

## CITY OF CRYSTAL LAKE <u>AGENDA</u>

#### CITY COUNCIL REGULAR MEETING

City of Crystal Lake 100 West Woodstock Street, Crystal Lake, IL City Council Chambers July 21, 2020 7:00 p.m.

- 1. Call to Order
- 2. Roll Call
- 3. Pledge of Allegiance
- 4. Approval of Minutes July 7, 2020 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. Acting Mayor's Report
- 8. City Council Reports
- 9. Consent Agenda
  - a. Crystal Lake Water Ski Association Tournaments Special Events
  - b. Referral of a Text Amendment of the Unified Development Ordinancefor Gas Station Canopy Signage to the Planning & Zoning Commission
- 10. 480 Melrose Lane, Chapman Simplified Residential Variation from Article 3 Density and Dimensional Standards to allow the addition of the home to project 1.75 feet into the average front yard setback of 41.75 feet, leaving a setback of 40 feet
- 11. 5417 Northwest Highway, Raising Cane's Preliminary and Final Planned Unit Development for a new 3,316 square-foot limited service restaurant, and deferral of the requirement to bury the overhead utility lines until an area-wide program is established
- 12. Lakeside Legacy Temporary Use Permit for Outdoor Picnics and Acoustic Music
- 13. Raffle Code Changes and Raue Center Raffle Approval
- 14. Bid Award Pumps, Pump Repair Parts and Pump Repair Services Bid
- 15. Bid Award 2020 Sidewalk Cutting Program Bid
- 16. Approval of the Use of ComEd Green Regions Grant Award for the Edgewater Drive Rain Garden
- 17. Extension of Time for Completion Date for the Wastewater Treatment Plant #2 Liquid Aluminum Sulfate (Alum) Underground Storage Tank (UST) Replacement Project

- 18. Payment of Illinois Environmental Agency Annual National Pollution Discharge Elimination System (NPDES)
  Permit Fees
- 19. Council Inquiries and Requests
- 20. 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
- 21. Reconvene to Regular Session
- 22. Adjourn

If Regular 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

Meeting Date: July 21, 2020

<u>Item:</u> Crystal Lake Water Ski Association Tournaments Special

**Events** 

**Staff Recommendation:** Motion to approve the Crystal Lake Water Ski

Association's Special Event requests for their 2020 Tournaments to be held on August 16 and September 6:

1. The Special Event Permit pursuant to the conditions recommended in this agenda supplement,

2. A waiver of no-wake restrictions on Crystal Lake, and

3. A waiver of the application fee (\$50).

**Staff Contact:** Michelle Rentzsch, Director of Community Development

Laurrie Fitzgerald, Support Services Coordinator

#### **Background:**

The Crystal Lake Water Ski Association (CLWSA) is requesting approval of its schedule for two tournaments for the summer of 2020. This includes a waiver of the no-wake restrictions on Crystal Lake. The dates and times of the tournaments are:

- 1. Slalom Tournament Sunday, August 16, 2020 from 2:00 p.m. to 6:00 p.m.
- 2. Barefoot Tournament Sunday, September 6, 2020 from 2:00 p.m. to 6:00 p.m.

As the events would occur during no-wake hours, the CLWSA is requesting a waiver from the no-wake restrictions for event participants. No-wake restrictions would be back in effect at the end of the events. The City Council has lifted the no-wake restrictions for these events in the past and approved a fee waiver.

Ski areas will be clearly marked and adequate personnel would be provided to ensure a safe event. The organizers are not requesting any further assistance of the City. The CLWSA has also received approval for a no-wake restrictions waiver from the Crystal Lake Park District and the Village of Lakewood.

City staff has reviewed the request and does not have any concerns in waiving the no-wake restrictions, providing the following conditions are met:

- 1) All debris created by the event must be cleaned up during and after the event.
- 2) Promotional and informational banners and signage may need a limited duration sign permit issued from the Building Division. Please contact the Building Division regarding signage to be used in conjunction with the event.
- 3) In the case of inclement weather, alternate dates can be approved by the City Manager.
- 4) This approval is contingent upon this event maintaining compliance with the Governor's Restore Illinois Plan.

The applicant has requested that the \$50 application fee be waived, which has been approved in prior years by the City Council.

The applicant has been made aware of these recommended conditions and advised to attend the July 21, 2020 City Council meeting to answer any questions.

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

Simple majority vote.



## Agenda Item No: 9b

# City Council Agenda Supplement

Meeting Date: July 21, 2020

**Item:** Referral of a Text Amendment of the Unified Development

Ordinance for Gas Station Canopy Signage to the Planning &

Zoning Commission.

**Recommendation:** Motion to refer the UDO Text Amendment to the August 19,

2020 Planning and Zoning Commission meeting for review and

recommendation.

**Staff Contact:** Michelle Rentzsch, Community Development Director

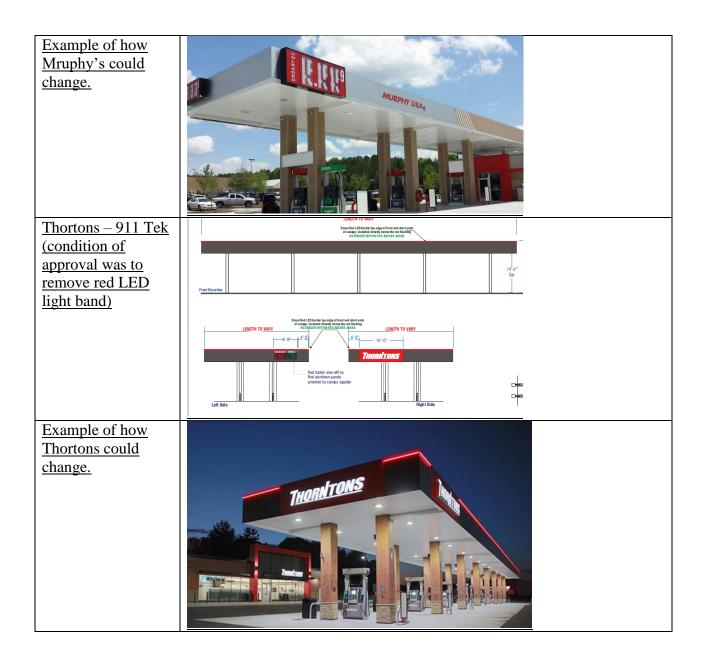
### **Background:**

• When the City Council adopted the Unified Development Ordinance (UDO) in 2009, it was intended to be a dynamic document that would be updated periodically.

- On January 18, 2011, the City Council reviewed some provisions of the UDO and provided clarity to staff for administration and enforcement. One of those items pertained to lighting and striping of gas station canopies.
- At the July 7, 2020 City Council meeting, the City Council requested that this matter be referred to the Planning and Zoning Commission for reconsideration of how gas station canopies and their signage are regulated.
- The suggested UDO Text Amendment would clarify that back-lit canopies would not count towards the total signage allowed for the business.
- An un-lit single, solid color used as background is not considered signage.
- Currently, stripes, patterns or multiple color areas (for branding purposes) are considered signage unless a change to this provision should be added to the proposed UDO Text Amendment.

Below are images or renderings of recently approved gas stations and their canopies. These canopies would become branded with multi-color or lighted canopies, if permitted to do so.

Casey's – 639 E Terra Cotta Ave	
	8 9
Example of how Casey's could change.	CASEY'S CASEY'S
<u>7-Eleven – 6225</u>	
Northwest Hwy	
Murphy's - Walmart	
··· amur	1259 1372



Below are images illustrating typical gas station branding, illumination and strip lighting.

## **Branding – multi-color canopies examples**





Back-lit canopies examples









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



## Agenda Item No: 10

# City Council Agenda Supplement

Meeting Date: July 21, 2020

Item: REPORT OF THE PLANNING & ZONING COMMISSION

**Request:** Variation from Article 3 Density and Dimensional Standards to

allow the addition of the home to project 1.75 feet into the average front yard setback of 41.75 feet, leaving a setback of 40 feet.

John Chapman, petitioner

480 Melrose Lane

**PZC Recommendation:** To approve the PZC recommendation and adopt an Ordinance

granting the simplified residential variation for 480 Melrose Lane.

**Staff Contact:** Michelle Rentzsch, Director of Community Development

Elizabeth Maxwell, City Planner

#### **Background:**

- The property is a single-family residence in an existing neighborhood. In existing neighborhoods, the average setback is determined based on the other homes within 400 feet. The average setback is used so all homes along a street have the same general setback leading to a uniform character along the street. The average setback was determined to be 41.75 feet.
- The extension, which requires the variation, is to allow for a wider garage. The extension would still be 40 feet back from the property line.

## **Key Factors:**

- Request: A variation to encroach into the front yard setback, to allow for an addition on the home.
- <u>Analysis:</u> The petitioner is improving the home completing an interior remodel and increasing the floor space. The increase in the garage area would extend into the front yard setback

#### **PZC Highlights:**

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

- The PZC was supportive of the owners desire to improve the home and understood the need for the variation.
- The PZC found that the petition met the Findings of Facts as the average setback was a fluid measurement that was not applicable to all other properties in the City.

The Planning and Zoning Commission recommended **approval** (7-0) 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 (Chapman, received 06/08/20)
  - B. Architectural Plans (Muran Architects Inc. dated 06/03/20, received 06/08/20)
- 2. The petitioner shall address all of the review comments and requirements of Public Works, Engineering and Community Development Departments.

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

## 2020-93 480 Melrose Lane Simplified Residential Variation







## The City of Crystal Lake Illinois

## AN ORDINANCE GRANTING A SIMPLIFIED RESIDENTIAL VARIATION AT 480 MELROSE LANE

WHEREAS, pursuant to the terms of a Petition (File #PLN-2020-93) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested a Simplified Residential Variation to allow the addition to the home, which would encroach 1.75 feet into the 41.75-foot averaged front yard setback for the property located at 480 Melrose Lane; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on June 12, 2020 in the Northwest Herald, held a public hearing at 7:30 p.m., on July 1, 2020 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed Simplified Residential Variation; and

WHEREAS, on July 1, 2020, the Planning and Zoning Commission, having fully heard and considered the testimony of all those present at the public hearing who wished to testify, made findings of fact as required by law and recommended to the Mayor and City Council of the City of Crystal Lake that the proposed Simplified Residential Variation be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #PLN-2020-93, dated as of July 2, 2020; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Simplified Residential Variation 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:

<u>Section I:</u> That a Simplified Residential Variation to allow the 1.75-foot encroachment into the 41.75-foot averaged front yard setback for the property commonly known as 480 Melrose Lane (19-06-351-011), Crystal Lake, Illinois.

Section II: Said Simplified Residential Variation is issued with the following conditions:

Ord. No. File No.

- 1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (Chapman, received 06/08/20)
  - B. Architectural Plans (Muran Architects Inc. dated 06/03/20, received 06/08/20)
- 2. The petitioner shall address all of the review comments and requirements of Public Works, Engineering and Community Development Departments.

<u>Section III:</u> That the City Clerk be and is hereby directed that all pertinent records of the City of Crystal Lake to show the issuance of a Simplified Residential Variation in accordance with the provisions of this Ordinance, as provided by law.

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

DATED at Crystal Lake, Illinois, this 21st day of July, 2020.

	City of Crystal Lake, an Illinois municipal corporation	
	Haig Haleblian, Acting Mayor	
SEAL		
ATTEST:		
Nick Kachirouhas, City Clerk	•	

Passed: July 21, 2020 Approved: July 21, 2020



## Agenda Item No: 11

# City Council Agenda Supplement

Meeting Date: July 21, 2020

Item: REPORT OF THE PLANNING & ZONING COMMISSION

**Requests:** 1. Preliminary and Final Planned Unit Development for a new

3,316 square-foot limited service restaurant, and

2. Deferral of the requirement to bury the overhead utility lines

until an area-wide program is established.

**Petitioner:** LuAron Foster McCormick, Raising Cane's

Jeff Pountney, Architect 5417 Northwest Highway

PZC Recommendation: Motion to approve the PZC recommendation and adopt an

Ordinance granting the Final Planned Unit Development and deferral of the requirement to bury the overhead utility lines for

the Raising Cane's at 5417 Northwest Highway.

**Staff Contact:** Michelle Rentzsch, Director of Community Development

Elizabeth Maxwell, City Planner

#### **Background**

- The site is a vacant parking lot and was part of the former Pauly Toyota site.
- Raising Cane's is proposing a new fast food restaurant on this site. They have modeled the elevations after the recently-constructed Schaumburg store and are <u>using brick and stone</u>. The high quality architecture will make a positive improvement in this section of the Route 14 corridor.
- The property is within the Three Oaks Recreation Area Planned Unit Development overlay district. It is the intent of the Three Oaks PUD Overlay District to promote orderly and high-quality development that is compatible with the character and use of Three Oaks, consistent with and complementary of the area's recreational uses and amenities and supportive of a strong and stable tax base
- The site features a double drive-through lane and bypass lane. Landscaping is located around the perimeter of the site and along the building.
- The traffic study has been submitted to IDOT and final comments were received. The
  petitioner has been working with IDOT on submitting a revised plan to meet their
  conditions.

## Request

The petitioner originally had several variations associated with their PUD request detailed below.

## Signage:

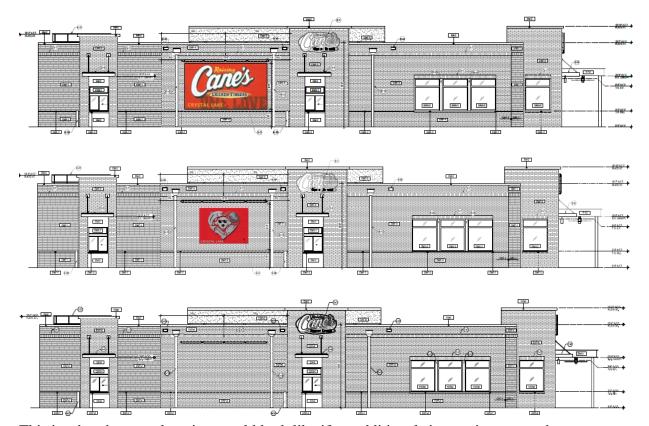
- The petitioner reduced their signage from the original proposal removing the flags along the top of the building and reducing the size of the main ID signs.
- The petitioner has proposed two options for additional signage on the east elevation as illustrated below. Both the mural and the arwork would require a sign variation, as either would cause the building to exceed 150 total square feet. (The artwork is a metal panel affixed to the building. The mural is hand painted onto the building).

Sign Type	Square Footage	Total Square Feet
Raising Canes ID	30.75 (31) SF x 3 each	93 SF
One Love	15.5 (16)SF	16 SF
Blue Dog	32 SF	32 SF
Optional Signs		
Raising Cane's Mural	139.50 SF	139.50 SF
Heart Art Work	67.2 SF	67.2 SF

Total Signage with a blank East Elevation – 141 SF (meets UDO)

Total Signage with Mural on East Elevation -280.5 (one option proposed by petitioner)

Total Signage with Art Work on East Elevation – 208.2 (second option proposed by petitioner)



This is what the east elevation would look like if no additional signage is approved.

## **Cove Lighting:**

- The petitioner is requesting cove lighting under the top of the parapets. Below is an example from another recently completed project that illustrates what the cove lighting would look like.
- The proposed cove lighting on the Crystal Lake restaurant would be located under each of the four raised parapet towers: two for the drive-through windows on the east and two for the north and west entrances.



### Variations:

- Article 4-1000 Signs. Freestanding buildings are permitted a total of 150 square feet of signage. Raising Canes is proposing 280.5 square feet, which includes the mural. This is a variation of 130.5 square feet. **OR** 208.2 square feet, which includes the heart art work. This is a variation of 58.2 square feet.
- Article 4-1000 Signs. Window signs are to be non-illuminated; they have proposed a 5 square foot illuminated "Chicken Fingers" sign. This is a variation to allow the sign to be illuminated.
- Article 4-800 D 3.a.(i).II Exterior Lighting. To allow exterior lighting to illuminate entire portions of the building through the proposed cove lighting
- Deferral from the burial of overhead utility lines until an area-side program is established.

The Planning and Zoning Commission was not in favor of the variations and amended the conditions to reflect those sentiments.

## **PZC Highlights**

- The Planning and Zoning Commission (PZC) raised two concerns with the site design. The first was the stacking for the drive-through, there was a concern it could back onto Route 14. The second was the pedestrian crossing and they were looking for options to make it a safe crossing. Lynn Means, with Gewalk Hamilton Associates, Inc. the City's traffic consultant that was selected for this project prepared a memo addressing both of these concerns, which can be found in your packet. There is no concerns with the stacking impacting onsite or off-site operations. The memo also outlines options for the safe pedestrian crosswalk. A condition of approval is for the petitioner to work with staff on ensuring the safe crossing.
- The PZC was not in favor of the cove lighting. They stated they have been consistent in their approvals and not allow any exterior lighting, which does not comply with the ordinance. One member voted no stating that cove lighting has already been approved at another fast food restaurant so this should be allowed also, to remain consistent.
- The PZC noted the amount of signage and requested that Raising Cane's meet the ordinance. Two members were in favor of allowing the additional signage.
- Commission Member Esposito voted no as he thought the building should face Three Oaks Recreation Area and have the outdoor seating in the back.
- The Commission noted that the <u>amended</u> request met the Findings of Fact.

The Planning and Zoning Commission recommended **approval** (4-3) of the petitioner's requests with the following conditions:

- 1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (Raising Canes, received 07/03/19)
  - B. Plan Set (ADA Architects, dated 06/24/20, received 06/24/20)
  - C. Elevations (ADA Architects, undated, received 03/06/20)
  - D. Signage (AGI, dated 06/22/20, received 06/22/20)
  - E. Stormwater Report (Kimley-Horn and Assoc., dated 03/06/20, received 03/06/20)
  - F. Traffic Study (Gewalt Hamilton, dated 06/11/19, updated 03/13/20, received 03/13/20)

#### 2. Site Plan

A. All municipal utilities are required to be in a Municipal Utility Easement (MUE). A Plat of Easement is required to be provided to the City.

### 3. Landscape Plan

- A. Add a tree and 5 shrubs to the landscape end island just to the east of the monument sign.
- B. Add some landscape shrubs along the curve of the drive-through to screen any headlights exiting the drive-through to Route 14.

#### 4. Elevations

A. Remove all cove lighting or illuminated banding around the building.

- 5. Raising Canes shall participate with the City during the construction of the boardwalk and related amenities like benches, gazebos, etc. along their property.
- 6. The petitioner shall work with staff to review and mitigate the safety risk with the crosswalk and create a solution that is the safest way to accomplish that.
- 7. The petitioner shall address all of the review comments and requirements of the Community Development, Fire Rescue, and Public Works Departments, as well as the City's Stormwater Consultant and the final approved Traffic Study.
- 8. Signage shall be reduced to meet the ordinance at 150 square feet. (Amended by PZC)

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

## PLN-2019-00113 RAISING CANE'S RESTAURANT – 5417 NORTHWEST HWY





Ord. No	
File No.	



## The City of Crystal Lake Illinois

# AN ORDINANCE GRANTING A PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT AND A DEFERRAL TO BURY THE OVERHEAD UTILITY LINESAT 5417 NORTHWEST HIGHWAY

WHEREAS, pursuant to the terms of a Petition (File #PLN-2019-113) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of a Preliminary and Final Planned Unit Development for a new 3,316 square-foot limited service restaurant with variations for illumination and total wall signage, and a deferral from the requirement to bury the overhead utility lines to construct a Raising Canes at 5417 Northwest Highway; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on June 12, 2020 in the Northwest Herald, held a public hearing at 7:30 p.m., on July 1, 2020 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed Preliminary and Final Planned Unit Development with variations and the Deferral from the requirement to bury the overhead utility lines, and

WHEREAS, on July 1, 2020, 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 without Variations and a Deferral from the requirement to bury the overhead utility lines be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #PLN-2019-113, dated as of July 2, 2020; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Preliminary and Final Planned Unit Development and a Deferral from the requirement to bury the overhead utility lines be buried 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:

<u>Section I:</u> That a Preliminary and Final Planned Unit Development and a Deferral from the requirement to bury the overhead utility lines be issued to allow the construction of a Raising Canes limited service restaurant at the property commonly known as 5417 Northwest Highway (19-09-201-001), Crystal Lake, Illinois.

Ord. No	
File No.	

<u>Section II:</u> Said Preliminary and Final Planned Unit Development and Deferral from the requirement to bury the overhead utility lines is issued with the following conditions:

- 1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (Raising Canes, received 07/03/19)
  - B. Plan Set (ADA Architects, dated 06/24/20, received 06/24/20)
  - C. Elevations (ADA Architects, undated, received 03/06/20)
  - D. Signage (AGI, dated 06/22/20, received 06/22/20)
  - E. Stormwater Report (Kimley-Horn and Assoc., dated 03/06/20, received 03/06/20)
  - F. Traffic Study (Gewalt Hamilton, dated 06/11/19, updated 03/13/20, received 03/13/20)

#### 2. Site Plan

A. All municipal utilities are required to be in a Municipal Utility Easement (MUE). A Plat of Easement is required to be provided to the City.

#### 3. Landscape Plan

- A. Add a tree and 5 shrubs to the landscape end island just to the east of the monument sign.
- B. Add some landscape shrubs along the curve of the drive-through to screen any headlights exiting the drive-through to Route 14.

#### 4. Elevations

- A. Remove all cove lighting or illuminated banding around the building.
- 5. Raising Canes shall participate with the City during the construction of the boardwalk and related amenities like benches, gazebos, etc. along their property.
- 6. The petitioner shall work with staff to review and mitigate the safety risk with the crosswalk and create a solution that is the safest way to accomplish that.
- 7. The petitioner shall address all of the review comments and requirements of the Community Development, Fire Rescue, and Public Works Departments, as well as the City's Stormwater Consultant and the final approved Traffic Study.
- 8. Signage shall be reduced to meet the ordinance at 150 square feet.

<u>Section III:</u> That the City Clerk be and is hereby directed that all pertinent records of the City of Crystal Lake to show the issuance of a Preliminary and Final Planned Unit Development and a Deferral from the requirement to bury the overhead utility lines in accordance with the provisions of this Ordinance, as provided by law.

	File No
Section IV: That this Ordinance shall be in fapproval and publication as provide by law.	full force and effect from and after its passage,
DATED at Crystal Lake, Illinois, this 21st day of J	uly, 2020.
	City of Crystal Lake, an Illinois municipal corporation
	Haig Haleblian, Acting Mayor
SEAL	
ATTEST:	
Nick Kachiroubas, City Clerk	

Passed: July 21, 2020 Approved: July 21, 2020 Ord. No. \_\_\_\_

3



Agenda Item No: 12

# City Council Agenda Supplement

Meeting Date: July 21, 2020

<u>Item:</u> Lakeside Legacy Temporary Use Permit for Outdoor

Picnics and Acoustic Music

**Recommendation:** City Council discretion:

1) Motion to approve a Temporary Use Permit for an outdoor seating area and acoustic music events at 401 Country Club Road, per the conditions outlined in this

agenda supplement.

2) Motion to deny the applicant's request.

**Staff Contact:** Michelle Rentzsch, Director of Community Development

\_\_\_\_\_

**Background:** The Lakeside Legacy Arts Park is requesting approval of a Temporary Use Permit to hold four outdoor "picnic" and acoustic music events on the lawn located in front of the building, an approximately 40,000 square-foot area. The events would be held every other Wednesday from 6:00 to 9:00pm, on August 5, 19, and September 2, 16. The events would be ticketed with food and liquor for sale and contained in a fenced, limited-access area. The summary of the request and plan layout are attached. The outdoor event's size and layout was based on the Governor's Stage 4 outdoor performing arts guidelines.

- On May 27, 2020, the City Council approved a citywide ordinance that permits valid liquor license holders to serve outdoors in temporary outdoor seating areas, when physical distancing requirements are in place. That approval would cover these events.
- Also on May 27, 2020, the City Council approved an ordinance that allowed administrative approval of outdoor seating areas for bars and restaurants; however, in 2005 the Lakeside Legacy Arts Park was granted a Special Use Permit for an "Institutional Use" in a residential zoning district.
- The Special Use Permit approval for Lakeside Legacy contained a specific condition, "A Temporary Use Permit shall be requested when required." This Temporary Use Permit request is before the City Council due to this specific Special Use Permit condition.
- The abutting neighbors have been notified of the proposed events and advised of the date of this City Council meeting for consideration.

The temporary outdoor seating area must conform to the following conditions contained in the City's liquor code:

- (a) The outdoor seating area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.
- (b) The outdoor seating area shall have a maximum capacity as defined by the Building Commissioner.
- (c) Any part of the outdoor seating area not blocked by a building shall be surrounded by a fence or other barrier approved by the Building Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the city regarding vision, clearance and required distances from corners.
- (d) All electrical wiring shall comply with the codes of the City.
- (e) All combustible rubbish shall be stored in a non-combustible container and the license holder shall be responsible for keeping the area in a clean and sightly condition.
- (f) The noise emanating from any outdoor seating area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.
- (g) The license holder shall be responsible for preventing violations of this chapter.



In addition, the following conditions for the outdoor seating area shall apply:

- 1. The outdoor seating area is permitted for August 5, 19, and September 2, 16, 2020. The City Manager may approve an alternate date, if inclement weather causes a cancellation of any of the four dates. This approval is contingent upon this event maintaining compliance with the Governor's Restore Illinois Plan.
- 2. Due to the potential impact upon neighboring residential properties, no portion of the outdoor seating area may be used by patrons after 11:00 p.m.
- 3. No amplified music is permitted in the outdoor seating area, unless approved in connection with a Special Event permit. Acoustical music is allowed.
- 4. Work with staff on selecting a temporary event fencing or similar fencing material for the outdoor seating area. Ensure that no temporary fencing nor attendees' chairs and tables obstruct the line of sight for motorists exiting the driveway(s).
- 5. Reflective striping shall be installed on fencing material that blocks any existing entry drives and exiting/safety requirements must be implemented per City Code.
- 6. This temporary outdoor seating area approval may be rescinded if the area is not kept in an orderly manner. All litter and debris must be removed and disposed of in private refuse containers.

The applicant has been made aware of these recommended conditions and advised to attend the July 21, 2020 City Council meeting to answer any questions.

## **Votes Required to Pass:**

Simple majority vote.



## Agenda Item No: 13

# City Council Agenda Supplement

**Meeting Date:** 

July 21, 2020

Item:

Raffle Code Changes and Raue Center Raffle Approval

**Staff Recommendation:** 

- 1. Motion to adopt an Ordinance amending Chapter 408 of the City Code, regarding Raffles
- 2. Motion to adopt a Resolution authorizing the City Manager to issue a raffle license for a progressive style raffle to the Raue Center for the Arts per the application dated May 22, 2020, subject to the final review and approval of the application by the City Manager.

**Staff Contact:** 

Eric T. Helm, Deputy City Manager

#### Background:

The Illinois Raffles and Poker Runs Act (230 ILCS 15), allows municipalities to develop ordinances governing the issuance of raffle licenses. Chapter 408 of the City Code defines which types of organization are eligible to receive a raffle license, how raffles should be conducted, limitations on the maximum value of prizes that can be awarded, and the length of time for which a raffle may be operated. This agenda supplement and the attached proposed Ordinance provide suggested changes to the City's Raffles Code in order to more closely align the City Code to recent changes in the State law. In addition to these updates, the proposed Ordinance amendment provides specifically for the regulation of progressive style raffle games, which are commonly referred to as "Queen of Hearts" raffles.

## Progressive Style Raffle (Queen of Hearts Raffle Game)

In this type of raffle, individuals purchase tickets for a chance to draw a card from a standard playing card deck (52 cards and 2 jokers). If the individual's raffle chance is selected and the individual selects the queen of hearts, he or she would win 50% of the collected funds. These games can be played over a long period of time and the potential winnings that can be paid to raffle ticket holders can grow quite large. The City has never licensed this type of raffle, but has received a recent inquiry regarding its use by a Crystal Lake not-for-profit organization. Due to the recent request, it is recommended by the City's special legal counsel that the City specifically address this type of raffle in the City Code.

Progressive Style Raffle Concerns

Progressive style raffle games, such as the Queen of Hearts raffle, have the potential to create negative impacts upon a community. In other communities, these types of raffles have drawn large crowds, which have presented traffic issues. If not further regulated, the popularity of this type of raffle held at a particular business, restaurant or bar, could encourage multiple, daily raffle drawings which could give rise to zoning concerns since raffle operations are not allowed as either a primary or special use in any of the City's zoning districts. Raffle operations can only be ancillary to a property's primary use. The recommended changes will ensure that the scope and frequency of a raffle operation will be consistent with the objectives of the City's Unified Development Ordinance.

The following conditions are recommended to address potential issues that may arise with allowing a progressive raffle in Crystal Lake. Conditions two through five are described in the proposed ordinance change. Condition one is an existing condition in the City Code.

- 1. <u>Limitation on aggregate value of award (*Existing Requirement*): The City Code already limits the prize award to \$250,000 for all types of raffles. Since Queen of Hearts raffle prizes can approach or even exceed \$1,000,000, the existing limitation on the prize award would control the size of the raffle's scope.</u>
- 2. <u>Limitation on number of draws for progressive style raffles (New Requirement)</u>: Organizations are limited to only one drawing a week.
- 3. <u>Limitation on the number of raffles for each organization and establishment (New Requirement)</u>: Each not-for-profit organization can only have one progressive style raffle annually. Also, establishments where the progressive raffle is held (i.e. banquet facility, restaurant, bar, etc.) can only have one progressive style raffle annually.
- 4. <u>Limitation on advertising (New Requirement)</u>: Similar to the requirement for video gaming, no advertising of the raffle shall be permitted which would be visible from the exterior of the building in which the raffle drawing will take place or the building occupied by the sponsoring organization.
- 5. Requirement that the raffle organizer address traffic issues related to progressive style raffles (New Requirement): A condition is proposed that would require the raffle organizer ensure that traffic within the property will not unreasonably interfere with the normal flow of traffic upon public streets. If the normal flow of traffic is adversely impacted, the raffle organizer shall reimburse the City for traffic control costs.

These requirements are outlined in the proposed Section 408-6 (D) in the City Code and are attached for the City Council's consideration.

## Summary of Recommended Code Changes

It is recommended by the City's legal counsel that changes be made to provide further guidance to raffle organizers.

#### **408-1 Definitions**

TOO I Deminions	
Proposed Change	Explanation
Add Definition for "Business"	This definition is in the State Raffles and Poker Run Act and should be included for clarity.

Add Definition for "Progressive	This definition is added since certain proposed City Raffle Code
Raffle"	conditions apply to this type of raffle, commonly known as "Queen of
	Hearts" raffle.

408-2 License Required

Proposed Change	Explanation
Section B. Added, "License shall be issued only	Licenses shall only be granted to bona fide not-for-profit organizations.  This clarification is in the State Raffles and Poker Runs Act and should
to <u>business</u> <u>or other bona</u> <u>fide not-for-profit</u> organization."	be included for clarity.

408-3 Application for License

Proposed Change	Explanation
Section C. Added, "at which winning chances are determined."	This language was added to clarify the information requested on the application.
Section D. Modified section regarding raffle sales	Recent changes to the State Raffles and Poker Runs Act eliminated the limitation that raffle tickets may only be sold within the boundary of the issuing municipality. Consequently, it is no longer necessary to know where tickets will be sold within the City. In addition, the City is requesting that the raffle organizers inform the City whether tickets will be sold on the internet.
Section E. Added "sworn"	This language is in the State Raffles and Poker Run Act and should be included for clarity.
Section F. Added "sworn" and clarification regarding felony.	This language is in the State Raffles and Poker Run Act and should be included for clarity.

408-4 Restrictions on issuance of licenses

Proposed Change	Explanation
Previous Section A. and B. Modified requirements	The City has previously issued raffles licenses to non-Crystal Lake bona fide not-for-profit organizations. The raffle manager is required to be a resident of the City. The language regarding United States citizenship is not in the State Raffles and Poker Run Act and should be deleted from the City Code for clarity.
Section D and Section H. Added, "organization"	Adding organizations to these conditions is appropriate.
Previous Section I. Condition Deleted.	This condition is deleted since registered agents are not used for raffle licenses.
Section J. Raffle location requirement.	This language is in the State Raffles and Poker Run Act and should be included for clarity.

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Section K. Added, "an	This change further defines who is eligible to receive a raffle license.
owner, director, officer,	
employee or member of the	
licensee."	
Previous Section N. and O.	This condition refers to an alcohol license and is not relevant to raffle
Conditions Deleted	licenses.
Section P. Added condition.	This ensures that an organization cannot have an individual manage or operate a raffle who is ineligible to receive a license.

## 408-5 Conduct of Raffles

Proposed Change	Explanation
Section B. Defines who may participate in the raffle	This language is in the State Raffles and Poker Run Act and should be included for clarity.
management and operation.	

### 408-6 Limitations on Licenses

Proposed Change	Explanation
Section A. Added, ", except as otherwise provided in this	This language is added to allow for specific conditions related to progressive raffles.
Chapter,"	
Section D. Conditions added	This section specifically relates to progressive raffles, commonly referred
for Progressive Raffles.	to as "Queen of Hearts" raffles.

## 408-7 Raffle manager; bond

+00-/ Name manager, bond	
Proposed Change	Explanation
Added a requirement for	The raffle manager has been required to be a Crystal Lake resident. This
raffle managers and bond	change clarifies this requirement. In addition, the requirement of a bond
waiver	waiver shall only be recognized when agreed upon by the organization.

### 408-8 Records

Proposed Change	Explanation
Section C. Added wording for organizations that do not have members.	The current language requires that the organization report monthly to its membership. Language is added requiring that organizations that do not have members to report to its governing board. This is consistent with provisions in the State law.

## Raue Center for the Arts Progressive Style Raffle Application

In May 2020, the Raue Center for the Arts submitted an application for a progressive style raffle. The application has been attached to this Agenda Supplement for the City Council's information. The Raue Center proposes that this raffle be held in mid-to-late summer 2020. Section 408-6(7) of

the City Code authorizes the City Manager to issue raffle licenses. Subject to the City Code and the changes proposed at the July 21st City Council meeting, the City Manager will review the Raue Center for the Arts application and issue a license. Based on the initial review of the application, the Raue Center's proposed raffle will meet the requirements of the City Code changes recommended at the July 21, 2020 City Council meeting.

This is the first progressive style raffle to be proposed in the City. Due to this fact, it is requested that the City Council consider a Resolution authorizing the City Manager to issue the license per the application dated May 22, 2020 subject to the final review and approval of the City Manager. Future applications by other organizations for a progressive style raffle would be addressed administratively per the requirements of the City Code.

## **Votes Required to Pass:**

Simple majority

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## AN ORDINANCE AMENDING CHAPTER 408 OF THE CODE OF THE CITY OF CRYSTAL LAKE PERTAINING TO RAFFLES

WHEREAS, the City of Crystal Lake, (the "City") is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois and the passage of this Ordinance constitutes an exercise of the City's home rule powers; and

**WHEREAS**, pursuant to the authority vested in municipalities by the Illinois Raffles and Poker Runs Act (230 ILCS 15/1) (the "Act"), and its home rule authority, the City is authorized to establish a system for the licensing of organizations to operate raffles within the corporate boundaries of the City; and

WHEREAS, pursuant to such authority, the City adopted Chapter 408 of the City Code, which Chapter provides for the licensing and regulation of Raffles; and

**WHEREAS,** in order to address recent amendments to the Act and to provide a mechanism for the operation of Progressive Style Raffles within the City, the Mayor and City Council have found and determined that it is in the best interest of the City and its residents to amend certain sections of Chapter 408;

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

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

**SECTION II:** Amendments to Chapter 408. The following sections of Chapter 408 are hereby amended to provide as follows:

• (Additions are denoted in bold and underlined, deletions are denoted by strikethroughs)

§ 408-1. Definitions

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

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<u>BUSINESS – A voluntary organization composed of individuals and businesses who</u> <u>have joined together to advance the commercial, financial, industrial and civic</u> interests of the Community.

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CHARITABLE — An organization or institution organized and operated to benefit an indefinite number of the public. The services rendered to those eligible for benefits must also confer some benefit on the public.

EDUCATIONAL — An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

FRATERNAL — An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

LABOR — An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

NET PROCEEDS — The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

NONPROFIT — An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

PROGRESSIVE RAFFLE — A style of raffle which allows the holder of a winning raffle ticket the opportunity to select or have selected on their behalf a card from a deck of up to 54 playing cards, one of which represents the winning jackpot card. The selection of the playing card by the winning raffle ticket holder shall be in accordance with rules established by the organization licensed pursuant to this chapter but must be based upon an element of chance by an act or set of acts on the part of the persons conducting or connected with the raffle. The playing card selected by or on behalf of the holder of a winning raffle ticket may also be designated as a winning prize valued at less than the jackpot for such Progressive Raffle in accordance with the rules established by the licensed organization. For illustrative purposes only, games commonly known as Queen of Hearts Raffles, would be classified as a Progressive Raffle.

RAFFLE — A form of lottery, as defined in Chapter 38, Section 28-2(b), Illinois Compiled Statutes, of the "Criminal Code of 1961" conducted by an organization licensed under this chapter in which:

- A. The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;
- B. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

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RELIGIOUS — Any church, congregation, society or organization founded for the purpose of religious worship.

VETERANS — An organization or association comprised of members which are substantially veterans and spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its membership and to provide assistance to the general public in such a way as to confer a public benefit.

## § 408-2. License required.

- A. It shall be unlawful for any person, firm or corporation to conduct raffles or chances within the City of Crystal Lake unless the person, firm or corporation has a valid license issued in accordance with the provisions of this chapter.
- B. Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, veteran's or other bona fide not-for-profit organizations that operate without profit to their members and which have been in existence continuously for a period of five years immediately before making application for a license and which have during that entire five-year period engaged in carrying out their objects, or to a nonprofit fund-raising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster or to any law enforcement agencies and statewide associations that represent law enforcement officials.

## § 408-3. Application for license.

Applications for such licenses shall be made to the City Manager or his/her designated representative, signed by the applicant or its duly authorized representatives and verified by oath or affidavit, and shall contain the following information and statements:

- A. Names, ages and addresses of the applicant in the case of an individual or in such other case by the duly authorized representatives of the applicant, the date of incorporation of any corporation, the date of formation of any club, the objects for which a club or corporation was formed, the names and addresses of the officers and directors of any club, the name and address of the local representative of any church.
- B. The character of business of the applicant and in the case of a corporation the objects for which it was formed.
- C. The location and description of the premises or place of business <u>at which the winning</u> <u>chances will be determined</u>. <del>upon which the raffle will be held</del>
- D. The area or areas within the City in which raffle chances will be sold or issued time period during which raffle chances will be sold or issued, the time of determination of winning chances and the method by which the winning chances will be determined and whether raffle chances will be sold via the internet.
- E. A <u>sworn</u> statement attesting to the not-for-profit character of the respective licensee organization signed by the presiding officer and secretary of that organization.

- F. A <u>sworn</u> statement that applicant has never been convicted of a felony <u>that would</u> <u>impair the applicant's ability to engage in the licensed activity</u> and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, other ordinances of this City, laws of the State of Illinois or of the United States of America.
- G. Whether a previous license by any state or subdivision thereof or by the federal government has been revoked and the reasons therefor.
- H. A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States or any ordinances of this City in the conduct of the raffle.
- I. A statement that the applicant will not allow gambling devices or gambling on the premises where the drawing will be held, except for the use or operation of such video gaming terminals for which a video gaming terminal permit has been issued and which is lawfully operated within a licensed establishment, in accordance with the provisions of § 268-3 of this Code.
- § 408-4. Restrictions on issuance of licenses.

No such license shall be issued to:

## A person who is not a resident of the City.

- A. A person who is not of good moral character and reputation in the City.
- B.A person who is not a citizen of the United States.
- B. A person who has been convicted of a felony under any federal or state law which would impair the person's ability to engage in the licensed activity.
- C. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- D. A person or <u>organization</u> whose license issued under this chapter has been revoked for cause.
- E. A person who, at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- F. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate, more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than residence within the City.
- I. A corporation whose registered agent is not a resident of the City of Crystal Lake.
- G. Any person who is or has been a professional gambler or gambling promoter.
- H. A person <u>or organization</u> whose place of business is conducted by a manager or agent, unless said manager or agent possesses the same qualifications required of the licensee.
- I. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this

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chapter or shall have forfeited bond to appear in court to answer charges for any such violation.

- J. A person <u>or organization</u> who does not own the premises <u>for upon</u> which <u>the raffle drawing will be conducted</u> a license is sought, or does not have a lease <u>or rental agreement</u> thereon for the full period for which the <u>raffle drawing will be conducted license is to be issued.</u>
- N. Any law enforcing public official, any City Manager, any Mayor, Alderman, or member of the City Council or commission, or any President or member of a county board, and no such official shall be interested in any way, either directly or indirectly, in the manufacture for sale, sale or distribution of alcoholic liquor.
- O. Any person, association, or corporation not eligible for a state retail-liquor dealer's license.
- K. A person who is not <u>an owner, director, officer, employee or member of the licensee</u>. beneficiary of the business to be operated by the licensee
- L. A person who has been convicted of a gambling offense as proscribed by any part of Subsection (a)(3) through (a)(10) of Section 28-1, or as proscribed by Section 28-3 of the Criminal Code of 1961, approved July 28, 1961, as heretofore or hereafter amended as contained in Illinois Compiled Statutes 1961, Chapter 38, Section 28-1, 28-3<sup>2</sup> or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
- M. A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.
- N. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 20% of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.408:4
- O. Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal Government for the current tax period.
- P. Any organization in which a person defined in (A),(B),(C),(D),(E),(G), (I),(O),or (P) of this Section is to participate in the management or operation of a Raffle as defined in this Chapter.

§ 408-5. Conduct of raffles.

The conducting of raffles is subject to the following restrictions:

- A. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- B. No person except a bona fide <u>director</u>, <u>officer</u>, <u>employee or member of the sponsoring organization</u> may participate in the management or operation of the raffle. <u>No person may receive any remuneration or profit for managing or participating in the</u>

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management of the raffle. Sponsoring organizations may contract with third parties who, acting at the direction of and under the supervision of the sponsoring organization, provide bona fide services to the sponsoring organization in connection with the operation of a raffle and may pay reasonable compensation for such services. Such services include the following: (a) advertising, marketing and promotion, (b) legal, (c) procurement of goods, prizes, wares and merchandise for the purpose of operating the raffle, (d) rent, if the premises upon which the raffle will be held is rented, (e) accounting, auditing and bookkeeping, (f) website hosting, (g) mailing and delivery, (h) banking and payment processing, and (i) other services relating to the operation of the raffle.

- C. No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- D.A licensee may rent a premises on which to determine the winning chance or chances in a raffle provided that the rent is not determined as a percentage of receipts or profits from the raffle.
- E. Raffle chances may be sold and winning chances may be determined only at those locations specified on the license.
- F. No person under the age of 18 years may participate in the conducting of raffles or chances. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his/her parents or guardian.

#### § 408-6. Limitations on licenses.

- A. A license authorizes the licensee to conduct raffles as defined in this chapter. Each such license is valid for one raffle or for a specified number of raffles to be conducted during a specified period not to exceed one year, except as otherwise provided in this Chapter.
- B. All raffle tickets which are sold off the premises upon which the raffle is to be held shall contain the license number issued by the City.
- C. The license shall contain the following information:
  - (1) The aggregate retail value of all prizes or merchandise awarded by the licensee in a single raffle. In no event shall the aggregate retail value of all prizes or merchandise exceed the sum of \$250,000 in a single raffle.
  - (2) The maximum retail value of each prize awarded by the licensee in a single raffle. In no event shall the aggregate retail value of any prize or merchandise exceed the sum of \$250,000 in a single raffle.
  - (3) The maximum price which may be charged for each raffle chance issued or sold by the licensee, provided that the licensee shall submit to the City Manager or his/her designated representative the aggregate retail value of all of the prizes or merchandise to be awarded, the total number of chances which may be issued or sold and the projected net proceeds as defined by this chapter which shall be the basis in determining the maximum price which may be charged for each raffle chance. Upon receipt of all of the foregoing

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information, the City Manager or his/her designated representative shall review and approve the maximum price for each raffle chance, or in the event the City Manager or his/her designated representative does not approve the price-per-raffle chance, he/she shall communicate the reason for such denial to the person applying for the license within 10 days of receipt of application for the proposed license.

- (4) The maximum number of days during which chances may be issued or sold.
- D. Progressive Raffles shall be considered a single raffle for purposes of licensing pursuant to this Chapter, notwithstanding the fact that such Progressive Raffles may provide for up to 54 scheduled drawings. Progressive Raffles shall be subject to the following limitations:
  - (1) All applications for Progressive Raffles shall include a copy of the rules which shall be applicable to the conduct of such Progressive Raffles.
  - (2) In the event that the jackpot has not been awarded by the end of the 51<sup>st</sup> week following the first drawing, one additional drawing event will take place during the 52<sup>nd</sup> week at which time winning raffle chances will be selected until the card representing the jackpot is selected.
  - (3) The first drawing of a winning raffle chance must take place within 60 days of the date of issuance of the license issued pursuant to this Chapter.
  - (4) <u>Drawings of winning raffle chances shall take place at the location identified in the license.</u>
  - (5) No signage advertising or otherwise making know the availability of the raffle within the licensed establishment may be visible from the exterior of the building at which the raffle drawing will take place or the exterior of the building occupied by the licensed organization.
  - (6) No organization shall be issued more than one license to conduct a Progressive Raffle during any twelve-month period.
  - (7) No location within the City may be utilized for drawings related to more than one Progressive Raffle within any twelve-month period.
  - (8) Any licensee receiving a license pursuant to this Chapter shall be responsible for ensuring that traffic within the property upon which a Progressive Raffle drawing is held shall be safely conducted and in such a manner so that it will not unreasonably interfere with the normal flow of traffic upon the public street from which traffic enters to and exits from such property, as reasonably determined by the City's Police Chief or the Chief's designee. To the extent that the normal flow of traffic is adversely impacted by drawings conducted upon such property, the licensee shall reimburse the City for any

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## additional costs incurred by the City to assist in addressing such traffic flow.

E. Except as is provided in Subsection C(3), the City Manager or his/her designated representative shall have 30 days in which to approve or disapprove the license applied for. In the event the City Manager or his/ her designated representative shall fail to take action within the thirty-day period, in the event they would disapprove the license applied for, or in the event they would fail to approve the maximum price charged for each raffle chance pursuant to Subsection C(3), the applicant shall have the right upon written receipt to appeal that decision to the Mayor and City Council at the next regularly scheduled Council meeting. The Mayor and City Council shall have the right to review the application and approve or deny issuance of the license applied for.

F. The City Manager or his/her designated representative may revoke any licenses issued by the City if it is determined that the licensee has violated any provision of this chapter.

#### § 408-7. Raffles manager; bond.

Operation and conduct of raffles shall be under the supervision of a single raffle's manager designated by the person or organization, making application for a license. The manager shall be a resident of the City of Crystal Lake and shall give a fidelity bond in an amount not less than the anticipated gross receipts for each raffle. The bond shall be in favor of the organization and conditioned upon his/her honesty in the performance of duties. The bond shall also provide that notice be given in writing to the City of Crystal Lake not less than 30 days prior to its cancellation. The City Manager or his/her designated representative is authorized to waive the requirement for a bond by including a waiver provision in the license issued, provided that the license containing such waiver provision shall be granted only by the affirmative unanimous vote of the members of the licensed organization.

#### § 408-8. Records.

A. Each organization licensed to conduct raffles and changes shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

B. Gross receipts from the operation of raffles programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to a license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the

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operation of raffles shall not be the same person who accounts for other revenues of the organization.

- C. Each organization licensed to conduct raffles shall report monthly to its membership, or, if the organization does not have members, to its governing board and to the City of Crystal Lake, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this section.
- D. Records required by this section shall be preserved for three years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

**SECTION III: Effective Date.** This ordinance shall be in full force and effect from and after its passage and approval according to law.

**SECTION IV:** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

DATED at Crystal Lake, Illinois, this 21st day of July, 2020

	APPROVED:
	HAIG HALEBLIAN ACTING MAYOR
ATTEST:	
CITY CLERK	
PASSED: APPROVED:	

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



Res.	



BE IT RESOLVED BY THE ACTING MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to issue a raffle license for a progressive style raffle to the Raue Center for the Arts per the application dated May 22, 2020, subject to the final review and approval of the application by the City Manager.

DATED this 21st day of July, 2020.

Illinois Municipal Corporation,		
By:		
-	Haig Haleblian, ACTING MAYOR	

CITY OF CRYSTAL LAKE, an

SEAL

**ATTEST** 

CITY CLERK

PASSED:

July 21, 2020

APPROVED: July 21, 2020



# City Council Agenda Supplement

Meeting Date: July 21, 2020

**Item:** Pumps, Pump Repair Parts and Pump Repair Services Bid

**Staff Recommendation:** Motion to award the bid for Pumps, Pump Repair Parts and

Pump Repair Services to Xylem, Inc. and adopt a Resolution authorizing the City Manager to execute an agreement with Xylem Inc. for one base year and two, optional one-year

extensions in the amounts bid.

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

Engineering

#### **Background:**

The City of Crystal Lake's Public Works Department is responsible for 31 pumping (lift) stations of various size and capacity. There are 28 wastewater and three stormwater lift stations. Together, these facilities house 60 pumps. The wastewater lift stations pump wastewater 24 hours a day, 365 days a year and are a part of the City's overall sanitary sewer system that transports wastewater to the City's wastewater treatment plants. Public Works needs immediate access to replacement pumps, parts and service to keep the stations functioning. At each station, the pumps connect to piping at the base of the wet wells and have ancillary equipment such as control wiring, lifting rails, and lift chains to facilitate pump removal and inspection.

Public Works staff is always looking for the best value in equipment, parts and repairs for all its equipment and facilities. Due to the City's need to ensure that sanitary sewer lift stations are working properly 24/7/365, the majority of the City's lift stations use Flygt pumps, that have a proven track record with the City and other public agencies. The Flygt pumps have performed very well and parts, repairs and replacement equipment are easy to obtain. In the past, staff has tried aftermarket parts (non-Flygt parts) for these pumping systems and had a poor experience. Bidding out of the pumps, parts and servicing saves staff time and ensures that pumps can be repaired or replaced quickly. It also locks in prices for the term of up to three years which enhances budget planning and manages price hikes from year to year.

City staff formally sent five vendors the bid package and also posted the bid publically on BidSync (two additional vendors downloaded the bid packet). Staff broadened the bid specifications to allow other types of pumps for this bid. The bid specifications stated that the City would accept and consider new pump manufacturers as long as they are approved by the City (have a proven track

record) and are compatible (did not require additional modifications to control wiring, rails, etc.) On May 29, 2020, the City of Crystal Lake publicly opened and read aloud bids with the following results:

Company	Anticipated Annual Cost based on Prices Submitted	% Increase Year 2	% Increase Year 3
√ Xylem Inc., Tinley Park, IL	See attached bid sheet	3%	3%

 $<sup>\</sup>sqrt{\text{Indicates the lowest responsive and responsible bidder}}$ 

#### **Recommendation:**

Since only one bid was received, staff reached out to another vendor to receive quotes. In comparison, while the other vendor provided comparable prices for the pumps, the changes needed to the ancillary equipment (base plates/seals, rails, wiring, etc.) resulted in their overall prices being higher than Xylem.

Therefore, it is the recommendation of staff to award the bid for Pumps, Pump Repair Parts and Pump Repair Services to Xylem, Inc. for one base year with two, optional one-year extensions and adopt a resolution authorizing the City Manager to execute an agreement with Xylem Inc. in the amounts bid.

The annual budget for the Wastewater Division allocates approximately \$67,000 for pump replacements and repairs. Staff does not anticipate exceeding this amount during this fiscal year.

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

Simple majority.





BE IT RESOLVED BY THE ACTING MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is hereby authorized and directed to execute an agreement with Xylem Inc. for one base year and two, optional one-year extensions for pumps, pump repair parts and pump repair services in the amounts bid.

DATED this 21st day of July, 2020

July 21, 2020

APPROVED: July 21, 2020

PASSED:

	CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation,
	By:Haig Haleblian, ACTING MAYOR
SEAL	
ATTEST	
CITY CLERK	



# City Council Agenda Supplement

**Meeting Date:** 

July 21, 2020

Item:

2020 Sidewalk Cutting Program Bid

**Staff Recommendation:** 

Motion to award the 2020 Sidewalk Cutting Program Bid to the lowest responsive and responsible bidder, ASTI Sawing Inc., and adopt a Resolution authorizing the City Manager to execute a contract with ASTI Sawing Inc. for \$48,884.00 with a 10% contingency for unforeseen expenses and to authorize the City Manager to review and approve necessary completion date change orders relating to the contract.

**Staff Contact:** 

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

Engineering

#### **Background:**

On April 10, 2020, the City opened and publicly read the bids received for the 2020 Sidewalk Cutting Program. The City received three bids and the results are tabulated below:

Bidder	Price Per SF	Quantity	Bid Total
'ASTI Sawing, Inc.	\$44.00	1,100	\$48,884.00
Hard Rock Concrete Cutters	\$49.95	1,100	\$54,945.00

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

#### **Project Need:**

The City uses sidewalk saw cutting as a means of eliminating sidewalk trip hazards that are created by displacement of sidewalks over time (heaving or settling). The saw cutting process horizontally saws off trip hazards by creating a tapered edge and thereby brings the location in compliance with American Disabilities Act (ADA) standards. During the previous five years, staff has been satisfied with the process and final outcome and has incorporated this program into the City's annual maintenance efforts.

### Recommendation:

ASTI Sawing Inc. meets all of the City's requirements and therefore staff recommends ASTI Sawing Inc. for this years' Sidewalk Cutting Program. The project is included within the FY2020/2021 Budget at \$50,000.

## **Votes Required to Pass:**

Simple majority vote.





BE IT RESOLVED BY THE ACTING MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager execute a contract with ASTI Sawing Inc. for \$48,884.00 with a 10% contingency for unforeseen expenses and to authorize the City Manager to review and approve necessary completion date change orders relating to the contract.

DATED this 21st day of July, 2020.

	CITY OF CRYSTAL LAKE, an Illinois municipal corporation,
	By: Haig Haleblian, ACTING MAYOR
SEAL	
ATTEST	
CITY CLERK	

PASSED: July 21, 2020 APPROVED: July 21, 2020



# City Council Agenda Supplement

Meeting Date: July 21, 2020

**Item:** Approval of the Use of ComEd Green Regions Grant

Award for the Edgewater Drive Rain Garden

**Staff Recommendation:** Motion to adopt a Resolution authorizing the approval of the

use of ComEd Green Regions funding for the Edgewater

Drive Rain Garden.

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

Engineering

#### **Background**

The City's Stormwater Solutions initiative resulted in a multi-year list of capital projects. One of the projects identified was the creation of rain gardens in the West End study area. The rain gardens would be located on City owned property on Edgewater Drive and Fair Oaks Drive. Rain gardens reduce runoff and filter pollutants carried in stormwater runoff. Along with the stormwater benefits, rain gardens also create habitat for birds and butterflies. Compared to a turf lawn, rain gardens allow for 30% more water to soak into the ground. The City's Capital Improvement Plan (CIP) identifies \$60,000 for the West End Rain Gardens in fiscal year 2021/2022.

The ComEd Green Regions program is a grant funding opportunity that supports agencies that plan for, protect, and improve open space in northern Illinois. The program focuses on the planning, acquisition, and improvements to local parks, natural areas, and recreation resources. ComEd partners with the non-profit organization Openlands to administer the grant. The maximum grant award under this program is \$10,000. This is an annual program, and each agency can submit one project for consideration. The City submitted a funding request for the Edgewater Drive Rain Garden project for the 2020 ComEd Green Regions program on March 9, 2020.

The City was informed that it was awarded \$10,000 for its Edgewater Drive Rain Garden project. The City has previously submitted several applications for ComEd Green Regions funding over the years and this is the first time the City has been awarded funding. There were 27 different projects awarded funding in the 2020 program.

#### Discussion:

As part of the grant award, Openlands is requesting the City Council pass a Resolution approving the use of the ComEd Green Regions funds for the Edgewater Drive Rain Garden project.

The West End Rain Gardens project was also awarded Capital Development Block Grant (CDBG) funding for \$17,000 through McHenry County. As a result of the ComEd and CDBG grants, the City's share of the projects will be reduced from \$60,000 to \$33,000. City staff will propose construction of this project as part of the FY 2021/2022 budget process.

#### Recommendation:

City staff recommends approving the attached Resolution to use the ComEd Green Regions funds for the Edgewater Drive Rain Garden project. Once the City supplies Openlands with this resolution, Openlands will transfer the funds to the City.

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

Simple majority.





BE IT RESOLVED BY THE ACTING MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City approves the use of ComEd Green Regions funds for the Edgewater Drive Rain Garden Project.

DATED this 21st day of July, 2020.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation,

	By:
	Haig Haleblian, ACTING MAYOR
SEAL	
ATTEST	

PASSED: July 21, 2020 APPROVED: July 21, 2020

CITY CLERK



# City Council Agenda Supplement

Meeting Date: July 21, 2020

**Item:** Extension of Time for Completion Date for the Wastewater

Treatment Plant #2 Liquid Aluminum Sulfate (Alum) Underground Storage Tank (UST) Replacement Project.

**Staff Recommendation:** Motion to adopt a Resolution authorizing the City Manager

to modify the contract completion date as needed and execute associated change order documentation for the Wastewater Treatment Plant #2 Liquid Aluminum Sulfate (Alum) Underground Storage Tank (UST) Replacement

Project.

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

Engineering

#### **Background:**

Due to the current COVID-19 pandemic, Public Works has been experiencing delays in manufacturing and availability of equipment that has special manufacturing processes for various capital projects. Keno & Sons Construction Company, the contractor for the Wastewater Treatment Plant #2 Liquid Aluminum Sulfate (Alum) Underground Storage Tank (UST) Replacement Project, has requested a completion date extension based on delays in obtaining custom manufactured equipment. In order to address this fluid situation, staff is requesting that authority be granted to the City Manager to approve requests to extend the contract completion date by more than thirty days. The current contract end date is July 3, 2020. Staff anticipates the project will be completed by October 14, 2020.

#### **Recommendation:**

Due to the unforeseen impacts of the current COVID-19 pandemic on the manufacturing and supply chain, staff recommends that the City Manager be authorized to review and approve, as appropriate, requests for change orders seeking extension of completion dates by more than thirty days for the Wastewater Treatment Plant #2 Liquid Aluminum Sulfate (Alum) Underground Storage Tank (UST) Replacement Project.

There will be no monetary impacts from these time extensions. Funding has been allocated for this project in the FY2021 budget. The project will be completed in the current fiscal year.

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

Simple majority.





**WHEREAS** the current COVID-19 pandemic has disrupted the manufacturing, supply and distribution of products and services; and

WHEREAS such disruptions have interfered with the ability of vendors that have entered into a contract with the City to complete such contracts by the required completion dates; and

**WHEREAS**, City Staff has been advised of the anticipated need for change orders to the completion date of the following contract due to disruptions caused by the COVID-19 pandemic:

1. Wastewater Treatment Plant #2 Liquid Aluminum Sulfate (Alum) Underground Storage Tank (UST) Replacement Project with Keno & Sons Construction Company, approved November 5, 2019 (City Council Resolution 19R-120).

# NOW THEREFORE BE IT RESOLVED BY THE ACTING MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE as follows:

<u>SECTION 1. Recitals.</u> The foregoing recitals are incorporated as though fully set forth herein.

<u>SECTION 2.</u> Authorization of City Manager. The City Manager is hereby authorized to review any requests for change orders involving extension of the contractual completion dates by more than thirty days, and to make such determinations as may be required by 720

ILCS 33-E-9 in connection with the approval of such change orders with respect to the following contract:

 Wastewater Treatment Plant #2 Liquid Aluminum Sulfate (Alum) Underground Storage Tank (UST) Replacement Project with Keno & Sons Construction Company, approved November 5, 2019 (City Council Resolution 19R-120).

SECTION 3. Effective Date. This Resolution shall take effect immediately upon its passage and approval as provided by law.

DATED this 21st day of July, 2020.

	CITY OF CRYSTAL LAKE, an Illinois municipal corporation,
	By: Haig Haleblian, ACTING MAYOR
SEAL	
ATTEST	

CITY CLERK

PASSED: July 21, 2020 APPROVED: July 21, 2020



# City Council Agenda Supplement

Meeting Date: July 21, 2020

**Item:** Payment of Illinois Environmental Protection Agency

Annual National Pollution Discharge Elimination System

(NPDES) Permit Fees

**Staff Recommendation:** Motion to adopt a Resolution authorizing payment in the

amount of \$48,500.00, for annual NPDES permit fees

under protest.

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

Engineering

#### **Background:**

As part of the State of Illinois' adoption of its annual budget in 2003 and its efforts to overcome a budget deficit, unprecedented annual fees were established for holders of National Pollution Discharge Elimination System (NPDES) Permits. These permits, which regulate the operation and discharges of the City's wastewater and storm water systems, are required under the Clean Water Act and are issued by the IEPA. Operation of wastewater and storm water facilities in violation of the permit requirements, or without a permit, constitutes violations of the Clean Water Act and the State of Illinois compiled statutes relative to Water Pollution Control. Violators are subject to civil and criminal prosecution. The fees were previously "justified" by the Governor and Legislature as being needed to fund the IEPA and its oversight of NPDES holders' operations, which have, prior to 2003, been funded without permit fees other than new water and sewer extension permit application fees.

The annual permit fees for the wastewater plants are based on design average flows (DAF), with facilities with a DAF of more than one Million Gallons per Day (MGD) and less than five MGD receiving an annual fee of \$15,000.00. This would be the fee for WWTP #3 since the DAF is 1.7 MGD. Facilities with a DAF greater than five MGD and less than ten MGD are to be charged \$30,000.00. The DAF of WWTP #2 is 5.8 MGD. The IEPA has invoiced the City of Crystal Lake in the amount of \$30,000.00 for WWTP #2 and \$15,000.00 for WWTP #3, with a payment due date of August 10, 2020. In addition to these fees, a fee of \$2,500.00 per year is assessed for our Sludge Generator Land Application permit.

Storm water annual permit fees have been assessed to the City for its municipally-owned and operated separate storm sewer system (MS4) in the amount of \$1,000.00 and these annual permit fees are due by August 10, 2020.

These NDPES permit fees were unforeseen and not publicized and were, therefore, unbudgeted when first implemented in 2003, but have been budgeted items in subsequent fiscal years. The fees were established within the State of Illinois' FY2004 Budget Implementation Act and became effective July 1, 2003 and, in spite of intense political rhetoric, have not been repealed or modified. The City Council has voted to pay these fees under protest since 2003. A copy of the letter to be submitted with the 2020 payment is attached, in addition to the invoices for the current year.

The City has been assessed a total of \$826,000.00 in NPDES fees since 2003.

The IEPA website includes the ominous statement that failure to pay the required fees will result in referral to the Attorney General's office for "prosecution as provided for within the act".

Attached for consideration is a resolution authorizing payment of the NPDES Permit Fees in the amount invoiced, totaling \$48,500.00.

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

Simple Majority





### The City of Crystal Lake

### **RESOLUTION**

BE IT RESOLVED BY THE ACTING MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to issue payment under protest in the amount of \$48,500.00 for annual NPDES permit fees to the State of Illinois.

July 21, 2020

July 21, 2020

Passed:

Approved:

DATED this 21	st day of July, 2020.	
		CITY OF CDVCTAL LAWE on
		CITY OF CRYSTAL LAKE, an Illinois municipal corporation,
	·	Haig Haleblian, Acting Mayor
SEAL		
ATTEST		
Nick Kachiroubas, City C	Clerk	