



**CITY OF CRYSTAL LAKE**  
**AGENDA**  
**CITY COUNCIL**  
**REGULAR MEETING**  
City of Crystal Lake  
100 West Woodstock Street, Crystal Lake, IL  
City Council Chambers  
November 17, 2020  
7:00 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes – November 3, 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. **City of Crystal Lake United States Environmental Protection Agency (USEPA) Local Limits Evaluation Approval (Pretreatment Program)**
10. **City Code Amendment – 2020-21 Liquor License Fee Reduction for License Holders Directly Impacted by COVID-19 Mitigations**
11. **Raffle Code Changes**
12. **Bid Award - Liquid Aluminum Sulfate (Alum) Purchase**
13. **Bid Award – Liquid Anti-Icing & De-Icing Chemicals**
14. **Crystal Lake Watershed Stormwater Management Facilities Non-Residential Maintenance Plan, Grant of Easement and Funding Agreement for 85 S. Virginia Road**
15. **Property Acquisition Ordinance – 16 S. Oriole Trail, 30 S. Oriole Trail, 492 Pine Street, and 494 Pine Street**
16. **Acquisition of Right-of-Way and Easements for the North Main Street Improvement**
17. **Crystal Lake Stormwater Management Ordinance Amendment**
18. **Truth in Taxation Compliance Procedural Requirement**
19. **Board and Commission Appointment – Library Board**

- 20. Council Inquiries and Requests**
- 21. 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**
- 22. Reconvene to Regular Session**
- 23. Adjourn**

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



## Agenda Item No: 9a

### City Council Agenda Supplement

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**Meeting Date:**

November 17, 2020

**Item:**

City of Crystal Lake United States Environmental Protection Agency (USEPA) Local Limits Evaluation Approval (Pretreatment Program)

**Staff Recommendation:**

Motion to accept the United States Environmental Protection Agency (USEPA) evaluation of the City of Crystal Lake's Local Limits Program.

**Staff Contact:**

Michael Magnuson, Director of Public Works and Engineering

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**Background:**

In 1972 Congress passed the Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), to restore and maintain the integrity of the nation's waters. The CWA includes a requirement for publically owned treatment works (POTW) to regulate certain businesses. These businesses have manufacturing processes that result in wastewater discharges that, if not properly treated by the industry ahead of time (pretreatment), can negatively impact the wastewater treatment process or harm downstream waterways. These include businesses with processes such as metal finishing, metal treating, or other "wet" industries. There are currently three industrial users (IU's) in the City that meet the threshold to be regulated under the USEPA Pretreatment Program. The Public Works Department has oversight of this program since it is associated with the City's National Pollution Discharge Elimination System (NPDES) permits. This oversight involves reviews and inspections of the industries along with having the City adopt a Local Limits Ordinance (part of the Sewer Use Ordinance) to regulate these industries.

**Discussion:**

The City's Pretreatment Program is subject to periodic review and audit by the USEPA. In December of 2019, the United States Environmental Protection Agency started reviewing and evaluating the City of Crystal Lake's Local Limit Program for Wastewater Treatment Plant #2 and #3. This evaluation is required within 36 months from the effective date of the NPDES permits. In August of 2020, the USEPA completed their review of the City's Program. The USEPA's conclusion was that our program is approvable. They further found that our program is consistent with Federal requirements in regards to the City's Pretreatment Program. The USEPA conditionally recommends the City retain all current Local Limits.

Before the USEPA grants final approval, they must receive a resolution from the City that formally accepts their Local Limits Evaluation.

**Recommendation:**

Staff recommends adoption of the Resolution to maintain compliance with USEPA requirements for the Pretreatment Program.

**Votes Required to Pass:**

Simple Majority

**DRAFT**



## **RESOLUTION**

**WHEREAS**, in order for the CITY OF CRYSTAL LAKE to discharge treated wastewater effluent into Illinois waterways, the City is required to have a National Pollution Discharge Elimination System (NPDES) permit from the Illinois Environmental Protection Agency (IEPA); and

**WHEREAS**, a requirement of this permit is to have an approved Pretreatment Program and to periodically update the City's Local Limits evaluation as part of the City's Pretreatment Program approved by the United States Environmental Protection Agency (USEPA); and

**WHEREAS**, the City Council approved submittal of the Local Limits Evaluation report on November 19, 2019 to the USEPA for their review and approval; and

**WHEREAS**, the USEPA has concluded their review and determined that the Local Limits Evaluation is approvable on August 19, 2020.

**NOW THEREFORE BE IT RESOLVED BY THE ACTING MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE** that the foregoing recitals are repeated and incorporated as though fully set forth herein; and

**BE IT RESOLVED BY THE ACTING MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE** that the Local Limits Evaluation conducted by the USEPA on August 19, 2020 is hereby accepted and approved.

DATED this 17<sup>th</sup> day of November 2020.

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

By: \_\_\_\_\_  
Haig Haleblian, ACTING MAYOR

**DRAFT**

SEAL

ATTEST

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CITY CLERK

PASSED: November 17, 2020

APPROVED: November 17, 2020



**Agenda Item No: 10**

**City Council  
Agenda Supplement**

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**Meeting Date:**

November 17, 2020

**Item:**

City Code Amendment - 2020-21 Liquor License Fee Reduction for License Holders Impacted by COVID-19 Mitigations

**Staff Recommendation:**

Motion to adopt an Ordinance amending Chapter 329-3 of the City Code, regarding Liquor Licenses Fees for the 2020-21 License period.

**Staff Contact:**

Eric T. Helm, Deputy City Manager  
Melanie Nebel, Executive Assistant

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**Background:**

In an effort to provide additional assistance to liquor license holders who have been directly impacted by the Governor's COVID-19 mitigation measures, the attached ordinance would reduce liquor license fees by 50 percent for the 2020-21 license year for the following types of businesses with on-site consumption: restaurants and bars, clubs and banquet facilities, inside sports and entertainment venues, breweries, congregate care facilities, and catering license holders.

Chapter 329 of the City Code governs liquor licensing and provides the criteria and process for the issuance of liquor licenses to retailers, restaurants and bars, along with the fee amounts. Fees vary depending on license classification, hours of operation, location of consumption, and if outside seating areas are allowed.

Section 329-3E of the City Code allows liquor license holders to pay annual license fees in full upon renewal, or in two equal installments, the first being due on May 31st, and the second being due on December 1st. To date, all 2020-21 license holders have made partial or full payments for their liquor licenses.

This agenda supplement outlines a proposed amendment to Chapter 329 which would reduce fees charged for license holders that permit on premise consumption (where the principal business purpose of such business establishment is the sale for consumption on the premises of food and/or alcoholic liquor) for the 2020-21 license year only (June 1, 2020 - May 31, 2021),

which have been directly impacted by the Governor’s COVID-19 mitigation measures. Liquor license fees in subsequent years would not be impacted.

It should be noted that the 50 percent reduction is not proposed for liquor stores, convenience stores, gas stations, and grocery stores selling packaged alcohol, and is not applicable to temporary licenses and supplemental liquor licenses required for video gaming. There are 38 ineligible businesses that are in this category, for which the liquor license fees (ranging from \$625 to \$2,000 annually) would remain unchanged.

Qualifying license holders who made partial payments would not be required to pay the second installment and license holders who paid in full would receive a refund of 50 percent of their annual fee. In addition, businesses receiving a new liquor license that are impacted by COVID-19 Mitigations would be charged half of the normal pro-rated fee for their license.

There are 59 businesses that would qualify for the 50 percent fee reduction. The annual fees for these businesses range from \$500 to \$1,950, depending on liquor license class. As such, fee reductions would range from \$250 to \$975.

The impact of the fee reduction is illustrated in the following table and would result in a decrease of an estimated \$41,592.50 in City revenues.

Estimated Total 2020-21 Liquor License Fee Revenue if No Reduction	\$107,475.00
Estimated Total 2020-21 Liquor License Fee Revenue Including 50% Reduction for Qualifying Businesses	\$65,882.50

The attached Ordinance outlines the conditions for license holders to qualify for a 50 percent liquor license fee reduction for the 2020-21 license year only. The Ordinance will expire on June 1, 2021 unless otherwise extended by the City Council. Consequently, liquor license fees for subsequent years will not be reduced.

**Votes Required to Pass:**

Simple majority



**DRAFT**

Ordinance #:  
File #:



**AN ORDINANCE AMENDING CHAPTER 329-3 OF THE CITY OF CRYSTAL LAKE CITY CODE**

**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**, in March of 2020, Governor Pritzker issued a proclamation declaring the State of Illinois and all counties within the State a disaster area as a result of the spread of the COVID-19 virus and has renewed such disaster declaration each month thereafter; and

**WHEREAS**, in conjunction with such disaster proclamations, and in the interest of public health, Governor Pritzker has also issued over sixty Executive Orders, many of which have imposed restrictions in a number of areas, including limitations on gatherings and the operation of businesses that offer on-premises consumption of food and beverages; and

**WHEREAS**, while recognizing the importance of the restrictions imposed by the Governor’s office to protect the citizens of the State of Illinois, the Acting Mayor and City Council have found that these restrictions have had significant impact upon the commercial residents of the City and particularly restaurants, bars and certain other businesses that are licensed to sell alcoholic liquor for consumption on the licensed premises pursuant to Chapter 329 of the City Code;

**WHEREAS**, the Acting Mayor and City Council have found that it would be in the best interests of such business and the residents of the City of Crystal Lake to allow, on a temporary basis, relief so such businesses with respect to the liquor license fees required by Chapter 329 of the City Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRYSTAL LAKE:**

**SECTION I: Recitals.**

The foregoing recitals are hereby incorporated as though fully restated herein.

SECTION II: Adoption of Section 329-3(F) - Chapter 329 of the City Code is hereby amended by the addition of Section 329-3(F) which shall hereinafter provide as follows:

**F. In recognition of the impact which mitigation measures imposed by Executive Orders of the Governor of the State of Illinois to address the COVID- 19 pandemic have had upon certain holders of liquor licenses within the City, the following regulations shall apply with respect to liquor license fees, as described below:**

- 1) With respect to persons or entities primarily engaged in the following enumerated businesses, which are either applicants for or holders of a liquor license that allows for consumption of alcoholic liquor upon such business premises, only one-half of the otherwise required annual fee for such license shall be due for the license period of June 1, 2020 through May 31, 2021:**
  - a. Restaurants and bars, where the principal business purpose of such business establishment is the sale for consumption on the premises of food and/or alcoholic liquor.**
  - b. Banquet facilities**
  - c. Breweries**
  - d. Catering companies**
  - e. Congregate care facilities**
  - f. Indoor sports facilities**
  - g. Indoor entertainment venues**
- 2) In the event that a license holder which is qualified for the reduced license fee pursuant to this Section 329-3(F) has previously remitted the full annual license fee for the June 1, 2020 through May 31, 2021 license period, such licensee shall be entitled to a refund of one-half of the fee so paid.**
- 3) This Section 329-3(F) shall be repealed effective June 1, 2021 unless otherwise extended by further action of the City Council.**

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

**DRAFT**

DATED at Crystal Lake, Illinois, this 17th day of November, 2020.

City of Crystal Lake, an  
Illinois municipal corporation

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Haig Haleblian, ACTING MAYOR

SEAL

ATTEST:

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Nick Kachiroubas, CITY CLERK

Passed: November 17, 2020  
Approved: November 17, 2020



**Agenda Item No: 11**

## **City Council Agenda Supplement**

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**Meeting Date:** November 17, 2020

**Item:** Raffle Code Changes

**Staff Recommendation:** Motion to adopt an Ordinance amending Chapter 408-6 of the City Code, regarding Raffles

**Staff Contact:** Eric T. Helm, Deputy City Manager

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**Background:**

As the City Council may recall, at its meeting on July 21, 2020, it adopted an Ordinance amending Chapter 408 of the City Code allowing eligible organizations to conduct a progressive style raffle, commonly referred to as a “Queen of Hearts” raffle. 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 draws the queen of hearts, he or she would win 50% of the collected funds. This type of raffle can be played over a long period of time and the potential winnings can grow quite large.

The Raue Center recently conducted their first Queen of Hearts raffle; however, the raffle quickly ended after a winner was selected during the 4<sup>th</sup> drawing. The current City Code allows an organization to have one Queen of Hearts raffle game a year. Due to this fact, the Raue Center has asked that the City consider allowing organizations to have additional Queen of Hearts raffles.

Currently, the number of Queen of Hearts raffles are limited in order to prevent organizations from operating a “raffle facility” that could change the character of the business or not-for-profit facility where the raffle is held. Queen of Hearts raffles are of particular concern since they often draw large crowds due to large prize amounts. Large crowds can have detrimental impacts to the neighborhood in which the raffle is held.

If the City desires to accommodate the Raue Center’s request for additional raffles, City staff would propose a change to the City Code allowing organizations to conduct additional, non-simultaneous Queen of Hearts raffle games within the one-year license period, with certain conditions. If the City Council approves this change, the provisions depicted on page 2 of this agenda supplement will help mitigate negative impacts. The attached proposed Ordinance reflects these elements.

1. Organizations may conduct subsequent Queen of Hearts raffles following the completion of the previous raffle. The organization cannot conduct numerous simultaneous raffles and only one raffle is permitted at a time. The additional subsequent games must comply with the conditions of the initial license.
2. The total license period will not exceed one year. The subsequent Queen of Hearts raffles must be concluded within 52 weeks of the initial raffle drawing. Following the expiration of the license after one year, the organization may apply for another license. The expiration of the license after one year would allow the City to review future requests and determine whether future requests should be granted.
3. The raffle prize limit remains \$250,000. In addition, the aggregate of the initial raffle and all subsequent raffles performed in the license year will be \$250,000. Since Queen of Hearts raffle prizes can approach, or even exceed, \$1,000,000 in many communities, the existing limitation on the prize award would control the raffle's scope and the potential negative impact to the neighborhood.
4. The City Code contains limitations on raffle advertising, similar to the limitations on video gaming advertising.
5. The City Code requires that raffle organizers compensate the City for traffic control needed as a result of a raffle.

The City special legal counsel has reviewed and approved the attached Ordinance.

**Votes Required to Pass:**

Simple majority

**DRAFT**



**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 408-6.** The following sections of Chapter 408-6 are hereby amended to provide as follows:

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

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) Drawings of winning raffle chances shall take place at the location identified in the license.
- (5) No signage advertising or otherwise making known 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) **In the event that the jackpot for a Progressive Raffle is awarded prior to the conclusion of the 52<sup>nd</sup> week following the first drawing, a licensee may conduct additional, consecutive Progressive Raffles under its current license provided that: 1) the initial Progressive Raffle and all subsequent consecutive Progressive Raffles conducted pursuant to the license be complete by not later than the conclusion of the 52<sup>nd</sup> week following the first drawing of the initial Progressive Raffle and 2) the aggregate value of all prizes to be awarded in connection with the initial Progressive Raffle and all subsequent consecutive Progressive Raffles does not exceed \$250,000.**
- (8) ~~(7)~~ **Except as otherwise provided in this chapter,** No location within the City may be utilized for drawings related to more than one Progressive Raffle within any twelve-month period.
- (9) ~~(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 additional costs incurred by the City to assist in addressing such traffic flow.

**DRAFT**

**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 17<sup>th</sup> day of November, 2020

APPROVED:

Haig Haleblian, ACTING MAYOR

ATTEST:

Nick Kachiroubas, CITY CLERK

PASSED:

APPROVED:

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





## Agenda Item No: 12

### City Council Agenda Supplement

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**Meeting Date:**

November 17, 2020

**Item:**

Liquid Aluminum Sulfate (Alum) Purchase Bid Award

**Staff Recommendation:**

Motion to award the contract for the purchase of liquid aluminum sulfate (alum) to the lowest responsive, responsible bidder, USALCO LLC, and adopt a Resolution authorizing the City Manager to execute a one-year contract with the option for two additional one-year periods with USALCO LLC for alum in the submitted bid amount.

**Staff Contact:**

Michael Magnuson, Director of Public Works and Engineering

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**Background:**

On November 10, 2020, the City of Crystal Lake publicly opened and read aloud the bids received for the purchase of liquid aluminum sulfate (alum) for the Public Works Department. The following is a breakdown of the bids received per ton:

Company	Bid (2021)	Bid (2022)	Bid (2023)
√ USALCO Baltimore, MD	\$302.94	\$311.63	\$318.73
Univar USA Kent, WA	\$331.28	\$331.28	\$342.90
Chemtrade Chemicals Parsippany, NJ	\$555.00	\$560.00	\$565.00

√ Indicates recommended lowest responsible, responsive bidder.

**Discussion:**

Alum is used as a coagulant and flocculant in the wastewater treatment process to reduce barium and phosphorous in the wastewater stream as required by each facility's National Pollution Discharge Elimination System (NPDES) permit. In 2019, the City used approximately 143,746 gallons of alum at both wastewater facilities.

The current contract price is \$312.05 per dry ton. The new contract price for 2021 and 2022 will be lower than what the City is currently paying. The Fiscal Year 2020/2021 budget has adequate funds for this purchase. 2022 and 2023 are optional years for this purchase.

**Recommendation:**

This contract is being presented pursuant to a competitive bidding process. Under such process, the contract is to be awarded to the “lowest responsive and responsible bidder.” The lowest responsive and responsible bidder is the contractor: (i) whose bid substantially conforms to the material provisions of the bid specifications, (ii) who demonstrates the financial capacity and ability to undertake and complete the project in question in accordance with bid specifications, and (iii) whose bid price is lowest among the responsive and responsible bidders. Selecting a contractor on bases not set forth in the bid specifications can lead to challenges to the City’s award.

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. It is the recommendation of staff to award the one-year contract for the purchase of alum to the lowest responsible, responsive bidder, USALCO LLC, in the submitted bid amount for base year 2021, and optional years 2022 and 2023.

**Votes Required to Pass:**

Simple Majority

**DRAFT**



## **RESOLUTION**

**WHEREAS**, the CITY OF CRYSTAL LAKE received and publicly opened bids for liquid aluminum sulfate (alum) purchase and delivery on November 10, 2020; and

**WHEREAS**, the lowest responsive and responsible bidder is USALCO LLC, Baltimore, Maryland.

**NOW THEREFORE BE IT RESOLVED BY THE ACTING MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE** that the foregoing recitals are repeated and incorporated as though fully set forth herein; and

**BE IT RESOLVED BY THE ACTING 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 USALCO LLC. for liquid aluminum sulfate (alum) purchase and delivery in the amounts bid for base year 2021 and optional years 2022 and 2023.

DATED this 17<sup>th</sup> day of November, 2020.

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

By: \_\_\_\_\_  
Haig Haleblian, ACTING MAYOR

**DRAFT**

SEAL

ATTEST

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CITY CLERK

PASSED: November 17, 2020

APPROVED: November 17, 2020



**Agenda Item No: 13**

**City Council  
Agenda Supplement**

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<b><u>Meeting Date:</u></b>	November 17, 2020
<b><u>Item:</u></b>	Liquid Anti-Icing & De-Icing Chemicals Bid Award
<b><u>Staff Recommendation:</u></b>	Motion to award a contract for liquid anti-icing and de-icing chemicals to the lowest responsive, responsible bidder, Industrial Systems Ltd., and adopt a Resolution authorizing the City Manager to execute a one-year contract with Industrial Systems Ltd. in the submitted bid amounts.
<b><u>Staff Contact:</u></b>	Michael Magnuson, Director of Public Works and Engineering

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**Background:**

On November 10, 2020, the City of Crystal Lake publicly opened and read aloud the bids received for the purchase and delivery of liquid anti-icing & de-icing chemicals for winter snow and ice operations. The following is a breakdown of the bids:

<b>Vendor</b>	<b>70% NaCl 30% BIO (per gal)</b>	<b>Liquid Calcium Chloride (per gal)</b>
√Industrial Systems Ltd. Lakemoor, Illinois	\$1.09	\$0.62
SNI Solutions, Inc. Geneseo, Illinois	\$1.10	No bid

√ Indicates recommended lowest responsive and responsible bidder

**Discussion:**

The Public Works Department uses an organic-liquid salt anti-icing additive in conjunction with rock salt to treat the roads during the snow removal operations. The Public Works Department estimates it will utilize up to 35,000 gallons of the organic-liquid salt additive for its snow and ice control operations this winter. The Public Works Department also utilizes liquid calcium chloride during very deep-cold winter snow and ice removal operations when traditional rock salt is not effective by itself. Staff estimates using between 10,000 and 15,000 gallons during the winter season.

In 2019, the per gallon contract prices for 70% NaCl 30% BIO was \$1.07 and for liquid calcium chloride the price per gallon was \$0.60. Only two vendors submitted prices for the 2019 bid as

well. Regionally, there are not a lot of vendors that provide and deliver these types of products in these quantities.

**Recommendation:**

This contract is being presented pursuant to a competitive bidding process. Under such process, the contract is to be awarded to the “lowest responsive and responsible bidder.” The lowest responsive and responsible bidder is the contractor: (i) whose bid substantially conforms to the material provisions of the bid specifications, (ii) who demonstrates the financial capacity and ability to undertake and complete the project in question in accordance with bid specifications, and (iii) whose bid price is lowest among the responsive and responsible bidders. Selecting a contractor on bases not set forth in the bid specifications can lead to challenges to the City’s award.

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. It is the recommendation of staff to award the contract to the lowest responsible and responsive bidder, Industrial Systems Ltd. for the purchase of 70% NaCl 30% BIO in the amount of \$1.09 per gallon and for Liquid Calcium Chloride in the amount of \$0.62 per gallon. Industrial Systems Ltd. is the City’s current vendor for these items.

Funds have been budgeted for these items.

**Votes Required to Pass:**

Simple majority

**DRAFT**



## **RESOLUTION**

**WHEREAS**, the CITY OF CRYSTAL LAKE received and publicly opened bids for liquid anti-icing & de-icing chemicals on November 10, 2020; and

**WHEREAS**, the lowest responsive and responsible bidder is Industrial Systems Ltd, Lakemoor, Illinois.

**NOW THEREFORE BE IT RESOLVED BY THE ACTING MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE** that the foregoing recitals are repeated and incorporated as though fully set forth herein; and

**BE IT RESOLVED BY THE ACTING 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 Industrial Systems Ltd. for liquid anti-icing & de-icing chemicals in the amount of \$1.09 per gallon for 70% NaCl 30% BIO (ThermaPoint R) and \$0.62 per gallon for liquid calcium chloride.

DATED this 17<sup>th</sup> day of November, 2020.

CITY OF CRYSTAL LAKE, an  
Illinois Municipal Corporation,

By: \_\_\_\_\_  
Haig Haleblan, ACTING MAYOR

**DRAFT**

SEAL

ATTEST

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Nick Kachiroubas, CITY CLERK

PASSED: November 17, 2020

APPROVED: November 17, 2020





## Agenda Item No: 14

### City Council Agenda Supplement

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**Meeting Date:**

November 17, 2020

**Item:**

Crystal Lake Watershed Stormwater Management Facilities Non-Residential Maintenance Plan, Grant of Easement, and Funding Agreement for 85 S. Virginia Street.

**Staff Recommendation:**

Motion to adopt a Resolution authorizing the City Manager to execute a Crystal Lake Watershed Stormwater Management Facilities Non-Residential Maintenance Plan, Grant of Easement, and Funding Agreement for 85 S. Virginia Street

**Staff Contact:**

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

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**Background:**

On November 6, 2007, the City Council adopted the *Crystal Lake Watershed Stormwater Management Design Manual* and the *Crystal Lake Watershed Stormwater Management Program Implementation Plan*. The purpose of both documents is to protect Crystal Lake by regulating the stormwater management practices of properties that develop or redevelop in the watershed.

The *Crystal Lake Watershed Stormwater Management Program Implementation Plan* (Implementation Plan) provides more detail on how the watershed regulations would be executed by the City. The implementation plan gives specific details on what the responsibilities of developers, property owners, and the City are in the watershed.

Per the requirements of the implementation plan, a “Crystal Lake Watershed Stormwater Facilities Non-Residential Maintenance Plan, Grant of Easement and Funding Agreement” (agreement) was created. This agreement is utilized as a template whenever an existing or new development is completed within the watershed. This same agreement has been used for other projects in the Crystal Lake Watershed.

The existing home at 85 S. Virginia Street was purchased by a developer and remodeled into office space. Additional parking was added which triggered the watershed requirements.

The City’s special counsel has reviewed the attached agreement and it is in the City’s standard format.

**Votes Required to Pass:**

Simple Majority

**DRAFT**



**The City of Crystal Lake Illinois**

**RESOLUTION**

**WHEREAS**, the City of Crystal Lake Watershed Stormwater Management Program Implementation Plan (Plan) and Crystal Lake Watershed Stormwater Design Manual (Manual) have been adopted by the City Council to mitigate the impacts of development on stormwater and to protect the water quality and quantity entering Crystal Lake; and

**WHEREAS**, the Plan and Manual dictate requirements for non-residential developments to create easements and fund the maintenance and inspection of stormwater facilities;

**NOW THEREFORE BE IT RESOLVED BY THE ACTING MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE** that the foregoing recitals are repeated and incorporated as though fully set forth herein; and

**BE IT FURTHER RESOLVED** that the City Manager be authorized to execute the Crystal Lake Watershed Stormwater Management Facilities Non-Residential Maintenance Plan, Grant of Easement, and Funding Agreement with Pence Holdings, LLC, owner of 85 S. Virginia Street.

**DATED** this 17<sup>th</sup> day of November, 2020.

CITY OF CRYSTAL LAKE, an Illinois  
Municipal Corporation

BY: \_\_\_\_\_  
Haig Haleblan, ACTING MAYOR

**DRAFT**

SEAL

ATTEST:

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Nick Kachiroubas, CITY CLERK

PASSED: November 17, 2020

APPROVED: November 17, 2020

*Prepared by:  
The City of Crystal Lake  
100 West Woodstock Street  
Crystal Lake, IL 60014*

*Mail to:  
The City of Crystal Lake  
Attn: City Engineer  
100 West Woodstock Street  
Crystal Lake, IL 60014*

**CITY of Crystal Lake  
Crystal Lake Watershed  
Stormwater Management Facilities  
Non-Residential Maintenance Plan, Grant of Easement  
and Funding Agreement**

This Agreement made as of this 17 day of November, 2020, by and between the CITY of Crystal Lake, an Illinois municipal corporation, 100 West Woodstock Street, Crystal Lake, IL 60014 referred to herein as the "CITY", and Pence Holdings, LLC, referred to herein as the "OWNER" of 85 S Virginia Street.

WHEREAS OWNER owns certain real property described in Exhibit A attached hereto, which is located within the Crystal Lake Watershed in the CITY of Crystal Lake, Illinois (said property is hereinafter referred to as "the Subject Property").

WHEREAS, the Subject Property is located within the Crystal Lake Watershed (hereinafter, "the Watershed") and is subject to the development restrictions set forth in Chapter 630 of the CITY of Crystal Lake Municipal Code (hereinafter, "the Code"); and

WHEREAS, pursuant to Section 630-8 of the Code, any development within the Watershed must be designed in accordance with the Crystal Lake Stormwater Management Design Manual (hereinafter, "the Design Manual"); and

WHEREAS, pursuant to City of Crystal Lake Ordinance No. 6285, on November 6, 2007, the CITY adopted the Crystal Lake Watershed Stormwater Management Program Implementation Plan (hereinafter, "the Implementation Plan"); and

WHEREAS, the Subject Property is subject to the terms and provisions of the Implementation Plan; and

WHEREAS, the Design Manual provides at Section 6.1 that all stormwater management facilities located within the Watershed must be designed and maintained in

accordance with maintenance requirements set forth in the Design Manual and pursuant to a maintenance plan which shall be incorporated within any stormwater permits issued; and

WHEREAS, the Implementation Plan provides for an inspection program to be conducted by a consultant hired by the City both during and subsequent to the construction of stormwater management facilities within the Watershed; and

WHEREAS, the storm water management facilities within the Subject Property (hereinafter, "the Facilities"), include the following:

1. All structural components including, but not limited to, detention/retention basins, swales/channels, storm sewers, manholes, catch basins, outlet and inlet structures and pipes, culverts, restrictors/orifices/weirs, vegetation, basin retaining walls, trash racks, trench drains, drywells, water quality best management practices (BMP's), and
2. All associated appurtenances contributing to the function and maintenance of these components.

WHEREAS, the Facilities are located upon 85 S. Virginia Street and within the area shown as the "Stormwater Management Easement" depicted Exhibit A.

WHEREAS, the CITY and the OWNER, desire to enter into this Agreement in order to provide for the inspection, maintenance, repair and continued operation of the Facilities, and the preservation of the Watershed, in compliance with the Code, the Implementation Plan and the Design Manual (hereinafter referred to individually, or collectively referred to as "the Regulations") and to provide for the granting of certain easement rights to the City upon the Subject Property and the Easement Area and such other rights as further described in this Agreement.

NOW, THEREFORE, the CITY and OWNER hereby agree as follows:

1. Recitals. The foregoing recitals are hereby repeated and incorporated by reference as though fully set forth herein.
2. Final Inspection and Approval of the Facilities. OWNER shall provide written notification to the CITY within 10 business days when the OWNER has reasonable knowledge to believe that any or all of the Facilities has been fully and properly completed and shall request final inspection and approval of the Facilities by CITY. Such notice and request for approval shall be accompanied by "As-Built" or "Record" drawings. Such notice and request shall be given with sufficient time to allow the CITY to inspect the Facilities and to prepare a punch list of items requiring repair or correction pursuant to the approved drawings and to allow OWNER time to make all required repairs and corrections prior to the CITY approving the Facilities. The Owner shall make all repairs reasonably required by the CITY pursuant to such punch list as a prerequisite to CITY approval of the Facilities.

3. **Grant of Easement:** The OWNER hereby grants to the CITY and its employees, agents and contractors (hereinafter, collectively, the "Grantees") a non-exclusive perpetual easement over, upon and under the Easement Area for the purpose of performing the inspection, maintenance, repair and replacement services (hereafter collectively referred to as "the Services") with respect to the System, as may be required or allowed by the Regulations and this Agreement, and further grants to the Grantees the right of access to the Easement Area upon the Subject Property, as reflected in the Plat, in order to allow for the CITY to accomplish such services. The easement rights granted herein shall not be construed as prohibiting the OWNER from performing regular mowing of any turf grass within the Stormwater Management, provided, however, that the OWNER shall be solely responsible for the cost of any repair to the Facilities which are required as a result of OWNER'S mowing of the turf grass.
  
4. **CITY's Right/Obligation to Perform Inspection/Routine Maintenance Services.** Upon the approval of the Facilities by the CITY, the CITY shall, at the expense of the OWNER, assume responsibility for performing the inspection and routine maintenance services of the Facilities in accordance with the Regulations. In accordance with the Implementation Plan the CITY has previously retained or will in the future retain the Services of a qualified consultant (hereinafter, "the Consultant") for the purpose of performing the inspection and routine maintenance services (hereinafter the "Contract for Services"). The CITY represents that any Consultant currently retained by the CITY or retained by the City in the future, has been or will be selected based upon the City's normal competitive bidding process. The Consultant shall perform the inspection and routine maintenance services of the Facilities in accordance with the Regulations and in accordance with a Contract for Services currently established or to be established between the Consultant and the CITY. Such Contract for Services with the Consultant shall expire one year from the date of its execution, unless otherwise continued for an additional year by agreement of the CITY and the Consultant. A copy of any contract entered into between the CITY and the Consultant in connection with the Services shall be made available to the OWNER upon request. The Scope of Services to be included within the Contract for Services shall be solely within the discretion of the CITY, provided that the Contract for Services shall include the following provisions:
  - a. A representation that the Consultant has the requisite expertise and ability to render the Services and will perform the Services with reasonable diligence and in a professional and workmanlike manner, consistent with generally accepted standards and in compliance with any and all applicable laws, rules and regulations.
  - b. Consultant shall be responsible for any damage that may be caused to the Property by the activities of the Consultant under the Contract for Services and shall exercise due diligence in the protection of all improvements and other property of the OWNER which may be located on and around the Easement Area against fire or damage from any and all other causes.
  - c. The OWNER shall not be responsible for damages to property or injuries to persons which may arise from or be incident to Consultants entry onto the Property or Easement Area, nor for damages to the property of the

Consultant, or for damages to the property or injuries to the person of the Consultant's officers, agents, servants, or employees or others who may be on the Property at their invitation or the invitation of any of them (provided that such injury and/or damage does not arise out of the negligent or willful conduct of the OWNER), and the Consultant, shall hold the OWNER and CITY harmless from any and all such claims.

- d. The Consultant will fully indemnify and hold harmless the OWNER from all claims or causes of action against it that may arise in connection with the provision of the Services, which includes all areas included in or adjacent to the Easement Area, provided that such claims or causes of action do not arise out of the negligent or willful conduct of the OWNER. Prior to commencing operations under the Contract for Services, the Consultant will obtain from an insurance company, licensed in the State of Illinois and acceptable to the CITY, liability insurance, with the OWNER named as an additional insured, providing for limits no less than \$1,000,000 per person in any one claim, and an aggregate limit of \$2,000,000 for any number of persons or claims arising from any one accident with respect to bodily injuries or death resulting from such accident, and \$250,000 for property damage suffered by any person or persons resulting from the Services of the Consultant under the terms of the Contract for Services.

5. OWNERS's Obligation For All Costs Associated with Inspection/Routine Maintenance Services. All costs relating to such Contract for Services (hereinafter referred to as "Costs") shall be the sole responsibility of the OWNER and its successors and assigns, in perpetuity. In order to ensure payment of the Costs, the OWNER, on its own behalf and on behalf of its successors and assigns agrees to the following:

- a. **Escrow Funding.** Upon the approval of the Facilities by the CITY, the CITY shall provide the OWNER with an estimate of Costs for the upcoming year (hereinafter, "the Estimate"). The Estimate shall be calculated based upon the anticipated Costs which the CITY, per the Contract for Services and the requirements outlined in the Regulations, determines will likely be incurred for performance of the Services during the year following the issuance of the Estimate. Within thirty (30) days of the Estimate being delivered to the OWNER, the OWNER shall deposit with the CITY funds equal to the Estimate for such year and the CITY shall hold such funds in escrow and shall be authorized to draw upon such funds (hereinafter, "the Escrowed Funds"), as the CITY deems necessary, in order to pay the Costs incurred by the CITY. The Owner shall not be entitled to any interest with respect to any funds deposited with the CITY pursuant to this paragraph. On each anniversary date of the Estimate, the CITY shall provide a revised Estimate and within thirty days of the revised Estimate being delivered to the OWNER, the OWNER shall deposit sufficient funds with the CITY to cause the balance of the Escrowed Funds held by the CITY to be increased to the amount reflected in the revised Estimate (hereinafter, the Annual Escrow Deposit"). In the event that the Escrowed Funds during any year are insufficient to pay any Costs incurred by the CITY, the Owner shall, within, thirty days of demand by the CITY, deposit sufficient funds to increase the

Escrowed Funds to the balance required by the CITY to pay such Costs. (hereinafter, "the Deficit Reimbursement").

6. CITY's Right/Obligation to Perform Repair and/or Replacement Services. In the event that the Consultant and/or the CITY determine that an element of the Facilities has become damaged or otherwise requires repair and/or replacement, the CITY shall provide written notification to the OWNER of such condition with the required scope of work (hereinafter, "scope") via certified mail, unless the repair is of an emergency nature. Within five (5) business days following the date mailing of such written notification, the OWNER shall be required to respond to the City representative in writing with their decision to either complete the work on their own or have the City hire a contractor. Should the OWNER decide to move forward with the repair and/or replacement, the OWNER shall have ten (10) days following the date of mailing of such written notification to provide the CITY with a signed written proposal from a qualified contractor or contractors for the repair/replacement of the element(s) of the Facilities requiring repair or replacement. The proposal shall include not less than three (3) references for each contractor that the OWNER proposes to perform the work. Provided that such contractor(s) possess the qualifications to perform the repair or replacement, as reasonably determined by the CITY, and such proposal provides a completion date for such repair or replacement that is acceptable to the CITY, the CITY shall authorize the OWNER to accept the proposal and allow the contractor(s) to perform the necessary repair and/or replacement in accordance with the proposal. Within three (3) business days of the CITY'S receipt of the proposal, the CITY shall provide the OWNER with written notice of its approval or disapproval of the proposal and contractor. All costs related to repair and/or replacement performed by contractor(s) hired by the OWNER shall be the sole responsibility of the OWNER. The OWNER shall be required to obtain a building permit prior to any work commencing. The building permit shall include the application and the proposal which outlines the specific work to be completed. Such repair and/or replacement shall be subject to the inspection and approval by the CITY'S Consultant. In the event that the CITY'S Consultant determines that the repairs have not been completed correctly, the Consultant shall provide written notification to the OWNER of the deficiencies and the OWNER shall cause the contractor(s) to cure the deficiencies within five (5) business day. In the event that: a) the OWNER fails to provide a written proposal to the CITY within the ten (10) period provided by this paragraph; or (b) such written proposal is not approved by the City; or c) the OWNER fails to complete the repairs or replacement by the completion date set forth in the proposal; or d) the OWNER fails to cure any deficiencies in repairs or replacement performed by contractors retained by the Owner by the deadline established by the Consultant or such later date relating to these deadlines as may be approved by the CITY, in writing, the CITY may, without further notice to the OWNER, pursuant to its Purchasing Policy and Procedure Manual select an independent contractor to perform the necessary repair and/or replacement or perform the work necessary to cure any deficiency in work performed by the Owner's contractor(s). The CITY shall not be required to comply with the notice requirements of this paragraph in the event that such repair and/or replacement is required on an emergency basis, as determined by the CITY. In the case of such an emergency, the CITY shall be authorized to engage its own contractors to



perform such emergency repair or replacement and shall provide the OWNER with notice of such repair as soon as may be practical.

7. OWNERS's Obligation For All Costs Associated with Repair and/or Replacement Services Performed by the CITY or Its Contractor. Upon completion of any repair and/or replacement of the Facilities by the City or its authorized independent contractors pursuant to the provisions of Section 6, above, the CITY shall forward the invoice from the independent contractor for such repair and/or replacement to the OWNER. Within thirty (30) days of the final invoice from the independent contractor retained by the CITY to perform such repair and/or replacement being delivered to the OWNER, the OWNER shall pay the amount due pursuant to such invoice directly to the contractor (hereinafter, the "Repair and/or Replacement Cost").
8. Notice to Subsequent Owners/Tenants. The OWNER shall provide in all deeds of conveyance or leases transferring any interest in the Subject Property that the Subject Property is subject to the terms and conditions of this Agreement, including the requirement for the payment of the Costs and the Repair and/or Replacement Costs and the Deficit Reimbursement. To the extent that any property owner's association for the Subject Property is formed, any restrictive covenants related thereto shall also reference this Agreement and provide for the payment of funds by members of such association to ensure that sufficient funds are available to pay the OWNER's financial obligations this Agreement.
9. Lien Upon the Subject Property/Formation of Special Service Area ("SSA"). In the event that the OWNER: 1) fails to deposit the initial Escrowed Fund; and/or 2) fails to make any Annual Escrow Deposit; and/or 3) fails to pay the CITY for any Deficit Reimbursement; and/or 4) fails to pay any Costs or any Repair and/or Replacement Cost, (hereinafter, individually and/or collectively referred to as a "Payment Default") the amounts due as a result of such Payment Default shall constitute a lien upon the Subject Property. Additionally, if such Payment Default continues for a period of more than sixty (60) days, the CITY may, at any time thereafter, establish (but shall not be required to establish) an SSA to fund the obligations of the OWNER as set forth in Section 4(a) and 4(b) of this Agreement. The OWNER on its own behalf and on behalf of its successor, heirs and assigns, agrees that in the event of such Payment Default, it will neither object to nor, in any manner, oppose the creation of Such SSA. The boundaries of the SSA shall be coterminous with the boundaries of the Subject Property.
10. Record Keeping. The CITY shall maintain separate and distinct records, according to the requirements of the Crystal Lake Stormwater Ordinance, for work performed and Costs incurred in connection with this Agreement. The CITY shall record dates of Services provided. Such records shall be kept by the CITY and be available for OWNER'S review upon request, notwithstanding that said records may not be subject to disclosure under the Freedom of Information Act, as amended.
11. Agreement Running with the Land. This Agreement shall run with the Subject Property and shall benefit and be binding upon the CITY and the OWNER and their respective successors and assigns.

12. **Enforcement.** The parties hereto may, in law or in equity, by suit, action, mandamus, or any other proceeding, including without limitation specific performance, enforce or compel the performance of this Agreement. In addition to every other remedy permitted by law for the enforcement of the terms of this Agreement, the CITY shall be entitled to withhold the issuance of building permits or certificate of occupancy for any and all buildings and structures within the Subject Property at any time when the OWNER has failed or refused to meet fully any of its obligations under this Agreement so long as such withholding of permits or certificates of occupancy are not unreasonably withheld or the OWNER's ability to obtain same is due to an unavoidable delay outside of the OWNER'S control.
13. **Amendments and Waivers.** No modification, addition, deletion, revision, alteration or other change to this Agreement shall be effective unless and until such change is reduced to writing and executed and delivered by the CITY and the OWNER. No term or condition of this Agreement shall be deemed waived by any party unless the term or condition to be waived, the circumstances giving rise to such waiver and, where applicable, the conditions and limitations on such waiver are set forth specifically in a fully authorized and written waiver of such party. No waiver by any party of any term or conditions of this Agreement shall be deemed or construed as a waiver of any other term or condition of this Agreement, nor shall waiver of any breach be deemed to constitute a waiver of any subsequent breach whether of the same or different provisions of this Agreement. Before any failure of any party to this Agreement to perform its obligations under this Agreement shall be deemed to be a breach of this Agreement, the party claiming such failure shall notify, in writing, by certified mail/return receipt requested, the party alleged to have failed to perform and performance shall be demanded. The party alleged to be in default shall be considered to have cured the breach if said nonperformance is cured within a fifteen (15) working day period from the date of the notice of breach.
14. **Term.** The term of this Agreement shall continue in force in perpetuity unless otherwise agreed to, in writing, by both the CITY and the OWNER.
15. **Severability.** If any provision of this Agreement is held to be invalid, the remaining provisions shall remain in full force and effect.
16. Any notice given in connection with this Agreement shall be given in writing and delivered either by hand to the party or by certified mail, return receipt requested to the party at that party's address stated at the top of this Agreement. Any party may change its notice address by giving notice of the change within 30 days of the party obtaining a new address in accordance with this section.
17. This Agreement supersedes all prior oral or written agreements, if any, between the parties and constitutes the entire agreement between the parties.

Approved By:  
CITY of Crystal Lake

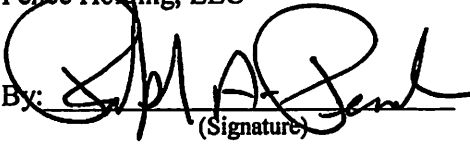
By: \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_

Name: Gary Mayerhofer

Title: City Manager

Accepted By:  
Pence Holding, LLC

By:   
(Signature)

Date: 11-6-2020

Name: Ralph A. Pence Jr  
(Print)

Representing: Pence HDGS.  
(Print)

EXHIBIT A

85 S. Virginia Street

PIN: 19-06-227-017 and 19-06-227-018

LEGAL DESCRIPTION

LOTS 72, 73 AND 74 IN KELLOGG'S SUBDIVISION OF PART OF BLOCK 13 IN PIERSON'S ADDITION TO CRYSTAL LAKE, A SUBDIVISION OF PART OF SECTIONS 5 AND 6, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 3, 1911 AS DOCUMENT NO. 19086, IN BOOK 3 OF PLATS, PAGE 38 AND ACCORDING TO THE RE-PLAT THEREOF RECORDED SEPTEMBER 23, 1911 AS DOCUMENT NO. 20123, IN BOOK 3 OF PLATS, PAGE 40, IN MCHENRY COUNTY, ILLINOIS; EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 74; THENCE ON AN ASSUMED BEARING OF NORTH 74 DEGREES 24 MINUTES 22 SECONDS EAST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 8.66 FEET TO A POINT; THENCE SOUTH 15 DEGREES 19 MINUTES 37 SECONDS EAST, A DISTANCE OF 148.77 FEET TO A POINT ON THE SOUTH LINE OF LOT 72 IN KELLOGG'S SUBDIVISION, AS AFORESAID; THENCE SOUTH 74 DEGREES 23 MINUTES 23 SECONDS WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 8.96 FEET TO THE SOUTHWESTERLY CORNER OF LOT 72, AS AFORESAID AND THE EASTERLY LINE OF U.S. ROUTE 14; THENCE NORTH 15 DEGREES 12 MINUTES 41 SECONDS WEST ALONG THE WESTERLY LINE OF LOTS 72, 73, AND 74, AS AFORESAID AND THE SAID EASTERLY LINE, A DISTANCE OF 148.77 FEET TO THE POINT OF BEGINNING , IN MCHENRY COUNTY, ILLINOIS.





## Agenda Item No: 15

### City Council Agenda Supplement

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**Meeting Date:**

November 17, 2020

**Item:**

Property Acquisition Ordinance – 16 S. Oriole Trail, 30 S. Oriole Trail, 492 Pine Street, and 494 Pine Street

**Staff Recommendation:**

Motion to adopt an Ordinance authorizing acquisition of properties for a flooding mitigation project – 16 S. Oriole Trail, 30 S. Oriole Trail, 492 Pine Street, and 494 Pine Street

**Staff Contact:**

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

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**Background:**

The City's Stormwater Solutions initiative included the Pine Street/Oriole Trail/Crystal Lake Avenue area as a result of repetitive flooding in homes, sheds and yards in this neighborhood. This low pocketed area has no natural outlet and the fully developed nature of the neighborhood (no vacant land) makes it difficult and not cost effective to implement a traditional storm sewer and detention improvement. It is more economical to voluntarily acquire and demolish the homes experiencing repetitive flooding.

Through the Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR) Flood Mitigation Program, the City received a \$1,268,803 grant to fund the voluntary acquisition and subsequent demolition of five residences in the Pine Street/Oriole Trail/Crystal Lake Avenue area. In addition to alleviating the flooding of these homes, this project will provide the auxiliary benefits of additional stormwater storage capacity on the vacated parcels in an area where there are no stormwater detention facilities. It will also reduce the burden on City staff and resources expended responding to flooding events. The project is economically cost effective as demonstrated by a benefit-cost analysis required by the State grant.

The acquisition is completely voluntary as required by the grant. The IDNR grant requires that a formal appraisal, completed by a Certified General Appraiser, licensed in the State of Illinois be completed for each parcel and the appraisal approved by the State. The following provides a summary of the agreed upon purchase prices based upon the formal appraisal and approval by the IDNR/OWR. Staff is pleased to announce that four of the homeowners have agreed to the purchase.

<b>Address</b>	<b>Agreed Purchase Price</b>
16 S. Oriole Trail	\$255,000
30 S. Oriole Trail	\$215,000
492 Pine Street	\$175,000
494 Pine Street	\$210,000
Closing costs (est. at \$3,000/parcel)	\$12,000
<b>TOTAL</b>	<b>\$867,000</b>

The IDNR/OWR program is a reimbursement program where the City pays up front for all expenses and then requests reimbursement once the project is complete. The attached Ordinance, which has been reviewed by the City's legal counsel, authorizes the acquisition of the four homes by the City and includes an additional \$3,000 per home to cover closing costs.

Pursuant to the City's agreement with the IDNR, title to the homes will initially be transferred from the property owners to the State of Illinois. Once the City has completed the demolition of each home and clearing of the respective lots, IDNR will transfer title to the City. The deeds to the properties from IDNR will be subject to specific restrictive covenants that the property is dedicated in perpetuity for open space and public use and further requiring that the City, or subsequent public agency, manage the property for those purposes. The project is on schedule to be completed by June 30, 2021.

**Votes Required to Pass:**

Two-thirds of the elected corporate authority then holding office.

**DRAFT**



## **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 four properties hereinafter legally described in Sections 2, 4, 6 and 8 hereof (the “Parcels”) 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 Parcels be acquired, through purchase, and the cost therefore be paid by the City; and

**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 power and is further authorized pursuant to the Illinois Municipal Code, 65 ILCS 5/11-61-3, 65 ILCS 5/2-2-12 and 65 ILCS 5/11-76.1-1 to obtain property that is useful, advantageous or desirable for municipal purposes or public welfare; and

**WHEREAS**, pursuant to an Intergovernmental Agreement with the Illinois Department of Natural Resources (IDNR), the City will be reimbursed by IDNR for the acquisition of the Parcels for flood mitigation purposes. Title to such Parcels shall initially vest in the State of Illinois and will be transferred to the City following the clearance of all structures from the Parcels.

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

SECTION 1. The foregoing recitals are repeated and incorporated as though fully set forth herein.

SECTION 2. It is hereby determined that the property legally described in SECTION 3, below, and that said property be acquired by the City in the amount of \$255,000 and an additional \$3,000 for 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 2020-2021 Annual Budget.

SECTION 3. 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:

THE SOUTH 75 FEET OF LOTS 29 THROUGH 35, BOTH INCLUSIVE, IN KELLOGG’S SUBDIVISION OF PART OF BLOCK 13 IN PIERSON’S ADDITION TO CRYSTAL LAKE, A SUBDIVISION OF PART OF SECTIONS 5 AND 6, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 3, 1911 AS DOCUMENT NO. 19086 IN BOOK 3 OF PLATS, PAGE 38 AND ACCORDING TO THE RE-PLAT THEREOF RECORDED SEPTEMBER

23, 1911 AS DOCUMENT NO. 20123, IN BOOK 3 OF PLATS, PAGE 40 IN MCHENRY COUNTY, ILLINOIS: 16 Oriole Trail, Crystal Lake, IL 60014 P.I.N. 19-06-226-014

SECTION 4. It is hereby determined that the property legally described in SECTION 5, below, and that said property be acquired by the City in the amount of \$215,000 and an additional \$3,000 for 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 2020-2021 Annual Budget.

SECTION 5. 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:

THAT PART OF LOTS 38, 39, 40 AND 41 DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 41, 75.37 FEET NORTH FROM THE SOUTHEAST CORNER THEREOF; THENCE NORTHERLY ALONG SAID EAST LINE 75.38 FEET; THENCE WESTERLY PARALLEL WITH THE NORTH LINE OF LOTS 38, 39, 40 AND 41, 132.84 FEET; THENCE SOUTHERLY PARALLEL TO THE EAST LINE OF LOT 41, 76.39 FEET; THENCE EASTERLY 132.84 FEET TO THE PLACE OF BEGINNING IN KELLOGG'S SUBDIVISION OF PART OF BLOCK 13 OF PIERSON'S ADDITION TO CRYSTAL LAKE, A SUBDIVISION OF PART OF SECTIONS 5 AND 6, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 3, 1911 AS DOCUMENT NO. 19086, IN BOOK 3 OF PLATS, PAGE 38 AND ACCORDING TO THE RE-PLAT THEREOF RECORDED SEPTEMBER 23, 1911 AS DOCUMENT NO. 20123, IN BOOK 3 OF PLATS, PAGE 40, IN MCHENRY COUNTY, ILLINOS: 30 Oriole Trail, Crystal Lake, IL 60014 P.I.N. 19-06-226-016

SECTION 6. It is hereby determined that the property legally described in SECTION 7, below, and that said property has been acquired by the City in the amount of \$175,000 and an additional \$3,000 for other necessary associated fees, and used and occupied for public use. The public funds used to acquire the property were part of the City's 2020-2021 Annual Budget.

SECTION 7. 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:

THAT PART OF LOTS 37 AND 38 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 37; THENCE EASTERLY ALONG THE NORTH LINE OF PINE STREET, 70.00 FEET; THENCE NORTHERLY PARALLEL WITH THE WEST LINE OF ORIOLE TRAIL, 152.78 FEET; THENCE WESTERLY PARALLEL WITH THE NORTH LINE OF SAID LOTS 37 AND 38, 69.86 FEET TO THE WEST LINE OF LOT 37; THENCE SOUTHERLY ALONG SAID WEST LINE, 153.75 FEET TO THE PLACE OF BEGINNING, BEING IN KELLOGG'S SUBDIVISION OF PART OF LOT 13 IN PIERSON'S ADDITION TO CRYSTAL LAKE, A SUBDIVISION OF PART OF SECTIONS 5 AND 6, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENRY COUNTY, ILLINOS: 492 Pine Street, Crystal Lake, IL 60014 P.I.N. 19-06-226-013



**DRAFT**

SECTION 8. It is hereby determined that the property legally described in SECTION 9, below, and that said property has been acquired by the City in the amount of \$210,000 and an additional \$3,000 for other necessary associated fees, and used and occupied for public use. The public funds used to acquire the property were part of the City's 2020-2021 Annual Budget.

SECTION 9. 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:

LOT 36 OF KELLOGG'S SUBDIVISION OF PART OF BLOCK 13 IN PIERSON'S ADDITION TO CRYSTAL LAKE, A SUBDIVISION OF PART OF SECTIONS 5 AND 6, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 3, 1911 AS DOCUMENT NO. 19086, IN BOOK 3 OF PLATS, PAGE 38 AND ACORDING TO THE RE-PLAT THEREOF RECORDED SEPTEMBER 23, 1911 AS DOCUMENT NO. 20123, IN BOOK 3 OF PLATS, PAGE 40, IN MCHENRY COUNTY, ILLINOS: 494 Pine Street, Crystal Lake, IL 60014  
P.I.N. 19-06-226-012

SECTION 10. The City Manager or his designee(s) are hereby authorized to execute and/or attest all documents necessary to consummate the acquisition of the properties identified in this Ordinance on behalf of the City of Crystal Lake and to remit payment for such acquisitions.

SECTION 11. All liens imposed by the City of Crystal Lake for the above referenced parcels are hereby waived.

SECTION 12. 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 17<sup>th</sup> day of November, 2020.

APPROVED:

\_\_\_\_\_  
Haig Haleblian, Acting Mayor

ATTEST:

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

PASSED: November 17, 2020

APPROVED: November 17, 2020

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

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**Meeting Date:**

November 17, 2020

**Item:**

Acquisition of Right-of-Way and Easements for the North Main Street Improvement

**Staff Recommendation:**

1) Motion to adopt an ordinance approving the negotiated sums, authorizing the execution of any agreement or documents, and authorizing payments to nineteen property owners for the right-of-way and temporary easements needed for the North Main Street Improvement.

2) Motion to adopt a Resolution appropriating \$35,550 in Motor Fuel Tax funds for the North Main Street Improvement Right-of-Way and Temporary Easement Acquisition.

**Staff Contact:**

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

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**Background:**

The North Main Street improvement, scheduled for construction in 2021, will improve the intersection of North Main Street at Illinois Route 176 (IL 176) and also improve N. Main Street between IL 176 and Woodstock Street. The project will include:

- A new traffic signal with an eastbound right turn lane on IL 176 and a northbound left turn lane on N. Main Street
- Resurfacing of North Main Street from IL 176 to south of Woodstock Street
- Upgrading the water main along IL 176 (North Main Street to Park Avenue) and along North Main Street (Prairie Street to IL 176)

The project's estimated construction cost is approximately \$3.254 million. The City was successful in obtaining \$1.5 million in federal Surface Transportation Program funding and an additional \$187,500 from the Illinois Department of Transportation (IDOT) to reduce the City's share of costs. Final design engineering is underway and nearing completion. In order to complete the project, the City needs to acquire right-of-way and easements from nineteen property owners adjacent to Route 176 and North Main Street using the federal land acquisition process. Appraisals and review appraisals have been completed for each property. Using an

IDOT approved negotiator, a final price has been reached with all property owners. A list of the properties and final costs is provided below:

#	PIN	Property Address	Deeded To	Type of Acquisition	Settlement Amount
1	14-32-431-006/011/012/014	150 N. Main Street	City	Temporary Easement	\$3,700
2	14-32-431-010	164 N. Main Street	City	Temporary Easement	\$500
3	14-32-431-009	170 N. Main Street	City	Temporary Easement	\$300
4	17-33-301-004	227 N. Main Street	City	Temporary Easement	\$300
5	14-33-301-003	233 N. Main Street	City	Temporary Easement	\$750
6	14-33-301-002	237 N. Main Street	City	Temporary Easement	\$300
7	14-32-277-011	50 E. Terra Cotta Ave.	City	Temporary Easement	\$2,100
8	14-32-277-012	54 E. Terra Cotta Ave.	City	Temporary Easement	\$1,900
9	14-32-277-009	56 E. Terra Cotta Ave.	City	Temporary Easement	\$4,100
10	14-32-429-018	85 E. Terra Cotta Ave.	City	Temporary Easement	\$3,000
11	14-32-429-009	244 N. Main Street	IDOT	Right-of-Way & Temporary Easement	\$3,000
12	14-32-277-007	96 E. Terra Cotta Ave.	IDOT	Right-of-Way	\$1,400
13	14-33-153-004	251 N. Main Street	IDOT	Right-of-Way	\$4,700
14	14-33-153-005	108 E. Terra Cotta Ave.	IDOT	Right-of-Way & Temporary Easement	\$2,600
15	14-33-153-006	120 E. Terra Cotta Ave.	IDOT	Right-of-Way	\$1,700
16	14-33-153-007	128 E. Terra Cotta Ave.	IDOT	Right-of-Way	\$1,600
17	14-33-153-008	144 E. Terra Cotta Ave.	IDOT	Right-of-Way	\$1,900
18	14-33-153-009	152 E. Terra Cotta Ave.	City	Temporary Easement	\$500
19	14-33-153-027	160 E. Terra Cotta Ave.	City	Temporary Easement	\$1,200
<b>Total</b>					<b>\$35,550</b>

Funds for the purchase of right-of-way and easements is included in the Fiscal Year 2020/2021 budget utilizing Motor Fuel Tax (MFT) funds (\$122,320). The expenditure of MFT funds is governed by IDOT. IDOT requires the City Council formally appropriate the use of these MFT funds. It is recommended that the Council appropriate \$35,550 in MFT funds for the purchase of right-of-way and temporary easements for the North Main Street improvement.

**Votes Required to Pass:**

Simple majority of City Council present.

**DRAFT**



**The City of Crystal Lake Illinois**

**ORDINANCE AUTHORIZING THE ACQUISITION OF RIGHT-OF-WAY AND  
TEMPORARY EASEMENTS**

**WHEREAS**, the City is desirous of improving the intersection of North Main Street at Illinois Route 176 and North Main Street between Woodstock Street and Illinois Route 176, collectively known as the North Main Street Improvement; and

**WHEREAS**, the acquisition of right-of-way and temporary easements is necessary in order to affect the improvement.

**NOW THEREFORE BE IT ORDAINED BY THE ACTING MAYOR AND  
CITY COUNCIL OF THE CITY OF CRYSTAL LAKE**

**Section 1. Recitals** The foregoing recitals are repeated and incorporated as though fully set forth herein; and

**Section 2. Authorization to Acquire Right-of-Way and Temporary Easements.** The negotiated sums for right-of-way and temporary easements needed for the North Main Street Improvement for the following properties are hereby acceptable and that the City Manager or his designee(s) be authorized to execute any agreements or documents related to acquiring the right-of-way or easements, and that City staff be authorized to remit payment for right-of-way and temporary easements:

<i>#</i>	<i>PIN</i>	<i>Property Address</i>	<i>Deeded To</i>	<i>Type of Acquisition</i>	<i>Settlement Amount</i>
1	14-32-431-006/011/012/014	150 N. Main Street	City	Temporary Easement	\$3,700
2	14-32-431-010	164 N. Main Street	City	Temporary Easement	\$500
3	14-32-431-009	170 N. Main Street	City	Temporary Easement	\$300
4	17-33-301-004	227 N. Main Street	City	Temporary Easement	\$300
5	14-33-301-003	233 N. Main Street	City	Temporary Easement	\$750

**DRAFT**

6	14-33-301-002	237 N. Main Street	City	Temporary Easement	\$300
7	14-32-277-011	50 E. Terra Cotta Ave.	City	Temporary Easement	\$2,100
8	14-32-277-012	54 E. Terra Cotta Ave.	City	Temporary Easement	\$1,900
9	14-32-277-009	56 E. Terra Cotta Ave.	City	Temporary Easement	\$4,100
10	14-32-429-018	85 E. Terra Cotta Ave.	City	Temporary Easement	\$3,000
11	14-32-429-009	244 N. Main Street	IDOT	Right-of-Way & Temporary Easement	\$3,000
12	14-32-277-007	96 E. Terra Cotta Ave.	IDOT	Right-of-Way	\$1,400
13	14-33-153-004	251 N. Main Street	IDOT	Right-of-Way	\$4,700
14	14-33-153-005	108 E. Terra Cotta Ave.	IDOT	Right-of-Way & Temporary Easement	\$2,600
15	14-33-153-006	120 E. Terra Cotta Ave.	IDOT	Right-of-Way	\$1,700
16	14-33-153-007	128 E. Terra Cotta Ave.	IDOT	Right-of-Way	\$1,600
17	14-33-153-008	144 E. Terra Cotta Ave.	IDOT	Right-of-Way	\$1,900
18	14-33-153-009	152 E. Terra Cotta Ave.	City	Temporary Easement	\$500
19	14-33-153-027	160 E. Terra Cotta Ave.	City	Temporary Easement	\$1,200
<b>Total</b>					<b>\$35,550</b>

**Section 3. Effective Date.** 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** this 17<sup>th</sup> day of November, 2020.

CITY OF CRYSTAL LAKE, an Illinois  
Municipal Corporation

BY: \_\_\_\_\_  
Haig Haleblian, ACTING MAYOR

SEAL

ATTEST:

\_\_\_\_\_  
Nick Kachiroubas, CITY CLERK

PASSED: November 17, 2020  
APPROVED: November 17, 2020

**DRAFT**



**Illinois Department of Transportation**

**Resolution for Improvement Under the Illinois Highway Code**



Is this project a bondable capital improvement?

Yes  No

Resolution Type	Resolution Number	Section Number
	Supplemental	15-00124-00-PV

BE IT RESOLVED, by the Council of the City of Crystal Lake Illinois that the following described street(s)/road(s)/structure be improved under the Illinois Highway Code. Work shall be done by Contract.

Council Governing Body Type City Local Public Agency Type  
Name of Local Public Agency  
Contract Contract or Day Labor

For Roadway/Street Improvements:

Name of Street(s)/Road(s)	Length (miles)	Route	From	To
Route 176		FAP 335	@Main Street (FAU 124)	

For Structures:

Name of Street(s)/Road(s)	Existing Structure No.	Route	Location	Feature Crossed

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of

Intersection improvements, road resurfacing, traffic signal installation, pavement markings, and other miscellaneous improvements.

2. That there is hereby appropriated the sum of thirty-five thousand, five-hundred fifty

\$35,550.00 Dollars ( \$35,550.00 ) for the improvement of said section from the Local Public Agency's allotment of Motor Fuel Tax funds.

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit four (4) certified originals of this resolution to the district office of the Department of Transportation.

I, Nick Kachiroubas City Crystal Lake Clerk in and for said City

Crystal Lake in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete original of a resolution adopted by

Council of Crystal Lake at a meeting held on November 17, 2020

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 17th day of November, 2020

(SEAL)

Clerk Signature \_\_\_\_\_ Date \_\_\_\_\_

**Approved**

Regional Engineer  
Department of Transportation \_\_\_\_\_ Date \_\_\_\_\_



## Agenda Item No: 17

### City Council Agenda Supplement

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<b><u>Meeting Date:</u></b>	November 17, 2020
<b><u>Item:</u></b>	Crystal Lake Stormwater Management Ordinance Amendment
<b><u>Recommendation:</u></b>	Motion to adopt an Ordinance amending portions of the City Code Chapter 595: Stormwater Management
<b><u>Staff Contact:</u></b>	Abigail Wilgreen, City Engineer Michael Magnuson, Director of Public Works and Engineering

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#### **Background:**

The McHenry County Stormwater Management Ordinance (SMO) was adopted in 2004 to minimize the effect of development on stormwater runoff throughout the County. Since 2005, the City has been certified by McHenry County to enforce the Stormwater Management Ordinance. As a Certified Community under the McHenry County Stormwater Management Ordinance (SMO), the City can regulate development under its own Crystal Lake Stormwater Ordinance (CLSO). One of the requirements to remain a Certified Community is that the City must maintain a stormwater ordinance that is at least as restrictive as the County's SMO. This necessitates the City revising its CLSO when the County revises their SMO.

The County's SMO continues to be a fluid document and has been revised several times since its inception. Over the years, amendments to the CLSO and SMO have been approved by City Council and McHenry County, respectively. The County's most recent update was adopted on September 15, 2020. The purpose of this revision to the City's Ordinance is to align with the County's current SMO to allow the City to continue to operate as a Certified Community.

The attached Ordinance outlines the various amendments to the City Code Chapter 595 to align with the recent changes by the County. A summary of the changes is attached. The more significant changes are;

- Update rainfall data requirements for use in designing detention/retention systems to reflect recent climatic changes (more intense and more frequent storms – Illinois State Water Survey Bulletin 75).
- Notification of downstream property owners. The Farm Bureau raised a concern with the County in regards to potential downstream impacts caused by development to agricultural

lands and drain tiles. Their concern was with upstream land that typically drains via sheet flow in an undeveloped condition (drainage taking place across the width of a field in a wide manner like a sheet) being converted to a point discharge(s) when the land is developed (pipe outlet from detention basins). The Ordinance was updated to require developments to notify the downstream property owners of the development and ensure there is adequate downstream capacity for a new point discharge. The notification requirement is already a part of the City's approval process for large developments. It will only apply from a stormwater standpoint when more than 20,000 square feet of new impervious area is added (approximately 1/2 acre). It should also be noted that the City's requirements in the Watershed are more restrictive than the County's with respect to downstream discharges. Therefore, there is no impact in the watershed to this change. Outside of the watershed, the City's current engineering practices already incorporate these capacity requirements.

- Clarifications to the definition of a development to include requiring a new permit or revised permit if conditions or the design changes within the initial permit period or otherwise alter an existing stormwater management system.
- Incentive to promote green infrastructure and ecological benefits. Allows these types of improvements to be permitted more easily (General Permit) as opposed to the more detailed permit requirements.
- Requirement to have developments in flood hazard areas be reviewed by a Certified Floodplain Manager (CFM). The City Engineer is a CFM as is the City's stormwater consultant (CBBEL).
- Other clarifications and formatting changes as noted in the attached summary in **bold**.

If the Stormwater Management Ordinance is not amended, then the City will lose its ability to enforce the Stormwater Ordinance, which would result in all stormwater regulation being handled by the County. In other words, residents, business owners and developers would have to permit their projects through the City and then have to permit their projects through the County as well.

**Votes Required to Pass:**

A simple majority vote



**DRAFT**



**AN ORDINANCE AMENDING CHAPTER 595 OF THE CODE**  
**OF THE CITY OF CRYSTAL LAKE, ILLINOIS**

**WHEREAS**, the County of McHenry, pursuant to the powers granted to it by 55 ILCS 5/5-1062, adopted the McHenry County Stormwater Management Ordinance on or about November 18, 2014, effective December 1, 2014 (hereinafter “County Ordinance”), establishing rules and regulations for floodplain and stormwater management throughout the County of McHenry and superseding any less restrictive municipal rules and regulations therein; and,

**WHEREAS**, the County of McHenry, pursuant to the powers granted to it by 55 ILCS 5/5-1062, adopted a resolution approving amendments to the County Ordinance on or about November 18, 2014, effective December 1, 2014, amended April 5, 2016, effective September 6, 2016 and,

**WHEREAS**, the City of Crystal Lake has previously adopted Chapter 595 of the City of Crystal Lake Code which regulates stormwater management and enables the City to be a Certified Community under the County Ordinance; and

**WHEREAS**, the Mayor and City Council of the City of Crystal Lake find it to be in the best interests of the City to require all development to meet, at least, the minimum standards prescribed by the County Ordinance to the fullest extent practicable; and,

**WHEREAS**, the City must adopt a Stormwater Management Ordinance that is at least as restrictive as the County Ordinance in order to maintain its status as a Certified Community; and

**WHEREAS**, there exist unique conditions in the City of Crystal Lake whereby it is in the best interests to require additional regulations above and beyond the minimum standards prescribed by the County Ordinance.

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

**SECTION I:** That Section 595-5B be amended to read as follows:

B. No person, firm, corporation or governmental agency, unless specifically exempted, shall commence any regulated development without first obtaining a stormwater management permit. Unless it is specifically exempted in § 595-6, any activity that meets any of the following criteria is considered regulated development:

- (1) Any development that is located partially or completely in a flood hazard area; or
- (2) Any development located partially or completely within the boundary of a wetland or waters; or
- (3) Any development that hydrologically disturbs 5,000 square feet or more; or
- (4) Any development that hydrologically disturbs 50% or more of a parcel; or
- (5) Any development that results in an additional 20,000 square feet of impervious area since the effective date of this chapter; or
- (6) Any development on a lot or parcel of land platted after December 1, 2015, that results in impervious area exceeding the design parameters of an existing stormwater management facility; or
- (7) Any development that occurs within a deed or plat restriction or alters a stormwater management system from its original design or permitted conditions; or
- (8) Any development that modifies the permitted development between the date of permit issuance and prior to the permit expiration date; or
- (9) Any permitted development that is not completed prior to the permit expiration date; or
- (8) Any development that is part of a larger common plan of development that, as a whole, would constitute regulated development.

**SECTION II:** That Table 1 in Section 595-7D be amended to read as follows:

<b>TABLE 1 Regulation of Routine Projects</b>			
<b>Project Type</b>	<b>Exempt</b>	<b>General Permit</b>	<b>Individual Permit</b>
Building Maintenance	Refer to Appendix 12: Maintenance of Existing Buildings	N/A	Refer to Appendix 12: Substantial Improvement
New Single Family Home	N/A	Refer to § 595-10, General Permit 2	All Other Development Regulated by § 595-5

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Road Maintenance	Refer to Appendix 12: Maintenance of Roads and Trails	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Trails	Refer to Appendix 12: Maintenance of Roads and Trails	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Driveways	Refer to Appendix 12: Other Maintenance Activities	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Parking Lots	Refer to Appendix 12: Other Maintenance Activities	N/A	All Other Development Regulated by Article II, Section B
Culverts, Storm Sewers, and Drain Tiles	Refer to Appendix 12: Other Maintenance Activities	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Bridges	Refer to Appendix 12: Other Maintenance Activities	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Dredging	Refer to Appendix 12: Other Maintenance Activities	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Removal of an Obstruction	Refer to Appendix 12: Other Maintenance Activities	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Stormwater Management Facilities	Refer to Appendix 12: Other Maintenance Activities	N/A	All Other Development Regulated by § 595-5
Gardening and Landscaping	Refer to § 595-6, Exempted Development	N/A	All Other Development Regulated by § 595-5
Tillage and Similar Agricultural Practices	Refer to § 595-6, Exempted Development	N/A	All Other Development Regulated by § 595-5
Implementing a NRCS Conservation Plan	Refer to § 595-6, Exempted Development	N/A	All Other Development Regulated by § 595-5
Demolition	Refer to § 595-6, Exempted Development	N/A	All Other Development Regulated by § 595-5
Onsite Waste Disposal Systems and Wells	Refer to § 595-6, Exempted Development	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Sewer and Water Service Lines	Refer to Article II, Section C: Exempted Development	N/A	All Other Development Regulated by § 595-5

**DRAFT**

Underground and Overhead Utilities	Refer to Appendix 12: Other Maintenance Activities	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Seawalls	N/A	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Shoreline and Streambank Stabilization	N/A	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Boat Docks	N/A	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Signposts, Poles Fencing, and Guardrails	N/A	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Decks	N/A	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Pools	N/A	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Material Storage	N/A	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Wetland Restoration and Enhancement	N/A	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5
Watershed Benefit Measure	N/A	Refer to § 595-9, General Permit 1	All Other Development Regulated by § 595-5

**SECTION III:** That Table 2 in Section 595-9 be amended to read as follows:

<b>Type of Regulated Development</b>	<b>Applicability</b>	<b>Authorization</b>	<b>Terms and Conditions</b>
Underground and Overhead Utilities	Subsection A	Subsection B	Subsection C(1) and (2)
Storm Sewer Outfalls, Drain Tile Outfalls, and Outlet Channels	Subsection A	Subsection B	Subsection C(1) and (3)
Road Maintenance and Bridges	Subsection A	Subsection B	Subsection C(1) and C(4)
Sidewalks, Trails, Driveways, and Patios	Subsection A	Subsection B	Subsection C(1) and C(5)

Boardwalks	Subsection A	Subsection B	Subsection C(1) and C(6)
Seawalls	Subsection A	Subsection B	Subsection C(1) and C(7)
Other Shoreline and Streambank Protection	Subsection A	Subsection B	Subsection C(1) and C(8)
Signposts, Poles, Fencing, and Guardrails	Subsection A	Subsection B	Subsection C(1) and C(9)
Minor Modification of Culverts, Storm Sewers, and Drain Tiles	Subsection A	Subsection B	Subsection C(1) and C(10)
Decks	Subsection A	Subsection B	Subsection C(1) and C(11)
Topsoil and Sand Restoration	Subsection A	Subsection B	Subsection C(1) and C(12)
Pools	Subsection A	Subsection B	Subsection C(1) and C(13)
Replacement Onsite Waste Disposal Systems	Subsection A	Subsection B	Subsection C(1) and C(14)
Material Storage	Subsection A	Subsection B	Subsection C(1) and C(15)
Dredging	Subsection A	Subsection B	Subsection C(1) and C(16)
Wetland Restoration and Enhancement	Subsection A	Subsection B	Subsection C(1) and C(17)
Watershed Benefit Measure	Subsection A	Subsection B	Subsection C(1) and C(18)

**SECTION IV:** That Section 595-9C(8)(c) be amended to read as follows:

(c) All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action. The Illinois Urban Manual or other references approved by the enforcement officer may be used for proper material sizing.

**SECTION V:** That the following be added to the end of Section 595-9C as follows:

(18) Watershed benefit measure. To be authorized by this General Permit Number 1, watershed benefit measure shall meet the following criteria:

- (a) This General Permit Number 1 applies to construction of a watershed benefit measure.
- (b) A narrative shall be provided describing the project, the intended watershed benefits, and how the project will not adversely affect adjacent properties.
- (c) Watershed benefit measure projects shall not exceed 1.0 mile for linear projects or 1.0 acre for non-linear projects.
- (d) All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action. The Illinois Urban manual or other references approved by the Enforcement officer may be used for proper material sizing.
- (e) Materials shall be placed in a way that would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.
- (f) Materials shall be placed so that the modified cross-sectional area of a channel conforms to that of the natural channel upstream and downstream of the development site. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.
- (g) Spoil materials shall be spread thinly (less than 0.1 foot) and incorporated into existing cultivated areas, or shall be hauled away from the development site.
- (h) Temporary stockpiles greater than 100 cubic yards and temporary stockpiles remaining in place for more than 7 days shall not be located in flood hazard areas and shall be non-obstructive to flood flows. Temporary stockpile areas shall not occupy more than 20,000 square feet in total.
- (i) The installation, repair, replacement abandonment, or removal of drain tiles shall be annotated on a drain tile survey for any restoration and enhancement activities involving drain tiles.
- (j) This General Permit Number 1 does not authorize:
  - [1] Fill within flood hazard areas, except that which would restore the development site to the natural condition;
  - [2] Projects that only qualify as dredging;
  - [3] The relocation or channelization of a linear waterway such as a river, stream, or creek; or
  - [4] In-stream work performed beyond the toe of the slope, with the exception of naturalized grade control that does not result in a loss of conveyance.

**SECTION VI:** That Section 595-10B(1)(b)[12] be amended to read as follows:

[12] Top of foundation, lowest floor, low opening elevation, and flood proofing elevations of all proposed structures adjacent to or within a flood hazard area, stormwater management facility or along an overland flow path;

**SECTION VII:** That Section 595-22C(4) be amended to read as follows:

(4) Stormwater management facility data and calculations for the development site and tributary areas, if stormwater storage is necessary for the development site to meet the requirements of this chapter. The data and calculations shall include the following:

- (a) A narrative identifying the procedures, assumptions, and data used in hydrologic and hydraulic calculations to determine the post-development allowable release rate and related stormwater storage volume;
- (b) A tabular summary of existing, allowable, and proposed release rates for design storm events;
- (c) A tabular summary of required and proposed stormwater storage volumes for design storm events;
- (d) Elevation versus storage area data for the stormwater management facility;
- (e) Elevation versus discharge curve data for the control structure of the stormwater management facility;
- (f) Elevation versus time data for the stormwater management facility;
- (g) Calculations demonstrating that the overflow structure is sized to meet the requirements of this chapter;
- (h) Assumptions or calculations utilized to determine tailwater conditions for the development site;
- (i) Seeding and/or planting specifications for detention within IWMC;
- (j) Copy of letter notifying adjoining downstream property owner(s) and return receipt of the certified mail as required in section 595-26E(4)(a)[8]; and
- (k) Copy of letter notifying any drainage district within the watershed where the development site is located and return receipt of the certified mail as required in section 595-26E(4)(a)[9].

**SECTION VIII:** That Section 595-25A(1) be amended to read as follows:

- (1) Control measures shall meet the minimum standards and specifications of the Illinois Urban Manual unless stated otherwise in this chapter.

**SECTION IX:** That Section 595-25A(11)(a) be amended to read as follows:

- (a) Silt fences meeting the standards and specifications of the Illinois Urban Manual or AASHTO Standard Specification 288-00;

**SECTION X:** That Section 595-25B(4) be amended to read as follows:

- (4) Unless otherwise specified in this chapter or in the Illinois Urban Manual, the structural practices shall be designed for a storm event equal to or greater than a twenty-five-year, twenty-four-hour storm.

**SECTION XI:** That Section 595-26A(1) be amended to read as follows:

- (1) All concentrated stormwater discharges from a development site shall be conveyed into an existing channel, storm sewer, or overland flow path with adequate downstream stormwater capacity and shall not result in flood damage.

**SECTION XII:** That Section 595-26C(6) be deleted in its entirety and the remaining sections be renumbered sequentially.

**SECTION XIII:** That Section 595-26E(1)(a)[1][b] be amended to read as follows:

- [b] The applicant demonstrates to the satisfaction of the enforcement officer that there is adequate downstream stormwater capacity and the development shall not result in flood damage; or

**SECTION XIV:** That Section 595-26E(1)(a)[2][b] be amended to read as follows:

[b] The applicant demonstrates to the satisfaction of the enforcement officer that there is adequate downstream stormwater capacity and the development shall not result in flood damage; or

**SECTION XV:** That Section 595-26E(4) be amended to read as follows:

(4) Stormwater management facilities.

(a) Basic requirements. The following requirements apply to the stormwater management facilities for all regulated development required to meet the stormwater storage requirements of this chapter:

[1] Off-site runoff may be bypassed around a proposed stormwater management facility.

[2] Stormwater management facilities shall be sized for the runoff from any public road improvements required as part of the regulated development.

[3] Stormwater management facilities shall be designed to dewater within 72 hours following the end of the design storm.

[4] A stable overflow shall be provided for each stormwater management facility. The overflow shall be capable of passing the unattenuated inflow from the one-hundred-year critical duration storm from the entire tributary area without increasing flood heights on upstream adjoining properties or resulting in flood damage at the development site, based on runoff calculations meeting the runoff rates and storage volume standards of this chapter. The overflow elevation shall be at or above the one-hundred-year design high water elevation.

[5] A minimum freeboard of one foot shall be provided above the design high water surface elevation of the one-hundred-year flow through the overflow.

[6] Stormwater management facilities serving more than one property shall be located in a deed or plat restriction with access to the stormwater management facility from the public right-of-way. The enforcement officer may waive the requirement for a deed or plat restriction where an increase in flood heights on upstream properties is unlikely to result from the lack of maintenance of the stormwater management facility.

[7] The applicant shall notify adjoining downstream property owner(s) via certified mail return receipt of any proposed stormwater management facility outlet location and design. Notification shall occur prior to preliminary Planned Unit Development or Plat of Subdivision or shall be provided at the first permit application submittal, whichever is earlier.

[8] The applicant shall notify any drainage district within the watershed where the development site is located via certified mail return receipt of any proposed stormwater management facility outlet location and design. Notification shall occur prior to preliminary Planned Unit Development or Plat of Subdivision or shall be provided at the first permit application submittal, whichever is earlier.

[9] Concentrated discharges from a development site shall be connected to an existing drain tile, where possible; however, the primary outlet from the



development site should be a surface discharge and the drain tile connection shall be designed as a secondary, low flow outlet. When no reasonable alternative exists, the Enforcement Officer may approve the connection of a concentrated discharge from a development site to an existing drain tile as the primary outlet, provided the existing drain tile has adequate hydraulic capacity and structural integrity and is located within a recorded deed or plat restriction to the point it discharges into a channel. The deed or plat restriction must be approved by the Enforcement Officer prior to issuance of a stormwater management permit.

[10] Stormwater management facility discharges onto adjoining properties shall be designed to release as sheet flow using a level spreader, or other energy dissipation device, approved by the Enforcement Officer.

[11] An off-site outfall shall be constructed to convey the release from a stormwater management facility if an analysis demonstrates that adequate downstream stormwater capacity cannot be achieved or if land damage to an agricultural swale may occur.

[a] The off-site outfall shall be evaluated to the nearest open channel. If the outfall is located within a publicly owned storm drainage system, it shall be evaluated to the downstream location directed by the Enforcement Officer.

[b] Stormwater management facility discharges to downstream agricultural surface drainage systems with no base flow must be conveyed 100% underground within forty-eight (48) hours after a storm event up to and including the 100 year, 24 hour storm event.

[c] Off-site outfalls shall be located within a public right-of-way or deed or plat restricted area and marked on the as-built plans. The deed or plat restriction language shall clearly define the individual or entity responsible for perpetual maintenance.

[d] If an off-site outfall is required to be constructed and the downstream property owner(s) refuse(s) to grant access across his or her property, and construction within a right-of-way or alternative route is not feasible or reasonable, the applicant shall provide the Enforcement Officer a two (2) year post-development security for the engineer's estimate of probable construction cost for the off-site outfall plus a ten percent (10%) contingency. If the downstream property owner has not granted access for construction of the improvements within two (2) years following completion of the development, the Enforcement Officer shall release the security.

**SECTION XVI:** That Section 595-27P(2)(b)[2] be amended to read as follows:

[2] Documentation must be provided that the existing crossing has not caused demonstrable flood damage. In the case of public projects, certification by a District Engineer of the Department of Transportation's Division of Highways, a county engineer (if a licensed professional engineer), or a municipal engineer (if a licensed professional engineer) that the existing crossing has not caused demonstrable flood damage will be adequate documentation.

**SECTION XVII:** That Section 595-28C(3) be amended to read as follows:

(3) The presence and boundary of farmed wetlands on agricultural land within or adjacent to a development site shall be determined by the NRCS or a wetland specialist, in accordance with the current NRCS or USACE wetland delineation methodology.

**SECTION XVIII:** That Section 595-36C be amended to read as follows:

C. Utilize a form to document the following characteristics for each stormwater management permit issued:

- (1) The proposed hydrologically disturbed area;
- (2) The existing and proposed impervious area and the impervious area that existed at the development site prior to the effective date of this chapter;
- (3) Whether a flood hazard area exists on the development site;
- (4) Whether an IWMC exists on the development site;
- (5) The development classification;
- (6) The signature of the Certified Floodplain Manager that has reviewed and recommends approval of the stormwater management permit application, if applicable;
- (7) The signature of the licensed professional engineer who has reviewed and recommends approval of the stormwater management permit application, if applicable;
- (8) The signature of the wetland specialist who has reviewed and recommends approval of the stormwater management permit application, if applicable;
- (9) The signature of the enforcement officer issuing the stormwater management permit;

**SECTION XIX:** That the following be inserted as Section 595-36E and the subsequent section be renumbered in sequential order:

E. Ensure that a Certified Floodplain Manager reviews or supervises the review of a Permit application within a flood hazard area.

**SECTION XX:** That Section 595-38A be amended to read as follows:

A. Certification criteria. Any community of McHenry County, including multi-county municipalities, that meets the following criteria may be certified by MCSC to enforce the provisions of this chapter within the community's jurisdiction:

- (1) The community shall be participating in the regular phase of the NFIP and shall not be a NFIP-sanctioned community;
- (2) The community shall have adopted this chapter or an ordinance that is at least as stringent and contains all the criteria of this chapter;
- (3) The community shall have a Certified Floodplain Manager in the employ or under contract; and
- (4) The community shall agree to perform the duties of the enforcement officer within the community's jurisdiction.

**SECTION XXI:** That Section 595-38B(5) be amended to read as follows:

(5) Certified communities shall submit an annual report summarizing the community's stormwater management permit activity. At a minimum, the annual report shall include:

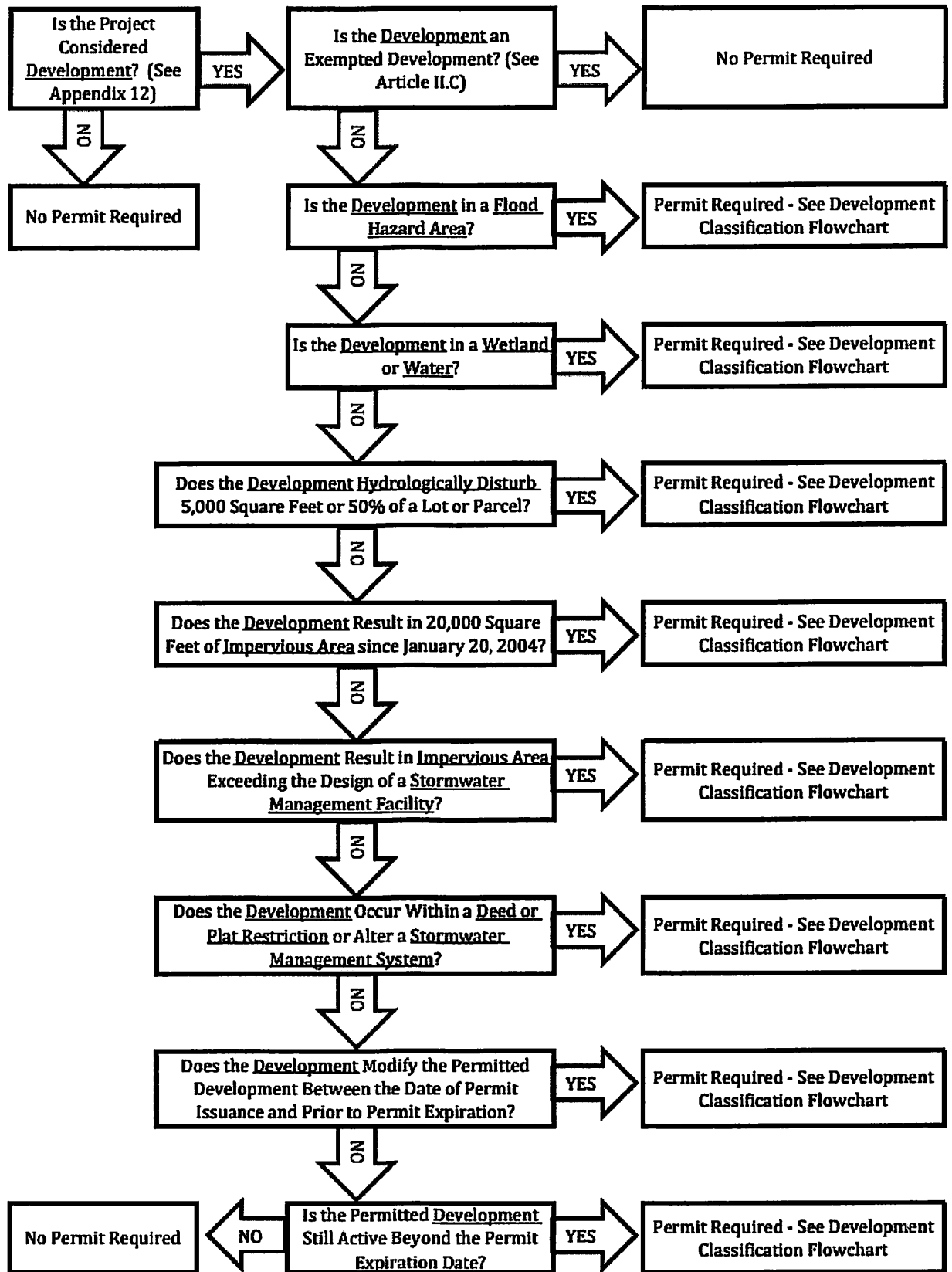
- (a) The name and contact information for the enforcement officer;
- (b) The name and contact information of the Certified Floodplain Manager;
- (c) The name and contact information for the licensed professional engineer responsible for reviewing or supervising the review of any plans, calculations or analyses prepared by a licensed professional engineer as part of a stormwater management permit application;
- (d) The name and contact information for the wetland specialist responsible for reviewing or supervising the review of any documents prepared by a wetland specialist as part of a stormwater management permit application;
- (e) Documentation of the following characteristics of each stormwater management permit issued:
  - [1] The proposed hydrologically disturbed area;
  - [2] The existing and proposed impervious area and the impervious area that existed at the development site prior to the effective date of this chapter;
  - [3] Whether a flood hazard area exists on the development site;
  - [4] Whether an IWMC exists on the development site;
  - [5] The development classification;
  - [6] The signature of the Certified Floodplain Manager that has reviewed and recommends approval of the stormwater management permit application, if applicable;
  - [7] The signature of the licensed professional engineer that has reviewed and recommends approval of the stormwater management permit application, if applicable;
  - [8] The signature of the wetland specialist that has reviewed and recommends approval of the stormwater management permit application, if applicable;
  - [9] The signature of the enforcement officer issuing the stormwater management permit;
- (f) A list of any stormwater management permits issued for regulated development that was designed and reviewed by the same firm;
- (g) A summary of any variances granted to the provisions of this chapter; and
- (h) A list of any pending violations to the provisions of this chapter.

**SECTION XXII:** That Section 595-38B(4)(b) be amended to read as follows:

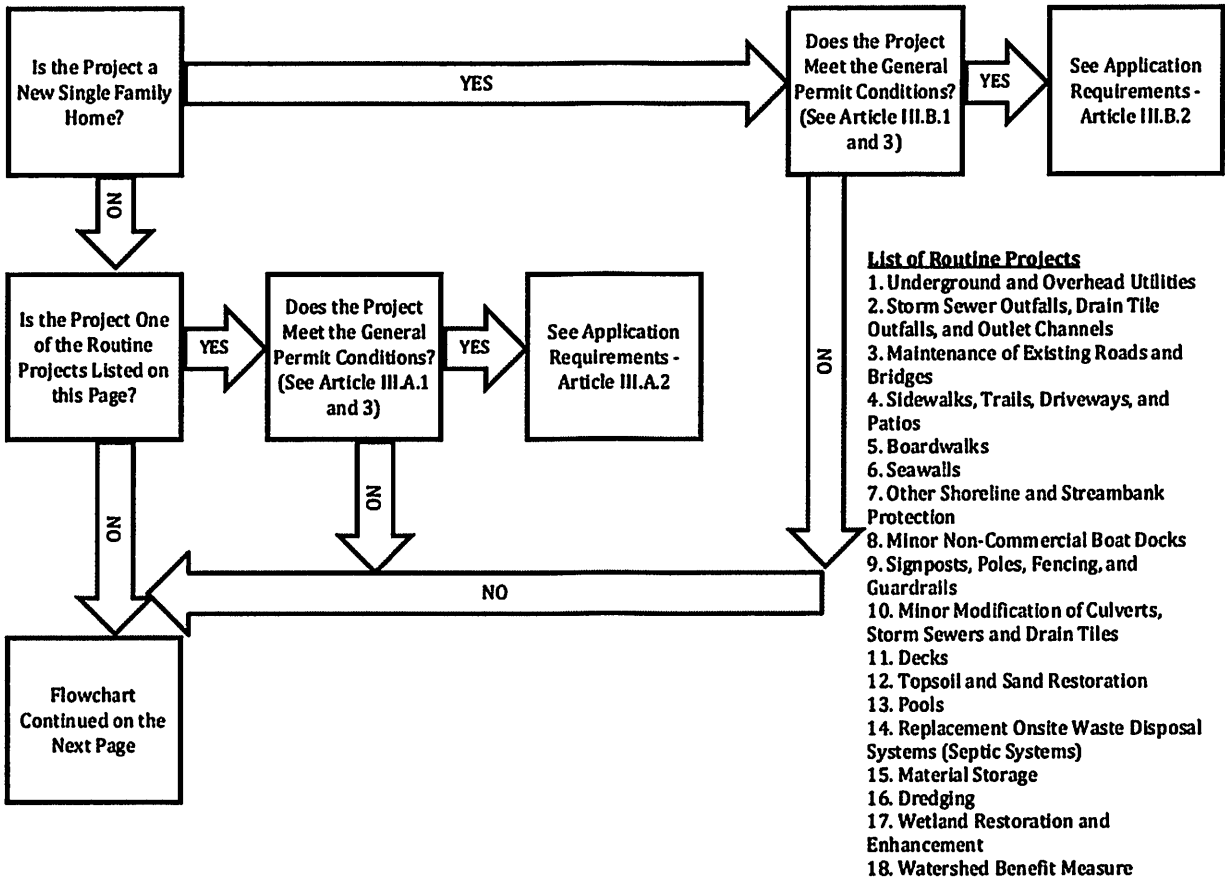
- (b) The Certified Floodplain Manager(s), licensed professional engineer(s) or wetland specialist(s) responsible for review of stormwater management permit applications for the certified community.

**SECTION XXIII:** That the Permitting Flowchart in Chapter 595 Appendix 1 be replaced with the following flowchart:

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**SECTION XXIV:** That Item 1 in 595 Attachment 2 Appendix 2 be amended to read as follows:

1. Control measures shall meet the minimum standards and specifications of the Illinois Urban Manual unless stated otherwise.

**SECTION XXV:** That the Rainfall Depth-Duration Frequency Tables for McHenry County Section 595 Attachment 4, Appendix A be deleted and be replaced with the following:



**§17.60.180 Rainfall Depth-Duration Frequency Tables for McHenry County**

Angel, J. R., M. Markus, K. A. Wang, B. M. Kerschner, S. Singh. 2020. Precipitation Frequency Study for Illinois. Illinois State Water Survey Bulletin 75, Champaign, IL.

Storm Duration	Frequency												
	2- month	3- month	4- month	6- month	9- month	1- year	2- year	5- year	10- year	25- year	50- year	100- year	500- year
5 minutes	0.19	0.22	0.24	0.27	0.31	0.33	0.40	0.52	0.62	0.77	0.90	1.03	1.35
10 minutes	0.33	0.38	0.41	0.47	0.53	0.58	0.70	0.90	1.08	1.35	1.58	1.80	2.36
15 minutes	0.42	0.49	0.53	0.61	0.69	0.75	0.90	1.16	1.39	1.74	2.03	2.32	3.04
30 minutes	0.58	0.66	0.73	0.83	0.94	1.03	1.24	1.59	1.91	2.39	2.78	3.17	4.16
1 hour	0.74	0.84	0.93	1.05	1.20	1.30	1.57	2.02	2.42	3.03	3.53	4.03	5.28
2 hours	0.91	1.04	1.14	1.30	1.48	1.61	1.94	2.49	2.99	3.74	4.35	4.97	6.52
3 hours	1.00	1.15	1.26	1.44	1.63	1.77	2.14	2.75	3.30	4.13	4.80	5.49	7.20
6 hours	1.18	1.35	1.48	1.68	1.91	2.08	2.51	3.23	3.86	4.84	5.63	6.43	8.43
12 hours	1.37	1.56	1.71	1.95	2.21	2.41	2.91	3.74	4.48	5.61	6.53	7.46	9.78
18 hours	1.48	1.69	1.85	2.11	2.39	2.61	3.14	4.04	4.84	6.06	7.05	8.05	10.57
24 hours	1.57	1.80	1.97	2.24	2.55	2.77	3.34	4.30	5.15	6.45	7.50	8.57	11.24
48 hours	1.72	1.97	2.16	2.46	2.79	3.04	3.66	4.71	5.62	6.99	8.13	9.28	12.10
72 hours	1.87	2.14	2.34	2.67	3.03	3.30	3.97	5.08	6.05	7.49	8.64	9.85	12.81
120 hours	2.08	2.38	2.61	2.97	3.37	3.67	4.42	5.63	6.68	8.16	9.39	10.66	13.81
240 hours	2.63	3.01	3.30	3.76	4.27	4.65	5.60	7.09	8.25	9.90	11.26	12.65	16.00

Refer to Appendix 12 for the definition of underlined terms or to Appendix 13 for a list of acronyms. Refer to Appendix 1 for permitting flowcharts.



**Huff Quartiles for Time Distribution of Heavy Rainfall**

- Duration ≤ 6 hours                      1<sup>st</sup> Quartile
- 6 hours < Duration ≤ 12 hours        2<sup>nd</sup> Quartile
- 12 hours < Duration ≤ 24 hours       3<sup>rd</sup> Quartile
- Duration > 24 hours                    4<sup>th</sup> Quartile

Portion of the Storm	Drainage Area Under 10 Square Miles				Drainage Area 10 to 50 Square Miles				Drainage Area 50 to 400 Square Miles			
	1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th
0/24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1/24	8.36	2.29	2.05	2.31	6.41	1.48	1.33	1.48	4.59	0.88	0.72	0.90
2/24	17.73	4.82	4.31	4.79	15.69	3.57	3.02	3.34	13.49	2.38	1.85	2.29
3/24	28.11	7.78	6.67	7.12	27.45	6.39	5.13	5.72	25.94	4.93	3.47	4.36
4/24	38.33	11.33	9.12	9.78	38.91	10.02	7.53	8.56	39.17	8.52	5.57	7.10
5/24	47.45	15.79	11.71	12.53	49.34	14.71	10.01	11.69	51.04	13.19	8.28	9.93
6/24	55.50	21.39	14.36	15.23	58.55	20.89	12.65	14.19	60.79	19.59	10.96	12.84
7/24	62.25	28.41	16.91	17.91	65.88	28.91	15.24	17.19	69.26	27.46	13.79	15.46
8/24	67.22	36.44	19.64	20.33	71.10	37.55	18.17	19.69	74.80	37.17	16.35	17.83
9/24	70.82	45.29	22.78	22.83	74.92	46.86	21.46	22.27	78.74	47.77	19.66	20.12
10/24	74.17	54.35	26.33	25.41	78.30	56.25	25.36	24.81	82.20	58.18	23.46	23.12
11/24	76.97	62.38	30.93	28.35	81.16	64.84	29.90	27.46	85.13	67.64	28.07	25.76
12/24	79.81	69.76	36.35	31.25	83.75	72.90	35.60	30.33	87.38	75.86	34.06	28.26
13/24	82.55	75.48	43.92	33.90	86.20	79.07	43.42	32.42	89.58	82.04	42.30	30.99
14/24	85.18	80.38	52.11	36.33	88.64	83.97	52.18	34.28	91.45	86.92	52.02	33.68
15/24	87.40	84.70	61.02	38.61	90.81	87.58	61.88	36.89	93.35	90.33	62.76	36.12
16/24	89.47	87.81	69.89	41.24	92.58	90.67	71.81	39.73	94.80	93.09	72.80	39.07
17/24	91.17	90.22	78.19	45.08	93.99	92.76	80.43	43.85	95.99	94.82	82.27	42.93
18/24	92.70	92.17	84.92	51.29	95.19	94.59	87.25	49.87	96.94	96.25	89.19	48.98
19/24	94.03	93.81	89.74	59.31	96.35	95.97	92.01	58.93	97.70	97.34	93.60	59.22
20/24	95.36	95.29	93.11	69.19	97.27	97.10	95.04	69.85	98.35	98.21	96.33	71.66
21/24	96.56	96.57	95.34	80.05	98.03	97.99	96.90	82.36	98.86	98.83	97.97	85.18
22/24	97.74	97.74	97.06	89.71	98.74	98.72	98.22	92.59	99.28	99.30	98.98	94.64
23/24	98.85	98.84	98.56	96.04	99.37	99.39	99.21	97.96	99.66	99.67	99.58	98.77
24/24	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

**SECTION XXV:** That the following definitions be inserted into Appendix 12 of Chapter 595 in alphabetical order:

**AGRICULTURAL LAND:** Land predominantly used for agricultural purposes.

**AGRICULTURAL SWALE:** Grassed waterway or cultivated swale within a farm field under agricultural production which is ephemeral in nature and does not have a defined bed and banks.

**ADEQUATE DOWNSTREAM STORMWATER CAPACITY:** A downstream channel or stormwater management system with the ability to store and convey the anticipated 100-year stormwater runoff without increasing damage to adjoining properties.

**CERTIFIED FLOODPLAIN MANAGER (CFM):** A certification by the Association of State Floodplain Managers, which is designated to establish educational, training and

experience criteria related to floodplain management, hazard mitigation, National Flood Insurance Program and to certify that an individual applicant has met these criteria.

**DAMAGE:** A measurable rise in flood heights on property unless it is contained within the streambanks or a recorded deed or plat restricted area.

**DRAINAGE DISTRICT:** A special district created by petition or referendum and court approval. It has the power to construct and maintain drainage improvements and to pay for the improvements with assessments on the land within the district boundaries. An assessment on the land cannot be greater in value than the benefits of the drainage improvements.

**FARMED WETLAND:** Any wetland that has been identified as a “Farmed Wetland” in accordance with the current “National Food Security Act Manual” (NFSAM) and the current U.S. Army Corps of Engineers – Chicago District methodology.

**GREEN INFRASTRUCTURE:** Any stormwater management technique or practice that reduces runoff volume through preserving, restoring, utilizing, or enhancing the processes of infiltration, evapotranspiration, and reuse. Approaches may include, but not be limited to, green roofs, naturalized detention facilities, trees and tree boxes, rain gardens, vegetated swales, wetlands, infiltration planters, porous and permeable pavements, porous piping systems, dry wells, vegetated median strips, reforestation/revegetation, rain barrels and cisterns, and protection and enhancement of riparian buffers and floodplains.

**OUTFALL:** Discharge or point of discharge of a culvert or other closed conduit from a development at which stormwater can be released from the development site without causing scour, erosion, flooding, sedimentation or produce any damage in the receiving system.

**OPEN CHANNEL:** A conveyance system with a definable bed and banks carrying the discharge from field tiles and surface drainage including a ditch, culvert, stream, creek, and river. An open channel does not include grassed swales or cultivated swales within a farm field under agricultural production which are ephemeral in nature.

**OVERSIGHT COMMITTEE:** A decision-making authority. The City Council shall act as the oversight committee for the City of Crystal Lake.

**WATERSHED BENEFIT AREA:** A Natural Resource Conservation service (NRCS) Conservation Practice, or other approved practice, used to mitigate the adverse stormwater related effects of development. Measures include practices that: stabilize swales, agricultural ditches and streams; reconnect channels and wetlands to the floodplain; create or enhance wetlands, buffers and riparian areas; improve and preserve natural upland areas such as prairies and forest stands; and filter or remove pollutants from impervious areas or agricultural practices. Examples of allowable NRCS Conservation Practices include bioreactors, channel bed stabilization, constructed wetland, contour buffer strips, drainage water management plan implementation, filter strips, grassed waterway, riparian forest buffer, riparian herbaceous cover, saturated buffers, streambank and shoreline protection,



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stream habitat improvement and management, wetland creation, wetland enhancement, and wetland restoration.

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

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

**DATED** at Crystal Lake, Illinois, this 17<sup>th</sup> day of November, 2020.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: \_\_\_\_\_  
Haig Haleblian, ACTING MAYOR

SEAL

ATTEST:

\_\_\_\_\_  
Nick Kachiroubas, CITY CLERK

PASSED: November 17, 2020

APPROVED: November 17, 2020

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

## Summary of Proposed Changes

### Section 595-5B

*Reason: Further clarification of what is considered regulated development.*

B. No person, firm, corporation or governmental agency, unless specifically exempted, shall commence any regulated development without first obtaining a stormwater management permit. Unless it is specifically exempted in § 595-6, any activity that meets any of the following criteria is considered regulated development:

- (1) Any development that is located partially or completely in a flood hazard area; or
- (2) Any development located partially or completely within the boundary of a wetland or waters; or
- (3) Any development that hydrologically disturbs 5,000 square feet or more; or
- (4) Any development that hydrologically disturbs 50% or more of a parcel; or
- (5) Any development that results in an additional 20,000 square feet of impervious area since the effective date of this chapter; or
- (6) Any development on a lot or parcel of land platted after December 1, 2015, that results in impervious area exceeding the design parameters of an existing stormwater management facility; or
- (7) Any development that occurs within a deed or plat restriction or alters a stormwater management system from its original design or permitted conditions; or**
- (8) Any development that modifies the permitted development between the date of permit issuance and prior to the permit expiration date; or**
- (9) Any permitted development that is not completed prior to the permit expiration date; or**
- (10)(7) Any development that is part of a larger common plan of development that, as a whole, would constitute regulated development.**

### Section 595-7D Table 1

*Reason: Updating the tables based upon changes to the text*

<b>TABLE 1 Regulation of Routine Projects</b>			
<b>Project Type</b>	<b>Exempt</b>	<b>General Permit</b>	<b>Individual Permit</b>
<b>Watershed Benefit Measure</b>	N/A	<b>Refer to § 595-9, General Permit 1</b>	<b>All Other Development Regulated by § 595-5</b>

### Section 595-9 Table 2

*Reason: Updating the tables based upon changes to the text*

<b>TABLE 2 Summary of General Permit 1</b>			
<b>Type of Regulated Development</b>	<b>Applicability</b>	<b>Authorization</b>	<b>Terms and Conditions</b>
<b>Watershed Benefit Measure</b>	<b>Subsection A</b>	<b>Subsection B</b>	<b>Subsection C(1) and C(18)</b>

Section 595-9C(8)(c)

*Reason: Removal of a website address that may change*

(c) All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action. The Illinois Urban Manual ([www.aiswed.org/IUM](http://www.aiswed.org/IUM)) or other references approved by the enforcement officer may be used for proper material sizing.

Section 595-9C

*Reason: The addition of a watershed benefit measure category under the general permit for routine maintenance to encourage the practice of green infrastructure and naturalization*

**18. Watershed benefit measure. To be authorized by this General Permit Number 1, watershed benefit measure shall meet the following criteria:**

- (a) This General Permit Number 1 applies to construction of a watershed benefit measure.**
- (b) A narrative shall be provided describing the project, the intended watershed benefits, and how the project will not adversely affect adjacent properties.**
- (c) Watershed benefit measure projects shall not exceed 1.0 mile for linear projects or 1.0 acre for non-linear projects.**
- (d) All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action. The Illinois Urban manual or other references approved by the Enforcement officer may be used for proper material sizing.**
- (e) Materials shall be placed in a way that would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.**
- (f) Materials shall be placed so that the modified cross-sectional area of a channel conforms to that of the natural channel upstream and downstream of the development site. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.**
- (g) Spoil materials shall be spread thinly (less than 0.1 foot) and incorporated into existing cultivated areas, or shall be hauled away from the development site.**
- (h) Temporary stockpiles greater than 100 cubic yards and temporary stockpiles remaining in place for more than 7 days shall not be located in flood hazard areas and shall be non-obstructive to flood flows. Temporary stockpile areas shall not occupy more than 20,000 square feet in total.**
- (i) The installation, repair, replacement abandonment, or removal of drain tiles shall be annotated on a drain tile survey for any restoration and enhancement activities involving drain tiles.**
- (j) This General Permit Number 1 does not authorize:**
  - [1] Fill within flood hazard areas, except that which would restore the development site to the natural condition;**
  - [2] Projects that only qualify as dredging;**
  - [3] The relocation or channelization of a linear waterway such as a river, stream, or creek; or**
  - [4] In-stream work performed beyond the toe of the slope, with the exception of naturalized grade control that does not result in a loss of conveyance.**

Section 595-10B(1)(b)[12]

*Reason: Further clarification*

[12] Top of foundation, lowest floor, low opening elevation, and floodproofing elevations of all proposed structures adjacent to **or within a flood hazard area**, stormwater management facility or along an overland flow path;

Section 595-22C(4)

*Reason: This was concern was brought to McHenry County by the Farm Bureau with regards to potential downstream impacts caused by development. The ordinance changes require developments to notify the downstream property owners of the development. Based upon City requirements and the current zoning of the City, this ordinance change should not impact City developments.*

(4) Stormwater management facility data and calculations for the development site and tributary areas, if stormwater storage is necessary for the development site to meet the requirements of this chapter. The data and calculations shall include the following:

- (a) A narrative identifying the procedures, assumptions, and data used in hydrologic and hydraulic calculations to determine the post-development allowable release rate and related stormwater storage volume;
- (b) A tabular summary of existing, allowable, and proposed release rates for design storm events;
- (c) A tabular summary of required and proposed stormwater storage volumes for design storm events;
- (d) Elevation versus storage area data for the stormwater management facility;
- (e) Elevation versus discharge curve data for the control structure of the stormwater management facility;
- (f) Elevation versus time data for the stormwater management facility;
- (g) Calculations demonstrating that the overflow structure is sized to meet the requirements of this chapter;
- (h) Assumptions or calculations utilized to determine tailwater conditions for the development site;
- (i) Seeding and/or planting specifications for detention within IWMC; ~~and~~
- (j) Copy of letter notifying adjoining downstream property owner(s) and return receipt of the certified mail as required in section 595-26E(4)(a)[8]; and**
- (k) Copy of letter notifying any drainage district within the watershed where the development site is located and return receipt of the certified mail as required in section 595-26E(4)(a)[9].**

Section 595-25A(1)

*Reason: Removal of a website address that may change*

(1) Control measures shall meet the minimum standards and specifications of the Illinois Urban Manual (~~[www.aiswed.org/IUM](http://www.aiswed.org/IUM)~~) unless stated otherwise in this chapter.

Section 595-25A(11)(a)

*Reason: Removal of a website address that may change*

(a) Silt fences meeting the standards and specifications of the Illinois Urban Manual ([www.aiswed.org/IUM](http://www.aiswed.org/IUM)) or AASHTO Standard Specification 288-00;

Section 595-25B(4)

*Reason: Removal of a website address that may change*

(4) Unless otherwise specified in this chapter or in the Illinois Urban Manual ([www.aiswed.org/IUM](http://www.aiswed.org/IUM)), the structural practices shall be designed for a storm event equal to or greater than a twenty-five-year, twenty-four-hour storm.

Section 595-26A(1)

*Reason: Language updated to make sure that the development doesn't cause any impacts to properties downstream.*

(1) All concentrated stormwater discharges from a development site shall be conveyed into an existing channel, storm sewer, or overland flow path **with adequate downstream stormwater capacity** and shall not result in flood damage at ~~the development site or upstream of the development site.~~

Section 595-26C(6)

*Reason: Moved to section 595-26E(4)(a)[9]*

~~f. Concentrated discharges from a development site shall be connected to an existing drain tile, where possible; however, the primary outlet from the development site shall be a surface discharge and the drain tile connection shall be designed as a secondary, low flow outlet. When no reasonable alternative exists, the Enforcement Officer may approve the connection of a concentrated discharge from a development site to an existing drain tile as the primary outlet, provided the existing drain tile is located within a deed or plat restriction to the point it discharges into a channel.~~

Section 595-26E(1)(a)[1][b]

*Reason: Language updated to make sure that the development doesn't cause any impacts to properties downstream.*

[b] The applicant demonstrates to the satisfaction of the enforcement officer that **there is adequate downstream stormwater capacity and** the development **shall will** not result in flood damage at ~~the development site, upstream of the development site, or on downstream adjoining properties;~~ or

Section 595-26E(1)(a)[2][b]

*Reason: Language updated to make sure that the development doesn't cause any impacts to properties downstream.*

[b] The applicant demonstrates to the satisfaction of the enforcement officer that **there is adequate downstream stormwater capacity and** the development **shall will** not result in flood damage at ~~the development site, upstream of the development site, or on downstream adjoining properties;~~ or

Section 595-26E(4)

*Reason: This concern was brought to McHenry County by the Farm Bureau with regards to potential downstream impacts caused by development. The ordinance changes require developments to notify the downstream property owners of the development. Based upon City requirements and the current zoning of the City, this ordinance change should not impact City developments.*

(4) Stormwater management facilities.

(a) Basic requirements. The following requirements apply to the stormwater management facilities for all regulated development required to meet the stormwater storage requirements of this chapter:

[1] Off-site runoff may be bypassed around a proposed stormwater management facility.

[2] Stormwater management facilities shall be sized for the runoff from any public road improvements required as part of the regulated development.

[3] Stormwater management facilities shall be designed to dewater within 72 hours following the end of the design storm.

[4] A stable overflow shall be provided for each stormwater management facility. The overflow shall be capable of passing the unattenuated inflow from the one-hundred-year critical duration storm from the entire tributary area without increasing flood heights on upstream adjoining properties or resulting in flood damage at the development site, based on runoff calculations meeting the runoff rates and storage volume standards of this chapter. The overflow elevation shall be at or above the one-hundred-year design high water elevation.

[5] A minimum freeboard of one foot shall be provided above the design high water surface elevation of the one-hundred-year flow through the overflow.

[6] Stormwater management facilities serving more than one property shall be located in a deed or plat restriction with access to the stormwater management facility from the public right-of-way. The enforcement officer may waive the requirement for a deed or plat restriction where an increase in flood heights on upstream properties is unlikely to result from the lack of maintenance of the stormwater management facility.

**[7] The applicant shall notify adjoining downstream property owner(s) via certified mail return receipt of any proposed stormwater management facility outlet location and design. Notification shall occur prior to preliminary Planned Unit Development or Plat of Subdivision or shall be provided at the first permit application submittal, whichever is earlier.**

**[8] The applicant shall notify any drainage district within the watershed where the development site is located via certified mail return receipt of any proposed stormwater management facility outlet location and design. Notification shall occur prior to preliminary Planned Unit Development or Plat of Subdivision or shall be provided at the first permit application submittal, whichever is earlier.**

[9] Concentrated discharges from a development site shall be connected to an existing drain tile, where possible; however, the primary outlet from the development site shall ~~shall~~ **should** be a surface discharge and the drain tile connection

shall be designed as a secondary, low flow outlet. When no reasonable alternative exists, the Enforcement Officer may approve the connection of a concentrated discharge from a development site to an existing drain tile as the primary outlet, provided the existing drain tile **has adequate hydraulic capacity and structural integrity and** is located within a recorded deed or plat restriction to the point it discharges into a channel. **The deed or plat restriction must be approved by the Enforcement Officer prior to issuance of a stormwater management permit.**

**[10] Stormwater management facility discharges onto adjoining properties shall be designed to release as sheet flow using a level spreader, or other energy dissipation device, approved by the Enforcement Officer.**

**[11] An off-site outfall shall be constructed to convey the release from a stormwater management facility if an analysis demonstrates that adequate downstream stormwater capacity cannot be achieved or if land damage to an agricultural swale may occur.**

**[a] The off-site outfall shall be evaluated to the nearest open channel. If the outfall is located within a publicly owned storm drainage system, it shall be evaluated to the downstream location directed by the Enforcement Officer.**

**[b] Stormwater management facility discharges to downstream agricultural surface drainage systems with no base flow must be conveyed 100% underground within forty-eight (48) hours after a storm event up to and including the 100 year, 24 hour storm event.**

**[c] Off-site outfalls shall be located within a public right-of-way or deed or plat restricted area and marked on the as-built plans. The deed or plat restriction language shall clearly define the individual or entity responsible for perpetual maintenance.**

**[d] If an off-site outfall is required to be constructed and the downstream property owner(s) refuse(s) to grant access across his or her property, and construction within a right-of-way or alternative route is not feasible or reasonable, the applicant shall provide the Enforcement Officer a two (2) year post-development security for the engineer's estimate of probable construction cost for the off-site outfall plus a ten percent (10%) contingency. If the downstream property owner has not granted access for construction of the improvements within two (2) years following completion of the development, the Enforcement Officer shall release the security.**

Section 595-27P(2)(b)[2]

*Reason: Update wording*

(2) Documentation must be provided that the existing crossing has not caused demonstrable flood damage. In the case of public projects, certification by a District Engineer of the Department of Transportation's Division of Highways, a county engineer (if a ~~registered~~ licensed professional engineer), or a municipal engineer (if a ~~registered~~ licensed professional engineer)

that the existing crossing has not caused demonstrable flood damage will be adequate documentation.

Section 595-28C(3)

*Reason: Further clarification*

(3) The presence and boundary of farmed wetlands on **agricultural land** within or adjacent to a development site shall be determined by the NRCS or a wetland specialist, in accordance with the current NRCS or USACE wetland delineation methodology.

Section 595-36(C)

*Reason: Inclusion of a Certified Floodplain Manager. Note the City Engineer is currently a Certified Floodplain Manager as well as the employees at Christopher B. Burke Engineering, the City's stormwater consultant.*

C. Utilize a form to document the following characteristics for each stormwater management permit issued:

- (1) The proposed hydrologically disturbed area;
- (2) The existing and proposed impervious area and the impervious area that existed at the development site prior to the effective date of this chapter;
- (3) Whether a flood hazard area exists on the development site;
- (4) Whether an IWMC exists on the development site;
- (5) The development classification;
- (6) The signature of the Certified Floodplain Manager that has reviewed and recommends approval of the stormwater management permit application, if applicable;**
- ~~(6)~~(7) The signature of the licensed professional engineer who has reviewed and recommends approval of the stormwater management permit application, if applicable;
- ~~(7)~~(8) The signature of the wetland specialist who has reviewed and recommends approval of the stormwater management permit application, if applicable;
- ~~(8)~~(9) The signature of the enforcement officer issuing the stormwater management permit;

Section 595-36E

*Reason: Inclusion of a Certified Floodplain Manager. Note the City Engineer is currently a Certified Floodplain Manager as well as the employees at Christopher B. Burke Engineering, the City's stormwater consultant.*

**E. Ensure that a Certified Floodplain Manager reviews or supervises the review of a Permit application within a flood hazard area.**

Section 595-38A

*Reason: Inclusion of a Certified Floodplain Manager. Note the City Engineer is currently a Certified Floodplain Manager as well as the employees at Christopher B. Burke Engineering, the City's stormwater consultant.*



- (1) The community shall be participating in the regular phase of the NFIP and shall not be a NFIP-sanctioned community;
- (2) The community shall have adopted this chapter or an ordinance that is at least as stringent and contains all the criteria of this chapter;
- (3) The community shall have a Certified Floodplain Manager in the employ or under contract; and**
- ~~(3)~~(4) The community shall agree to perform the duties of the enforcement officer within the community's jurisdiction.

Section 595-38B(5)

*Reason: Inclusion of a Certified Floodplain Manager. Note the City Engineer is currently a Certified Floodplain Manager as well as the employees at Christopher B. Burke Engineering, the City's stormwater consultant.*

- (5) Certified communities shall submit an annual report summarizing the community's stormwater management permit activity. At a minimum, the annual report shall include:
  - (a) The name and contact information for the enforcement officer;
  - (b) The name and contact information of the Certified Floodplain Manager;**
  - ~~(b)~~(c) The name and contact information for the licensed professional engineer responsible for reviewing or supervising the review of any plans, calculations or analyses prepared by a licensed professional engineer as part of a stormwater management permit application;
  - ~~(c)~~(d) The name and contact information for the wetland specialist responsible for reviewing or supervising the review of any documents prepared by a wetland specialist as part of a stormwater management permit application;
  - ~~(d)~~(e) Documentation of the following characteristics of each stormwater management permit issued:
    - [1] The proposed hydrologically disturbed area;
    - [2] The existing and proposed impervious area and the impervious area that existed at the development site prior to the effective date of this chapter;
    - [3] Whether a flood hazard area exists on the development site;
    - [4] Whether an IWMC exists on the development site;
    - [5] The development classification;
    - [6] The signature of the Certified Floodplain Manager that has reviewed and recommends approval of the stormwater management permit application, if applicable;**
    - ~~[6]~~[7] The signature of the licensed professional engineer that has reviewed and recommends approval of the stormwater management permit application, if applicable;
    - ~~[7]~~[8] The signature of the wetland specialist that has reviewed and recommends approval of the stormwater management permit application, if applicable;
    - ~~[8]~~[9] The signature of the enforcement officer issuing the stormwater management permit;

- (e)(f) A list of any stormwater management permits issued for regulated development that was designed and reviewed by the same firm;
- (f)(g) A summary of any variances granted to the provisions of this chapter; and
- (g)(h) A list of any pending violations to the provisions of this chapter.

Section 595-38B(4)(b)

*Reason: Inclusion of a Certified Floodplain Manager. Note the City Engineer is currently a Certified Floodplain Manager as well as the employees at Christopher B. Burke Engineering, the City's stormwater consultant.*

(b) The **Certified Floodplain Manager(s)**, licensed professional engineer(s) or wetland specialist(s) responsible for review of stormwater management permit applications for the certified community.

Section 595 Appendix 1

*Reason: Updating of the flow chart to match the text changes.*

The flow charts add "Watershed Benefit Measure" under List of Routine Projects.

Section 595 Attachment 2 Appendix 2

*Reason: Removal of a website address that may change*

(1) Control measures shall meet the minimum standards and specifications of the Illinois Urban Manual ([www.aiswed.org/IUM](http://www.aiswed.org/IUM)) unless stated otherwise.

Section 595 Attachment 4, Appendix A

*Reason: The Illinois State Water Survey has updated the statewide rainfall amounts for use in modelling and calculating runoff. Per state guidance and regulatory requirements, the rainfall amounts are being updated to match the updated Bulletin 70 report.*

Updated charts will now be included.

Section 595 Appendix 12 Definitions

*Reason: Provide further clarification and definition of words used throughout the ordinance.*

**AGRICULTURAL LAND:** Land predominantly used for agricultural purposes.

**AGRICULTURAL SWALE:** Grassed waterway or cultivated swale within a farm field under agricultural production which is ephemeral in nature and does not have a defined bed and banks.

**ADEQUATE DOWNSTREAM STORMWATER CAPACITY:** A downstream channel or stormwater management system with the ability to store and convey the anticipated 100-year stormwater runoff without increasing damage to adjoining properties.

**CERTIFIED FLOODPLAIN MANAGER (CFM):** A certification by the Association of State Floodplain Managers, which is designated to establish educational, training and experience criteria related to floodplain management, hazard mitigation, National Flood Insurance Program and to certify that an individual applicant has met these criteria.

**DAMAGE:** A measurable rise in flood heights on property unless it is contained within the streambanks or a recorded deed or plat restricted area.

**DRAINAGE DISTRICT:** A special district created by petition or referendum and court approval. It has the power to construct and maintain drainage improvements and to pay for the improvements with assessments on the land within the district boundaries. An assessment on the land cannot be greater in value than the benefits of the drainage improvements.

**FARMED WETLAND:** Any wetland that has been identified as a “Farmed Wetland” in accordance with the current “National Food Security Act Manual” (NFSAM) and the current U.S. Army Corps of Engineers – Chicago District methodology.

**GREEN INFRASTRUCTURE:** Any stormwater management technique or practice that reduces runoff volume through preserving, restoring, utilizing, or enhancing the processes of infiltration, evapotranspiration, and reuse. Approaches may include, but not be limited to, green roofs, naturalized detention facilities, trees and tree boxes, rain gardens, vegetated swales, wetlands, infiltration planters, porous and permeable pavements, porous piping systems, dry wells, vegetated median strips, reforestation/revegetation, rain barrels and cisterns, and protection and enhancement of riparian buffers and floodplains.

**OUTFALL:** Discharge or point of discharge of a culvert or other closed conduit from a development at which stormwater can be released from the development site without causing scour, erosion, flooding, sedimentation or produce any damage in the receiving system.

**OPEN CHANNEL:** A conveyance system with a definable bed and banks carrying the discharge from field tiles and surface drainage including a ditch, culvert, stream, creek, and river. An open channel does not include grassed swales or cultivated swales within a farm field under agricultural production which are ephemeral in nature.

**OVERSIGHT COMMITTEE:** A decision-making authority. The City Council shall act as the oversight committee for the City of Crystal Lake.

**WATERSHED BENEFIT AREA:** A Natural Resource Conservation service (NRCS) Conservation Practice, or other approved practice, used to mitigate the adverse stormwater related effects of development. Measures include practices that: stabilize swales, agricultural ditches and streams; reconnect channels and wetlands to the floodplain; create or enhance wetlands, buffers and riparian areas; improve and preserve natural upland areas such as prairies and forest stands; and filter or remove pollutants from impervious areas or agricultural practices. Examples of allowable NRCS Conservation Practices include bioreactors, channel bed stabilization, constructed wetland, contour buffer strips, drainage water management plan implementation, filter strips, grassed waterway, riparian forest buffer, riparian herbaceous cover, saturated buffers, streambank and shoreline protection, stream habitat improvement and management, wetland creation, wetland enhancement, and wetland restoration.



Agenda Item No: 18

## City Council Agenda Supplement

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Meeting Date: November 17, 2020

Item: Truth in Taxation Compliance Procedural Requirement

Staff Recommendation: Motion to adopt a resolution determining the 2020 tax levy in compliance with the Truth in Taxation Law

Staff Contact: Gary J. Mayerhofer, City Manager  
Jodie Hartman, Director of Finance

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Background:

Adoption of this resolution is procedural requirement as the actual levy ordinance will be considered after the public hearing at the December 15, 2020 City Council meeting. The process in determining the actual tax levy is challenging because the actual dollars collected from the 2020 tax levy are not received until fiscal year 2021/22, for which the City has not yet considered an annual budget, however the proposed levy includes **NO INCREASE** to the total dollar levied. The amounts for line items included in the levy, such as public safety pensions a portion of Fire Rescue operations have already been calculated and determined necessary. The actual tax levy ordinance will be placed on the December 15, 2020 City Council agenda for consideration.

The proposed tax levy is not more than 5% than the taxes extended for the prior tax levy therefore, a “Black Box” publication is not required but will be voluntarily printed in the local newspaper as an act of transparency. Similarly, a voluntary public hearing has been scheduled for December 15, 2020, prior to the adoption of the tax levy ordinance.

Recommendation:

It is staff’s recommendation to approve the attached resolution determining the maximum 2020 tax levy.

Votes Required to Pass:

Simple majority

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**DRAFT**



Res. 20R-

**RESOLUTION**

WHEREAS, the City Council of the City of Crystal Lake, McHenry County, Illinois, a home rule corporation, herein referred to as the "City", wishes to comply with the Truth in Taxation Act, ILCS Chapter 35:200/18-et seq.; and

WHEREAS, this determination is made more than twenty (20) days prior to the proposed adoption of the City's aggregate levy and is in compliance with the Truth in Taxation Act; and

WHEREAS, in compliance with the Truth in Taxation Act, since the proposed tax levy is not more than 5% than the taxes extended for the prior tax levy, a notice is not required to be published in a general circulation newspaper published in the taxing district and therefore will not be published; and

WHEREAS, a public hearing will be held prior to the adoption of the tax levy ordinance.

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

The Corporate Authorities determine the amount of money estimated to be necessary to be raised by taxation for the 2020 tax levy is approximately \$17,729,805 which is no more than 105% of the aggregate extensions for the 2019 tax levy, which was \$17,729,805.

DATED at Crystal Lake, Illinois this 17<sup>th</sup> day of November, 2020.

CITY OF CRYSTAL LAKE,  
an Illinois municipal corporation,

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

SEAL

ATTEST

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

PASSED: November 17, 2020

APPROVED: November 17, 2020



**Agenda Item No: 19**

## **City Council Agenda Supplement**

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**Meeting Date:** November 17, 2020

**Item:** Board and Commission Appointment – Library Board

**Mayor’s Recommendation:** Motion to appoint Chuck Stump to the Library Board for a term ending June 30, 2023.

**Contact:** Haig Haleblan, Acting Mayor

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### **Background:**

Effective November 30, 2020, Stacey Lorenz will be resigning from her position on the Library Board. As such, there is a vacancy on the Board expiring June 30, 2023.

The Library Board has recommended Chuck Stump for appointment.

Library Board appointments and reappointments are nominated by the Mayor and confirmed by the City Council.

Should the Council have any questions, please contact Acting Mayor Haig Haleblan.

**Votes Required to Pass:** Simple majority