



**CITY OF CRYSTAL LAKE**  
**AGENDA**  
**CITY COUNCIL**  
**REGULAR MEETING**  
City of Crystal Lake  
100 West Woodstock Street, Crystal Lake, IL  
City Council Chambers  
August 6, 2019  
7:30 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes – July 16, 2019 Regular City Council Meeting, April 4, 2019 Budget Workshop Meeting Minutes, and September 11, 2018 Workshop Meeting Minutes**
5. **Accounts Payable**
6. **Public Presentation**  
*The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the City staff, Mayor or City Council will not be allowed at this time, nor will any comment from the Council. Personal invectives against City staff or elected officials are not permitted.*
7. **Mayor's Report**
8. **City Council Reports**
9. **Consent Agenda**
  - a. **Annexation Public Hearing Continuations to September 3, 2019 City Council Meeting – Reinhardt-Kirk, 851 Reiland Drive  
Chicago Title Trust 4149, Whiskey Business, 870 E. Terra Cotta Avenue  
Chicago Title Trust 4152, 850 E. Terra Cotta Avenue**
  - b. **Class 16 Temporary Liquor License Request – The BREAK Teen Center Oktoberfest at Main Beach, 300 Lakeshore Drive, September 14, 2019**
10. **Class 16 Temporary Liquor License Request – Fire Wagon Hockey, Inc. Annual Fundraiser at Crystal Ice House, 320 East Prairie Street, August 10, 2019**
11. **Special Use Permit – Addition to an Elementary School, Coventry School, 820 Darlington Lane**
12. **Bid Award – Stormwater Solutions: North Shore Storm Sewer Construction**
13. **Various Storm Water Projects - Phase 3 Consultant Selection**
14. **Acceptance of Donated Fitness Equipment and Designation and Auction Sale of Surplus Fitness Property**

- 15. Unified Development Ordinance (UDO) Amendment – Rezoning around Three Oaks Recreation Area Planned Unit Development District Overlay**
- 16. Cannabis Regulation and Tax Act**
- 17. Crystal Creek Culverts Removal and Replacement Change Order**
- 18. Council Inquiries and Requests**
- 19. 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**
- 20. Reconvene to Regular Session**
- 21. 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: 9a**

**City Council  
Agenda Supplement**

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**Meeting Date:** August 6, 2019

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

**Recommendation:** Motion to continue the 1) Chicago Title Land Trusts 1004004149 & 1004004152 and 2) Reinhardt/Kirk requests to the September 3, 2019 City Council meeting for the Annexation Public Hearings.

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

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**Background:**

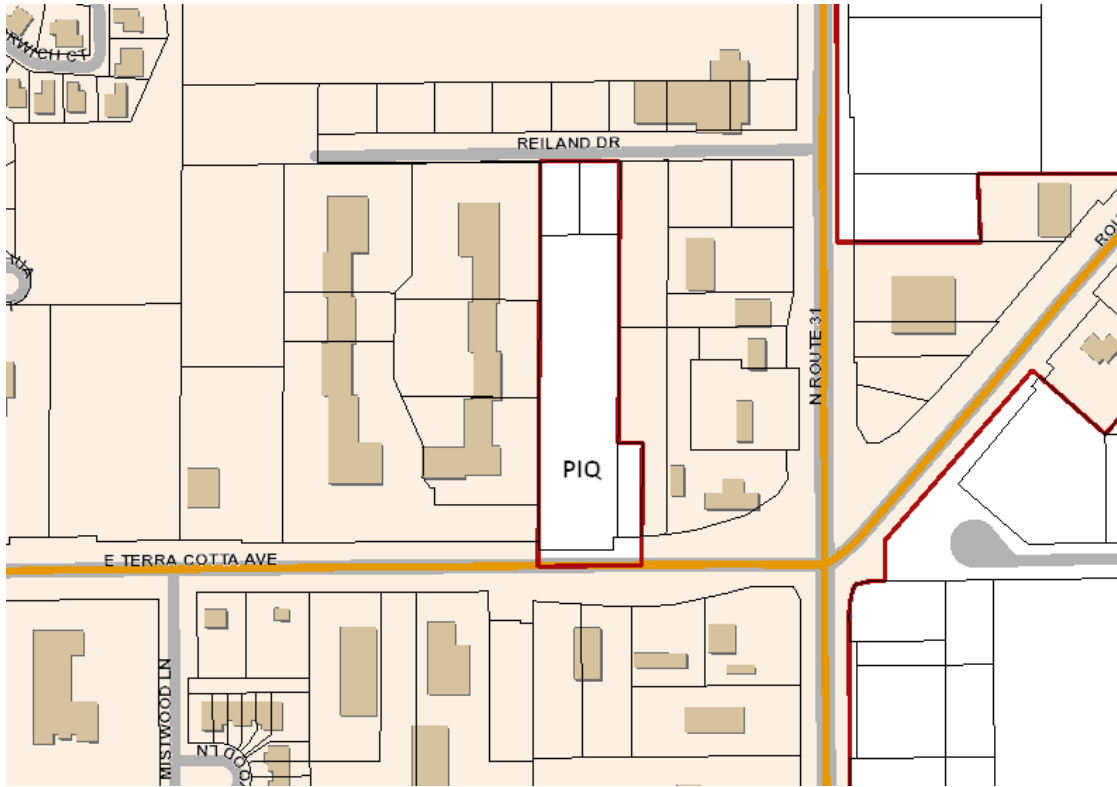
**Chicago Title Land Trusts-** The petitioner is requesting the annexation of three parcels that total approximately 3.04 acres, located at 4616 Route 176, 4709 Route 176 and lot 13 on Reiland Drive. The parcels are improved with Whiskey Business, a commercial retail shopping center, auto repair business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

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

City staff respectfully requests that the Whiskey Business and Reinhardt/Kirk petitions be continued to the September 3, 2019 City Council meeting for the Annexation Public Hearing in order to continue to work with the petitioner on the annexation agreement for the Chicago Title Land Trusts. Proposed redevelopment of the Chicago Title Land Trust properties (Whiskey Business) prolonged the annexation agreement discussions. City staff and the petitioner are in the process of finalizing the annexation agreement for the City Council's review at this time. Due to the prolonged discussions, the public notifications for the Annexation Public Hearing will be republished.

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

Chicago Title Land Trusts 1004004149 & 1004004152 (Whiskey Business and Shopping Center) & Reinhardt/Krik Annexation Public Hearings





**Agenda Item No: 9b**

**City Council  
Agenda Supplement**

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**Meeting Date:**

August 6, 2019

**Item:**

Class 16 Temporary Liquor License Request –  
Crystal Lake Teen Center (The BREAK)

**Staff Recommendation:**

Motion to approve issuance of a Class 16 Temporary  
Liquor License to the Crystal Lake Teen Center (The  
BREAK)

**Staff Contact:**

Eric T. Helm, Deputy City Manager

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**Background:**

The City has received a request from the Crystal Lake Teen Center (The BREAK) for the issuance of a Class 16 Temporary Liquor License in order to sell beer and wine at their 7<sup>th</sup> annual Oktoberfest Fundraiser being held at Main Beach, located at 300 Lake Shore Drive on Saturday, September 14, 2019 from 5:00 p.m. to 10:00 p.m.

The intent of this event is to raise funds and awareness of the teen center. Their mission is to provide local teenagers a safe and stimulating environment to connect, have fun and aid in finding acceptance among peers and adults in the community.

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

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

**Votes Required to Pass:**

Simple majority



**Agenda Item No: 10**

**City Council  
Agenda Supplement**

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<b><u>Meeting Date:</u></b>	August 6, 2019
<b><u>Item:</u></b>	Class 16 Temporary Liquor License Request – Fire Wagon Hockey, Inc.
<b><u>Staff Recommendation:</u></b>	Motion to approve issuance of a Class 16 Temporary Liquor License to Fire Wagon Hockey, Inc.
<b><u>Staff Contact:</u></b>	Eric T. Helm, Deputy City Manager

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**Background:**

The City has received a request from Fire Wagon Hockey, Inc. for the issuance of a Class 16 Temporary Liquor License in order to sell beer and wine at their annual fundraiser being held at Crystal Ice House, located at 320 East Prairie Street on Saturday, August 10, 2019 from 5:00 p.m. to 10:00 p.m.

Fire Wagon Hockey has established a financial scholarship program to help families within the organization in need of additional aid. The organization is supported primarily through program revenue and fundraising from participants.

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

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

**Votes Required to Pass:**

Simple majority



**Agenda Item No: 11**

**City Council  
Agenda Supplement**

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<b><u>Meeting Date:</u></b>	August 6, 2019
<b><u>Item:</u></b>	REPORT OF THE PLANNING & ZONING COMMISSION  District 47 Coventry Elementary School
<b><u>Request:</u></b>	Special Use Permit for an addition to an elementary school.
<b><u>Petitioner:</u></b>	Dave Schuh, District 47, petitioner 820 Darlington Lane
<b><u>PZC Recommendation:</u></b>	Motion to approve the PZC recommendation and adopt an ordinance granting the Special Use Permit for the building addition at 820 Darlington Lane.
<b><u>Staff Contact:</u></b>	Michelle Rentzsch, Director of Community Development Elizabeth Maxwell, City Planner

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**Background:**

- The original school was constructed in 1967 with additions in 1979 and 2001.
- This Special Use Permit accepts the elementary school and allows for the addition.

**PZC Highlights:**

- One audience member was concerned with the existing lighting on the site. Dave Schuh agreed to review the site lighting and make any necessary adjustments so they are not impacting their neighbors.
- 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 (6-0)** of the petitioner's request for a Special Use Permit with the following conditions:

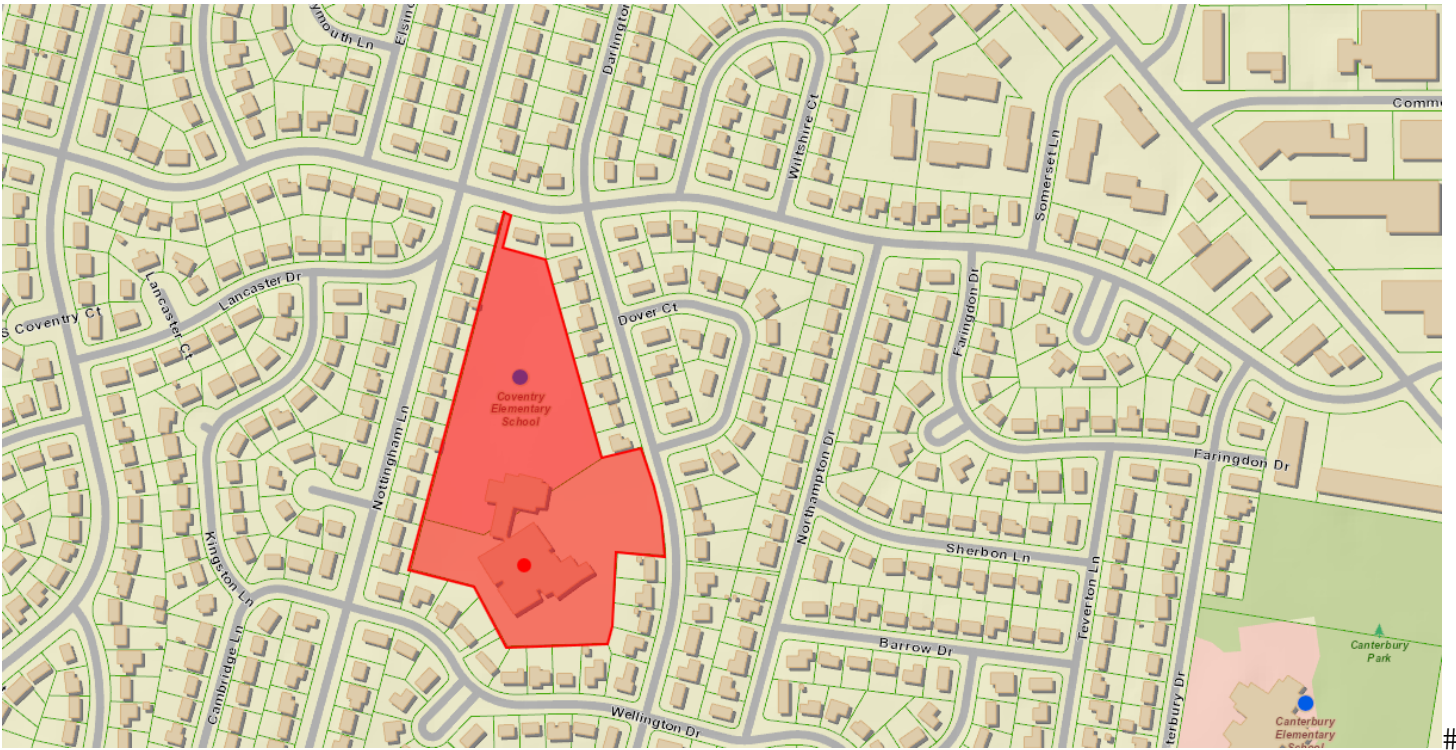
1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (WT Group, received 06/13/19)
  - B. Engineering Plans (WT Group, dated 04/15/19, received 06/13/19)
  - C. Elevation Renderings (DLR Group, undated, received 06/13/19)
  - D. Boundary and Topographic Survey (WT Group, dated 01/29/19, received 06/13/19)
2. The petitioner must address all of the review comments and requirements of the Community Development, Fire Rescue, Police, and Public Works Departments.

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

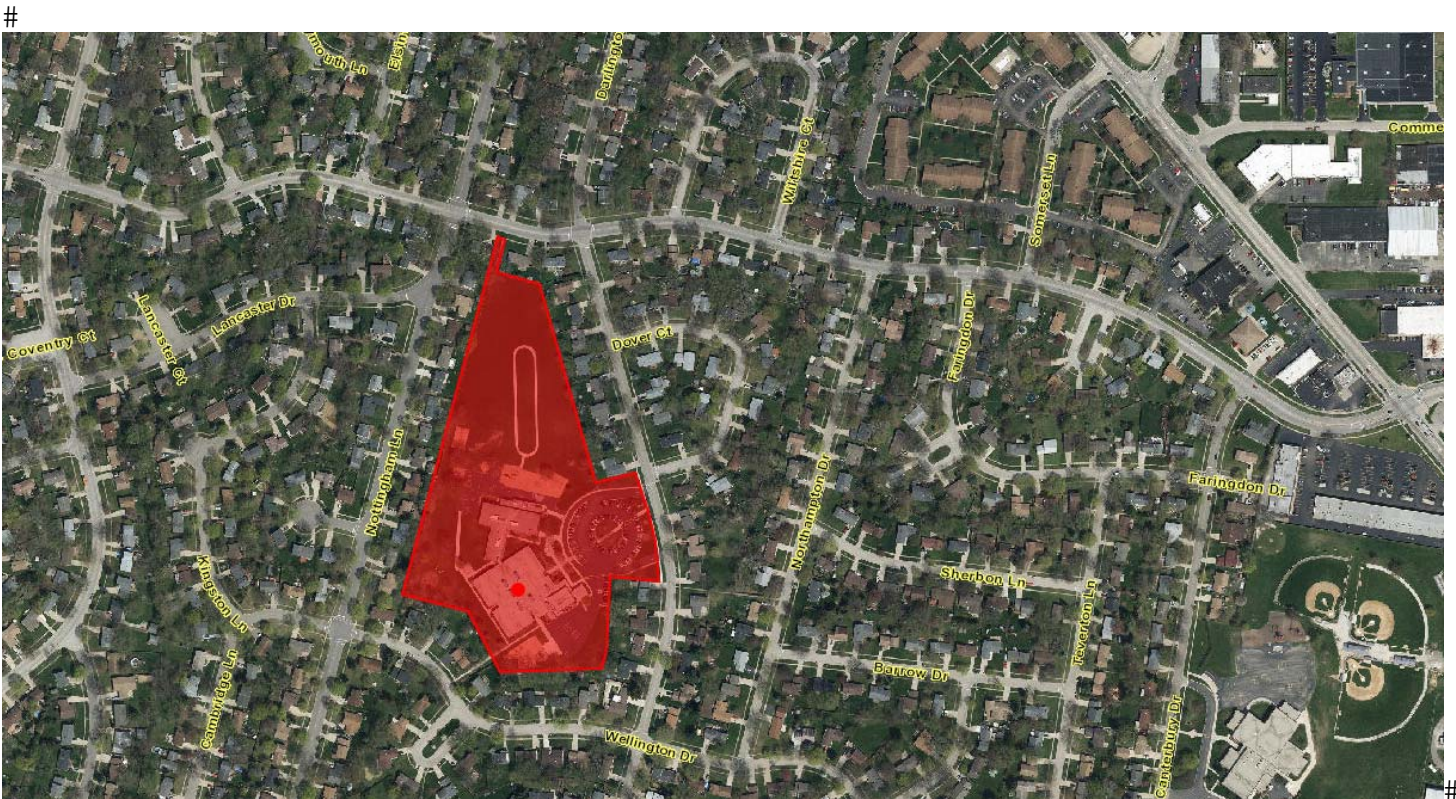


PLN-2019-100 Coventry Elementary School – Special Use Permit

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**DRAFT**

Ord. No. ....  
File No. ....



**The City of Crystal Lake Illinois**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT  
FOR COVENTRY ELEMENTARY SCHOOL  
AT 820 DARLINGTON**

WHEREAS, pursuant to the terms of a Petition (File #PLN-2019-100) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of a Special Use Permit for an Elementary School, allowing an addition to Coventry School for the property located at 820 Darlington Lane; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on June 30, 2019 in the Northwest Herald, held a public hearing at 7:30 p.m., on July 17, 2019 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed Special Use Permit; and

WHEREAS, on July 17, 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-2019-100, dated as of July 18, 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 for an Elementary School, allowing an addition to Coventry School for the property commonly known as 820 Darlington Lane (19-08-326-010 and 19-08-326-011), 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:

**DRAFT**

Ord. No. ....  
File No. ....

- A. Application (WT Group, received 06/13/19)
- B. Engineering Plans (WT Group, dated 04/15/19, received 06/13/19)
- C. Elevation Renderings (DLR Group, undated, received 06/13/19)
- D. Boundary and Topographic Survey (WT Group, dated 01/29/19, received 06/13/19)

2. The petitioner must address all of the review comments and requirements of the Community Development, Fire Rescue, Police, and Public Works Departments.

Section III: That the City Clerk be and is hereby directed to amend 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 6th day of August, 2019.

City of Crystal Lake, an  
Illinois municipal corporation

\_\_\_\_\_  
Aaron T. Shepley, Mayor

SEAL

ATTEST:

\_\_\_\_\_  
Nick Kachiroubas, City Clerk

Passed: August 6, 2019

Approved: August 6, 2019



## Agenda Item No: 12

### City Council Agenda Supplement

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**Meeting Date:**

August 6, 2019

**Item:**

Stormwater Solutions: North Shore Storm Sewer  
Construction Bid Award

**Staff Recommendation:**

Motion to award the North Shore Storm Sewer Construction bid to the lowest responsive and responsible bidder, Copenhagen Construction, in the bid amount of \$1,728,852.50, and adopt a resolution authorizing the City Manager to execute a contract with Copenhagen Construction, allowing for a 10 percent contingency.

**Staff Contact:**

Abigail Wilgreen, City Engineer  
Michael Magnuson, Director of Public Works

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**Background:**

The North Shore Storm Sewer project will install new storm sewer in the right-of-way along Crystal Beach Avenue, Greenfield Road, and East End Avenue and replace the existing storm sewer outlets into the lake at two beach areas along North Shore Drive. Best management practice (BMP) basins will be installed along each street on lots acquired by the City to provide detention and improve storm water quality. This project will reduce flood impacts and improve storm water quality.

On July 26, 2019, the City opened and publicly read the bids received for the North Shore Storm Sewer Construction project. The City received three bids and the results are tabulated below. The engineer's estimate was \$2,218,950.

<i>Firm</i>	<i>Amount of Bid</i>
Copenhagen Construction <sup>1</sup> Gilberts, IL	\$1,728,852.50
Berger Excavating Wauconda, IL	\$2,039,087.72
Martam Construction Elgin, IL	\$2,144,658.00

<sup>1</sup> Indicates Recommended Lowest Responsive and Responsible Bidder.

The City has used Copenhaver Construction on several projects, including the in-progress Crystal Creek Culvert replacement project, and has been satisfied with their performance. Specifications were sent to various contractors and standard bid advertisement procedures were followed. This project was included in the FY 2019/2020 budget.

**Votes Required to Pass:**

Simple majority vote.

**DRAFT**



**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 the contract with Copenhaver Construction for the North Shore Storm Sewer Construction in the amount of \$1,728,852.50. The City Manager is additionally authorized to approve up to 10 percent in justifiable contract amendments from a contingency allowance.

**DATED** this 6<sup>th</sup> day of August, 2019.

CITY OF CRYSTAL LAKE, an Illinois  
Municipal Corporation

BY: \_\_\_\_\_  
Mayor

SEAL

ATTEST:

\_\_\_\_\_  
City Clerk

PASSED: August 6, 2019

APPROVED: August 6, 2019



**Agenda Item No: 13**

**City Council  
Agenda Supplement**

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**Meeting Date:**

August 6, 2019

**Item:**

Consultant Selection for the Various Stormwater Solutions Projects for Phase III Construction Engineering.

**Staff Recommendation:**

Motion to award the proposal for the Various Stormwater Solutions Projects for Phase III Construction Engineering to the most qualified, responsible and responsive proposer, Christopher B. Burke Engineering, Ltd., and adopt a resolution authorizing the City Manager to execute an agreement with Christopher B. Burke Engineering, Ltd., in the amount of \$136,083.00 and approve changes in scope by 10 percent of the original price.

**Staff Contact:**

Abigail Wilgreen, City Engineer

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**Background:**

Phase III construction engineering consultant services are needed to oversee four of the City's Stormwater Solutions projects that will be under construction this fall.

*North Shore Storm Sewer*

- Scope - Install new storm sewer in the right-of-way along Crystal Beach Avenue, Greenfield Road, and East End Avenue and construction of Best Management Practice (BMP) basins.
- Schedule - Construction anticipated to commence end of August/early September.

*N-S Drain Tile Behind Green Oaks Drive*

- Scope – Replacement of an existing old, deteriorated drain tile line on City property to the west of the Green Oaks subdivision.
- Schedule - Construction anticipated to commence early fall.

*Gardina Vista Storm Sewer*

- Installation of a new storm sewer to drain a depressional area behind the homes along Gardina Vista. The proposed sewer will connect to the existing storm sewer along Briarwood Road.
- Schedule - Construction anticipated to commence this fall

*Cove Pond Enhancements/ Woodland Channel*

- Scope – Grading at the overflow from Cove Pond to the existing concrete box culverts on North Shore Drive and installation of an overflow storm sewer connection to the Woodland Channel/adjacent wetlands.
- Schedule - Construction anticipated to commence this fall.

*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 four 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 and qualification of the individual who will be assigned to the project
- Scope of Services
- Relevant Project Examples
- References
- Interviews

Firm	Christopher B. Burke Engineering <sup>1</sup>	V3	HR Green	Fehr Graham
Proposal Cost	\$136,083.00	\$142,100.00	\$156,965.00	\$170,700.00

<sup>1</sup> Indicates the most qualified, responsible, responsive proposer

Of the four proposals received, Christopher B. Burke Engineering was deemed qualified and has the lowest overall cost, and is therefore the most qualified, responsive and responsible proposer. Christopher B. Burke Engineering is providing a knowledgeable, experienced resident engineer to oversee these projects during construction. The proposed resident engineer oversaw the Route 14 at Virginia Road intersection improvement and has been assisting the City with providing inspection services at the Woodlore Estates subdivision. The proposed project manager has successfully completed a multitude of projects for the City. It is staff’s recommendation to select CBBEL to perform the Phase III Engineering for these projects.

The City has budgeted for these projects and they are all budgeted in the FY 2019/2020 budget.

**Votes Required to Pass:**

A simple majority.



**DRAFT**



**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 Christopher B. Burke Engineering for the Various Stormwater Solutions Projects for Phase III Engineering in the amount of \$136,083.00. 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 6<sup>th</sup> day of August, 2019.

CITY OF CRYSTAL LAKE, an Illinois  
Municipal Corporation

BY: \_\_\_\_\_  
MAYOR

SEAL

ATTEST:

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

PASSED: August 6, 2019

APPROVED: August 6, 2019



**Agenda Item No: 14**

**City Council  
Agenda Supplement**

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**Meeting Date:**

August 6, 2019

**Item:**

Acceptance of Donated Fitness Equipment and Designation and Auction Sale of Surplus Fitness Property

**Staff Recommendation:**

Motion to:

1. Adopt a resolution authorizing the City Manager to accept donations of fitness equipment in the estimated value amount of \$35,700, from Fitness Specialist, Inc., per City Code Chapter 102.
2. Adopt a resolution designating the items identified in Exhibit "A" as surplus property, and authorizing the City Manager to execute an agreement with Obenauf Auction Service, Inc. for the sale of City surplused property, and authorizing surplus items not sold, donated, or whose proposed auction price is less than a scrap price, be scrapped in accordance with the City's scrap metal policy.

**Staff Contact:**

James Black, Chief of Police

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**Background:**

The Police Department is responsible for the maintenance of fitness equipment in the City of Crystal Lake fitness area. The current fitness area is made up of used fitness equipment that was previously donated by the Sage YMCA.

Since the used equipment required periodic care and maintenance, the City contracted with Fitness Equipment Specialist, Inc. for the care and maintenance of fitness equipment. As a result of this prior working relationship, the City was approached by Fitness Equipment Specialist, Inc. and asked if it would be willing to accept a donation of used fitness equipment.

Fitness Equipment Specialist, Inc. has advised the City that it has just taken in fitness equipment, approximately four years old, from a fitness facility in Chicago that recently went out of

business. Fitness Equipment Specialist, Inc. has advised that they would like to donate the attached list of fitness equipment to the City of Crystal Lake for tax donation purposes.

If approved, the donated equipment will replace current fitness equipment in the fitness room that is approximately 20 years old. City staff has inspected the attached list of equipment, to be donated from Fitness Equipment Specialist, Inc., to ensure it is in good shape and proper working order. The 20-year old equipment will be disposed through auction.

The Public Works Department annually coordinates the selling of surplus City equipment. A list of property (old fitness equipment) proposed as surplus, to be sold through a public online bidding process or brokerage sale in the next scheduled sale of surplus property, is attached as Exhibit "A". Exhibit "A" identifies a list of surplus pieces fitness equipment, which have been compiled by the Police Department. The designation of equipment as surplus and subsequent auction sales of equipment provides the following benefits to the City:

- 1) Designating equipment as surplus allows the City the ability to make space available currently occupied by the non-utilized equipment.
- 2) Partnerships with auction firms minimizes the costs and time required to sell the equipment through a bidding process. These costs include advertising, publishing legal notification, and staff time required to show the equipment. The associated cost to the City by utilizing Obenauf Auction Service, Inc. is a 3% commission for all items sold.
- 3) Participation in auction sales provides an additional avenue for the sale of the surplus equipment and vehicles to increase the likelihood that the City will maximize its return on the sale of the items.

The items on Exhibit "A" will be sold through auction through the City's broker, Obenauf Auction Service, Inc.

Attached for Council review and approval is Estimate #6025 from Fitness Equipment Specialist, Inc. Included in this estimate is all of the equipment to be donated to the City of Crystal Lake.

Acceptance of this donation is in compliance with City of Crystal Lake Code Chapter 102.

**Recommendation:**

It is the recommendation of staff to authorize the City Manager to accept donations of fitness equipment in the estimated value amount of \$35,700 from Fitness Specialist, Inc. and to designate the items in Exhibit "A" as surplus and authorize the City Manager to execute agreements with Obenauf Auction Service, Inc. for the sale of most of the surplus items through a public online bidding process administered by Obenauf with a 3% sales commission for all items sold and other brokerage firms for specialty items.

**Votes Required to Pass:**

Simple majority

**DRAFT**



**RESOLUTION**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be and he is hereby authorized to accept donations of fitness equipment in the estimated value amount of \$35,700, from Fitness Specialist, Inc., per City Code Chapter 102.

DATED this 6<sup>th</sup> day of August, 2019.

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

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

SEAL

ATTEST

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

PASSED: August 6, 2019  
APPROVED: August 6, 2019

**DRAFT**



**RESOLUTION**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE THAT:

1. The items identified on Exhibit "A" be and are hereby designated as surplus; and
2. The City Manager is hereby authorized and directed to execute an agreement with Obenauf Auction Services, Inc. for auction services pertaining to items listed on "Exhibit A" for a 3% sales commission; and
3. Any items not sold or whose proposed auction price is less than a scrap price, be scrapped in accordance with the City's scrap metal policy.

DATED this 6<sup>th</sup> day of August, 2019.

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

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

SEAL  
ATTEST

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

PASSED: August 6, 2019  
APPROVED: August 6, 2019

**DRAFT**

**Exhibit A**

The following listed weight equipment is for public auction. The fitness room will be equipped with updated, newer generation machines and apparatuses through donation.

- (1) Paramount Thigh Machine
- (1) Paramount Shoulder Press
- (1) Paramount Leg Press
- (1) Universal Gym Leg Extension Machine
- (1) Tectrix Climb Max Stepper
- (2) Precor Elliptical
- (1) Schwinn Pedal Bike
- (1) Bell Pedal Bike
- (1) Pyramid Back Extension
- (1) Pyramid Leg Extension
- (1) Pyramid Chest Press
- (1) Pyramid Fly Machine
- (1) Pyramid Shoulder Press
- (1) Champion Lat Pull Down
- (1) Champion Squat Rack
- (2) Flat Benches
- (1) Adjustable Reclining Flat Bench
- (1) Golds Gym Dip Machine
- (1) Xodus Dip Machine
- (1) Sit Up Bench
- (1) Everlast Punching Bag Stand



## Agenda Item No: 15

### City Council Agenda Supplement

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**Meeting Date:**

August 6, 2019

**Item:**

Rezoning properties around Three Oaks Recreation Area with a Planned Unit Development Overlay.

**PZC Recommendation:**

Motion to approve the PZC recommendation and adopt an ordinance amending Chapter 650 UDO to establish the Three Oaks PUD Overlay District and referring to the PZC the extension of the PUD overlay to the Crystal Court Shopping Center property.

**Staff Contact:**

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

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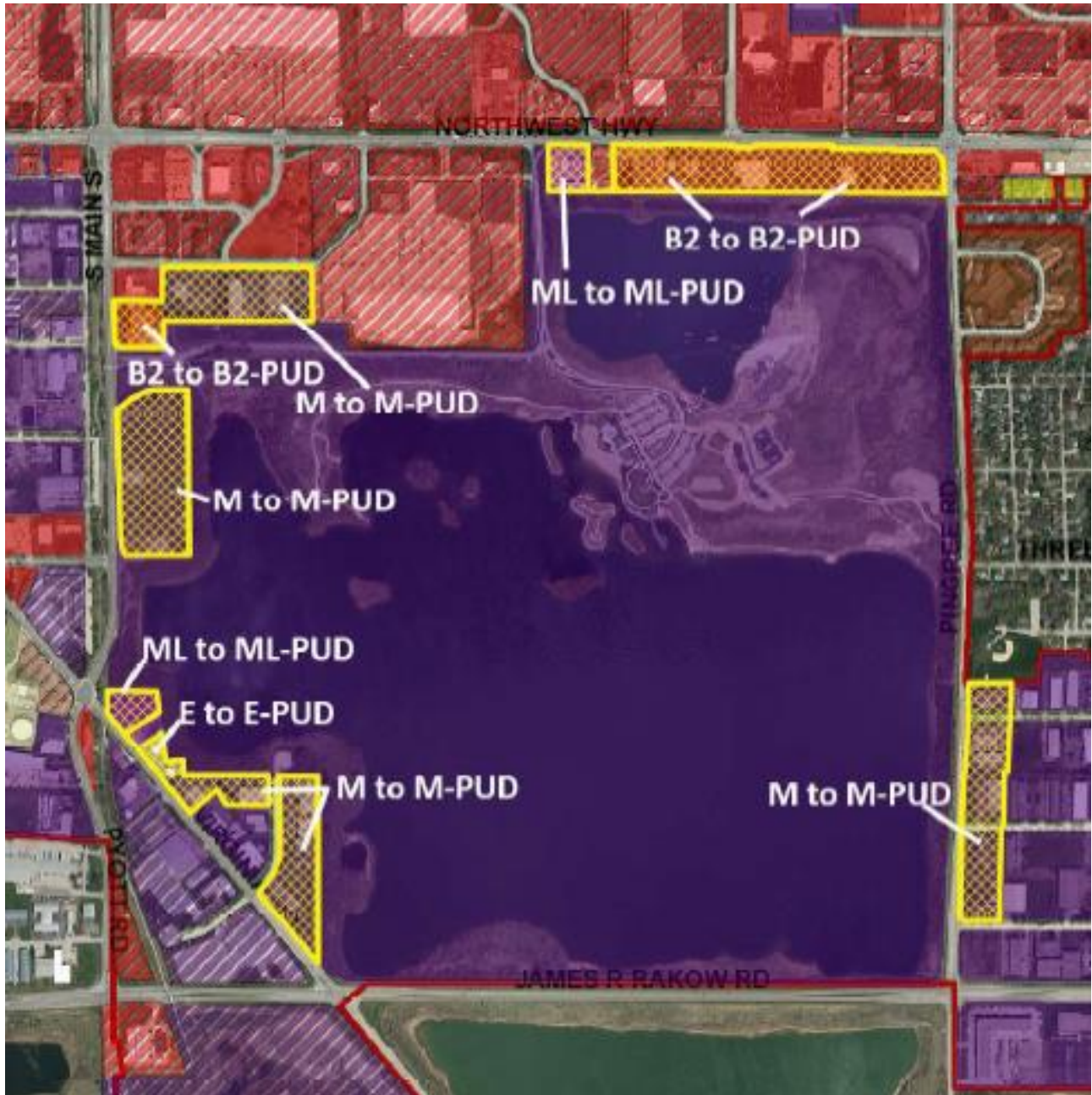
**Background:**

- City Council referred the rezoning request to the Planning & Zoning Commission at the July 16, 2019 City Council meeting.
- Three Oak Recreation Area provides high quality family recreation to thousands of visitors per year. In addition, Three Oaks has become a destination that attracts people from a wide area who support the retail activities along and near Route 14 and Main Street. Three Oaks also offers nearby employees a convenient and desirable recreational amenity that enhances the area's desirability as an employment hub. These positive impacts of Three Oaks help to maintain the property values in the area. Protection of this unique asset is paramount.
- Orderly development around Three Oaks would support the recreational use of the park and further spur economic development, ideally taking advantage of the Park and its many amenities. High quality and well-planned mixed use development and redevelopment would encourage similarly high-quality development to locate in the area and support a strong and stable tax base for the City, its schools, and other units of local government.

**Request:**

- Properties around Three Oaks Recreation Area have a variety of zoning districts including E Estate, B-2 General Commercial, ML Manufacturing Limited, and M Manufacturing.
- The proposed rezoning would place the Planned Unit Development overlay upon all the properties adjacent to Three Oaks Recreation Area.
- In addition to the zoning map change, corresponding changes to Sections 1-300, 1-700, and 3-400 of the Unified Development Ordinance would be required to identify the Three Oaks PUD Overlay District and to set the standards for such district.

- The map below illustrates the location of the properties that would be rezoned with the PUD overlay.



**PZC Discussion:**

- The attorney for the neighboring property owner attended the PZC meeting in support of the proposed PUD overlay.
- The affected property owners were notified of the proposed changes and all of the property owners that contacted the City after receiving their notice communicated that they were in support of this change.
- The PZC felt the Finding of Facts had been met and that the proposed PUD Overlay was needed to protect the vision for the Three Oaks Recreation Area redevelopment area.

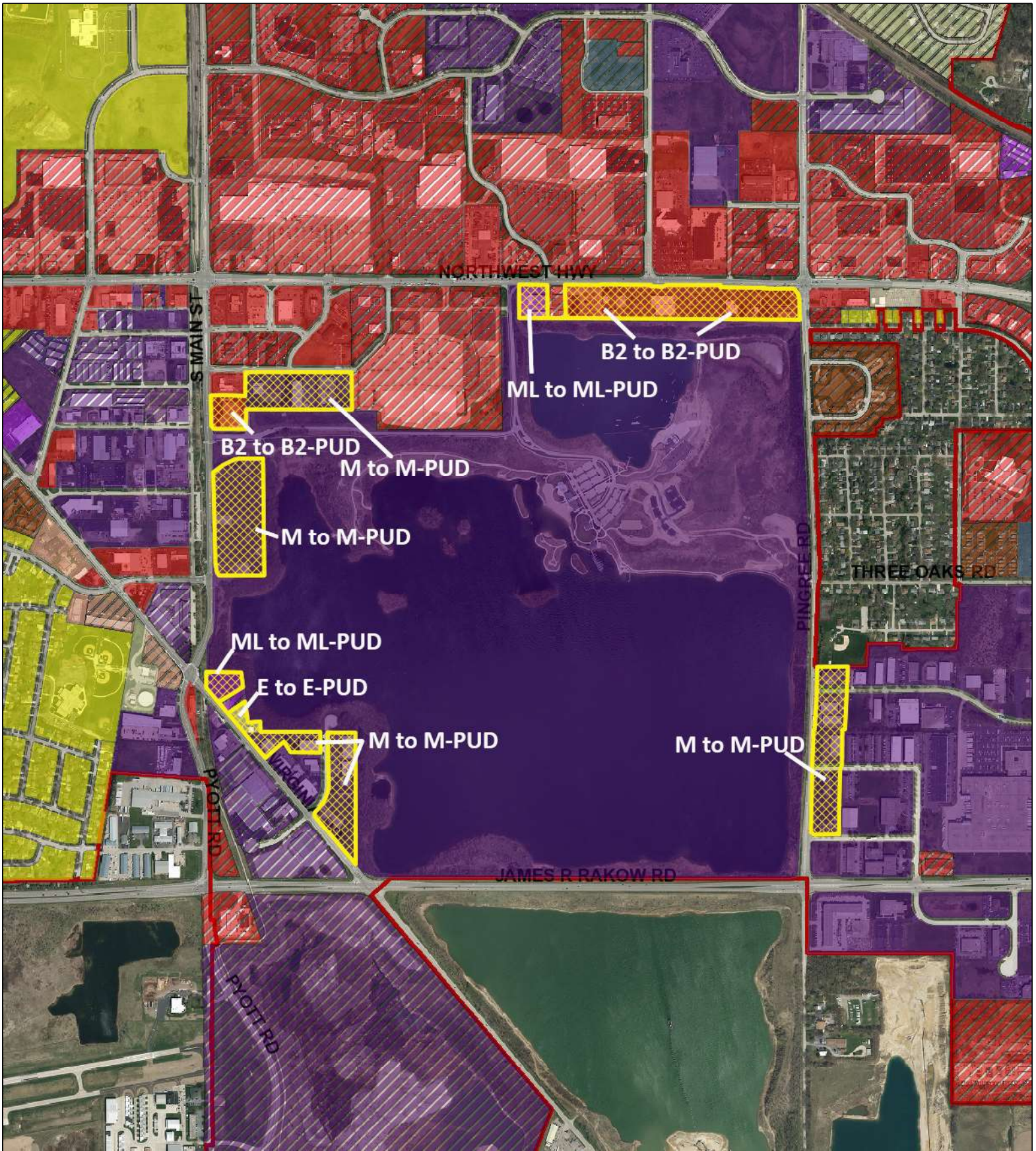


- The PZC requested the City Council review adding the Crystal Court Shopping Center to the Three Oaks PUD Overlay District, which is included in the motion above.
- The PZC requested the City Council discuss whether a specific list of desirable and undesirable land uses should be added to the standards for the Three Oaks PUD Overlay District.
- Although the PZC spent considerable time discussing whether a specific list of desirable/undesirable land uses should be included in the overlay district, the City's PUD criteria already contains a standard that states, "Is the proposed use necessary and desirable at the location." and would give the City the ability to deny a use that is not desirable in the overlay district.

The PZC made a **positive recommendation (6-0)** to approve the PUD overlay, as presented in attached draft ordinance with the recommended change to the top of page 5, subsection 5b.ii of the draft ordinance to include a reference to the UDO and Comprehensive Plan documents.

**Votes Required to Pass:**

A simple majority vote.



Date Printed: 7/16/2019

**NOTES:**

**Zoning**

- B-1
- B-1 PUD
- B-2
- B-2 PUD
- B-4
- B-4 PUD
- COUNTY

This map was generated using the City of Crystal Lake's GIS Web Mapping Application. This map is a user generated static output from an Internet Mapping Site and is for reference only.



**DRAFT**

Ord. No. ....  
File No. ....



**The City of Crystal Lake Illinois**

**AN ORDINANCE AMENDING  
CHAPTER 650: UNIFIED DEVELOPMENT ORDINANCE OF THE  
CODE OF ORDINANCES OF THE CITY OF CRYSTAL LAKE, ILLINOIS TO  
ESTABLISH THE THREE OAKS RECREATION AREA PUD OVERLAY DISTRICT**

WHEREAS, pursuant to its home rule powers, the Illinois Municipal Code, and other applicable authority, the City is authorized to regulate land uses and the construction, alteration, and maintenance of buildings and structures within the City and does so pursuant to the City’s Unified Development Ordinance, set forth as Chapter 650 of the Crystal Lake City Code (the “UDO”); and

WHEREAS, from time to time it is appropriate to review, update and modify the UDO to assure that it appropriately addresses new issues that may arise; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on July 11, 2019 in the Northwest Herald, held a public hearing at 7:30 p.m., on July 29, 2019 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider proposed amendments to the UDO and the Crystal Lake Zoning Map (“Zoning Map”) regarding establishment of a PUD overlay district and rezoning of certain properties proposed to be located within such overlay district; and

WHEREAS, on July 29, 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 amendments to the UDO and Zoning Map be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #2019-116, dated as of July 29, 2019; and

WHEREAS, the Mayor and City Council, having considered such recommendation and the findings and report of the Planning and Zoning Commission, have found and determined that adopting amendments to the UDO and Zoning Map as set forth in this Ordinance will be in the best interests of the City and its residents;

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 Section 1-300, “Establishment of Districts,” of the City’s Unified Development Ordinance be amended in part as follows:

SECTION 1-300 Establishment of districts.

\* \* \*

**B.** Overlay districts. In addition to being classified into one of the base zoning districts, land within the City may also be classified into one or more overlay districts. Where land is classified into an overlay district as well as a base zoning district, the standards governing development in the overlay district shall be cumulative and in addition to the standards governing development in the underlying base zoning district.

- C Conservation
- VSC Virginia Street Corridor
- NC Neighborhood Conservation
- Three Oaks PUD Three Oaks Recreation Area PUD**

**SECTION II:** That Section 1-700, “District Purposes,” of the City’s Unified Development Ordinance be amended in part to add a new subsection (P) as follows:

SECTION 1-700 District purposes.

This section sets forth the purpose of the districts to guide zoning decisions in a manner that achieves the purpose of the City's Comprehensive Land Use Plan. For each of the districts, there is a general purpose statement, a description of the character to be achieved, and the uses the district is intended to provide. This Ordinance rejects as outdated and inappropriate the concept of hierarchical and cumulative zoning and except as noted herein, and is based upon the concept that each district should be designed to accomplish a specific purpose, to encourage a particular type of development and to protect that development from being encroached upon by incompatible types of development.

\* \* \*

**P. Three Oaks Recreation Area PUD Overlay District (Three Oaks PUD).**

- 1. General: This overlay district is intended to maintain and enhance the character of the Three Oaks Recreation Area (“Three Oaks”) and its immediate environs. Three Oaks is a high-quality public recreation facility that serves as a destination within the City of Crystal Lake, attracting thousands of visitors per year from a wide area. Visitors to Three Oaks support a**

range of retail activities within the immediate vicinity, particularly the area along and near Route 14 and Main Street. Three Oaks also offers nearby employees a convenient and desirable recreational amenity that enhances the neighborhood’s desirability as an employment hub. The positive impacts of Three Oaks help to enhance and maintain property values within this district. It is in the intent of the Three Oaks PUD overlay district to promote orderly and high-quality development that is compatible with the character and use of Three Oaks, consistent with and complementary of the area’s recreational uses and amenities, and supportive of a strong and stable tax base.

2. Character: This district is primarily characterized by the presence of Three Oaks, associated recreational activities and amenities, and a range of complementary retail, service, commercial, and other uses consistent with the applicable underlying zoning districts. Due to its unique recreational amenities, this district serves as a hub for tourism, employment, and retail activity within the City. Accordingly, development and redevelopment should be well-planned and high-quality, incorporating unique designs that are contextually appropriate and visually appealing. Development should include features and amenities that complement the district’s recreational and pedestrian-friendly character such as bike racks, sidewalks, and outdoor seating areas.

3. Uses and Development: This district is intended to accommodate balanced mix of uses in accordance with the underlying zoning designations in a manner that is compatible with the area’s character and planning goals. Development and redevelopment within this district should be subject to planned development review to ensure that site layout and design, building architecture, mix of uses, infrastructure and amenities, and other features are consistent with the district’s character and goals.

**SECTION III:** That Section 3-400, “Overlay District Standards,” of the City’s Unified Development Ordinance be amended in part as follows:

SECTION 3-400 Overlay District Standards.

\* \* \*

**D. Three Oaks Recreation Area PUD Overlay District (Three Oaks PUD).**

1. **District intent. The Three Oaks Recreation Area PUD Overlay District (Three Oaks PUD) is intended to be a tool to maintain and enhance the unique character of the Three Oaks Recreation Area and its immediate environs by encouraging orderly and well-planned development that is consistent with and complementary of the district's recreational activities and amenities, as further described in Section 1-700.P.**
2. **Applicability: The Three Oaks PUD standards apply to properties located within the boundaries of the Three Oaks PUD as designated on the Crystal Lake Zoning Map.**
3. **Relationship with other regulations: In case of a conflict between the regulations of the Three Oaks PUD and requirements contained in other sections of this Ordinance or the City Code, the regulations of the Three Oaks PUD shall govern.**
4. **Uses: The regulations of the underlying zoning districts, as applicable, shall govern the uses permitted by right, as limited uses, and as special uses within the Three Oaks PUD.**
5. **Planned Unit Development Review:**
  - a. **Planned unit development review and approval in accordance with Section 9-200.E of this Ordinance shall be required for all development and redevelopment activities on properties located within the Three Oaks PUD, subject to the following exceptions:**
    - i. **Interior alterations to existing buildings,**
    - ii. **Minor exterior alterations to the facades of existing buildings, and**
    - iii. **Signage alterations that comply with Section 4-1000 of this Ordinance.**
  - b. **In addition to the procedures and standards set forth in Section 9-200.E, applications for planned unit development approval within the Three Oaks PUD shall be subject to the following standards:**
    - i. **The proposed development conforms to and advances the goals and purposes of the Three Oaks PUD as set forth in Section 1-700.P; and**

- ii. Conditions on approval of any planned unit development shall be established to accommodate a balanced mix of uses in accordance with the underlying zoning designations, the UDO, and the Comprehensive Land Use Plan, and in a manner that is compatible with the area’s character, taking into account site layout and design, building architecture, mix of uses, infrastructure and amenities, and other features that will serve to preserve or enhance the district’s character.
  
- c. Denial of an application for planned unit development approval in the Three Oaks PUD pursuant to this Section 1-700.D shall not preclude the petitioner from subsequently submitting a new application, including a substantially similar application, for development or redevelopment of the same property, notwithstanding Section 9-200.K(2) or any other provision of this Ordinance or the City Code that would otherwise require rejection or deferral of such subsequent application.

**SECTION IV:** That the City of Crystal Lake Zoning Map shall be, and is hereby, amended to add to the Three Oaks Recreation Area PUD Overlay District (Three Oaks PUD) the properties depicted on Exhibit A to this Ordinance and identified by parcel index number (P.I.N.) on Exhibit B to this Ordinance.

**SECTION V:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

DATED at Crystal Lake, Illinois, this 6th day of August, 2019.

**DRAFT**

City of Crystal Lake, an  
Illinois municipal corporation

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Aaron T. Shepley, Mayor

SEAL

ATTEST:

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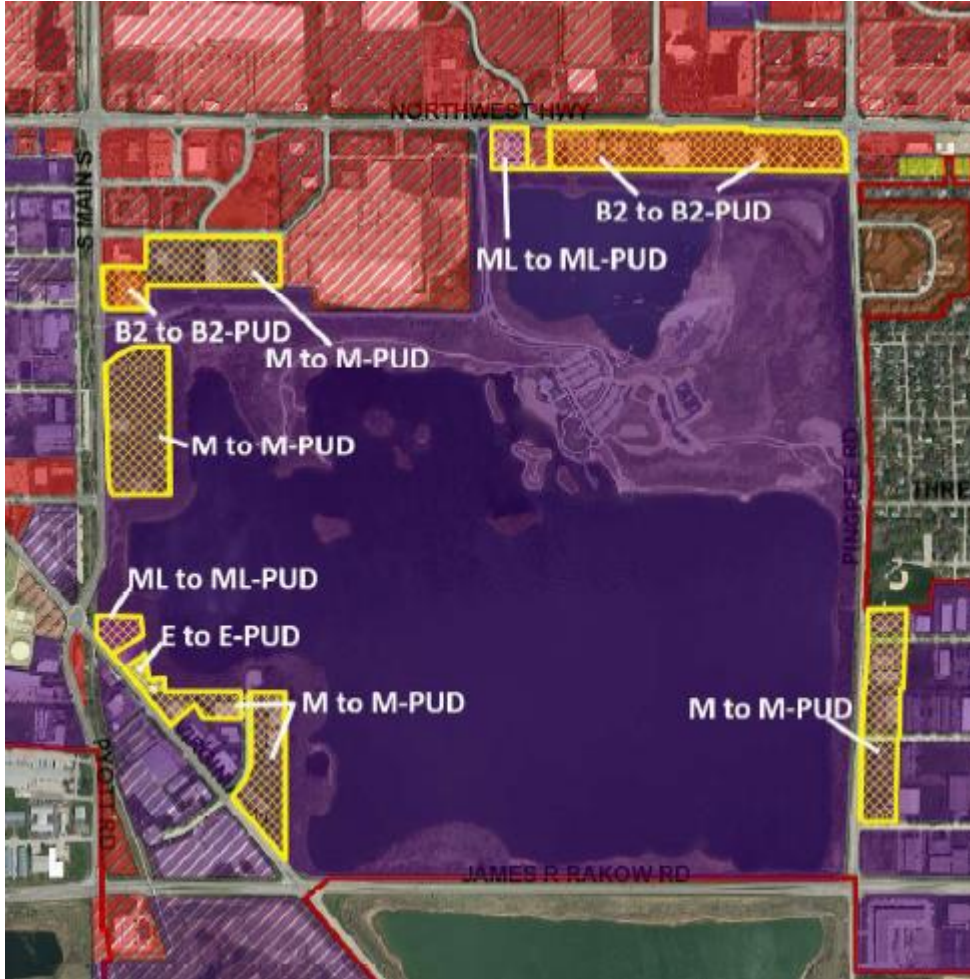
Nick Kachiroubas, City Clerk

Passed: August 6th, 2019  
Approved: August 6th, 2019



**EXHIBIT A**

**Depiction of Three Oaks Recreation Area PUD Overlay District**



**EXHIBIT B****Description by P.I.N. of Three Oaks Recreation Area PUD Overlay District**

19-09-104-009	195 LIBERTY RD
19-09-104-011	221 LIBERTY RD
19-09-104-013	261 LIBERTY RD
19-09-104-015	269 LIBERTY RD
19-09-104-018	661 S MAIN ST
19-09-200-013	5333 NORTHWEST HWY
19-09-200-014	5323 NORTHWEST HWY
19-09-200-015	5313 NORTHWEST HWY
19-09-200-030	5505 NORTHWEST HWY
19-09-200-039	5213 NORTHWEST HWY
19-09-201-001	5417 NORTHWEST HWY
19-09-201-002	5417 NORTHWEST HWY
19-09-226-001	5201 NORTHWEST HWY
19-09-226-003	7109 PINGREE RD
19-09-226-004	7107 PINGREE RD
19-09-300-002	112 E VIRGINIA RD
19-09-300-004	7810 VIRGINIA RD
19-09-300-014	124LT VIRGINIA RD
19-09-353-001	134 VIRGINIA RD
19-09-353-004	440 S DARTMOOR DR
19-09-353-005	440 E DARTMOOR LN
19-09-354-001	439 S DARTMOOR DR
19-09-354-002	439 S DARTMOOR DR
19-09-354-003	439 S DARTMOOR DR
19-09-354-004	451 S DARTMOOR DR
19-09-354-005	453-457 E DARTMOOR DR
19-09-354-006	473 S DARTMOOR DR
19-09-354-007	473 S DARTMOOR DR
19-09-354-008	473 S DARTMOOR DR
19-09-354-009	200 VIRGINIA RD
19-09-354-010	200 VIRGINIA RD
19-10-302-006	684 TEK DR
19-10-305-001	905 PINGREE RD
19-10-305-002	915 S PINGREE RD
19-10-305-008	740 E MCARDLE
19-10-351-009	740 E DUFFY DR
19-10-351-014	735 MCARDLE DR
19-10-351-015	735 MCARDLE DR

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19-10-351-016	735 MCARDLE DR
19-10-351-017	735 MCARDLE DR
19-10-351-018	735 MCARDLE DR
19-10-351-019	735 MCARDLE DR



**Agenda Item No: 16**

**City Council  
Agenda Supplement**

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**Meeting Date:**

August 6, 2019

**Item:**

Cannabis Regulation and Tax Act

**City Council discretion:**

To **prohibit** cannabis businesses entirely:

A) Make a motion to adopt an ordinance that would prohibit Cannabis Businesses within City limits. A sample ordinance is attached. **OR**

To consider **exploring** cannabis businesses:

B) Make a motion to adopt a resolution referring the matter to the PZC for a public hearing of the appropriate zoning regulations for this use. A sample resolution is attached.

**Staff Contact:**

Michelle Rentzsch, Director of Community Development

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**Background:** In June 2019, the Cannabis Regulation and Tax Act was signed into law. Among its many provisions, the Act provides flexibility to communities in allowing the commercial distribution (dispensaries) in its jurisdiction. Communities may also “opt out” of permitting dispensaries. In addition, the Act does not allow municipalities to restrict the private consultant of cannabis. However, local ordinance may regulate possession and public consumption.

Tonight, the City Council can choose to “opt out” of allowing any dispensaries or cannabis businesses within Crystal Lake by adopting the attached ordinance. Alternatively, by approving the attached resolution, the matter would be referred to the PZC for zoning regulation considerations and after their review, may be approved by the City Council or the City Council may opt out at the end of the PZC’s review.

Key provisions of the Act allow:

- The production, sale, possession, and use of recreational, adult-use cannabis and cannabis-containing products beginning on January 1, 2020.
- Adults 21 years and older will be permitted to purchase, possess, and use cannabis.
- Production, sale, and transportation is limited to State-licensed businesses.
- Medical marijuana businesses remain unaffected by this new Act.

The City cannot license cannabis businesses but we may

- 1) Prohibit them entirely,
- 2) Regulate them through local zoning authority with reasonable time, place, and manner regulations, and also
- 3) Impose a Cannabis Retailers' Occupation Tax at a maximum rate of 3%.

### **Local Zoning Authority**

The City may prohibit Cannabis Businesses within City limits or may exercise limited regulatory powers through zoning.

#### *Timing Considerations*

Existing medical cannabis dispensaries and cultivation center will be receiving the "Early Approval" recreational cannabis licenses. Although the City does not have any existing medical cannabis facilities, the Act allows these businesses to apply for a license for a secondary location, which could be a property within Crystal Lake. August 9, 2019 is when applications will be accepted for these secondary locations. The attached "red flag" resolution could be adopted before August 9, 2019 to provide additional time for review and refer this matter to the PZC to consider the appropriate zoning regulations. After the PZC's review and recommendations are received, the City Council may still pass an ordinance that prohibits all Cannabis Businesses within City limits. Some zoning criteria for consideration could be:

- ✓ Establishing minimum distance limitations between cannabis businesses and sensitive uses.
- ✓ Regulating on-premises consumption of cannabis in a cannabis business.
- ✓ Enacting reasonable regulations through a special use permit governing the time, place, manner, and number of cannabis businesses in appropriate zoning district(s), although local (including home rule) regulations may be constrained by provisions stipulated in the Act.

The proposed PZC meeting date for this public hearing is August 21, 2019. If the PZC completes their consideration and makes a recommendation, then the next available City Council meeting date would be September 3, 2019.

### **State and Local Taxes**

Processors and cultivators will be taxed 7% of their gross receipts by the State. In addition, consumers will also be charged a tax that is based on the product type and THC content as follows:

- 10% tax rate for any cannabis with a THC level at or below 35%;
- 25% tax rate for any cannabis with a THC level above 35%
- 20% tax rate for any cannabis-infused product.

Proceeds from the State taxes as well as other fees will be deposited in the State's Cannabis Regulation Fund, which will be used to pay the costs of implementing and administering the Act and the remaining fund will be allocated to various other State funds (including 8% of the revenues being allocated to the Local Government Distributive Fund). Any municipality may also impose a municipal cannabis retailers' occupation tax, which may not exceed 3% of gross receipts. Counties may also impose a tax up to 3.75% in unincorporated areas and up to 0.75% of gross receipt of sales made in a municipality within the County.

### **State Regulatory Structure**

These businesses will be exclusively licensed by the State through the Illinois Department of Financial and Professional Regulation (IDFPR) or Illinois Department of Agriculture (IDOA). Specific categories are:

- Dispensaries: where cannabis is sold to eligible consumers at retail.
- Cultivation Centers: fully enclosed growing facilities up to 210,000 square feet for growing and production.
- Craft Growers: fully enclosed growing facilities up to 5,000 square feet for growing and production.
- Infusers and Processors: where constituent chemicals or compounds are extracted from plants to product cannabis concentrate or where cannabis-infused products are produced.
- Transporters: transport cannabis products to other licensed cannabis businesses.

The Act also establishes a Community College Cannabis Vocational Pilot Program that will allow up to eight licenses for cannabis industry vocational programs at public community colleges. This aspect of the Act is not within the scope of the local regulatory powers given under the Act.

### **Quality Control and Advertising**

The IDOA will oversee quality control of cannabis products and mandate product testing, packaging and labeling standards and consumer warnings. The Act also restricts ads for cannabis products, which cannot be placed:

- 1) within 1,000 feet of a school, playground, game arcade
- 2) in a public transit vehicle or shelter
- 3) on publicly owned or publicly operated property

Ads cannot contain false or misleading information, medical or therapeutic claims, depictions of underage consumption, or depiction of actual cannabis consumption.

### **Limitations on Cannabis Possession and Use**

The Act does not permit any person to possess or use cannabis in the following locations:

- In a school bus
- Preschool, primary, or secondary school grounds
- Correctional facility
- Private residence used for licensed child care or similar social service care
- Motor vehicle (except when cannabis is secured and sealed and inaccessible while driving)
- Any public place
- Knowingly in close proximity to a minor under 21 years
- Smoking in any place where smoking is prohibited under the Smoke Free Illinois Act

### **Timeline**

January 1, 2020

- A dispensary that has obtained an Early Approval Dispensing Organization License may begin selling cannabis to consumers.
- Personal possession, consumption, use and transportation of cannabis, in accordance with the Act, will no longer be a civil or criminal offense.
- Registered medical cannabis patients may begin home cultivation of up to five cannabis plants.

May 1, 2020

- Up to 75 dispensary licenses will be issued. The licensee has 180 days to identify a physical location for its dispensary.

July 1, 2020

- Up to 40 craft grower licenses, 40 infuser licenses, transporter licenses (no limit) will be issued. Local zoning laws must be complied with before issuance.

September 1, 2020

- Up to 8 licenses for public community colleges to operate Community College Cannabis Vocational Pilot Programs will be issued.

July 1, 2021

- Number of cultivation center may be increased up to 30 centers.

December 21, 2021

- Number of dispensary licenses may be increased by 110 additional dispensaries.
- Up to 60 additional craft grower licenses may be issued.
- Up to 60 additional infuser licenses may be issued.

January 1, 2022

- Number of dispensary licenses may be increased up to 500 dispensaries.
- Number of craft grower licenses may be increased up to 150 growers.

**Votes Required to Pass:**

A simple majority vote.

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**CITY OF CRYSTAL LAKE**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 226 OF  
THE CRYSTAL LAKE CITY CODE TO PROHIBIT  
ADULT-USE CANNABIS BUSINESSES WITHIN THE CITY OF CRYSTAL LAKE**

**WHEREAS**, the City of Crystal Lake (the “**City**”) is an Illinois home rule municipality established and existing in accordance with the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Cannabis Regulation and Tax Act (the “**Act**”) was recently approved by the General Assembly and signed into law on June 25, 2019; and

**WHEREAS**, the Act authorizes the establishment of dispensary, cultivation center, craft grower, processor/ infuser, and transporter businesses (“**Cannabis Businesses**”) throughout Illinois for the purpose of producing, processing, distributing, and selling at retail adult-use cannabis in accordance with the Act (“**Adult-Use Cannabis**”) for purchase and personal recreational use by Illinois residents and non-residents 21 years of age and older beginning January 1, 2020; and

**WHEREAS**, under the Act, the City has authority to enact ordinances that prohibit Cannabis Businesses within the City or significantly limit the locations where Cannabis Businesses may be established; and

**WHEREAS**, the City has a long tradition of utilizing its zoning and planning authority to ensure that compatible uses are maintained in its various neighborhoods; and

**WHEREAS**, the Mayor and City Council have determined that Cannabis Businesses will be incompatible with the purposes and uses allowed within the City’s various neighborhoods, and



the presence of Cannabis Businesses within the City will therefore be detrimental to the City and its residents; and

**WHEREAS**, Chapter 226 of the Crystal Lake City Code (“**City Code**”) regulates Drugs and Drugs Paraphernalia within the City; and

**WHEREAS**, the Mayor and City Council have determined that it is in the best interests of the City and its residents to amend Chapter 226 of the City Code to prohibit Cannabis Businesses within the corporate limits of the City;

**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 incorporated in, and made a part of, this Ordinance by this reference as findings of the City Council of the City.

**SECTION TWO: Amendment to Chapter 226 of the City Code; Prohibition of Cannabis Businesses.** Chapter 226, titled “Drugs and Drug Paraphernalia” of the City Code is hereby amended to add a new Article III, which shall hereafter be and read as follows:

**§ Article III Adult-Use Cannabis Businesses Prohibited.**

**A. Adult-use cannabis businesses [including dispensing organizations, cultivation centers, craft growers, processing organizations, infuser organizations, and transporting organizations, all as defined by the Cannabis Regulation and Tax Act (PA 101-0027)] operating pursuant to said Cannabis Regulation and Tax Act, as may be amended from time to time, are hereby prohibited from locating or operating within the corporate limits of the City of Crystal Lake. This section shall not be construed to prohibit the operation of any facility licensed to operate pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq., as may be amended from time to time, that does not also hold a license to operate pursuant to the Cannabis Regulation and Tax Act.**

**SECTION THREE: Effective Date.** This Ordinance shall be in full force and effect upon its passage, approval, and publication in the manner provided by law.

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PASSED THIS 6th DAY OF August, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 6th DAY OF August, 2019.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**DRAFT**



**CITY OF CRYSTAL LAKE**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION REGARDING REGULATION AND ZONING OF ADULT-USE CANNABIS BUSINESSES**

**WHEREAS**, the City of Crystal Lake (the "**City**") is an Illinois home rule municipality established and existing in accordance with the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the City has a long tradition of utilizing its zoning and planning authority to ensure that compatible uses are maintained in its various neighborhoods; and

**WHEREAS**, the Cannabis Regulation and Tax Act (the "**Act**") was recently approved by the General Assembly and signed into law on June 25, 2019; and

**WHEREAS**, the Act authorizes the establishment of dispensary, cultivation center, craft grower, processor/ infuser, and transporter businesses ("**Cannabis Businesses**") throughout Illinois for the purpose of producing, processing, distributing, and selling at retail adult-use cannabis in accordance with the Act ("**Adult-Use Cannabis**") for purchase and personal recreational use by Illinois residents and non-residents 21 years of age and older beginning January 1, 2020; and

**WHEREAS**, under the Act, the City has authority to enact ordinances that prohibit Cannabis Businesses within the City or significantly limit the locations where Cannabis Businesses may be established; and

**WHEREAS**, if the City elects not to prohibit Cannabis Businesses, it also has authority under the Act to adopt zoning regulations, minimum separation requirements from sensitive

uses, and other ordinances and rules not in conflict with the Act governing the time, place, manner, and number of Cannabis Business operations (collectively, "**Cannabis Business Regulations**"); and

**WHEREAS**, because production, processing, distribution, and sale of Adult-Use Cannabis has long been illegal under Illinois law prior to adoption and implementation of the Act, the Crystal Lake Unified Development Ordinance (the "**UDO**") does not plainly address uses that would encompass Cannabis Businesses or related operations; and

**WHEREAS**, as a result, the City is not immediately equipped *to determine whether Cannabis Businesses should be permitted within the City or to handle zoning requests from Cannabis Businesses*; and

**WHEREAS**, the Mayor and City Council have determined that it is in the best interests of the City and its residents for the City Council to: *(i) further evaluate whether Cannabis Businesses should be prohibited within the City, or whether the location of Cannabis Businesses should be significantly limited; and (ii) to direct the Planning and Zoning Commission of the City (the "**PZC**") to evaluate and recommend zoning classifications for Cannabis Businesses, including whether the categories of Cannabis Businesses should be considered "permitted" or "special" uses under the UDO in the City's various zoning districts, and evaluate and recommend other Cannabis Business Regulations as may be necessary, important, or beneficial to the City and its residents;*

**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 incorporated in, and made a part of, this Resolution by this reference as findings of the City Council of the City.

**SECTION TWO: DIRECTION TO PLANNING AND ZONING COMMISSION (PZC).** The PZC is hereby directed to hold a public hearing on the questions of whether: (i) the UDO

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should be amended to include one or more categories of Cannabis Business as permitted or special uses in the City’s various zoning districts; and (ii) the UDO should be amended to establish other Cannabis Business Regulations that may be necessary, important, or beneficial to the City and its residents consistent with the Act. Thereafter, the PZC is directed to make a recommendation to the City Council regarding the subjects of the public hearing, along with any other conditions that should be attached to the zoning of Cannabis Businesses. Notice of the public hearing shall be given as required by law.

**SECTION THREE: NOTICE TO THE PUBLIC.** The public shall be deemed to have notice that the City is considering: *(i) prohibition or significant limitations on the location of Cannabis Businesses; and (ii) UDO amendments regarding Cannabis Businesses as of the effective date of this Resolution.*

**SECTION FOUR: EFFECTIVE DATE.** This Resolution shall be in full force and effect upon the passage and approval in the manner provided by law.

PASSED THIS 6<sup>TH</sup> DAY OF AUGUST, 2019.

AYES:  
NAYS:  
ABSENT:

APPROVED THIS 6th DAY OF AUGUST, 2019.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**Agenda Item No: 17**

**City Council  
Agenda Supplement**

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**Meeting Date:**

August 6, 2019

**Item:**

Change Order for Crystal Creek Culvert Removal and Replacement Project

**Staff Recommendation:**

Motion to adopt a Resolution authorizing a Change Order to a Construction Contract by and between the City of Crystal Lake and Copenhaver Construction, Inc. for work related to the Crystal Creek Culvert Removal and Replacement Project and authorize the City Manager to execute said Change Order for a new contract amount of \$1,611,815.83 with a 10% contingency; and adopt an ordinance for a corresponding budget amendment.

**Staff Contact:**

Abigail Wilgreen, City Engineer

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**Background:**

At the February 19, 2019 City Council meeting, the City Council awarded the Crystal Creek Culvert Removal and Replacement construction bid to the lowest responsive and responsible bidder, Copenhaver Construction Inc., in the bid amount of \$1,305,218.00, with an early completion bonus of \$25,500.00, for a total award of \$1,330,718.00, allowing for a 10 percent contingency.

The project removes and replaces five culverts along Crystal Creek at Dartmoor Drive, McHenry Avenue, Barlina Road, Country Club Road, and Broadway Avenue. Construction of the new culverts at Country Club Road, Broadway Avenue, and Barlina Road is complete. The McHenry Avenue and Dartmoor Drive culverts are under construction.

**Construction Changes to Date**

During construction, the following changes have been encountered to date that are within the originally approved 10 percent contingency. They are:

	<b>Description</b>	<b>Total</b>
A	<i>Broadway/Country Club Locations:</i> Additional bypass pumping due to large rain amounts in the spring	\$13,063.39

B	<i>Barlina/Dartmoor Locations:</i> Contractor equipment stand-by (delay) cost due to AT&T and Nicor errors of not accurately identifying the location of their existing facilities during the design process	\$10,541.72
C	<i>Barlina Location:</i> Contractor equipment stand-by (delay) cost due to Nicor error of not accurately identifying the location of their existing facilities during the design process	\$8,888.82
D	<i>Barlina Location:</i> Contractor personnel down time (delay) cost due to AT&T error of not identifying the locating of an abandoned cable run.	\$3,000.00
E	<i>Dartmoor Location:</i> Sanitary sewer materials only to minimize delays due to lead time to obtain materials	\$33,552.09
<i>Total Approved Changes To Date (53% of 10% contingency)</i>		<i>\$69,046.02</i>
<i>Remaining Amount of Original 10% Contingency (47% of 10% contingency)</i>		<i>\$61,475.78</i>

An additional change is required for the work at Dartmoor Drive that exceeds the approved 10 percent contingency amount. An existing east-west 30-inch sanitary sewer is located at the Dartmoor Drive culvert location. During design, the topographic survey conducted by a contracted outside surveyor indicated that the sanitary sewer was deep enough to allow for the new culverts to be placed on top of the sewer. However, during the removal stage by the construction contractor, the sanitary sewer was identified to be in direct vertical conflict with the new culverts. After an investigation of the conflict, it was determined that the surveyor erred in labeling the sewer elevation on the plans. The survey was completed by Thomson Surveying and the project was designed by Christopher B. Burke Engineering (CBBEL). The attached letter from Thomson Surveying acknowledges and accepts their error.

CBBEL and City staff immediately worked together to find a solution to the conflict. This resulted in a new design completed by CBBEL at no cost to the City. The new design has been reviewed and approved by City staff.

The following summarizes the anticipated additional work which will exceed the 10% contingency amount:

<b>Number</b>	<b>Description</b>	<b>Estimated Total</b>
F	Estimated labor and equipment to perform the sanitary sewer relocation work*	\$198,051.81
G	Contractor downtime upon discovery of sanitary sewer conflict	\$4,000.00
H	Additional traffic control due to detour route being required for a longer period of time	\$10,000.00
<i>Total</i>		<i>\$212,051.81</i>

\*The work to conduct the sanitary sewer relocation will be conducted by Copenhagen Construction on an actual time and material basis. The cost provided is an estimate. This is common practice for unforeseen issues which arise during construction.

### Cost Responsibilities

The cost of these construction changes are the responsibility of various parties as outlined below:

	<b>Description</b>	<b>Total</b>	<b>Responsible Party</b>
A	<i>Broadway/Country Club Locations:</i> Additional bypass pumping due to large rain amounts in the spring	\$13,063.39	City

B	<i>Barlina/Dartmoor Locations:</i> Contractor equipment stand-by (delay) cost due to AT&T and Nicor errors of not accurately identifying the location of their existing facilities during the design process	\$10,541.72	City staff will pursue reimbursement from AT&T and Nicor
C	<i>Barlina Location:</i> Contractor equipment stand-by (delay) cost due to Nicor error of not accurately identifying the location of their existing facilities during the design process	\$8,888.82	City staff will pursue reimbursement from Nicor
D	<i>Barlina Location:</i> Contractor personnel down time (delay) cost due to AT&T error of not identifying the locating of an abandoned cable run.	\$3,000.00	City staff will pursue reimbursement from AT&T
E	<i>Dartmoor Location:</i> Sanitary sewer materials only to minimize delays due to lead time to obtain materials	\$33,552.09	City responsibility a maximum of \$159,976 with remaining costs being paid by Thomson Surveying.*
F	Estimated labor and equipment to perform the sanitary sewer relocation work	\$198,051.81	
G	Contractor downtime upon discovery of sanitary sewer conflict	\$4,000.00	Thomson Surveying
H	Additional traffic control due to detour route being required for a longer period of time	\$10,000.00	Thomson Surveying
<b>Total Estimated Changes to Date</b>		<b>\$281,097.83</b>	
<i>Change Costs to be paid by City</i>		<i>\$173,039.39</i>	
<i>Change Costs to be paid by private utilities (Nicor/AT&amp;T)</i>		<i>\$22,430.54</i>	
<i>Change Costs to be paid by Thomson Surveying (est.)</i>		<i>\$71,627.90</i>	

**\*The relocation of the existing 30-inch sanitary sewer line at Dartmoor Drive would have been required had it been properly noted by Thomson Surveying, as there is no feasible and reasonable way to redesign the culverts to avoid the existing line. The City would have been responsible for the cost of such relocation had it been contemplated by the contract. Utilizing IDOT standard bid prices and the revised design plans developed by CBBEL, City staff estimated the cost of the sanitary sewer relocation work if it would have been included in the original bid plans and competitively bid to be \$159,976.00 (see below). Any costs beyond the \$159,976.00 (premium for additional work not bid and delays) is the responsibility of Thomson Surveying.**

**When unforeseen issues like this arise during construction, the industry standard practice is for the contractor to provide an estimate of cost based on the time it will take to complete the work and the cost for the materials to be utilized (known as “time and materials” basis). Copenhagen Construction has estimated that the cost will be \$231,603.90. Payment will be based on the actual time worked (as recorded by the City) and actual material costs.**

**Thomson Surveying, in the attached letter, has acknowledged their error and has agreed to cover the cost of this work above and beyond the \$159,976.00 which is estimated at \$71,627.90.**



<b>Dartmoor Sanitary Sewer Change Order Cost Estimate</b>				
<i>Cost If Estimating For A Construction Bid Based on IDOT Unit Prices</i>				
Description	Qty	Unit	Unit Price	Cost
Trench Wall for San Sewer Encasement	84	LF	\$ 90.00	\$ 7,560.00
5' Sanitary Doghouse Manhole	2	EACH	\$ 6,000.00	\$ 12,000.00
5' Sanitary Manhole Drop	1	EACH	\$ 9,500.00	\$ 9,500.00
6' Sanitary Manhole TY A	1	EACH	\$ 8,500.00	\$ 8,500.00
7' Sanitary Doghouse Manhole	2	EACH	\$ 16,500.00	\$ 33,000.00
Sanitary Sewer. Type 2, 30"	130	LF	\$ 225.00	\$ 29,250.00
San Sewer Removal	100	LF	\$ 55.00	\$ 5,500.00
Tree Removal	169	INCH	\$ 25.00	\$ 4,225.00
Trench Backfill	25	CY	\$ 1.00	\$ 25.00
Drop Manhole Removal	1	EACH	\$ 2,000.00	\$ 2,000.00
Pumping	1	L Sum	\$ 29,416.00	\$ 29,416.00
Plugs	1	L Sum	\$ 8,000.00	\$ 8,000.00
Temp Bracing/Tunneling 30" Elliptical for 60" Bypass	1	L Sum	\$ 11,000.00	\$ 11,000.00
<b>Estimated City Responsibility</b>				<b>\$ 159,976.00</b>

### Contract Changes

The existing contract with Copenhaver Construction is with the City. Therefore, all change orders, regardless of final responsibility of payment, must be approved and authorized by the City. As a result of these change orders, the contract price changes as follows:

<b>Change to Contract Price</b>	<b>Amount</b>
ORIGINAL contract price	\$1,305,218.00
Early completion bonus	\$25,500.00
Total of change orders to date	\$281,097.83
<i>New contract price including all change orders</i>	<i>\$1,611,815.83</i>

The completion date also changes as a result of the change orders as follows:

<b>CHANGE TO CONTRACT TIME/COMPLETION DATE</b>	
Original contract completion date	August 10, 2019
Contract time will be increased by this number of calendar days	49
Revised date for completion of all work without Early Completion Bonus*	September 28, 2019

\*Per the contract, the early bonus is based on the number of days completed prior to completion date.

### **Recommendation**

It is staff's recommendation to authorize a change order for the remaining work related to the Crystal Creek Culvert Removal and Replacement Project for a new contract amount of \$1,611,815.83 with a 10% contingency as well as a budget amount corresponding to the increased contract amount. Special Counsel Pardys has reviewed this matter.

### **Votes Required to Pass:**

Two-thirds of the corporate authorities then holding office (5).

**DRAFT**



**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, ILLINOIS AUTHORIZING A CHANGE ORDER TO A CONSTRUCTION CONTRACT BY AND BETWEEN THE CITY OF CRYSTAL LAKE AND COPENHAVER CONSTRUCTION, INC. FOR REMAINING WORK RELATED TO THE CRYSTAL CREEK CULVERT REMOVAL AND REPLACEMENT PROJECT**

**WHEREAS**, at the February 19, 2019 City Council meeting, the City Council awarded the Crystal Creek Culvert Removal and Replacement bid (the "Project") to the lowest responsive and responsible bidder, Copenhaver Construction, Inc. (the "Contractor"), in the bid amount of \$1,305,218.00, with an early completion bonus of \$25,500.00, for a total award of \$1,330,718.00, allowing for a 10 percent contingency; and

**WHEREAS**, the City desires the Contractor to undertake additional work related to the Project, which includes sanitary sewer relocation, additional bypass pumping, equipment stand-by, and downtime due to various utility line adjustments (the "Additional Work"); and

**WHEREAS**, the City desires to authorize the Contractor to undertake the Additional Work and further desires to amend the amount set forth in the Contract to \$1,586,315.83, with an early completion bonus of \$25,500.00, for a new total contract of \$1,611,815.83 (an increase of \$281,097.83), allowing for a 10 percent contingency; and

**WHEREAS**, the cost for some of the Additional Work is a result of delays or errors by parties other than the Contractor or the City, and, as a result of these, the City will seek appropriate reimbursement from these parties.

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

**Section 1.** The foregoing recitals are incorporated herein and by this reference made a part hereof as findings of the Mayor and City Council of the City of Crystal Lake as if fully set forth.

**Section 2.** Following recommendation for acceptance by the City Engineer, the City Manager is authorized to sign a Change Order to the Contract, in substantially the same form as attached to this Resolution as Exhibit 1 ("Change Order No. 1"), by and between the City of Crystal Lake and Copenhaver Construction, Inc., in the amount of \$281,097.83. Change Order No. 1 authorizes additional work to be completed on the City's Crystal Creek Culvert Removal and Replacement Project and revises the Project Contract amount to \$1,611,815.83, with an early completion bonus of \$25,500.00, for a total contract of \$1,611,815.83, allowing for a 10 percent contingency.

**DRAFT**

**Section 3.** Effective Date. This Resolution shall take effect upon its approval by the City Council.

**DATED** at Crystal Lake, Illinois, this 6th day of August, 2019.

**APPROVED:**

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Aaron T. Shepley, Mayor

**ATTEST:**

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Nick Kachiroubas, City Clerk

PASSED: August 6, 2019

APPROVED: August 6, 2019

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

**DRAFT**

Exhibit 1



**Change Order #1**

<b>PROJECT:</b> Crystal Creek Culvert Removal & Replacement	<b>CHANGE ORDER NO. 1</b>
	<b>CONTRACT DATE:</b> February 19, 2019
<b>TO:</b> Copenhaver Construction, Inc.	<b>DATE:</b> August 6, 2019
<b>DESCRIPTION OF ORIGINAL WORK:</b> Remove and replace five culverts along Crystal Creek at five locations including Dartmoor Drive, McHenry Avenue, Barlina Road, Country Club Road, and Broadway Avenue.	

It is hereby mutually agreed that when this Change Order has been signed by the contracting parties, the following described changes shall be executed by the Contractor without changing the terms of the Contract, except as herein stipulated and agreed.

Contractor shall undertake and complete the following additional work:

<b>Description</b>	<b>Total</b>
<i>Broadway/Country Club Locations:</i> Additional bypass pumping due to large rain amounts in the spring	\$13,063.39
<i>Barlina/Dartmoor Locations:</i> Equipment stand-by cost due to AT&T and Nicor mismarking the location of their existing facilities during the design process	\$10,541.72
<i>Barlina Location:</i> Equipment stand-by cost due to Nicor mismarking the location of their existing facilities during the design process	\$8,888.82
<i>Barlina Location:</i> Contractor downtime due to an unknown lead utility line not being identified by AT&T	\$3,000.00
<i>Dartmoor Location:</i> Sanitary sewer materials only	\$33,552.09
<i>Dartmoor Location:</i> Contractor downtime upon discovery of sanitary sewer conflict	\$4,000.00
<i>Dartmoor Location:</i> Estimated labor and equipment to perform the sanitary sewer relocation work	\$198,051.81
Additional traffic control due to detour route being required for a longer period of time	\$10,000.00
<b>Total</b>	<b>\$281,097.83</b>

Contractor agrees to furnish all materials and labor and to perform all work required to complete the above described changes in accordance with the requirements for similar work covered by the Contract, except as otherwise stipulated herein, for the following considerations:

<b>CHANGE TO CONTRACT PRICE</b>	<b>AMOUNT</b>
Original CONTRACT PRICE	\$1,305,218.00
Early completion bonus	\$25,500.00
The CONTRACT PRICE due to this Change Order will be Increased by	\$281,097.83
The new CONTRACT PRICE including this Change Order will be	\$1,611,815.83

**DRAFT**

<b>CHANGE TO CONTRACT TIME/COMPLETION DATE</b>	
Original CONTRACT Completion Date	August 10, 2019
CONTRACT TIME will be Increased by this number of calendar days	42
The DATE for completion of all Work without Early Completion Bonus*	September 28, 2019

\*Per the contract, the early bonus is based on the number of days completed prior to regular completion date.

**RECOMMENDED FOR ACCEPTANCE:**

CITY ENGINEER: \_\_\_\_\_

BY: Abigail Wilgreen    DATE: August 6, 2019

ACCEPTED:

CONTRACTOR: Copenhaver Construction, Inc.

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

CITY OF CRYSTAL LAKE:

BY: \_\_\_\_\_  
Gary J. Mayerhofer, City Manager

DATE: August 6, 2019

**DRAFT**

Ord. No.:  
File No.:



## **The City of Crystal Lake**

### **AN ORDINANCE AMENDING THE 2019-2020 CITY OF CRYSTAL LAKE BUDGET**

**WHEREAS**, on April 16, 2019, the Annual Budget for Fiscal Year 2019-2020 was adopted and approved by Ordinance 7522-117; and

**WHEREAS**, it has been determined that certain revisions to the Annual Budget for Fiscal Year 2019-2020 are necessary to adjust for additional expenses which were not anticipated at the time that the Annual Budget for Fiscal Year 2019-2020 was adopted, and

**WHEREAS**, 65 ILCS 5/8-2-9.6 permits the corporate authorities of the City of Crystal Lake to make such revisions to the Annual Budget for Fiscal Year 2019-2020 upon a two-thirds vote of the corporate authorities; and

**WHEREAS**, the Mayor and City Council believe it is in the best interest of the City of Crystal Lake to revise the Annual Budget for Fiscal Year 2019-2020 to reflect such budget adjustments, as set forth in this ordinance; and

**WHEREAS**, all of the adjustments to the Annual Budget for Fiscal Year 2019-2020, contemplated by this ordinance contain sufficient funds to effectuate the purpose of the proposed revisions.

**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:** The foregoing recitals are incorporated herein and by this reference made a part hereof as findings of the Mayor and City Council of the City of Crystal Lake as if fully set forth.

**SECTION TWO:** The Budget for all corporate purposes of the City of Crystal Lake, County of McHenry, State of Illinois, for the fiscal year commencing on the first day of May 2019 and ending on the thirtieth day of April 2020, as presented to the Mayor and City Council of the City of Crystal Lake on April 16, 2019, is hereby amended and revised and incorporated herein by this reference and made a part hereof and is hereby adopted.

**DRAFT**

SECTION THREE: Pursuant to Section 8-2-9.6 of the Illinois Municipal Code, (65 ILCS 5/8-2-9.4), the original budgeted expenditures shall be and hereby is amended as follows:

	<b>Fiscal Year</b>	<b>Current</b>	<b>Fiscal Year</b>
	<b>2019-2020</b>	<b>Amendment</b>	<b>2019-2020</b>
	<b>Original Budget</b>	<b>Request</b>	<b>Amended Budget</b>
Combined Expenditures for Water & Sewer Capital & Equipment Replacement Fund	\$19,406,113	\$281,097.83 (total all change orders) + \$161,181.59 (new 10% contingency) = \$442,279.42	\$19,848,392.42
Other Financing Sources for Water & Sewer Capital & Equipment Replacement Fund – Transfer from Unassigned Fund Balance from Water and Sewer Fund	\$6,165,763	\$442,279.42	\$6,608,042.42

SECTION FOUR: This ordinance shall be in full force and effect upon passage and approval and publication in pamphlet form as required by law.

**DATED** at Crystal Lake, Illinois, this 6<sup>th</sup> day of August, 2019.

**APPROVED:**

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Aaron T. Shepley, Mayor

**ATTEST:**

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Nick Kachiroubas, City Clerk

PASSED: August 6, 2019

APPROVED: August 6, 2019