



CITY OF CRYSTAL LAKE
AGENDA

CITY COUNCIL
REGULAR MEETING

City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
November 15, 2011
7:30 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes – November 1, 2011 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. **Resolution determining the 2011 tax levy in compliance with the Truth in Taxation procedural requirement.**
10. **The Fresh Market, 6000 Northwest Highway – City Code Amendment increasing the number of Class 13 liquor licenses.**
11. **Raue Center for the Arts, 26 North Williams Street – Unified Development Ordinance Sign Variation request for additional wall signage.**
12. **Iron Hand, LLC, 5831 Northwest Highway – Special Use Permit to allow a drinking place.**
13. **Crystal Lake Bank & Trust, 5100 Northwest Highway – Final Planned Unit Development Amendment and Special Use Permit to allow an electronic message center sign; and Variations from the maximum allowable height of 6 feet to allow 7 ft. 3 ½ inches and the maximum allowable area of 32 square feet to allow 79.5 square feet for a free-standing sign.**
14. **95 S. Oriole Trail – Special Use Permit for a detached accessory structure greater than 600 square feet to allow a garage with the proposed addition to be approximately 770 square feet on the first floor and 725 square feet on the second floor; Variation to allow the garage addition to be as close as 18 inches from the side property line; and Variation to allow an accessory structure to be two stories and 19 feet in height.**
15. **Proposal award and resolution authorizing execution of a service agreement to complete repair work on Well #16 at Water Treatment Plant #5 with a 10% contingency for unforeseen expenses.**
16. **Proposal award and resolution authorizing execution of a service agreement for submersible pump rehabilitation and repair work including a 10% contingency for unforeseen expenses.**

17. **Resolution authorizing execution of an intergovernmental agreement between McHenry County, the City of Crystal Lake, the City of McHenry and the City of Woodstock for the Annual Dial-A-Ride Transit Services in 2012, and an agreement with Pace for the McHenry County Service Integration and Coordination Project.**
18. **C & D Landscape Waste/Recycling Facilities, 1350 S. Virginia Road – Special Use Permits for a construction and demolition recycling and processing facility and a landscape waste transfer station; and Variation from the requirement to provide an approved paved surface.**
19. **Resolution authorizing execution of the Host Community Agreement for a General Construction and Demolition Debris Processing and Recycling Facility/Landscape Waste Transfer Station.**
20. **Council Inquiries and Requests**
21. **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.**
22. **Reconvene to Regular Session.**
23. **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: 9a

**City Council
Agenda Supplement**

Meeting Date: November 15, 2011

Item: Truth in Taxation Compliance Procedural Requirement

Staff Recommendation: Motion to adopt a resolution determining the 2011 tax levy in compliance with the Truth in Taxation Procedural Requirement

Staff Contact: Gary J. Mayerhofer, City Manager
Mark F. Nannini, Director of Finance

Background:

Adoption of this resolution is merely a procedural requirement as the actual levy ordinance will be considered during the public hearing at the December 6, 2011 City Council meeting. The process in determining the actual tax levy is challenging because the actual dollars collected from the 2011 tax levy are not received until fiscal year 2012/2013, for which the City has not yet considered an annual budget. Therefore, the levy amount in the attached resolution is a maximum estimation. The actual tax levy ordinance will be placed on the December 6, 2011 City Council agenda for consideration.

Recommendation:

It is the recommendation of the City Manager and Director of Finance to approve the attached resolution determining the maximum 2011 tax levy.

Votes Required to Pass:

Simple majority



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RESOLUTION

WHEREAS, the City Council of the City of Crystal Lake, McHenry County, Illinois, a home rule corporation, herein referred to as Council, wishes to comply with the Truth in Taxation Act, ILCS Chapter 35:200/18-55 and 35: 200/18-100; and

WHEREAS, this determination is made more than twenty (20) days prior to the proposed adoption of the City's aggregate levy and is in compliance with the Truth in Taxation Act; and

WHEREAS, in compliance with the Truth in Taxation Act, a notice will be published in a general circulation newspaper published in the taxing district and a public hearing will be held prior to the adoption of the tax levy ordinance.

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

The Corporate Authorities determine the amount of money estimated to be necessary to be raised by taxation for the 2011 tax levy is approximately \$14,407,648 which is less than 105% of the aggregate extensions for the 2010 tax levy, which was approximately \$14,011,066.

DATED at Crystal Lake, Illinois this 15th day of November, 2011.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: November 15, 2011

APPROVED: November 15, 2011



Agenda Item No: 10

**City Council
Agenda Supplement**

Meeting Date: November 15, 2011

Item: City Code Amendment to Increase the Number of Class "13" Liquor Licenses– Applicant: The Fresh Market

Staff Recommendation: Motion to adopt an ordinance increasing the number of Class "13" Liquor Licenses from the current permitted 17 licenses to 18 licenses, with approval contingent upon successful background requirements.

Staff Contact: George Koczwar, Deputy City Manager

Background:

The City has received a request from The Fresh Market, a new establishment to be located at 6000 Northwest Highway, for the Council to consider the adoption of an ordinance providing for an amendment to the liquor license restriction provisions of the City Code, increasing the number of Class "13" liquor licenses from the current 17 licenses to 18 licenses.

Section 329-5-M of the City Code permits the issuance of a Class "13" liquor license for the sale of alcoholic liquors on the premises specified in the license in packages only but not for consumption on the premises where sold between the hours of 7:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday and Friday and 7:00 a.m. Saturday and 2:00 a.m. Sunday and 7:00 a.m. Sunday and 2:00 a.m. Monday.

The required license fee has been paid and the following support documents have been submitted: Application, Certificate of Liquor Liability Insurance, current Surety Bond, and property lease agreement.

Fingerprint/Background check results from the Illinois State Police and FBI are currently pending. Due to the fact that The Fresh Market's target opening date is November 30, 2011, the owners have requested that the City Council consider creation of a Class "13" liquor license for their use at their new store at the November 15, 2011 City Council meeting to expedite issuance of the license upon receipt of the fingerprint background check results from the Illinois State Police and FBI.

Other current holders of a Class "13" liquor license are Terra Cotta 7-Eleven, Cardinal Wine & Liquors, Citgo Convenience Store, Convenient Food Mart, Cost Plus World Market, Crystal

Lake Food & Liquor, CVS Pharmacy, Dominick's Finer Foods, General Store, Joseph's Marketplace, Oak Street Food & Liquor, Open Pantry/Shell, Osco Drug, Sam's Club, Target, Teddy's Liquors and WalMart.

Votes Required to Pass:

Simple majority



Agenda Item No: 11

**City Council
Agenda Supplement**

Meeting Date:

November 15, 2011

Item:

Unified Development Ordinance Sign Variation Request for additional wall signage at 26 North Williams Street (Raue Center for the Arts)

Staff Recommendation:

City Council Discretion:

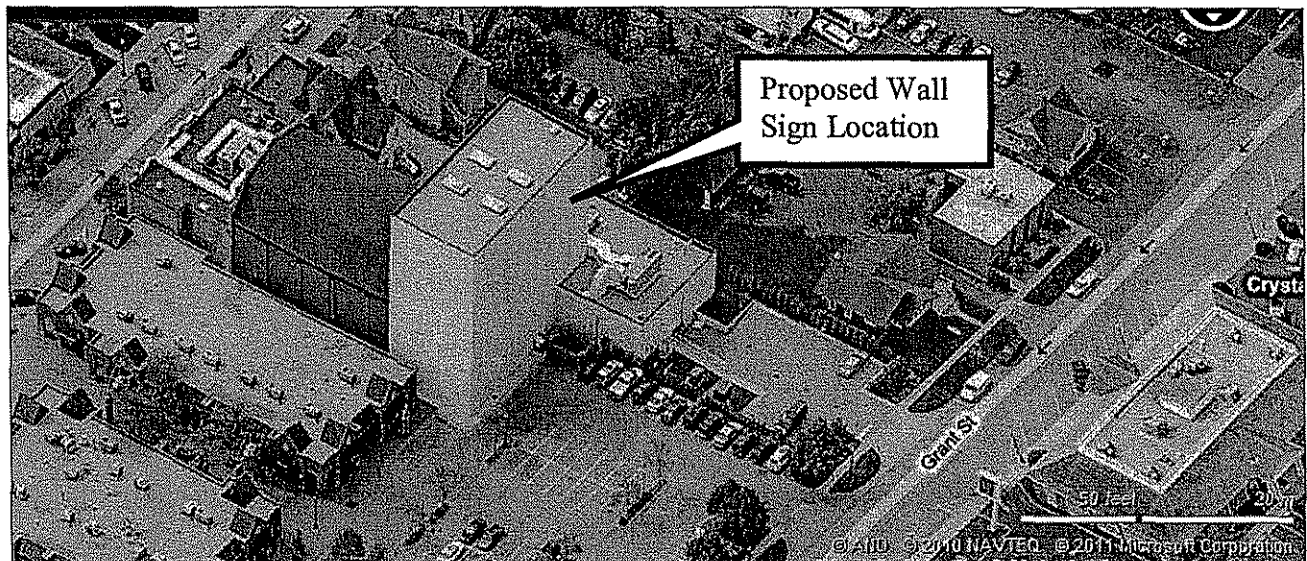
- A. Motion to approve the variation as requested.
- B. Motion to approve the request with any conditions.
- C. Motion to deny the variation request.

Staff Contact:

Erik D. Morimoto, Director of Engineering and Building
Rick Paulson, Building Commissioner

Background:

Raue Center for the Arts at 26 North Williams Street is requesting to install additional internally illuminated wall signage. In 1999, a variation to the Sign Ordinance was approved to allow for the installation of a 120 square foot marquee sign. The proposed wall sign is 95 square feet and will be displayed on the rear wall of the tower. The proposed wall sign would face Grant Street.





The Unified Development Ordinance allows 75 square feet for any 1 sign or façade and 150 square feet of total wall signage. The Unified Development Ordinance considers a marquee wall signage. Therefore, the requested signage is 65 square feet over what is allowed by the ordinance.

The owner has requested a variation from requirements located in UDO Table 4-1000 F: Commercial Signs. The variations are detailed in the following table.

Item	UDO Requirement	Proposed Sign	Sign Meets Ordinance Requirement?
Number of signs	Multiple	1 existing wall sign and 1 additional wall sign	Yes
Size	75 square feet for any one sign or façade; 150 square feet total	95 square feet, existing marquee is 120 square feet. Total wall signage would be 215 square feet	No
Location	Below the roof line	Below the roof line of the tower	Yes

Attached is a sign variation and permit application from the Raue Center for the Arts, and a sign plan.

The Unified Development Ordinance provides that a variation may be granted by the City Council where the literal application of the Code would create a particular hardship for the sign user and the following criteria are met:

- A. A literal application of the Code would not allow the most appropriate type of sign for the property.

- B. The granting of the requested variation would not be materially detrimental to the property owners in the vicinity.
- C. Hardship caused the sign user under a literal interpretation of the Code is due to conditions unique to that property and does not apply generally to the City.
- D. Granting of the variation would not be contrary to the general objectives of this Section.

Penny Hughes from Hughes and Son Signs has made this request on behalf of the Raue Center for the Arts and will be in attendance at the meeting to discuss this request with the City Council.

Votes Required to Pass:

Simple majority of City Council present.



Agenda Item No: 12

**City Council
Agenda Supplement**

Meeting Date: November 15, 2011

Item: REPORT OF THE PLANNING & ZONING COMMISSION

#2011-57 Iron Hand, LLC, 5831 Northwest Highway

Special Use Permit to allow a drinking place.

James Weber, Iron Hand, LLC, 5831 Northwest Highway, Crystal Lake

PZC Recommendation: Motion to approve the Planning and Zoning Commission recommendation and adopt an ordinance granting an SUP to allow a drinking place at 5831 Northwest Highway.

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

Background:

- The property in question is the former Great Escape store, approximately 30,000-square-foot in area, located on Northwest Highway, east of Main Street.
- In 2010, a SUP was granted to allow a lounge (Buzz Lounge) with dancing on Friday and Saturday nights within a tenant suite at this location. Buzz Lounge has since closed.
- Iron Hand, LLC would be occupying the tenant space previously occupied by Buzz Lounge. However, a specific condition in the SUP approval requires a new SUP upon change in ownership.
- The use is classified as a 'Drinking Place' per the Unified Development Ordinance and is a Special Use in the "B-2" district.

Key Factors

- The property is located at 5831 Northwest Highway. However, access to the site is from Rosenthal Drive and Heritage Drive.
- At this time, the other tenant in this building is Halloween Express. They have occupied a 22,000-square-foot tenant space from September to November for the past several years.
- The petitioner is requesting a Special Use for a Drinking Place with a dance floor at this location. The lounge would be approximately 6,000-square-feet in area including toilets,

office and storage space. The petitioner has also indicated that gaming equipment such as a pool table, golden tee, electronic darts, etc. will also be introduced to this space. These are permitted in the "B-2" district.

- The petitioner will also be adding a kitchen on-site.
- There are 83 parking spaces at this location. In 1995, the City Council granted a variation to allow a reduced parking setback and a reduction in the required number of parking spaces at this location.
- In addition, a condition of the approval stated that "all general retail uses, not including those listed in Table 3 "Design Capacity Requirements" in the Zoning Ordinance shall be permitted regardless of the actual usage area". Since variations run with the land indefinitely, this allows all uses permitted in the "B-2" district that are not specifically listed in "Table 3" of the (erstwhile) Zoning Ordinance to locate without any parking variations. "Table 3" is appended to this report for the Council's reference.
- Per the parking requirements in Article 4-200 of the UDO, the parking requirement for this use is 42 spaces.

PZC Highlights

- Recommended **approval (6-1)** of the request.

The following conditions are recommended:

- 1) Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application, received 10-17-11
 - B. ALTA/ACSM Land Title Survey, Mionske, dated 9-5-2003, received 10-17-11
 - C. Floor Plan, JAKL, dated 3-8-10, received 10-17-11
- 2) This Special Use Permit is granted specifically to this applicant based on the floor plans submitted. An increase in the intensity of the use beyond what is indicated in the application is not permitted. A change in ownership will not require a new Special Use Permit as long as the intensity of the use is not altered.
- 3) All proposed signage shall meet the requirements of the Unified Development Ordinance for Commercial Signs (Article 4-1000 F)
- 4) The petitioner shall address all comments of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.

Votes Required to Pass: A simple majority vote.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT
AT 5831 NORTHWEST HIGHWAY

WHEREAS, pursuant to the terms of a Petition (File #2011-57) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of a Special Use Permit to allow a drinking place for the property located at 5831 Northwest Highway; 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 drinking place for the property commonly known as 5831 Northwest Highway, Crystal Lake, Illinois.

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

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application, received 10-17-11
 - B. ALTA/ACSM Land Title Survey, Mionske, dated 9-5-2003, received 10-17-11
 - C. Floor Plan, JAKL, dated 3-8-10, received 10-17-11
2. This Special Use Permit is granted specifically to this applicant based on the floor plans submitted. An increase in the intensity of the use beyond what is indicated in the application is not permitted. A change in ownership will not require a new Special Use Permit as long as the intensity of the use is not altered.
3. All proposed signage shall meet the requirements of the Unified Development Ordinance for Commercial Signs (Article 4-1000 F)
4. The petitioner shall address all comments of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.

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

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

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

MAYOR

ATTEST:

CITY CLERK

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



Agenda Item No: 13

**City Council
Agenda Supplement**

Meeting Date: November 15, 2011

Item: REPORT OF THE PLANNING & ZONING COMMISSION

#2011-54 Crystal Lake Bank and Trust

- 1) Final PUD Amendment and Special Use Permit to allow an electronic message center sign;
- 2) Variations from the maximum allowable height of 6 feet to allow 7'-3 1/2" and the maximum allowable area of 32 square feet to allow 79.5 square feet for a free-standing sign.

Jessica Heath-Bolden on behalf of Crystal Lake Bank and Trust,
5100 Northwest Highway, Crystal Lake

PZC Recommendation: Motion to approve the Planning and Zoning Commission recommendation and adopt an ordinance granting a Final PUD Amendment, SUP and variations to allow an electronic message center sign at 5100 Northwest Highway.

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

Background:

- The property in question, at 5100 Northwest Highway, is located at the northwest corner of Route 14 and Pingree Road and was the erstwhile location of Amcore Bank.
- In 1999, Amcore Bank requested a Final PUD Amendment to expand the facility, allow additional signage and enlarge the improved lot to provide an access point along Pingree Road.
- Amcore Bank also received approval for a Common Sign Plan in 2004.
- Crystal Lake Bank and Trust, the current property owner, is requesting a Final PUD Amendment, SUP and variations to replace the existing free-standing sign with an electronic message center (EMC).

Key Factors

- Two free-standing signs were previously approved for this property.

- The petitioner is requesting to replace the free-standing sign located along Northwest Highway with an EMC.
- The existing sign is 6'-6" high and 40 square feet in area and is internally illuminated. The sign is setback 15 feet from Northwest Highway and 28 feet from Pingree Road.
- The petitioner originally proposed a 12 foot high and 91.2 square feet in area sign with a 22.5-square-foot EMC component.

PZC Highlights

- The petitioner presented a revised design for the sign at the PZC meeting, with the sign proposed to be 9 feet tall and 79.5 square feet in area.
- The Commission expressed concerns with the revised design as they felt that the sign was still too tall.
- The petitioner agreed to lower the sign height to 7'-3½" and with that change the PZC recommended **approval (7-0)** of the request.

The following conditions are recommended:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:

A. Application, received 10-13-11

B. Site Plan, received 10-13-11

C. Sign Details, White Way Sign Company, ~~dated 9-12-11, received 10-13-11~~ **dated 9-6-11 and represented at the PZC meeting on 11-2-11.**

~~2. If the proposed sign is approved, the sign must be reduced to 9 feet in height and 80 SF in area, which are the maximum allowable height and area allowances for a commercial sign. (Deleted by PZC)~~

3. If approved, the proposed sign must meet all design standards for an EMC including:

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. 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. If messages alternate with time/temperature then a 5-minute "hold" time is required for the messages (5-1-5-1 sequence).

C. 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.

D. 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.

E. The EMC unit must be equipped to override commercial messages for emergency situations such as an "Amber Alert" or other such acute public emergencies. Such

override authority for public emergencies shall not exceed 48 total hours within any two week period.

F. The EMC sign must be set in a manner that the display will turn dark in case of a malfunction.

4. Future changes to the signage, which meet all requirements of the Unified Development Ordinance, shall not be required to amend the PUD.

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

Votes Required to Pass: A simple majority vote.

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ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING AN AMENDMENT
TO THE FINAL PUD, SPECIAL USE PERMIT, AND VARIATIONS
FOR 5100 NORTHWEST HIGHWAY

WHEREAS, pursuant to the terms of the Petition (File #2011-54) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested an Amendment to the Final Planned Unit Development, Special Use Permit to allow an electronic message center sign; and Variations from the maximum allowable height of 6 feet to allow 12 feet and the maximum allowable area of 32 square feet to allow 92.1 square feet for a free-standing sign for Crystal Lake Bank and Trust at 5100 Northwest Highway; and

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

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

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

SECTION I: That a Final PUD Amendment, Special Use Permit to allow an electronic message center sign; and Variations from the maximum allowable height of 6 feet to allow 7 feet 3.5 inches and the maximum allowable area of 32 square feet to allow 79.5 square feet for a free-standing sign for the property located at 5100 Northwest Highway, Crystal Lake, Illinois.

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

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application, received 10-13-11
 - B. Site Plan, received 10-13-11
 - C. Sign Details, White Way Sign Company, dated 9-6-11 and represented at the PZC meeting on 11-2-11.

2. If approved, the proposed sign must meet all design standards for an EMC including:
 - 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

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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. 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. If messages alternate with time/temperature then a 5-minute "hold" time is required for the messages (5-1-5-1 sequence).

C. 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.

D. 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.

E. The EMC unit must be equipped to override commercial messages for emergency situations such as an "Amber Alert" or other such acute public emergencies. Such override authority for public emergencies shall not exceed 48 total hours within any two week period.

F. The EMC sign must be set in a manner that the display will turn dark in case of a malfunction.

3. Future changes to the signage, which meet all requirements of the Unified Development Ordinance, shall not be required to amend the PUD.

4. The petitioner shall address all of the review comments and requirements of the Engineering & Building, Fire Rescue, Police, Public Works, and Planning & 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 granting of Variations in accordance with the provisions of this Ordinance, as provided by law.

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

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

MAYOR

ATTEST:

DRAFT

CITY CLERK

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



Agenda Item No: 14

**City Council
Agenda Supplement**

Meeting Date: November 15, 2011

Item: REPORT OF THE PLANNING & ZONING COMMISSION

#2011-55 Forrest and Helga Hare, 95 S. Oriole Trail

- 1) Special Use Permit for a detached accessory structure greater than 600 square feet to allow a garage with the proposed addition to be approximately 770 square feet on the first floor and 725 square feet on the second floor;
- 2) Variation to allow the garage addition to be as close as 18 inches from the side property line, instead of the required 5-foot side-yard setback;
- 3) Variation to allow an accessory structure to be two stories and 19 feet in height;

Forrest and Helga Hare, 95 S. Oriole Trail, Crystal Lake

PZC Recommendation: Motion to approve the Planning and Zoning Commission recommendation and adopt an Ordinance granting a SUP and variations for 95 S. Oriole Trail. **Motion failed.**

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

Background:

- The property in question is an existing conforming lot in the "R-2" single-family district with a lot area of 11,250 square feet.
- The property is improved with a 2-story frame residence with a 2-story detached garage.
- The petitioner received a variation in 1994 to rebuild the 2-story garage that was destroyed by a fire as close as 2.05 feet from the property line. At that time, under the provisions of the Zoning Ordinance, a detached accessory structure was permitted to be as close as 3 feet from the property line.
- The petitioner's request is to add a 180 square-foot (360 SF on two stories) addition to the rear of the existing garage and a 43-square-foot covered space on the first story to provide cover for their lawn mowing equipment.

Key Factors

- The property is located on Oriole Trail, north of Carpenter Street and is a conforming lot in the “R-2” district.
- The existing detached garage is located approximately 2.05 feet from the side property line.
- Per the requirements of the UDO, detached accessory structures are required to be at least 5 feet from the side and rear property lines.
- The existing detached garage is not considered a non-conforming structure because a variation was granted to build it in 1994.
- The petitioner is proposing a 10-foot (deep) x 18-foot addition to the rear of the existing garage. The addition would be as close as 18-inches from the side property line and approximately 9-feet from the rear property line.
- The garage with the addition would be approximately 770 square feet on the first floor and 725 square feet on the second floor. In addition, a 43-square-foot covered space on the first story is proposed. It is not known if the upper story is used as living quarters.
- Per the provisions of the Unified Development Ordinance, a detached accessory structure greater than 600-square-feet is required to obtain a Special Use Permit.

PZC Highlights

- The Commission expressed concerns with the request, particularly regarding the size of the 2-story garage and the setback from the neighboring property.
- The Commission felt that this request did not meet the Findings of Fact for a Special Use and Variations.
- The PZC determined the hardship was self-created and felt there was room elsewhere on the Hare's property to provide an enclosure for their lawn mowing equipment.
- The motion to recommend approval of the request **failed** (3-4).

If the Council approves the request, the following conditions are recommended:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (received 10-14-11)
 - B. Plat of Survey (VSEI, received 10-14-11)
 - C. Details (Hare, received 10-28-11)
2. A special use permit and variations are hereby granted to allow the petitioners' request.
3. The maximum projection of the eave or overhang for the addition will be at least six inches from the property line.
4. The addition shall be consistent with the existing garage with respect to style, building materials and colors.
5. The petitioner shall address all comments of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.

Votes Required to Pass:

A simple majority vote.



Agenda Item No: 15

**City Council
Agenda Supplement**

Meeting Date: November 15, 2011

Item: Well #16 Preventative Maintenance and Rehabilitation

Staff Recommendation: Motion to award the proposal for repair work on Well #16 at Water Treatment Plant #5 to the lowest responsible and responsive proposer, Municipal Well and Pump, and adopt a Resolution authorizing the City Manager to execute a service agreement with Municipal Well and Pump to complete repair work based on the proposal provided on October 20, 2011 with a 10% contingency for unforeseen expenses.

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

Background:

On October 20, 2011, the City of Crystal Lake publicly opened and read aloud the bids received to perform preventative maintenance on Well #16, one of the larger producing wells within the City water system. Well #16 has had a history of failures and when repair work was last performed on this well, a special screen was modified to prevent the migration of sand from the surrounding geological formation into the borehole. While this screen has reduced the volume of sand being pumped, it is prudent to remove the pumping equipment from the well and perform preventative maintenance to assure that the well continues to perform as needed. When performing maintenance on a submersible well pump, predicting the required maintenance cost is impossible to calculate until the pump has been removed, disassembled, and inspected. To provide the City with a competitive cost, vendors were requested to submit bids that indicate hourly labor rates, material pricing, and equipment cost for the expected repairs and service.

Proposer	Base Price	Alternate Price (as necessary)	Total Bid based on all options exercised
√Municipal Well & Pump Waupun, WI	\$ 61,954.00	\$ 75,220.00	\$137,174.00
Water Well Solutions Elburn, IL	\$ 60,529.50	\$ 78,984.00	\$ 139,513.50
Layne-Western Aurora, IL	\$ 54,790.00	\$ 109,150.00	\$ 163,940.00

√ Indicates the lowest responsive and responsible proposer

Recommendation:

The Public Works Department and the City Manager's Office have reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. Municipal Well and Pump has submitted the lowest qualified bid per the specifications stated in the bid document and based on a typical scenario and anticipated needed repairs. The Public Works Department staff has verified references and has received positive recommendations. It is staff's recommendation to award the bid to Municipal Well and Pump, who has submitted the lowest responsible bid and who is best qualified to perform the work in accordance with the terms and conditions of the contract.

There are sufficient funds in the FY 2011/12 Budget for this expense.

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 service agreement with Municipal Well and Pump for repair work on Well #16 at Water Treatment Plant #5.

DATED this _____ day of _____, 2011.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 16

**City Council
Agenda Supplement**

Meeting Date: November 15, 2011

Item: Submersible Pump Rehabilitation & Repair

Staff Recommendation: Motion to award the proposal for Submersible Pump rehabilitation and repair work to the lowest responsible and responsive proposer, Hydroaire Service, Inc., and adopt a Resolution authorizing the City Manager to execute a service agreement with Hydroaire Service, Inc. to complete rehabilitation and repair work based on the proposal provided including a 10% contingency for unforeseen expenses.

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

Background:

The Public Works Department has implemented a scheduled program to inspect and service the pumps at the City's lift stations, and make repairs to any defects or problem areas that may arise from the inspections that will impair the pumps in the future. The City specified six pumps at three lift stations as the basis for this proposal, with pricing requested for three additional pumps to be serviced as funding allows.

On November 4, 2011, the City received proposals from four qualified vendors to perform rehabilitation and necessary repairs to six pumps at Lift #2, Lift #21 and Lift #22, with optional work to be performed on three pumps at Lift #8, Lift #9 and Lift #10. The rehabilitation and maintenance program includes the inspection and thorough cleaning of the pumps and the basic repair/service of the pump, as well as optional repair services such as replacement of the terminal boards, stators, leakage detectors, volute wear rings and impeller wear rings. The total cost of the repair work is unknown until inspection work is complete. The following is a breakdown of the total proposals received.

Proposer	Base Price (Lifts 2, 21 & 22)
√Hydroaire Services, Inc Chicago, IL	\$ 41,847.00
Xylem Inc. Tinley Park, IL	\$ 49,930.00
Metropolitan Industries Romeoville, IL	\$ 62,691.00
Berryman Equipment Addison, IL	\$ 58,315.00

√ Indicates the lowest responsive and responsible proposer

The proposal for this work was originally opened on October 19, 2011 with only one proposal being submitted due to rental pumps being part of the base bid. (Most companies that perform this type of work do not have pumps on-hand to offer as rentals.) A new RFP was solicited with rental pumps being optional, which resulted in the four proposals submitted above.

Recommendation:

All four companies that have submitted proposals are qualified to service, repair and reinstall the pumping equipment from the City's lift stations. Staff has reviewed the proposed cost estimates submitted, and recommends awarding the work to Hydroaire Services, Inc. The maintenance and repair of these pumps will help to assure the longevity of their useful service life. Due to the favorable unit prices received, in addition to the pumps identified in the base bid, staff may direct the contractor to perform additional services to pumps at Lift Stations 8, 9 and 10 while remaining within budgeted funds.

There are sufficient funds in the FY 2011/2012 Budget for this expense.

Votes Required to Pass:

Simple Majority

RESOLUTION

DRAFT

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a service agreement with Hydroaire Service, Inc. for the Submersible Pump rehabilitation and repair work.

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:

November 15, 2011

Item:

An Intergovernmental Agreement for the Annual Dial-A-Ride Transit Services in 2012.

Staff Recommendation:

Motion to approve a Resolution authorizing the City Manager to execute an intergovernmental agreement between McHenry County, the City of Crystal Lake, the City of McHenry and the City of Woodstock for the Annual Dial-A-Ride Transit Services in 2012, and an agreement with Pace for the McHenry County Service Integration and Coordination Project.

Staff Contact:

George Koczwar, Deputy City Manager
Brad Mitchell, Assistant to the City Manager

Background:

At the November 3, 2009 City Council meeting, the City Council agreed to become a partner agency in McHenry County's Pilot Program, which provides expanded Pace Dial-A-Ride services between the municipalities of Crystal Lake, McHenry and Woodstock, Dorr and McHenry Townships, and several Pioneer Center locations. In February 2010, the new services began and all service trip requests began to be handled through computerized scheduling software (named Trapeze) as opposed to the paper slips used in the past. This new service has enhanced Dial-A-Ride services to residents at no additional costs to the City. Funding for this service has come from a combination of a Senior Services Grant and utilization of the new quarter cent sales tax funds from the Regional Transportation Authority Tax allotment.

Currently, the Pilot Program provides dial-a-ride service between the municipalities, identifies high-frequency trip patterns, and enables easy monitoring of contract stipulations such as service boundaries. However, service capacity constraints continue to limit service availability, and differences between the service hours, call-ahead requirements, fares and service boundaries confuse individuals wanting to use these services.

In an effort to provide greater consistency between service fares and hours, improve service performance monitoring and enable direct accounting for federal grant funding, the County is proposing an Intergovernmental Agreement (IGA) between the County and the City of Crystal Lake, the City of McHenry, and the City of Woodstock to combine local dial-a-ride programs into one contracted service called MCRide with Pace Suburban Bus, which is anticipated to start on Monday, January 2, 2012.

The County was recently awarded over \$800,000 in federal funding from the Regional Transportation Authority to fund the coordination and integration of the four separate services. The funding will be used to cover 50% of the operating costs associated with all identified work trips (about 35% of all trips) and trips provided to riders with a disability (about 35% of all riders). In addition, the IGA is structured for each partner to commit 100% of the funding detailed in their current contract with Pace for dial-a-ride services. The County will pay the monthly Pace invoices, and each municipality will be invoiced 25% of the Operating Deficit by the County and any minimum fare differential. The Operating Deficit to each community will be accounted for separately and will be based on the total costs of trips with an origin and destination in the community after the fares are deducted.

Minimum fare differential is an amount charged by Pace for fares below the set minimum for dial-a-ride services. The remaining 75% of the Operating Deficit will continue to be dedicated to provide dial-a-ride service in the municipalities. At the same time, the County will submit for federal reimbursement of eligible costs and, once received, the appropriate reimbursement amount will be transmitted to each municipality. The total costs, after federal reimbursements, for all parties as part of the proposed coordinated and integrated service will at best be significantly less than current costs or at worst equal to current costs being incurred under the separate contracts. Currently, the City contributes \$137,229 towards dial-a-ride service.

By entering into this IGA, all parties agree that service standardization, related to fare structure, service hours, and trip reservation policies, is important. Below are the proposed changes to the dial-a-ride transit services as part of the MCRide program:

Proposed Fare Structure – A goal of the IGA is to move towards a common fare, as well as make fixed-route service more cost competitive while eliminating the need to pay a “fare differential”. Currently, the dial-a-ride fares in Crystal Lake and McHenry are lower than the fixed bus service provided by Pace. There is no incentive for transit riders to use Pace’s fixed route services as the dial-a-rides are cheaper and provide curb-to-curb service between their homes and destinations. Each additional trip on the dial-a-ride programs requires additional subsidy from the municipality. Each additional trip on the fixed route does not, as they are the financial responsibilities of Pace and the Regional Transportation Authority. Pace charges Crystal Lake and McHenry what is called a “fare differential”. This is charged to the municipalities so Pace can recoup what it expects from fares on dial-a-ride services. The County and City of Woodstock currently meet or exceed these minimum fares. In efforts to move toward a common fare structure, Crystal

Lake and McHenry will experience fare adjustments through a two-step process. Current fares for Crystal Lake riders are \$1.50 for the general public and \$0.75 for seniors, riders with a disability and students. Beginning January 2, 2012, fares in Crystal Lake, as well as McHenry, will be \$1.75 for the general public and students, and \$0.85 for seniors and riders with a disability, which will equal the current fixed-route fares and minimum fares. Please note that fares for students will be adjusted to equal the general public fares. Then in 2014, fares for Crystal Lake and McHenry riders will be adjusted to \$2.00 for the general public and students, and \$1.00 for seniors and riders with a disability, which will equal the fares for the City of Woodstock and McHenry County.

Fare Type	Current Flat Fares by Service					New Base Fare up to 5 miles and 25 cents for each additional mile	
	Pace Minimum Fare	Crystal Lake	McHenry	Woodstock	County	Crystal Lake & McHenry on January 2, 2012	Woodstock & County on January 2, 2012 (all by Jan. 2014)
General	\$1.75	\$1.50	\$1.75	\$2.00	\$3.00	\$1.75	\$2.00
Senior	\$0.85	\$0.75	\$0.75	\$1.00	\$3.00	\$0.85	\$1.00
Disabled	\$0.85	\$0.75	\$0.75	\$1.00	\$3.00	\$0.85	\$1.00
Student	\$0.85	\$0.75	\$0.75	\$1.50	\$3.00	\$1.75	\$2.00

Proposed Distance-Based Fares – In 2013, the fares will also become distance-based by adding a quarter-dollar-per-mile charge for each additional mile after 5 miles. Based on past experience in the region, distance-based fares will encourage riders to find shorter trip solutions and thereby increase the efficiency of the service. In 2010, approximately 5% of trips provided on the municipal dial-a-rides were greater than 5 miles.

Proposed Standard Senior Definition – Persons 60 years and older will be considered seniors to be consistent with the federal Older Americans Act Title III regulations. The City’s current dial-a-ride program defines seniors as 65 years and older. This will allow additional riders to take advantage of the senior rate.

Proposed Service Hours Standardization – Service hours will be the same for all partner agencies. Service hours for the City will be expanded by 30 minutes Monday through Friday, and by 30 minutes on Saturday.

	Monday-Friday Start	Monday-Friday End	Saturday Start	Saturday End
Service Hours	6:00 a.m.	7:00 p.m.	9:00 a.m.	5:00 p.m.
Reservation Hours	5:30 a.m.	6:00 p.m.	8:30 a.m.	4:00 p.m.
Service Minutes Added				
Crystal Lake	0 minutes	30 minutes	0 minutes	30 minutes
McHenry	30 minutes	60 minutes	0 minutes	30 minutes
Woodstock	0 minutes	150 minutes	0 minutes	150 minutes
County	0 minutes	0 minutes	0 minutes	0 minutes

Proposed Trip Reservation Standardization – Riders in Crystal Lake and McHenry will now have the option of calling 1 day ahead in addition to the current ability to call the same day, one hour ahead of time. The reservation period for the County service portion will be reduced from its current 7 days to 1 day before to be consistent with the City of Woodstock. Trip reservations will open at 5:30 a.m. for everyone.

Proposed “No Show” Policy – Any ride cancelled with less than 2 hours notice is considered a “late cancel”. Any ride where the vehicle arrives and the client does not take the ride is considered to be a “no show”. Riders with habitual late cancels or no shows may be suspended from service for one week. In Crystal Lake, “no shows” and late cancels accounted for 6% of trips in 2010 on the dial-a-ride program.

It should be noted, that as part of the IGA, partner agencies agree to monitor service-cost effectiveness and make additional changes to service hours, fares, and trip reservation policies only after all partner agencies have affirmed in writing and the public has been given at least 4 weeks notice of these changes.

Also, if there is a time when it is agreed by all partners not to continue the MCRide program or if the City at anytime decides no longer to participate in the program, the City will be able to return to its original agreement with Pace for dial-a-ride services.

The IGA has been approved by McHenry County and the City of Woodstock. The City of McHenry is anticipated to approve the IGA later this month. Upon execution of the IGA by all partner agencies, the County will execute a new contract for services with Pace Suburban Bus to include what is currently being provided by all partner agencies. In addition, an advertising campaign will be conducted to inform the public of the changes to the dial-a-ride transit services in McHenry County that are anticipated to begin on Monday, January 2, 2012.

Votes Required to Pass:

Simple majority vote of the City Council.



DRAFT

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 be and he is hereby authorized and directed to execute an intergovernmental agreement between McHenry County, the City of Crystal Lake, the City of McHenry, and the City of Woodstock for Annual Dial-A-Ride Transit Services in 2012, and an agreement with Pace for the McHenry County Service Integration and Coordination Project.

DATED this 15th day of November, 2011.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: November 15, 2011
APPROVED: November 15, 2011



Agenda Item No: 18

**City Council
Agenda Supplement**

Meeting Date:

November 15, 2011

Item:

REPORT OF THE PLANNING & ZONING COMMISSION

#2011-30 C & D/Landscape Waste Recycling Facilities

1. Special Use Permits for a construction and demolition recycling and processing facility and a landscape waste transfer station.
2. Variation from the requirement to provide an approved paved surface.

Yazoo, LLC, petitioner
1350 S. Virginia Road, Crystal Lake

PZC Recommendation:

Motion to approve the Planning and Zoning Commission recommendation and adopt an ordinance granting Special Use Permits and a variation for the property located at 1350 S. Virginia Road.

Staff Contact:

Michelle Rentzsch, Director of Planning and Economic Development

Background:

- The property is zoned M-Manufacturing in the City and is adjacent to the northwest side of the existing Waste Management waste transfer station facility. In 2005, the PUD was amended to accommodate an outdoor seating area and additional parking lot variations.
- Per the UDO, Landfill and Transfer Stations as well as Recycling facilities are Special Uses in the "M" district.
- The Environmental Protection Act provides authority and direction to local municipalities for reviewing requests for pollution control facilities.
- The property in question is a closed landfill which has several feet of structural fill on top of the landfill's final cover.

Key Factors

- The C & D facility will receive loads predominantly containing recyclable construction or demolition materials including wood, metals, paper and cardboard, plastics, glass, drywall, brick, concrete, rock, asphalt and roofing materials. Materials will be deposited

onto a designated tipping floor for C & D processing and will be sorted and segregated by type. The sorted and segregated materials will be stored and transported for recycling when a full load is accumulated.

- The landscape waste material arriving at the rear facility will be inspected and unloaded in a separate facility from the C & D tipping floor. It will be consolidated and reloaded into large transfer trucks and shipped to a permitted facility within 24 hours of its receipt.
- The parking spaces, the floor for the recycling facility and the landscape waste material transfer station will be asphalt. Due to the former use of the property as a landfill, traditional construction methods are very challenging; therefore, a gravel base with asphalt grindings to eliminate dust is proposed for the access drives and maneuvering areas.
- A traffic study was not required for this project due to the volume of traffic generation. Virginia Road is under the County's jurisdiction and the petitioner is aware that they must comply with any and all required roadway improvements as determined by the County Highway Department.

PZC Highlights

The Commissioners had many questions about how the facilities would operate and the aesthetics of the site. All were in agreement that the use is a good fit for this site and area. The Community Development Director from Lake in the Hills was present to request that the PZC add a condition that the use would proceed through LITH's zoning process. Additional language has been suggested for condition #5 to ensure that all applicable regulations are met.

The PZC recommended **approval (8-0)** with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (received 5-13-11)
 - B. Site Plan (~~Andrews Engineering, received 5-26-11, revised site layout, rec'd 7-13-11~~)
 - C. Project Description (received 5-13-11)
2. The "Storage Bins for Processing Materials" along the north side of the property should have a concrete or a hot mix asphalt (HMA) pad.
3. The ADA handicapped accessible parking space must be on an approved surface (concrete or a hot mix asphalt (HMA) pad) and striped. If structurally supportable, the remaining customer and employee parking spaces should also be converted to an approved surface and striped.
4. A variation from the requirement to provide an approved paved surface and from the SUP criteria as noted in the staff report is hereby granted.
5. The petitioner shall address all of the review comments and requirements of the City's consulting attorney, and Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments **and comply with all applicable laws, rules and regulations concerning airport hazard zones.** (Recommended by staff)

Votes Required to Pass: A simple majority vote.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING SPECIAL USE PERMITS AND VARIATION
AT 1350 S. VIRGINIA ROAD

WHEREAS, pursuant to the terms of a Petition (File #2011-30) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of the Special Use Permits for a construction and demolition recycling and processing facility and a landscape waste transfer station, and Variation from the requirement to provide an approved paved surface for the property located at 1350 S. Virginia Road; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Special Use Permits 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 the Special Use Permits for a construction and demolition recycling and processing facility and a landscape waste transfer station, and Variation from the requirement to provide an approved paved surface for the property commonly known as 1350 S. Virginia Road, Crystal Lake, Illinois.

Section II: Said Special Uses are issued with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (received 5-13-11)
 - B. Site Plan (revised site layout, received 7-13-11)
 - C. Project Description (received 5-13-11)
2. The "Storage Bins for Processing Materials" along the north side of the property should have a concrete or a hot mix asphalt (HMA) pad.
3. The ADA handicapped accessible parking space must be on an approved surface (concrete or a hot mix asphalt (HMA) pad) and striped. If structurally supportable, the remaining customer and employee parking spaces should also be converted to an approved surface and striped.
4. A variation from the requirement to provide an approved paved surface and from the SUP criteria as noted in the staff report is hereby granted.

DRAFT

5. The petitioner shall address all of the review comments and requirements of the City's consulting attorney, Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments and comply with will applicable laws, rules, and regulations concerning airport hazard zones.

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: 19

**City Council
Agenda Supplement**

Meeting Date: November 15, 2011

Item: Host Community Agreement – General Construction and Demolition Debris Processing and Recycling Facility/Landscape Waste Transfer Station

Staff Recommendation: Motion to adopt a resolution approving the Host Community Agreement with Yazoo, L.L.C. and authorizing the Mayor and City Clerk to execute the Host Community Agreement.

Staff Contact: Gary J. Mayerhofer, City Manager
Charles F. Helsten, Special Counsel

Background:

Attached please find a Host Community Agreement (Agreement) with Yazoo, L.L.C. (Yazoo). Yazoo, LLC, proposes to permit, develop, and operate a General Construction and Demolition Debris Processing and Recycling Facility (C&D Facility) as well as a Landscape Waste Transfer Station (LWTS Facility) on a parcel that is currently adjacent to a waste transfer facility run by Waste Management located at 1400 Virginia Road.

The C&D Facility is proposed to be permitted under the provisions of Section 22.38 of the Illinois Environmental Protection Act (the "Act"). As the provisions of that section of the Act expressly require that a C&D Facility such as this be a separate facility, operated totally separate and apart from any other recycling/waste management functions, by statutory necessity, two separate facilities will be developed on the parcel. As noted, the C&D Facility will handle General Construction and Demolition Debris as that term is defined by Section 3.160(a) of the Act. The Landscape Waste Transfer Station will be operated in accord with Section 39.2(o) of the Act, whereby the Transfer Station Facility will not require siting approval so long as the Facility: 1) is used exclusively for landscape waste, and 2) no landscape waste is held longer than 24 hours on-site from the time it was initially received. In addition, the Federal Aviation Administration (FAA) conducted a wildlife compatibility study to determine the potential effect of the proposed facilities on the safe and efficient utilization of navigable airspace. A copy of the FAA's findings are attached to this Supplement.

The two facilities will receive only that waste which they are allowed to receive pursuant to the Act and any permits which may be issued by IEPA to either Facility (which will be General Construction or Demolition Debris and Landscape Waste). General Construction or Demolition Debris essentially includes all non-hazardous, uncontaminated materials resulting from construction, remodeling, repair, and demolition activities, including bricks, concrete, masonry materials, soil, rock, wood (including painted non-hazardous painted, treated, coated wood and all types of wood products), wall coverings, plaster board, drywall, plumbing fixtures, roofing shingles and other roofing coverings, glass, electric wiring and components, and plastic and glass windows and other structures that do not manufacture in a manner that would otherwise conceal other types of waste.

Landscape Waste includes grass or shrubbery clippings and cuttings, leaves, tree limbs and other materials accumulated as a result of the care of lawns, shrubbery, vines, trees and landscape. Any waste other than "Authorized Waste" which is received by either of the facilities shall be promptly removed and directed away from the Facility in question.

The Company agrees to pay the City a per ton Host Benefit Fee on all Recycled Materials except landscape waste. The initial host fee provided for in the Agreement is seventy-five cents (\$.75) per ton. The Host Fee will be adjusted three years after the anniversary date of the Agreement, (and adjusted every year thereafter) by the percentage change in the previous calendar year(s) in the Revised Consumer Price Index for All Urban Consumers published by the United States Department of Labor Statistics.

Recommendation

It is staff's recommendation to adopt a resolution approving the Host Community Agreement with Yazoo L.L.C and authorizing the Mayor and City Clerk to execute the Host Community Agreement. In addition to the financial benefit that the City will receive, these facilities are an important element in reducing landfill capacity by recycling many of the materials transferred through the facility. The attached Host Agreement was developed and approved by the City Attorney and the City's Special Counsel.

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 Host Community Agreement with Yazoo L.L.C. is hereby approved.

BE IT FURTHER RESOLVED that the Mayor be and he is hereby authorized and directed to execute, and the City Clerk is hereby directed to attest, the Host Community Agreement with Yazoo L.L.C.

Dated this 15th day of November 2011.

CITY OF CRYSTAL LAKE, an
Illinois Municipal Corporation

By: _____
Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: November 15, 2011

APPROVED: November 15, 2011