



CITY OF CRYSTAL LAKE

AGENDA

CITY COUNCIL REGULAR MEETING

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

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes – November 16, 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.**
 - b. Resolution designating items as surplus equipment and authorizing the sale of the surplus equipment through an on-line auction.**
- 10. County Zoning Request to rezone the property located at 8920 Lucas Road to County "B-1" Neighborhood Business district.**
- 11. Crystal Lake Fire Rescue Department, 844 Virginia Road – Special Use Permit Amendment to allow outdoor storage.**
- 12. Home Depot, 4447 Route 14 – Temporary Use Permit request for Christmas Tree Sales.**
- 13. Façade and Commercial Tenant Improvement Program grant application request – Fox River Glass & Mirror, 1055 Nimco, Units G & H.**
- 14. Amendment to Ordinance #6563 to reallocate funds from the retailer façade and commercial tenant improvement matching grant program for existing retailers to make these funds available to new retailers and manufacturers.**
- 15. Ordinance to include a new Chapter 227, Fighting, in the City Code.**
- 16. Resolution authorizing execution of the Pace Paratransit Local Share Agreement.**

17. **Resolution supporting the application for Safe Routes to School funding of a multi-use path along Country Club Road.**
18. **Resolution authorizing allocation of MFT funds for construction and construction engineering for the Route 14 Signal Interconnect between Woodstock Street and Route 176 Project.**
19. **Bid award and resolution authorizing execution of a purchase agreement for the provision of Liquid Aluminum Sulfate.**
20. **Bid award and resolution authorizing execution of purchase agreements for the provision of Liquid Chlorine, Liquid Hydrofluosilicic Acid and Ortho Poly Phosphate.**
21. **Property Tax Levy Ordinance/Truth in Taxation Public Hearing.**
22. **Council Inquiries and Requests**
23. **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.**
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: December 7, 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 December 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 December 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 the petitioner is working to obtain what road requirements the County Highway Department is requiring of them. Some additional time is requested to get this information 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: 9b

**City Council
Agenda Supplement**

Meeting Date: December 7, 2010

Item: Designation and Auction of Surplus Equipment

Staff Recommendation: Motion to adopt a resolution designating the items listed on Exhibit "A" as surplus equipment to be sold through an on-line auction administered by Obenauf Auction Service, Inc.

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

Background:

Attached is an equipment list, Exhibit "A", identifying City vehicles, equipment and miscellaneous items as surplus in order for it to be sold through an on-line auction process. This auction service is provided throughout the year and administered by Obenauf Auction Service, Inc. Items listed in Exhibit "A" are non-utilized pieces of equipment compiled by the Public Works, Police, and Fire Rescue Departments. It is staff's recommendation to participate in the auction for the following reasons:

- 1) Participation in the auction would minimize the costs and time required to sell the equipment through the bidding process. These costs include advertising, publishing legal notification and staff time required to show the vehicles and equipment. The associated cost to the City by utilizing Obenauf Auction Service, Inc. is a 6% commission for all items sold.
- 2) Participation in the auction would provide an additional avenue for the sale of the surplus equipment and vehicles and help increase the likelihood that the City will maximize its return on the sale of the vehicles.
- 3) It would allow the City to clear space that is currently being occupied by the surplus equipment, which is no longer being utilized.
- 4) The City has utilized Obenauf's on-line auction services in the past with excellent results.

Recommendation:

It is staff's recommendation to designate the items on Exhibit "A" as surplus and for the vehicles and equipment to be auctioned through an on-line auction, administered by Obenauf Auction Service, Inc., with a 6 % sales commission for all items sold.

Votes Required to Pass:

Simple majority

RESOLUTION

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BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the items listed on Exhibit "A" are surplus and are to be disposed of through an on-line auction administered by Obenauf Auction Services, Inc.

DATED this _____ day of _____, 2010.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 10

City Council Agenda Supplement

Meeting Date:

December 7, 2010

Item:

County Zoning Request – 8920 Lucas Road

Kabir-Pramukh Realty, Inc., petitioner

Recommendation:

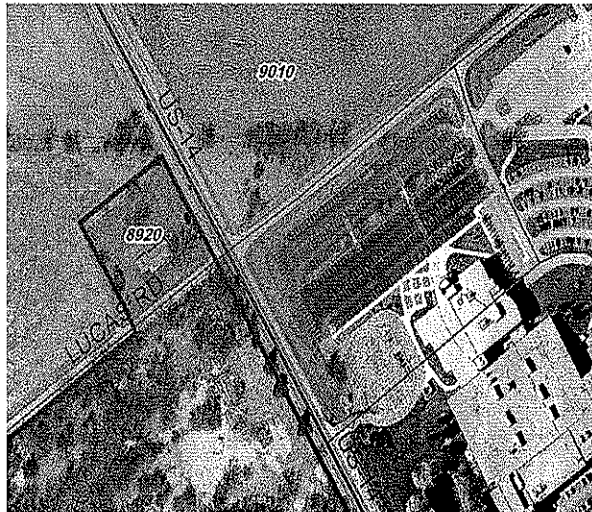
A motion to file an objection with the County Board on the basis that they follow their recently adopted Comprehensive Land Use Plan and that there be a stipulation that is property develop within the requirements of the Crystal Lake Watershed Stormwater Management Design Manual.

Staff Contact:

Michelle Rentzsch, Director of Planning & Economic Development

Background: At a previous City Council meeting, the original request to rezone this property to the County's "B-3" Commercial district was considered. The Council adopted a motion objecting to the request. The objection letter that was filed with the County Clerk is attached for reference. The petitioner has amended the request and is seeking County "B-1" Neighborhood Business district.

The property is within the Crystal Lake Watershed and should follow the City's Watershed Design Manual upon redevelopment. The revised request from B-3 to B-1 does not alter the Council's previous concerns about ensuring that this property develops under the guidelines of the City's Watershed Design Manual. The petitioner's attorney has been contacted and advised that the petitioners should be present to answer the Council's questions.



The property consists of 1.48 acres and is currently improved with a single family residence. The property is located at the northwest corner of Route 14 and Lucas Road, catty-cornered from McHenry County College, as shown on the map.

The petitioner is requesting to rezone the property from County "A-1" Agriculture to County "B-1" Neighborhood Business district, which allows a range of commercial uses by right (list follows).

An objection from the City Council would cause a 3/4 majority vote at the County Board.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 11

**City Council
Agenda Supplement**

Meeting Date: December 7, 2010

Item: REPORT OF THE PLANNING & ZONING COMMISSION
#2010-67 Crystal Lake Fire Rescue Department SUP Amendment
Special Use Permit Amendment to allow outdoor storage.
Paul DeRaedt, petitioner
100 Woodstock Street

PZC Recommendation: Motion to approve the recommendation of the Planning and Zoning Commission and to adopt an ordinance granting a Special Use Permit Amendment for outdoor storage at 844 Virginia Road.

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

Background: The petitioner received a Special Use Permit in January of 2008 for one sea/land container. The container was located within the fenced area of the wastewater treatment plant site. At the time, the Ordinance required any outside storage to acquire a Special Use Permit. The Fire Rescue Department also requested a variation from the screening requirement. They were granted both the variation and the SUP.

The Fire Rescue Department needs a second container at this location. They are requesting a new location for both containers outside the fenced area. The containers are used for storage of equipment used by the Crystal Lake, McHenry County and Lake County Specialized Response Team for Technical Rescue in High Angle, Below Grade, Trench Collapse, Confined Space, Dive, and Hazardous Materials rescues. The Fire Rescue Department has a truck which is stored inside the fire station and loads up the container to deliver it to the location where the equipment is needed. The Unified Development Ordinance allows outside storage as a Limited Use with specific criteria. Since the Fire Rescue Department is not providing the screening as part of the criteria, they need to request the Special Use Permit.

The Planning and Zoning Commission recommended **approval (9-0)** of the petitioner's request with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Crystal Lake Fire Rescue Department, received 10/26/10)
 - B. Aerial plan (received 10/26/10)
2. A Special Use Permit is granted to allow two sea/land containers on site with no requirement for the six-foot screening of fence, earth berms, or dense evergreen growth around the containers.
3. Prior to placement, a JULIE Locate should be called for the location to ensure that the containers are not placed over any utilities that might need maintenance, repair or replacement.
4. The containers shall be located whereas they do not block any access drives, parking or utility access. Any changes to grades may require adjustment to manholes in the area.
5. The petitioner shall comply with all of the requirements of the Planning and Economic Development, Engineering and Building, and Public Works Departments.

Votes Required to Pass: A simple majority vote.

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ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING AN AMENDMENT TO
A SPECIAL USE PERMIT AND VARIATION
AT 844 VIRGINIA ROAD

WHEREAS, pursuant to the terms of a Petition (File #2010-67) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of an Amendment to a Special Use Permit to allow outside storage of two sea/land containers with a variation from the requirement to provide a solid six foot screening of either fence, earth berms, or dense evergreen growth around the container. (Article 2-400 Limited and Special Use Criteria) for the property located at 844 Virginia Road, Crystal Lake, Illinois; 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 an Amendment to the Special Use Permit be issued to allow outside storage of two sea/land containers with a variation from the requirement to provide a solid six foot screening of either fence, earth berms, or dense evergreen growth around the container. (Article 2-400 Limited and Special Use Criteria) for the property commonly known as 844 Virginia Road, Crystal Lake, Illinois.

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

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Crystal Lake Fire Rescue Department, received 10/26/10)
 - B. Aerial plan (received 10/26/10)
2. A Special Use Permit is granted to allow two sea/land containers on site with no requirement for the six foot screening of fence, earth berms, or dense evergreen growth around the containers.
3. Prior to placement, a Julie Locate should be called for the location to ensure that the containers are not placed over any utilities that might need maintenance, repair or replacement.
4. The containers shall be located so they do not block any access drives, parking or utility access. Any changes to grades may require adjustment to manholes in the area.
5. The petitioner shall comply with all of the requirements of the Planning and Economic Development, Engineering and Building, and Public Works Departments.

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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: 12

**City Council
Agenda Supplement**

Meeting Date:

December 7, 2010

Item:

Home Depot Temporary Use Permit request for Christmas Tree Sales.

Recommendation:

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.

Staff Contact:

Michelle Rentzsch, Director of Planning & Economic Development

Background: Home Depot is requesting a Temporary Use Permit to allow Christmas Tree Sales and other related items in front of their store from November 15, 2010 to January 1, 2011.

This request is before the City Council due to multiple violations by Home Depot this past year regarding outdoor displays. The manager of Home Depot has been advised many times by the Building Division of the violations both in person and via mail. They have also received tickets for the violations due to a lack of cooperation from the applicant to correct the violations and have appeared before the Adjudication judge, and yet the violations continued. In July, another citation was issued for an event that was held without obtaining the required TUP or contacting the McHenry County Health Department (food preparation and distribution).

The Unified Development Ordinance (UDO) allows special promotions for the Seasonal sale of Farm and Garden produce for not more than 4 months per calendar year and other promotions for not more than 72 hours (3 days) per calendar month, with no more than 4 promotions, events or other temporary uses allowed in each calendar year.

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

1. The Temporary Use Permit shall be valid from December 7, 2010 to January 1, 2011.
2. Clean up of the site shall be completed no later than January 5, 2011.
3. An unoccupied area of a minimum of 4 feet provided between any merchandise and the drive aisle is required.
4. The display of merchandise shall not be located within, nor encroach upon, a fire lane, maneuvering aisle, or parking space.

5. Inventory may not be displayed or stored in landscape areas or buffers; in the public right of way or on private access roads; in parking spaces or on elevated pads, ramps, or similar structures.
6. Exit doors shall not be blocked.
7. If any of the above conditions are not met, the Temporary Use Permit will become null and void and all items shall be removed immediately.
8. Due to the violations associated with the garden center TUP, we recommend that the City Council review future TUP requests for outside sales and storage in 2011.

The applicant has been made aware of these recommended conditions and will be attending the December 7, 2010 City Council meeting to answer any questions.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 13

**City Council
Agenda Supplement**

Meeting Date: December 7, 2010

Item: Facade and Commercial Tenant Improvement Program grant application request #2010-32-08 Fox River Glass & Mirror, 1055 Nimco, Units G & H, request for \$10,000 in matching grant funds.

William Poll (Fox River Glass & Mirror)
Joe Billitteri (Main Street Firehouse, LLC)

Recommendations: City Council's discretion:

1. Motion to approve the retailer façade and commercial tenant improvement grant agreement with William Poll and Joe Billitteri and to award \$10,000 in grant funding for eligible improvements to 1055 Nimco, Units G & H (Fox River Glass & Mirror);
2. 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

Background: On May 4, 2010, the City Council approved the retailer façade and commercial tenant improvement program. This program provides matching grant funding for interior and exterior improvements to retail sales tax generating users. Both existing and new retail sales tax generating businesses are eligible for the grant program, each at different funding levels. Existing retailers who make qualifying improvements are eligible for up to \$1,000, while new businesses occupying vacant space are eligible for up to \$10,000 in matching grant funds.

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.

FOX RIVER GLASS & MIRROR (1055 Nimco, Units G & H)
William Poll, the owner of Fox River Glass & Mirror, and Joe Billitteri, the owner/developer of the subject property, have filed a joint-application for matching grant funds to offset build-out expenses for Fox River Glass & Mirror's new retail and office location. Fox River Glass & Mirror would be moving their Cary facility to Crystal Lake at the subject property.

The eligible retailer façade and commercial tenant improvements for this business include electrical, plumbing, and drywall improvements.

The cost of the eligible improvements for Fox River Glass & Mirror will be approximately \$21,628. The total improvement costs (including ineligible items) will be approximately \$50,414, not including equipment or fixtures. The applicant is requesting \$10,000 in matching grant funds, which is approximately 43% 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	Minor improvements to the appearance of the subject property would be provided
Aesthetic impact to area	Improvements would not provide a significant aesthetic impact to the area
Amount of work to be conducted	Total cost of improvements is \$50,414; applicant is requesting 43% 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	Assists a sales-tax-generating user to relocate from Cary and occupy vacant retail space*
Contribution to economic vitality	Promotes additional traffic and consumer spending*
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 4 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. Reimbursement will not be made until the applicant provides ST-1 sales tax collection information to staff to verify that the use is a sales-tax producing business.
2. The applicant shall comply with the Unified Development Ordinance vehicle storage requirements for truck parking.

ELIGIBLE IMPROVEMENTS FOR REIMBURSEMENT

There are a variety of different improvements that are eligible for reimbursement through the Retailer Façade and Commercial Tenant Improvement Program. The chart below is taken from the Ordinance approving the program. The current request contains the improvements that are *italicized* in the chart.

Retailer Façade and Commercial Tenant Improvement Program

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

SUMMARY OF CURRENT REQUESTS

The following chart (below) provides a complete summary of the pending grant funding requests. The City has budgeted \$75,000 for reimbursements to awarded recipients. \$60,000 of the \$75,000 is available to new retailers (at a max award of \$10,000), while \$15,000 is available to existing retailers making improvements to their buildings (at a max award of \$1,000).

File #	Applicant Name / Business name	Address	New Retailer Improvements	Existing Retailer Improvements	Manufacturing Improvements	Total Requested	Amount Approved
2010-32-001	Matt Thelander Yumz Frozen Yogurt	815 Cog Circle, #350	\$10,000.00		n/a	\$10,000.00	\$10,000.00

2010-32-002	Ann Nevills Building owner	33-37 N Williams	Withdrawn	Withdrawn	n/a	Withdrawn	Withdrawn
2010-32-003	Dan Calendrino Centro Properties	6340 Nw Hwy		\$1,000.00	n/a	\$1,000.00	\$1,000.00
2010-32-004	Zahid Hameed Mobil Oil	250 N Rte 31	\$10,000.00		n/a	\$10,000.00	\$10,000.00
2010-32-005	Casey Pristou Aaron's Sales & lease	6107 Nw Hwy, B	\$10,000.00		n/a	\$10,000.00	\$10,000.00
2010-32-006	Clinton Anderson Colonial Café	5689 Nw Hwy		\$1,000.00	n/a	\$1,000.00	\$1,000.00
2010-32-007	John Regan/G. Hayes Twisted Stem Floral	407 E Terra Cotta	\$10,000.00		n/a	\$10,000.00	\$10,000.00
2010-32-008	Bill Poll/Joe Billitteri Fox River Glass	1055 Nimco	\$10,000.00		n/a	\$10,000.00	
2010-32-009	Mark Michalak Jersey Mike's Subs	5006 Nw Hwy	\$10,000.00		n/a	\$10,000.00	

TOTALS

\$60,000.00	\$2,000.00	\$0.00	\$62,000.00	\$42,000.00
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Votes Required to Pass: A simple majority vote.



Agenda Item No: 14

**City Council
Agenda Supplement**

Meeting Date: December 7, 2010

Item: Amendment to Ordinance #6563 to reallocate \$10,000 from the retailer façade and commercial tenant improvement matching grant program for existing retailers to make these funds available to new retailers and manufacturers.

EDC recommendation: Motion to reallocate \$10,000 of the remaining \$13,000 for existing businesses in the retailer façade and commercial tenant improvement program to applications from new retailers and manufacturers.

Staff Contact: James Richter II, Assistant Director of Economic Development

Background: On May 4, 2010, the City Council approved an Ordinance establishing a Retailer Façade and Commercial Tenant Improvement and a Manufacturer Building Improvement and Equipment matching grant program for the 2010-2011 fiscal year.

The City budgeted \$75,000 for the grant programs for the 2010-2011 fiscal year. Out of the total funds allocated, \$60,000 of the \$75,000 is available to new retailers, at a max award of \$10,000, while \$15,000 is available to existing retailers making improvements to their buildings at a max award of \$1,000. Below is a summary of the matching grant applications from the current fiscal year:

File #	Applicant Name / Business name	Address	New Retailer Improvements	Existing Retailer Improvements	Manufacturing Improvements	Total Requested	Amount Approved
2010-32-001	Matt Thelander Yumz Frozen Yogurt	815 Cog Circle, #350	\$10,000.00		n/a	\$10,000.00	\$10,000.00
2010-32-002	Ann Nevills Building owner	33-37 N Williams	Withdrawn	Withdrawn	n/a	Withdrawn	Withdrawn
2010-32-003	Dan Calendrino Centro Properties	6340 Nw Hwy		\$1,000.00	n/a	\$1,000.00	\$1,000.00
2010-32-004	Zahid Hameed Mobil Oil	250 N Rte 31	\$10,000.00		n/a	\$10,000.00	\$10,000.00
2010-32-005	Casey Pristou Aaron's Sales & lease	6107 Nw Hwy, B	\$10,000.00		n/a	\$10,000.00	\$10,000.00
2010-32-006	Clinton Anderson Colonial Café	5689 Nw Hwy		\$1,000.00	n/a	\$1,000.00	\$1,000.00
2010-32-007	John Regan/G. Hayes Twisted Stem Floral	407 E Terra Cotta	\$10,000.00		n/a	\$10,000.00	\$10,000.00
2010-32-008	Bill Poli/Joe Billitteri Fox River Glass	1055 Nimco	\$10,000.00		n/a	\$10,000.00	

2010-32-009	Mark Michalak Jersey Mike's Subs	5006 Nw Hwy	\$10,000.00		n/a	\$10,000.00	
TOTALS			\$60,000.00	\$2,000.00	\$0.00	\$62,000.00	\$42,000.00

With the pending applications for Fox River Glass and Jersey Mike's Subs, the \$60,000 in grant funds for new retailers and for manufacturers will be expended. However, there is \$13,000 available for existing retailers making improvements to their buildings or for expansion and/or relocation.

At the November 30, 2010 Economic Development Committee meeting, the Committee discussed ways by which the program could continue to serve new retailers and manufacturers that have been made aware of and would be expecting to receive matching grant funds.

The Committee passed a recommendation (**4-0 vote**) to reallocate \$10,000 of the \$13,000 for existing businesses to apply to new retailers and manufacturers, while retaining \$3,000 of the remaining funds for existing businesses. The Committee also recommended that the Council consider approving additional matching grant applications for new retailers and manufacturers during the 2010-2011 fiscal year on a case-by-case basis.

The City has been successful in attracting new retailers to Crystal Lake and the grant programs have played an important role in our attraction efforts. The matching grant programs allow staff to get involved in the attraction process and helps to close deals with prospective Crystal Lake businesses.

The primary intent of the matching grant program is to promote new retail occupancies and to aid in filling vacant retail space throughout the City. Additionally, the program aims to attract and support new manufacturers who would bring jobs to the City.

The Committee's recommendation did not include any other changes to the eligible improvements and the review criteria for matching grant applications. These requirements would remain unchanged for the duration of this fiscal year.

Votes Required to Pass: A simple majority vote.



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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.

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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~~ **\$70,000** will be available for all new business applications occupying vacant space. A maximum of ~~\$15,000~~ **\$5,000** 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~~ **\$70,000** 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

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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 construction, 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:
APPROVED:

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

<u>Meeting Date:</u>	December 7, 2010
<u>Item:</u>	Fighting Ordinance
<u>Staff Recommendation:</u>	Motion to adopt an Ordinance to include a new Chapter 227, Fighting, to the City Code.
<u>Staff Contact:</u>	David Linder, Chief of Police

Background:

Currently, when police personnel are called to a physical altercation between parties, many times police personnel are limited in their ability to provide a legal measure of consequence when neither party wishes to sign a criminal complaint. The only recourse in these circumstances is to investigate the matter as a violation of the Disorderly Conduct Ordinance.

Disorderly conduct requires that parties commit "any act within the City limits of the City of Crystal Lake in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace". This requires that an uninvolved party, who was alarmed and disturbed by the incident, agree to sign a complaint. Many times fights are investigated and no one wishes to sign a complaint, so the offending subjects are released. This results in no action being taken that would deter fighting, an activity which can often lead to serious injury or even death.

Faced with this same dilemma, many jurisdictions have enacted a Fighting Ordinance that makes the act of unsanctioned fighting an offense. This would be enacted with the intent of allowing police personnel to intervene in a manner consistent with reducing and/or negating fights within the City of Crystal Lake. Violations under this ordinance would be heard before the Administrative Law Judge under the City's administrative adjudication process. The minimum fine is recommended to be \$250 with the maximum fine of \$1,000.

Violators will have the ability to pay the penalty without appearing before the Administrative Law Judge if the responding officer indicates on the citation that the minimum fine may be paid instead of appearing at a hearing. This option would only be made available when, in the opinion of the officer, the individual would not need to appear at a hearing in order to satisfy compliance. The minimum fine amount would be the fine-in-lieu-of-hearing penalty. Payment under this scenario serves as a plea of liable. Each individual receiving a violation notice will always have the opportunity for their case to be heard in front of the Administrative Law Judge. The City Attorney has reviewed the ordinance.

Votes Required to Pass:

A simple majority

DRAFT



**ORDINANCE AMENDING THE CODE
OF THE CITY OF CRYSTAL LAKE, ILLINOIS**

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

SECTION I: That CHAPTER 247 FIGHTING shall be added as follows:

247-1 It shall be unlawful for any person to knowingly start a fight, fight or commit any assault or battery in any public place in the City of Crystal Lake. This Section shall not apply to any sanctioned or approved sporting events at which fighting shall take place. Any person found guilty of violating the provisions of this section shall be fined as set forth in Chapter 248, Fines.

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

SECTION III: That Chapter 248 is amended by including the following:

		Min.	Max.
247-1	Fighting	\$250	\$1,000

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

DATED at Crystal Lake, Illinois, this 7th day of December, 2010.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PASSED: December 7, 2010

APPROVED: December 7, 2010

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**

Meeting Date: December 7, 2010

Item: Pace Paratransit Local Share Agreement

Staff Recommendation: Motion to approve the Pace Paratransit Local Share Agreement for a not-to-exceed amount of \$137,229 and to adopt a resolution authorizing the City Manager to execute the Local Share Agreement.

Staff Contact: Brad Mitchell, Assistant to the City Manager

Background:

Attached for City Council consideration is the 2011 Pace Paratransit Local Share Agreement, covering service beginning January 1, 2011 and ending December 31, 2011. The City has entered into agreements with Pace for the past 23 years.

Dial-A-Ride service provides curb-to-curb transportation to the general public, senior citizens and individuals with disabilities within the corporate limits of the City of Crystal Lake. Under the agreement, Pace is responsible for administering and contracting with an independent contractor to provide Dial-A-Ride services within the City. The costs for the Dial-A-Ride service are shared between Pace and the City of Crystal Lake. Under the terms of the agreement, the cost to the City to provide for operation of the program is capped at \$137,229. This contract amount is \$1,607 or 1.16% less than the current contract.

The agreement also outlines other requirements for service provision, including criteria for service quality, such as mandatory response times and reporting requirements. As part of the agreement, Pace provides monthly reports detailing actual vehicle service hours, percentage of trips picked up within required time frames, and other information. Pace anticipates 50,000 trips within the City for 2011.

The City's continued participation in this program ensures public transportation options for residents. In addition to this program, the City continues to participate in the McHenry County Pilot Program through Pace Suburban Bus. The Pilot Program provides additional Pace bus service between the City of Crystal Lake, City of McHenry, and City of Woodstock, as well as in other areas of McHenry and Dorr Townships. The City of Crystal Lake, along with the City of McHenry, City of Woodstock, McHenry Township, Dorr Township, and the Pioneer Center are participating agencies in the Pilot Program. The Pilot Program complements existing City Dial-

a-Ride services and ridership and enhances the current service level, and does not cost the City additional money to perform the services.

Votes Required to Pass:

Simple majority

DRAFT



The City of Crystal Lake

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, of McHenry County, Illinois, that the City Manager is authorized to execute and the City Clerk is authorized to attest the Pace Paratransit Local Share Agreement, beginning January 1, 2011 through December 31, 2011.

DATED this 7th day of December 2010.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: December 7, 2010
APPROVED: December 7, 2010



Agenda Item No: 17

**City Council
Agenda Supplement**

Meeting Date: December 7, 2010

Item: Resolution Supporting the Application for Safe Routes to School Funding of the County Club Road Multi-Use Path

Staff Recommendation: Motion to adopt a resolution supporting the application for Safe Routes to School funding of a multi-use path along County Club Road.

Staff Contact: Victor C. Ramirez, Director of Engineering and Building

Background:

Safe Routes to School, or SRTS, is a federally funded grant program that provides funding for projects that encourage children to walk and bike to school. The program is a few years old, and several communities have already used these funds to improve biking and pedestrian facilities.

The number of children that walk or bike to school has dramatically decreased in the last fifty years. Parents regularly say they are worried about distance, weather, crime, and traffic. However, the effects of not walking to school have taken a toll on our children. Childhood obesity levels are increasing, and children do not interact with each other as much. The goal of the SRTS program is to eliminate or mitigate barriers to students walking or biking to school using five strategies: engineering, encouragement, education, enforcement, and evaluation.

The first step in applying for SRTS funding was to develop a School Transportation Plan. This plan identifies major barriers for children walking or biking to school, and develops solutions for resolving these barriers. The Engineering Division worked with many different groups to develop the plan, including School District 47, the Crystal Lake Police Department, McHenry County Bike Advocates, and the Clean Air Counts Committee. The plan was approved by IDOT on November 1, 2010.

The City is now ready to apply to have a specific project from the School Travel Plan funded. The Engineering Division evaluated different projects and determined that constructing a multi-use path on the south side of Country Club Road is a project that will score well in the program

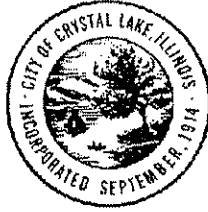
and will have a positive impact on the travel environment of South Elementary School. This multi-use path would connect the current bike path that currently ends at Country Club Road to the sidewalk network southeast of Crystal Lake. The Country Club area south of the lake currently has no sidewalk. In addition, Country Club Road has several curves in it that make walking along its shoulder potentially dangerous. A multi-use path will allow students in the Country Club Area to have a safe place to walk on the way to and from school. It will also create an opportunity for students that live in some areas of the Wedgewood Subdivision to walk safely to School.

The Safe Routes to School program allows each school district to apply for up to three infrastructure projects and three non-infrastructure projects in each funding cycle. The program will only fund a total of \$250,000 for all infrastructure projects submitted, and \$100,000 for all non-infrastructure projects. The multi-use path has an estimated cost of about \$250,000, including all necessary engineering, easement, and construction costs. The City discussed potential projects with the above-mentioned stakeholders, and the consensus was that this project was the best choice.

The SRTS funding application requires a resolution or letter of support for the project. The attached resolution states the City Council's support for the project and its application for SRTS funding.

Votes Required to Pass:

Simple majority of City Council present.



DRAFT

The City of Crystal Lake Illinois

A RESOLUTION SUPPORTING THE APPLICATION FOR SAFE ROUTES TO SCHOOL FUNDING OF A MULTI-USE PATH ALONG COUNTRY CLUB ROAD

WHEREAS, the goal of the Illinois Safe Routes to School program is to increase the number of children walking and biking to school; and

WHEREAS, there are many barriers that prevent or discourage children from walking and biking to school; and

WHEREAS, the Illinois Safe Routes to School program uses five strategies to remove these barriers to walking and biking to school: encouragement, education, enforcement, engineering, and evaluation; and

WHEREAS, the Illinois Safe Routes to School program provides funding for these five strategies to local communities to increase the number of children walking and biking to school; and

WHEREAS, the City of Crystal Lake has partnered with Crystal Lake School District 47 and other community stakeholders to develop a School Travel Plan that identifies several of these barriers and recommends how to eliminate many of these barriers; and

WHEREAS, there is currently no sidewalk or pedestrian path along Country Club Road; and

DRAFT

WHEREAS, the City of Crystal Lake has identified that construction of a multi-use path along Country Club Road will provide a safe route for students to South Elementary School; and

WHEREAS, the Mayor and City Council recognize the benefits of children walking and biking safely to and from school.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE to support the application for Safe Route to School funding for the proposed multi-use path along Country Club Road.

DATED at Crystal Lake, Illinois, this seventh day of December, 2010.

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
AARON T. SHEPLEY, MAYOR

SEAL

ATTEST:

NICK KACHIROUBAS, CITY CLERK

PASSED: December 7, 2010

APPROVED: December 7, 2010



Agenda Item No: 18

**City Council
Agenda Supplement**

Meeting Date: December 7, 2010

Item: Motor Fuel Tax Fund Obligation for the Route 14 Signal Interconnect Between Woodstock Street and Route 176 Project.

Staff Recommendation: Motion to adopt a resolution to allocate \$3,041.00 of the City's Motor Fuel Tax (MFT) funds for construction and construction engineering for the Route 14 Signal Interconnect between Woodstock Street and Route 176 Project.

Staff Contact: Victor C. Ramirez, Director of Engineering and Building

Background:

The Route 14 Signal Interconnect Project interconnected the traffic signals at the Route 14 and Woodstock intersection with the signals at the Route 14 and Route 176 intersection. This improved traffic flow on Route 14, as the two signals will be timed with each other. The City was able to obtain Federal Congestion Mitigation and Air Quality (CMAQ) funding to help fund this project.

Staff is requesting the Council to pass a resolution that allocates additional MFT funds from the City's unobligated balance for the project. The City Council allocated \$12,000.00 for the project on October 7, 2008. However, the amount the City spent on the project was \$15,040.79. The increased cost was due to the addition of inductive loop detectors, which were not included in the original scope, but required for the project. The total project cost was \$52,673.59.

The attached resolution obligates an additional \$3,041.00 in MFT funds for the project. The City has already paid all invoices for this project in full, but this allocation is needed to close out the project.

Votes Required to Pass:

Simple majority of City Council present.



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: U.S. Route 14, FAP 305, Woodstock Street, IL Route 176.

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of isignal interconnection between the intersection of U.S. Route 14 and Woodstock Street and the intersection of U.S. Route 14 and IL Route 176

and shall be constructed 0 feet wide and be designated as Section 08-00109-00-CH

2. That there is hereby appropriated the (additional Yes No) sum of three thousand and forty one Dollars (\$3,041.00) 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 December 7, 2010 IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 7th day of December, 2010 (SEAL) City, Town, or Village Clerk



Agenda Item No: 19

**City Council
Agenda Supplement**

Meeting Date: December 7, 2010

Item: Liquid Aluminum Sulfate (ALUM)

Staff Recommendation: Motion to award the bid for the purchase of Liquid Aluminum Sulfate to the lowest responsible, responsive bidder, USALCO MICHIGAN PLANT, LLC, and to adopt a resolution authorizing the City Manager to execute a purchase agreement with USALCO MICHIGAN PLANT, LLC in the amount of \$420.89 per dry ton of Liquid Aluminum Sulfate.

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

Background:

On Tuesday, November 30, 2010, the City of Crystal Lake publicly opened and read aloud the bids received for the purchase of Liquid Aluminum Sulfate (ALUM) for the Public Works Department. Liquid Aluminum Sulfate (ALUM) is used at WWTP#2 and WWTP#3 for the purpose of phosphorous and barium removal as required in the facility's NPDES permits. In the last year, the City's Wastewater Treatment Facilities have used 450 dry tons of ALUM. The City's current contract is with Thatcher Co. of Montana for \$449.95 per dry ton.

Following is a breakdown of the bids received:

√ USALCO MICHIGAN PLANT, LLC 1120 Middle River Rd. Baltimore, MD 21220	\$420.89 per dry ton
Thatcher Co. of Montana P.O. Box 27407 Salt Lake City, UT 84127-0407	\$449.95 per dry ton Min order of 45,000 lbs or 11.155 dry tons Lead time 3 – 5 working days
General Chemical Performance Products, LLC. 90 East Halsey Road Parsippany, NJ 07054	\$521.00 per dry ton

√ Indicates recommended lowest responsible, responsive bidder.

Recommendation:

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid documents. Additionally, the Public Works Department contacted the references submitted by USALCO MICHIGAN PLANT, LLC, and all contacts reported that they have received satisfactory service. It is staff's recommendation to award the contract to the lowest responsible, responsive bidder, USALCO MICHIGAN PLANT, LLC, in the amount of \$420.89 per dry ton.

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 USALCO Michigan Plant, LLC for the provision of Liquid Aluminum Sulfate.

DATED this _____ day of _____, 2010.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 20

**City Council
Agenda Supplement**

Meeting Date:

December 7, 2010

Item:

Liquid Chlorine, Liquid Hydrofluosilicic Acid, Ortho Poly Phosphate Bid

Staff Recommendation:

Motion to award the bid for the provision of Liquid Chlorine and Liquid Hydrofluosilicic Acid to Viking Chemical, and Ortho Poly Phosphate to Carus Corporation who were the lowest responsible, responsive bidders, and adopt a resolution authorizing the City Manager to execute a one-year Liquid Chlorine and Liquid Hydrofluosilicic Acid purchase agreement with Viking Chemical and a one-year Ortho Poly Phosphate purchase agreement with Carus Corporation.

Staff Contact:

Eric R. Lecuyer, Director of Public Works

Background:

On November 8, 2010, the City of Crystal Lake publicly opened and read aloud the bids received for the provision of Liquid Chlorine, Liquid Hydrofluosilicic Acid, and Ortho Poly Phosphate. These chemicals are used at the Water Treatment Plants to comply with drinking water standards.

In the past, these commodities have been bid separately. However, it was not uncommon for one company to be the lowest or nearly the lowest bidder on all three chemicals. This year the chemicals were bid together in an effort to achieve the lowest possible price, and to save Water Division personnel time in coordinating multiple deliveries to the five water treatment plants. While lower prices were realized with the average price bid this year for all three chemicals representing a 4% decrease in price compared to last year's unit price, one company did not bid the lowest price across the board. Following is a breakdown of the bids received (✓ Indicates recommended lowest responsible, responsive bidder).

Bidder	Liquid Hydrofluosilicic Acid (per Gal.)
√ Viking Chemical Rockford, IL	\$4.60
Hawkins, Inc. Minneapolis, MN	\$4.92
Alexander Chemical Corporation Downers Grove, IL	No Bid
Carus Corp. Peru, IL	No Bid
Shannon Chemical Malvern, PA	No Bid
JCI Jones Beech Grove, IN	No Bid
Pencco Inc. San Felipe, TX	No Bid
Solvay Fluorides Houston, TX	No Bid

Bidder	Liquid Chlorine (per 150 lb Cylinder)
√ Viking Chemical Rockford, IL	\$52.00
Hawkins, Inc. Minneapolis, MN	\$60.00
Alexander Chemical Corporation Downers Grove, IL	\$109.00 (plus \$40 per additional stop)
Carus Corp. Peru, IL	No Bid
Shannon Chemical Malvern, PA	No Bid
JCI Jones Beech Grove, IN	No Bid
Pencco Inc. San Felipe, TX	No Bid
Solvay Fluorides Houston, TX	No Bid

Bidder	Ortho/Poly Blended Phosphate (per Gal)
√ Carus Corp. Peru, IL	\$7.87
Hawkins, Inc. Minneapolis, MN	\$7.91
Shannon Chemical Malvern, PA	\$9.87
Viking Chemical Rockford, IL	\$12.65*
Alexander Chemical Corporation Downers Grove, IL	No Bid
JCI Jones Beech Grove, IN	No Bid
Pencco Inc. San Felipe, TX	No Bid
Solvay Fluorides Houston, TX	No Bid

Discussion:

Each manufacturer formulates their own specific blend of Ortho Poly Phosphate. The Water Division had Spon Water Consulting, LLC review the proposed Ortho Poly Phosphate products to ensure that all specifications were met. As a result of this review, Viking Chemical's free flowing crystal granule did not meet the City's minimum specifications and was subsequently rejected.

Recommendation:

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. The City has had a positive experience working with both Carus and Viking Chemical for the provision of these commodities in the past. It is staff's recommendation to award the one-year Liquid Chlorine and Liquid Hydrofluosilicic Acid purchase agreement to Viking Chemical, and the Ortho Poly Phosphate purchase agreement to Carus Corporation the lowest responsible, responsive bidders in the following not-to-exceed amounts of \$52.00 per 150 lb pound Chlorine Cylinder, \$4.60 per gallon of Liquid Hydrofluosilicic Acid, and \$7.87 per gallon of Ortho Poly Phosphate.

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 one-year Purchase Agreement between the CITY OF CRYSTAL LAKE and Viking Chemical for the provision of Liquid Chlorine and Liquid Hydrofluosilicic Acid, and Carus Corporation for the provision of Ortho Poly Phosphate.

DATED this _____ day of _____, 2010.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 21

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 7, 2010
<u>Item:</u>	Property Tax Levy Ordinance/Truth in Taxation Public Hearing
<u>Staff Recommendation:</u>	Motion to adopt the 2010 property tax levy ordinance and certificate of compliance.
<u>Staff Contact:</u>	Gary J. Mayerhofer, City Manager Mark F. Nannini, Director of Finance

Background:

In order to collect a property tax, government agencies in the State of Illinois are required to establish a "tax levy" and comply with the Truth in Taxation Act. The tax levy is an estimation of monies the government agency expects to obtain through the annual property tax. The Truth in Taxation law requires taxing districts to disclose by publication and to hold a public hearing on their intention to adopt an aggregate levy in amounts more than 105% of the amount of property taxes extended the prior levy year.

The City of Crystal Lake City Council must adopt a property tax levy by ordinance and submit the ordinance to the McHenry County Clerk no later than the last Tuesday in December. The process for the adoption of the tax levy ordinance is as follows:

- 1) Adopt a resolution determining the maximum 2010 tax levy.
- 2) Hold a public hearing.
- 3) Adopt the tax levy ordinance.
- 4) File the levy with the McHenry County Clerk by the last Tuesday in December.

The resolution determining the maximum 2010 tax levy was adopted on November 16, 2010. Adoption of this resolution was merely a procedural requirement and the actual levy ordinance is considered during the public hearing at the December 7, 2010 City Council meeting.

Acknowledging the realities of these difficult economic times, while at the same time ensuring that City services are not negatively impacted, the proposed tax levy will result in a decrease of 0.12% over the 2009 tax levy. This proposed decrease will be achieved by maintaining existing budgeted levels and by utilizing reserves.

Since the proposed tax levy is less than a 5% increase over the previous year, and therefore not required by law to either be published or to have a public hearing held, both are being done consistent with past historical practice for continued transparency purposes.

The City's 2010 tax levy will be incorporated into property tax bills, which homeowners will receive during the calendar year 2011, and will be utilized by the City to fund a portion of the 2011/2012 City Budget (the City operates on a May 1 through April 30 fiscal/budget year). The tax levy ordinance adopted by the City of Crystal Lake is filed with the McHenry County Clerk, whose office determines the actual "tax rate" necessary in order to raise the dollars levied by the City.

The property tax rate, which is determined by the County Assessor, appears on a homeowner's property tax bill. The tax rate is applied to the property's assessed valuation, which determines the amount of money the taxpayer pays to the City of Crystal Lake and other taxing agencies. The City levies in actual dollars for the property tax levy, rather than a specific tax rate. As a result, the City does not receive any additional dollars if the assessed valuation of property in the City increases or decreases. Rather, the amount of the City tax levy remains the same and is spread over a total assessed valuation of property (which can result in a fluctuation up or down in the actual City tax rate).

Property owners in the City of Crystal Lake will note that the City is only one of many taxing bodies that appear on the property tax bill. Since 1997, the City has not levied a property tax for the General Fund. The City's tax levy, therefore, is made up of the following funds:

- Crossing Guard
- Fire Pension
- Fire Rescue Fund
- Illinois Municipal Retirement Fund (IMRF)
- Library
- Library IMRF
- Police Pension

The impact that a proposed property tax levy has on an individual homeowner is determined by estimating the Equalized Assessed Value (EAV). At this time, subject to further modification, the County Assessor is estimating that the City's 2010 EAV will be \$1,401,725,601, which is a 6.2% decrease over the 2009 EAV. As a comparison, the 2009 EAV decreased 1.2% over 2008. The 2008 EAV increased 4.828% over 2007. A 6.2% decline in EAV is unprecedented and is a direct result of the poor state of the housing market. The actual EAV will be determined by the County Assessor next spring.

As a result of the negative housing market, the financial impact of the 2010 property tax levy on a home with a fair cash value of \$250,000, based on a projected overall decrease in EAV, is estimated to be an increase of \$30.61 or \$2.55 per month.

The tax levies for the Fire and Police Pensions have been actuarially determined. The State of Illinois actuary determines an amount and each of the Pension Funds retains a third party actuary to verify the amounts. The intention of the actuaries' study is to continue to fund the pension benefits as outlined in the State Statutes. Both the Fire and Police Pension Boards have recommended that the City Council adopt levy amounts presented in the actuarial reports. The proposed tax levy includes \$1,544,260 for the Fire Pension and \$1,837,296 for the Police Pension. The Fire Pension Fund is currently 53.7% funded and the Police Pension Fund is currently 47.0% funded.

Staff recommends that the 2010 levy for the Illinois Municipal Retirement Fund (IMRF), which also pays the employer's share of Social Security and Medicare taxes (FICA), be \$1,482,206 (\$427,206 for the Library and \$1,055,000 for the City) and that at least \$780,447 of reserves would be used for next year's budget.

The Library has requested that the 2010 rate remain the same as last year's rate of 0.2773 for operations with the IMRF portion being allocated to them for the first time.

The Fire Rescue Fund operating budget, not including capital projects, will increase approximately 0.24% in Fiscal Year 2011/2012. All operational accounts, except salaries and insurance, have been kept at a zero percent increase. At least \$550,000 of reserves will be utilized.

Summary:

The adoption of the attached ordinance would:

- 1) Decrease the tax levy by 0.12% over the 2009 tax levy.
- 2) Utilize reserves.
- 3) Maintain a zero General Fund levy, which has been in place since 1997. The General Fund, which is the largest fund of the City's Budget, funds general City services, such as police, public works, planning, building, vehicle and equipment maintenance, administration and legal. This fund would continue to be supported primarily through sales and income tax revenues.
- 4) Cover the City's pension and IMRF mandatory obligations required by law.
- 5) Maintain the Library's overall previous rate for operations.

The attached spreadsheet shows the total 2009 rates for neighboring communities with similar municipal services. If the City's rate is increased, the rate will more than likely continue to remain lower than neighboring communities.

Recommendation:

It is the recommendation of the City Manager and Director of Finance to adopt the 2010 property tax levy ordinance and certificate of compliance.

Votes Required to Pass:

Simple majority

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**AN ORDINANCE FOR THE LEVY
AND ASSESSMENT OF TAXES
FOR THE CITY OF CRYSTAL LAKE
FOR THE FISCAL YEAR BEGINNING
THE FIRST DAY OF MAY, 2010 TO
THE 30TH DAY OF APRIL, 2011**

**ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF CRYSTAL LAKE**

December 7, 2010

**Published in pamphlet form by the authority of the City Council of the
City of Crystal Lake, McHenry County, Illinois, this 7th day of December, 2010.**

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**AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES
FOR THE CITY OF CRYSTAL LAKE FOR THE FISCAL YEAR
BEGINNING THE FIRST DAY OF MAY, 2010 TO
THE 30TH DAY OF APRIL, 2011**

WHEREAS, the City Council of Crystal Lake in the County of McHenry and State of Illinois did on the 20th day of April, 2010, pass the Annual Budget in accordance with Chapter 65 5/8-2.-9.1, *et. seq.* of the Illinois Compiled Statutes, for the City for the fiscal year beginning on the 1st day of May 2010 the amount of which is ascertained to be Seventy Million Eighty-Four Thousand Six Hundred Eighty-Four Dollars and No Cents (\$78,914,980), including inter-fund transfers, which said Budget Resolution was duly published on the 20th day of April, 2010.

WHEREAS, the Mayor and City Council of the City of Crystal Lake did on the 16th day of November, 2010, determine that the levy of the City of Crystal Lake for 2010 would not exceed \$14,892,803 exclusive of debt service (or \$17,691,878 inclusive of debt service) and, therefore, the City of Crystal Lake did on the 27th day of November, 2010, publish a Notice pursuant to Chapter 35, Illinois Compiled Statutes 200/18-55 *et. seq.*, entitled "Truth in Taxation Act" and all provisions of said Act were fully complied with by the City of Crystal Lake.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Crystal, McHenry County, Illinois:

Section 1: That the total amount of appropriations for all corporate purposes legally made to be collected from the tax levy of the current fiscal year is hereby ascertained to be the sum of Fourteen Million Three Hundred Thirty-Two Thousand One Hundred Three Dollars and No Cents (\$14,332,103).

Section 2: That the sum of Fourteen Million Three Hundred Thirty-Two Thousand One Hundred Three Dollars and No Cents (\$14,332,103) being the total of appropriations heretofore legally made that are to be collected from the tax levy of the City of Crystal Lake for the purpose of providing for the Illinois Municipal Retirement Fund, Police Pension Fund, Fire Pension Fund, Library Operating Fund, Library Pension Fund, Fire Rescue Fund and School Crossing Guard Fund,

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and Debt Service Fund as appropriated for the current fiscal year by annual appropriation of the City of Crystal Lake for the Fiscal Year 2010-2011, passed by the Mayor and City Council of said City at the legally convened meeting of April 20, 2010 be, and the same is hereby levied upon all of the taxable property in the City of Crystal Lake subject to taxation for the current year, the specific amounts as levied for the various funds heretofore named being included herein by being placed in separate columns under the heading "Tax Levy" that appears over them, the tax so levied being for the current fiscal year of said City, and for the said appropriation to be collected from said tax levy, the total of which has been ascertained as aforesaid and being as follows:

	<u>AMOUNT APPROPRIATED</u>	<u>TAX LEVY</u>
GENERAL FUND	\$26,034,089	\$0
HOME RULE SALES TAX	\$4,823,261	\$0
WATER & SEWER FUND	\$7,260,544	\$0
WATER AND SEWER CAPITAL IMPROVEMENT	\$6,233,412	\$0
FIRE RESCUE FUND	\$9,496,235	\$5,432,500
SCHOOL CROSSING GUARD FUND	\$58,443	\$28,000
MOTOR FUEL TAX FUND	\$5,893,186	\$0
ROADS & VEHICLE LICENSE FUND	\$1,518,964	\$0
DEBT SERVICE FUNDS	\$2,137,584	\$0
FOREIGN FIRE INSURANCE FUND	\$64,584	\$0
CAPITAL CONSTRUCTION FUNDS	\$6,413,611	\$0
THREE OAKS RECREATION AREA FUND	\$295,469	\$0
ILLINOIS MUNICIPAL RETIREMENT FUND	\$1,614,365	\$1,055,000
POLICE PENSION FUND	\$1,488,000	\$1,837,296

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FIRE PENSION FUND	\$586,194	\$1,544,260
LIBRARY-OPERATING FUND	\$4,306,893	\$4,007,841
LIBRARY-PENSION FUND	\$427,206	\$427,206
LIBRARY-CONSTRUCTION & REPAIR FUND	\$39,540	\$0
LIBRARY-AMES TRUST FUND	\$8,000	\$0
LIBRARY-GIFT & MEMORIAL FUND	\$29,200	\$0
LIBRARY-PER CAPITA FUND	\$86,000	\$0
LIBRARY-WORKING CASH	\$200	\$0
LIBRARY-SPECIAL RESERVE FUND	<u>\$100,000</u>	<u>\$0</u>
GRAND TOTAL - ALL FUNDS	\$78,914,980	\$14,332,103

Section 3: That the total amount of Fourteen Million Three Hundred Thirty-Two Thousand One Hundred Three Dollars and No Cents (\$14,332,103) ascertained above, be and is hereby levied and assessed on all property subject to taxation within the City of Crystal Lake according to the value of said property as assessed and equalized for state and county purposes for the current year.

Section 4: That this Levy Ordinance is adopted pursuant to the procedures set forth in the Illinois Municipal Code.

Section 5: That there is hereby certified to the County Clerk of McHenry County, Illinois, the several sums above, constituting said total amount, and the total amount of Fourteen Million Three Hundred Thirty-Two Thousand One Hundred Three Dollars and No Cents (\$14,332,103), which total amount the City of Crystal Lake requires to be raised by taxation for the current fiscal year of the City, and the City Clerk of the City is hereby ordered and directed to file with the County Clerk of the County on or before the time required by law, a certified copy of this Ordinance.

Section 6: That the rate percent be ascertained and tax extended as provided by law against the property included in the City of Crystal Lake.

Section 7: That the provisions of the Truth in Taxation Act, Chapter 35, Illinois Compiled Statutes, 200/18-55 *et. seq.*, were complied with by the City of Crystal Lake.

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Section 8: Pursuant to Statute, in compliance with Public Act 83-881, the City of Crystal Lake did file on May 3, 2010 an Estimate of Revenue by Source with the McHenry County Clerk's office.

Section 9: Pursuant to the Illinois State Constitution of 1970, the City of Crystal Lake is a Home Rule unit of government, and as such, is not subject to the Act adopted by the Legislature in 1991 providing for tax levy limitations, nor is the City of Crystal Lake subject to individual fund rate limitations.

Section 10: That this Ordinance shall take effect and be in full force and effect immediately on and after its passage and approval.

ADOPTED this 7th day of December 2010, pursuant to a roll call vote as follows:

AYES:

NAYS:

APPROVED this 7th day of December 2010.

Aaron Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk