



CITY OF CRYSTAL LAKE

AGENDA

CITY COUNCIL REGULAR MEETING

**City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
July 5, 2011
6:30 p.m.**

1. **Call to Order**
2. **Roll Call**
3. **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.**
4. **Reconvene in Regular Session at 7:30 p.m.**
5. **Roll Call**
6. **Pledge of Allegiance**
7. **Approval of Minutes – June 21, 2011 Regular City Council Meeting**
8. **Accounts Payable**
9. **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.
10. **Mayor's Report**
11. **Council Reports**
12. **Consent Agenda**
13. **Sage YMCA of Metro Chicago, 701 Manor Road – Temporary Use Permit request for a Special Promotion to allow a 30-foot by 50-foot tent to remain up during summer camp, and waiver of the Temporary Use Permit application fee.**
14. **811 Dover Court – Special Use Permit to allow an accessory structure over 600 square feet, to add a 100-square-foot deck to a 572-square-foot pool.**
15. **Unified Development Ordinance Text Amendment – Electronic Message Center Signs.**
16. **Proposal award and resolution authorizing execution of a service agreement for the engineering services for the McCormick Water Tower Painting & Maintenance with contingencies up to 10% of the contract price.**
17. **Resolution authorizing payment for annual NPDES permit fees and the addition of an equal amount to the Accounts Payable list.**
18. **Resolution authorizing execution of an agreement with the Illinois Department of Revenue enabling participation by the Crystal Lake Police Department in the FY 2012 Tobacco Enforcement Program.**

- 19. Private Sanitary Sewer – Discussion Only.**
- 20. Private Parking Vehicle Immobilization – Discussion Only.**
- 21. National Incident Management System Training.**
- 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 Brad Mitchell, Assistant to the City Manager, at 815-459-2020, at least 24 hours prior to the meeting, if possible, to make arrangements.



Agenda Item No: 13

**City Council
Agenda Supplement**

Meeting Date:

July 5, 2011

Item:

Sage YMCA of Metro Chicago Temporary Use Permit request for a Special Promotion to allow a 30-foot by 50-foot tent to remain up during summer camp at 701 Manor Road.

Recommendation:

Motion to approve the Temporary Use Permit request of the Sage YMCA of Metro Chicago, pursuant to the recommendations below and a waiver of the Temporary Use Permit application fee.

Staff Contact:

Michelle Rentzsch, Director of Planning & Economic Development

Background: The Sage YMCA of Metro Chicago is requesting a Temporary Use Permit for a Special Promotion to allow a 30-foot by 50-foot tent to remain up during their summer camp from June 15, 2011 to August 31, 2011. The tent was erected for the renaming event that was recently held and not removed. Due to the length of time the tent is to remain up and used, a Temporary Use Permit is required. The tent is to be used by the campers as cover from the sun and/or rain. It is also considered their third pavilion for the campers.

If approved, the following conditions are recommended:

1. The Temporary Use Permit shall be valid from June 15, 2011 to August 31, 2011.
2. If the tent is moved to another location other than the approved location shown on the site plan or additional tents/canopies are used, an amendment to this TUP is required.
3. The tent label is required to be of flame retardant material.
4. The tent/canopy shall be anchored using stakes, sand, or concrete blocks.
5. No electricity shall be available for use in this tent.
6. The tent shall be 20 feet from all buildings/structures and other tents/canopies unless open on all sides. Then it is required to be 12 feet away from any structure.
7. No open flame, fire or heat, or any flammable or combustible liquids, gas, charcoal, or other cooking devices are permitted inside of or within 20 feet of any tent or canopy.
8. A portable fire extinguisher shall be present.

The applicant has been made aware of these recommended conditions and will be attending the July 5, 2011 City Council meeting to answer any questions.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 14

**City Council
Agenda Supplement**

Meeting Date:

July 5, 2011

Item:

REPORT OF THE PLANNING & ZONING COMMISSION

#2011-35 Amici

Request:

Special Use Permit to allow an accessory structure over 600 square feet, to add a 100-square-foot deck to a 572-square-foot pool.

Anthony and Robyn Amici, petitioners
811 Dover Court

PZC Recommendation:

Motion to approve the Planning and Zoning Commission recommendation and to adopt an ordinance approving a Special Use Permit for 811 Dover Court.

Staff Contact:

Michelle Rentzsch, Director of Planning & Economic Development

Background:

- Existing single-family residence with a 572-square-foot pool.
- Request addition of a 10' x 10' deck. Deck is considered attached to the pool as it provides direct access to the pool.
- The structure becomes 672 square feet and requires a Special Use Permit. Accessory structures over 600 square feet require a Special Use Permit to review their impact on the neighboring properties.

PZC Highlights

No one was present in the audience to speak. The Commission did not have any concerns with this request.

The Planning and Zoning Commission recommended **approval (7-0)** 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. Development Application, (Anthony Amici, received 05/26/11)
 - B. Deck Plan (Untitled, undated, received 05/26/11)

- 2) A special use permit and variation are hereby granted to allow the petitioner's request. If the deck is expanded or the accessory structure size is increased, this Special Use Permit will need to be amended.
- 3) The petitioner shall address all comments of the Engineering and Building and Planning and Economic Development Departments.

Votes Required to Pass: A simple majority vote.

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ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AT 811 DOVER COURT

WHEREAS, pursuant to the terms of a Petition (File #2011-35) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of a Special Use Permit to allow a detached accessory structure greater than 600 square feet to allow a 100 square foot deck attached to a 572 square foot pool, pursuant to Articles 4-600 D and 9-200 A and D for the property located at 811 Dover Court; and

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

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

Section I: That a Special Use Permit be issued to allow a detached accessory structure greater than 600 square feet to allow a 100 square foot deck attached to a 572 square foot pool, pursuant to Articles 4-600 D and 9-200 A and D for the property commonly known as 811 Cover Court, Crystal Lake, Illinois.

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

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Development Application, (Anthony Amici, received 05/26/11)
 - B. Deck Plan (Untitled, undated, received 05/26/11)
2. A special use permit and variation are hereby granted to allow the petitioner's request. If the deck is expanded or the accessory structure size is increased, this Special Use Permit will need to be amended.
3. The petitioner shall address all comments of the Engineering and Building and Planning and Economic Development Departments.

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

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

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approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

MAYOR

ATTEST:

CITY CLERK

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



Agenda Item No: 15

City Council Agenda Supplement

Meeting Date:

July 5, 2011

Item:

Unified Development Ordinance Text Amendment: Electronic Message Center Signs

Recommendation:

Motion to approve the Planning and Zoning Commission recommendations and to adopt an ordinance amending Chapter 650 of the Code of Ordinances of the City of Crystal Lake for the changes to the UDO to allow Electronic Message Center Signs as Special Use Permits.

Staff Contact:

Michelle Rentzsch, Director of Planning & Economic Development

Background:

At the May 17th City Council meeting, the Council referred the proposed UDO Text Amendment regarding Electronic Message Center (EMC) signs to the Planning and Zoning Commission (PZC) for a public hearing. Given the pervasive nature of EMC signs, staff was directed to present a definitive, long-term plan for them. Accordingly, the text amendment was referred to the PZC at their June 22nd special meeting.

Key Factors:

- Prior to 2007, the Crystal Lake Sign Ordinance prohibited EMC signs with the exception of time and temperature signs.
- From June 2007 to July 2009, until the adoption of the UDO, EMCs were permitted, subject to certain restrictions. Seven EMCs were requested during this 2-year period (including 2 gas station pricing signs; 1 free-standing EMC on Route 176 was denied).
- Following the adoption of the UDO, EMCs are a prohibited sign type. City Council has reviewed variation requests for 6 EMC signs (including 1 gas station pricing sign), all of which have been approved.

Options:

The PZC reviewed three options relative to EMC signs:

- 1) **EMCs remain a prohibited sign type.** In that case, a sign variation will be necessary and must be approved by the City Council, as is happening now.
- 2) **Sign Variation criteria are added to the UDO.** Any sign variation request would be reviewed by the PZC based on the criteria and a recommendation made to the City Council for a final decision.

3) EMCs are permitted as a Special Use Permit. EMCs are added as a land use to the land use table and permitted as a Special Use Permit in certain districts with specific criteria listed in the UDO.

Another option that was brought forth as a result of PZC discussion is:

4) EMCs are permitted as a Limited Use. EMCs are permitted as a Limited Use in certain districts with specific criteria listed in the UDO. If the criteria cannot be met, then a Special Use Permit will be required. This would save every business owner that wants an EMC that meets the criteria from having to go through the Special Use Permit process. As long as the proposed sign met the criteria, they would be issued a sign permit for the EMC.

Legal Premise:

If EMCs are allowed as a permitted sign type, their approval as a variation or as a special use has different implications.

- Variations - Unlike variations associated with a Planned Unit Development, stand-alone variations are appropriate to be granted only where practical difficulties or hardships caused by special or extraordinary circumstances occur on the property. These circumstances do not include economic hardship; rather, they refer to topographic or physical attributes of the site. As such, it would be difficult to prove a hardship necessitating the installation of an EMC when a free-standing sign meeting the Ordinance requirement is permitted by right. Besides, granting a variation for an EMC in one location will set precedence for approval of an EMC in another similar location. If numerous variations from the Ordinance are granted, they have the effect of diluting the Ordinance.
- SUP - If approved as a Special Use Permit, EMCs are considered as appropriate in the district they are permitted in and must be approved if all the criteria in the Ordinance are met. However, consideration should be given that the cost of requesting a SUP is higher than requesting a sign variation (\$355 vs. \$100). Additionally, because SUPs require review and recommendation from the Planning and Zoning Commission, there is an added cost in time and money.
- LUP - Option #4 listed above would eliminate the issues found with SUPs. It would streamline the process for business owners that meet the City's criteria and the cost would be reduced as the LUP fee is \$125. Only EMCs that cannot meet the City's criteria would be required to pursue an SUP and go through that process.

PZC Highlights:

The PZC felt that EMC signs would continue to be requested in the future and overall the members felt that a Special Use was the preferred option. The Commission also discussed whether the Special Use criteria should include EMC signs on Route 176, Rakow and Randall Roads. There was also some discussion whether the signs should be permitted as a Limited Use, approved administratively, if all criteria are met. There was discussion regarding existing EMC signs that would not meet the proposed criteria and would therefore be rendered nonconforming. The Commission discussed if a sunset clause regarding the now nonconforming signs should be included. The Commission also discussed when a variation to the SUP criteria would be appropriate.

The Planning and Zoning Commission recommended **approval (7-0)** of the proposed text amendment as follows:

Article 2, Land Use

Electronic Message Center (EMC) Signs must comply with the following criteria:

- a. Number Permitted: One EMC Sign may be incorporated into any freestanding business sign on a property, provided that such freestanding sign would otherwise be permitted within the underlying Zoning District and subject to the following restrictions:
 - (i) Minimum Width: The zoning lot upon which an EMC may be permitted must have a minimum of 200 contiguous lineal feet of frontage that must be located on ~~Northwest Highway (Virginia Street)~~ **Route 14** or Route 31. **(Modified by PZC)**
 - (ii) Minimum Area: The zoning lot upon which an EMC may be permitted must have a minimum of 2 acres of total lot area.
 - (iii) Maximum Gross Surface Area: The maximum gross surface area of the EMC portion of any sign shall not exceed 32 square feet or 40% of the sign's total area, whichever is smaller. The EMC portion must occupy the bottom half of the sign. The maximum gross area of any sign within which an EMC sign is incorporated shall comply with the requirements for maximum gross surface area based on the underlying Zoning District and shall include the surface area of the EMC. **The sign must be outside of the required setback and located on the middle third of the property.** **(Modified by PZC)**
 - (iv) Maximum Height: The EMC sign, including any sign in which the EMC is incorporated, shall comply with the maximum height permitted for any sign based on the underlying Zoning District to which the property is located.
 - (v) Pre-existing nonconforming signs: An EMC sign cannot be incorporated into a pre-existing nonconforming sign.
 - (vi) Minimum Design Standards: The EMC sign shall meet all the following design conditions:
 - A. The EMC unit must be equipped with both a programmed dimming sequence as well as an additional overriding mechanical photocell that adjusts the brightness of the display to the ambient light at all times of day. Such programming and mechanical equipment shall be set so that the EMC, at night or in overcast conditions, will be no more than 40% of the daytime brightness level;
 - B. All EMCs located on properties adjacent to residential uses must be extinguished from 11:00 p.m. until 7:00 a.m. This restriction shall apply regardless of the location of the EMC on the property;
 - C. The message area of an EMC can be illuminated by white or amber incandescent lamps, LED (light-emitting diode) or magnetic discs;
 - D. The EMC unit must have the "flash" feature disabled and messages shall have a 5-minute "hold" time except for time and temperature messaging which may have a shorter duration, but no less than 1 minute **or separate the sign into two areas – one for the message and the other for the time and temperature;** **(Modified by PZC)**

- E. The messages displayed on the EMC may only transition from one message to another by either fading or dissolving to black with another message appearing immediately thereafter, without movement or other transition effects between messages;
 - F. Except as otherwise provided herein, all messages displayed on the EMC must be static and may not reflect movement, flashing, scrolling or changes in shape or size of messages or portions of messages. Streaming and/or live-time video may not be displayed and this function of the EMC must be disabled;
 - G. The EMC unit must be equipped to override commercial messages for emergency situations such as an “Amber Alert” or other such acute public emergencies, but such override authority for public emergencies shall not exceed 48 total hours within any two week period. The owner of the EMC unit is requested to cooperate with the City of Crystal Lake in order to allow the City to exercise its override authority; and
 - H. The EMC sign must be set in a manner that the display will turn dark in case of a malfunction.
- (vi) A free-standing sign may have not more than 2 sign faces. Freestanding signs with more than one sign face must be designed to have the sign faces attached back to back to the support structure. No V-shape freestanding EMC signs shall be permitted.
 - (vii) The EMC unit shall otherwise comply with all other provisions of Article 4-1000 of the Crystal Lake Unified Development Ordinance (“Signs”), including, but not limited to, the prohibition of Off-Premise Signs.
 - (viii) An EMC sign shall be permitted only if there are no current sign variations on the property and none will be requested in the future. (Added by PZC)**

Article 10 Definitions

Electronic Message Center Sign - A sign with a fixed or changing message composed of a series of lights that may be changed through electronic means. Signs with alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

Votes Required to Pass: A simple majority vote.

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ORDINANCE NO. _____

FILE NO. _____

AN ORDINANCE AMENDING CHAPTER 650 OF THE CODE OF ORDINANCES OF THE CITY OF CRYSTAL LAKE, ILLINOIS, PROVIDING FOR A TEXT AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, a hearing of said Petition was held before the City of Crystal Lake Planning and Zoning Commission in the manner and in the form as prescribed by Ordinance and Statute;

WHEREAS, as a result of said hearing, the taking of evidence, and the viewing of exhibits advanced thereat, the Crystal Lake Planning and Zoning Commission did recommend to the City Council of the City of Crystal Lake the granting of the requested text amendment (File #2011-33); and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, that the Crystal Lake Unified Development Ordinance, and such Ordinance as amended, be and the same is hereby amended as follows:

SECTION 1

Article 2, Land Use, Table 2-300 Permitted Uses Table is amended to include the following additions and corrections:

	F	E	RE	R-1	R-2	R-3A	R-3B	O	B-1	B-2	B-4	M-L	M	W	Use Criteria
COMMERCIAL															
Electronic Message Center (EMC) Sign										S					2-400C-61

Article 2, Land Use, Review Criteria for Specific Uses Table is amended to include the following additions and corrections:

61. Electronic Message Center (EMC) Signs

All Electronic Message Center (EMC) Signs must comply with the following standards:

a. Number Permitted: One EMC Sign may be incorporated into any freestanding business sign on a property, provided that such freestanding sign would otherwise be permitted within the underlying Zoning District and subject to the following restrictions:

- (i) Minimum Width: The zoning lot upon which an EMC may be permitted must have a minimum of 200 contiguous lineal feet of frontage that must be located on Route 14 or Route 31.

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- (ii) **Minimum Area:** The zoning lot upon which an EMC may be permitted must have a minimum of 2 acres of total lot area.
- (iii) **Maximum Gross Surface Area:** The maximum gross surface area of the EMC portion of any sign shall not exceed 32 square feet or 40% of the sign's total area; whichever is smaller. The EMC portion must occupy the bottom half of the sign. The maximum gross area of any sign within which an EMC sign is incorporated shall comply with the requirements for maximum gross surface area based on the underlying Zoning District and shall include the surface area of the EMC. The sign must be outside of the required setback and located on the middle third of the property.
- (iv) **Maximum Height:** The EMC sign, including any sign in which the EMC is incorporated, shall comply with the maximum height permitted for any sign based on the underlying Zoning District to which the property is located.
- (v) **Pre-existing nonconforming signs:** An EMC sign cannot be incorporated into a pre-existing non-conforming sign.
- (vi) **Minimum Design Standards:** The EMC sign shall meet all the following design conditions:
 - A. The EMC unit must be equipped with both a programmed dimming sequence as well as an additional overriding mechanical photocell that adjusts the brightness of the display to the ambient light at all times of day. Such programming and mechanical equipment shall be set so that the EMC, at night or in overcast conditions, will be no more than 40% of the daytime brightness level;
 - B. All EMCs located on properties adjacent to residential uses must be extinguished from 11:00 p.m. until 7:00 a.m. This restriction shall apply regardless of the location of the EMC on the property;
 - C. The message area of an EMC can be illuminated by white or amber incandescent lamps, LED (light-emitting diode) or magnetic discs;
 - D. The EMC unit must have the "flash" feature disabled and messages shall have a 5-minute "hold" time except for time and temperature messaging which may have a shorter duration, but no less than 1 minute or separate the sign into two areas – one for the message and the other for the time and temperature;
 - E. The messages displayed on the EMC may only transition from one message to another by either fading or dissolving to black with another message appearing immediately thereafter, without movement or other transition effects between messages;
 - F. Except as otherwise provided herein, all messages displayed on the EMC must be static and may not reflect movement, flashing, scrolling or changes in shape or size of messages or portions of messages. Streaming and/or live-time video may not be displayed and this function of the EMC must be disabled;

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- G. The EMC unit must be equipped to override commercial messages for emergency situations such as an "Amber Alert" or other such acute public emergencies, but such override authority for public emergencies shall not exceed 48 total hours within any two week period. The owner of the EMC unit is requested to cooperate with the City of Crystal Lake in order to allow the City to exercise its override authority; and
 - H. The EMC sign must be set in a manner that the display will turn dark in case of a malfunction.
- (vi) A free-standing sign may have not more than 2 sign faces. Freestanding signs with more than one sign face must be designed to have the sign faces attached back to back to the support structure. No V-shape freestanding EMC signs shall be permitted.
 - (vii) The EMC unit shall otherwise comply with all other provisions of Article 4-1000 of the Crystal Lake Unified Development Ordinance ("Signs"), including, but not limited to, the prohibition of Off-Premise Signs.
 - (viii) An EMC sign shall be permitted only if there are no current sign variations on the property and none will be requested in the future. (Added by PZC)

Article 10, Definitions, Section 10-200 Definitions is amended to include the following additions:

SIGN, ELECTRONIC MESSAGE CENTER - A sign with a fixed or changing message composed of a series of lights that may be changed through electronic means. Signs with alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

MAYOR

ATTEST:

CITY CLERK

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



Agenda Item No: 16

**City Council
Agenda Supplement**

Meeting Date:

July 5, 2011

Item:

Engineering Services for Painting & Maintenance of McCormick Water Tower

Staff Recommendation:

Motion to award the proposal for the engineering services for the McCormick Water Tower Painting & Maintenance to the lowest responsive and responsible proposer, Dixon Engineering Inc., and adopt a resolution authorizing the City Manager to execute a service agreement with Dixon Engineering Inc., in the amount of \$17,186.00, with contingencies up to 10% of the contract price.

Staff Contact:

Victor Ramirez, P.E., Director of Public Works

Background:

The City of Crystal Lake's water system includes four elevated water storage tanks and four ground water storage tanks. Seven of these water tanks are constructed of steel and one of concrete. Due to the age of the structures, all of the water storage tanks will be due for maintenance in the next several years.

Last year, the City painted the Ambutal Water Tower, which is a 500,000-gallon elevated steel water storage tank that was constructed in 1988. This year, the City will be painting the McCormick Water Tower, located in McCormick Park adjacent to the Chamber of Commerce.

The McCormick Water Tower is a 250,000-gallon elevated steel water storage tank, constructed in 1958. The tank was last painted in the early 1980s. Due to the era that the tower was last painted, there is a high likelihood that the existing paint contains lead. As such, the painting firm will be required to provide full containment during the sandblasting stage.

The project engineer shall be present to ensure the reliability of the containment and quality of the sandblasting, inspect welding integrity, verify proper coating applications and to ensure all work is performed in accordance with the plans and specifications as set forth in the contract.

Discussion:

On June 24, 2011, the City received proposals from four engineering firms for inspection and resident engineering services for the painting of the McCormick Water Tower. The following is a breakdown of the proposals received for engineering services for the McCormick Water Tower Painting project.

	Hours Allotted	Price Submitted	Average Price per Hour
√Dixon Engineering Yorkville, IL	240	\$ 17,186.00	\$ 71.61
Strand Associates Joliet, IL	185	\$ 18,500.00	\$ 100.00
Christopher B. Burke Rosemont, IL	271	\$ 30,898.68	\$ 114.02
Trotter & Associates St. Charles, IL	408	\$ 42,800.00	\$ 104.90

√ Indicates the lowest responsive and responsible proposer.

Recommendation:

It is the recommendation of staff to award the contract for the engineering and inspections services of the McCormick Water Tower Painting and Maintenance work to the lowest responsive and responsible proposer, Dixon Engineering Inc., in the amount of \$17,186.00, with a contingency of up to 10% of the contract value for any unforeseen work required beyond the scope of this project.

Votes Required to Pass:

A simple majority vote is needed to approve the authorizing resolution.

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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 contract with Dixon Engineering Inc. for the engineering services for the McCormick Water Tower Painting & Maintenance in the amount of \$17,186.00 with a 10% contingency for unforeseen changes to the scope.

DATED this _____ day of _____, 2011.

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: July 5, 2011

Item: Illinois Environmental Protection Agency Annual National Pollution Discharge Elimination System Permit (NPDES) Fees.

Staff Recommendation: Motion to adopt a resolution authorizing payment in the amount of \$48,500.00, for annual NPDES permit fees under protest, and the addition of an equal amount to the Accounts Payable list.

Staff Contact: Victor Ramirez, P.E., Director of Public Works

Background:

As part of the State of Illinois adoption of its annual budget in 2003 and its efforts to overcome a huge budget deficit, unprecedented annual fees have been established for holders of National Pollution Discharge Elimination System (NPDES) Permits. These permits, which regulate the operation and discharges of the City's wastewater and storm water systems, are required under the Clean Water Act and are issued by the IEPA. Operation of wastewater and storm water facilities in violation of the permit requirements or without a permit constitutes violations of the Clean Water Act and the State of Illinois compiled statutes relative to Water Pollution Control, and violators are subject to civil and criminal prosecution. The fees are "justified" by the Governor and Legislature as being needed to fund the IEPA and its oversight of NPDES holders' operations, which have, prior to 2003, been funded without permit fees other than new water and sewer extension permit application fees.

The annual permit fees for the wastewater plants are based on design average flows (DAF), with facilities with a DAF of > 1 Million Gallons per Day (MGD) and < 5 MGD receiving an annual fee of \$15,000.00, which would be the fee for WWTP #3 since the DAF is 1.7 MGD. Facilities with a DAF > 5 MGD and < 10 MGD are to be charged \$30,000.00. The DAF of WWTP #2 is 5.8 MGD. The IEPA has invoiced the City of Crystal Lake in the amount of \$30,000.00 for WWTP #2 and \$15,000.00 for WWTP #3, with a payment due date of August 1, 2011. In addition to these fees, a fee of \$2,500.00 per year is assessed for our Sludge Generator Land Application permit.

Storm water annual permit fees have been assessed to the City for its municipally owned and operated separate storm sewer system (MS4) in the amount of \$1,000.00 and these annual permit fees will be due on August 1st of each year.

These NDPES permit fees were unforeseen and not publicized and were, therefore, unbudgeted when first implemented in 2003, but have been budgeted items in subsequent fiscal year budgets. The fees were established within the State of Illinois' FY2004 Budget Implementation Act and became effective July 1, 2003 and, in spite of intense political rhetoric, have not been repealed or modified. The City Council voted to pay these fees under protest in 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010. A copy of the letter to be submitted with the 2011 payment is attached, in addition to the invoices for the current year.

The City has been assessed a total of \$389,000 in NPDES fees since 2003.

The IEPA Web Site includes the ominous statement that failure to pay the required fees will result in referral to the Attorney General's office for "prosecution as provided for within the act".

Attached for consideration is a resolution authorizing payment of the NPDES Permit Fees in the amount invoiced, totaling \$48,500.00. If payment is authorized, the addition of an equal amount to the accounts payable list approved earlier in the meeting is also requested.

The City Attorney has reviewed the attached documents.

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 is authorized to authorize payment under protest in the amount of \$48,500.00 for annual NPDES permit fees and add an equal amount to the Accounts Payable list.

DATED this 5 day of July, 2011.

CITY OF CRYSTAL LAKE, an
Illinois Municipal Corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 18

**City Council
Agenda Supplement**

Meeting Date: July 5, 2011

Item: Intergovernmental Agreement between the Crystal Lake Police Department and the Illinois Department of Revenue.

Staff Recommendation: Motion to adopt a resolution authorizing the Police Chief to execute a Contractual Agreement with the Illinois Department of Revenue enabling the Crystal Lake Police Department to participate in the FY 2012 Tobacco Enforcement Program.

Staff Contact: David Linder, Chief of Police

Background:

The Illinois Department of Revenue administers the Illinois Liquor Control Commission. This Commission is responsible for liquor and tobacco compliance and oversees the following activities: State-wide liquor inspections, reviewing and renewing liquor applications, legal interpretations for related liquor matters, liquor industry education, the Under 21 program, and the BASSET Program, which trains liquor servers how to serve responsibly. In addition, the Illinois Liquor Control Commission oversees the State's tobacco enforcement activities.

Over the past several years, the Police Department has partnered with the Illinois Liquor Control Commission to coordinate tobacco enforcement activities. The Commission provides grant appropriations for the education of tobacco retailers, as well as for enforcement programs. One such program is the "Kids Can't Buy 'Em Here" Campaign. Through this Campaign, the Police Department is able to assist retailers with conformity strategies and initiate activities that promote awareness of compliance with minimum-age tobacco laws. This grant also provides our community with educational retail kits. The Police Department distributes these kits, which include information on state tobacco laws, required signage, training guides for retail staff, and educational posters. Finally, the grant requires the Police Department's participation in compliance checks during the current fiscal year.

The Police Department is seeking to continue this partnership with the Department of Revenue as well as resume our tobacco education and enforcement activities in the community. These appropriations provide the Police Department with the appropriate resources to ensure tobacco compliance at retail stores.

The City Attorney and the City's risk pool have reviewed the 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 Chief of Police be and he is hereby authorized and directed to execute an Intergovernmental Agreement with the Illinois Department of Revenue for participation in the FY 2012 Tobacco Enforcement Program.

DATED this 5th day of July, 2011

CITY OF CRYSTAL LAKE, an
Illinois Municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: July 5, 2011

APPROVED: July 5, 2011



Agenda Item No: 19

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	July 5, 2011
<u>Item:</u>	Private Sanitary Sewer – Discussion Only
<u>Discussion Only:</u>	Private Sanitary Sewer cost share discussion
<u>Staff Contact:</u>	Victor Ramirez, Director of Public Works

Background:

The City maintains a common sewer system for all residents and businesses within Crystal Lake. Private sewer laterals are then connected to the common main to benefit each individual parcel as they are built. Because the lateral benefits only one owner, it has always been a private service, maintained and repaired at the owner's expense. This is outlined in the City Code §515-13, Building Sewers and Connections. This policy is typically not an issue, but there are certain service lines that extend further and deeper than others, or proceed under roadways or large trees that can be difficult to access.

City staff has been working with the owner of 876 Lombard Drive as a result of her private sewer lateral collapsing approximately 15 feet beneath Barlina Road. Communities within the region have taken various approaches to assisting residents with private laterals in the right-of-way. While most communities hold similar positions to the City of Crystal Lake, some communities will engage in a cost-share program. Others set limits to what would constitute City assistance and set caps to what that assistance can be. A breakdown of the responses of other Chicagoland communities is attached.

Absent a change in the City Code, the City is limited in the assistance that can be provided in situations such as the one at 876 Lombard Drive. City staff has reviewed options to mitigate the financial impact to the homeowner within the confines of existing ordinances.

City staff is seeking direction from the City Council:

1. Whether to pursue amending the City Code to include cost sharing for private sanitary sewer, and
2. Potential sources of funding for such a program.

Attached is recent correspondence from the owner of 876 Lombard who has indicated that she will be present at the City Council meeting.



Agenda Item No: 20

**City Council
Agenda Supplement**

Meeting Date: July 5, 2011

Item: Private Parking Vehicle Immobilization-Discussion Only

Staff Contact: David Linder, Chief of Police

Background:

The City of Crystal Lake's Immobilization Program regulates vehicle owners accumulating five or more not-fully-paid violation notices. The City currently does not regulate immobilization by private property owners.

Historically, the Police Department has remained non-committal with regard to overseeing parking violations on private property. However, the direction of the private parking enforcement industry has evolved and now towing of illegal vehicles has been augmented and/or replaced by the placement of an immobilization device (boot) on a vehicle. The boot, which renders the vehicle un-drivable, is only removed after the violator pays a fee agreed to by the property owner and the company providing the service.

Recently, unregulated immobilization practices on private property have been questioned. On several occasions, residents have voiced concerns that certain immobilization companies have initiated "predatory" practices, such as aggressively seeking out unauthorized vehicles for booting and levying high charges for release of the vehicles. While it is important to allow owners of private parking lots to set their own standards, certain regulations and statutory requirements should be considered to prevent such predatory practices.

Currently, the City has almost no control over booting practices on private property, so the development of statutory regulations would have many benefits. For example, more control over booting operations should deter predatory practices.

In addition, more control would save Police Department resources. The department has recently utilized the Targeted Response Unit (TRU) to start investigating such claims of unscrupulous business procedures. Increased oversight should reduce the TRU's involvement, which allows the department to allocate these resources in other areas. Tighter booting regulations also may prevent conflicts between the booting companies and vehicle owners that have started to occur. While this type of regulation is a relatively new concept for municipal government, the Police Department has analyzed booting ordinances from ten municipalities and believes the best course

of action is to incorporate similar regulations. For example, the following regulations could be included to strengthen the City's ability to regulate booting on private property:

- License and license application requirements for immobilization companies. The application could be similar to our Towing Program application but modified to include basic business information, proof of insurance, description of booting vehicles and/or employee uniforms, and identification of intended towing and booting lots.
- Payment of an application fee and an annual renewal fee. Research indicates an average fee of \$100 and annual renewal fee of \$100, both of which would be used to defray the costs for staff processing and oversight.
- Strengthened sign requirements for parking lots where immobilization would occur, including specific standards. Research indicates that all ordinances include these specific requirements.
- Required notice on all booted vehicles. Research suggests this notice be an adhesive sticker placed on the window of the driver's door which includes the name and telephone number of booting company, cost of vehicle release, and the time and reason for booting.
- Notice to the Police Department that immobilization has occurred. This would provide appropriate information to the Police Department if a resident calls with concerns as well as provide oversight to ensure the booting company is following procedures.
- Prohibition of booting if the vehicle owner or authorized user is present.
- Time requirements for a towing company to respond to a request for boot removal. Research indicates an hour on average as the required response time.
- Required form of payment options that allows the vehicle's owner to make payment with credit/debit card, instead of exclusively cash.
- Limitation of boot removal fee. Research indicates an average of \$100.

If new immobilization regulations are enacted, the Police Department will continue to work with residents to resolve such issues, as well as work with the City Attorney/State's Attorney's Office to prosecute offending companies. Again, while private property owners should have the ability to control their parking lots, there is strong evidence to indicate regulations should be developed to prevent predatory booting practices.

Recommendation

It is staff's recommendation to adopt an ordinance amending the City Code to incorporate regulations for the immobilization of vehicles on private property.

Votes Required to Pass:

Simple majority



Agenda Item No: 21

**City Council
Agenda Supplement**

Meeting Date:

July 5, 2011

Item:

National Incident Management System Training – Elected Officials

Staff Contact:

James Moore, Fire Rescue Chief
David Linder, Police Chief

Background:

The National Incident Management System (NIMS) was published by the Department of Homeland Security on March 1, 2004. It provides a comprehensive and consistent national approach to all-hazard incident management at all jurisdictional levels and across all functional emergency management disciplines.

The Crystal Lake City Council adopted NIMS in 2005 and, since that time, City Staff has followed this federal mandate through training and practice. In addition to training, City staff has conducted several NIMS related exercises.

The NIMS Integration Center has established training guidelines for all first responders, emergency management personnel and elected officials. In order to ensure the City's continued compliance with this NIMS requirement, the Fire Rescue Chief and the Police Chief will conduct the training for the elected officials during the City Council meeting.