



CITY OF CRYSTAL LAKE
AGENDA
CITY COUNCIL
REGULAR MEETING
City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
October 5, 2021
7:00 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes – September 21, 2021 Regular City Council Meeting**
5. **Accounts Payable**
6. **Public Presentation**
The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the City staff, Mayor or City Council will not be allowed at this time, nor will any comment from the Council. Personal invectives against City staff or elected officials are not permitted.
7. **Mayor's Report**
8. **City Council Reports**
9. **Consent Agenda**
 - a. **Championship Signs Resolution**
 - b. **Board and Commission Reappointment – Fire and Police Commission**
10. **City Code Amendment to Increase the Number of Class 14 Liquor Licenses - Applicant: HQ Remodeling Inc., d/b/a Sushi U, located at 5899 Northwest Highway, Unit A**
11. **City Code Amendment to Increase the Number of Class 9 Liquor Licenses - Applicant: Beaners Mexican BBQ, d/b/a Chingon BBQ, located at 540 E. Terra Cotta, Units J-L**
12. **Local Agency Agreement for Federal Participation with the Illinois Department of Transportation (IDOT) for construction and appropriation of Motor Fuel Tax (MFT) funds for the North Main Street Improvement**
13. **Council Inquiries and Requests**
14. **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**
15. **Reconvene to Regular Session**
16. **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**

Meeting Date: October 5, 2021

Item: Championship Signs Resolution

Staff recommendation: Motion to adopt a Resolution authorizing signs to be placed along the City right-of-way recognizing Prairie Ridge High School’s Rylee Lydon as the 2021 400 Meter Girl’s Track IHSA State Champion.

Staff Contact: Michael Magnuson, Director of Public Works

Background:

On July 1, 2008, the City Council adopted a resolution creating a Championship Signs Program that recognizes individuals or teams from the community who have won State championships. After a request, two signs are installed near the school and the championship signs remain in place for a one-year period, after which the signs will be taken down, with one sign given to the high school or club as a memento honoring the individual or team champions.

During the summer of 2021, Rylee Lydon from Prairie Ridge High School, won the 400 Meter Girl’s Track State Championship. This is a tremendous accomplishment by this student-athlete.

Recommendation:

Staff recommends that signs be placed in relative proximity to Prairie Ridge High School to recognize this individual for her achievement.

Votes Required to Pass:

Simple majority.

DRAFT



RESOLUTION

WHEREAS the CITY OF CRYSTAL LAKE publically recognizes significant accomplishments by local student-athletes; and

WHEREAS, in 2021, Rylee Lydon from Prairie Ridge High School, won the 400 Meter Girl’s Track IHSA State Championship.

NOW THEREFORE BE IT RESOLVED BY THE 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 is authorized to direct staff to place signs in the City’s right-of-way acknowledging Rylee Lydon’s 400 Meter Girl’s IHSA State Championship.

DATED this 5th day of October, 2021.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
Haig Haleblian, MAYOR

SEAL

ATTEST

Nick Kachiroubas, CITY CLERK

PASSED: October 5, 2021
APPROVED: October 5, 2021



Agenda Item No: 9b

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	October 5, 2021
<u>Item:</u>	Fire and Police Commission Reappointment
<u>Recommendation:</u>	City Council Discretion
<u>Contact:</u>	Haig Haleblian, Mayor

Background:

Lori Parrish has served on the Fire and Police Commission for several terms. The Fire and Police Commission is established by the City Code and assists with the hiring and promotional process for certain positions in the Fire Rescue and Police Departments. In certain circumstances, they may also assist with discipline for non-bargaining unit sworn police and fire members. Ms. Parrish's term expired June 30, 2021, however she would like to be reappointed. If Ms. Parrish is reappointed, her term would expire June 30, 2024.

Fire and Police Commission members are appointed by the Mayor with the consent of the City Council.

Should the Council have any questions, please contact Mayor Haleblian.

Votes Required to Pass: Simple majority



Agenda Item No: 10

**City Council
Agenda Supplement**

Meeting Date: October 5, 2021

Item: City Code Amendment to Increase the Number of Class 14 Liquor Licenses – Applicant: HQ Remodeling Inc., d/b/a Sushi U, located at 5899 Northwest Highway, Unit A.

Staff Recommendation: Motion to adopt an Ordinance increasing the number of Class 14 liquor licenses from the currently permitted 5 licenses to 6 licenses, in order to allow for the issuance of a new Class 14 liquor license to HQ Remodeling Inc., d/b/a Sushi U, located at 5899 Northwest Highway, Unit A.

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

Background:

HQ Remodeling Inc., d/b/a Sushi U, located at 5899 Northwest Highway, Unit A, is requesting the creation of a Class 14 liquor license to allow for the sale of beer and wine for consumption at their new location.

The Class 14 license authorizes the retail sale of beer and wine for consumption only on the premises specified in the license where sold between the hours of 11:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 11:00 a.m. and 2:00 a.m. Friday and Saturday; and noon on Sunday and 1:00 a.m. on Monday. A Class A type restaurant may be located on the premises.

The annual fee for such a license is \$1,000.00.

The applicant has paid the application fee, submitted paperwork for application and licensing, and background checks are pending. There are no zoning issues with this request.

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

- Completion of background checks
- Payment of prorated license fee
- Proof of Liquor Liability Insurance
- Surety Bond in the amount of \$1,000 to the City of Crystal Lake

- Certificate of Occupancy

The following establishments currently hold Class 14 Liquor Licenses.

<u>Name</u>	<u>Address</u>	<u>Zoning</u>
Asian Buffet and Grill	18 Crystal Lake Plaza	"B-2 PUD"
Chuck E Cheese	4725 Northwest Highway (Rose Plaza)	"B-2"
Portillo's	855 Cog Circle (Archway East)	"B-2 PUD"
McHenry County College	8900 Northwest Hwy	"W"
Urban Air Crystal Lake	220 Exchange Drive, Suite F	"M"

The attached Ordinance approves an increase in the number of Class 14 liquor licenses in order to allow HQ Remodeling Inc., d/b/a/ Sushi U, located at 5899 Northwest Highway, Unit A, to sell beer and wine for consumption at their location.

Votes Required to Pass:

Simple majority

DRAFT

Ord. No.
File No. 255 L



The City of Crystal Lake

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

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

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

1. Class 14 License shall be increased from 5 to 6.

SECTION II: That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

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

DATED at Crystal Lake, Illinois, this 5th day of October, 2021.

City of Crystal Lake, an
Illinois municipal corporation

Haig Haleblian, MAYOR

SEAL

ATTEST

Nick Kachiroubas, CITY CLERK

PASSED: October 5, 2021
APPROVED: October 5, 2021



Agenda Item No: 11

**City Council
Agenda Supplement**

Meeting Date:

October 5, 2021

Item:

City Code Amendment to Increase the Number of Class 9 Liquor Licenses – Applicant: Beaners Mexican BBQ, d/b/a Chingon BBQ, located at 540 E. Terra Cotta Avenue, Units J, K, and L.

Staff Recommendation:

Motion to adopt an Ordinance increasing the number of Class 9 liquor licenses from the currently permitted 5 licenses to 6 licenses, in order to allow for the issuance of a new Class 9 liquor license to Beaners Mexican BBQ, d/b/a Chingon BBQ, located at 540 E. Terra Cotta Avenue, Units J, K, and L.

Staff Contact:

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

Background:

Beaners Mexican BBQ, d/b/a Chingon BBQ, located at 540 E. Terra Cotta Avenue, Units J, K, and L, is requesting the creation of a Class 9 liquor license to allow for the sale of alcoholic liquor in the original package and sale of alcoholic liquor for consumption at their location (former Crystal Lake Rib House).

The Class 9 license authorizes the retail sale, on the premises specified, of alcoholic liquor, for consumption, on the premises as well as the retail sale of alcoholic liquor in the original package between the hours of 11:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 11:00 a.m. and 2:00 a.m. Friday and Saturday; and 10:00 a.m. on Sunday and 1:00 a.m. on Monday. A Class A type restaurant may be located on the premises. For the purposes of this license, premises shall include not only the interior of any building or structure but also an open unroofed area immediately contiguous to the building or structure where alcoholic beverages are served or consumed.

The annual fee for such a license is \$1,825.00.

The applicant has paid the application fee, submitted paperwork for application and licensing, and completed a background check. There are no zoning issues with this request.

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

- Payment of prorated license fee
- Proof of Liquor Liability Insurance
- Surety Bond in the amount of \$1,000 to the City of Crystal Lake
- Certificate of Occupancy

The following establishments currently hold Class 9 Liquor Licenses.

<u>Name</u>	<u>Address</u>	<u>Zoning</u>
Buffalo Wild Wings Grill & Bar	5755 Northwest Highway	"B-2"
Moretti's	72 N. Williams Street	"B-4"
Labemi's Tavern	109 N. Main Street	"B-4"
Fire Bar and Grill	435 Angela Lane, Unit 4	"B-2"
Jalsa Restaurant & Bar	1295 Randall Road, Unit 112	"B-2 PUD"

The attached Ordinance approves an increase in the number of Class 9 liquor licenses in order to allow Beaners Mexican BBQ, d/b/a Chingon BBQ, located at 540 E. Terra Cotta Avenue, Units J, K, and L, to sell alcoholic liquor in the original package and alcoholic liquor for consumption at their location.

Votes Required to Pass:

Simple majority

DRAFT

Ord. No.
File No. 255 L



The City of Crystal Lake

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

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

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

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

SECTION II: That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

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

DATED at Crystal Lake, Illinois, this 5th day of October, 2021.

City of Crystal Lake, an
Illinois municipal corporation

Haig Haleblian, MAYOR

SEAL

ATTEST

Nick Kachiroubas, CITY CLERK

PASSED: October 5, 2021
APPROVED: October 5, 2021



Agenda Item No: 12

City Council Agenda Supplement

Meeting Date: October 5, 2021

Item: Local Agency Agreement for Federal Participation with IDOT for construction and appropriation of Motor Fuel Tax (MFT) funds for the North Main Street Improvement.

Staff Recommendation:

1. Motion to adopt a Resolution authorizing the City Manager to execute the Local Agency Agreement for Federal Participation with Illinois Department of Transportation (IDOT) for construction of the North Main Street improvement.
2. Motion to adopt a Resolution appropriating \$1.36 million in MFT funds for the North Main Street improvement construction.

Staff Contact: Michael Magnuson, Director of Public Works and Engineering

Background:

The North Main Street project includes the installation of a new traffic signal with other improvements at the intersection of North Main Street and Route 176 and the resurfacing of North Main Street from Route 176 to south of Woodstock Street. It also includes upgrading the water main along Route 176 and North Main Street.

The total project cost is \$4.74 million. The City has secured \$1.5 million in Federal Surface Transportation Program (STP) funding and \$187,500 in State funds for construction of this project. The City's estimated share of the project is \$1.36 million in MFT funds and \$1.7 million in Water and Sewer funds. The attached agreement is a standard agreement that is used for all projects using federal funds. Once this agreement has been executed and all necessary approvals have been secured, IDOT will be able to let the project. The City will oversee the construction scheduled to begin in 2022.

The City's share of the project will be budgeted using MFT funds and Water and Sewer funds for the non-participatory items (water main upgrades). It is recommended that the City

appropriate \$1.36 million in MFT funds. This appropriation is for the City's share of the construction not including the water main upgrades.

Any funds that are obligated and not spent will be returned to the City's unobligated balance once the project is complete. The City has sufficient reserves in its MFT Fund for this expenditure. This project will be proposed in the budget for Fiscal Year 2022/2023.

Votes Required to Pass:

A simple majority vote.

DRAFT



RESOLUTION

WHEREAS, North Main Street was identified as an area in need of improvement; and

WHEREAS, the intersection of Route 176 and North Main Street will be improved to install a new traffic signal and other required intersection improvements; and

WHEREAS, North Main Street will be resurfaced between the railroad tracks and Route 176; and

WHEREAS, the water main will be upgraded along Route 176 and North Main Street; and

WHEREAS, the City was awarded \$1,500,000 in Federal Surface Transportation funds and \$187,500 in State funds for the improvement;

NOW THEREFORE BE IT RESOLVED BY THE 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 that the City Manager is authorized to execute the Local Agency Agreement for federal participation for the North Main Street improvements;

BE IT FURTHER RESOLVED that the City adopt a resolution appropriating \$1,360,000 in MFT funds for the North Main Street construction improvements.

DATED this 5th day of October, 2021.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____

DRAFT

Haig Haleblian, MAYOR

SEAL

ATTEST:

Nick Kachiroubas, CITY CLERK

PASSED: October 5, 2021

APPROVED: October 5, 2021



Local Public Agency Agreement for Federal Participation



LOCAL PUBLIC AGENCY

Local Public Agency		County	Section Number
Crystal Lake		McHenry	15012400PV
Fund Type	ITEP, SRTS, HSIP Number(s)	MPO Name	MPO TIP Number
STU		CMAP	11130016

Construction on State Letting Construction Local Letting Day Labor Local Administered Engineering Right-of-Way

Construction		Engineering		Right of Way	
Job Number	Project Number	Job Number	Project Number	Job Number	Project Number
C-91-172-16	6WDZ(009)				

This Agreement is made and entered into between the above local public agency, hereinafter referred to as the "LPA" and the State of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "STATE". The STATE and LPA jointly propose to improve the designated location as described below. The improvement shall be consulted in accordance with plans prepared by, or on behalf of the LPA and approved by the STATE using the STATE's policies and procedures approved and/or required by the Federal Highway Administration, hereinafter referred to as "FHWA".

LOCATION

Local Street/Road Name	Key Route	Length	Stationing	
			From	To
N. Main Street	FAU0124	0.32	0.00	0.32
Location Termini				
Route 176 to Woodstock Street				
Current Jurisdiction		Existing Structure Number(s)		Add Location
State and Local				Remove

PROJECT DESCRIPTION

Intersection improvement with new traffic signal, channelization, resurfacing and water main upgrade.

LOCAL PUBLIC AGENCY APPROPRIATION - REQUIRED FOR STATE LET CONTRACTS

By execution of this Agreement the LPA attests that sufficient moneys have been appropriated or reserved by resolution or ordinance to fund the LPA share of project costs. A copy of the authorizing resolution or ordinance is attached as an addendum.

METHOD OF FINANCING - (State-Let Contract Work Only)

Check One

- METHOD A - Lump Sum** (80% of LPA Obligation _____)
 Lump Sum Payment - Upon award of the contract for this improvement, the LPA will pay the STATE within thirty (30) calendar days of billing, in lump sum, an amount equal to 80% of the LPA's estimated obligation incurred under this agreement. The LPA will pay to the STATE the remainder of the LPA's obligation (including any nonparticipating costs) in a lump sum within thirty (30) calendar days of billing in a lump sum, upon completion of the project based on final costs.
- METHOD B - _____ Monthly Payments** of _____ due by the _____ of each successive month.
 Monthly Payments - Upon award of the contract for this improvement, the LPA will pay to the STATE a specified amount each month for an estimated period of months, or until 80% of the LPA's estimated obligation under the provisions of the agreement has been paid. The LPA will pay to the STATE the remainder of the LPA's obligation (including any nonparticipating costs) in a lump sum, upon completion of the project based upon final costs.
- METHOD C - LPA's Share** _____ divided by estimated total cost multiplied by actual progress payment.
 Progress Payments - Upon receipt of the contractor's first and subsequent progressive bills for this improvement, the LPA will pay to the STATE within thirty (30) calendar days of receipt, an amount equal to the LPA's share of the construction cost divided by the estimated total cost multiplied by the actual payment (appropriately adjust for nonparticipating costs) made to the contractor until the entire obligation incurred under this agreement has been paid.

Failure to remit the payment(s) in a timely manner as required under Methods A, B, or C shall allow the **STATE** to internally offset, reduce, or deduct the arrearage from any payment or reimbursement due or about to become due and payable from the **STATE** to the **LPA** on this or any other contract. The **STATE** at its sole option, upon notice to the **LPA**, may place the debit into the Illinois Comptroller's Offset System (15 ILCS 405/10.05) or take such other and further action as may be required to recover the debt.

THE LPA AGREES:

1. To acquire in its name, or in the name of the **STATE** if on the **STATE** highway system, all right-of-way necessary for this project in accordance with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and established State policies and procedures. Prior to advertising for bids, the **LPA** shall certify to the **STATE** that all requirements of Titles II and III of said Uniform Act have been satisfied. The disposition of encroachments, if any, will be cooperatively determined by representatives of the **LPA**, the **STATE**, and the **FHWA** if required.
2. To provide for all utility adjustments and to regulate the use of the right-of-way of this improvement by utilities, public and private, in accordance with the current Utility Accommodation Policy for Local Public Agency Highway and Street Systems.
3. To provide for surveys and the preparation of plans for the proposed improvement and engineering supervision during construction of the proposed improvement.
4. To retain jurisdiction of the completed improvement unless specified otherwise by addendum (addendum should be accompanied by a location map). If the improvement location is currently under road district jurisdiction, a jurisdictional addendum is required.
5. To maintain or cause to be maintained the completed improvement (or that portion within its jurisdiction as established by addendum referred to in item 4 above) in a manner satisfactory to the **STATE** and the **FHWA**.
6. To comply with all applicable Executive Orders and Federal Highway Acts pursuant to the Equal Employment Opportunity and Nondiscrimination Regulations required by the U.S. Department of Transportation.
7. To maintain for a minimum of 3 years after final project close out by the **STATE**, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the contract. The contract and all books, records, and supporting documents related to the contract shall be available for review and audit by the Auditor General and the **STATE**. The **LPA** agrees to cooperate fully with any audit conducted by the Auditor General, the **STATE**, and to provide full access to all relevant materials. Failure to maintain the books, records, and supporting documents required by this section shall establish presumption in favor of the **STATE** for recovery of any funds paid by the **STATE** under the contract for which adequate books, records and supporting documentation are not available to support their purported disbursement.
8. To provide if required, for the improvement of any railroad-highway grade crossing and rail crossing protection within the limits of the proposed improvement.
9. To comply with Federal requirements or possibly lose (partial or total) Federal participation as determined by the **FHWA**.
10. (Local Contracts or Day Labor) To provide or cause to be provided all of the initial funding, equipment, labor, material and services necessary to complete the project.
11. (Preliminary Engineering) In the event that right-of-way acquisition for, or construction of, the project for which this preliminary engineering is undertaken with Federal participation is not started by the close of the tenth fiscal year following **FHWA** authorization, the **LPA** will repay the **STATE** any Federal funds received under the terms of this agreement.
12. (Right-of-Way Acquisition) In the event construction has not commenced by the close of the twentieth fiscal year following **FHWA** authorization using right-of-way acquired this agreement, the **LPA** will repay the **STATE** any Federal Funds received under the terms of this agreement.
13. (Railroad Related Work) The **LPA** is responsible for the payment of the railroad related expenses in accordance with the **LPA**/railroad agreement prior to requesting reimbursement from the **STATE**. Requests for reimbursement should be sent to the appropriate **IDOT** District Bureau of Local Roads and Streets Office. Engineer's Payment Estimates shall be in accordance with the Division of Cost.
14. Certifies to the best of its knowledge and belief that its officials:
 - a. are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
 - b. have not within a three-year period preceding this agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements receiving stolen property;
 - c. are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, Local) with commission of any of the offenses enumerated in item (b) of this certification; and
 - d. have not within a three-year period preceding the agreement had one or more public transactions (Federal, State, Local) terminated for cause or default.
15. To include the certifications, listed in item 14 above, and all other certifications required by State statutes, in every contract, including procurement of materials and leases of equipment.
16. (**STATE** Contracts). That execution of this agreement constitutes the **LPA's** concurrence in the award of the construction contract to the responsible low bidder as determined by the **STATE**.
17. That for agreements exceeding \$100,000 in federal funds, execution of this agreement constitutes the **LPA's** certification that:
 - a. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of congress, or any employee of a member of congress in connection with the awarding of any federal contract, the making of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

- b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of congress or an employee of a member of congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit standard form - LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- c. The **LPA** shall require that the language of this certification be included in the award documents for all subawards (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements), and that all subrecipients shall certify and disclose accordingly.
18. To regulate parking and traffic in accordance with the approved project report.
 19. To regulate encroachments on public rights-of-way in accordance with current Illinois Compiled Statutes.
 20. To regulate the discharge of sanitary sewage into any storm water drainage system constructed with this improvement in accordance with the current Illinois Compiled Statutes.
 21. To comply with the federal Financial Integrity Review and Evaluation (FIRE) program, which requires States and subrecipients to justify continued federal funding on inactive projects. 23 CFR 630.106(a)(5) defines an inactive project as a project in which no expenditures have been charged against federal funds for the past twelve (12) months.
 22. (Reimbursement Requests) For reimbursement requests the **LPA** will submit supporting documentation with each invoice. Supporting documentation is defined as verification of payment, certified time sheets or summaries, vendor invoices, vendor receipts, cost plus fix fee invoice, progress report, personnel and direct cost summaries, and other documentation supporting the requested reimbursement amount (Form BLR 05621 should be used for consultant invoicing purposes). **LPA** invoice requests to the **STATE** will be submitted with sequential invoice numbers by project.
 23. (Final Invoice) The **LPA** will submit to the **STATE** a complete and detailed final invoice with applicable supporting documentation of all incurred costs, less previous payments, no later than twelve (12) months from the date of completion of work or from the date of the previous invoice, which ever occurs first. If a final invoice is not received within this time frame, the most recent invoice may be considered the final invoice and the obligation of the funds closed. Form BLR 05613 (Engineering Payment Record) is required to be submitted with the final invoice on the engineering projects.
 24. (Project Closeout) The **LPA** shall provide the final report to the appropriate **STATE** district office within twelve (12) months of the physical completion date of the project so that the report may be audited and approved for payment. If the deadline cannot be met, a written explanation must be provided to the district prior to the end of the twelve (12) months documenting the reason and the new anticipated date of completion. If the extended deadline is not met, this process must be repeated until the project is closed. Failure to follow this process may result in the immediate close-out of the project and loss of further funding.
 25. (Project End Date) For Preliminary Engineering projects the end date is ten (10) years from the execution date of the agreement. For Right-of-Way projects the end date is fifteen (15) years from the execution date of the agreement. For Construction projects the end date is five (5) years for projects under \$1,000,000 or seven (7) years for projects over \$1,000,000 from the execution date of the agreement. Requests for time extensions and joint agreement amendments must be received and approved prior to expiration of the project end date. Failure to extend the end date may result in the immediate close-out of the project and loss of further funding.
 26. (Single Audit Requirements) That if the **LPA** expends \$750,000 or more a year in federal financial assistance they shall have an audit made in accordance with 2 CFR 200. **LPA's** expending less than \$750,000 a year shall be exempt from compliance. A copy of the audit report must be submitted to the **STATE** (Office of Internal Audit, Room 201, 2300 South Dirksen Parkway, Springfield, Illinois, 62764) within 30 days after the completion of the audit, but no later than one year after the end of the **LPA's** fiscal year. The CFDA number for all highway planning and construction activities is 20.205.
 27. That the **LPA** is required to register with the System for Award Management or SAM, which is a web-enabled government-wide application that collects, validates, stores, and disseminates business information about the federal government's trading partners in support of the contract award and the electronic payment processes. To register or renew, please use the following website: <https://www.sam.gov/SAM/>
 28. (Required Uniform Reporting) To comply with the Grant Accountability and Transparency Act (30 ILCS 708) that requires a uniform reporting of expenditures. Uniform reports of expenditures shall be reported no less than quarterly using IDOT's BoBS 2832 form available on IDOT's web page under the "Resources" tab. Additional reporting frequency may be required based upon specific conditions, as listed in the accepted Notice of State Award (NOSA). Specific conditions are based upon the award recipient/grantee's responses to the Fiscal and Administrative Risk Assessment (ICQ) and the Programmatic Risk Assessment (PRA).

NOTE: Under the terms of the Grant Funds Recovery Act (30 ILCS 705/4.1), "Grantor agencies may withhold or suspend the distribution of grant funds for failure to file requirement reports" if the report is more than 30 calendar days delinquent, without any approved written explanation by the grantee, the entity will be placed on the Illinois Stop Payment List. (Refer to the Grantee Compliance Enforcement System for detail about the Illinois Stop Payment List: <https://www.illinois.gov/sites/GATA/Pages/ResourceLibrary.aspx>)

THE STATE AGREES:

1. To provide such guidance, assistance, and supervision to monitor and perform audits to the extent necessary to assure validity of the **LPA's** certification of compliance with Title II and III Requirements.
2. (State Contracts) To receive bids for construction of the proposed improvement when the plans have been approved by the **STATE** (and **FHWA**, if required) and to award a contract for construction of the proposed improvement after receipt of a satisfactory bid.
3. (Day Labor) To authorize the **LPA** to proceed with the construction of the improvement when agreed unit prices are approved, and to reimburse the **LPA** for that portion of the cost payable from Federal and/or State funds based on the agreed unit prices and engineer's pay estimates in accordance with the division of cost page.

4. (Local Contracts) For agreements with federal and/or state funds in engineering, right-of-way, utility work and/or construction work:
 - a. To reimburse the **LPA** for federal and/or state share on the basis of periodic billings, provided said billings contain sufficient cost information and show evidence of payments by the **LPA**;
 - b. To provide independent assurance sampling and furnish off-site material inspection and testing at sources normally visited by **STATE** inspectors for steel, cement, aggregate, structural steel, and other materials customarily tested by the **STATE**.

IT IS MUTUALLY AGREED:

1. Construction of the project will utilize domestic steel as required by Section 106.01 of the current edition of the Standard Specifications for Road and Bridge Construction and federal Buy America provisions.
2. That this Agreement and the covenants contained herein shall become null and void in the event that the **FHWA** does not approve the proposed improvement for Federal-aid participation within one (1) year of the date of execution of this agreement.
3. This agreement shall be binding upon the parties, their successors and assigns.
4. For contracts awarded by the **LPA**, the **LPA** shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any USDOT - assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The **LPA** shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of USDOT - assisted contracts. The **LPA's** DBE program, as required by 49 CFR part 26 and as approved by USDOT, is incorporated by reference in this agreement. Upon notification to the recipient of its failure to carry out its approved program, the **STATE** may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S. C 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C 3801 et seq.). In the absence of a USDOT - approved **LPA** DBE Program or on state awarded contracts, this agreement shall be administered under the provisions of the **STATE'S** USDOT approved Disadvantaged Business Enterprise Program.
5. In cases where the **STATE** is reimbursing the **LPA**, obligation of the **STATE** shall cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or applicable federal funding source fails to appropriate or otherwise make available funds for the work contemplated herein.
6. All projects for the construction of fixed works which are financed in whole or in part with funds provided by this agreement and/or amendment shall be subject to the Prevailing Wage Act (820 ILCS 130/0.01 et seq.) unless the provisions of the act exempt its application.

ADDENDA

Additional information and/or stipulations are hereby attached and identified below as being a part of this agreement.

	1.	Location Map
	2.	Division of Cost
-		
Add Row		

The LPA further agrees as a condition of payment, that it accepts and will comply with the applicable provisions set forth in this agreement and all Addenda indicated above.

APPROVED

Local Public Agency

Name of Official (Print or Type Name)

Gary Mayerhofer

Title of Official

City Manager

Signature

Date

--	--

The above signature certifies the agency's Tin number is

366005840 conducting business as a Governmental Entity.

Duns Number 021427505

APPROVED

State of Illinois

Department of Transportation

Omer Osman P.E., Secretary of Transportation

Date

--	--

By:

George A. Tapas, Engineer of Local Roads & Streets

Date

--	--

Director of Planning & Programming

Date

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Yangsu Kim, Chief Counsel

Date

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Joanne Woodworth, Acting Chief Fiscal Officer

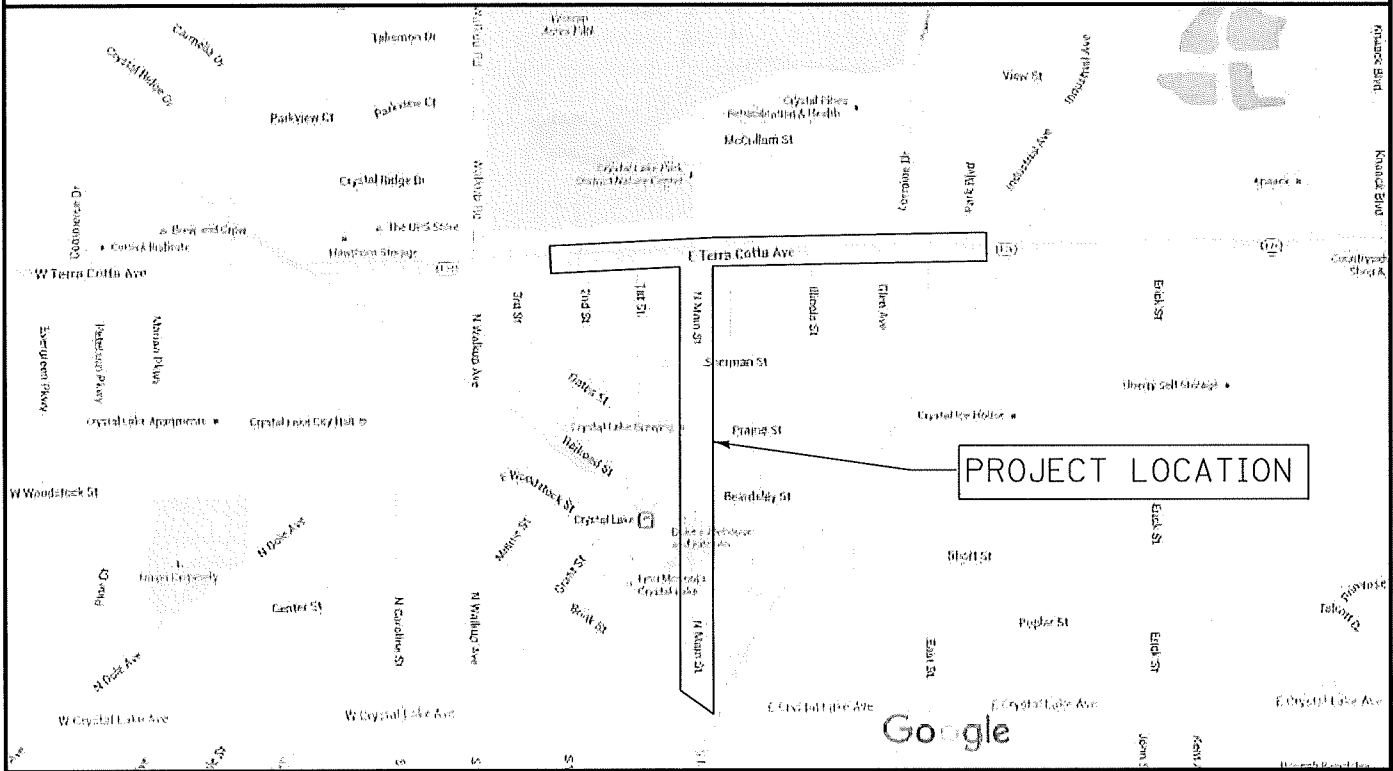
Date

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NOTE: if the LPA signature is by an APPOINTED official, a resolution authorizing said appointed official to execute this agreement is required.



Location Map



**City of Crystal Lake
N. Main Street (FAU 124) Phase 1 Project
Crystal Lake Ave to Illinois Route
McHenry County
Section # 15-00124-00-PV**

EXHIBIT E-1

Hampton, Lenzini and Renwick, Inc.
 Civil & Structural Engineers • Land Surveyors • Environmental Services
HLR ELGIN • SPRINGFIELD • WOODRIDGE
 www.hirengineering.com

ADDENDA NUMBER 2

Local Public Agency			County			Section Number		
Crystal Lake			McHenry			15012400PV		
Engineering		Right of Way						
Construction	Job Number	Project Number	Job Number	Job Number	Project Number	Job Number	Project Number	
C-91-172-16		6WDZ(009)						

DIVISION OF COST

Type of Work	Federal Funds			State Funds			Local Public Agency			Totals
	Fund Type	Amount	%	Fund Type	Amount	%	Fund Type	Amount	%	
- Participating Construction	STU	\$1,500,000.00	80%	State Funds	\$187,500.00	100%	MFT	\$1,351,993.00	20%	\$2,851,993.00
- Participating Construction							Local	\$1,702,537.00	100%	\$187,500.00
- Non-Participating Construction										\$1,702,537.00
-										
-										
-										
-										
-										
-										
-										
-										
-										
-										
-										
-										
-										
Total				Total	\$187,500.00		Total	\$3,054,530.00		\$4,742,030.00

Add

If funding is not a percentage of the total place an asterisk (*) in the space provided for the percentage and explain below:

NOTE: The costs shown in the Division of Cost table are approximate and subject to change. The final LPA share is dependent on the final Federal and State participation. The actual costs will be used in the final division of cost for billing and reimbursement.

Addendum No. 4

Grant Accountability and Transparency Act (GATA)

Required Uniform Reporting

The Grant Accountability and Transparency Act (30 ILCS 708), requires a uniform reporting of expenditures. Uniform reports of expenditures shall be reported no less than quarterly using IDOT's BoBS 2832 form available on IDOT's web page under the "Resources" tab.

Additional reporting frequency may be required based upon specific conditions, as listed in the accepted Notice of State Award (NOSA). Specific conditions are based upon the award recipient/grantee's responses to the Fiscal and Administrative Risk Assessment (ICQ) and the Programmatic Risk Assessment (PRA).

PLEASE NOTE: Under the terms of the Grant Funds Recovery Act (30 ILCS 705/4.1), "*Grantor agencies may withhold or suspend the distribution of grant funds for failure to file requirement reports*" if the report is more than 30 calendar days delinquent, without any approved written explanation by the grantee, the entity will be placed on the Illinois Stop Payment List. (Refer to the Grantee Compliance Enforcement System for detail about the Illinois Stop Payment List: <https://www.illinois.gov/sites/GATA/Pages/ResourceLibrary.aspx>)



Is this project a bondable capital improvement?

Yes No

Resolution Type

Original

Resolution Number

Section Number

15012400PV

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.

Name of Local Public Agency: 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.

For Roadway/Street Improvements:

Table with 5 columns: Name of Street(s)/Road(s), Length (miles), Route, From, To. Row 1: N. Main Street, 0.32, FAU0124, Route 176, Woodstock Street

For Structures:

Table with 5 columns: 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 improvement with new traffic signal, channelization, resurfacing and water main upgrade.

2. That there is hereby appropriated the sum of one million, three hundred and sixty thousand

Dollars (\$1,360,000.00) 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, Clerk in and for said City of Crystal Lake.

of 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 October 05, 2021.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 5 day of October, 2021.

(SEAL)

Clerk Signature and Date fields for Nick Kachiroubas.

Approved

Regional Engineer, Department of Transportation signature and date fields.