



CITY OF CRYSTAL LAKE
AGENDA
CITY COUNCIL
REGULAR MEETING
City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
December 17, 2019
7:30 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes – December 3, 2019 Regular City Council Meeting**
5. **Accounts Payable**
6. **Public Presentation**
The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the City staff, Mayor or City Council will not be allowed at this time, nor will any comment from the Council. Personal invectives against City staff or elected officials are not permitted.
7. **Mayor's Report**
8. **City Council Reports**
9. **Consent Agenda**
 - a. **Class 16 Temporary Liquor License Request – Crystal Lake South Booster Club Trivia Game Night, February 15, 2020**
 - b. **Appointment to Police Pension Board of Trustees**
 - c. **Appointment to Firefighter's Pension Board of Trustees**
 - d. **Resolution Approving 2020 City Council Meeting Schedule**
10. **Variation from Article 7 Nonconformities - 1153 North Shore Drive**
11. **Special Event Request for 2020 Special Promotions - Beyond Stable Farm, 11129 Illinois Route 176**
12. **Re-Zoning from Manufacturing PUD (M PUD) to Manufacturing Light PUD (ML PUD) and Special Use Permit Request for a commercial child-care center – Sarillo, 1095 Pingree Road**
13. **Preliminary and Final Planned Unit Development (PUD), Comprehensive Land Use Plan Amendment from Urban Residential to High-Density Residential, Re-Zoning from R-2 and R-3A to R-3B Multi-family Residential, and PUD Variations - Church Street Apartments, 178 McHenry Avenue**
14. **Final Plat Amendment to remove a condition of approval and Subdivision Variation – Immanuel Lutheran Church, 300 S. Pathway Court**
15. **Ordinance Amending the City Code – Chapter 630: Watershed**

16. **City Code Amendments to Reflect Changes in State Law – Ordinance amending the City Code Chapter 226: *Possession of Cannabis and Possession of Cannabis Drug Paraphernalia*; Chapter 248: *Fines*, in conjunction with the amendments to Chapter 226; Section 496-92: *Driving While Under the Influence of Alcohol, Drugs, and/or Intoxicating Compounds*; and Chapter 364: *Nuisances***
17. **McRide Intergovernmental Agreement**
18. **Property Acquisition Ordinance – 170 Sunnyside Avenue**
19. **Land Management Software Renewal**
20. **Proposal Award – Three Oaks Recreation Area Security Guards**
21. **Consultant Selection Approval for Water Management Plan**
22. **Bid Award - Water Treatment Plant #5 Rehabilitation**
23. **Council Inquiries and Requests**
24. **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**
25. **Reconvene to Regular Session**
26. **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**

<u>Meeting Date:</u>	December 17, 2019
<u>Item:</u>	Class 16 Temporary Liquor License Request – Crystal Lake South Booster Club
<u>Staff Recommendation:</u>	Motion to approve issuance of a Class 16 Temporary Liquor License to the Crystal Lake South Booster Club.
<u>Staff Contact:</u>	Eric T. Helm, Deputy City Manager

Background:

The City has received a request from the Crystal Lake South Booster Club for the issuance of a Class 16 Temporary Liquor License in order to sell beer and wine at their Trivia Game Night on February 15, 2020 from 6:30 p.m. to 11:00 p.m. at the St. Elizabeth Ann Seton Catholic Church at 1023 McHenry Avenue. This is the same request approved in past years.

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: 9b

**City Council
Agenda Supplement**

Meeting Date: December 17, 2019

Item: Appointment to Police Pension Board of Trustees

Staff Recommendation: Motion to approve Mayoral appointment of Deputy City Manager Eric Helm to the Board of Trustees of the Police Pension Fund.

Staff Contact: Aaron T. Shepley, Mayor

Background:

Following George Koczwar's resignation earlier this year, Laura Herrig, Assistant Finance Director, was appointed to the Police Pension Fund Board of Trustees. Ms. Herrig's appointment was temporary. It is now recommended that Deputy City Manager, Eric Helm be permanently appointed to the Police Pension Fund Board of Trustees.

The membership of the Board of Trustees of the Police Pension Fund is governed by 40 ILCS 5/3-128 which states:

A board of 5 members shall constitute a board of trustees to administer the pension fund and to designate the beneficiaries thereof. The board shall be known as the "Board of Trustees of the Police Pension Fund" of the municipality. Two members of the board shall be appointed by the mayor or president of the board of trustees of the municipality involved. The 3rd and 4th members of the board shall be elected from the active participants of the pension fund by such active participants. The 5th member shall be elected by and from the beneficiaries.

Votes Required to Pass:

Simple majority vote

DRAFT



RESOLUTION NO. _____

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

Confirming Appointments to the Board of Trustees of the Police Pension Fund

WHEREAS, the Board of Trustees of the Police Pension Fund consists of 5 members, 2 of who are appointed by the Mayor with the advice and consent of the Crystal Lake City Council; and

WHEREAS, the Mayor of the City of Crystal Lake, has recommended that Eric Helm replace Laura Herrig on the five-member Board of Trustees of the Police Pension Fund.

NOW THEREFORE, by adoption of this resolution, the City Council confirms the appointment of Eric Helm to the Board of Trustees of the Police Pension Fund appointment effective December 18, 2019.

Adopted by the City Council of the City of Crystal Lake at a regular meeting on the 17th day of December 2019.

Aaron T. Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: December 17, 2019

APPROVED: December 17, 2019



Agenda Item No: 9c

**City Council
Agenda Supplement**

Meeting Date: December 17, 2019

Item: Appointment to Firefighters' Pension Board of Trustees

Staff Recommendation: Motion to approve the Mayoral appointment of Deputy City Manager Eric Helm to the Firefighters' Pension Fund Board of Trustees.

Staff Contact: Aaron T. Shepley, Mayor

Background:

Following George Koczwar's resignation earlier this year, Laura Herrig, Assistant Finance Director was appointed to the Firefighters' Pension Fund Board of Trustees. Ms. Herrig's appointment was temporary. It is now recommended that Eric Helm, Deputy City Manager be permanently appointed to the Firefighters' Pension Fund Board of Trustees.

The membership of the Firefighters' Pension Fund Board of Trustees is governed by Public Act 94-0317 (40 ILCS 5/4-121) which states:

"...the board for each municipality or fire protection district shall consist of 5 members. Two members of the board shall be appointed by the mayor or president of the board of trustees of the municipality or fire protection involved. Two members of the board shall be active participants of the pension fund who are elected from the active participants of the fund. One member of the board shall be a person who is retired under the Firemen's Pension Fund Act of 1919 or this Article who is elected from person retired under the Firemen's Pension Fund Act of 1919 or this Article."

The appointment requirements are also contained in Chapter 11-6 of the City Code.

Votes Required to Pass:

Simple majority.

DRAFT



RESOLUTION NO. _____

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

Confirming Appointments to the Board of Trustees of the Firefighters' Pension Fund

WHEREAS, the Board of Trustees of the Firefighters' Pension Fund consists of 5 members, 2 of who are appointed by the Mayor with the advice and consent of the Crystal Lake City Council; and

WHEREAS, the Mayor of the City of Crystal Lake, has recommended that Eric Helm replace Laura Herrig on the five-member Board of Trustees of the Firefighters' Pension Fund.

NOW THEREFORE, by adoption of this resolution, the City Council confirms the appointment of Laura Herrig to the Board of Trustees of the Firefighters' Pension Fund appointment effective December 18, 2019.

Adopted by the City Council of the City of Crystal Lake at a regular meeting on the 17th day of December, 2019.

Aaron T. Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: December 17, 2019
APPROVED: December 17, 2019



Agenda Item No: 9d

**City Council
Agenda Supplement**

Meeting Date: December 17, 2019

Item: Resolution Approving 2020 City Council Meeting Schedule

Staff Recommendation: Staff recommends adoption of the Resolution Approving 2020 City Council Meeting Schedule

Staff Contact: Eric T. Helm, Deputy City Manager

Background:

This resolution approves the 2020 schedule of City Council meetings which is required to be published by the Open Meetings Act.

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

Votes Required to Pass:

Simple majority

CITY OF CRYSTAL LAKE 2020 CALENDAR OF REGULARLY SCHEDULED MEETINGS

The following schedule designates the place, time, and date of all regularly scheduled meetings of the City Council, Boards and Commissions. For further information please call the City Manager's Office at (815) 459-2020.

CITY COUNCIL

Place: Municipal Complex, City Council Chambers, 100 W. Woodstock Street

Date: 1st and 3rd Tuesday

Time: 7:30 p.m.

January 7, 21

April 7, 21

July 7, 21

October 6, 20

February 4, 18

May 5, 19

August 4, 18

November 3, 17

March 3, 17

June 2, 16

September 1, 15

December 1, 15

Workshop Meetings

Place: Municipal Complex, City Council Chambers, 100 W. Woodstock Street

Date: 2nd Tuesday

Time: 7:30 p.m.

January 14

April 14

July 14

October 13

February 11

May 12

August 11

November 10

March 10

June 9

September 8

December 8

DRAFT



The City of Crystal Lake Illinois

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that pursuant to the Illinois Open Meetings Act, 5 ILCS 120/2, which requires public notice of an annual meeting schedule, the City Council approves the attached 2020 Calendar of Regularly Scheduled Meetings and authorizes its publication.

DATED this 17th day of December, 2019.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

Aaron T. Shepley, Mayor

SEAL

ATTEST

Nick Kachiroubas, City Clerk

Passed: December 17, 2019

Approved: December 17, 2019



Agenda Item No: 10

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 17, 2019
<u>Item:</u>	REPORT OF THE PLANNING & ZONING COMMISSION
<u>Request:</u>	<p>Variation from Article 7 Nonconformities to allow</p> <ul style="list-style-type: none">• The reconstruction of a structure or portion of a structure which was destroyed/removed by more than 50%,• The increase in the nonconforming structure by increasing the volume of the area, and• The reduction of the side yard setback from 4.9 feet to 0 feet. <p>Brent and Linda Matthias, petitioners</p>
<u>PZC Recommendation:</u>	To approve the PZC recommendation and adopt an ordinance granting the variations for 1153 North Shore Drive.
<u>Staff Contact:</u>	Michelle Rentzsch, Director of Community Development Elizabeth Maxwell, City Planner

Background:

- The home on 1153 North Shore extends approximately 6.6 feet over the property line onto 1151 North Shore. This condition was in existence prior to either of the current homeowners purchasing their homes.
- The owners at 1153 North Shore applied for a permit to remodel the home, particularly that section of the structure over the property line. The petitioner completed repairs to the structure requiring most of the structure to be removed and the floor height to be raised up. This led to the two variations; the reconstruction of the nonconformity and the increase in its volume for the increased ceiling and roof height.
- In order to improve the situation, the adjoining property owners will pursue a subdivision, which will adjust the property line to go around the portion of the 1153 North Shore residence, which encroaches onto 1151 North Shore. This subdivision would require a new variation for the side yard setback to allow zero feet. Although this is a new variation, it is making the situation more conforming.
- The subdivision will be submitted and come back for approval in the future.

Key Factors:

- Request: Three variations are requested. Two of the variations allow for the remodel of the nonconforming portion of the home. One is for the setback to allow zero feet, which once the subdivision is approved makes the structure more conforming than the current 6.6 foot encroachment over the property line.
- Analysis: The proposed variations would allow the owner to improve the condition of the residence and to adjust the lot line to place the home entirely on their lot.

PZC Highlights:

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

- The PZC was supportive of the owners desire to improve their home and understood the needs for the variations.
- The PZC found that the petition met the Findings of Facts.

The Planning and Zoning Commission recommended **approval (5-0)** of the petitioner’s request with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Matthias, received 09/20/19)
 - B. Plat of Survey (Schmitt Engineering, dated 05/02/09, received 09/20/19)
 - C. Architectural Plans (ALA Architects, dated 05/22/19, received 09/20/19)
 - D. Plat of Survey Exhibit (Matthias, undated, received 11-20-19)
2. The petitioner shall address all of the review comments and requirements of Community Development Department.
3. The petitioner shall provide a plat of subdivision, which meets all the requirements for a Final Plat of Subdivision in Article 5 of the UDO, to the City for signatures, and recorded. A recorded copy shall be provided to the City.
4. The remaining brick wall on the 260.5 square foot parcel shall be removed no later than July 1, 2020.

Votes Required to Pass: A simple majority vote

PLN-2019-00064 MATTHIAS – 1153 NORTH SHORE DRIVE



DRAFT

Ord. No.
File No.



The City of Crystal Lake Illinois

AN ORDINANCE GRANTING VARIATIONS
AT 1153 NORTH SHORE DRIVE

WHEREAS, pursuant to the terms of the Application (File #PLN-2019-64) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested the granting of a Simplified Residential Variations from Article 7 Nonconformities to allow: A. the reconstruction of a structure or portion of a structure, which was destroyed/removed by more than 50%; B. to allow the increase in the nonconforming structure by increasing the volume of the area; and C. to allow a zero-foot side yard setback; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on November 19, 2019 in the Northwest Herald, held a public hearing at 7:30 p.m., on December 4, 2019 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed Simplified Residential Variations; and

WHEREAS, on December 4, 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 Simplified Residential Variations be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #PLN-2019-64, dated as of December 5, 2019; and

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

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

SECTION I: That Variations be granted from the Crystal Lake Unified Development Ordinance from Article 7 Nonconformities to allow: A. the reconstruction of a structure or portion of a structure, which was destroyed/removed by more than 50%; B. to allow the increase in the nonconforming structure by increasing the volume of the area; and C. to allow a zero-foot side yard setback at the property at 1153 North Shore Drive (18-01-251-004), Crystal Lake, Illinois.

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

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Matthias, received 09/20/19)
 - B. Plat of Survey (Schmitt Engineering, dated 05/02/09, received 09/20/19)
 - C. Architectural Plans (ALA Architects, dated 05/22/19, received 09/20/19)
 - D. Plat of Survey Exhibit (Matthias, undated, received 11-20-19)
2. The petitioner shall address all of the review comments and requirements of Community Development Department.
3. The petitioner shall provide a plat of subdivision, which meets all the requirements for a Final Plat of Subdivision in Article 5 of the UDO, to the City for signatures, and recorded. A recorded copy shall be provided to the City.
4. The remaining brick wall on the 260.5 square foot parcel shall be removed no later than July 1, 2020.

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

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

DATED at Crystal Lake, Illinois, this 17th day of December, 2019.

Ord. No.
File No.

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

Passed: December 17, 2019
Approved: December 17, 2019



Agenda Item No: 11

**City Council
Agenda Supplement**

Meeting Date:

December 17, 2019

Item:

Beyond Stable Farm Special Event request for 2020 Special Promotions

Staff Recommendation:

City Council's discretion:

- A. Motion to approve the Special Event for the 2020 Beyond Stable Farm Promotions pursuant to the recommended conditions listed below.
- B. Motion to deny the applicant's request.

Staff Contact:

Michelle Rentzsch, Director of Community Development

Background:

The Beyond Stable Farm located at 11129 Route 176 is requesting to obtain an annual Special Event permit for all of the potential events within the upcoming 2020 calendar year. The property owner has renovated this property into a commercial stable for horse shows. The venue has been upgraded to such a degree that many other event organizers are wanting to use the property for their events. This past year, many times the individual special event approvals were granted in a hasty fashion to accommodate the timing of the event. This annual approval would allow the owner to host the events within the tight timeframes without the need for seeking individual Special Event approvals. A list of potential events that may be held at the venue is attached for your reference.

Liquor License

This request does not include a request for a Class "19" Temporary Liquor License. If a Temporary Liquor License is needed for any events in the calendar year, a separate request must be made and approved by City Council.

The application has been reviewed by the City Departments and the following conditions are recommended:

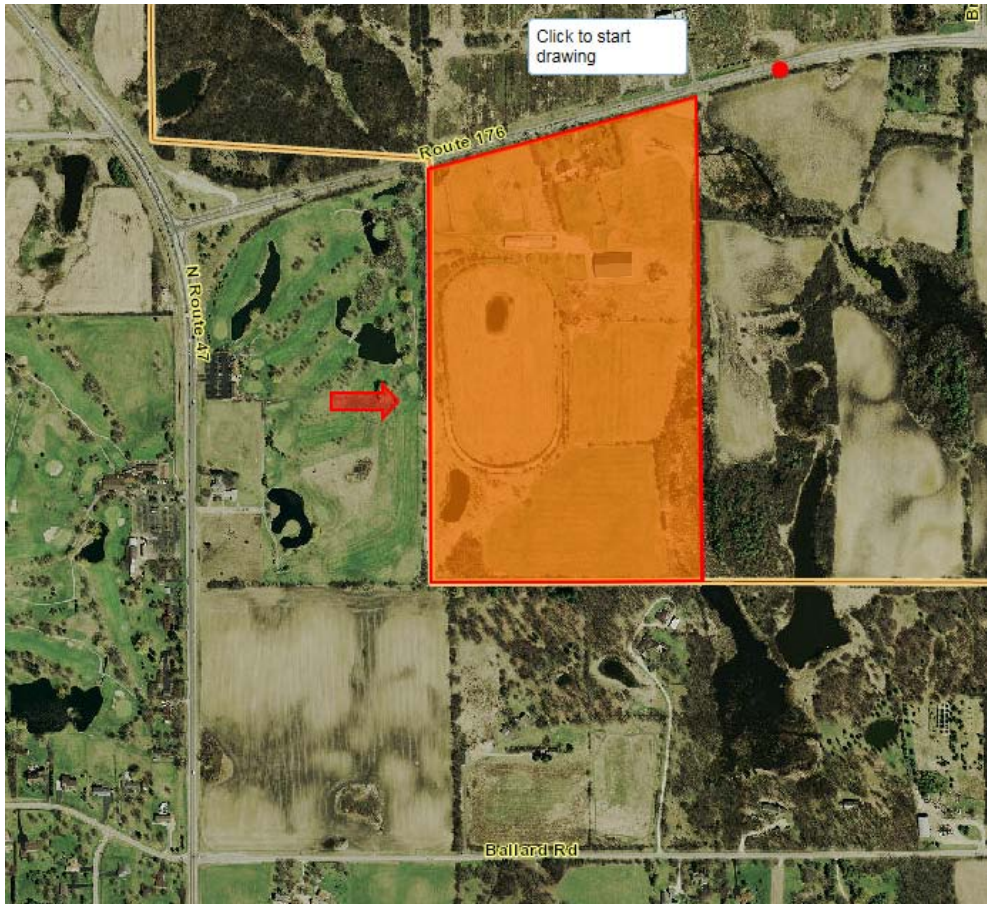
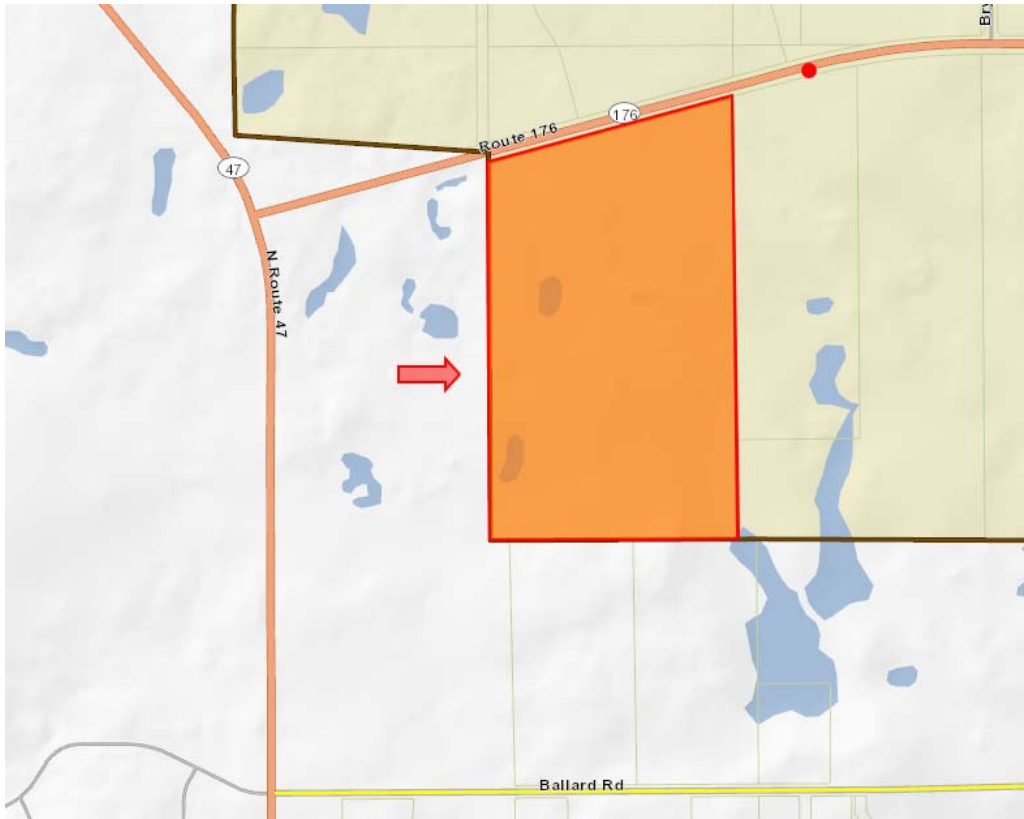
1. Comply with all City Code regulations pertaining to the request.
2. Trash must be picked up on a daily basis.
3. There must be sufficient lighting around the portable toilet area.

4. The event sites are subject to a life safety inspection by the Community Development, Fire Rescue, and Police Departments prior to the start of an event. Please contact Community Development three (3) weeks prior to the event to schedule the inspection.
5. If Police Department assistance is required for an event, contact the Police Department one (1) month prior to the event to review the number of officers needed and the chargeback fee for that event.
6. Prior to the events, determine a sheltering area in the case of inclement weather during an event.
7. Tents and canopies used for the events must comply with the Tent Guidelines (enclosed).
8. Generators, if used, must be a minimum of 20 feet from any tents/canopies and protected from the public by fencing, enclosure, or other approved means.
9. Provide male and female accessible restroom facilities.
10. Obtain any necessary approvals, particularly for food vendors, from the McHenry County Department of Health.

Votes Required to Pass:

Simple majority vote

PLN-2019-188 Beyond Stables - 11129 Route 176 - Temporary Events 2020





Agenda Item No: 12

**City Council
Agenda Supplement**

Meeting Date:

December 17, 2019

Item:

REPORT OF THE PLANNING & ZONING COMMISSION

Request:

1. Rezoning from Manufacturing PUD to Manufacturing Limited PUD.
2. Special Use Permit for a commercial child-care center.

Petitioner:

Joe Gottemoller, attorney and Tony Sarillo, petitioner
1095 Pingree Road

PZC Recommendation:

To approve the PZC recommendation for the Rezoning and a Special Use Permit for a child-care center at 1095 Pingree Road.

Staff Contact:

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

Background:

- The subject property is a two-story building with a mix of office, commercial recreation and service uses.
- A Planned Unit Development was approved for the property in 2007 to allow the construction of a mini-warehouse storage building in the rear of the property. The building has not been constructed.
- UDO Requirements: Commercial child-care centers are required to obtain a special use permit and comply with specific criteria.

Request:

- The site is currently zoned Manufacturing PUD. The petitioner is requesting to rezone the property to Manufacturing Limited PUD.
- The proposed rezoning would not negatively affect any of the current tenants. The rezoning would complement the existing tenant mix.
- The proposed rezoning would allow the commercial child-care center to locate at the property with the approval of a special use permit.
- The commercial child-care center estimates to have up to 100 children. The center would provide daycare services for infants to kindergarten aged children.

- The proposed site/loading plan illustrates a loading area in the rear. The petitioner has worked with city staff to relocate the loading area to the front of the building with designated parking stalls to meet the UDO requirement and comply with Fire Rescue fire lane requirements.

PZC Highlights:

- The petitioner stated the rezoning would not negatively affect any of the existing tenants.
- The PZC agreed the primary land uses in the area around Rakow and Pingree Road are office, light manufacturing and retail. The PZC felt the rezoning would fit in with the existing area.
- The petitioner agreed with the recommended conditions and agreed that the rear area needed to be cleaned up. The junk/debris was from a former tenant.
- The commercial child-care center representative stated that the State of Illinois requires either an indoor play area or outdoor area. The center is going to incorporate an indoor gym to comply with the State's requirements. The proposed outdoor play area is to comply with the UDO. The PZC stressed that children would need to be escorted to the outdoor play area as the rear parking lot is an active parking area.
- The PZC stated that the Findings of Fact had been met.

The PZC recommended **approval (5-0)** of the petitioner's request with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Pingree & Rakow LLC, dated 11/12/19, received 11/12/19)
 - B. Site/Evacuation Plan (Pingree & Rakow, dated 11/11/19, received 11/12/19)
 - C. Floor Plan (Pingree & Rakow, dated 11/11/19, received 11/12/19)
2. The rubbish, box containers, wood and other materials located in the gravel area behind the building must be removed prior to the occupancy of the child-care center or January 31, 2020, whichever comes first.
3. The petitioner shall address all of the review comments and requirements of the Community Development and Fire Rescue Departments.

Votes Required to Pass: A simple majority.

PLN-2019-001181 PINGREE & RAKOW LLC (SARILLO) – 1095 PINGREE ROAD



DRAFT

Ord. No.
File No.



The City of Crystal Lake Illinois

**AN ORDINANCE GRANTING REZONING AND A SPECIAL USE PERMIT
AT 1095 PINGREE ROAD**

WHEREAS, pursuant to the terms of a Petition (File #PLN-2019-00181) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the Rezoning from “M-PUD” Manufacturing Planned Unit Development to “M-L PUD” Manufacturing Limited Planned Unit Development and the issuance of a Special Use Permit for a commercial child-care center for the property located at 1095 Pingree Road; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on November 19, 2019 in the Northwest Herald, held a public hearing at 7:30 p.m., on December 4, 2019 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed Rezoning and Special Use Permit; and

WHEREAS, on December 4, 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 Rezoning and Special Use Permit be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #PLN-2019-00181, dated as of December 5, 2019; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Rezoning and 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 the following described property be rezoned from “M-PUD” Manufacturing Planned Unit Development to “M-L PUD” Manufacturing Limited Planned Unit Development at the property legally described as follows:

Lots 1 and 2 in the Lakeview Business Center, Phase II, being a subdivision of part of the North Half of the Northwest Quarter of Section 15, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded January 4, 2001 as Document Number 2001R0000861, in McHenry County, Illinois.

Section II: That a Special Use Permit be issued to allow a commercial child-care center for the property commonly known as 1095 Pingree Road (19-15-101-002, 19-15-101-006), Crystal Lake, Illinois.

Section III: 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 (Pingree & Rakow LLC, dated 11/12/19, received 11/12/19)
 - B. Site/Evacuation Plan (Pingree & Rakow, dated 11/11/19, received 11/12/19)
 - C. Floor Plan (Pingree & Rakow, dated 11/11/19, received 11/12/19)
2. The rubbish, box containers, wood and other materials located in the gravel area behind the building must be removed prior to the occupancy of the child-care center or January 31, 2020, whichever comes first.
3. The petitioner shall address all of the review comments and requirements of the Community Development and Fire Rescue Departments.

Section IV: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the issuance of a Special Use Permit and zoning classification of the above-described property in accordance with the provisions of this Ordinance, as provided by law.

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

Ord. No.
File No.

DATED at Crystal Lake, Illinois, this 17th day of December, 2019.

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

Passed: December 17, 2019
Approved: December 17, 2019



Agenda Item No: 13

**City Council
Agenda Supplement**

Meeting Date: December 17, 2019

Item: REPORT OF THE PLANNING & ZONING COMMISSION

Requests:

1. Preliminary and Final Planned Unit Development for 36 apartment units.
2. Comprehensive Land Use Plan Amendment from Urban Residential to High Density Residential.
3. Rezoning from R-2 and R-3A to R-3B Multi-Family Residential.
4. PUD Variations:
 - a. From the maximum permitted density of 9 units/acre to allow 13.8 dwelling units/acre, a variation of 4.8 units/acre.
 - b. From the requirement to bury the overhead utility lines along Church Street, and
 - c. From the requirement to install parkway trees along Maple and Church Streets.

PZC Recommendation: To deny the requests

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

Background

- The site is the former Immanuel Lutheran church and Faith Lutheran School. The property is currently vacant. This request would reuse the buildings for new apartments.

PZC Highlights

- Traffic: The traffic consultant, Lynn Means with Gewalt Hamilton, presented data showing a reduction in peak hour trips and a reduction in overall daily trips except for Saturday. The traffic would be very minimal about 1 car every 6 to 30 minutes as a daily average.
- Noise: The petitioner noted that noise and use of the site would be similar to the single family neighborhood and much less than the school activity.
- Comprehensive Land Use Plan & Rezoning: The PZC found that the petitioner did not meet the standards to amend the Comprehensive Land Use Plan and Rezone the property. The petitioner pointed out that the request meets several of the goals in the Comprehensive Land Use Plan including Housing, Historic Preservation and Land Use.

- Density: The developer stated that to attract higher-end renters certain amenities are required and these cost money. In order to recoup the costs a certain number of units are required. In addition, these are existing buildings and there is a variety of apartment sizes that are marketable. Reducing the density either requires dead space in the building or removal of buildings or a portion of the building. Through his experience with two other projects in the City, he demonstrates the market conditions on apartment size and amenities.

The Planning and Zoning Commission recommended **denial (4-2)** of the petitioner's requests.

If a motion is made to approve the petitioner's request, the following conditions are recommended:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Ieremciuc, received 11/15/19)
 - B. Site Development Plan Set [Site Plan, Landscape Plan, Site Photos, and Floor Plans] (Joseph A Meyer, dated 11/19/19, received 11/18/19)
 - C. Traffic Study (GHA, Inc., dated 11-26-19)
2. Site Plan
 - A. Remove the freestanding signs from the property.
 - B. Provide a trash enclosure area that meets the UDO requirements; location and design to be reviewed and approved by staff.
 - C. Repair and maintain the on-street parking spaces along Church Street and Maple Street.
 - D. The curb ramps along McHenry Avenue shall be removed along with any striping and signage.
 - E. The accessible stalls at the corner of Church Street and McHenry Avenue shall be moved to the west so the cars are not backing into McHenry Avenue.
3. Landscape Plan
 - A. Provide landscape screening materials along Maple Street in the parkway and to the east of the two parking areas, which consists of evergreen and deciduous shrubs and trees to screen the parking area from the adjacent residential areas, where practical.
 - B. Work with staff to replace dead and dying foundation landscape material with refreshed landscape materials.
4. Traffic Study
 - A. To the extent possible, moves in and out of units should occur during off-peak hours.
 - B. Provide bicycle parking on-site that is easily accessible.
 - C. Remove the signing and pavement markings (school zone speed limits and crossings) along both Maple Street and McHenry Avenue provided in connection with the former school use on the site.
5. The petitioner must address all of the review comments and requirements of the Community Development, Fire Rescue, Police, and Public Works Departments and the Final Traffic Study.

6. No major changes can be made to the exterior of the building without first obtaining a Final PUD Amendment approval.
7. The following variations are granted:
 - A. From the requirement to bury the existing overhead utility line along Church Street.
 - B. From the requirement to plant parkway trees along Church Street.
 - C. From the maximum net density of 9 dwelling units per acre to allow 13.8 dwelling units per acre.

Votes Required to Pass: A super majority vote (5 votes)



PLN-2019-182 174 McHenry Avenue - Rezone, Preliminary & Final Planned Unit Development

DRAFT

Ord. No.
File No.



The City of Crystal Lake Illinois

AN ORDINANCE GRANTING A PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT, COMPEHENSIVE LAND USE PLAN MAP AMENDMENT, REZONING, AND VARIATIONS FOR CHURCH STREET APARTMENTS

WHEREAS, pursuant to the terms of the Petition (File #PLN-2019-182) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested a Preliminary and Final Planned Unit Development for 36 apartment units, Comprehensive Land Use Plan Amendment from Urban Residential to High Density Residential, Rezoning from “R-2” Single Family and “R-3A” Two Family to “R-3B” Multi Family, and Variations from: A. the maximum permitted density of 9 units/acre to allow 13.8 dwelling units/acre, a variation of 4.8 units/acre; B. The requirement to bury the overhead utility lines along Church Street; and C. The requirement to install parkway trees along Maple and Church Streets; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on November 21, 2019 in the Northwest Herald, held a public hearing at 7:30 p.m., on December 9, 2019 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed Final Planned Unit Development; and

WHEREAS, on December 9, 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 Preliminary and Final Planned Unit Development, Comprehensive Land Use Plan Amendment, Rezoning, and Variations be denied, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #PLN-2019-182, dated as of December 10, 2019; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the Preliminary and Final Planned Unit Development, Comprehensive Land Use Plan Amendment, Rezoning, and Variations be granted 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 proposed Preliminary and Final Planned Unit Development, Comprehensive Land Use Plan Amendment, Rezoning, and Variations be granted for the property located at 178 McHenry Avenue (19-05-131-013, 19-05-131-023, 19-05-131-024, 19-05-131-025, 19-05-131-027, 19-05-131-031, 19-05-131-032, and 19-05-131-033), Crystal Lake, Illinois.

SECTION II: That the proposed Preliminary and Final Planned Unit Development, Comprehensive Land Use Plan Amendment, Rezoning, and Variations be granted with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Ieremciuc, received 11/15/19)
 - B. Site Development Plan Set [Site Plan, Landscape Plan, Site Photos, and Floor Plans] (Joseph A Meyer, dated 11/19/19, received 11/18/19)
 - C. Traffic Study (GHA, Inc., dated 11-26-19)

2. Site Plan
 - A. Remove the freestanding signs from the property.
 - B. Provide a trash enclosure area that meets the UDO requirements; location and design to be reviewed and approved by staff.
 - C. Repair and maintain the on-street parking spaces along Church Street and Maple Street.
 - D. The curb ramps along McHenry Avenue shall be removed along with any striping and signage.
 - E. The accessible stalls at the corner of Church Street and McHenry Avenue shall be moved to the west so the cars are not backing into McHenry Avenue.

3. Landscape Plan
 - A. Provide landscape screening materials along Maple Street in the parkway and to the east of the two parking areas, which consists of evergreen and deciduous shrubs and trees to screen the parking area from the adjacent residential areas, where practical.
 - B. Work with staff to replace dead and dying foundation landscape material with refreshed landscape materials.

4. Traffic Study
 - A. To the extent possible, moves in and out of units should occur during off-peak hours.
 - B. Provide bicycle parking on-site that is easily accessible.
 - C. Remove the signing and pavement markings (school zone speed limits and crossings) along both Maple Street and McHenry Avenue provided in connection with the former school use on the site.

5. The petitioner must address all of the review comments and requirements of the Community Development, Fire Rescue, Police, and Public Works Departments and the Final Traffic Study.
6. No major changes can be made to the exterior of the building without first obtaining a Final PUD Amendment approval.
7. The following variations are granted:
 - A. From the requirement to bury the existing overhead utility line along Church Street.
 - B. From the requirement to plant parkway trees along Church Street.
 - C. From the maximum net density of 9 dwelling units per acre to allow 13.8 dwelling units per acre.

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 Planned Unit Development in accordance with the provisions of this Ordinance, as provided by law.

Section IV: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting Rezoning in accordance with the provisions of this Ordinance, as provided by law.

SECTION V: 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 17th day of December, 2019.

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

Passed: December 17, 2019
Approved: December 17, 2019



Agenda Item No: 14

**City Council
Agenda Supplement**

Meeting Date: December 17, 2019

Item: REPORT OF THE PLANNING & ZONING COMMISSION

Request: Immanuel Lutheran Church

1. Final Plat Amendment to remove a condition of approval.
2. Variation from Article 5 of the Subdivision Ordinance from the requirement to provide a security for the subdivision's associated public improvements.

Joe Gottemoller, ILC, attorney

PZC Recommendation: To approve the PZC recommendation and adopt an ordinance granting the Final Plat Amendment and Variation from the surety requirement for Immanuel Lutheran Church at 300 Pathway Court

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

Background:

- In 2006, Immanuel Lutheran Church received final plat of subdivision approval for a 4-lot subdivision: one lot for the school and future church and three lots along Main Street for future developments. The subdivision standards require a Letter of Credit or Bond be posted for the amount of any necessary public improvements associated with a plat of subdivision.
- When the subdivision was approved, the importance of the Teckler-Congress connection was discussed extensively. The Council regarded the connection as being necessary to allow better traffic flow and open opportunities for development of these lots. The minutes from the March 21, 2006 and March 20, 2007 City Council meetings are attached.
- As a result, to account for these parcels' contribution to a future railroad relocation along Main Street, the City Council placed this condition on the Final Plat approval:

7. Prior to any development approval of Lots 1, 2 or 3, the Congress Parkway connection will be secured as a public right-of-way. All of the benefited properties within the subdivision will pay their proportional fair share of the improvements.

The church is amending their Final Plat approval and requesting removal of this condition.

- Consistent with the Council’s approval of the Church’s subdivision, the Church posted a Letter of Credit (LOC) held by Home State Bank for \$893,265.45 for the extension of Teckler Blvd to connect with Congress Parkway in the future, once the crossing was approved (intersection improvements). This does not include the costs for the railroad relocation improvement, which is required to be completed prior to the intersection improvements as outlined in condition #7 above. The City has held this LOC since then and the Church reports that the bank charges thousands per year in processing fees for this LOC.

The church is requesting that they be released from this requirement.

- As over thirteen years have elapsed, and there has been no movement on the railroad relocation project that would cause Congress Parkway to connect with Teckler Boulevard, the Church is asking for an amended approval to release them from the LOC requirement and the “proportional fair share” requirement found in condition #7 mentioned above.

PZC Highlights:

The following discussion took place during the PZC hearing:

- The PZC understood the financial hardship of retaining the letter of credit. It was not the intention to have the letter of credit still being held and the improvements not done after 13 years.
- The PZC did not feel they were the right forum to discuss possible financial instruments to ensure development pays its fair share of future improvements. The PZC suggested that the condition should be modified from requiring the SSA, since the costs and terms were not known at this time, to signing a development agreement which would require some future financial obligation to pay for required improvement.
- If the proposed condition language to require a development agreement is approved, one would need to be drafted to be reviewed by staff and the petitioner and then come back for approval.

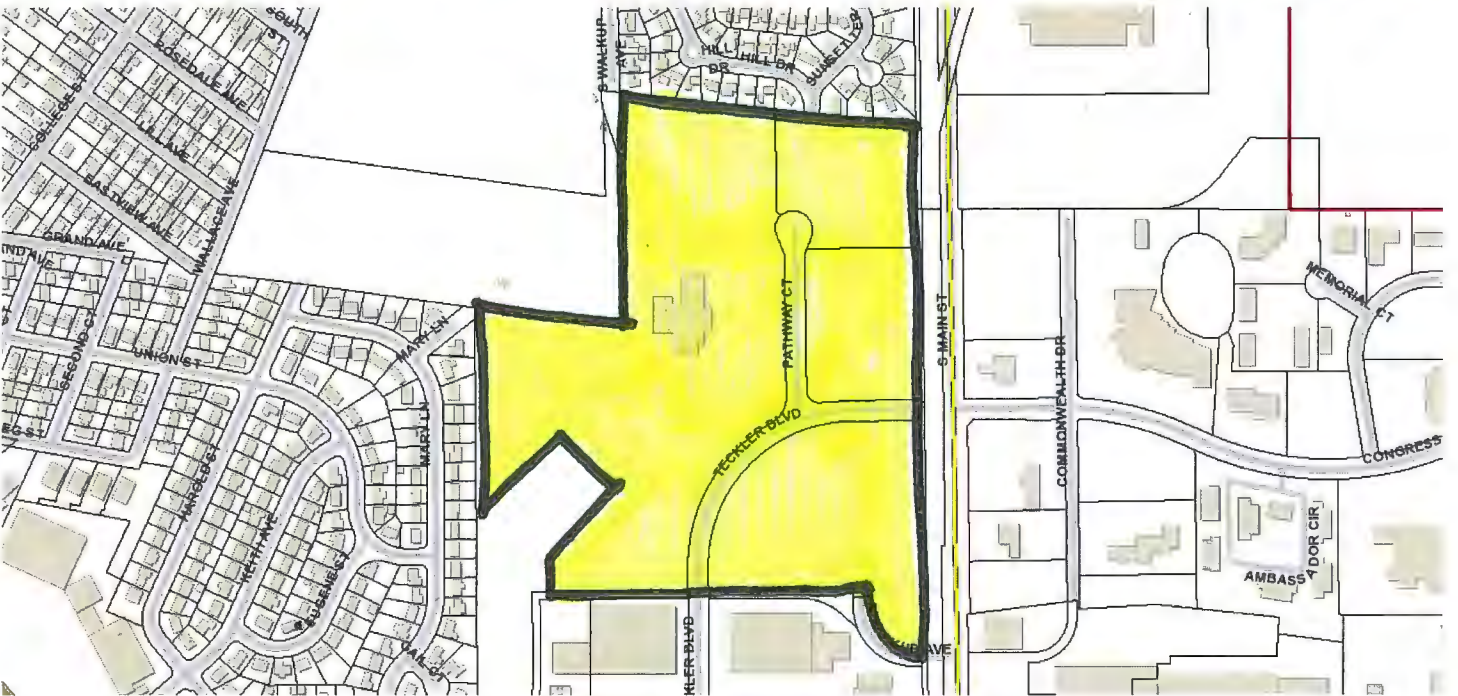
The Planning and Zoning Commission recommended **approval (5-0)** of the petitioner’s request with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Immanuel Lutheran Church, received 11/18/19)
2. **The owner(s), their heirs and assigns, of the four lots within the Immanuel Lutheran Church Subdivision, shall not object to a Special Service Area (SSA) being created on the properties and their participation in any future SSA to connect Teckler Boulevard with Congress Parkway (and all associated costs), if this connection is approved via a future development approval. A covenant running with the land shall be recorded on all four lots with this plat condition. The four (4) lots within the subdivision will be subject to a development agreement that will be recorded on the four lots to fund public improvements. The second access point, currently**

Congress Parkway, may change in the future due to the Union Pacific Railroad participation or not. (Amended by PZC)

3. The original Final Plat of Subdivision approval, dated March 21, 2006, remains valid except as modified by this petition.

Votes Required to Pass: A simple majority vote



DRAFT

Ord. No.
File No.



The City of Crystal Lake Illinois

**AN ORDINANCE GRANTING A FINAL PLAT OF SUBDIVISION
AMENDMENT AND VARIATION
FOR IMMANUEL LUTHERAN CHURCH SUBDIVISION**

WHEREAS, pursuant to the terms of a Petition (File #PLN-2019-184) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the granting of a Final Plat of Subdivision Amendment to remove a condition of approval and a Variation from Article 5 of the Subdivision Ordinance from the requirement to provide a security for the subdivision’s associated public improvements; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, held a public meeting at 7:30 p.m., on December 4, 2019 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed variation; and

WHEREAS, on December 4, 2019, the Planning and Zoning Commission, having fully heard and considered the testimony of all those present at the public meeting 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 Final Plat of Subdivision Amendment and a Variation be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #PLN-2019-184, dated as of December 5, 2019; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Final Plat of Subdivision Amendment and Variation be granted as requested in said Petition.

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

Section I: That a Final Plat of Subdivision Amendment to remove a condition of approval and a Variation from Article 5 of the Subdivision Ordinance from the requirement to provide a security for the subdivision’s associated public improvements be granted for the property commonly known as 395 Teckler Boulevard and 295, 300, and 345 Pathway Court (19-05-426-007, 19-05-281-001, 19-05-427-001, and 19-05-428-001) (Immanuel Lutheran Church Subdivision), City of Crystal Lake,.

Section II: That the Final Plat of Subdivision Amendment and Variation be granted with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Immanuel Lutheran Church, received 11/18/19)
2. The four (4) lots within the subdivision will be subject to a development agreement that will be recorded on the four lots to fund public improvements. The second access point, currently Congress Parkway, may change in the future due to the Union Pacific Railroad participation or not.
3. The original Final Plat of Subdivision approval, dated March 21, 2006, remains valid except as modified by this petition.

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

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

DATED at Crystal Lake, Illinois, this 17th day of December, 2019.

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

Passed: December 17, 2019
Approved: December 17, 2019



Agenda Item No: 15

City Council Agenda Supplement

<u>Meeting Date:</u>	December 17, 2019
<u>Item:</u>	Ordinance Amending City Code Chapter 630: Watershed
<u>Recommendation:</u>	Motion to adopt an ordinance amending Chapter 630: Watershed of the City Code
<u>Staff Contact:</u>	Michael Magnuson, Director of Public Works Abigail Wilgreen, City Engineer

Background:

This ordinance amendment was discussed with the City Council at the November 5, 2019 meeting. A public meeting to discuss the proposed changes was held on December 10, 2019 and positive feedback was received. The enhanced policy and ordinance approval will take effect January 1, 2020.

In 1975, a watershed ordinance/manual was enacted for the Crystal Lake Watershed with the purpose of suggesting to the City a ways and means of regulating the growth of the City while at the same time preserving the quality of the lake water and the natural beauty of the lake and its surroundings. The lake is an unusual lake in that its waters are renewed laterally, from underground sources, rather than from streams flowing across the surface and emptying into the lake from above.

The 1975 ordinance remained relatively unchanged until the Crystal Lake Stormwater Management Design Manual was adopted in November of 2007 (2007 manual). The objectives of this manual were similar to the 1975 manual but not only had the watershed evolved and progressed, stormwater management technology had as well.

While the 2007 manual is well thought out, it focuses only on new development and expansion of existing commercial development. Requirements for existing developed neighborhoods around the lake that were platted decades ago (“existing residential areas”) are not included in the 2007 manual. To maintain the intent of the 2007 manual within existing residential areas, a general policy was developed shortly after the adoption of the 2007 manual that required infiltration trenches be installed with any new impervious coverage over 300 square feet.

While this existing policy for existing residential areas has generally been working, over the last few years enhancements to the City’s policy have been identified. During the various stormwater

public meetings held in 2017 and 2018, a recurring comment was to improve how the City addresses improvements that add new impervious area in these existing residential areas as the perception is that adding impervious area in the watershed causes harm to surrounding properties.

After the public meetings, staff took a deep look into the existing policy and reviewed practices by other communities, obtained feedback from local contractors and homebuilders, and utilized technical expertise to identify ways to improve current practices. Many options were explored with long-term maintenance concerns, enforcement and financial hardships taken into account when developing the enhanced requirements. Staff also felt it was important to incorporate the existing soil type on the property to ensure water would be able to drain into the ground within 72 hours thus minimizing standing water and mosquitos.

The *Enhanced Policy* will:

- Provide an improved infiltration trench detail which incorporates an underground chamber that provides stormwater storage above the water table and surface drainage inlets to serve as cleanouts and location identifiers;
- Account for the existing lot size (i.e., larger lots could be allowed more impervious surface coverage before triggering requirements as impacts to surrounding properties is less);
- Utilize an easy to use “calculator” to determine the size of infiltration trench based on the size of the project and soil type (which determines how well a site drains); and
- Require the infiltration trench be located within a recorded easement area to identify the location of the trench for future property owners and details perpetual maintenance responsibilities.

This policy would also apply to homes that are torn down and rebuilt within the watershed and would still be required as stormwater projects are constructed to ensure the quality and quantity of water reaching the lake is maintained.

Potential Impacts

On average, approximately 2% of the building permits issued annually are for homes in the existing residential area of the watershed. Of these permits, approximately 53% add new impervious to their lot with the improvement. If no new impervious is added with the improvement, the watershed requirements do not apply.

Staff reviewed the existing residential area permits that were issued in 2016, 2017, and 2018 and added impervious and applied the new enhanced requirements to review the impacts to these property owners should the new enhanced policy be utilized.

The following provides a summary:

Year	Total Building Permits Issued Each Year	Total Building Permits Issued in Watershed That Added Impervious	Requirements With New Enhanced Policy		
			Same	Reduced	Additional
2016	2,714	1.4%	48.6%	21.7%	29.7%
2017	3,132	1.2%	55.3%	15.8%	28.9%
2018	2,844	0.8%	54.2%	16.7%	29.1%

Of the improvements which would have seen a reduction in requirements, the homeowner would have saved on average \$200-\$250. Of the improvements which would have seen additional requirements, on average it would add about \$1,500, as most now required a new trench drain where one was not required in the past. There are some exceptions for people located in areas where poor soils exist and water will not drain into the ground. This area is generally south of the lake in the Country Club area with a few pocketed areas to the north and west of the lake. These residents would need to work closely with City staff to find an appropriate solution on a case-by-case basis.

Chapter 630, Watershed, Proposed Changes

The proposed changes to Chapter 630 of the City Code removes redundant information that is covered in other sections of the City Code, references appropriate development standards, and references the new policy.

The City's special counsel has reviewed the proposed changes to this ordinance. A public meeting to discuss the proposed changes was held on December 10, 2019 and positive feedback was received. The enhanced policy and ordinance approval will take effect January 1, 2020.

Votes Required to Pass:

A simple majority vote

DRAFT



The City of Crystal Lake Illinois

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 630
WATERSHED CODE OF ORDINANCES
OF THE CITY OF CRYSTAL LAKE, ILLINOIS**

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

SECTION I: That Sections 630-5 through 630-8 be deleted.

SECTION II: That the following be inserted as Section 630-5: Crystal Lake Watershed Development standards and shall read as follows:

Development shall follow the requirements outlined within Chapter 595, Stormwater Ordinance, the “Crystal Lake Watershed Stormwater Management Design Manual” dated November 6, 2007 and the “Crystal Lake Watershed Stormwater Management Program Implementation Plan” adopted November 6, 2007 and amended June 18, 2013, except that redevelopment or additional impervious surface area within existing urbanized residential, shall follow the requirements outlined in the City’s “Crystal Lake Watershed Existing Urbanized Residential Requirements”, dated January 1, 2020.

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

SECTION IV: That this Ordinance shall be in full force and effect from and after January 1, 2020 as provide by law.

DATED at Crystal Lake, Illinois, this 17th day of December, 2019.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
MAYOR

SEAL

ATTEST:

CITY CLERK

PASSED: December 17, 2019

APPROVED: December 17, 2019

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



Agenda Item No: 16

City Council Agenda Supplement

Meeting Date: December 17, 2019

Item: City Code Amendments to Reflect Changes to State Law

Staff Recommendation: A motion to approve an ordinance amending the City Code Chapter 226: *Possession of Cannabis and Possession of Cannabis Drug Paraphernalia*; Chapter 248: *Fines*, in conjunction with the amendments to Chapter 226; Section 496-92: *Driving While Under the Influence of Alcohol, Drugs, and/or Intoxicating Compounds*; and Chapter 364: *Nuisances*.

Staff Contact: James Black, Chief of Police

Background:

On June 25, 2019, Governor Pritzker signed Public Act 101-0027, the Cannabis Regulation and Tax Act (the "Act"), into law. Beginning on January 1, 2020, the Act will allow the legal possession and use of recreational cannabis and cannabis infused products, to a specified weight, for those persons aged 21 years or older. Criminal and/or civil penalties for those allowed to possess and use cannabis, as defined in the Act, and cannabis paraphernalia have been removed. The possession or use of recreational cannabis or cannabis paraphernalia by persons under the age of 21 (except for qualified, registered medical cannabis patients) will still be unlawful and subject to criminal and civil penalties consistent with current law.

The Act places certain restrictions on the possession and use of recreational cannabis by adults aged 21 or older, as follows (not all inclusive):

- ✓ Cannabis possession is unlawful in the following locations - School buses, school grounds, private residential licensed child care, and in vehicles unless properly secured and sealed.
- ✓ Cannabis use is unlawful in the following locations - School buses, school grounds, vehicles, private licensed child care, and any *public place* (as defined, this includes a place other than a private residence where a person could reasonably be expected to be observed by others and all state and local government buildings).
- ✓ Cannabis smoking is unlawful in any place where smoking is prohibited by the Smoke Free Illinois Act.

- ✓ Driving under the influence of cannabis is prohibited.

The Act allows local units of government to adjudicate offenses for use and possession of cannabis that is not in accordance with State law. Such offenses may include adult violations of possession and usage restrictions, as well as possession and usage by persons under the age of 21 years who are not registered medical cannabis patients. Possession, manufacturing, and trafficking of cannabis not in accordance with the Act remains a criminal offense.

The amendments to Code Chapter 226, *Possession of Cannabis and Possession of Cannabis Drug Paraphernalia*, reflect the changes in State law and are consistent with the allowable civil remedies described in the Act.

Code Chapter 248, *Fines*, has been amended to reflect the changes in Code 226. The fine structure is unchanged: \$300-\$500 for a first offense, \$600-\$1,000 for a second offense, and \$1,200-\$2,000 for a third or subsequent offense.

Amendments to Code § 496-92, *Driving While Under the Influence of Alcohol, Drugs, and/or Intoxicating Compounds*, reflect that cannabis is no longer identified as an illegal drug or controlled substance under State law, but driving under the influence of cannabis is prohibited.

Finally, Code Chapter 364, *Nuisances*, currently identifies a property as a chronic nuisance if it is used for possession, cultivation, manufacture or delivery of cannabis. Amendments to the definition of “chronic nuisance property” (Code § 364-4) clarify that a property will not be deemed a nuisance if it is used for cannabis-related activities that are permitted under State law.

The attached ordinance effectuates the amendments discussed above. City staff recommends the amendments as presented. Legal staff has reviewed these amendments.

Votes Required to Pass:

Simple Majority

DRAFT



**ORDINANCE AMENDING CHAPTERS 226, 248, SECTION 496-92,
AND CHAPTER 364 OF THE CITY CODE OF
THE CITY OF CRYSTAL LAKE, ILLINOIS**

WHEREAS, the State of Illinois has enacted the Cannabis Regulation and Tax Act (410 ILCS 705/1 *et. seq.*) (hereinafter, the “Act”), which permits the recreational possession and use of cannabis and cannabis drug paraphernalia by adults age 21 years or older, with certain weight, possession, and usage restrictions; and

WHEREAS, prior to the passage of the Act, the possession and usage of cannabis and cannabis drug paraphernalia by any person was prohibited by State law; and

WHEREAS, the Act does not allow the recreational possession and usage of cannabis and cannabis drug paraphernalia by persons under the age of 21 years; and

WHEREAS, the City of Crystal Lake may not take any law enforcement action deemed more restrictive than the Act; and

WHEREAS, the Mayor and City Council of the City of Crystal Lake desire then to amend Chapter 226 of the Municipal Code of the City to regulate the possession and usage of recreational cannabis and cannabis paraphernalia by adults age 21 years or older as allowed by, and consistent with, the Act.

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

SECTION I: Recitals. The foregoing recitals are hereby restated and incorporated as though fully set forth herein

SECTION II: Amendment to Chapter 226. Chapter 226, Drugs and Drug Paraphernalia, of the Crystal Lake City Code is hereby amended in part as follows:

Chapter 226: Drugs and Drug Paraphernalia

Article I. Possession of Cannabis

§ 226-1 **Definitions.**

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

CANNABIS

As defined in 720 ILCS 550/3(a), as amended.

POSSESSION LIMIT

As defined in 410 ILCS 705/10-10.

§ 226-2 Unlawful possession.

A person commits unlawful possession of cannabis if:

- (a) he/she, while in the City, has in his/her possession not more than 10 grams of cannabis or any substance containing cannabis except as otherwise provided in the Cannabis Regulation and Tax Act, 410 ILCS 705/1 *et seq.*, or the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1 *et seq.*; or
- (b) a person age 21 or older, while in the City:
 - i. has in his/her possession not more than the statutory possession limit of cannabis or a substance containing cannabis in a place where cannabis possession is not permitted by 410 ILCS 705/10-35(a)(2); or
 - ii. uses cannabis or any substance that contains cannabis in a place where cannabis use is not permitted by 410 ILCS 705/10-35(a)(3); or
 - iii. smokes cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act, 410 ILCS 82/1 *et seq.*

§ 226-3 Penalty.

Any person convicted of a violation of any section of this article shall be fined as set forth in Chapter 248, Fines. Each violation shall be considered a separate offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Subsequent offenses shall be fined as set forth in Chapter 248, Fines.

§ 226-4 Prepayment of penalties.

First offense civil law violations set forth in this article may be satisfied without a court appearance by admitting to the violation and payment of \$300, inclusive of all penalties, fee and costs, provided that such payment is made prior to the date on which such violation is scheduled for hearing.

§ 226-5 Defenses.

Any defenses available under the Cannabis Regulation and Tax Act, 410 ILCS 705/1 *et seq.*; 720 ILCS 550/11; and 410 ILCS 130/25 shall also be available as a defense to any violation charged under this article.

Article II

Possession of Cannabis Drug Paraphernalia

§ 226-6 Definitions.

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

CANNABIS PARAPHERNALIA

Equipment, products, or materials intended to be used for planting, propagating, cultivating, growing, harvesting, manufacturing, producing, processing, preparing, testing, analyzing,

packaging, repackaging, storing, containing, concealing, ingesting, or otherwise introducing cannabis into the human body.

§ 226-7 Unlawful Possession By Minors.

Except as otherwise provided by the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1 *et seq.*, a person under the age of 21 commits unlawful possession of cannabis paraphernalia if he/she, while in the City, has in his/her possession any item of cannabis paraphernalia while also in possession of any amount of a substance containing cannabis.

§ 226-8 Penalty.

Any person convicted of a violation of any section of this article shall be fined as set forth in Chapter 248, Fines. Each violation shall be considered a separate offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Subsequent offenses shall be fined as set forth in Chapter 248, Fines.

§ 226-9 Prepayment of penalties.

First offense civil law violations set forth in this article may be satisfied without a court appearance by admitting to the violation and payment of \$300, inclusive of all penalties, fee and costs, provided that such payment is made prior to the date on which such violation is scheduled for hearing.

§ 226-10 Defenses.

Any defenses available under 720 ILCS 600/4 and 410 ILCS 130/25 shall also be available as a defense to any violation charged under this article.

SECTION III: Amendment to Section 248-2. Section 248-2, “Fines enumerated” of Chapter 248, “Fines” of the Crystal Lake City Code is hereby amended in part as follows:

Chapter 248: Fines

§ 248-2 Fines enumerated.

Code Section	Violation	Fine	
		Minimum	Maximum
226-2	Unlawful possession of cannabis - first offense	\$300	\$500
226-2	Unlawful possession of cannabis - second offense	\$600	\$1,000
226-2	Unlawful possession of cannabis - third offense	\$1,200	\$2,000
226-7	Cannabis paraphernalia possession by minors - first offense	\$300	\$500
226-7	Cannabis paraphernalia possession by minors – second offense	\$600	\$1,000

226-7	Cannabis paraphernalia possession by minors - third offense	\$1,200	\$2,000
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SECTION IV: Amendment to Section 364-4. Section 364-4, “Definitions,” of Article II, “Chronic Nuisances,” of Chapter 364, “Nuisances” of the Crystal Lake City Code is hereby amended in part as follows:

Chapter 364: Nuisances

Article II. Chronic Nuisances

§ 364-4 **Definitions.**

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

CHRONIC NUISANCE PROPERTY

Property upon which three or more instances of any one or any combination of the behaviors listed below have occurred during any one-hundred-twenty-day period, as a result of any three separate factual events that have been independently investigated by any law enforcement agency:

* * *

(L) Possession, cultivation, manufacture or delivery of cannabis as defined in 720 ILCS 550/3, except as provided in the Cannabis Regulation and Tax Act, 410 ILCS 705/1 *et seq.* or the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1 *et seq.*

SECTION V: Amendment to Section 496-92. Section 496-92, “Driving while under influence of alcohol, drugs, and/or intoxicating compounds,” of Article VI, “Driving While Intoxicated; Open Liquor in Motor Vehicles,” of Chapter 496, “Vehicles and Traffic” of the Crystal Lake City Code is hereby amended in part as follows:

Chapter 496: Vehicles and Traffic

Part 1: Traffic Regulations

Article VI. Driving While Intoxicated; Open Liquor in Motor Vehicles

* * *

§ 496-92 **Driving while under influence of alcohol, drugs, and/or intoxicating compounds.**

A. A person shall not drive or be in actual physical control of any vehicle within this City while:

* * *

- (6) There is any amount of a drug, substance or compound in the person's breath, blood or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act;

(7) Under the influence of cannabis.

SECTION VI: That this Ordinance shall be in full force and effect on January 1, 2020, and after its passage and approval according to law.

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

DATED at Crystal Lake, Illinois, this 17th day of December 2019.

APPROVED:

Aaron T. Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: December 17, 2019

APPROVED: December 17, 2019

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



Agenda Item No: 17

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 17, 2019
<u>Item:</u>	An Intergovernmental Agreement for Public Dial-A-Ride Transit Service (MCRide) in 2020.
<u>Staff Recommendation:</u>	Motion to adopt a Resolution authorizing the City Manager to execute an intergovernmental agreement for general public dial-a-ride transit service in 2020.
<u>Staff Contact:</u>	Eric T. Helm, Deputy City Manager

Background:

At the November 15, 2011 City Council meeting, the City Council initially approved an Intergovernmental Agreement (IGA) between the County and the City of Crystal Lake, the City of McHenry, and the City of Woodstock to combine local dial-a-ride programs into one contracted service called MCRide with Pace Suburban Bus. The MCRide program started on February 1, 2012. The combined local dial-a-ride services provided greater consistency between service fares and hours, improved service performance monitoring and enabled direct accounting for federal grant funding. A condition of the IGA required that partner agencies renew the IGA annually.

Attached to this agenda supplement is the 2020 MCRide Intergovernmental Agreement with Municipality and Township Partners. *The 2020 agreement contains no substantive agreement changes or changes to the City's monetary contribution when compared to the 2019 agreement that was approved by the Council in December 2018.* The following minor changes will be made to the program:

- Several partner changes have occurred in 2019 or will occur in 2020. In 2019, Chemung Township chose to not participate in the program and the Village of Hebron joined the program. In 2020, Alden Township will be joining the program.
- In consultation with Pace, it has been decided to allow general public riders to make their reservations up to two days in advance of their trip (instead of just one day). Some job seekers, particularly those trying to re-enter the workforce, were having difficulty with reservations and we feel as though having an extra day may be of assistance. Seniors and individuals with disabilities can still reserve their trips up to seven days in advance. All of the marketing materials will be updated to reflect this change and sent out prior to January 1st.

The IGA was approved by the McHenry County Board at the December 12, 2019 Committee of the Whole, and is currently pending signature by other by other partner agencies. There will be no service disruption to the MCRide program during the IGA renewal process by all partners.

The contribution formula uses a sliding scale. The sliding scale for township local contribution is based on population and the local contribution for municipalities is based on population and community need. The municipal formula is a slightly modified version of the Chicago Metropolitan Agency for Planning (CMAP) municipal need rating system, factoring in median income, tax base per capita, total tax base and population. Populations used are taken from the 2010 Census.

2020 Estimated Costs

Per the McHenry County Division of Transportation, the 2020 estimated costs will not substantively change from the previous year (see Table 1 on the following page for 2019 costs). It is proposed that the City of Crystal Lake's annual contribution will remain \$59,077 (\$1.45 per capita). McHenry County was awarded federal Section 5310 funding from the Regional Transportation Authority to fund the MCRide program. The funding will continue to cover approximately 50% of the operating costs associated with all identified trips provided to riders over 60 years of age and those with a disability (about 65% of all riders). The County will pay the monthly Pace invoices, and each municipality will be invoiced an annual amount of up to \$1.45 per capita by the County. In total, the coordinated MCRide effort has 23 funding sources. Rider fares pay about 10% of the program costs. Pace Suburban Bus covers approximately 43% of the total costs of the service (See Table 1). Federal grants reduced local contributions by \$575,000 in 2019. It is anticipated that the County's final share of MCRide costs is estimated to be about \$200,000 in 2020. If the City were to decide to no longer participate in the MCRide program, the City would need to work directly with Pace for provide dial-a-ride services. The City's contributions for this service is substantially less than when the City contracted directly with Pace. In 2011, the City contributed \$137,229 toward Pace dial-a-ride service, which limited trips only to those within the City.

Table 1: 2019 MCRide Funding Sources and Share of Costs

<u>Funding Source</u>	<u>Amount</u>	<u>% of Total</u>
Passenger Fares	\$215,000	10.4%
Pace Bus Subsidy	\$876,000	42.5%
McHenry County	\$161,000	7.8%
<i>Crystal Lake</i>	<i>\$59,077</i>	<i>2.9%</i>
McHenry	\$33,740	1.6%
Woodstock	\$30,963	1.5%
Harvard	\$9,919	0.5%
Hebron	<i>Joined in mid-2019</i>	
Marengo	\$8,030	0.4%
Huntley	\$30,364	1.5%
Johnsburg	\$7,921	0.4%
Ringwood	\$1,045	0.1%
Richmond	\$1,968	0.1%
Union	\$609	0.0%
Fox River Grove	\$6,068	0.3%
Alden Township	<i>Will join in 2020</i>	
Dorr Township	\$5,040	0.2%
Greenwood Township	\$5,040	0.2%
Nunda Township	\$7,560	0.4%
Grafton Township	\$7,560	0.4%
Marengo Township	\$2,520	0.1%
Riley Township	\$2,520	0.1%
McHenry Township	\$7,560	0.4%
Chemung Township (left program in mid-2019)	\$2,520	0.1%
Richmond Township	\$2,520	0.1%
Federal 5310 Grant	\$575,000	27.9%
Total Funding	\$2,059,544	

** 2019 Pace Bus Subsidy – IGA between McHenry County and Pace specifies a 50%/50% split of the program’s operating deficit, up to a maximum Pace contribution of \$902,290.

Crystal Lake Ridership Data

Since March 2015, the County receives on a monthly basis, a report from Pace for all trips taken on the MCRide program. Using that data, the County has compiled ridership data by geographic area by looking at only the origins of the trips (using GPS coordinates) and assigning them to a municipality or township. For example, if someone takes a trip from a residence in Crystal Lake to a store in Crystal Lake and then returns back home, two trips are assigned to “Crystal Lake”. If someone travels from Huntley to Crystal Lake and back home, one trip is given to Huntley and one trip is assigned to Crystal Lake. Using this method, Table 2, on the following page, shows ridership data to date in 2019. In 2019, the average monthly amount of trip origins in the City of Crystal Lake has been 2,593 per month. The total anticipated 2020 cost for the City of Crystal Lake is \$59,077, therefore, the estimated average cost to the City, using 2019 ridership data, is \$1.89 per trip.

Table 2: 2019 Ridership Data

Month	Total Trips	Trip Origins in Crystal Lake	%
Jan-19	7488	2296	30.7
Feb-19	7530	2394	31.8
Mar-19	8364	2540	30.4
Apr-19	8922	2827	31.7
May-19	8779	2621	29.9
Jun-19	8327	2445	29.4
Jul-19	8751	2599	29.7
Aug-19	9434	2699	28.6
Sept-19	8852	2588	29.2
Oct-19	10,297	2916	28.3
Nov-19	-	-	-
Dec-19	-	-	-
<i>Total 2019</i>	<i>86,744</i>	<i>25,925</i>	<i>29.9</i>
<i>Average per month</i>	<i>8674</i>	<i>2593</i>	

MCRide Service Information

By entering into this IGA, all parties agree to continue the MCRide program, which provides service standardization related to fare structure, service hours, and trip reservation policies. It should be noted that the MCRide program for Crystal Lake riders includes all general public, seniors, and individuals with disabilities. The Townships that participate in the program, including Grafton, Door and Nunda, which cover portions of Crystal Lake, only provide services to seniors and individuals with disabilities, not the general public. If the City were not to participate in the MCRide program, Crystal Lake riders would not have access to other areas of the County that participate in this program, and service in Grafton, Dorr and Nunda Townships would be limited to only seniors and individuals with disabilities within the boundaries of the Township. Under this scenario, Crystal Lake residents in Algonquin Township would not have service and those eligible residents that receive service from Grafton, Door and Nunda Townships would not have service to areas of Crystal Lake that are within Algonquin Township boundaries.

Votes Required to Pass:

Simple majority.

DRAFT



RESOLUTION

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, of McHenry County, Illinois, that the City Manager be and he is hereby authorized and directed to execute an intergovernmental agreement between the County of McHenry, the City of Crystal Lake, the City of Harvard, the City of Marengo, the City of McHenry, the City of Woodstock, the Village of Fox River Grove, the Village of Hebron, the Village of Huntley, the Village of Johnsburg, the Village of Richmond, the Village of Ringwood, the Village of Union, and Alden Township, Dorr Township, Grafton Township, Greenwood Township, Marengo Township, McHenry Township, Nunda Township, Richmond Township, and Riley Township for general public dial-a-ride transit service in 2020.

DATED this 17th day of December, 2019.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: December 17, 2019
APPROVED: December 17, 2019



Agenda Item No: 18

**City Council
Agenda Supplement**

Meeting Date:

December 17, 2019

Item:

Property Acquisition Ordinance – 170 Sunnyside Avenue

Staff Recommendation:

Motion to adopt an Ordinance authorizing acquisition of 170 Sunnyside Avenue for sanitary sewer lift station improvements

Staff Contact:

Michael Magnuson, Public Works Director

Background:

Sanitary Sewer Lift Station Number 14 is in need of replacement. The current station is located in the existing right-of-way and there is inadequate room to replace and upgrade the station at this location. The City would like to relocate the station from North Shore Drive to vacant land located around the corner at 170 Sunnyside Avenue (two platted lots) to provide adequate room for the lift station, generator, and to allow wastewater staff area to work on the station without the hazards of adjacent traffic.

Funds have been budgeted for in the FY 2019/2020 Budget.

Recommendation:

It is staff's recommendation to adopt an ordinance authorizing the acquisition of lots 18 and 19 (PIN number 18-01-202-038 and 18-01-202-039) commonly known as 170 Sunnyside Avenue in the amount of \$26,000.

Votes Required to Pass:

Two-thirds of the elected corporate authority then holding office (5 affirmative votes).

DRAFT



Ord. No.
File No.

AN ORDINANCE AUTHORIZING ACQUISITION OF PROPERTY

WHEREAS, the Corporate Authorities of the City of Crystal Lake, McHenry County, Illinois, have approved a plan for the acquisition of certain property hereinafter legally described in Section 2 hereof for public use within the boundaries of the City, and for payment of the cost thereof; and

WHEREAS, the Corporate Authorities of this City have determined that it is necessary, useful, advantageous and in the best interests of this City that the property hereinafter described be acquired, through purchase, and the cost therefore be paid by the City; and

WHEREAS, the City of Crystal Lake is empowered, pursuant to the Illinois Municipal Code, 65 ILCS 5/11-61-1, to obtain property that is useful, advantageous or desirable for municipal purposes or public welfare.

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

SECTION 1. It is hereby determined that the property legally described in SECTION 2, below, be acquired by the City in the amount of \$26,000 and other necessary associated fees, and used and occupied for public use. The public funds used to acquire the property have been budgeted as part of the City's 2019-2020 Annual Budget.

SECTION 2. It is hereby determined that it is necessary and desirable that the City of Crystal Lake acquire title to and possession of the following-described real property, which said real property is necessary, required and needed for public use, and which real property lies wholly within the limits of the City of Crystal Lake, to-wit:

170 Sunnyside Avenue consisting of P.I.N. 18-01-202-038 and P.I.N. 18-01-202-039 legally described as:

LOT 18 AND 19 IN BLOCK 3 IN NORTH CRYSTAL LAKE PARK BEACH SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 1, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1925 IN BOOK 5 OF PLATS, PAGE 32, IN MCHENRY COUNTY, ILLINOIS.

SECTION 3. Mathewson Right of Way Company is directed to represent the City in the preparation of the documents required for the purchase of the property. The City Manager is hereby authorized to execute said documents on behalf of the City of Crystal Lake.

SECTION 4. All liens imposed by the City of Crystal Lake for the above referenced parcels are hereby waived.

SECTION 5. This Ordinance shall take effect from and after its passage, approval and publication in the manner provided by law. The City Clerk is hereby directed and ordered to publish this ordinance in pamphlet form.

DATED at Crystal Lake, Illinois, this 17th day of December, 2019.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PASSED: December 17, 2019

APPROVED: December 17, 2019

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



Agenda Item No: 19

**City Council
Agenda Supplement**

Meeting Date:

December 17, 2019

Item:

Land Management Software Renewal

Staff Recommendation:

Motion to adopt a resolution authorizing the City Manager to execute a sole source renewal order form with Accela, Inc., in the amount of \$58,918.27 for Year 1, \$60,685.82 for Year 2, \$62,506.39 for Year 3; \$64,381.58 for Year 4; and \$66,313.03 for Year 5; allowing for a 10% contingency for unforeseen changes in subscription needs based on the price in each of the renewal terms

Staff Contact:

Michelle Rentzsch, Director of Community Development
Gregory A. Fettes, Director of Information Technology

Background:

As a part of the overall City Strategic Plan, and the IT Strategic Plan that was developed in late 2015, a strong desire was identified for the development of technologies that would allow the City to provide services to its constituents on a 24-hour, 7 day-a-week basis (24-hour City Hall). Specifically, during the IT Strategic Planning process, a goal was identified to update the current Springbrook Building Permit and Code Enforcement software with a platform that would better support 24-hour City Hall functionality.

At the December 5, 2017 regular City Council meeting, the Council authorized an agreement with Accela, Inc., for the upgrade of the Springbrook Building Permit Software to Accela Land Management Software for the Community Development Department. Accela provided a software package that met the City's desire for a building permit and code enforcement software platform. As the Council may recall, Accela was selected and approved by the City Council as part of a competitive proposal process involving several software providers. Accela was selected due to its functionality and competitive cost.

The below table summarizes the previously submitted proposals that were considered by the City Council in December 2017:

<u>Vendor</u>	<u>Software Cost</u>	<u>Implementation Cost</u>	<u>Total Year 1</u>
EnerGov	\$58,000.00	\$128,889.00	\$186,889.00
Accela	\$57,420.00	\$43,157.06	\$100,577.06
CitizenServe	\$37,200.00	\$50,600.00	\$87,800.00

City staff is requesting a new sole-source contract with Accela, since the Accela software platform has been integrated into City operations, and a new request for proposal process is not practical. City staff recommends the continued use of Accela since it has become an important tool to maintain a high level of customer service to residents and businesses. At this point, a change in software would be highly disruptive for the City staff, as well as resident and business customers that have become accustomed to utilizing the software.

The Accela Land Management software was configured and implemented in 2018 and has provided a significant boost to Community Development capabilities both in permit processing and citizen access to services through the 24-hour City Hall. The initial contract was an annual contract, with a 7% annual increase. As the original expiration date for the software approached, City staff negotiated with Accela to complete a multi-year renewal of the contract with a lower annual cost accelerator for the subscription software services. The attached renewal order form for the Accela Land Management software incorporates the terms of the 2017 agreement and limits any increases in subscription costs to 3% annually over the five-year term of the renewal. In addition, the City was able to lower the annual cost for the software by eliminating two under-utilized licenses. The chart below shows the savings between the initially approved annual contract and the proposed negotiated five year contract:

<i>Contract Term</i>	<i>Annual Increase</i>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
One year	7%	\$58,918	\$63,042	\$67,455	\$72,177	\$77,229
Five years	3%	\$58,918	\$60,686	\$62,506	\$64,381	\$66,313

The total cumulative savings of a five year contract with a 3% annual increase, as compared to a 7% annual increase, is **\$26,017**.

Overview of Accela Capabilities

The Accela Land Management software meets the goals of the City and IT Strategic Plans in the following ways:

- Modern Software Capabilities such as integration and better reporting.
- Online Access for Permit Application and Processing (for Citizens and Contractors).
- Field Inspection Mobile Access (Smartphone or Tablet).
- Real-Time Access to up-to-date Permit Information.
- Online Inspection Scheduling (for Citizens and Contractors).
- Engineering and Planning Application and Tracking
- Integration with the City's Geographic Information System.
- Instantaneous issuance of "instant permits" through online application and the payment of fees which alleviates the need for citizens or contractors to visit City Hall for permits of this type (over 70% of permits can be secured in this manner).

Recommendation:

It is the recommendation of Community Development and Information Technology to adopt a resolution authorizing the City Manager to execute a sole source renewal order form with Accela, Inc., in the amount of \$58,918.27 for Year 1, \$60,685.82 for Year 2, \$62,506.39 for Year 3; \$64,381.58 for Year 4; and \$66,313.03 for Year 5; allowing for a 10% contingency for unforeseen changes in subscription needs based on the price in each of the renewal terms.

City special legal counsel, David Pardys, has reviewed the renewal order form with Accela and has approved it in its present form.

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 authorized to execute a sole source renewal order form with Accela, Inc., in the amount of \$58,918.27 for Year 1, \$60,685.82 for Year 2, \$62,506.39 for Year 3; \$64,381.58 for Year 4; and \$66,313.03 for Year 5; allowing for a 10% contingency each renewal term year for unforeseen changes in subscription needs based on the price in each of the renewal term years.

DATED this 17th day of December, 2019.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: December 17, 2019

APPROVED: December 17, 2019



Agenda Item No: 20

**City Council
Agenda Supplement**

Meeting Date: December 17, 2019

Item: Security Guard Services at Three Oaks Recreation Area

Council Discretion: Motion to adopt a resolution authorizing the City Manager to execute a five-year agreement with the most responsive and responsible proposer, Andy Frain Services, for Unarmed Site Security Services at the Three Oaks Recreation Area in the submitted proposal amounts, with a 10 percent annual contingency as determined from the total annual rate depicted in this agenda supplement.

Staff Contact: Tom Kotlowski, Deputy Chief of Police
Eric Helm, Deputy City Manager
Nick Hammonds, Management Analyst

Background:

Since the opening of the Three Oaks Recreation Area, the City has employed security personnel in order to help secure the location. The site is somewhat remote, and at times has been subject to criminal damage to property and trespass. Due to recent turnover in existing security staff, the City has used this opportunity to investigate alternative staffing models that may be more beneficial to the City. The City has requested proposals from qualified security companies to provide security at Three Oaks and received four proposals. A review of the prices provided by the four security firms revealed the following:

Company	Hourly Rate	Total Annual Rate*	Optional Extra Duty Detail	Optional Vehicle Cost per Week
Securatex	\$22.62	\$57,794.10**	\$30.00	\$300.00
Andy Frain ✓	\$23.48	\$59,991.40	\$20.46 / \$21.46 (Sup)	\$300.00
Signal 88 Security	\$24.00	\$61,387.20	NA	NA
Global Security Group	\$24.50	\$62,597.50	\$28.50	\$180.00

*Pricing based on 2,555 annual hours of service.

**Pricing submitted by Securatex is not fixed for the term of service (5 years). Securatex stated that the price for service may increase over time.

✓Most responsive and responsible proposer.

Evaluation:

Previously, the City employed three part-time security guards at the site for the annual total wage amount of \$32,918. This amount does not include the time spent by the City's Police Department

for the supervision of the part-time staff, hiring costs, or the costs for uniforms and equipment. If these were included, the actual total City cost would be considerably higher.

In the last several months, City staff has evaluated whether it is more beneficial to directly hire security staff or to contract this service to a private security company. City staff is recommending using an outside contractor for several reasons. First, the City will no longer need to allocate Police Department staff to directly supervise the security personnel. This will free Police Department personnel to perform other duties. Second, the City will no longer have workers' compensation liability, which will now be assumed by the contracted security service provider. Finally, due to the part-time nature of the position and the overnight hours, the position can be difficult to staff and retain security personnel. It will be the responsibility of the contractor to ensure that qualified staff are employed and that the security hours are filled.

The below table shows the detailed evaluation of the two firms, Andy Frain and Securalex, that submitted the most competitive pricing. In order to evaluate the four contacted firms, staff utilized six criteria to evaluate each proposal on a 100 point scale, including: project understanding, qualifications, ability to staff, program costs, knowledge of requirements, and similar experience. Andy Frain Services received the highest evaluated score based on these criteria as shown below. Additionally, Andy Frain provided a fixed five-year contract price for security services.

Criteria	Andy Frain	Securalex	Reason for Scoring
Project Understanding	10	10	Both bidders demonstrated an understanding of the project scope.
Qualifications	10	8	Andy Frain has a superior resume, having provided security for professional sports organizations and municipalities.
Ability to Staff	10	10	Both bidders can provide appropriate staff.
Program Costs	18	20*	While Securalex provided the lowest first-year price, their price will increase in future years (price adjustment clause).
Knowledge of Requirements	15	15	Both bidders understand the scope of services and provided proposals in conformance with the City's needs.
Similar Experience	25	20	Andy Frain is a global security company with experience in numerous municipal and professional security services. Securalex has municipal experience, although on a smaller scale compared to Andy Frain.
TOTAL	88	83	

During proposal evaluations, the City interviewed Andy Frain and Securalex to determine the vendor that would provide the highest quality service with a consistent annual price. Scheduled increases in the Illinois State minimum wage needed to be taken into account when providing pricing for the term of the contract. The City identified that Andy Frain had accounted for the minimum wage increases over the next five year period when calculating their pricing, while Securalex did not.

Recommendation:

Due to the unique nature of the services, it was determined that seeking a request for proposals was advantageous to the City and met the criteria as established in the City Code. Staff recommends the City accept Andy Frain Service's proposal for providing unarmed site security services at the Three Oaks Recreation Area. Andy Frain currently provides crossing guard services for the City. When compared with the option of hiring part-time City employees to perform this function, the price to use an outside security vendor was determined to be more advantageous. Additionally, while Securatex provided the lowest initial hourly rate, their proposal included probable annual increases due to anticipated minimum wage increases. Andy Frain provided the lowest fixed pricing for the five-year term. While this item was not contemplated at the beginning of the fiscal year, there are funds available in the FY 2019/20 Professional Services budget of the Three Oaks Recreation Area for this expenditure.

Votes Required to Pass:

Simple majority.

DRAFT

Res. 19R-__



RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a five-year contract between the CITY OF CRYSTAL LAKE and the most responsive and responsible proposer, Andy Frain Services, for Unarmed Site Security Services at the Three Oaks Recreation Area in the submitted proposal amounts, with a 10 percent annual contingency as determined from the total annual rate as depicted in the December 17, 2019 agenda supplement.

DATED this 17th day of December, 2019.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: December 17, 2019
APPROVED: December 17, 2019



Agenda Item No: 21

**City Council
Agenda Supplement**

Meeting Date:

December 17, 2019

Item:

Consultant Selection Approval for Water Management Plan

Staff Recommendation:

Motion to award consulting services for a Water Management Plan to the most responsible and responsive proposer, HOH Water Technology, and adopt a resolution authorizing the City Manager to execute an agreement with HOH Water Technology in the proposed amount, allowing for a 10 percent contingency.

Staff Contact:

Michael Magnuson, Director of Public Works

Background:

The City of Crystal Lake conducted an open solicitation (no prequalification) Request for Proposal (RFP) for consulting services for the development and implementation of a Water Management Plan and initial testing for City facilities with potable water including the Three Oaks Recreation Area.

Project Need:

The City of Crystal Lake requested proposals from professional water safety and management firms to evaluate City facilities and create a water management plan to address the potential for legionella disease. The Center for Disease Control (CDC) recommends developing and implementing a water management plan to reduce the risks of legionella transmission. Specifically, the CDC recommends following standards from American Society of Heating and Air-Conditioning Engineers (ASHRAE). Legionella is a form of bacteria that may be present in freshwater environments. This bacteria becomes a concern when it grows and spreads in building water systems that create small water droplets. Such systems the City maintains include:

- Shower heads (locker rooms, emergency showers)
- Large plumbing systems (long non-looped pipe runs)
- Hot water tanks and heaters
- Recreational splash pads

The plan will include current and future sampling recommendations, prevention tactics, as well as recommendations for action should legionella be discovered in our water system. The plan will be evaluated by a committee comprised of City staff at least annually and sampling will continue at a frequency determined by the committee.

Consultant Selection Process

The Public Works Department followed the City’s Purchasing Policy to secure a qualified consulting firm to address this project. The City received proposals from two firms in response to the request.

Staff from the City Manager’s Office and Public Works Department reviewed the proposals and ranked the firms based on their qualifications. The qualifications criteria that were considered during the review were:

1. Proposal completeness
2. Firm’s reputation and integrity
3. General experience and history of performance on similar projects
4. Current or past projects related to the scope of services
5. Understanding of the project
6. Adherence to the Project Scoping Summary
7. Experience of personnel
8. Interview
9. Estimated Costs

A pre-proposal meeting was held on October 2, 2019, and three companies attended. Two proposals were received on October 15, 2019. Public Works staff evaluated and ranked the proposals based on qualifications, references and cost (see table below):

Consulting Firm	Base Plan Cost	Recommended Tests	Total Cost
* HOH Water Technology	\$3,100.00	46 tests for \$8,970	\$12,070
WaterTech of America	\$8,489.00	18 tests for \$2,570	\$11,059

*Denotes most responsible and responsive proposer.

Discussion:

The Public Works Department and City Manager’s Office identified HOH Water Technology (HOH) as being the most responsive and responsible proposer. There are more than 30 water related facilities (washrooms, showers, emergency showers) associated with the Municipal Complex, Wastewater Treatment Plant 2, Fire Stations 3 and 4, and Three Oaks Recreation Area. Staff felt that HOH proposed a more appropriate level of testing than WaterTech. Based on WaterTech’s pricing, if an equivalent 46 samples were taken by Water Tech, their costs would exceed HOH’s proposed price.

In addition, HOH's proposal:

- Adequately addressed the aspects of this project
- Identified past projects of a similar scope to the Crystal Lake project
- Provided the City with a feasible schedule
- Their approach integrated the full spectrum of their organization

Recommendation:

Based upon a qualifications review to the RFP requirements and associated costs, staff's recommendation is to select HOH Water Technology to perform consulting services for the City's water management plan. Initial costs for the plan and water sampling is estimated to be \$12,070.

Funds have been budgeted for this work.

Votes Required to Pass:

Simple majority.

DRAFT



RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized execute an agreement with HOH Water Technology for consulting services, including water sampling assistance, for the water management plan, in the amount proposed, allowing for a 10 percent contingency.

DATED this 17th day of December, 2019.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: December 17, 2019
APPROVED: December 17, 2019



Agenda Item No: 22

**City Council
Agenda Supplement**

Meeting Date: December 17, 2019

Item: Water Treatment Plant #5 Rehabilitation

Staff Recommendation: Motion to award the bid for the rehabilitation improvements at Water Treatment Plant #5 to the lowest responsive, responsible bidder, Joseph J. Henderson & Son, and adopt a resolution authorizing the City Manager to execute a contract with Joseph J. Henderson & Son in the submitted bid amount with a 10% contingency for unforeseen expenses.

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

Background:

On December 4, 2019, the City of Crystal Lake publicly opened and read aloud the bids received for the rehabilitation of Water Treatment Plant #5, located at 8701 Bard Road. The following table summarizes the bids:

Bidder	Total Base Bid
√ Joseph J. Henderson & Son Gurnee, IL	\$2,448,000.00
IHC Construction Elgin, IL	\$2,700,000.00
Kovilic Construction Franklin Park, IL	\$3,528,000.00
*Cahoy Pump Service Sumner, IA	\$263,154.00

√ Indicates the lowest responsive and responsible bidder

*Requested bid to be rescinded

Project Need:

Water Treatment Plant #5 is over 20 years old and requires rehabilitation work to portions of the building and some of the existing equipment. Specifically, the following repairs are needed:

- Replacement of the iron filter unit (existing unit has been repaired several times and is currently leaking)
- Repair of failing internal components in one of the ion exchange units
- Installation of fall protection measures on the new iron filter unit and ion exchange unit to meet OSHA safety requirements.

- Cleaning and spot concrete repair work to the concrete ground water storage tank
- Roof replacement
- Installation of an electrical variable frequency drive (VFD) for well #16 to reduce electrical consumption and limit wear on the pump.

Recommendation:

This project will require more than one fiscal year to construct. Public Works anticipates expending \$600,000 in construction funding from available funds in this fiscal year's budget (FY 2019/2020) that ends April 30, 2020 and budgeting the remaining \$1,848,000 in the FY 2020/2021 budget that starts May 1, 2020.

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. Joseph J. Henderson & Son has submitted the lowest responsive and responsible bid per the specifications. The City's consultant design engineering firm on this project, Stanley Consultants, has reviewed bids and provided a recommendation letter for Joseph J. Henderson & Son. Therefore, it is the recommendation of staff to award the bid to the lowest responsive, responsible bidder, Joseph J. Henderson & Son, to perform the work on Water Treatment Plant #5, in accordance with the terms and conditions of the bid document.

Votes Required to Pass:

Simple Majority

DRAFT



RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a contract between the CITY OF CRYSTAL LAKE and Joseph J. Henderson & Son for Water Treatment Plant #5 rehabilitation in the submitted bid amount, with a 10% contingency.

DATED this 17th day of December, 2019.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: December 17, 2019
APPROVED: December 17, 2019