



CITY OF CRYSTAL LAKE

AGENDA

CITY COUNCIL REGULAR MEETING

**City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
August 3, 2010
7:30 p.m.**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes – July 20, 2010 Regular City Council Meeting**
- 5. Accounts Payable**
- 6. Public Presentation**
The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the city staff, Mayor or City Council will not be allowed at this time, nor will any comment from the Council. Personal invectives against city staff or elected officials are not permitted.
- 7. Mayor's Report**
- 8. Council Reports**
- 9. Consent Agenda**
 - a. Metra Ridgefield Station Annexation Public Hearing Continuation**
- 10. M'Lady Nissan, 5656 Northwest Highway – Temporary Use Permit request for a Special Promotion.**
- 11. Exceed Flooring, 5186 Northwest Highway – Temporary Use Permit request for a Special Promotion.**
- 12. Halloween City, 5831 Northwest Highway – Land Use Variation from Article 2 of the Unified Development Ordinance to allow a Halloween Store as a Permitted Use in the “B-2” district.**
- 13. Park Place Townhomes, west of Randall Road at Alexandra Boulevard – Final Planned Unit Development Amendment to allow the extension of decks and patios to extend beyond the previously approved limits, which would require variations to allow encroachment into the rear yard setback and to the maximum permitted impervious coverage.**
- 14. Bid award and resolution authorizing execution of an agreement for Police Department Level II body armor pricing.**
- 15. Bid award and resolution authorizing execution of a purchase agreement for the provision of five Computerized Spreader Controls.**
- 16. Bid award and resolution authorizing execution of a purchase agreement for the provision of aluminum street sign blanks.**

17. **Resolution authorizing execution of a lease agreement between the City of Crystal Lake and Clearwire Communications for use of the McCormick Park Water Tower.**
18. **Resolution authorizing a budget amendment for the Main Street Rail Yard Relocation Project Phase I Engineering.**
19. **Resolution appropriating MFT funds for the Main Street Rail Yard Relocation Project Phase I Engineering.**
20. **Resolution authorizing execution of an agreement for the operation of concessions at Three Oaks Recreation Area.**
21. **Council Inquiries and Requests**
22. **Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation, the sale, purchase or lease of real property, collective bargaining, and personnel.**
23. **Board and Commission Appointments/Reappointment.**
24. **Reconvene to Regular Session.**
25. **Adjourn**

If special assistance is needed in order to participate in a City of Crystal Lake public meeting, please contact Eric Helm, Deputy City Manager, at 815-459-2020, at least 24 hours prior to the meeting, if possible, to make arrangements.



Agenda Item No: 9a

**City Council
Agenda Supplement**

Meeting Date: August 3, 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 September 21, 2010, City Council meeting for the Annexation Public Hearing.

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

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 September 21, 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. Presentations and meetings have been conducted and a path to an Intergovernmental Agreement has been laid out for Metra. Some additional time is requested to get this agreement finalized before Metra proceeds to the City Council meeting.

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

Votes Required to Pass: A simple majority vote.



Agenda Item No: 10

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	August 3, 2010
<u>Item:</u>	M'Lady Nissan Temporary Use Permit request for a Special Promotion (old vehicle in dumpster).
<u>Recommendation:</u>	Motion to approve the Temporary Use Permit, pursuant to the recommendations listed below.
<u>Staff Contact:</u>	Michelle Rentzsch, Director of Planning and Economic Development

Background: M'Lady Nissan is requesting a Temporary Use Permit for a Special Promotion to allow a 10-yard dumpster with a car inside the dumpster as well as a banner to be displayed in front of their business at 5656 Northwest Highway from August 1, 2010 to August 31, 2010. The dealership will be holding their own version of the "Cash for Clunkers" promotion that was very successful nationwide last year.

The Unified Development Ordinance (UDO) allows special promotions for a period of not more than three days in a calendar month. The Ordinance states that only four special promotions by the same business shall be approved by the City Council within a calendar year on the same property. This would be the first request by M'Lady Nissan for a Temporary Use Permit activity this year.

Also, the UDO allows temporary signs to be displayed for periods not exceeding 39 days, four times per calendar year and also states that a temporary sign is not to exceed 16 sq. ft. The applicant is proposing a banner to be placed on either side of the 10-yard dumpster for the same period of time. The banners will be a maximum of 50 square feet per banner.

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

1. The Temporary Use Permit shall be valid per the attached site plan from August 1, 2010 to August 31, 2010.
2. There shall be no external lighting used.
3. In order to avoid a sight-line problem for customers exiting the west dealership entrance, the dumpster should be maintained in line with the cars on display.
4. Fluids should be drained from the vehicle to avoid any potential spills and/or ground water contamination.

5. Two limited duration banners for a maximum total of 50 square feet in area per banner are permitted as a part of this request. Any additional signage will require a separate sign permit.

The applicant has been made aware of these recommended conditions and advised to attend the August 3, 2010 City Council meeting to answer any questions.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 11

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	August 3, 2010
<u>Item:</u>	Exceed Flooring Temporary Use Permit request for a Special Promotion (vehicle with sales banner).
<u>Recommendation:</u>	Council's discretion: A. Motion to approve the Temporary Use Permit, pursuant to the recommendations listed below. B. Motion to deny the applicant's request.
<u>Staff Contact:</u>	Michelle Rentzsch, Director of Planning and Economic Development

Background: Exceed Flooring is requesting an extension of the Temporary Use Permit for a Special Promotion to allow a flat-bed truck with a banner to be displayed in front of their business at 5186 Northwest Highway from August 4, 2010 to February 4, 2011. The original six-month request (from January 20, 2010 to July 1, 2010) was approved by the City Council on January 19, 2010 (see attached minutes).

The Unified Development Ordinance (UDO) allows special promotions for a period of not more than three days in a calendar month. The Ordinance states that only four special promotions by the same business shall be approved by the City Council within a calendar year on the same property. This would be the second request by Exceed Flooring for a Temporary Use Permit activity this year.

Also, the UDO allows temporary signs to be displayed for periods not exceeding 39 days, four times per calendar year and also states that a temporary sign is not to exceed 16 sq. ft. The applicant is proposing a sign on each side of the truck which is approximately 13' wide by 2' tall, or 26 sq. ft. per side for 185 days.

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

1. The Temporary Use Permit shall be valid per the attached site plan from August 4, 2010 to February 4, 2011.
2. Any requests for additional signage shall be made to the Building Division.
 - A. Two - 2' by 13' signs shall be allowed. The sign shall be located out of the sight-line triangle and the right-of-way for Route 14.

3. There shall be no external lighting used.

The applicant has been made aware of these recommended conditions and advised to attend the August 3, 2010 City Council meeting to answer any questions.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 12

**City Council
Agenda Supplement**

Meeting Date: August 3, 2010

Item: REPORT OF THE PLANNING & ZONING COMMISSION

#2010-45 Halloween City (Gags and Games, Inc.)

Land Use Variation from Article 2 of the UDO, to allow a Halloween Store, classified a Temporary Retail Use/Activity as a Permitted Use in the "B-2" district.

Amy Shepherd, Halloween City
5831 Northwest Highway

PZC Recommendation: A motion to approve the Planning and Zoning Commission recommendations approving an ordinance granting a land use variation for 5831 Northwest Highway.

Staff Contact: Michelle Rentzsch, Director of Planning and Economic Development

Background: The property in question is the former Great Escape store, approximately 30,000 square feet in area, located on Northwest Highway, east of Main Street. The property is zoned "B-2" General Commercial. Per the UDO, a Temporary Retail Use/Activity is "a use or activity that operates or locates with an intention of operating for no more than four months in a year." A Temporary retail use/activity is specifically prohibited through the UDO, primarily to encourage year-round "*brick and mortar*" stores to locate in vacant storefronts as well as recognizing existing stores in the community that retail the same products.

The petitioner's request for a Halloween store at 5831 Northwest Highway that would retail Halloween costumes and decorations is considered a temporary retail use. The petitioner has indicated that the store will be operational starting the Tuesday after Labor Day through Halloween and, therefore, requires a (use) variation to allow the use at this location. The City recently approved an approximately 6,000-square-foot bar/lounge (Buzz Lounge) at this location.

The petitioners are requesting a 36-square-foot raceway wall sign that would be flush mounted to the fascia. The sign would have a green raceway background and orange lettering with a black shadowing. There is an existing free-standing sign on this property with two panels measuring 31.88 square feet and 21.58 square feet. The petitioner has not submitted any information, but would be able to replace a panel on this free-standing sign.

The petitioners are requesting a favorable consideration of their request because Gags and Games, Inc., the parent company for Halloween USA operates a year-round store, Factory Card and Outlet (now Party City) in the City.

PZC Highlights

At the Planning and Zoning Commission meeting, there was no concern regarding the proposed use. The Planning and Zoning Commission recommended **approval (6-0)** of the petitioner's request with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application packet including sign information (received 7-2-10)
2. An occupancy/life safety inspection shall be completed through the Building Division prior to occupancy.
3. Sign permits are required for all exterior signage and all signage (including any window signage) must meet the requirements of the Unified Development Ordinance.
4. All signage shall be removed within one week after the space has been vacated; otherwise, sign penalties will apply. If the petitioner replaces the sign panel on the free-standing sign, that sign will also be replaced with a blank sign panel within one week after the space has been vacated.
5. Parking of a vehicle for the purpose of advertising is prohibited. Any vehicles with the Halloween City logo or lettering shall be parked in the rear of the building.
6. The petitioner shall address all comments of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.
7. **The point of sale shall be noted as the City of Crystal Lake for sales tax. (added by PZC)**

Votes Required to Pass:

A simple majority vote.

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ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING A VARIATION AT 5831 B NORTHWEST HIGHWAY

WHEREAS, pursuant to the terms of a Petition (File #2010-45) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the granting of a Land Use Variation from Article 2 of the UDO, to allow a Halloween Store, classified a Temporary Retail Use/Activity as a Permitted Use in the "B-2" district; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Variation 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 a Land Use Variation be granted from Article 2 of the UDO, to allow a Halloween Store, classified a Temporary Retail Use/Activity as a Permitted Use in the "B-2" district

at the property commonly known as 5831 B Northwest Highway, City of Crystal Lake,.

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

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application packet including sign information (received 7-2-10)
2. An occupancy/life safety inspection shall be completed through the Building Division prior to occupancy.
3. Sign permits are required for all exterior signage and all signage (including any window signage) must meet the requirements of the Unified Development Ordinance.
4. All signage shall be removed within one week after the space has been vacated, else sign penalties will apply. If the petitioner replaces the sign panel on the free-standing sign, that sign will also be replaced with a blank sign panel within one week after the space has been vacated.
5. Parking of a vehicle for the purpose of advertising is prohibited. Any vehicles with the Halloween City logo or lettering shall be parked in the rear of the building.

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6. The petitioner shall address all comments of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.

7. The point of sale shall be noted as the City of Crystal Lake for sales tax.

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 a Variation in accordance with the provisions of this Ordinance, as provided by law.

Section IV: That this Ordinance shall be in full force and effect from and after its passage 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: 13

**City Council
Agenda Supplement**

Meeting Date:

August 3, 2010

Item:

REPORT OF THE PLANNING & ZONING COMMISSION

#2010-27 Park Place Townhomes

Final PUD Amendment to allow the extension of decks and patios to extend beyond the previously approved limits, which would require variations to allow encroachment into the rear yard setback and to the maximum permitted impervious coverage.

Brian Schoepp, petitioner
West of Randall Road, at Alexandra Boulevard

PZC Recommendation:

Motion to approve the Planning and Zoning Commission recommendation and to adopt an ordinance granting a Final PUD Amendment for Park Place Townhomes Units 2 and 3.

Staff Contact:

Michelle Rentzsch, Director of Planning & Economic Development

Background: In 2004, the City Council approved the Final Plat of Subdivision and Final PUD for Phase 2 of Park Place Townhomes and in 2005 they approved Phase 3. At the time, the developer prepared plans illustrating the location and size of the proposed decks and patios. The approvals required that no decks be allowed on the homes along the perimeter backing to the single family homes. This restriction is still in effect, so those homeowners would only be permitted a patio extension. Many of the existing decks and patios are currently within the rear yard setbacks. Decks and patios are permitted a 4-foot encroachment into any setback. The proposed request would allow the townhome owners to extend their decks and patios farther into the rear yards. This request requires variations to the setbacks and to the maximum impervious coverage limits.

Park Place has been designed with common open space behind and adjacent to the units. This open space creates distance between the buildings so the decks and patios will not appear to fill up the rear yards. Townhome lots are, by nature, very small since they are platted to be just around the unit with a slight amount of private open space in the front and back. The extension of the decks and patio areas could cause the individual lots to exceed the maximum impervious coverage limits. The petitioners need to request the variation from the impervious lot coverage because of the nature of their small lots, though the overall development will be below the maximum impervious limits.

PZC Highlights

Several townhome owners within the subdivision were present to discuss this request. Through a show of hands, it appeared that 95% were in favor of the request. The homeowners opposed expressed concern that now the properties would not look uniform if some members installed the new deck or patio extensions and others did not. Member Goss and Member Hayden voted no on the request stating the encroachment into the setbacks was not acceptable. The developer knew what they were doing when they requested the subdivision and they crammed these units in there and put on small decks and patios. Now a few years later the homeowners don't want to live within those requirements. All the members that voted yes wanted to ensure that the criteria would be followed and that there would be a uniform look to all the decks and all the patios.

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

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Brian Schoepp, received 4/12/10).
 - B. Park Place HOA Patio and Deck Guidelines (Park Place HOA, received 4/12/10)
 - C. Patio and Deck extension exhibit (Schoepp, received 4/12/10)
2. All previous approvals, restrictions and approved plans shall remain in effect, unless specifically modified by this request.
3. No patio or deck extension shall be permitted closer than 5 feet from the rear property line and shall not be permitted within a Municipal Utility Easement, Drainage Easement, Restricted Public Utility Easement, Access Easement or Public Utility Easement (unless permission is granted from that utility).
4. Each homeowner is required to complete a Building Permit application and provide complete plans with dimensions, materials, colors and other details. The homeowner shall also show any landscaping to be removed and its relocation. The homeowner shall also calculate the impervious surface coverage.
5. Each permit shall be reviewed by the Engineering Division to ensure grading patterns remain intact.
6. 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.
7. Each patio or deck request shall adhere to the following criteria:
 - A. Patio extensions
 - i) All patios must be made of uncolored concrete or uncolored stamped concrete using either Fieldstone, Ashlar Slate, Majestic Ashlar, or 36" x 36" Slate patterns and using a black or dark grey release color.
 - ii) The patio must be professionally installed by a licensed and bonded contractor.
 - iii) Homeowners whose patios disturb the existing landscaping (other than grass) must replant the bushes and shrubs in an approved area on their owner lot.
 - iv) Patios must also be permitted and approved by the City of Crystal Lake. For more information, visit <http://www.crystallake.org/Modules/ShowDocument.aspx?documentid=132>.

- v) Be aware that lots with dramatic sloping backyards may require additional attention and paperwork.

Look-Out Basement or Walk-Out Basement Models West of the Creek:

- Patios must start near the footpad of the stairs and extend a width of 12 feet. From that point, the patio must extend 10 feet out towards the rear of the property.

Slab or Standard Basement Models West of the Creek:

- Patios can be extended 6 feet out and 8 feet over from the original patio. This would double the existing patio.
- If the homeowner chooses to use stamped concrete, the whole patio (existing and new) must be done.
- Homeowners will be responsible for any impact their installation may have to the building or grounds.
- Homeowners are also responsible for the removal of any dirt, grass, and other materials. Materials must be removed from the association grounds.
- All owners who wish to install patios will be responsible for the upkeep and maintenance of their patio.
- Any necessary relocation of landscape material due to the installation of a patio will be done by the Association's hired landscape contractor at the homeowner's expense.

B. Deck Extensions

- i) All decks must be made of wood and follow the same style of the existing deck.
- ii) No stains or painted wood will be allowed.
- iii) Decks must also be permitted and approved by the City of Crystal Lake. For more information, visit <http://www.crystallake.org/Modules/ShowDocument.aspx?documentid=131>.
- iv) Lots with dramatic sloping backyards may require additional attention and paperwork.

Look-Out Basement or Walk-Out Basement Models West of the Creek:

- Deck extension of 6 feet 6 inches by 7 feet will be permitted.
- All railings must follow the same style as the preexisting deck.
- Ground underneath the deck must be mulched and relandscaped.
- Any bushes or shrubs under the new deck extension must be relocated to an approved area.
- Homeowners will be responsible for any impact their installation may have to the building or grounds.
- Homeowners are also responsible for the removal of any dirt, grass, and other materials. Materials must be removed from the association grounds.
- All owners who wish to install a deck will be responsible for the upkeep and maintenance of their deck.
- Any necessary relocation of landscape material due to the installation of a deck will be done by the Association's hired landscape contractor at the homeowner's expense.

8. The City Attorney shall review the current Covenants, Conditions and Restrictions prior to City Council review and approval. (Added by the PZC)

Votes Required to Pass: A simple majority vote.

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ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING AN AMENDMENT TO THE FINAL PUD FOR PARK PLACE UNITS 2 AND 3

WHEREAS, pursuant to the terms of the Petition (File #2010-27) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested an Amendment to the Final Planned Unit Development to allow the extension of decks and patios to extend beyond the previously approved limits, which would require variations to allow encroachment into the rear yard setback and to the maximum permitted impervious coverage; 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 a Final PUD Amendment be granted to allow the extension of decks and patios to extend beyond the previously approved limits, which would require variations to allow encroachment into the rear yard setback and to the maximum permitted impervious coverage for Park Place Units 2 and 3 located north and south of Alexandra Boulevard, west of Crystal in the Park, and east of Park Place Unit 1, Crystal Lake, Illinois.

SECTION II: That the Final PUD Amendment be granted with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Brian Schoepp, received 4/12/10).
 - B. Park Place HOA Patio and Deck Guidelines (Park Place HOA, received 4/12/10)
 - C. Patio and Deck extension exhibit (Schoepp, received 4/12/10)
2. All previous approvals, restrictions and approved plans shall remain in effect, unless specifically modified by this request.
3. No patio or deck extension shall be permitted closer than 5 feet from the rear property line and shall not be permitted within a Municipal Utility Easement, Drainage Easement, Restricted Public Utility Easement, Access Easement or Public Utility Easement (unless permission is granted from that utility).

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4. Each homeowner is required to complete a Building Permit application and provide complete plans with dimensions, materials, colors and other details. The homeowner shall also show any landscape to be removed and its relocation. The homeowner shall also calculate the impervious surface coverage.
5. Each permit shall be reviewed by the Engineering Division to ensure grading patterns remain intact.
6. 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.
7. Each patio or deck request shall adhere to the following criteria:
 - A. Patio extensions
 - i) All patios must be made of uncolored concrete or uncolored stamped concrete using either Fieldstone, Ashlar Slate, Majestic Ashlar, or 36" x 36" Slate patterns and using a black or dark grey release color.
 - ii) The patio must be professionally installed by a licensed and bonded contractor.
 - iii) Homeowner's patios that disturb the existing landscaping (other than grass) must replant the bushes and shrubs in an approved area on their owner lot.
 - iv) Patios must also be permitted and approved by the City of Crystal Lake. For more information, visit <http://www.crystallake.org/Modules/ShowDocument.aspx?documentid=132>.
 - v) Be aware that lots with dramatic sloping backyards may require additional attention and paperwork.

Look-Out Basement or Walk-Out Basement Models West of the Creek:

- Patios must start near the footpad of the stairs and extend a width of 12 feet. From that point, the patio must extend 10 feet out towards the rear of the property.

Slab or Standard Basement Models West of the Creek:

- Patios can be extended 6 feet out and 8 feet over from the original patio. This would double the existing patio.
- If the homeowner chooses to use stamped concrete, the whole patio (existing and new) must be done.
- Homeowners will be responsible for any impact their installation may have to the building or grounds.
- Homeowners are also responsible for the removal of any dirt, grass, and other materials. Materials must be removed from the association grounds.
- All owners who wish to install patios will be responsible for the upkeep and maintenance of their patio.
- Any necessary relocation of landscape material due to the installation of a patio will be done by the Association's hired landscape contractor at the homeowner's expense.

B. Deck Extensions

- i) All decks must be made of wood and follow the same style of the existing deck.
- ii) No stains or painted wood will be allowed.
- iii) Decks must also be permitted and approved by the City of Crystal Lake. For more information, visit <http://www.crystallake.org/Modules/ShowDocument.aspx?documentid=131>.
- iv) Lots with dramatic sloping backyards may require additional attention and paperwork.

Look-Out Basement or Walk-Out Basement Models West of the Creek:

- Deck extension of 6 feet 6 inches by 7 feet will be permitted.
- All railings must follow the same style as the preexisting deck.
- Ground underneath the deck must be mulched and relandscaped.
- Any bushes or shrubs under the new deck extension must be relocated to an approved area.
- Homeowners will be responsible for any impact their installation may have to the building or grounds.
- Homeowners are also responsible for the removal of any dirt, grass, and other materials. Materials must be removed from the association grounds.
- All owners who wish to install a deck will be responsible for the upkeep and maintenance of their deck.
- Any necessary relocation of landscape material due to the installation of a deck will be done by the Association's hired landscape contractor at the homeowner's expense.

8. The City Attorney shall review the current Covenants, Conditions and Restrictions prior to City Council review and approval.

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: 14

**City Council
Agenda Supplement**

Meeting Date: August 3, 2010

Item: Police Department Body Armor Bid

Staff Recommendation: Motion to award the bid for Police Department Level II body armor pricing through May 31, 2012 to the lowest responsive and responsible bidder, Kale Uniform, and adopt a resolution authorizing the City Manager to execute an agreement with Kale Uniform.

Staff Contact: David Linder, Chief of Police

Background:

On Monday, May 24, 2010, the City of Crystal Lake publicly opened the bids received for Police Department body armor pricing valid through May 31, 2012. The lowest responsive and responsible bidder will furnish Level II body armor purchased throughout the year by the Police Department. Prices for each individual item bid were evaluated for compliance and compared against the other bidders.

Listed below are the costs to purchase 25 Level II units of body armor:

<u>Bidder</u>	<u>Original Bid</u>
Kale Uniform (Safariland)	\$10,700.00 ✓
Police One Equipment, Inc. (MSA SHD2)	\$11,150.00
Ray O'Herron Co. (PACA Perform X)	\$12,712.50
VCG Uniforms (Armor Express Quantum)	\$13,125.00
Ray O'Herron Co. (Protective Products Python)	\$13,251.25
Ray O'Herron Co., Inc. (Armor Express Halo II)	\$14,525.00

✓Lowest responsive and responsible bidder

Recommendation:

The City Manager's Office and the Police Department have reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. With the assistance of a grant received, the Police Department will be replacing 25 Level II units of body armor for the Patrol Division. The bid specifications required body armor that has been tested by an independent testing laboratory as part of the National Institute of Justice (NIJ) Technology Assessment Program Information Center (TAPAC) body armor compliance testing program and found to fully comply with the requirements of NIJ Standard-0101.06. Each of the submitted bids met this requirement.

It is staff's recommendation to award the bid to the lowest responsive and responsible bidder, Kale Uniform. The bid prices received for the aforementioned equipment will be valid through May 31, 2012. The Police Department staff has verified references (McHenry, Schaumburg, and Arlington Heights Police Departments) for the Kale Uniform submitted bid and received positive recommendations. There are sufficient funds in the FY 2010/2011 Budget and anticipated FY 2011/2012 Budget for these items.

Votes Required to Pass:

Simple majority

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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 a contract between the City of Crystal Lake and Kale Uniform for Police Department Level II body armor pricing through May 31, 2012.

DATED this 3rd day of August, 2010

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: August 3, 2010
APPROVED: August 3, 2010



Agenda Item No: 15

**City Council
Agenda Supplement**

Meeting Date: August 3, 2010

Item: Computerized Spreader Controls

Staff recommendation: Motion to award the bid for the provision of five (5) Computerized Spreader Controls to the lowest responsible and responsive bidder, R.A. Adams Enterprises, Inc., in the amount of \$27,230.00, and adopt a resolution authorizing the City Manager to execute a purchase agreement with R.A. Adams Enterprises, Inc.

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

Background:

On Thursday, July 22, 2010, the City of Crystal Lake publicly opened and read aloud bids for the purchase of five (5) computerized spreader control units for City snow plow apparatus. These computers are synced to the salt distribution system, and are used to monitor and regulate the salt distribution during and after salting events. The Public Works Department will utilize these computerized spreader controls in specific plow trucks (units 410, 411, 415, 416, and 433) during snow and ice control operations.

The following is a breakdown of the bids received for five (5) computerized spreader control devices:

Vendor	City, State	Spreader Controls
√ R.A. Adams Enterprises, Inc	McHenry, IL	\$27,230.00
Auto Truck Group	Bartlett, IL	\$34,430.00
Lindco Equipment Sales	Merrillville, IN	\$34,975.00
Bonnell Industries, Inc. (1)	Dixon, IL	\$34,990.00

√ Indicates Recommended Lowest responsible and responsive Bidder

Recommendation:

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. R.A. Adams supplied and installed computerized spreader controls in five trucks prior to the last snow season with great success.

Therefore, it is the recommendation of the Public Works Department to award the bid for computerized spreader controls to the lowest responsible, responsive bidder, R.A. Adams Enterprises, Inc.

Votes Required to Pass:

Simple majority.

DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a Purchase Agreement between the CITY OF CRYSTAL LAKE and R.A. Adams Enterprises, Inc., in the amount of \$27,230.00, for the provision of (5) Five Computerized Spreader Controls for Snow & Ice Control Operations.

DATED this _____ day of _____, 2010

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 16

**City Council
Agenda Supplement**

Meeting Date: August 3, 2010

Item: Aluminum Street Sign Blanks Bid

Staff recommendation: Motion to award the bid for the provision of aluminum street sign blanks to the lowest responsive and responsible bidder, Vulcan Aluminum, and adopt a resolution authorizing the City Manager to execute a one-year aluminum street sign blank purchase agreement with Vulcan Aluminum.

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

Background:

On Thursday, July 22, 2010, the City of Crystal Lake publicly opened the bids received for a one-year aluminum street sign blank purchase agreement. The Public Works Department Street Division uses aluminum street sign blanks for the fabrication of traffic control and informational signs as well as for the ongoing street sign replacement program.

The following chart illustrates the bidder breakdown of the yearly cost totals based on the bids received. The figures were projected from the City's rate of use over recent years. The complete bidder breakdown by line item is an attachment to this supplement.

Vendor	Projected Price based on Bids
√ Vulcan Aluminum Foley, AL	\$ 11,008.30
Rocal, Inc. Frankfort, OH	\$ 11,595.65
Hall Signs Bloomington, IN	\$ 12,355.15
Custom Products Corporation Jackson, MS	\$ 16,127.70
Lyle Signs Eden Prairie, MN	No Bid

√ Indicates recommended lowest responsive and responsible bidder.

This year, 36" tri-fold aluminum stop signs were included in the request for bids. However, Vulcan Aluminum does not offer such a product in their catalog. The prices in the chart indicate each bid without the tri-fold stop signs included. The City will seek a third party to purchase tri-fold stop signs from as needed. The price for 25 of these signs is expected to be around \$1,100.

Recommendation:

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. Vulcan Aluminum has been the sign blank provider to the City for the past year, and has proven to be very responsive. Therefore, it is the recommendation of the Public Works Department to award the bid to the lowest responsive, responsible bidder Vulcan Aluminum, to supply the City with aluminum street sign blanks in accordance with the terms and conditions of the contract.

Votes Required to Pass:

Simple majority

DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a one-year Purchase Agreement between the CITY OF CRYSTAL LAKE and Vulcan Aluminum, for the purchase of aluminum sign blanks for street signs.

DATED this _____ day of _____, 2010

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 17

**City Council
Agenda Supplement**

Meeting Date:

August 3, 2010

Item:

Clearwire Ground Lease Agreement

Recommendation:

Motion to adopt a resolution authorizing the City Manager to execute the lease agreement between the City of Crystal Lake and Clearwire Communications, LLC., d/b/a *Clearwire@* for the McCormick Park Water Tower.

Staff Contact:

George J. Koczvara, Deputy City Manager

Background:

At the January 18, 2000, regular City Council meeting, the Council executed the first lease agreement with a cellular telephone provider for use of a City elevated water storage tank. Since that time, the Council has approved eight additional lease agreements. These approvals followed earlier Council direction that the location of cellular antennas would be preferred on public property instead of erecting new poles. For this fiscal year, the eight total lease agreements, including the Clearwire Agreement, if approved, will generate approximately \$314,706 in revenue for the City. Since the facilities are located on the City's elevated water storage tanks, there was no need for the petitioners to secure a Special Use Permit, as they would have if they were going to construct their own towers.

Clearwire approached the City about erecting antennas on the elevated water storage tank at McCormick Park. Clearwire is a wireless broadband services provider. The attached draft lease agreement is virtually identical to the nine lease agreements that have previously been approved by the City Council. Staff developed the original lease agreements from boilerplate language, which has been used by many communities in the Chicago metropolitan area for uses similar to those proposed. In creating the lease agreements, the first task was to determine what rentals were being negotiated with other governmental entities by carriers such as those that had approached the City. It was determined that although there was some variation in the amounts, dependent upon where the antennas were located and how important that particular location was to the cellular provider, the amounts approved were consistent with surrounding communities. In addition, it was determined that the inflation factors built into these agreements would provide, more commonly, for a 3% increase in rental per year for the duration of the agreement.

The proposed lease with Clearwire would provide for an initial annual lease payment of \$30,948 with a 5% inflation escalator each year throughout the duration of the lease. The lease term is for an initial five (5) year term, with the option of an additional five (5) terms of five (5) years

each. In addition, Clearwire has agreed to a one-time site maintenance fee in the amount of \$16,000.

If approved, this lease agreement would be the fifth antenna installation for the McCormick Park Water Tower. The City has worked to ensure that the equipment facilities will be adequately landscaped. In addition, the provider is required to ensure that their antennas will not interfere with the existing antennas, including the District 47 antennas, on the water tank used for data processing communications between District 47's various facilities. The provider is also required to repair any damage to the tank structure, or surrounding area that may result from the installation or operation of their antennas on City property. The agreement includes a requirement that Clearwire pay for a City determined consulting engineering firm who will review the engineering and structural plans and inspect the equipment installation. The lease also provides that the antennas must be removed, at the provider's expense, should the City need them to be removed for tank maintenance or painting.

It is staff's recommendation to execute the lease agreement between the City of Crystal Lake and Clearwire for the McCormick Park water tower.

Votes Required to Pass:

Simple majority

DRAFT



RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be and he is hereby authorized and directed to execute the Ground Lease Agreement and Memorandum of Agreement between the City of Crystal Lake and Clearwire Communications, LLC., d/b/a *Clearwire®* for the McCormick Park Water Tower.

DATED this 3rd day of August, 2010

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: August 3, 2010

APPROVED: August 3, 2010



Agenda Item No: 18

**City Council
Agenda Supplement**

Meeting Date:

August 3, 2010

Item:

Budget Amendment for the Main Street Rail Yard Relocation Project Phase I Engineering

Staff Recommendation:

Motion to adopt a resolution authorizing a budget amendment for the Main Street Rail Yard Relocation Project Phase I engineering for \$90,000 from the Motor Fuel Tax fund balance.

Staff Contact:

Victor C. Ramirez, Director of Engineering and Building

Background:

In 2008, the City was awarded \$1,010,000 in Federal Congestion Mitigation and Air Quality (CMAQ) funds for the second stage of the Main Street Rail Yard Relocation Project. The City's consultant, TranSystems Corporation, has completed preliminary design, although formal documentation of Phase I engineering and environmental coordination to federal standards is still necessary due to the use of CMAQ funds. This work was on hold until resolution of other environmental issues and State approval of the local agency agreement. While the City Council authorized the contract with TranSystems on April 7, 2009, funds were not specifically budgeted due to the uncertainty with the timeline for some of the environmental issues currently being resolved.

The CMAQ program requires that grant recipients demonstrate regular progress on long-term projects. To avoid risking the loss of the \$1,010,000 in CMAQ funds, the City needs to begin work on the Phase I engineering for Stage 2 of the project at this time, now that IDOT has approved the local agency agreement.

Recommendation:

Staff is requesting City Council approval of a budget amendment for \$90,000 for the engineering of the Main Street Rail Yard Relocation project. The City will be reimbursed \$72,000 through the CMAQ program upon completion of the engineering in early 2011. The City will only be responsible for the remaining \$18,000 after the CMAQ reimbursement. MFT funds will be

utilized for the local share. This budget amendment is recommended in order for the City to take advantage of the 80 percent CMAQ grant.

Votes Required to Pass:

A simple majority of the City Council in attendance.



DRAFT

The City of Crystal Lake Illinois

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the FY 2010-2011 City Budget be amended to include \$90,000 from the Motor Fuel Tax fund for the Main Street Rail Yard Relocation Project Phase I Engineering.

BE IT FURTHER RESOLVED that these funds be programmed in the Professional Services account, account number 237-25-4210-55010.

DATED this Third Day of August, 2010.

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
Aaron T. Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: August 3, 2010

APPROVED: August, 2010



Agenda Item No: 19

**City Council
Agenda Supplement**

Meeting Date:

August 3, 2010

Item:

Appropriate MFT funds for the Main Street Rail Yard Relocation Project Phase 1 Engineering

Staff Recommendation:

Motion to adopt a resolution appropriating \$90,000 in MFT funds for the Main Street Rail Yard Relocation Project Phase 1 Engineering.

Staff Contact:

Victor C. Ramirez, Director of Engineering and Building

Background:

City staff is requesting the allocation of \$90,000 in Motor Fuel Tax funds for the Main Street Rail Yard Relocation Project Phase 1 Engineering. Any funds that are obligated and not spent will be returned to the City's unobligated balance once the project is complete. The City has sufficient reserves in its MFT fund for the engineering.

Votes Required to Pass:

Simple majority



BE IT RESOLVED, by the Mayor and City Council of the City of Crystal Lake Illinois that the following described street(s) be improved under the Illinois Highway Code:

Table with 4 columns: Name of Thoroughfare, Route, From, To. Row 1: Main Street, FAU 0124, At Crystal Lake Ave FAU 0116.

BE IT FURTHER RESOLVED, 1. That the proposed improvement shall consist of relocate a rail yard and remove three at grade rail crossings. This resolution is for Phase I Engineering only

and shall be constructed 38 feet wide and be designated as Section 08-00111-00-RR

2. That there is hereby appropriated the (additional Yes No) sum of ninety thousand Dollars (\$90,000.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract; and, Specify Contract or Day Labor

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Approved Date Department of Transportation Regional Engineer

I, Nick Kachiroubas Clerk in and for the City of Crystal Lake County of McHenry, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Council at a meeting on August 3, 2010 IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this Third day of August, 2010 (SEAL) City, Town, or Village Clerk



Agenda Item No: 20

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	August 3, 2010
<u>Item:</u>	Three Oaks Recreation Area Concession Lease
<u>Staff Recommendation:</u>	Motion to adopt a resolution authorizing the City Manager to execute a lease agreement with Dobre Lody LLC, DBA Culvers of Crystal Lake.
<u>Staff Contact:</u>	Eric T. Helm, Deputy City Manager

Background:

At the July 6, 2010 City Council meeting, the City Council directed staff to enter into negotiations with Culvers of Crystal Lake for the operation of concessions at Three Oaks Recreation Area. Attached is a draft lease agreement with Culvers of Crystal Lake for the Three Oaks Recreation Area.

Culvers agreed to comply with the specifications of the City's request for proposal and lease document. As a result of the negotiations two items were added:

Extension of Lease Option (Section 2.4)

Provided that Culvers is in compliance with the terms of the lease agreement and has made all payments to the City, the Concessionaire may request and the City in its sole discretion may accept, an extension of the lease until October 31, 2017. The initial lease term expires on October 31, 2014. If the City would elect to extend the lease, Culvers would compensate the City 8.5% of gross revenues each year. This is consistent with the percentage provided in the last year of the lease agreement.

Price Control (Section 9 (b))

The City Council expressed a concern that the food be affordably priced at the concession area. During the negotiation process, City Staff discussed pricing with Culvers. The Culvers owner stated that he is committed to affordable prices. He agreed to charge patrons at Three Oaks no more than the prices charged in the Culvers Crystal Lake restaurant. This stipulation has been inserted into the lease agreement.

In addition to the items listed above, the lease agreement provides for the following:

- The tenant agrees to compensate the City per the following:
 - 7.5% of all gross revenues in 2010 and 2011
 - 8% of all gross revenues in 2012
 - 8.5% of all gross revenues in 2013 and 2014
- The tenant's gross revenue records shall be subject to a City audit.
- The tenant shall pay all real estate taxes and personal property taxes.
- City shall provide basic facility equipment, including sinks, freezers, shelving, patio umbrellas, and 32 gallon trash receptacles.
- The tenant shall provide all food preparation equipment, including fryers, grills and soda fountains.
- The tenant shall pay for the cost of gas, water, sewer, telephone, electricity and refuse.
- The tenant shall submit to the City, for its approval, a yearly menu and pricing.
- At a minimum, the tenant shall be required to operate the facility from 11:00 AM – 6:00 PM from May 1st to October 1st. During the beach season, the tenant may be able to close the operation due to inclement weather if the beach is closed.
- The tenant shall have the exclusive right to sell food to the public in the concession area. Patrons will still be allowed to bring in food items.
- The tenant shall provide all required insurance and indemnity documents, and name the City as additional insured.

Culvers has submitted its menu pricing for 2010 and 2011:

Butterburger: \$1.99 / \$2.19 with cheese	Crinkle Cut Fries: \$1.59
Grilled Cheese: \$1.79	Onion Rings: \$2.49
Flame Roasted Chicken: \$3.99	Wisconsin Cheese Curds: \$3.29
BBQ Pork: \$3.99	Nachos: \$1.59
Cold Turkey: \$3.19	Pretzels: \$1.59
Hot Dog: \$2.19	Single Cone or Dish: \$1.89
Cod Filet: \$4.49	Lemon Ice: \$1.69
Garden Fresco Salad: \$3.99	Popsicle/Freeze Pops: \$1.25
Garden Side Salad: \$2.19	Bottled Water: \$1.25
Candy: \$1.00	Lemon Ice Coolers: \$2.49

*Add \$2.40 and make any sandwich a basket with fries/chips and drink

Recommendation

It is staff's recommendation to approve the lease agreement with Dobre Lody LLC, DBA Culvers of Crystal Lake. The City Attorney has reviewed the lease agreement.

Votes Required to Pass:

Simple majority



DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be and he is hereby authorized and directed to execute a lease agreement with Dobre Lody LLC, DBA Culvers of Crystal Lake for the concession operation at the Three Oaks Recreation Area.

DATED this 3rd day of August, 2010.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED:
APPROVED:



Agenda Item No: 23

City Council Agenda Supplement

Meeting Date:

August 3, 2010

Item:

Confirmation of appointments to the Planning and Zoning Commission and reappointment to the Police Pension Board.

Staff Recommendation:

Motion to confirm appointments to the Planning and Zoning Commission and reappointment to the Police Pension Board.

Contact:

Aaron T. Shepley, Mayor

Background:

Mayor Shepley will present nominations for two appointments to the Planning and Zoning Commission and a reappointment to the Police Pension Board at the August 3, 2010 City Council meeting. Currently, there are two vacancies on the Planning and Zoning Commission with term expirations of January 31, 2011 and January 31, 2012. In addition, Patricia Philpot's term on the Police Pension Board has expired. Her reappointment would be for a two-year term expiring in June of 2012.

Appointments to the Planning and Zoning Commission and Police Pension Board are made by the Mayor and confirmed by the City Council.

Votes Required to Pass:

Simple majority.