

**Agenda Item No. 4**

**City Council  
Agenda Supplement**

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**Meeting Date:**

May 4, 2010

**Item:**

Proclamation – “Look at Local History Month”

**Staff Contact:**

Anne O’Kelley, Executive Assistant

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**Background:**

The Crystal Lake Historic Preservation Commission has requested that Mayor Shepley proclaim the month of May as “Look at Local History Month.” Representatives of the Historic Preservation Commission will be present at the meeting to accept the proclamation.



**Agenda Item No: 10a**

**City Council  
Agenda Supplement**

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**Meeting Date:**

May 4, 2010

**Item:**

Slalom Tournament Qualifier, Slalom Tournament and Water Ski Show – Waiver of No-Wake Restrictions

**Staff Recommendation:**

Motion to waive no-wake restrictions for events to be held on Sunday, July 25, 2010, for the Slalom Tournament Qualifier, from 1:30 p.m. to 5:00 p.m.; Sunday, August 15, 2010, for the Slalom Tournament, from 1:30 p.m. to 5:00 p.m.; and Sunday, September 5, 2010 (rain date of September 6, 2010), for the 8<sup>th</sup> Annual Crystal Lake Water Ski Show, from 3:00 p.m. to 5:00 p.m.

**Staff Contact:**

Brad Mitchell, Assistant to the City Manager

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**Background:**

The City received a letter from the Crystal Lake Water Ski Association (CLWSA) requesting permission to hold the following events on Crystal Lake:

1. Slalom Tournament Qualifier – Sunday, July 25, 2010 from 1:30 p.m. to 5:00 p.m.
2. Slalom Tournament – Sunday, August 15, 2010 from 1:30 p.m. to 5:00 p.m.
3. 8<sup>th</sup> Annual Crystal Lake Water Ski Show – Sunday, September 5, 2010 (rain date of Monday, September 6, 2010) from 3:00 p.m. to 5:00 p.m.

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

Ski areas will be clearly marked and adequate personnel provided to ensure a safe event. Assistance is not being requested of the City.

The Police and Fire Rescue Departments have reviewed the request and do not have concerns with the events. The CLWSA is coordinating approval from the Crystal Lake Park District to utilize Main Beach for the Water Ski Show and placement of the temporary slalom course, and from the Village of Lakewood to waive no-wake restrictions.

City staff does not have any concerns with the petitioner's request to waive the no-wake restrictions, providing the following conditions are met:

- 1) The Crystal Lake Water Ski Club shall provide the City with a letter from the Crystal Lake Park District and Village of Lakewood indicating their approval.
- 2) All debris created by the event shall be cleaned up during and after the event.
- 3) Petitioner must adhere to the required City insurance provisions for the use of City-owned property by providing a certificate of insurance naming the City as additional insured, and sign the required Indemnity/Hold Harmless agreement.
- 4) Any additional permits or requests for signage shall be made through the Engineering and Building Department.

The applicant has been advised to attend the May 4, 2010 City Council meeting. The letter requesting approval for the waiver of no-wake restrictions is attached.

**Votes Required to Pass:**

Simple majority vote of the City Council



**Agenda Item No: 10b**

**City Council  
Agenda Supplement**

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**Meeting Date:** May 4, 2010

**Item:** St. Thomas School Street Closure Request

**Staff Recommendation:** Motion to approve the closure of Lake Street from an area just south of the First Congregational Church entrance to an area just south of the St. Thomas School parking lot on Wednesday, May 26, 2010 and Thursday, May 27, 2010 from 7:45 a.m. until 2:15 p.m., during the St. Thomas Field Days.

**Staff Contact:** Brad Mitchell, Assistant to the City Manager

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**Background:**

The City has received a request from St. Thomas School for the closure of Lake Street from an area just south of the First Congregational Church entrance to an area south of the St. Thomas School parking lot on Wednesday, May 26, 2010 and Thursday, May 27, 2010 from 7:45 a.m. until 2:15 p.m. for the St. Thomas Field Days. During the St. Thomas Field Days, the children will be going back and forth from the school to the playing fields, participating in a wide variety of activities. Closing Lake Street would make it safer for the children to cross from the school to the fields, as well as make it easier on the parent volunteers coordinating the St. Thomas Field Days.

City staff has reviewed the petitioner's request and does not have concerns regarding the closure of Lake Street, providing the following conditions are met:

- 1) City-owned barricades must be used to block off the street closure sections. In addition, a "Local Traffic Only" sign must be temporarily placed at the entrance to Lake Street from Dole Avenue. The petitioner must complete and submit a Barricade Borrowing Application.
- 2) The petitioner must send a notice to all affected property owners along Lake Street.
- 3) The petitioner must contact the school districts in the area in case there are any bus routes that may utilize Lake Street.

- 4) Emergency vehicle access must be maintained throughout the event. Items should not be placed on the roadway to prohibit access, and volunteers should be available to remove barricades to allow emergency vehicles on the roadway, if necessary.
- 5) Emergency access to the School must be maintained throughout the event. The petitioner must provide a plan of the St. Thomas Field Days layout.
- 6) Local traffic access to Lake Street must be maintained throughout the event. Volunteers should be available to remove barricades to allow property owners on the roadway, if necessary.
- 7) All debris created by the event shall be cleaned up during and after the event.
- 8) Petitioner must adhere to the required City insurance provisions for the use of City-owned property by providing a certificate of insurance naming the City as additional insured, and sign the required Indemnity/Hold Harmless agreement.
- 9) Any additional permits or requests for signage shall be made through the Engineering and Building Department.
- 10) In the case of inclement weather, an alternate date can be approved by the City Manager.

The petitioner has agreed to meet these conditions. The letter requesting approval for the closure of Lake Street and a map indicating the portion of the roadway to be closed have been attached for City Council consideration.

**Votes Required to Pass:**

Simple majority vote of the City Council



**Agenda Item No: 10c**

**City Council  
Agenda Supplement**

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**Meeting Date:** May 4, 2010

**Item:** Extension of the Final Plat of Subdivision and Final Planned Unit Development approval for the Eisenmann Corporation.

Jeff Wehner, applicant  
150 E. Dartmoor Drive

**Recommendation:** Motion to approve extension of the Final Plat of Subdivision and Final Planned Unit Development approval for the Eisenmann Corporation at 150 E. Dartmoor Drive to June 17, 2011.

**Staff Contacts:** Michelle Rentzsch, Director of Planning & Economic Development

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**Background:** On June 17, 2008, the City Council approved the Final Plat of Subdivision and Final Planned Unit Development for the Eisenmann Corporation. The request included the Final Plat of Subdivision to create two lots (4.23 acres for the manufacturing building and parking and 2.1 acres for the office building and parking); Final Planned Unit Development Amendment for parking lot changes; and several zoning variations to allow the plan as presented.

The petitioner has noted that due to economic conditions, they have not been able to sell or lease space within the office building. The sale or lease of the office building requires the expansion of the parking lot. They are requesting a one-year extension to June 17, 2011.

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



**Agenda Item No: 10d**

**City Council  
Agenda Supplement**

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**Meeting Date:** May 4, 2010

**Item:** Metra Ridgefield Station Annexation Public Hearing Continuation  
Metra, petitioner  
Country Club Road at Prairie Drive

**Recommendation:** Motion to continue the petitioner's request to the June 15, 2010, City Council meeting for the Annexation Public Hearing.

**Staff Contact:** Michelle Rentzsch, Director of Planning & Economic Development

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**Background:** The property in question is located in McHenry County, adjacent to the City's limits. Metra is proposing a commuter station and its associated parking lot to service this section of the county with commuter rail access. Metra is requesting annexation to the City, rezoning upon annexation and Preliminary PUD approval for their proposed project plan.

The petitioner respectfully requests that this matter be continued to the June 15, 2010, City Council meeting for the Annexation Public Hearing. The petitioner has been working with McHenry County to understand what road improvements will be required. Some additional time is requested to get this information finalized.

City staff has notified Ridgefield property owners about the continuation request.

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



**Agenda Item No: 10e**

**City Council  
Agenda Supplement**

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**Meeting Date:** May 4, 2010

**Item:** Class "16" Temporary Liquor License Requests – Crystal Lake Park District 2010 Spring/Summer/Fall Events

**Staff Recommendation:** Motion to approve issuance of thirteen (13) Class "16" Temporary Liquor Licenses to the Crystal Lake Park District for the Park District's 2010 Spring/Summer/Fall Events.

**Staff Contact:** George Koczwar, Deputy City Manager

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**Background:**

The City has received a request from the Crystal Lake Park District for issuance of Temporary Liquor Licenses for the Park District's 2010 spring/summer/fall events. The Park District is requesting thirteen (13) Class "16" Temporary Liquor Licenses for the scheduled events. These events include softball tournaments at Lippold Park on May 14-16, May 21-23, June 4-6, June 11-13, June 25-27, July 9-11, July 16-18, August 6-8, August 13-15, September 10-12, September 24-26, and October 8-10, as well as the Blast on the Beach event at Main Beach on August 28th.

Section 329-5-P of the City Code - Class "16" Temporary Liquor License - authorizes the retail sale of beer and wine for consumption upon the premises specified in the license where sold for a period not to exceed three (3) days for special events sponsored by a not-for-profit organization.

The Park District has submitted the fees required for thirteen (13) Class "16" Temporary Liquor Licenses and the required applications.

**Votes Required to Pass:**

Simple majority





**Agenda Item No: 11**

**City Council  
Agenda Supplement**

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**Meeting Date:** May 4, 2010

**Item:** Facade and Commercial Tenant Improvement Program grant application requests:

1. #09-45-026 Material Girl, 21 N. Williams Street, request for \$10,000 in matching grant funds;
2. #09-45-028 O'Reilly Automotive, 280/300 Virginia Street, request for \$10,000 in matching grant funds;
3. #09-45-029 Buy Buy Baby, 5540 Northwest Highway, request for \$10,000 in matching grant funds;

Susan Fox, applicant (Material Girl)  
Ed Randall, applicant (O'Reilly Automotive)  
Dean Lev, applicant (Inland/Buy Buy Baby)

**Recommendations:** City Council's discretion:

1. Motion to approve the façade and commercial tenant improvement grant agreement with Susan Fox, subject to the recommended conditions, and to award \$10,000 in grant funding for improvements to 21 N. Williams Street (Material Girl);
2. Motion to approve the façade and commercial tenant improvement grant agreement with Ed Randall, subject to the recommended conditions, and to award \$10,000 in grant funding for improvements to 280/300 Virginia Street (O'Reilly Automotive);
3. Motion to approve the façade and commercial tenant improvement grant agreement with Dean Lev, subject to the recommended conditions, and to award \$10,000 in grant funding for improvements to 5540 Northwest Highway (Inland/Buy Buy Baby);
4. Motion to deny the grant application request/s.

**Staff Contact:** Michelle Rentzsch, Director of Planning and Economic Development  
James Richter II, Assistant Director of Economic Development

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**Background:** On July 7, 2009, the City Council approved the façade and commercial tenant improvement programs as a component of the City's economic development incentives program. These programs provide matching grant funding for interior and exterior improvements to retail sales tax generating buildings. On May 4, 2010, the City Council will discuss new criteria for the

City's economic development matching grant programs for the 2010-2011 fiscal year. The following rewards were submitted prior to the end of the 2009-2010 fiscal year and should be considered under the current program.

To objectively analyze the applications for grant funding, review criteria have been established in the Ordinance approving this program. Charts have been provided for each grant application to summarize how well each request meets the review criteria. The current applications meet the criteria for both the previous ('09) and new programs ('10-'11).

**MATERIAL GIRL (21 N. Williams Street)**

The owner of Material Girl, Suzie Fox, has applied for grant funding assistance to support her acquisition of the building and business at 21 N. Williams Street. Material Girl will offer fine fabrics and a sewing studio for their customers.

The eligible new retailer façade and commercial tenant improvements for this space would include the exterior glass windows and doors, painting, drywall and feature walls, and electrical.

The total cost of the eligible improvements will be \$27,600. The applicant is requesting \$10,000 in matching grant funds, which is approximately 36% of the total project costs. The chart below outlines the evaluation of the applicant's request in relation to our review criteria:

<b>REVIEW CRITERIA</b>	<b>APPLICANT'S ABILITY TO MEET THE REVIEW CRITERIA</b>
Improvement to appearance	An improvement to the appearance of the subject property would be provided*
Aesthetic impact to area	Improvements would provide a minor aesthetic impact to the area
Amount of work to be conducted	Total cost of improvements is \$27,600; applicant is requesting 36% of the total costs*
Anticipated increase in EAV	A minor increase to the EAV is expected as a result of the improvements
Use of property after improvements	Supports a sales-tax-generating retail store*
Contribution to economic vitality	Positive – promotes continued occupancy of an existing downtown retailer*
Compatibility with nearby uses	Compatible with adjacent uses*

The applicant's request has been evaluated for the value of the improvement, the extent of proposed work, and its potential impact. The current application would fulfill 5 of the 7 review criteria (marked with an asterisk\*).

**RECOMMENDED CONDITIONS:**

If approved, staff recommends the following conditions be added to the grant funding request:

1. Reimbursements will not be made until the State of Illinois provides sales tax reports to verify that Material Girl is collecting and reporting sales-taxes to the City of Crystal Lake. The applicant shall sign a release form authorizing the IDOR to provide this information to the City.

**O'REILLY AUTOMOTIVE (280/300 Virginia Street)**

Ed Randall has applied for grant funding for a new O'Reilly Auto Parts store in the Virginia Street Corridor.

The eligible retailer façade and commercial tenant improvements for this business include demolition, electrical, plumbing, drywall and feature walls, ADA improvements, and life safety improvements.

The total cost of the improvements will be approximately \$633,505. The applicant is requesting \$10,000 in matching grant funds, which is approximately 1.5% of the total project costs. The chart below outlines the evaluation of the applicant's request in relation to our review criteria:

REVIEW CRITERIA	APPLICANT'S ABILITY TO MEET THE REVIEW CRITERIA
Improvement to appearance	A significant improvement to the appearance of the subject property will be made*
Aesthetic impact to area	The area will enjoy a significant aesthetic improvement as a result of this project*
Amount of work to be conducted	Total cost of improvements is \$633,505; applicant is requesting funds for 1.5% of the project*
Anticipated increase in EAV	An increase to the EAV is expected as a result of the improvements*
Use of property after improvements	Supports a sales-tax-generating retailer*
Contribution to economic vitality	Positive – provides new increment within the Virginia Street Corridor TIF district*
Compatibility with nearby uses	Compatible with adjacent uses*

The applicant's request has been evaluated for the value of the improvement, the extent of proposed work, and its potential impact. The current application would fulfill 7 of the 7 review criteria (marked with an asterisk\*).

**RECOMMENDED CONDITIONS:**

If approved, staff recommends the following conditions be added to the grant funding request:

1. The applicant will work with staff to meet the Virginia Street Corridor overlay design guidelines.
2. Reimbursements will not be made until the State of Illinois provides sales tax reports to verify that O'Reilly Automotive is collecting and reporting sales-taxes to the City of Crystal Lake. The applicant shall sign a release form authorizing the IDOR to provide this information to the City.

**INLAND REAL ESTATE / BUY BUY BABY (5540 Northwest Highway)**

Dean Lev, of Inland Real Estate, is seeking grant funding as reimbursements for the improvements that they will make to the former Linens N' Things space to accommodate a new retailer, Buy Buy Baby.

The eligible retailer façade and commercial tenant improvements for this business include demolition, façade treatment and upgrade, electrical, plumbing, drywall and feature walls, ADA improvements, and life safety improvements.

The total cost of the improvements will be approximately \$1,000,000. The applicant is requesting \$10,000 in matching grant funds, which is approximately 1% of the total project costs. The chart below outlines the evaluation of the applicant's request in relation to our review criteria:

REVIEW CRITERIA	APPLICANT'S ABILITY TO MEET THE REVIEW CRITERIA
Improvement to appearance	An improvement to exterior of subject property would be made*
Aesthetic impact to area	The improvements will aid in supporting the sustainability of the Bohl Farm*
Amount of work to be conducted	Total cost of improvements is \$1,000,000; applicant is requesting funds for 1% of the project*
Anticipated increase in EAV	A minor increase to the EAV is expected as a result of the improvements
Use of property after improvements	Improvements improve overall building appearance and fill vacant retail space*
Contribution to economic vitality	Positive – supports a significant sales-tax-generating retailer who will occupy a large vacant space*
Compatibility with nearby uses	Compatible with adjacent uses*

The applicant's request has been evaluated for the value of the improvement, the extent of proposed work, and its potential impact. The current application would fulfill 6 of the 7 review criteria (marked with an asterisk\*).

**RECOMMENDED CONDITIONS:**

If approved, staff recommends the following conditions be added to the grant funding request:

1. The applicant will work with staff to provide acceptable exterior façade improvements.
2. Reimbursements will not be made until the State of Illinois provides sales tax reports to verify that Buy Buy Baby is collecting and reporting sales-taxes to the City of Crystal Lake. The applicant shall sign a release form authorizing the IDOR to provide this information to the City.

**SUMMARY OF ALL REQUESTS**

The following chart provides a complete summary of the pending and approved grant funding requests:

File #	Applicant Name / Business name	Address	Façade Request	Build-out Request	Arch fees Requested	Total Requested	Amount Approved	Status
2009-45-003	Rich Sniadanko, American Family Ins	280 Virginia	\$0.00	\$5,000.00	\$0.00	\$5,000.00	\$0.00	No action
2009-45-001	Jeramie Campana, Campana's Café	103/106 N Main	\$917.50	\$321.22	\$0.00	\$1,238.72	\$1,238.72	Approved
2009-45-002	Bob Guss, Ms. Bossy Boots	23 N Williams	\$5,000.00	\$5,000.00	\$0.00	\$10,000.00	\$10,000.00	Approved
2009-45-004	Patty Moyer, TC Corners LLC	650 Terra Cotta	\$5,000.00	\$0.00	\$0.00	\$5,000.00	\$5,000.00	Approved
2009-45-005	Sam Lazar, Rocks Bar & Grill	394 W Virginia	\$5,000.00	\$5,000.00	\$1,000.00	\$11,000.00	\$10,000.00	Approved
2009-45-006	Corbie Dimopolous Countertop Shoppe	1295 Randall, #107a	\$2,421.90	\$2,445.63	\$0.00	\$4,867.53	\$4,867.53	Approved
2009-45-007	Ted Markee, Anderson Motors	360 N Route 31	\$5,000.00	\$5,000.00	\$1,000.00	\$11,000.00	\$11,000.00	Approved
2009-45-008	Angie Angelos, Andys Restaurant	468 Virginia	\$5,000.00	\$0.00	\$0.00	\$5,000.00	\$5,000.00	Approved
2009-45-009	Joyce Leonard, Edible Arrangements	5300 Nw Hwy #103	\$5,000.00	\$5,000.00	\$0.00	\$10,000.00	\$10,000.00	Approved
2009-45-010	Jim Heisler, Red Wing Shoes	1275 Randall, #101	\$4,653.81	\$5,000.00	\$0.00	\$9,653.81	\$9,653.81	Approved
2009-45-011	Jim M'Lady, M'Lady Nissan	5656 Nw Hwy	\$5,000.00	\$0.00	\$0.00	\$5,000.00	\$5,000.00	Approved
2009-45-012	Jeffrey Silverman, MJK/Bedding Experts	5005 Nw Hwy	\$2,500.00	\$5,000.00	\$0.00	\$7,500.00	\$7,500.00	Approved
2009-45-013	Gary Riegler, Auto Save	650 W Terra Cotta	\$4,020.00	\$0.00	\$0.00	\$4,020.00	\$4,020.00	Approved
2009-45-014	Spiro Angelos, Jameson's Charhouse	5106 Nw Highway	\$5,000.00	\$5,000.00	\$0.00	\$10,000.00	\$10,000.00	Approved
2009-45-015	Gary Andrewsky, 1776 Restaurant	297 Virginia Street	\$1,737.50	\$4,478.00	\$0.00	\$6,215.50	\$6,215.50	Approved
2009-45-016	Lisa Ryan, Derm Mania	5899 Nw Highway	\$4,462.50	\$1,449.00	\$0.00	\$5,911.50	\$5,911.50	Approved
2009-45-017	Haig Haleblian, Exceed Flooring	5186 Nw Highway	\$4,301.71	\$1,395.00	\$0.00	\$5,696.71	\$5,696.71	Approved
2009-45-018	Carrie Curie, Sweet Pea Cakes	40 N Williams	\$424.00	\$5,000.00	\$0.00	\$5,424.00	\$5,424.00	Approved
2009-45-019	Mark Carani, Regency Beauty Instit	5657 Nw Hwy, #C01	\$5,000.00	\$5,000.00	\$0.00	\$10,000.00	\$10,000.00	Approved

2009-45-020	Connie Perez, Aesthetics	650 E Terra Cotta	\$2,369.00	\$2,824.13	\$0.00	\$5,193.13	\$5,193.13	Approved
2009-45-022	Brian Coli, Georgio's Pizza	75 E Woodstock St	\$0.00	\$5,000.00	\$0.00	\$5,000.00	\$5,000.00	Approved
2009-45-023	Jim Heisler, Heisler's Bootery	50-54 N. Williams	\$3,020.00	\$0.00	\$0.00	\$3,020.00	\$3,020.00	Approved
2009-45-024	John Zielnicki, Julie Ann's Custard	6500 Nw Hwy	\$5,000.00	\$5,000.00	\$0.00	\$10,000.00	\$10,000.00	Approved
2009-45-025	Ahmed Abatorab Batteries Plus	5260 Nw Hwy	\$5,000.00	\$5,000.00	\$0.00	\$10,000.00	\$10,000.00	Approved
2009-45-026	Susan Fox, Material Girl	21 . Williams	\$5,000.00	\$5,000.00	\$0.00	\$10,000.00		Proposed
2009-45-028	Ed Randall, O'Reilly Automotive	280/300 Virginia	\$5,000.00	\$5,000.00	\$0.00	\$10,000.00		Proposed
2009-45-29	Dean Lev, Inland/BuyBuy Baby	5540 Northwest Hwy	\$5,000.00	\$5,000.00	\$0.00	\$10,000.00		Proposed

TOTALS

\$100,827.92	\$92,912.98	\$2,000.00	\$195,740.90	\$159,740.90
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**Votes Required to Pass:** A simple majority vote.



**Agenda Item No: 12**

**City Council  
Agenda Supplement**

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**Meeting Date:**

May 4, 2010

**Item:**

Anderson Motors Temporary Use Permit request for 2010 Special Promotions.

**Recommendation:**

Motion to approve the Temporary Use Permit for the Anderson Motors 2010 Special Promotions, pursuant to the recommendations below, and waive the Temporary Use Permit application fee.

**Staff Contact:**

Michelle Rentzsch, Director of Planning & Economic Development  
James Richter II, Assistant Director of Economic Development

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**Background:** Anderson Motors is requesting a Temporary Use Permit to allow special promotions throughout the remainder of this year (2010). Based upon the direction of the City Council, staff has worked with auto dealerships to encourage them to obtain one Temporary Use Permit for the year for all of the dealership's special advertising needs. This allows car dealerships to hold their promotions within the time-frames required by the manufacturers without the need for seeking individual Temporary Use Permit approval. Also, this conserves City resources by allowing all promotions to be reviewed simultaneously through a single review.

Mazda, VW and BMW require the auto dealers to hold various promotional events during the year as part of the manufacturer's overall advertising program. In the past, these promotional events have been inconsistently timed throughout the year and given to the dealers with little or no advanced notice. The challenge for the auto dealers occurs when they are sent the promotional materials, banners, and program requirements and given very short notice to begin advertising for the promotion.

Staff has worked with the petitioner to come up with a promotional schedule that allows the dealership the flexibility to commence promotions throughout the year, as needed, without being required to return to the City for individual approvals for each promotion. The petitioner is requesting approval for nine (9) total promotions throughout the year 2010, one during each month (May, June, July, August, September, October, November, and December). The Council has approved similar TUPs in the past for three different car dealerships.

The proposed schedule and the details for each of the events, including event length, and promotional items (banners and tents) are as follows:

**PROMOTION SCHEDULE**

<b>PROMOTIONAL DETAIL</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>
Length of each promotion (per month)	15 days	25 days	20 days	15 days	15 days	15 days	15 days	30 days
(6-8) Special vehicle balloons	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
(2) Manufacturer promotional banners - 4' x 8'	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
(6) Manufacturer flags - 10': Mazda, VW, BMW	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tent sale - 40' x 80' tent	Yes	Yes	Yes	Yes	Yes	No	No	Yes
VW Fest Promotion - 20' x 20' tent (3 days/month)	No	No	No	Yes	Yes	No	No	No

The petitioner is also requesting a waiver from the requirement to obtain sign permits for the banners due to the time constraints. The petitioner has indicated that the manufacturer sends banners that are less than or equal to 12 feet by 4 feet (48 sq. ft), and they agree that they can stay within that maximum area. As a compromise, the Building Division would like the applicant to notify the City when they will be installing the temporary banners and the tents in order to track the petitioner's progress on the promotional events.

If the request is approved, the following conditions are recommended:

1. The Temporary Use Permit shall be valid during the 2010 calendar year.
2. Provide a 20-foot access for emergency vehicles to gain access to the building, Fire Rescue Department connection, and the event site. The tents may need to be adjusted.
3. The tent placement on the provided plan will require a 12-foot separation from other tents, canopies, and the parking of cars.
4. All tents/canopies shall be anchored using stakes, sand, or concrete blocks.
5. If there will be any food vendors, they will require approval from the McHenry County Health Department.
6. All electrical connections and lighting shall comply with the 2005 National Electric Code.
7. If the toilet rooms located within the building will not be accessible at all times, then an accessible portable toilet shall be provided.
8. Two-way traffic on Reiland Drive shall be maintained at all times. There shall be no parking allowed on Reiland Drive.
9. Banners should be positioned so as not to prohibit sight lines.
10. On-site traffic flow must be maintained. Adjust employee parking as necessary to accommodate customer parking.

The applicant has been made aware of these recommended conditions and will be attending the May 4, 2010 City Council meeting to answer any questions.

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



**Agenda Item No: 13**

**City Council  
Agenda Supplement**

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**Meeting Date:**

May 4, 2010

**Item:**

MDC Environmental Services Agreement Amendment

**Staff Recommendation:**

A motion to amend the MDC Environmental Services contract extension agreement and adopt a resolution authorizing the City Manager to execute the MDC Environmental Services agreement amendment.

**Staff Contact:**

George J. Koczwar, Deputy City Manager

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**Background:**

At the December 18, 2007 City Council meeting, the City Council approved a residential curbside refuse, recycling and yard waste collection contract extension with MDC Environmental. Recently, the City's residential refuse hauler, MDC, has requested that the City remove a provision from that contract relating to the host benefit fee.

Paragraph 1.7.2 of the MDC extension agreement states that:

“The City shall receive \$1.30 per ton for all Crystal Lake residential waste collected by MDC. The per tonnage host benefit fee shall be adjusted by the CPI-U per section 6(c), page 9, of the Host Community Agreement with Waste Management. Each payment made to the City shall be accompanied by a report documenting the data and methodology used to determine the payment amount. MDC shall maintain records and documentation, which may be inspected by the City, per Section 8, page 12-13 of the Host Community Agreement and Section 7, page 11-12 of the Host Community Agreement. MDC shall also agree to section 8(a), 8(b), 8(c) and 8(d) of the Host Community Agreement.”

This paragraph was included in the contract extension with MDC because the Waste Management Host Community Agreement for the waste transfer station provides the City with a host benefit fee. The agreement with Waste Management allows the City to collect fees based on the amount of waste that is received and transferred from the facility. The City would also collect additional fees if Waste Management was the exclusive waste hauler for Crystal Lake residents.

In the extension agreement, MDC had agreed to compensate the City using a similar formula as proposed by Waste Management, since at the time of the signing of the extension agreement, MDC did not anticipate utilizing the waste transfer station. Section 1.7.2 of the MDC extension agreement was added to ensure parity with the Waste Management Host Community Agreement for



the waste transfer station. Page 8 of the Host Community Agreement provides for a schedule of host benefit fees. Since MDC was not planning on using the waste transfer station, the City wanted to ensure that it would not lose out on the benefit fees by not selecting Waste Management as the residential waste hauler.

Recently, MDC and Waste Management have begun discussing the possibility of MDC using the Crystal Lake Waste Transfer Station and have drafted an agreement amongst themselves. If in fact MDC begins using Waste Management's transfer station, without a modification to MDC's Agreement Extension, MDC will be required to pay the City \$1.30 per ton for all Crystal Lake residential waste even though Waste Management will be required to pay the City similar host benefit fees. In essence, without the proposed agreement amendment, and by utilizing the Waste Transfer Station, MDC will be required to pay the \$1.30 per ton fee twice; first directly to the City and secondly to Waste Management, which then would turn it over to the City through the Host Benefit Fee Agreement.

**Recommendation:**

From a City revenue standpoint, the attached agreement amendment has no impact. The agreement amendment simply allows MDC to utilize the Waste Transfer Station without having to double pay the host benefit fee. In those circumstances when MDC does not utilize the Waste Transfer Station, as indicated in the agreement amendment, then MDC would still be required to directly pay the City the \$1.30 per ton benefit fee. When MDC utilizes the Waste Transfer Station, the \$1.30 per ton fee is calculated into the tipping fee with Waste Management, who in turn forwards the host benefit fee to the City. It is staff's recommendation to adopt the attached agreement amendment with MDC. The City's legal advisor for these matters has drafted the attached agreement amendment.

**Votes Required to Pass:**

Simple majority vote of the City Council.



**DRAFT**

**The City of Crystal Lake**

**RESOLUTION**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE** that the City Manager is authorized to execute and the City Clerk is authorized to attest an agreement amendment with MDC Environment Services revising paragraph 1.7.2 of the residential curbside collection of refuse, recyclables and yard waste extension agreement.

DATED this 4<sup>th</sup> day of May, 2010.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

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

ATTEST:

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

PASSED: May 4, 2010

APPROVED: May 4, 2010

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



**Agenda Item No: 14**

**City Council  
Agenda Supplement**

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**Meeting Date:**

May 4, 2010

**Item:**

REPORT OF THE PLANNING & ZONING COMMISSION

#2010-23 Alternative Garden Supply

1. Land Use Variation to allow retail sales in the "M" Manufacturing district
2. Special Use Permit to allow delivery vehicles to be parked in the parking lot.

David and Sondi Ittel, petitioners  
176 W. Terra Cotta Avenue

**PZC Recommendation:**

Motion to approve the Planning and Zoning Commission recommendation and approve an ordinance granting a land use variation to allow retail sales in the "M" district and a Special Use Permit for outside storage of delivery vehicles at 176 W. Terra Cotta Ave.

**Staff Contact:**

Michelle Rentzsch, Director of Planning and Economic Development

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**Background:** The property in question is the former Corporate Express building, approximately 81,000-square-feet in area, located at 176 W. Terra Cotta Avenue. The property is zoned "M" Manufacturing. The petitioner is intending to locate Alternative Garden Supply, Inc., which is a warehousing distribution use that will supply to the petitioner's chain of retail stores, 'Brew and Grow' in this building. The other use at this location is proposed to be National Garden Wholesale, also a distribution warehouse. Along with these uses, the petitioner would like to operate a 'Brew & Grow' retail showroom at this location.

Warehousing Distribution (as well as the ancillary office use) is a principal permitted use in the "M" Manufacturing district per the UDO. Along with the warehousing use, the petitioners would like to locate an approximately 4,000-square-foot retail showroom 'Brew & Grow' at this location. The showroom retails beer and wine making supplies and gardening equipment. The petitioner has indicated that there is no sale of alcoholic beverages at the location; however, they would like to demonstrate the brewing process, typically on a Saturday. A use variation is necessary because retail sales are not permitted in the "M" district.

***PZC Highlights***

At the Planning and Zoning Commission meeting, the Commissioner's had no concerns with the use variation or special use request.

The Planning and Zoning Commission recommended **approval (6-0)** of the petitioner's request with the following conditions of approval:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application, received 4-2-10
  - B. ALTA/ACSM Land Title Survey, Condon, received 4-2-10
  - C. Floor Plan Sketch, Ittel, received 4-2-10
2. The use variation is granted only to this applicant at this specified location. An increase in the intensity of the use beyond what is indicated in the application is not permitted.
3. The outdoor storage is limited to Alternative Garden Supply for a maximum of two delivery vehicles. No wrecked, inoperable or other vehicles that are not used for delivery in the day-to-day operation of the business are permitted to be stored overnight. Vehicle storage must occur within the existing striped parking spaces.
4. All signage shall meet the requirements of the Unified Development Ordinance for Industrial Signs (Article 4-1000 H).
5. The petitioner shall address all comments of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue, and Police Departments.

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

# DRAFT

ORDINANCE NO. \_\_\_\_\_  
FILE NO. \_\_\_\_\_

## AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND VARIATION AT 176 W. TERRA COTTA AVENUE

WHEREAS, pursuant to the terms of a Petition (File #2010-23) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of a Special Use Permit to allow delivery vehicles to be parked in the parking lot and Land Use Variation to allow retail sales in the "M" Manufacturing district for Alternative Garden Supply and Brew and Grow store at 176 W. Terra Cotta Avenue; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Special Use Permit and Variation be issued as requested in said Petition.

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

Section I: That a Special Use Permit be issued to allow delivery vehicles to be parked in the parking lot and a Land Use Variation be granted to allow retail sales in the "M" Manufacturing district for the property commonly known as 176 W. Terra Cotta Avenue, Crystal Lake, Illinois.

Section II: Said Special Use is issued with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application, received 4-2-10
  - B. ALTA/ACSM Land Title Survey, Condon, received 4-2-10
  - C. Floor Plan Sketch, Ittel, received 4-2-10
2. The use variation is granted only to this applicant at this specified location. An increase in the intensity of the use beyond what is indicated in the application is not permitted.
3. The outdoor storage is limited to Alternative Garden Supply for a maximum of 2 delivery vehicles. No wrecked, inoperable or other vehicles that are not used for delivery in the day-to-day operation of the business are permitted to be stored overnight. Vehicle storage must occur within the existing striped parking spaces.
4. All signage shall meet the requirements of the Unified Development Ordinance for Industrial Signs (Article 4-1000 H).
5. The petitioner shall address all comments of the Planning and Economic Development,

**DRAFT**

Engineering and Building, Public Works, Fire Rescue, and Police Departments.

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

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

DATED at Crystal Lake, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

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

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



**Agenda Item No: 15**

**City Council  
Agenda Supplement**

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**Meeting Date:** May 4, 2010

**Item:** REPORT OF THE PLANNING & ZONING COMMISSION  
#2010-20 Ashton Pointe

Final PUD Amendment to allow the adoption of architectural criteria rather than specific house model plans.

Larry Vitous, Kenar, petitioner  
West of Pingree Road, north of UPRR

**PZC Recommendation:** Motion to approve the Planning and Zoning Commission recommendation and to adopt an ordinance granting a Final PUD Amendment for Ashton Pointe.

**Staff Contact:** Michelle Rentzsch, Director of Planning & Economic Development

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**Background:** On April 20, 2004, the City Council approved the Preliminary Plat of Subdivision and PUD for Ashton Pointe and the relevant zoning variations. Through the PUD approval, the house model styles were reviewed and approved. On January 15, 2008, the petitioner amended the final PUD to allow a ranch home plan. The petitioner is requesting another amendment to their PUD approval to allow the adoption of an Acknowledgement Statement, which will list out the requirements to build in the subdivision. This Acknowledgement Statement will be given to anyone who closes on a lot within the subdivision. The statement outlines the approved plans and a deadline to improve the parkway portion of the lot, but the most important aspect is the architectural criteria. Instead of being limited to the model plans Kenar Homes prepared, Kenar now proposes criteria so that other builders can come in and design their own homes.

The petitioner has contacted the City Engineering staff to ask for the possibility to have individual letters of credit for each builder or lot owner. The City's subdivision ordinance requires that the subdivider provide one Letter of Credit or Bond for 120% of the subdivision improvements. The City would not accept multiple letters of credit for portions of the overall subdivision improvements.

***PZC Highlights***

The PZC continued this petition to the April 21<sup>st</sup> meeting to allow the petitioner time to meet with the existing homeowners and work together on the Acknowledgement Statement. The petitioner amended the statement to allow only 14 homes of the remaining 43 lots to be the smallest allowable square footage of 2,000 square feet for a ranch home and 2,100 square feet for a two-story home. The original subdivision approval required that 36 of the 71 homes contain masonry product on the front elevation. They have increased this to 53 of the 71 homes. In addition, all of the smallest square footage homes must contain masonry product.

The Planning and Zoning Commission recommended **approval (4-2)** of the petitioner's requests with the following conditions.

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (Ashton Pointe LLC, received 3/23/10).
  - B. Acknowledgement Statement (Ashton Pointe LLC, dated 2-23-10, received 3/23/10)
2. Conditions of Ordinance No. 5845 shall remain in effect, as applicable.
3. The Acknowledgement Statement shall be adopted with the following change to amend the signature Date to read Acknowledged this \_\_\_\_ Day of 20 \_\_\_\_.
4. The Acknowledgement Statement shall only be for the single-family lots; Ashton Pointe LLC shall retain control and development rights of the multi-family lots.
5. The petitioner shall comply with all of the requirements of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.
6. **In the Acknowledgement Statement, the minimum width of a 2-story home is 40 feet.**  
(Added by PZC)
7. **Masonry fireplaces are required on homes that are visible from Pingree Road.** (Added by PZC)

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



# DRAFT

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

FILE NO. \_\_\_\_\_

## AN ORDINANCE GRANTING AN AMENDMENT TO THE FINAL PUD FOR ASHTON POINTE

WHEREAS, pursuant to the terms of the Petition (File #2010-20) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested an Amendment to the Final Planned Unit Development to allow design criteria for home construction rather than approved model plans for Ashton Pointe; and

WHEREAS, the required hearings were held on the petition of the property owners in the manner and the form required by the Unified Development Ordinance of the City of Crystal Lake and the statutes of the State of Illinois; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the Amendment to the Final Planned Unit Development be granted as requested in said Petition,

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

SECTION I: That the Final PUD Amendment be granted to allow design criteria for home construction rather than approved model plans for Ashton Pointe for the property located west of Pingree Road and north of the rail road tracks, Crystal Lake, Illinois.

SECTION II: That the Special Use Permit be granted with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (Ashton Pointe LLC, received 3/23/10).
  - B. Acknowledgement Statement (Ashton Pointe LLC, dated 2-23-10, received 3/23/10)
2. Conditions of Ordinance No. 5845 shall remain in effect, as applicable.
3. The Acknowledgement Statement shall be adopted with the following change:
  - A. Amend the signature Date to read Acknowledged this \_\_\_ Day of 20\_\_\_\_.
4. The Acknowledgement Statement shall only be for the single-family lots, Ashton Pointe LLC shall retain control and development rights of the multi-family lots.
5. The petitioner shall comply with all of the requirements of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.

6. In the Acknowledgement Statement, the minimum width of a 2-story home is 40 feet.

7. Masonry fireplaces are required on homes that are visible from Pingree Road.

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

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

DATED at Crystal Lake, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

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

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:**

May 4, 2010

**Item:**

Bryn Mawr Annexation Agreement Amendment

**ANNEXATION AGREEMENT AMENDMENT  
PUBLIC HEARING**

Bryn Mawr Corporation, petitioner  
308 W. Erie Street, Chicago, IL 60610

**Recommendation:**

City Council's discretion:

1. Motion to approve the annexation agreement amendment and to adopt an ordinance authorizing the amendment to the annexation agreement, for the approximately 221 acres, not including Bryn Mawr Subdivision Phase I.
2. Motion to deny the petitioner's request for an annexation agreement amendment.

**Staff Contact:**

Michelle Rentzsch, Director of Planning & Economic Development

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**Background:** On March 21, 2001, the City of Crystal Lake entered into an annexation agreement with Bryn Mawr Corporation, et al., the owners of the land located on the north side of Route 176, east of Route 47. As part of the annexation, a Preliminary Plat illustrating 331 single-family lots (provided at 20,000-square-feet in area) and land zoned for office uses was approved. Phase I of the Bryn Mawr Subdivision received Final PUD approval for 90-single-family lots and 3-outlots in 2004. Ryland purchased the lots approved in Phase I and has constructed single-family models and homes.

The 2001 annexation agreement contains stipulations requiring that the residential portion of the development be developed as single-family residential lots, which are at least 20,000-square-feet in area. The petitioner is seeking an annexation agreement amendment that acknowledges the possibility of townhomes within a portion of the development. The petitioner has presented a concept plan in conjunction with this request. The concept plan illustrates townhomes on the westernmost 65 acres of the development, immediately to the east of Route 47. The concept plan presented at the PZC meeting illustrates the possibilities of a conservation development, whereby, a significant portion of the trees in this area could be preserved instead of being mass

graded and destroyed, as would have likely occurred with the current preliminary plat approval. It should be noted that the Bryn Mawr Subdivision, Phase I (Ryland Homes) was approved with significant restrictions on sanitary sewer capacity, pending the construction of the downstream sanitary sewer infrastructure (NWATS). The NWATS project has not proceeded and there is no firm date or expectation that the project will go forward in the near future. Therefore, any approval of a future PUD for townhomes must be contingent on the availability of sanitary sewer capacity.

This annexation agreement amendment does not grant the applicant any vested rights to develop townhomes. No density rights are being sought with this amendment. If the Council approves the annexation agreement amendment, the future developer would be required to request a rezone to the "R-3B" Multi-Family district. Along with the rezone, Preliminary and Final Planned Unit Development approvals will be required along with the necessary engineering, traffic, and other studies, for a potential clustered townhome development.

**Votes Required to Pass:** A super majority of 5 votes is needed to approve the annexation agreement amendment.

DRAFT

ORDINANCE NO. \_\_\_\_\_  
FILE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE AMENDMENT  
TO AN ANNEXATION AGREEMENT**

WHEREAS, it is in the best interests of the City of Crystal Lake, McHenry County, Illinois, that a certain Annexation Agreement Amendment, a copy of which is attached hereto and incorporated herein, be entered into; and

WHEREAS, Bryn Mawr Corporation Et. Al., Eugene de St. Aubin & Bro., Inc., north 40 Joint Venture; Sycamore National Trust Company, Owners, are ready, willing and able to enter into said Agreement and to perform the obligations as required thereunder; and

WHEREAS, the statutory procedures provided in Division 15.1 of Article 11 of the Illinois Municipal Code, as amended, for the execution of said Annexation Agreement have been fully complied with.

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

SECTION I: That the Mayor be and he is hereby authorized and directed to execute, and the City Clerk is directed to attest, the Annexation Agreement Amendment, a copy of which is attached hereto and made a part hereof.

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

AYES:

**DRAFT**

NAYS:

ABSENT:

PASSED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

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MAYOR

ATTEST:

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CITY CLERK



**Agenda Item No: 17**

**City Council  
Agenda Supplement**

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**Meeting Date:** May 4, 2010

**Item:** McHenry County Groundwater Protection Action Plan

**Staff Recommendation:** Motion to adopt a resolution to consider and implement recommendations made by the McHenry County Groundwater Taskforce where practical.

**Staff Contact:** Eric R. Lecuyer, Director of Public Works

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**Background:**

In 2007, McHenry County began a 26-month process to create a document that would guide groundwater policy throughout all jurisdictions within the county, and be a catalyst for sustainable use of water resources for the entire Northeastern Illinois region. By gaining participation from all levels of local government, as well as community groups, the County developed the Groundwater Protection Action Plan. This document sets forth a framework of best management practices and model policies for municipalities to develop and implement their own.

Issues covered in the Groundwater Protection Action Plan range from groundwater recharge and conservation design to pollution control, wastewater treatment and winter snow and ice operations. Many aspects of public and private business impact the area's groundwater. The document that McHenry County prepared is a great resource for the City to utilize when developing policies.

**Discussion:**

Since the Groundwater Taskforce completed their research, McHenry County staff has compiled a document to distribute to local governments. It is their intention to have municipalities review the material and apply applicable policies to their communities. While adopting these policies is not mandated, it is relevant to Crystal Lake and all other McHenry County communities that are entirely dependent on groundwater as the sole source of potable water.

Topics illustrated in the McHenry County Groundwater Protection Action Plan include the following:

- Water conservation
- Water quality protection and pollution prevention
- Aquifer recharge protection
- Stormwater infiltration
- Conservation design
- Alternatives for wastewater
- Sensible salting practices for winter road operations
- Natural areas protection
- Coordinated planning for drought, disaster, and water supply

Representatives from the Public Works Department were active members in the Groundwater Taskforce. While Crystal Lake has not formally adopted any of the County's model policies, the City has begun to implement policies and practices that support a similar cause. A summary of actions taken by the City to preserve the quantity and quality of the area's groundwater can be viewed in the attached memo.

**Recommendation:**

The Public Works Department recommends that a resolution be passed to review and thoughtfully consider implementation of model groundwater protection policies where practical, as recommended by the McHenry County Groundwater Protection Action Plan.

**Votes Required to Pass:**

Simple majority.



**DRAFT**

**RESOLUTION**

**A Resolution Agreeing to Review and Consider the McHenry County  
Groundwater Protection Action Plan Model Policies**

WHEREAS, Studies suggest McHenry County will have a shortage of groundwater by 2030; and

WHEREAS, McHenry County created the Groundwater Protection Task Force in July 2007; and

WHEREAS, the Groundwater Protection Task Force represents local governments and a variety of interest groups from throughout McHenry County; and

WHEREAS, the City of Crystal Lake has participated on the Groundwater Protection Task Force; and

WHEREAS, the Groundwater Protection Task Force has been meeting monthly for the last two years; and

WHEREAS, the Groundwater Protection Task Force has developed recommended model policies to protect water quality and quantity in McHenry County.

NOW, THEREFORE, BE IT RESOLVED that the City of Crystal Lake agrees to thoughtfully review and consider the McHenry County Groundwater Protection Action Plan recommendations, and adopt and implement the applicable model policies, where possible, over the next twelve months.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

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

SEAL

ATTEST

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

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_



**Agenda Item No: 18**

**City Council  
Agenda Supplement**

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<b><u>Meeting Date:</u></b>	May 4, 2010
<b><u>Item:</u></b>	Ordinance establishing a speed limit for Bard Road
<b><u>Staff Recommendation:</u></b>	Motion to adopt an Ordinance establishing a 35 miles per hour speed limit on Bard Road between Huntley Road and approximately 75 feet west of Sunset Drive.
<b><u>Staff Contact:</u></b>	Dave Linder, Chief of Police

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**Background:**

The City's Traffic Safety Committee, which is comprised of staff from the Engineering Division, Fire Rescue, Police and Public Works Departments, and the City Manager's Office, received complaints of speeding along Bard Road. The City has jurisdiction of Bard Road between Huntley Road and approximately 75 feet west of Sunset Drive. Upon assessing the area, the only current posted speed limit sign is 40 mph, located west of Sunset Drive at the beginning of the Village of Lakewood's jurisdiction.

A speed study was conducted by the Crystal Lake Police Department to determine the appropriate speed for the City's jurisdiction of Bard Road. Based on the speed study, it is recommended that the appropriate speed should be 35 miles per hour and suitable signs should be posted on Bard Road between Huntley Road and approximately 75 feet west of Sunset Drive. It should be noted that Bard Road ends at Huntley Road and the character of the roadway in the City's jurisdiction of Bard Road is more residential in nature, as opposed to the minor collector function through the Village of Lakewood.

**Votes Required to Pass:**

Simple majority vote of the City Council

ORDINANCE

DRAFT

WHEREAS, a study and proposal to establish a speed limit for Bard Road between Huntley Road and approximately 75 feet west of Sunset Drive was completed by the City's Traffic Safety Committee and Crystal Lake Police Department; and

WHEREAS, as a result of said study, the Mayor and City Council of the City of Crystal Lake have determined that the appropriate posted speed limit for Bard Road between Huntley Road and approximately 75 feet west of Sunset Drive shall be 35 miles per hour.

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

SECTION I: That the maximum speed limit for all vehicles traveling on Bard Road between Huntley Road and approximately 75 feet west of Sunset Drive shall be 35 miles per hour.

SECTION II: That suitable signs and markers shall be erected.

SECTION III: That any person, firm or corporation violating any provision of this Ordinance shall be fined in accordance with Article I, Section J providing for General Penalty Provision in the Code of Ordinances of the City of Crystal Lake, Illinois.

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

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

DATED at Crystal Lake, Illinois, this 4<sup>th</sup> day of May, 2010.

**DRAFT**

APPROVED:

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MAYOR

ATTEST:

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CITY CLERK

PASSED: May 4, 2010

APPROVED: May 4, 2010

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



**Agenda Item No: 19**

**City Council  
Agenda Supplement**

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**Meeting Date:** May 4, 2010

**Item:** Economic Development Programs for 2010-2011

**EDC recommendation:** Motion to:

- 1) Adopt an Ordinance establishing a Retailer Façade and Commercial Tenant Improvement Program and Manufacturer Building Improvement and Equipment Program for the 2010-2011 fiscal year;
- 2) Adopt an Amendment to the Ordinance designating Routes 14 & 31 as Targeted Development Zones to include Route 176, from Briarwood Road to Smith Road.

**Staff Contact:** Michelle Rentzsch, Director of Planning & Economic Development  
James Richter II, Assistant Director of Economic Development

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**Background:** On July 7, 2009, the City Council approved economic development programs including provisions and funding for: a façade and commercial tenant improvement matching grant program; a targeted development zone incentive (50% fee reduction) for properties on Routes 14 and 176; an Enhanced Sales Tax Incentive Program (ESTIP); and I Shop Crystal Lake gift certificate programs.

Following the Council's approval of the programs, the Economic Development Committee made several recommendations to revise the eligibility for the façade and commercial tenant matching grant programs and the targeted development zone incentive. At the time, the Council chose to maintain the existing criteria and eligibility until the first full year of the program was complete.

Following the first year of the City's Economic Development Incentive Programs, staff and the Economic Development Committee have evaluated our programs from 2009-2010 and propose enhancements to adjust to the needs of the market and to the amount of available funding.

**FAÇADE AND COMMERCIAL TENANT IMPROVEMENT MATCHING GRANT PROGRAM**

To date, the City has received 23 applications for the façade and commercial tenant improvement matching grant program. Out of the 23, four are pending review, 19 have been reviewed by the Council, and 18 have been approved. Five of the approved applications were made in conjunction with the City's retailer attraction efforts, five accommodated new businesses that applied subsequent to construction or occupancy, and eight provided funds for existing businesses that made improvements to their properties or expanded. Ten of the applications provided funding for improvements that were already made prior to applying for the program, which could be interpreted to mean that these recipients were not necessarily incentivized to occupy space or make improvements by our program.

The primary intent of this program was to promote new retail occupancies to aid in filling vacant retail space throughout the City. To better match the amount of funding for this program (\$75,000) and as a result of the evaluation of the applications we received over the previous year, the Economic Development Committee has recommended revisions to the façade and commercial tenant matching grant program, which are listed in the chart below:

PROGRAM	CLASS	ELIGIBLE APPLICANTS	MAX AWARD	CAP	PROGRAM RESTRICTIONS
Retailer Façade and Commercial Tenant Improvement Program	New businesses	New retail sales tax revenue-generating businesses who occupy vacant space or redevelop commercial property	\$10,000 for all improvements	\$60,000*	<ul style="list-style-type: none"> <li>▪ Sales tax generating businesses only (all must provide ST-1 verification);</li> <li>▪ Must occupy vacant retail space, redevelop property, or build a new building;</li> <li>▪ Ineligible if improvements were made prior to applying.</li> </ul>
	Existing businesses	Existing retail sales tax revenue-generating businesses making improvements to their existing space or occupying new space of equal or greater size	\$1,000 for all improvements	\$15,000	<ul style="list-style-type: none"> <li>▪ Sales tax generating businesses only (all must provide ST-1 verification);</li> <li>▪ Ineligible if improvements were made prior to applying.</li> </ul>
Manufacturer Building Improvement and Equipment Program		New manufacturers occupying existing manufacturing space or a new building	\$10,000 for improvements and equipment	\$60,000*	<ul style="list-style-type: none"> <li>▪ Must provide written proof of full-time employment;</li> <li>▪ Full-time employees must maintain their jobs for at least 1 year;</li> <li>▪ Must occupy vacant building, redevelop property, or build a new building;</li> <li>▪ \$2,000/award per new employee;</li> <li>▪ Ineligible if improvements were made prior to applying.</li> </ul>

\*The Retailer Façade and Commercial Tenant Improvement Program and the Manufacturer Building Improvement and Equipment Program would share \$60,000 out of the \$75,000 available for the program.

### Eligible Improvements

The improvements that have been made and reimbursed over the past year have been analyzed. The following eligible improvements, including brick cleaning, streetscape elements, stairs, porches, and railings, and roofs visible from the street, have not been made by any of our applicants. Therefore, the recommendation was made to eliminate these items from our list of eligible improvements. The chart below summarizes the eligible improvements that were made by the applicants over the past year:

File #	Applicant Name / Business name	Address	Façade Request	Build-out Request	Eligible improvements reimbursed
2009-45-001	Jeramie Campana, Campana's Café	103/106 N Main	\$917.50	\$321.22	Drywall, feature walls, painting,
2009-45-002	Bob Guss, Ms. Bossy Boots	23 N Williams	\$5,000.00	\$5,000.00	Exterior doors, windows, painting, wall façade repair/treatment, lighting, awnings, security, flooring, electrical/plumbing, wall sign
2009-45-004	Patty Moyer, TC Corners LLC	650 Terra Cotta	\$5,000.00	\$0.00	Monument sign

File #	Applicant Name / Business name	Address	Façade Request	Build-out Request	Eligible improvements reimbursed
2009-45-005	Sam Lazar, Rocks Bar & Grill	394 W Virginia	\$5,000.00	\$5,000.00	Windows, demolition, drywall, façade repair, interior lighting, electrical, monument sign
2009-45-006	Corbie Dimopoulos Countertop Shoppe	1295 Randall, #107a	\$2,421.90	\$2,445.63	Interior walls, life safety improvements, doors, painting, electrical, wall sign
2009-45-007	Ted Markee, Anderson Motors	360 N Route 31	\$5,000.00	\$5,000.00	Interior walls, wall façade repair/treatment, electrical, wall signage (also architectural fees at \$1,000)
2009-45-008	Angie Angelos, Andy's Restaurant	468 Virginia	\$5,000.00	\$0.00	Landscaping, electrical, lighting, monument sign
2009-45-009	Joyce Leonard, Edible Arrangements	5300 Nw Hwy #103	\$5,000.00	\$5,000.00	Demolition, drywall/feature walls, flooring, doors, plumbing, electrical, wall signs
2009-45-010	Jim Heisler, Red Wing Shoes	1275 Randall, #101	\$4,653.81	\$5,000.00	Drywall/feature walls, painting, electrical, lighting, wall sign
2009-45-011	Jim M'Lady, M'Lady Nissan	5656 Nw Hwy	\$5,000.00	\$0.00	Monument sign
2009-45-012	Jeffrey Silverman, MJK/Bedding Experts	5005 Nw Hwy	\$2,500.00	\$5,000.00	Demolition, windows, doors, drywall/feature walls, plumbing, life safety improvements (alarm/sprinklers), HVAC, electrical
2009-45-013	Gary Riegler, Auto Save	650 W Terra Cotta	\$4,020.00	\$0.00	Exterior door, wall façade repair/treatment, windows, painting
2009-45-014	Spiro Angelos, Jameson's Charhouse	5106 Nw Highway	\$5,000.00	\$5,000.00	Demolition, windows, doors, drywall/feature walls, plumbing, life safety improvements (alarm/sprinklers), electrical, awnings, wall and monument signs
2009-45-015	Gary Andrewsky, 1776 Restaurant	297 Virginia Street	\$1,737.50	\$4,478.00	HVAC, brick repair, exterior door, monument sign repair
2009-45-016	Lisa Ryan, Derm Mania	5899 Nw Highway	\$4,462.50	\$1,449.00	Plumbing, electrical, doors, drywall/feature walls, wall signs
2009-45-017	Haig Halebian, Exceed Flooring	5186 Nw Highway	\$4,301.71	\$1,395.00	Exterior painting, lighting, electrical, wall sign repair
2009-45-018	Carrie Curie, Sweet Pea Cakes	40 N Williams	\$424.00	\$5,000.00	HVAC, flooring, electrical, walls/feature walls, wall sign
2009-45-019	Mark Carani, Regency Beauty Institute	5657 Nw Hwy, #C01	\$5,000.00	\$5,000.00	Demolition, drywall/feature walls, flooring, doors, electrical, plumbing, life-safety improvements, wall façade repair/treatment, painting, wall signs
2009-45-020	Connie Perez, Aesthetics	650 E Terra Cotta	\$2,369.00	\$2,824.13	Electrical, lighting, painting, monument sign panel, wall sign
2009-45-022	Brian Coli, Georgio's Pizza	75 E Woodstock St	\$0.00	\$5,000.00	Demolition, drywall/feature walls, doors, electrical, lighting
2009-45-023	Jim Heisler, Heisler's Bootery	50-54 N. Williams	\$3,020.00	\$0.00	Awnings
2009-45-024	John Zielnicki, Julie Ann's Custard	6500 Nw Hwy	\$5,000.00	\$5,000.00	Demolition, drywall/feature walls, electrical, plumbing, lighting, doors, wall signs

TOTALS

\$80,827.92	\$72,912.98
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The following charts illustrate the improvements that would be eligible to receive funding through the program for the 2010-2011 fiscal year. The eligible improvements have been updated to reflect the demand by previous and future applicants and to ensure the intent of the program is upheld.

***Retailer Façade and Commercial Tenant Improvement Program***

Exterior brick cleaning	Exterior tuck pointing	Exterior painting
Exterior wall façade repair & treatment	Historic renovation (int/ext)	Interior drywall or feature walls
Improvements for ADA accessibility compliance	Life safety improvements	Electrical or plumbing repair, installation, or upgrade
Interior/exterior demolition		

***Manufacturer Building Improvement and Equipment Program***

Exterior brick cleaning	Historic renovations (int/ext)	Exterior painting
Exterior tuck pointing	Exterior wall façade repair, treatment, and construction	Drywall or feature walls
Improvements for ADA accessibility compliance	Life safety improvements	Electrical or plumbing repair, installation, or upgrade
Interior/exterior demolition	Machinery or equipment for daily manufacturing operation	IT Infrastructure

**Review Criteria**

In order to objectively analyze the applications for grant funding, application review criteria were established in the Ordinance approving our existing program. The recommendation for the new 2010-2011 Retailer Façade and Commercial Tenant Improvement Program and the Manufacturer Building Improvement and Equipment Program is to maintain our existing evaluation criteria.

**Ineligible Projects**

The programs will not provide funds for working capital, debt refinancing, inventory acquisition, application fees, permit fees, signage or legal fees.

Applicants will be notified in the application of the possible requirement to pay prevailing wages for utilizing public funds on their project.

**Recommendation**

The Economic Development Committee voted to recommend approval of the new 2010-2011 Retailer Façade and Commercial Tenant Improvement Program (**4-3 vote**), and the Manufacturer Building Improvement and Equipment Program (**7-0 vote**). Three of the Committee members were in favor of a \$45,000 / \$30,000 split to make up to \$30,000 of the funds available to existing businesses, at a maximum award of \$10,000 per applicant.

**TARGETED DEVELOPMENT ZONE INCENTIVE**

In an effort to aid in stimulating the redevelopment of the highly visible Route 14 corridor, as well as the continued development of the Route 31 corridor, the Council designated Routes 14 and 31 as Targeted Development Zones. Properties within the Route 14 and Route 31 corridors are entitled to a waiver of 50% of all associated City review, permit and inspection fees for any commercial improvement valued at \$250,000 or greater. The Ordinance approving the Targeted Development Zones indicated that properties on the periphery of these corridors may qualify for the fee waiver by consent of the City Council.

Over the past year, two new businesses reached the \$250,000 threshold and took advantage of the Targeted Development Zone Incentive: Jameson’s Charhouse (~\$300,000 in improvements) and Regency Beauty Institute (~\$500,000 in improvements).

**Proposed Changes**

In response to the Economic Development Committee’s feedback from earlier during the budget cycle, and in light of the amount of viable industrial and commercial property in the Route 176 corridor, the Economic Development Committee is recommending that properties on Route 176, east of Briarwood Road and west of Smith Road, be designated as a targeted development zone along with Routes 14 and 31.





**Recommendation**

The Economic Development Committee voted to recommend approval of the expanded Targeted Development Zone Incentive Program (6-0 vote).

**ESTIP AND THE I SHOP CRYSTAL LAKE PROGRAM**

At this time, there are no changes proposed for the Enhanced Sales Tax Incentive Program. The main advertising and promotion elements of the I Shop Crystal Lake program will be maintained in-house, while the gift certificate programs will be eliminated this year due to the availability of funding. During the budget workshop, the Council recommended that we explore maintaining the vehicle incentive gift certificate program and search for possible funding sources. The Economic Development Committee also recommended that the City maintain the gift certificate program to continue the momentum of the I Shop Crystal Lake program. Staff is the process of exploring the ways by which we can enhance the vehicle incentive program and perhaps expand the program through cross-promotion. This information will be presented to the Council during a future meeting.

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



**DRAFT**

**AN ORDINANCE ADOPTING A RETAILER FAÇADE AND COMMERCIAL TENANT IMPROVEMENT PROGRAM AND A MANUFACTURER BUILDING IMPROVEMENT AND EQUIPMENT PROGRAM.**

**WHEREAS**, the City has the authority, pursuant to the laws of the State of Illinois, to promote the health, safety, and welfare of the City and its inhabitants, to prevent the spread of blight, to encourage private development in order to enhance the local tax base, to increase employment, and to enter into contractual agreements with third parties for the purpose of achieving these purposes.

**WHEREAS**, to stimulate and induce development and redevelopment, the City has, after giving all notices required by law, adopted the following ordinance:

**WHEREAS**, in an effort to promote commercial revitalization of the community, the City wishes to establish the Retailer Façade and Commercial Tenant Improvement Program and a Manufacturer Building Improvement and Equipment Program.

**WHEREAS**, the Retailer Façade and Commercial Tenant Improvement and Manufacturer Building Improvement and Equipment Programs are made available to provide a significant impact on the exterior and interior of buildings, thus improving the marketing of the community;

**WHEREAS**, the Retailer Façade and Commercial Tenant Improvement and Manufacturer Building Improvement and Equipment Programs are established to provide financial assistance to building and business owners for improvements made to existing commercial buildings, or for new construction of commercial buildings;

**WHEREAS**, the City Council has found and determined that participation in the Retailer Façade and Commercial Tenant Improvement and Manufacturer Building Improvement and Equipment Programs will encourage the maintenance and improvement of businesses within the City and will stimulate economic activity in the City, including the creation and maintenance of jobs and the attraction of consumers to the City and will otherwise generally benefit the well being of the residents of the City by stimulating commercial growth, and provide crucial economic support to allow the City to continue to provide the level of municipal services to its commercial and residential citizens;

**WHEREAS**, the City is authorized to expend public funds for a public benefit and participation in the Retailer Façade and Commercial Tenant Improvement and Manufacturer Building Improvement and Equipment Programs will provide a benefit to the public, generally.

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

SECTION I: Chapter 228, Economic Development Incentive Program, is amended as follows:

ARTICLE II: **Retailer Façade and Commercial Tenant Improvement Program; and  
Manufacturer Building Improvement and Equipment Program**

**§ 228-13. Program Description.**

The City of Crystal Lake, in its continuing effort to support the development and redevelopment of the community, has created a matching grant reimbursement program for a limited number of new and existing retail business and manufacturing business owners and operators in the City.

**§ 228-14. Retailer Façade and Commercial Tenant Improvement Program**

The City wishes to encourage and support building and business owner investments in Crystal Lake. This program is designed to meet the financial gap between the property owner and the tenant and encourage the attraction of a mix of retail uses. The City will provide a 50% matching grant to business or building owners who construct eligible improvements to the facades of their buildings and/or for improvements or tenant build-outs, after the tenant business has received its final Certificate of Occupancy. New businesses occupying vacant retail space are eligible for up to a \$10,000 grant award. Existing businesses making improvements to their buildings are eligible for an award of up to \$1,000. Subject to the financial limitations as established by the City's appropriation ordinance, the City will match \$.50 fifty cents per dollar on an owner's or tenant's investment in eligible improvements to the their building's storefront and interior retail space. A maximum of \$60,000 will be available for all new business applications occupying vacant space. A maximum of \$15,000 will be available for existing businesses making applications to improve their existing spaces. occupying vacant space. The building or business owner who has funded the majority of the improvements must apply for and be approved in order to receive the 50% matching grant.

**§ 228-15. Manufacturer Building Improvement and Equipment Program**

The Manufacturer Building Improvement and Equipment Program offers a 50% matching grant to businesses for building improvements and equipment. The Program reimburses qualified manufacturers for the improvements and/or equipment after the business has received their final Certificate of Occupancy from the City of Crystal Lake. The program is designed to meet the financial gap between the property owner and the tenant and encourage the attraction of a mix of retail and commercial uses. Subject to the financial limitations as established by the City's appropriation ordinance, the City will match \$.50 fifty cents per dollar on an owner's or tenant's investment in eligible improvements to the their building and equipment, up to \$10,000. Applicants for this program will share in the maximum allocation of \$60,000 that is available for new business applications for the Retailer Façade and Commercial Tenant Improvement Program. The maximum award amount of \$10,000 is calculated as a function of the number of

new jobs that the manufacturer brings to Crystal Lake, awarding \$2,000 per new full-time job created. New full-time jobs must be held for at least 1 year and be directly associated with the location of a manufacturer to Crystal Lake.

**§ 228-16. Eligible Properties and Applicants.**

All retail sales tax generating businesses that are commercially-zoned are eligible for the Retailer Façade and Commercial Tenant Improvement program. New retailers are eligible for a maximum of \$10,000 in matching grant funds. Existing businesses making improvements to their existing facilities are eligible for a maximum grant award of \$1,000. To uphold the intent of the program as an “incentive” for new business occupancies and investments, applicants must apply for the grants prior to commencing improvements to the building. Grant recipients cannot re-apply for a second or additional grant funding for the awarded property for 5 years. Only improvements to facades that directly front a public right-of-way are eligible. Any building with a zoning or building code violation is not eligible for the program. Any commercial building owner, or business owner with building owner authorization, may apply for the grant.

All industrial businesses who manufacture material goods are eligible for the Manufacturer Building Improvement and Equipment Program. To uphold the intent of the program as an “incentive” for new business occupancies and investments, applicants must apply for the grants prior to commencing improvements to the building. Grant recipients cannot re-apply for a second or additional grant funding for the awarded property for 5 years. Only improvements to facades that directly front a public right-of-way are eligible for Façade Improvement Program funding. Any building with a zoning or building code violation is not eligible for the program. Any commercial building owner, or business owner with building owner authorization, may apply for the grant.

**§ 228-17. Eligible Improvements.**

The following improvements are eligible to receive funding through the program. A building or business owner who is undertaking an improvement project that includes a portion of the eligible improvements may apply for the matching grant, but only the improvements identified below will be eligible for funding.

***Retailer Façade and Commercial Tenant Improvement Program***

Exterior brick cleaning	Exterior tuck pointing	Exterior painting
Wall façade repair & treatment	Original exterior architectural features repair or replacement	Interior drywall or feature walls
Improvements for ADA accessibility compliance	Life safety improvements	Electrical or plumbing repair, installation, or upgrade
Interior/exterior demolition	Historic renovation to interior	

***Manufacturer Building Improvement and Equipment Program***

Exterior brick cleaning	Historic renovation to interior	Exterior painting
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Exterior tuck pointing	Exterior wall façade repair, treatment, and construction	Original exterior architectural features repair or replacement
Improvements for ADA accessibility compliance	Life safety improvements	Electrical or plumbing repair, installation, or upgrade
Interior/exterior demolition	Drywall or feature walls	Machinery, IT Infrastructure, or equipment for daily operation

**§ 228-18. Ineligible Projects.**

The programs will not provide funds for working capital, debt refinancing, equipment/inventory acquisition, application fees, permit fees, legal fees, parking lot resurfacing, and signage.

**§ 228-19. Administration.**

Any eligible building or business owner who wishes to apply for an improvement grant can obtain an application from the City. Applications for improvement matching grants will be accepted on a first-come-first-serve basis and shall be subject to the financial limitations as established by the City’s annual appropriation ordinance. Only completed applications that include all required submittal documents and information will be accepted. The City’s Planning and Economic Development Department will review the application for accuracy and will determine if it meets the requirements for funding.

If the application is determined to meet the requirements of the program, the application will be sent to City Council for review. If the application receives City Council approval, the applicant must enter into an agreement with the City. The Improvement Grant Agreement stipulates that the improvements must be constructed within 180 days of approval. Matching grant funds will only be disseminated to the applicant once the construction of the approved improvements has been completed and has been inspected by the City’s Building Division. Matching grant funds will be disseminated to the applicant within 45 days of a passing inspection and providing complete documentation to verify reimbursements.

If grant funding for a current funding cycle as established by the City’s annual appropriation ordinance have been fully distributed, applicants may be placed on a waiting list to be considered for a grant when funds become appropriated and available.

**§ 228-20. Required documentation.**

Eligible applicants who apply for the Retailer Façade and Commercial Tenant Improvement Program will be required to provide forms, drawings, and estimates, as referenced in the application form. Applicants for the Retailer Façade and Commercial Tenant Improvement Program will also be required to provide a signed release Illinois Department of Revenue Authorization to Release Sales Tax Information to Local Governments form.

Applications for the Manufacturer Building Improvement and Equipment Program must include forms, drawings, and estimates, as referenced in the application. Applicants for this program will also be required to provide written documentation regarding the number of full-time employees

Following the completion of the improvements, grant recipients shall be required to provide the Planning & Economic Development Department with documentation to prove that the reimbursable improvements have been fully paid for by the recipient. Additional documentation may be required, as determined by the City Council.

## **§ 228-21. Review of Proposals.**

Every project will be evaluated for the value of its improvement, extent/scope of work proposed, and its potential economic impact. The staff review will consider the following aspects for its proposal review:

- 1) Analysis of Proposal
  - a. Aesthetic Improvement Value
    - i. Improvement in overall appearance
    - ii. Impact to area
  - b. Extent/Scope of Work Proposed
    - i. Amount of construction to be conducted
  - c. Potential Economic Impact
    - i. Anticipated increase in assessed value
    - ii. Use of building following the project
      1. Ways it will contribute to the economic vitality of the community
      2. How use is compatible with and/or compliments mix of existing uses

SECTION III: 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 4th day of May, 2010.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

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

**DRAFT**

PASSED: May 4, 2010

APPROVED: May 4, 2010

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



**Agenda Item No: 22**

## **City Council Agenda Supplement**

**Meeting Date:** May 4, 2010

**Item:** Demolition of 200 N. Walkup Avenue

**Staff Recommendation:** A motion awarding the bid for the demolition of 200 N. Walkup Avenue and adopting a resolution authorizing the City Manager to execute 1) a contract with the lowest responsive and responsible bidder, KLF Excavating Co., for the demolition of 200 N. Walkup Avenue, and authorizing the City Manager to approve up to 10 percent in justifiable contract amendments from a contingency allowance, and 2) a License Agreement for the use of 210 N. Walkup Ave. during the course of the demolition.

**Staff Contact:** George Koczwar, Deputy City Manager  
Brad Mitchell, Assistant to the City Manager

### **Background:**

On Tuesday, April 27, 2010, the City of Crystal Lake publicly opened and read aloud the bids received for the demolition of 200 N. Walkup Avenue, Crystal Lake, Illinois 60014. The building to be demolished is City-owned. The property was purchased as part of the future expansion of Walkup Avenue. Below is a breakdown of the bids received:

<u>COMPANY</u>	<u>LOCATION</u>	<u>CONTRACT COST</u>
√ KLF Excavating	Markham, IL	\$9,500
Langos Corporation	Barrington Hills, IL	\$10,600
Excavating Concepts, Inc.	Woodstock, IL	\$14,000
Johler Demo, Inc.	Elk Grove Village, IL	\$14,890
Lake County Grading Company, LLC	Libertyville, IL	\$17,475
Paulsen Paving Company	Woodstock, IL	\$21,000

√ - Indicates lowest responsive and responsible bidder



Because the building occupies almost the entire property area, the property owner north of the soon-to-be demolished building has agreed to allow equipment staging on her property. The attached License Agreement would require the contractor to restore the disturbed property to its original condition. The Contractor will soil backfill and seed all areas affected by the demolition and re-grade the area adjacent to the sidewalk to gradually decrease the slope. City staff has been in communication with the Union Pacific Railroad because of the proximity of the demolition to the rail line and they have indicated their willingness to assist the City with this project.

**Recommendation:**

The City Manager's Office and the Engineering Division have reviewed all bids received for completeness and accuracy in accordance with the Invitation to Bid document and have checked references. Payment for this project will be made from fund reserves. It is staff's recommendation to award the contract for demolition of 200 N. Walkup Avenue to KLF Excavating Co. in the total bid amount of \$9,500, and approve up to 10 percent in justifiable contract amendments from a contingency allowance.

**Votes Required to Pass:**

Simple majority vote of the City Council.



DRAFT

## RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be and he is hereby authorized and directed to execute a contract for the demolition of 200 N. Walkup Avenue, Crystal Lake, Illinois 60014 between the City of Crystal Lake and KLF Excavating Co. in the not-to-exceed amount of \$9,500. The City Manager is additionally authorized to approve up to 10 percent in justifiable contract amendments from a contingency allowance. Payment for this project will be made from fund reserves.

BE IT FURTHER RESOLVED that the City Manager be and he is hereby authorized to execute a License Agreement with Cynthia Briscoe for the use of a portion of her property at 210 N. Walkup Avenue for the demolition project at 200 N. Walkup Avenue.

DATED this 4<sup>th</sup> day of May, 2010

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

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

SEAL

ATTEST

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

PASSED: May 4, 2010

APPROVED: May 4, 2010



**Agenda Item No: 23**

**City Council  
Agenda Supplement**

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**Meeting Date:** May 4, 2010

**Item:** Arc Flash Survey Bid

**Staff recommendation:** Motion to award the bid for arc flash studies at the City's water treatment plants and wastewater treatment plants to the lowest responsive and responsible bidder, the FLOLO Corporation, and adopt a resolution authorizing the City Manager to execute a service agreement with the FLOLO Corporation in the amount of \$40,202.00.

**Staff Contact:** Eric R. Lecuyer, Director of Public Works

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**Background:**

On April 26, 2010, the City of Crystal Lake opened and publicly read aloud the bids received for arc flash survey services at the City's five water treatment plants and two wastewater treatment plants, as well as one lift station. Arc flash surveys are being required by OSHA to prevent electrical hazards and to ensure safety precautions are taken when working on high voltage. The successful bidder will review the electrical schematics of the facilities and prescribe the proper safety equipment to wear while working within the electrical boxes. In addition, the contractor will make adjustments to the electrical circuits to ensure that the equipment is operating in the most efficient and safest way possible.

	<i>Total Service as Recommended</i>
√ FLOLO South Elgin, IL	\$40,202.00
GE Energy Westchester, IL	\$41,355.00
Patrick Engineering Lisle, IL	\$120,000.00

√ Indicates recommended lowest responsive and responsible bidder

**Recommendation:**

Due to work currently underway at Water Treatment Plants #1 and #4 that would change the dynamic of the electrical systems, these facilities have been removed from the bid. Arc flash hazard surveys will be performed at these sites in conjunction with the modifications being done. Work will be performed at the following locations: Water Plant #2, Water Plant #3, Water Plant #5, Lift Station #12, Wastewater Plant #2 and Wastewater Plant #3. By removing the two water treatment plants, the new total for work to be performed is \$40,202.00.

Staff has reviewed all bids received and verified necessary references. It is the recommendation of staff that the arc flash surveys at the water and wastewater treatment facilities be awarded to the lowest responsive and responsible bidder, the FLOLO Corporation, in the amount of \$40,202.00.

**Votes Required to Pass:**

Simple majority

RESOLUTION

DRAFT

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a Service Agreement between the CITY OF CRYSTAL LAKE and the FLOLO Corporation for arc flash studies at the City's water treatment plants and wastewater treatment plants and one Lift Station.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2010

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

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

SEAL

ATTEST

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

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_



**Agenda Item No: 24**

**City Council  
Agenda Supplement**

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**Meeting Date:**

May 4, 2010

**Item:**

Lease of two carbon filter systems for contaminant removal at Water Treatment Plant #4.

**Staff Recommendation:**

Motion to waive formal bidding requirements and award the contract for the lease of two carbon filter systems for Water Treatment Plant #4 to the lowest responsive and responsible proposer, Siemens Water Technologies, and adopt a resolution authorizing the City Manager to execute an eight-month lease agreement with Siemens Water Technologies in the amount of \$173,125.76 and authorize the City Manager to extend the lease for up to eight months and replace spent carbon for an additional \$127,602.00.

**Staff Contact:**

Eric R. Lecuyer, Director of Public Works

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**Background:**

The Public Works Department has been carefully monitoring the concentration of Trichloroethylene (TCE) contamination in Water Treatment Plant #4 since early in 2000. Recently, the concentration of contaminant has reached levels that require additional treatment in order to prevent the finished water from nearing Safe Drinking Water Act Standards Maximum Contaminant Level (MCL). While the City's drinking water has never exceeded safe drinking water levels, current trends on the raw water concentration of TCE require action in order to assure that our finished water remains well below safe levels. In an effort to remove TCE from the water pumped from wells at Water Treatment Plant #4, the Public Works Department and its consultant engineering firm have developed a short-term solution to reduce TCE levels to near zero via carbon filtration. By installing two sets of carbon filters within the treatment process, the City will be able to effectively remove the TCE prior to distributing the water into the system. It must be noted, though, that this is only a temporary solution to allow the City to operate the facility until a permanent treatment facility is operational.

The carbon filters are not meant to be a permanent solution due to the high operational cost making them economically unsustainable. In addition to the cost to lease the carbon filter systems, there will be costs for the installation of temporary piping and the preparation of a

stabilized pad for the installation of the four carbon vessels. Our engineering consultant is doing initial design work on the permanent TCE removal equipment, a fifty-foot aeration tower capable of removing 99.9% of all TCE on a cost-effective basis. It is expected that the permanent system will be operational prior to next spring.

**Discussion:**

The City's consultant, Trotter and Associates, received two proposals as outlined in the attached letter of recommendation. The recommended proposal from Siemens Water Technology provides for the lease of two sets of two carbon filters along with additional service costs for extended monthly rental and the replacement of spent carbon as may be needed for extended operations of this system. The need for extended rental of this equipment will depend on the time period needed to install and make operational the permanent TCE removal facilities.

**Recommendation:**

The Public Works Department has reviewed all proposals in their entirety, and recommends that the lease agreement for two carbon filtration systems at Water Treatment Plant #4 be awarded to Siemens Water Technology, as recommended by Trotter and Associates, Inc, and the City Manager be authorized to extend the lease for up to eight months and replace spent carbon as needed.

**Votes Required to Pass:**

Super Majority

DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute an eight-month lease agreement between the CITY OF CRYSTAL LAKE and Siemens Water Technologies for the lease of two carbon filter systems for Water Treatment Plant #4.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

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

SEAL

ATTEST

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

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_





**Agenda Item No: 25**

**City Council  
Agenda Supplement**

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**Meeting Date:**

May 4, 2010

**Item:**

Purchase of Electricity for Street Lighting

**Staff Recommendation:**

Motion to adopt a resolution waiving the bidding requirements for the purchase of electricity, authorizing participation in the Northern Illinois Municipal Electric Cooperative (NIMEC), and authorizing the City Manager to execute a contract for the purchase of electricity.

**Staff Contact:**

George Koczwara, Deputy City Manager  
Mark Nannini, Director of Finance

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**Background:**

On January 2, 2007, the State of Illinois implemented a plan to deregulate Commonwealth Edison. Under this plan, ComEd no longer generates electricity for its customers but continues to provide power through its distribution system. Alternatively, power can be purchased through any of the 23 ICC-approved power suppliers. The City has worked with the Northern Illinois Municipal Electric Cooperative (NIMEC) since 2006 to purchase power for the city's water pumping operations. NIMEC is an electric purchasing co-operative of 140 municipal and other government entities. The City has had a favorable relationship with NIMEC.

Street lighting, however, has remained with ComEd since 2006, as ComEd had a pricing advantage. That advantage will end in May, when the City's street lighting accounts will no longer be able to purchase power from ComEd under a fixed rate. ComEd will only offer a floating rate after May 1, 2010. If no changes are made, the City's largest street lighting accounts will move to this floating rate. Over the last 2 years, this floating rate has averaged 15% higher than our current fixed rate.

Almost all of the street lights in the City are owned and maintained by ComEd. Currently, the City pays ComEd a flat combined fee for the cost of electricity and maintenance. After May 1<sup>st</sup>, the cost of electricity will be separated from the maintenance fee. Regardless of which approach the City takes to purchase electricity for street lighting, the City will still be required to pay ComEd a per pole fee for maintenance.

NIMEC has been bidding-out street lighting electricity with various suppliers. NIMEC is currently able to offer a fixed rate, which is comparable to the City's current rate. The fixed rate would be budget neutral, and would avoid the 15% increase.

The resolution attached for City Council consideration directs the City Manager to engage the services of NIMEC and provides City Council authorization to allow the City Manager to execute a contract with the successful energy supplier upon receipt of the bids by NIMEC.

**Recommendation**

It is staff's recommendation to approve the waiving of bidding requirements for the purchase of electricity, authorize the participation in the NIMEC, and authorize the City Manager to execute a contract for the purchase of electricity. In addition to street lighting, the proposed bid will also include one water facility account that is not currently on a fixed-rate plan. Funds have been budgeted for the anticipated electrical cost increases.

**Votes Required to Pass:**

Super majority



DRAFT

## RESOLUTION

### A RESOLUTION WAIVING THE BIDDING REQUIREMENTS FOR THE PURCHASE OF ELECTRICITY, AUTHORIZING PARTICIPATION IN THE NORTHERN ILLINOIS MUNICIPAL ELECTRIC COOPERATIVE (NIMEC) AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE PURCHASE OF ELECTRICITY

WHEREAS, the Mayor and City Council find as follows:

- A. On January 2, 2007 the State of Illinois implemented a plan to deregulate Commonwealth Edison;
- B. Under the aforementioned deregulation plan, Commonwealth Edison no longer generates electricity for its customers, but continues to provide electric power through its distribution system;
- C. As a result of this deregulation, electricity is purchased based on market price and Exelon, the parent company of Commonwealth Edison, is no longer the sole supplier of electricity in Northern Illinois, resulting in new electricity suppliers being able to compete against Exelon, and competitive market forces dictating the price of electricity;
- D. Municipalities across the State are entering the market to purchase electric power in order to mitigate some of the economic impact of rising rates, which, on a practical basis, can only be done using a third party who will serve as a broker for the municipalities and has the knowledge and experience to seek bids from the various electricity providers;
- E. The City of Crystal Lake has selected the Northern Illinois Municipal Electric Cooperative (NIMEC) to serve as the City's broker relative to the acquisition of electrical energy due to NIMEC's municipal experience and the fact that NIMEC is a municipal cooperative which will be pooling the energy needs of members of the cooperative in order to secure more competitive pricing based on higher volumes than can be provided individually to a single municipality;
- F. The amount of compensation that NIMEC receives, if the City chooses the NIMEC electricity supplier, being built into the prices bid by the electricity supplier and equaling 1% of the cost per kilowatt hour (as would be the case with any broker), so there will be no direct payments made to NIMEC by the City;

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G. That because of the way the bidding process works, the City Manager will need to have the authority to sign a contract with the electricity provider which is deemed most favorable for the City within hours of the bids being received by NIMEC.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Crystal Lake that the Northern Illinois Municipal Electric Cooperative (NIMEC) is hereby appointed as the City's broker for purposes of obtaining a supply of electricity for the City's municipal needs, and City Staff is hereby directed to take all actions necessary to establish said broker relationship.

BE IT FURTHER RESOLVED that the bidding requirements are hereby waived and instead the City of Crystal Lake will participate in the NIMEC for the purchase of electricity. Also, the City Manager is authorized to discuss and negotiate energy rates directly with suppliers in an effort to secure a lower energy cost for the City of Crystal Lake.

BE IT FURTHER RESOLVED that, in light of the time constraints applicable to the acceptance of a competitive bid for a supply of electricity, once the bids are received by NIMEC, the City Manager is hereby authorized to execute the contract for the purchase of electricity.

DATED this 4th day of May, 2010

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

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

SEAL

ATTEST

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

PASSED: May 4, 2010

APPROVED: May 4, 2010



**Agenda Item No: 26**

**City Council  
Agenda Supplement**

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<b>Meeting Date:</b>	May 4, 2010
<b>Item:</b>	Three Oaks Recreation Area Contract Amendment Number Nine
<b>Staff Recommendation:</b>	Motion to adopt a resolution authorizing the City Manager to execute Contract Amendment Number nine (9) in the credit amount of (\$285,255) as presented.
<b>Staff Contact:</b>	Gary J. Mayerhofer, City Manager Eric T. Helm, Deputy City Manager

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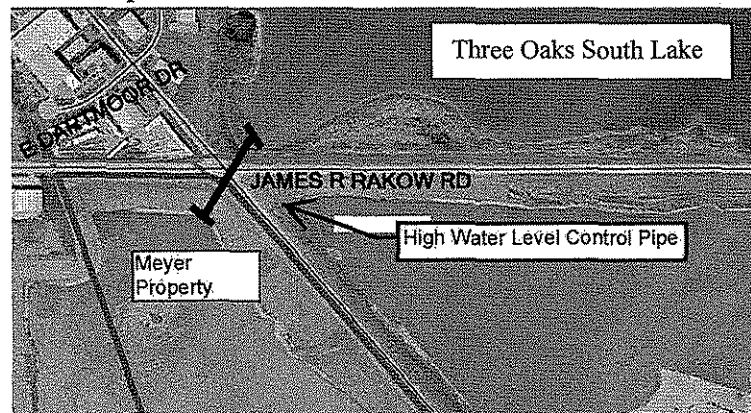
**Background:**

The Council previously approved contract amendments one through eight for the construction of the Three Oaks Recreation Area. Recent circumstances necessitate contract amendment number nine. Contract Amendment number nine is in the total credit amount of (\$285,255).

Water Level Control

Hitchcock Design Group (HDG) originally designed the amenities based on the presumption of high water level control. In order to attain high water level control, HDG designed a pipe under Rakow Road extending from Three Oaks to the property southwest of the site. The pipe would discharge water from the lake at Three Oaks when the water surface reached a certain high level limit (*Graph 1*).

*Graph 1*



Since the beginning of the project, the design team attempted to negotiate with the neighboring property owners for the installation of the high water level control pipe. To date, these negotiations have not yielded an agreement. Since the project is nearing completion, the design team recommends that the City eliminate the pipe from the project, and utilize a portion of the funds designated for the pipe towards raising the elevations of several amenities. The elimination of the pipe from the project results in a credit of (\$479,723).

Even though several amenities need to be redesigned, it is the design team's opinion that the functionality and operation of the facility will not be negatively impacted. As noted in the body of this agenda supplement, patrons will still enjoy access to the facility for both fishing and hiking during high and low water events.

South Lake Water Level Analysis

The proposed changes to the project design are predicated on an analysis of historic water levels. As part of the Preliminary Engineering, Hey and Associates surveyed the historical water levels on the lakes. Hey and Associates found that historically, water levels most commonly range from 857' to 863'. They also found that a hypothetical high water level of 865' should be planned for, even though this water level is not likely. In addition to Hey's historical research, the City has been monitoring the water levels through staff gauges during the past year. Based on the gauge, the water levels over the last several months vary from 863.5' – 864'. The highest water level recorded on the staff gauge was 864.2', which occurred on June 26, 2009.

Table 1 and Table 2 show the impact of high water levels on the amenities. Even without high water level control, the amenities noted in Table 1 are above both the potential high water levels and the actual recorded highest water level. These amenities do not need to be altered.

*Table 1*

<u>Elevations</u>	<u>Amenity</u>
871.76'	Lake House
870'	Playground / Spray Park
869'	Picnic Grove
866.5'	Boat House
<b>865'</b>	<b>Potential High Water Level</b>
<b>864.2'</b>	<b>Highest Recorded Water Level (June 2009)</b>

However, without the high water level control, the amenities noted in Table 2 are potentially unusable in high water level events. These amenities need to be altered to maintain the design intent.

*Table 2*

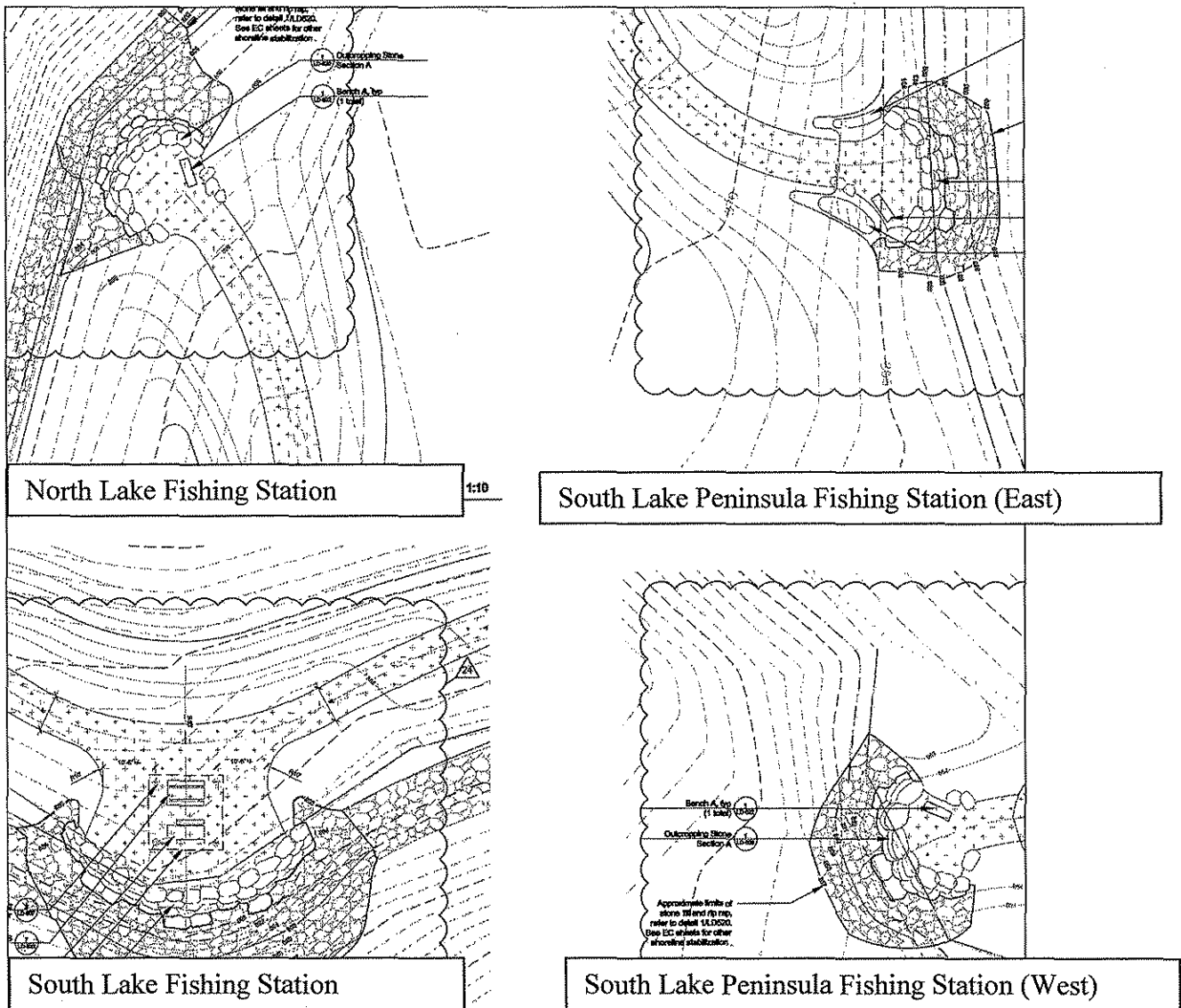
<u>Elevations</u>	<u>Amenity</u>
<b>865'</b>	<b>Potential High Water Level</b>
<b>864.2'</b>	<b>Highest Recorded Water Level (June 2009)</b>
863' – 864'	West Hiking Trail
864'	Fishing Stations (Top stone)
862.5'	Interpretive Boardwalk

Based on the elevations of the amenities in *Table 2*, the design team recommends two modifications, which are detailed on the following pages. The pricing for these changes are generated from per unit bid prices for equipment and materials. For some items, Hitchcock Design Group (HDG) competitively priced the items with several contractors, compared pricing to industry standards, and used per unit bid pricing.

**Design Modification #1: Revise Elevation and Design of the Fishing Stations**

The design contemplates four fishing stations, which are large landscape stones that create “steps” down to the water’s edge. This will allow fishermen the ability to access the shoreline. The four stations are shown in *Graph 2*.

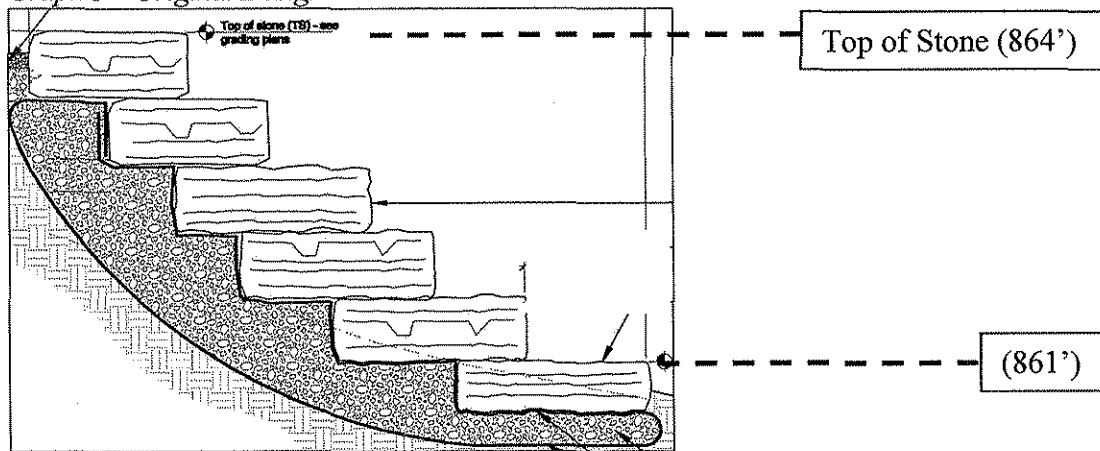
*Graph 2 – Fishing Stations*



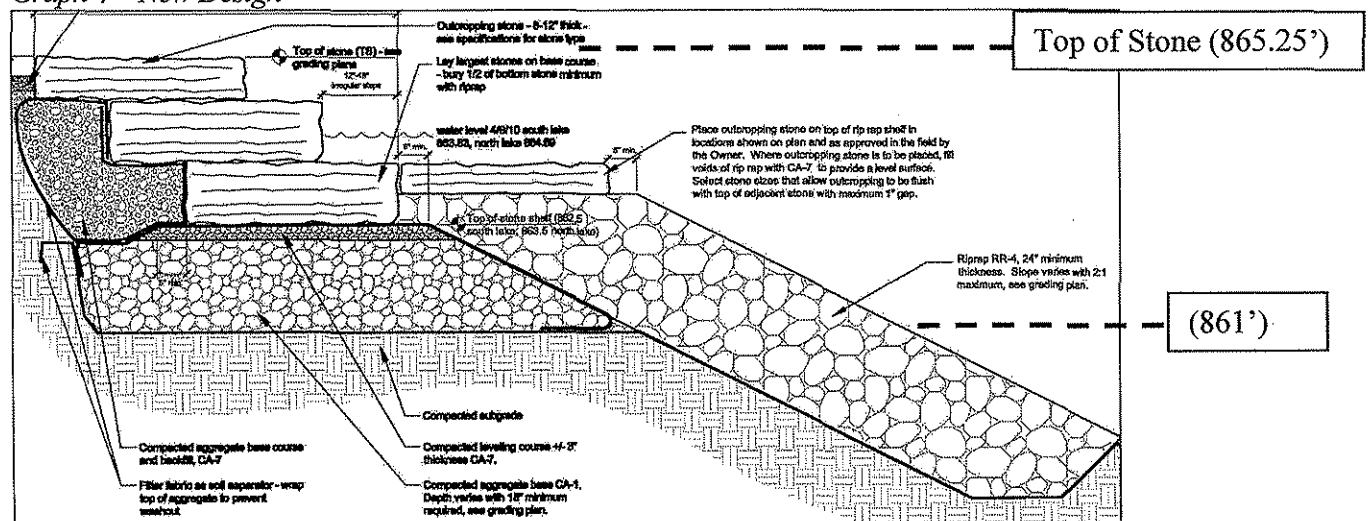
The design team is recommending that the four shoreline fishing stations shown in *Graph 2* be modified due to water level concerns. The fishing stations need to be modified for two reasons. First, the planned top stone of the south lake fishing stations is at 864' in the south lake. These stations would be unusable at the recorded high water level of 864.2'. Second, the absence of high water level control impedes the construction of the fishing stations. The design team originally planned that the stations were to be constructed after the lake was dewatered. Now that the lake cannot be dewatered, the construction methods need revision since the landscaper cannot place the base stone under four feet of water.

The following illustrations show the elevation of the original design with high water level control and the new design without high water level control. Three changes are being made to the new design. First, the fishing stations are being raised one foot from their previous elevations. The top of the stone is proposed at 865.25' instead of 864'. Second, large "rip rap" stone will be placed at the "toe" of the landscape stone to provide a base for the fishing station. This will aid in the construction process.

*Graph 3 - Original Design*



*Graph 4 - New Design*



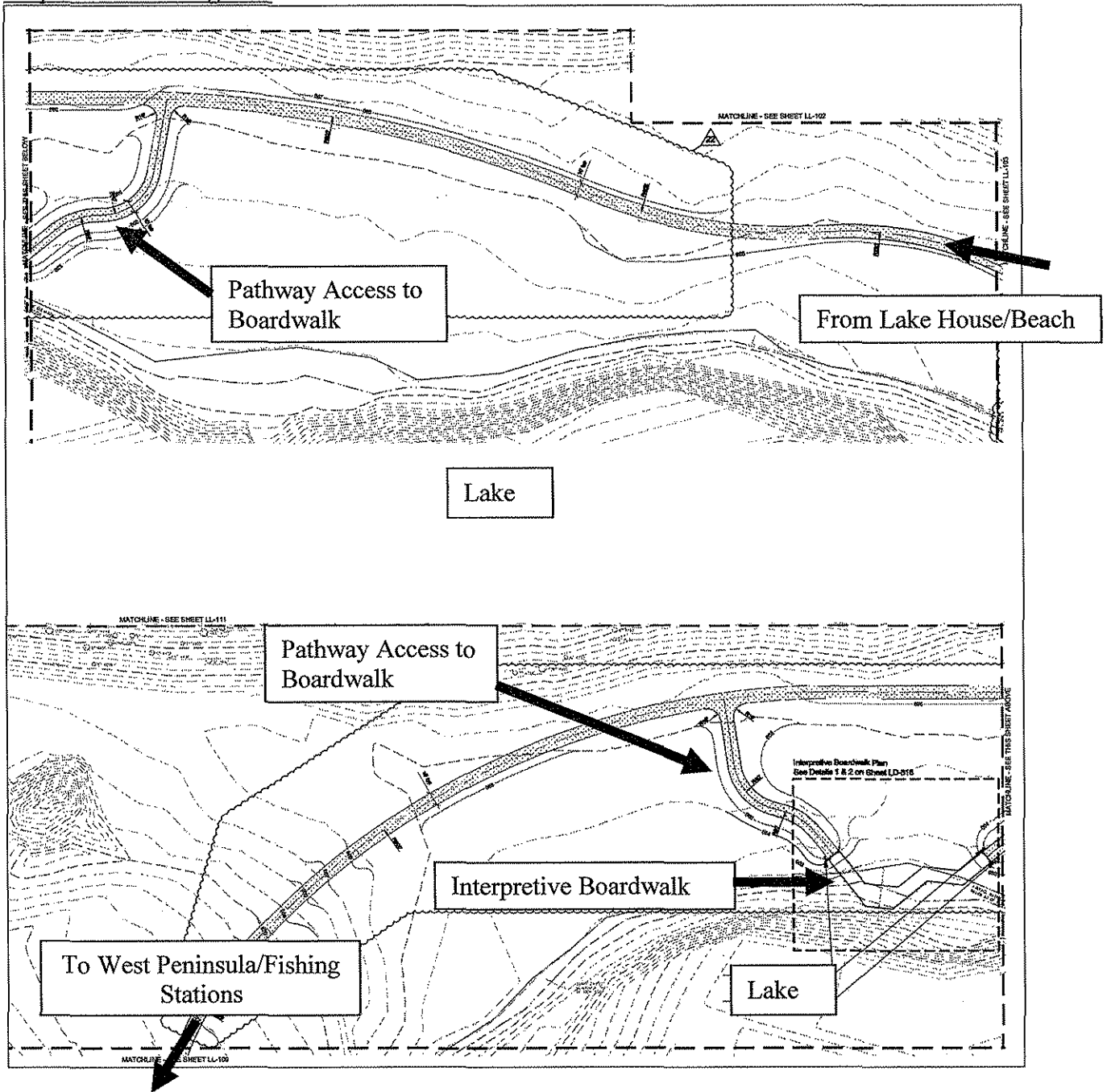
The total cost to modify the fishing stations as described above is \$69,885.



**Design Modification #2: West Hiking Trail and Interpretive Boardwalk**

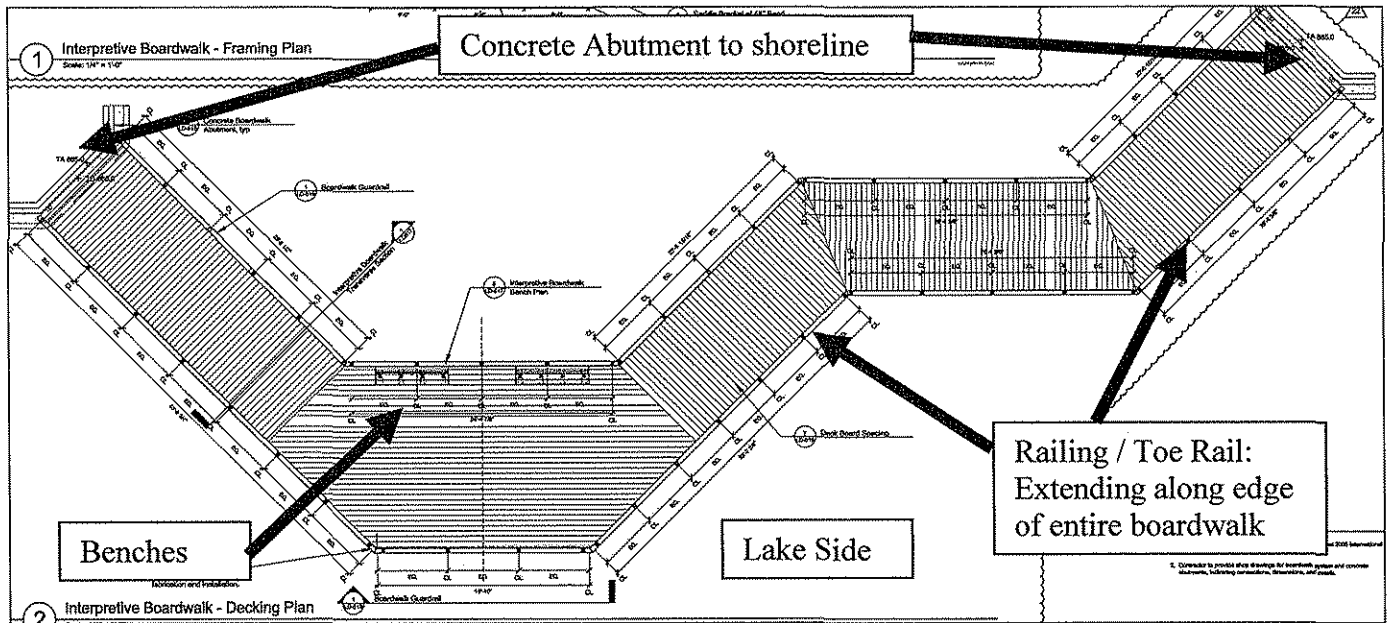
The west hiking trail allows patrons the ability to access the west peninsula shelter, lake overlook, and fishing stations (*Graph 6*). In addition, a pathway from the trail guides patrons to an interpretive boardwalk. The original elevation of the trail varied between 863' and 864'. Unless the trail is modified, some trail areas would be impassable during high water level events. Several changes will be made to the trail itself. First, the trail will be moved further north, which would allow it to be usable in case of high water levels. In addition, the pathway access to the boardwalk needs to be raised and re-graded.

*Graph 6 – West Hiking Trail*



Additional changes will be made to the interpretive boardwalk. The interpretive boardwalk is located on the south lake, along the west hiking trail (see *Graph 6* on page 5). This boardwalk is intended to allow visitors to have close access to the water and viewing of the lake. Several modifications need to be made to the boardwalk and construction methods:

1. *Raise Boardwalk Elevation:* The elevation of the boardwalk needs to be raised above the current water levels. The planned elevation of the boardwalk was 862.5', which is below the current water level range of 863' – 864'. The new elevation of the boardwalk deck will be 866'.
2. *Add Railing:* The original plans included a 5" high toe-rail on the edge of the boardwalk. The revised plans call for the boardwalk to be configured with a 42" high railing, instead of a toe rail. Since the boardwalk will be raised, the City Code requires that the boardwalk have railings. Railings are necessary due to the distance from the boardwalk deck to the ground/water during low water events.
3. *Water Control During the Excavation of the Concrete Abutments:* An abutment connects the boardwalk's wood frame to the shoreline. Due to the existing high water levels, the concrete contractor cannot pour the abutments into a dry area. Additional costs are needed for the concrete contractor and earthwork contractor to pour the abutments in a wet area.



The cost to modify the west trail and boardwalk as described above is \$83,591.

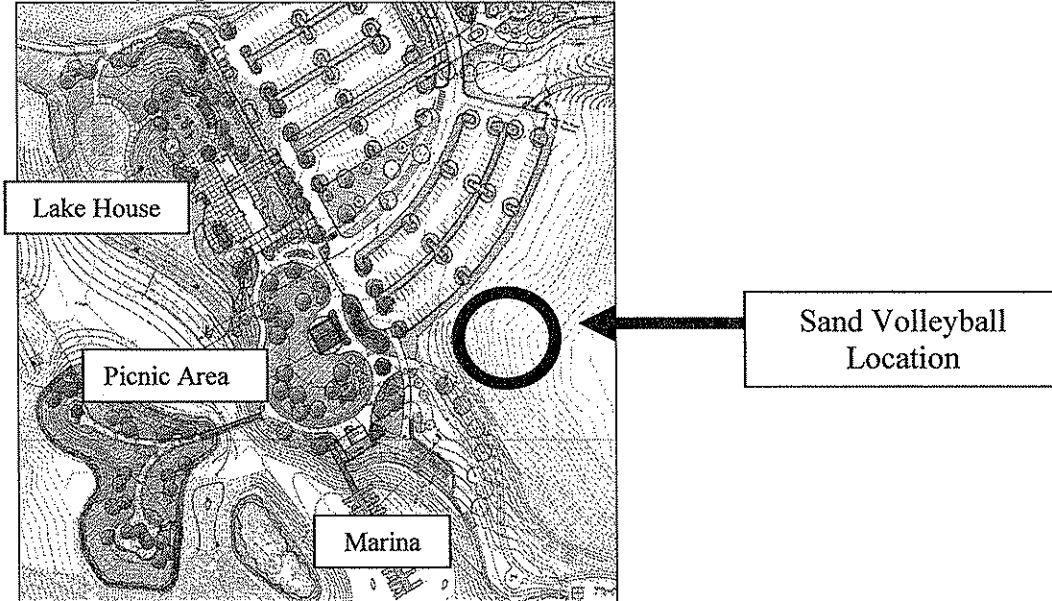
- Hitchcock Design Group Redesign Fees: The HDG redesign fees for the design modifications are \$10,800. This includes the following services:
  - Redesign the four modifications listed above.
  - Redraw grading, layout and planting plans around the elements that need revision, and create the construction documents.
  - Collect pricing from contractors for the changes and negotiate the best value for the City.
  - Provide construction management of the changes to ensure completion per the revised plan.

Miscellaneous Project Changes: In addition to the design changes listed above, the proposed Contract Amendment #9 includes the following project modifications:

- Utilize Caissons to Install Five Light Poles in the Picnic Grove: Five light poles are designed near the water's edge surrounding the picnic pavilion. After recent attempts by the electrical contractor to install the poles, it was discovered that the ground water was compromising the poles' foundations. Special caissons will need to be utilized to keep water from the light pole's foundations, and enable the contractor to pour the concrete in a dry area. The cost to utilize caissons for the installation is \$12,000.
- Adjust Conduit and Hand Holes Near Island Boardwalk: Previously, the boardwalk was raised due to high water level concerns. However, recently the construction manager discovered that the electrical conduit and hand holes need to be raised to meet the new elevation of the boardwalk. The cost to adjust these items is \$635.
- Add Three Bicycle Racks: The contractor provided pricing in their bid for each bicycle rack. Due to the anticipated heavy use of the facility by bicyclists, the design team recommends adding additional bicycle storage racks. If racks were to be added in the future, the concrete and landscape area would need to be altered and disturbed, resulting in a greater expense and site disruption. The cost to add three racks is \$729.
- Substitute Plywood for Drywall in the Boat House: The architect designed the boat house walls to have drywall. However, after the City's review of the area, it was determined that the drywall should be replaced with plywood. The plywood will be a better material to attach storage racks for the trolling motors, marina supplies, and batteries. While the City is receiving a credit for the drywall material and taping, the additional cost of the plywood and shipping/handling costs is \$2,501.
- Add Soil Amendments to Native Planting Areas: In order to improve the germination of the native plantings in the sand and gravel soil, it is recommended that one application of fertilizer be applied to the soil prior to seeding. This application would assist the seeds and lead to a better product. The cost to apply both treatments is \$7,490.
- Modify Fire Sprinkler Line to Move Inside of Building: During the building review process, the design team discovered a sprinkler line that was located in a publically visible location. At this particular location, it detracted from the architectural aesthetics of the building. The cost to modify the sprinkler line and move it inside, out of public view, is \$2,469.
- Move Air Conditioning Unit: Following the HVAC contractor's evaluation of the plans, the contractor discovered that the existing location of the air conditioning unit was too far away from the pipe supplying coolant material. The cost to move the air conditioning unit so that the building would effectively receive air conditioning is \$598.

- Preliminary Design Fee for Possible Sand Volleyball Courts: During the excavation of the site, the earthwork contractor utilized materials from a “borrow pit” for sand and gravel. The digging of the borrow pit produced a “bowl” shape. Due to its shape and proximity to the parking lot, this area may be a good location for the construction of several sand volleyball courts. It is recommended that HDG perform the preliminary design of this area for the volleyball courts. The cost for the preliminary design is \$1,200. Final design fees and construction costs will be presented to the City Council at a future meeting.

*Location of Proposed Sand Volleyball Court(s)*



- Preliminary Design Fee for Possible Trail Node: The design team identified an area near the Main Street entrance that could be utilized as an overlook. This would allow individuals to view the facility, without entering the park. The cost to perform the preliminary design, including surveying work is \$2,570. Final design fees and construction costs will be presented to the City Council at a future meeting.

*Location of Proposed Overlook*

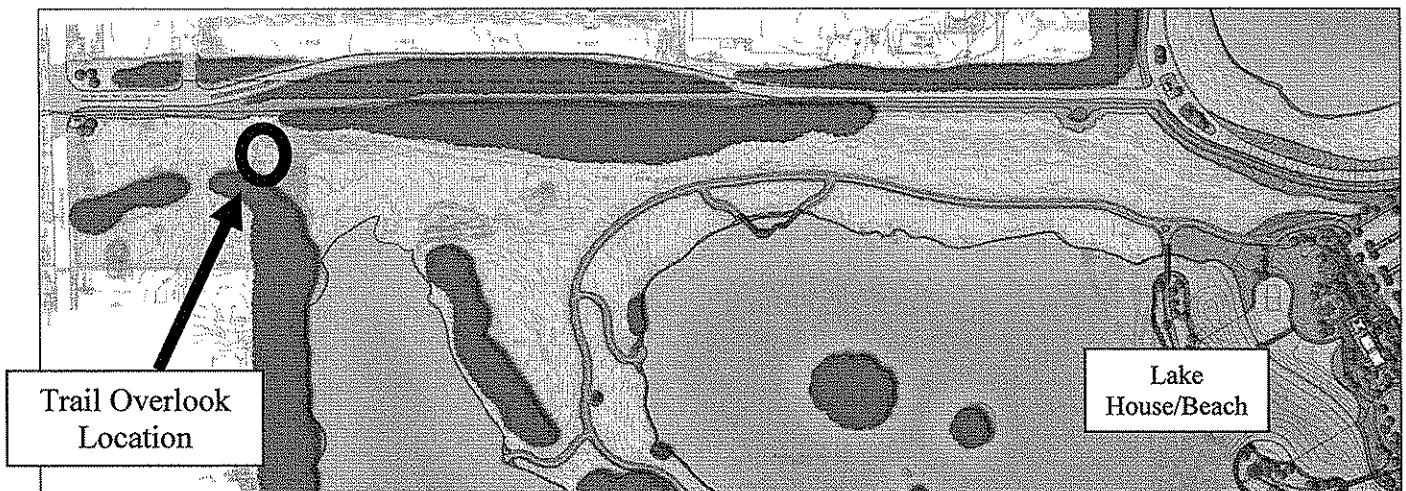


Table 1: Contract Amendment Number Nine Summary

<b>Modifications Due to Water Levels</b>	
Credit for Elimination of Water Level Control Pipe	-\$479,723
Fishing Station Modifications	\$69,885
Trail and Boardwalk Modifications	\$83,591
HDG Redesign Fees	\$10,800
<i>Total for Modifications</i>	<i>-\$315,447</i>
<b>Miscellaneous Project Changes</b>	
Install Light Poles using Caissons	\$12,000
Adjust conduit and hand holes near island boardwalk	\$635
Move ACC-1 Location	\$598
Add three bicycle racks	\$729
Modify the fire sprinkler line to move inside building	\$2,469
Substitute plywood for drywall in boat house	\$2,501
Add Soil Amendments to Native Plant Areas	\$7,490
HDG Beach Volleyball Preliminary Design Fee	\$1,200
HDG Trail Node Preliminary Design Fee	\$2,570
<i>Total Misc. Project Changes</i>	<i>\$30,192</i>
<b>Total Impact of Contract Amendment #9</b>	<b>-\$285,255</b>

**Contract Amendment Summary and Contingency Status**

The City Council previously established a contingency of 10% of the total project budget. Since the project budget is \$12,497,929, the contingency was established at \$1,249,793. Table 2 shows the contract amendments and contingency allowance to date, including the impact of contract amendment #9.

Table 2

	<u>Summary</u>	<u>Amount</u>
Contract Amendment #1	Design plan changes based on regulatory review	\$257,289
Contract Amendment #2	Alternates from Bid Package One (Amount applied to Budget)	In Budget
Contract Amendment #3	Dewatering and eliminate water pipe loop and Main Street Signal	-\$114,670
Contract Amendment #4	Per IDOT comments, upsize water service line from 8" to 10" and revise stop signs	\$26,211
Contract Amendment #5	Beach redesign, Undercuts, Shoreline Protection and Plan Modifications	\$322,022
Contract Amendment #6	Final beach redesign fees, undercuts and plan modifications	-\$5,036
Contract Amendment #7	Minor plan modifications, undercuts	\$6,639
Contract Amendment #8	Plan Modifications and Shoreline Stone Protection	\$111,971
Contract Amendment #9	Modification of Amenity Elevations and Misc. Changes	-\$285,255
<b>Total:</b>		<b>\$319,171</b>
<b>Total Contingency:</b>		<b>\$1,249,793</b>
<b>Remaining Contingency:</b>		<b>\$930,622</b>

**Recommendation:**

Hitchcock Design Group (HDG), Featherstone Incorporated and City Staff recommend that contract amendment number nine be approved by the City Council.

**Votes Required to Pass:**

A simple majority of the City Council is required for approval.



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**RESOLUTION**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be and he is hereby authorized and directed to execute contract amendment number nine related to the Three Oaks Recreation Area in the credit amount of \$285,255 as presented at the May 4, 2010 City Council Meeting.

DATED this 4<sup>th</sup> day of May, 2010.

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

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

SEAL

ATTEST

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

PASSED:  
APPROVED: