and bring the beverages outside of the building to the backyard during the washer games. Please note the following information relative to the applicant's liquor license:

- Moe-B-Dick's Class "1" liquor license allows the retail sale of alcoholic liquor for consumption on the premises, interior only, as well as the retail sale of alcoholic liquor in the original package. Their license does not permit alcohol to be sold or served in an outside area.
- Moe-B-Dick's is located in a residential area. As this bar pre-existed the current liquor code, it is allowed to sell and serve alcohol in a predominantly residential section of the City.

If approved, the following conditions are recommended:

- 1) The approval is valid from noon to 8:00 p.m. on Saturday, June 8, 2019, Saturday, August 3, 2019, and Saturday, September 7, 2019.

- 2) This event must remain within the confines of the subject property only. No alcoholic beverages are allowed in any other area than the subject property and the backyard area where the games will be held.
- 3) Area roads must allow a minimum of 20 feet of access for fire apparatus. Parking is allowed on one side of the street only and signs must be posted near the event. Work with the Police Department to determine the location of the no parking zones.
- 4) Fire hydrants in the area must not be blocked by parking and signs posted.
- 5) Any junk or debris that may be created by the event must be cleaned up on a continuing basis.
- 6) Any other permits or requests for signs must be made through the Building Division.
- 7) The outdoor portion of the event in the backyard of the property must be separated from the adjacent lots by a temporary fence in order to maintain separation between patrons and the surrounding residential neighborhood.
- 8) The event and its associated customer parking must not interfere with any accessible parking spaces, emergency access (fire lanes), fire hydrants, or privately owned driveways.

The applicant has been made aware of these recommended conditions and advised to attend the May 21, 2019, City Council meeting to answer any questions.

**Votes Required to Pass:** A simple majority vote.



**Agenda Item No: 10c**

**City Council  
Agenda Supplement**

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**Meeting Date:**

May 21, 2019

**Item:**

COUNTY ZONING REQUEST  
2411 Country Club LLC  
2411 Country Club Rd, Woodstock, IL

**Recommendation:**

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

**Staff Contact:**

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

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**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 subject property is approximately 0.96 miles from the city boundary.
- The property in question consists of approximately 38.5 acres and is zoned "A-1" Agricultural District. The property is currently a single-family residential home and a commercial horse stable.

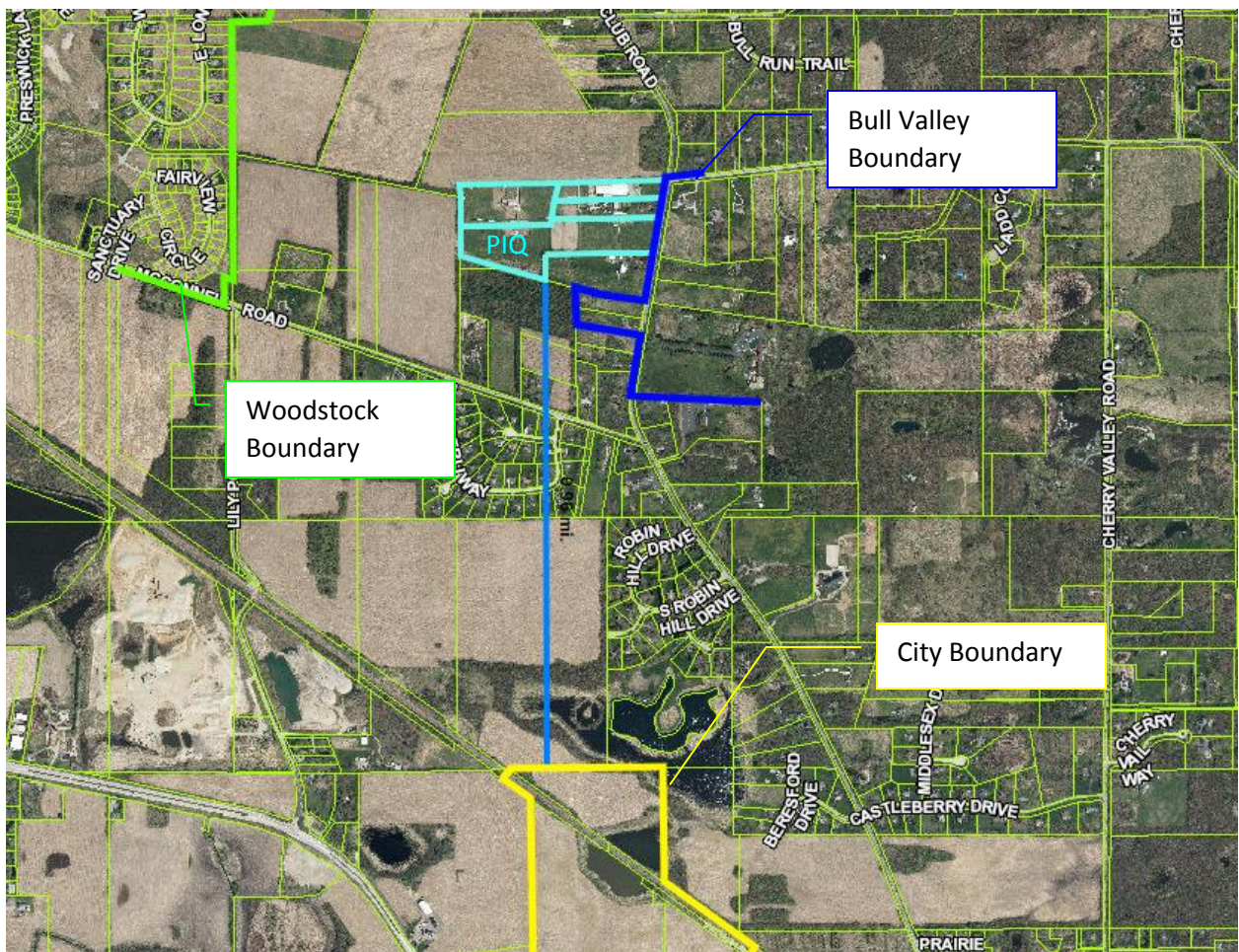
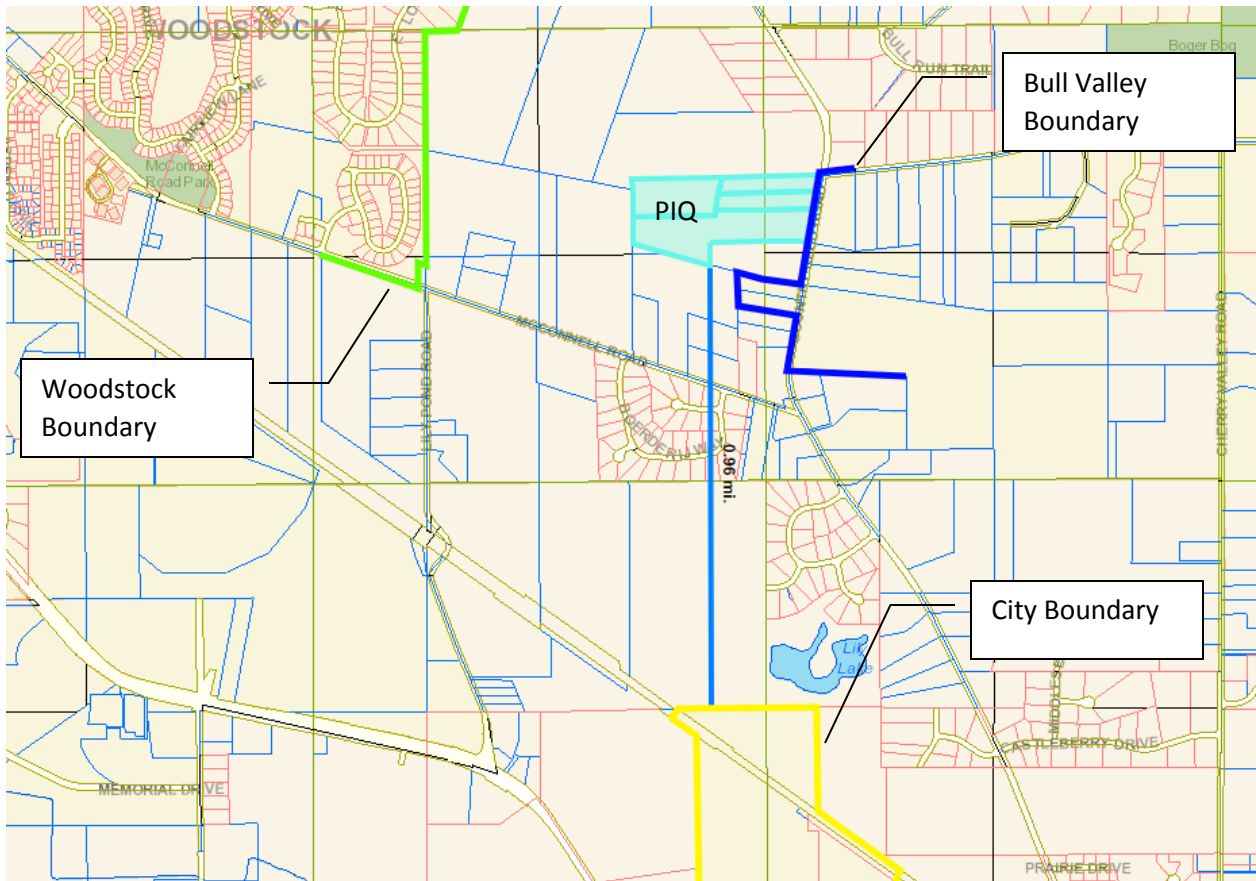
**Request:**

- The petitioner is requesting a rezoning to E-5 Estate District from the A-1 Agriculture District.
- The E-5 Estate District is intended for single-family residential properties that are a minimum of 5-acres. The E-5 zoning district is more restrictive than A-1 for permitted land uses.
- The McHenry County 2030 Comprehensive Plan designates the subject property as the Estate land use category.
- The property is not within the Crystal Lake Watershed and staff has no concerns with this request.

**Votes Required to Pass:**

A simple majority.

PIQ Map – County Zoning Request – 2411 Country Club Rd, Woodstock





**Agenda Item No: 11**

**City Council  
Agenda Supplement**

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**Meeting Date:**

May 21, 2019

**Item:**

City Code Amendment to Increase the Number of Class 9 Liquor Licenses – Applicant: Blazin Wings, Inc.

**Staff Recommendation:**

Motion to adopt an ordinance increasing the number of Class 9 liquor licenses from the currently permitted 5 licenses to 6 licenses, in order to allow for the issuance of a new Class 9 liquor license to Blazin Wings, Inc., who is purchasing the property from the current franchisee of Buffalo Wild Wings, located at 5755 Northwest Highway.

**Staff Contact:**

Eric T. Helm, Deputy City Manager

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**Background:**

Blazin Wings, Inc. is purchasing Buffalo Wild Wings, located at 5575 Northwest Highway from the current franchisee. Since the current license was issued to the current franchisee, the liquor license will be surrendered and the number of Class 9 liquor licenses will be reduced automatically from 6 to 5.

As licenses are non-transferable, thus Blazin Wings, Inc. is requesting the City Council to approve an increase in the number of Class 9 licenses to allow for the continuous operation of the business at Buffalo Wild Wings, 5755 Northwest Highway. No other changes are being made to the license.

The City code authorizes the retail sale, on the premises specified, of alcoholic liquor, for consumption, on the premises as well as the retail sale of alcoholic liquor in the original package between the hours of 11:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 11:00 a.m. and 2:00 a.m. Friday and Saturday; and 10:00 a.m. on Sunday and 1:00 a.m. on Monday. A Class A type restaurant may be located on the premises. For the purposes of this license, premises shall include not only the interior of any building or structure but also an open unroofed area immediately contiguous to the building or structure where alcoholic beverages are served or consumed.

329-5-I-(1) Any open unroofed area in which alcoholic beverages are served or consumed pursuant to this license shall conform to the following:



- (a) The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.
- (b) The open unroofed area shall be no greater than one-half the other floor space of the licensed premises.
- (c) The open unroofed area shall have a maximum capacity as defined by the Liquor Commissioner which shall be separately posted at the entrance to the open unroofed area.
- (d) Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Liquor Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the city regarding vision, clearance and required distances from corners.
- (e) All electrical wiring shall comply with the codes of the City.
- (f) All combustible rubbish shall be stored in a non-combustible container and the license holder shall be responsible for keeping the area in a clean and sightly condition.
- (g) The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.
- (h) The license holder shall be responsible for preventing violations of this chapter.
- (i) No open unroofed area where alcoholic beverages are served pursuant to this license shall be permitted within 100 feet of land zoned for residential purposes.

The annual fee for such license shall be the sum of \$1,825.

The applicant has submitted all of the necessary paperwork. A fingerprint/background search is pending for corporate officers.

The following conditions must be met prior to the license being issued:

- Successful Completion of Background Checks
- Payment of Prorated License Fee
- Surety Bond - \$1,000 Payable to the City of Crystal Lake
- Proof of Liquor Liability Insurance
- Proof of Ownership
- Copy of Certificate of Occupancy

The following establishments currently hold Class 9 Liquor Licenses.



<u>Name</u>	<u>Address</u>	<u>Zoning</u>
Buffalo Wild Wings Grill & Bar	5755 Northwest Highway	"B-2"
Crystal Lake Rib House	5111 Terra Cotta	"B-2 PUD"
Finn McCools	72 N. Williams Street	"B-4"
Fire Bar and Grill	435 Angela Lane	"B-2"
Labemi's Tavern	109 N. Main Street	"B-4"
Reclaimed – Grounds	82 Railroad Street	"B-4"

The attached ordinance approves an increase in the number of Class 9 liquor licenses in order to allow the owner of Buffalo Wild Wings to continue to operate under a new license. This ordinance is expressly made subject to the voluntary surrender of the existing liquor license by the current license holder.

**Votes Required to Pass:**

Simple majority



**The City of Crystal Lake**

**AN ORDINANCE AMENDING THE CODE  
OF THE CITY OF CRYSTAL LAKE**

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 CHAPTER 329 LIQUOR LICENSES Section 329-6 Limitations on licenses shall be as follows:

1. Class 9 License shall be increased from 5 to 6.

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 21st day of May, 2019.

City of Crystal Lake, an  
Illinois municipal corporation

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Aaron T. Shepley, Mayor

SEAL

ATTEST

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CITY CLERK

PASSED: May 21, 2019  
APPROVED: May 21, 2019



**Agenda Item No: 12**

**City Council  
Agenda Supplement**

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<b><u>Meeting Date:</u></b>	May 21, 2019
<b><u>Item:</u></b>	REPORT OF THE PLANNING & ZONING COMMISSION  Central High School
<b><u>Request:</u></b>	Special Use Permit for an accessory structure over 900 square feet in area.
<b><u>Petitioner:</u></b>	Jeff Daurer, District 155, petitioner 45 W. Franklin Avenue
<b><u>PZC Recommendations:</u></b>	Motion to approve the PZC recommendations and adopt an ordinance granting the Special Use Permit for an accessory structure at 45 W. Franklin Avenue, subject to the recommended conditions.
<b><u>Staff Contact:</u></b>	Michelle Rentzsch, Director of Community Development Elizabeth Maxwell, City Planner

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**Background:**

- Central High School's central location for all four high schools within District 155 makes it the ideal location for the storage shed. The shed would house maintenance equipment, such as lawnmowers, snow plow blades, bags of salt, and similar items. There would also be a small office for staff.
- Accessory structures over 900 square feet are required to obtain a Special Use Permit. The structure would be 3,680 square feet.

**PZC Highlights:**

- **During the meeting, the PZC added two recommended conditions to their approval. The school district is not supportive of Condition #4, which states "Include motion detection lighting on the building." With the numerous deer that frequent the area and the adjacent residences, motion sensing lighting could cause a significant problem. For these reasons, they are requesting that this condition be removed.**

- There were two members of the public present, which discussed their concerns with the roadway/path to the storage building as another means for people to access the ball fields with their cars. The school district has agreed to provide a gate to limit access.
- The PZC was supportive of the request for the Special Use Permit and found that the request met the Findings of Fact.

**PZC Vote:**

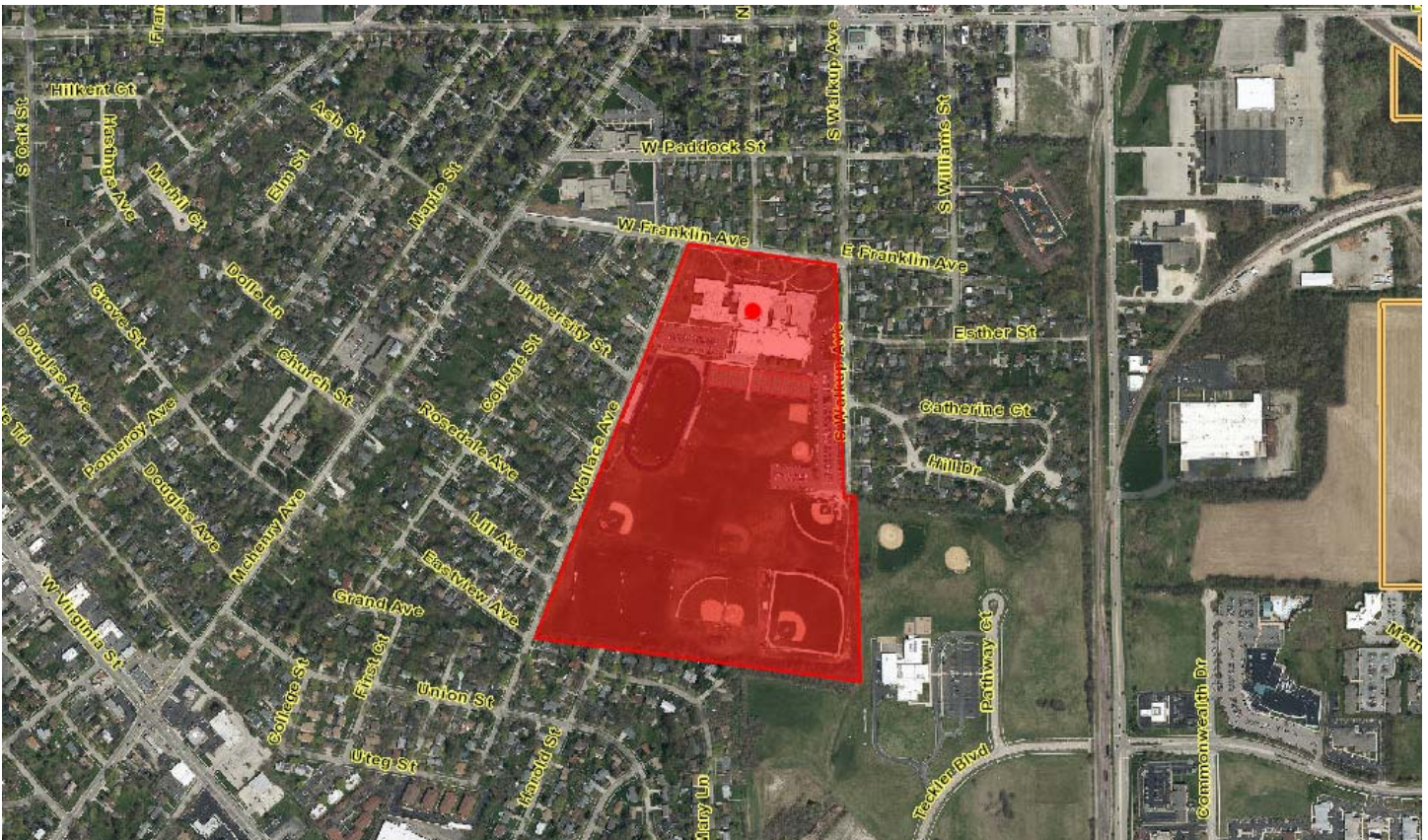
The PZC recommended **approval (7-0)** of the petitioner’s request for a Special Use Permit with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (School, received 02/26/19)
  - B. Architecture Plans (FGM Architects, dated 02/27/19, received 02/26/19)
  - C. Engineering Plans (FGM Architects, dated 02/27/19, received 02/26/19)
  - D. Landscape Plan (FGM Architects, dated 02/27/19, received 02/26/19)
  - E. Plat of Survey (Marchese and Sons, Inc., dated 12/29/14, received 02/26/19)
2. The petitioner must address all of the review comments and requirements of the Community Development, Fire Rescue, Police, and Public Works Departments.
3. **Work with staff to provide restricted access to the roadway/path. (Added by PZC)**
4. **~~Include motion detection lighting on the building.~~ (Added by PZC, not agreed to by the Petitioner.)**

**Votes Required to Pass:** A simple majority.



PLN-2019-00026 CRYSTAL LAKE CENTRAL HIGH SCHOOL (DIST 155) – 45 W FRANKLIN AVE.





**The City of Crystal Lake Illinois**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT**  
**AT 45 W. FRANKLIN STREET**

WHEREAS, pursuant to the terms of a Petition (File #PLN-2019-26) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of a Special Use Permit to allow an accessory structure over 900 square feet in area for the property located at 45 W. Franklin Street; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on April 12, 2019 in the Northwest Herald, held a public hearing at 7:30 p.m., on May 1, 2019 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed Special Use Permit; and

WHEREAS, on May 1, 2019, 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 be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #PLN-2019-26, dated as of May 2, 2019; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Special Use Permit 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 be issued to allow an accessory structure over 900 square feet in area for the property commonly known as 45 W. Franklin Street (19-06-254-004, 19-06-254-005, 19-06-401-009), Crystal Lake, Illinois.

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

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:

- A. Application (School, received 02/26/19)
  - B. Architecture Plans (FGM Architects, dated 02/27/19, received 02/26/19)
  - C. Engineering Plans (FGM Architects, dated 02/27/19, received 02/26/19)
  - D. Landscape Plan (FGM Architects, dated 02/27/19, received 02/26/19)
  - E. Plat of Survey (Marchese and Sons, Inc., dated 12/29/14, received 02/26/19)
2. The petitioner must address all of the review comments and requirements of the Community Development, Fire Rescue, Police, and Public Works Departments.
  3. Work with staff to provide restricted access to the roadway/path.

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 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 21st day of May, 2019.

City of Crystal Lake, an  
Illinois municipal corporation

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Aaron T. Shepley, Mayor

SEAL

ATTEST:

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Nick Kachiroubas, City Clerk

Passed: May 21, 2019  
Approved: May 21, 2019





**Agenda Item No: 13**

**City Council  
Agenda Supplement**

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**Meeting Date:**

May 21, 2019

**Item:**

REPORT OF THE PLANNING & ZONING COMMISSION  
Axe Throwing Lounge – Alternative Use Permit

**Request:**

Alternative Use Permit to allow an axe throwing lounge, an All Other Amusement & Recreation use at 975 Nimco Drive.

**Petitioner:**

Angelo Douros, petitioner

**PZC Recommendation:**

To approve the PZC recommendation and adopt an ordinance granting the Alternative Use Permit for an axe throwing lounge at 975 Nimco Drive.

**Staff Contact:**

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

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**Background:**

- The building is an existing industrial building. The unit is vacant and there are a variety of business uses in the building.
- The petitioner was looking for a space to locate in town. The petitioner believes the subject property is ideal for the use because of the open floor plan. The proposed business is also a destination use and does not require visibility from a major roadway.

**Alternative Use Permit:**

- The site is currently zoned M – Manufacturing. This zoning district does not permit All Other Amusement & Recreation uses, as defined by the UDO, but the ordinance allows for Alternative Uses in the manufacturing zoning district.
- Alternative Uses are intended to allow flexibility in the use of land or structures in the M-L and M zoning districts. The Alternative Use approval is valid for three years, unless an extension is granted. The intent of the three-year timeframe is to allow the use to operate so it can be determined if it would be acceptable to amend the UDO to allow the specific use in the M-L and M zoning district by right or specially permitted.
- Similar commercial recreation uses are either permitted or specially permitted in the M – Manufacturing zoning district. Physical fitness facilities are a permitted use and mini golf, batting cages, and ice rinks are specially permitted.

### **Proposed Axe Throwing Lounge:**

- The proposed space is 3,100 square feet. The petitioner is proposing to have a front waiting room for customers to check-in and the activity would take place in the rear warehouse portion of the unit.
- The axe throwing takes place in caged areas, similar to batting cages. Groups rent a cage and receive a tutorial on how to throw the axes. There is a proposed seating area in the middle of the room for the people who are not participating in the axe throwing, so they can watch with their group.
- No alcohol would be allowed on-site. The petitioner may provide vending machines for snack food and nonalcoholic beverages.

### **PZC Highlights:**

- The PZC raised concerns with safety within the axe throwing area. The petitioner stated the following:
  - No alcohol would be permitted on-site and staff will be trained to see the signs of impairment.
  - Woodchips would be used in the throwing cages as a flooring material, which stops the axes from bouncing.
  - Fencing along the rear of the cage would be installed as an added protection for spectators.
  - There would be at least two employees in the axe throwing area at all times.
- The PZC Chairman presented additional requirements for the proposed use. The petitioner agreed to review the requirements with city staff and present an operations plan to the City Council (recommended condition 5). A copy of the operations plan is attached to this report and was added to the recommended conditions as 1C.
- The PZC felt that the Findings of Fact had been met.

The PZC recommended **approval (5-2)** 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 (Douros, dated 04/08/19, received 04/08/19)
  - B. Floor Plan (Douros, received 04/08/19)
  - C. Operations Plan (Douros, received 05/14/19)**
2. The Alternative Use Permit is approved for the proposed axe throwing lounge only and only as illustrated on the attached plans. Any expansion of the use would require review and amendment of this Alternative Use Permit.
3. The Alternative Use Permit is valid for three years and would expire May 21, 2022.

4. The petitioner shall address all of the review comments and requirements of the Community Development and Fire Rescue Departments.
5. **The petitioner shall work with staff to refine their plan of operation to be presented to the City Council.** (Added by PZC)

**Votes Required to Pass:** A simple majority.



**The City of Crystal Lake Illinois**

**AN ORDINANCE GRANTING AN ALTERIVE USE PERMIT  
AT 975 NIMCO DRIVE UNIT D**

WHEREAS, pursuant to the terms of a Petition (File #PLN-2019-00061) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of an Alternative Use Permit to allow an axe throwing lounge, an All Other Amusement & Recreation use for the property located at 975 Nimco Drive Unit D; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on April 12, 2019 in the Northwest Herald, held a public hearing at 7:30 p.m., on May 1, 2019 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed Special Use Permit; and

WHEREAS, on May 1, 2019, 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 be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #PLN-2019-00061, dated as of May 2, 2019; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Alternative Use Permit 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 an Alternative Use Permit be issued to allow an axe throwing lounge, an All Other Amusement & Recreation use for the property commonly known as 975 Nimco Drive Unit D (19-10-357-009), Crystal Lake, Illinois.

Section II: Said Alternative Use is issued with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:

- A. Application (Douros, dated 04/08/19, received 04/08/19)
  - B. Floor Plan (Douros, received 04/08/19)
  - C. Operations Plan (Douros, received 05/14/19)
2. The Alternative Use Permit is approved for the proposed axe throwing lounge only and only as illustrated on the attached plans. Any expansion of the use would require review and amendment of this Alternative Use Permit.
  3. The Alternative Use Permit is valid for three years and would expire May 21, 2022.
  4. The petitioner shall address all of the review comments and requirements of the Community Development and Fire Rescue Departments.
  5. The petitioner shall work with staff to refine their plan of operation to be presented to the City Council.

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 an Alternative Use Permit 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 21st day of May, 2019.

City of Crystal Lake, an  
Illinois municipal corporation

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Aaron T. Shepley, Mayor

SEAL

ATTEST:

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Nick Kachiroubas, City Clerk

Passed: May 21, 2019

Approved: May 21, 2019



## Agenda Item No: 14

### City Council Agenda Supplement

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**Meeting Date:** May 21, 2019

**Item:** Public Highway At-Grade Crossing Agreements with the Union Pacific Railroad Company for the Crystal Lake Avenue at Main Street Intersection Improvement

**Staff Recommendation:** Motion to adopt a resolution authorizing the City Manager to execute three Public Highway At-Grade Crossing Agreements with the Union Pacific Railroad Company and provide payment to the Union Pacific Railroad Company in the lump sum amount of \$16,800 and provide payment to the Illinois Department of Transportation for 10 percent of the project costs for the work at the railroad crossings AAR/DOT #176970T, #178801M, #178799N due to the improvement of the intersection of Crystal Lake Avenue and Main Street.

**Staff Contact:** Abigail Wilgreen, City Engineer

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**Background:**

The intersection improvement to Crystal Lake Avenue and Main Street consists of widening and resurfacing of the intersection, the installation of a permanent traffic signal, intersection lighting, streetscaping elements, and a barrier median on the west side of the tracks at the eastern end of Crystal Lake Avenue to mirror the median on the east side of the tracks. The project also includes the relocation of existing railroad posts/gates to accommodate the widening of the roadways.

To facilitate the roadway improvements, work is required at the three existing railroad crossings within the limits of the intersection improvement. The Union Pacific Railroad Company (Railroad) requires a Public At-Grade Crossing Agreement be executed with the City for each existing railroad crossing. The agreements outline the construction and maintenance responsibilities of the City and Railroad. A 'Railroad Grants Right' fee is required for each crossing agreement for a total of \$16,800.

The necessary work at each location to facilitate the intersection improvements includes:

*178799N (Crossing on Main Street)*  
 Reconstruction and widening of the crossing including installation of two road gates, moving and upgrading cantilevers, replacing asphalt, relocating new cantilevers and interconnection of railroad signals.

*178801M (Crossing on Crystal Lake Avenue, just east of intersection)*  
 Installation of two road gates, one cantilever, interconnection of railroad signals with traffic signal and replacing signal cabinet.

*176970T (Crossing on Crystal Lake Avenue at east end of project limits)*  
 Installation of two pedestrian gates and relocating one road gate on the south side of Crystal Lake Avenue.

The cost of the improvements will be completed by the Union Pacific Railroad Company with 90% of the funding for the work being provided by the Illinois Department of Transportation through the Grade Crossing Protection Fund (GCPF) and as outlined in the State of Illinois, Illinois Commerce Commission Order dated May 7, 2019. A division of cost table is included in the Order and summarized below:



IMPROVEMENT	EST. COST	GCPF	RAILROAD	CITY	IDOT
AAR/DOT #178799N	\$266,582	(90%) \$239,923.80	(0%) \$0.00	(10%) \$26,658.20	(0%) \$0
AAR/DOT #178801M	\$378,909	(90%) \$341,018.10	(0%) \$0	(10%) \$37,890.90	(0%) \$0
AAR/DOT #176970T	\$169,605	(90%) \$148,144.50 (Minus cost of relocation)	(0%) \$0	(\$5,000 +10%) \$21,460.50	(0%) \$0
<b>TOTALS</b>	<b>\$815,096.00</b>	<b>\$ 729,086.40</b>	<b>\$0</b>	<b>\$ 86,009.60</b>	<b>\$0</b>

The agreement has been reviewed by legal counsel and no concerns were reported to staff.

**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 three Public Highway At-Grade Crossing Agreements between the City of Crystal Lake and the Union Pacific Railroad Company, provide payment to the Union Pacific Railroad Company in the lump sum amount of \$16,800 and provide payment to the Illinois Department of Transportation for 10 percent of the project costs for the work at the railroad crossings AAR/DOT #176970T, #178801M, #178799N due to the improvement of the intersection of Crystal Lake Avenue and Main Street.

**DATED** this 21<sup>st</sup> day of May, 2019.

CITY OF CRYSTAL LAKE, an Illinois  
Municipal Corporation

BY: \_\_\_\_\_  
AARON T. SHEPLEY, MAYOR

SEAL

ATTEST:

\_\_\_\_\_  
NICK KACHIROUBAS, CITY CLERK

PASSED: May 21, 2019

APPROVED: May 21, 2019



**Agenda Item No: 15**

**City Council  
Agenda Supplement**

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**Meeting Date:** May 21, 2019

**Item:** Appropriation of MFT funds for the railroad crossing improvements for the Main Street and Crystal Lake Avenue Intersection Improvements.

**Staff Recommendation:** Motion to adopt a resolution appropriating \$86,100 in MFT funds for the railroad crossing improvements for the Main Street and Crystal Lake Avenue Intersection Improvements.

**Staff Contact:** Abigail Wilgreen, City Engineer

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**Background:**

It is recommended that the City Council appropriate \$86,100 in Motor Fuel Tax (MFT) funds for the railroad crossing improvements for the Main Street and Crystal Lake Avenue Intersection Improvement. This appropriation is for the City's share of the railroad crossing improvements performed by the Union Pacific Railroad Company.

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 this expenditure. The improvement is budgeted in the FY 2019/2020 budget using MFT funds.

**Votes Required to Pass:**

A simple majority vote.



## Agenda Item No: 16

### City Council Agenda Supplement

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**Meeting Date:**

May 21, 2019

**Item:**

Stormwater Solutions: Purchasing of various materials and contractor assistance and waiving of the formal bidding process as defined by Chapter 102-3 of the City Code.

**Staff Recommendation:**

Motion to waive the formal bidding requirements of Chapter 102-3 of the City Code and to authorize the City Manager to approve individual purchases to the lowest responsible and responsive proposers for the Thornwood Lane Drainage Project for a total project cost of \$48,470.93 with a 10 percent contingency for unforeseen conditions.

**Staff Contact:**

Michael Magnuson, P.E., Director of Public Works

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**Background:**

The City has been working with the residents along the north side of Thornwood Lane between Honeysuckle Lane and Holly Drive to reduce flooding by capturing runoff from the City's right of way and conveying it to the recently improved Honeysuckle Lane storm sewer. This project has been discussed on several occasions and has had several public meetings. The project consists of the installation of a ditch and sections of storm sewer. The project will have the added benefit of replacing a section of the old Crystal Lake Drainage district tile under Thornwood Lane, thus relieving the City of future maintenance concerns and costs associated with the old tile.

The Public Works Department will be constructing this project with its in-house forces and the assistance of a contractor for excavating and trucking. In order to construct the project, Public Works will have to purchase materials (storm sewer, drainage structures, asphalt, topsoil, etc.) from various vendors. The purchase of the materials from various vendors and the solicitation of contractor assistance (excavation and trucking) must be completed in accordance with Chapter 102-3 of the City Code whereby multiple written quotes from vendors have been solicited and the lowest price vendor selected. The total estimate cost of the materials when combined with the cost of the contractor will exceed the \$25,000 threshold of Chapter 102-3, Section (c) "Small Purchases. Chapter 102-3 states *"Any purchase or contract for purchase for which the total price is \$25,000 or more is not a small purchase and may not be classified as a small purchase merely by making the purchases in installments or otherwise dividing the purchase."*

Although the City Code provides a formal process for competitive sealed bids when the total cost exceeds the \$25,000 threshold, given the unique nature of the overall project including labor provided by City Public Works employees and supplies and labor from other providers,

competitive bidding of the project as a whole is not feasible. Vendors for gravel do not provide storm sewer structures. Asphalt suppliers do not provide storm sewer pipe, etc. Nonetheless, City Staff obtained competitive quotes from the various providers necessary to assist the Public Works staff to complete this project. When this issue was first brought before the City Council only four council members and the Mayor were present to consider the issue. Given the importance of this project, Staff recommends that this matter be brought for consideration by the full City Council with the understanding that multiple bids were obtained for this project.

The estimated total cost for the project is \$48,470.93. The costs of these various materials and contractor assistance is detailed below:

**Excavation Assistance (Est. 60 hours):**

Vendor	Estimate Cost
√ <b>E. Carlson</b>	<b>\$17,300</b>
Neri	\$24,500
McHenry Excavating	\$23,500

**Various Material Purchases**

Category: Storm sewer pipe, end sections, frame and grates

Vendor	Estimate Cost
√ <b>Core and Main</b>	<b>\$23,268.43</b>
J. Foreman	\$31,724.80
Mid American Water	\$31,651.00

Category: Drainage Structures

Vendor	Estimate Cost
√ <b>Concrete Specialties</b>	<b>\$3,480.00</b>
Great Lakes Concrete	\$5,164.60
Vollmar Clay Products	\$3,699.00

Category: Asphalt (68 tons)

Vendor	Cost per Ton	Estimate Cost
√ <b>Curran, McHenry</b>	<b>\$50.00</b>	<b>\$3,400</b>
Allied, Huntley	\$54.50	\$3,706
Geske, Crystal Lake	\$60.00	\$4,080

Category: Erosion control materials including seed, silt fence, and straw blanket

Vendor	Estimate Cost
√ <b>Conserve F/S</b>	<b>\$727.00</b>
Midwest Const. Products	\$746.00
Foxcroft Meadows	\$1,130.00

Category: Topsoil (1 truckload delivered)

Vendor	Estimate Cost
√ <b>JCK Topsoil</b>	<b>\$350.00</b>
√ <b>Potsies</b>	<b>\$350.00</b>
RC Topsoil	\$450.00

√ **Indicates the lowest quotation**

**Recommendation:**

The Public Works Department is requesting approval to proceed with the project with individual purchases and contracting services that when combined are estimated to total \$48,470.93. Therefore, based on City Code, a waiver of formal bidding is required. There are sufficient funds in the FY 2019/2020 Budget for this project.

**Votes Required to Pass:**

Two thirds of the council members holding office.



## RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the requirements of Chapter 102-3 for formal bidding are hereby waived for the Thornwood Lane Drainage Project.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to approve individual purchases to the lowest proposers for the Thornwood Lane Drainage Project for a total project cost of \$48,470.93 with a 10 percent contingency for unforeseen conditions.

DATED this 21<sup>st</sup> day of May, 2019.

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

By: \_\_\_\_\_  
MAYOR

SEAL

ATTEST

\_\_\_\_\_  
CITY CLERK

PASSED: May 21, 2019  
APPROVED: May 21, 2019