



**CITY OF CRYSTAL LAKE**  
**AGENDA**

**CITY COUNCIL**  
**REGULAR MEETING**

**City of Crystal Lake**  
**100 West Woodstock Street, Crystal Lake, IL**  
**City Council Chambers**  
**July 17, 2012**  
**7:30 p.m.**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes – June 19, 2012 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. Knights of Columbus Council 3880 Class 16 Temporary Liquor License request.**
  - b. St. Thomas the Apostle Church request to close Lake Street between Washington Street and the western portion of the St. Thomas the Apostle Church property on August 5, 2012.**
- 10. Ordinance declaring Canine “Ike” as surplus and authorizing the City Manager to execute an agreement with Police Officer Josh Marshall for the sale and care of Ike.**
- 11. Starbuck’s Coffee, 6000 Northwest Highway, Unit 13J – Sign Variation request to allow wall signage of 152.47 square feet, exceeding the allowable total of 75 square feet.**
- 12. Job Creation and Investment Matching Grant, and Targeted Development Zone application requests – Potbelly Sandwich Works, 6000 Northwest Highway, and CalCo Controls, Inc., 439 S. Dartmoor Drive.**
- 13. 862 Wimbledon Lane – Variation to allow a covered porch to encroach 3 feet 2 inches into the required 30-foot front yard setback.**
- 14. 132 Ashton Lane – Variation to allow a deck to encroach 7 feet into the required 20-foot rear yard setback, a variation of 3 feet.**

15. **Ashton Pointe, west of Pingree Road, north of UPRR – Final Planned Unit Development Amendment to adopt a new set of home plans by Ryland Homes.**
16. **Deferral, Waiver or Continuation of Route 31/Route 176 Utility Line Relocation/Burial.**
17. **Resolution authorizing an agreement with Straight Shooter Gallery LLC d/b/a On Target Range & Tactical Training for Police shooting range facilities.**
18. **Bid award and resolution authorizing execution of the contract for the 2012 Spring Sidewalk Replacement Program, and allowing for a 10 percent contingency.**
19. **Bid award and resolution authorizing execution of an agreement for emergency medical services equipment pricing.**
20. **Bid award and resolution authorizing execution of an agreement for the purchase of a forestry truck.**
21. **Proposal award and resolution authorizing execution of an agreement for Financial Advisory Services.**
22. **Ordinance designating water treatment plant valves as surplus equipment and approving the sale of said valves to the Village of Island Lake.**
23. **Proposal award and resolution authorizing execution of an agreement for the Water Treatment Plant #4 Water Main Extension Design and Construction Engineering consultant and approval of changes in scope by 10 percent of the original price.**
24. **Ordinance amending Section 515-15 of the City Code to increase the monthly water service fee and monthly sewer service fee, and increase the water volumetric rate and the sewer volumetric rate.**
25. **Resolution authorizing payment for annual NPDES permit fees and the addition of an equal amount to the Accounts Payable list.**
26. **Council Inquiries and Requests**
27. **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.**
28. **Reconvene to Regular Session.**
29. **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**

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**Meeting Date:** July 17, 2012

**Item:** Temporary Liquor License – Knights of Columbus Council #3880

**Staff Recommendation:** Motion to approve issuance of a Class “16” Temporary Liquor License to the Knights of Columbus Council #3880

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

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**Background:**

The City has received a request from the Knights of Columbus Council #3880 for the issuance of a Class “16” Temporary Liquor License in order to sell beer and wine at the Parish Family German Dinner being held at the Oak Street Church Community Center, located at 451 W. Terra Cotta Avenue, on August 4, 2012 from 6:00 p.m. to 9:30 p.m.

Section 329-5-P of the City Code permits the issuance of a Class “16” Temporary Liquor License for the retail sale of beer and wine for consumption upon the premises specified in the license where sold. The license shall be issued to not-for-profit corporations qualified to do business in the State of Illinois. The license shall be for a period not to exceed three (3) days, and shall be issued only for special events sponsored by the not-for-profit corporation requesting the license.

Attached for City Council review is a copy of all support documentation regarding this request.

**Votes Required to Pass:**

Simple majority



**Agenda Item No: 9b**

**City Council  
Agenda Supplement**

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<b><u>Meeting Date:</u></b>	July 17, 2012
<b><u>Item:</u></b>	St. Thomas the Apostle Church Street Closure Request
<b><u>Staff Recommendation:</u></b>	Motion to approve the closure of Lake Street between Washington Street and the western portion of the St. Thomas the Apostle Church property on Sunday, August 5, 2012, from 8:00 a.m. to 6:00 p.m. for an outdoor mass and picnic.
<b><u>Staff Contact:</u></b>	Brad Mitchell, Assistant to the City Manager

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**Background:**

The City has received a request from St. Thomas the Apostle Church for the closure of Lake Street between Washington Street and the western portion of the St. Thomas the Apostle Church property on Sunday, August 5, 2012, from 8:00 a.m. until 6:00 p.m. for the safety of those attending an outdoor mass and picnic. The outdoor mass and picnic will take place from 10:00 a.m. to 5:00 p.m. on the Church grounds only. Approximately 500 people are expected to participate in the outdoor mass and picnic. St. Thomas the Apostle Church will send letters to all affected property owners along Lake Street regarding the closure for the safety of those attending the outdoor mass and picnic. The City Council approved a similar request in 2011.

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

- 1) City-owned barricades must be used to block off the street closure sections. Barricades shall be placed to allow access to existing crosswalks. In addition, a "Local Traffic Only" sign must be temporarily placed at the entrance to Lake Street from Dole Avenue. The petitioner must complete and submit a Barricade Borrowing Application.
- 2) The petitioner must send a notice to all affected property owners along Lake Street.

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

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

**Votes Required to Pass:**

Simple majority vote of the City Council



**Agenda Item No: 10**

**City Council  
Agenda Supplement**

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**Meeting Date:**

July 17, 2012

**Item:**

Declaration and Designation of Surplus Property Canine  
"Ike"

**Staff Recommendation:**

Motion to adopt an ordinance declaring Canine "Ike" as surplus and authorizing the City Manager to execute an agreement with Police Officer Josh Marshall for the sale and care of Ike.

**Staff Contact:**

David Linder, Chief of Police

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**Background:**

As of June 2012, Canine Officer "Ike" has retired from the Crystal Lake Police Department. During Ike's tenure, he worked alongside his handler, Officer Josh Marshall. Ike has served the Department and community with loyalty and dedication during the past eight years. Ike's presence was also not just felt in our community but in other area communities as well.

During the past eight years, Ike was utilized during drug and evidence searches, building clearings, missing person detection, suspect tracking and officer protection. Ike has also assisted other law enforcement agencies with these duties as well as provided demonstrations for schools and civic groups.

As we transition Ike into retirement, the City will follow appropriate procedures. Under State guidelines, Ike is considered property of the City and as such, once he retires, is categorized as surplus property. As a result, Ike's transfer to his handler will need to go through surplus property procedures. These procedures will allow the City to sell Ike to Officer Marshall for \$10.00. After this point and after the agreement is signed, Officer Marshall will be fully responsible for the care and ownership of Ike.

Legal staff has reviewed the agreement.

**Recommendation:**

It is the Police Department's recommendation to adopt an ordinance declaring canine "Ike" as surplus property and providing for the sale, at a minimal cost, of said canine to Officer Josh Marshall.

**Votes Required to Pass:**

Simple majority



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**ORDINANCE**

WHEREAS, in the opinion of the Corporate Authorities of the City of Crystal Lake, it is no longer necessary or useful to, or in the best interest of, the City of Crystal Lake to retain ownership of Canine "Ike", referred hereinafter as (surplus property).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, COUNTY OF MCHENRY, STATE OF ILLINOIS AS FOLLOWS:

Section One: Recitals. The foregoing recitals are hereby incorporated herein as is fully set forth.

Section Two: Transfer of Personal Property. Pursuant to Section 11-76-4 of the Illinois Municipal Code, (65 ILCS 5/11-76-4), the Mayor and City Council of the City of Crystal Lake hereby find that surplus property now owned by the City of Crystal Lake is no longer necessary or useful to the City of Crystal Lake and the best interest of the City of Crystal Lake will be served by the sale of the surplus property, at a nominal cost to Officer Josh Marshall.

Section Three: Authorization of Transfer. Pursuant to said statute, the City Manager is hereby authorized and directed to sell for \$10.00, the surplus property now owned by the City of Crystal Lake to Officer Josh Marshall, effective immediately.

Section Four: Effective Date. This ordinance shall be in full force and effect from and after its passage as provided by law.

DATED this 17<sup>th</sup> day of July, 2012

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

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

SEAL

ATTEST

**DRAFT**

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CITY CLERK

PASSED: July 17, 2012  
APPROVED: July 17, 2012





**Agenda Item No: 11**

**City Council  
Agenda Supplement**

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**Meeting Date:** July 17, 2012

**Item:** Sign Variation to allow total wall signage of 152.47 square feet, exceeding the allowable total of 75 square feet, for Starbuck's Coffee at 6000 Northwest Highway, Unit 13 J.

**Staff Recommendation:** City Council Discretion:  
A. Motion to approve an ordinance with the recommended conditions for variation as requested.  
B. Motion to deny the variation request.

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

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**Background:**

- Starbuck's Coffee is locating within the new free-standing building at 6000 Northwest Highway, near Five Guys Burgers.
- Starbuck's Coffee will have a drive-through facility at this location.
- Signage is being requested for all three elevations, which is permitted; however, the UDO permits a total of 75 square feet of signage. Starbuck's is requesting 152.47 square feet of wall signage, necessitating a variation.
- Five Guys Burgers, another new tenant in this building, meets the UDO requirements.

**Analysis:**

- The petitioner is requesting a variation for the total square feet of permitted wall signage, Section 4-1000 F Commercial Signs in the UDO.
- The UDO permits additional signage for fast-food, drive-through, restaurants including gateway (clearance bar), directional, pre-order menu, full order menu and confirmation order signage. The petitioner is taking advantage of this additionally permitted signage.
- The following table illustrates the proposed sign, versus the ordinance requirement:

<b>Item</b>	<b>UDO Requirement</b>	<b>Proposed Signage</b>	<b>Variation Required</b>
Directional Signs	4 square-feet 3 feet in height	3.5 square-feet 2 feet 6 inches in height	No. (The three signs meet the Ordinance requirements)
Order Board	60 square feet 8 feet in height	24.8 square feet 6 feet 1 inch in height	No
Order Confirmation	4 square feet 15 feet in height (total structure)	0 square feet 4 feet 1 inch in height	No
Pre-Order Board	24 square feet 6.5 feet in height	10.8 square feet 6 feet 1 inch in height	No
Wall	75 square feet for corner tenants, with no one sign exceeding 50 square feet	152.47 square feet total N. Elevation: 44.28 SF E. Elevation: 63.91 SF S. Elevation: 44.28 SF	Yes (The wall signage is exceeded by 77.47 square feet)
Welcome /Gateway (clearance bar)	No square footage calculation, since it is not considered signage 12 feet in height	5.5 square feet with logo 12 feet 6 inches (condition proposed to remove logo and reduce height)	Yes (Unless the sign is amended per the conditions of approval)
Window	25% of total window and door area	24" round 3.14 square feet	No

The City Council can grant a variation from the requirements of the Ordinance to overcome an exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent the display of a sign as intended by the Ordinance and where the following standards are met:

1. The proposed variation will not serve merely as a convenience, but alleviate some demonstrable and unusual hardship.
2. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The proposed variation will not by itself, or with other signs, contribute to the creation of visual distraction which may lead to personal injury or a substantial reduction in the value of the property.
3. The proposed variation is in harmony with the intent, purpose and objectives of the Ordinance.

**Recommended Conditions:**

1. Approved plans, reflecting staff recommendations, as approved by the City Council:
  - A. Application (Weisbrod SJW Architects, received 06/25/12)
  - B. Exterior Elevations (SJW Architects, dated 3/16/12, received 6/25/12)
  - C. Sign Details (Hilton Displays, dated 4/10/12, received 6/25/12)
2. The awnings shall be a solid color and not contain additional signage.
3. Reduce the Welcome/Gateway Sign (Clearance Bar) to 12 feet in height and remove the Starbuck's logo.
4. The proposed signage shall meet all of the other requirements in the UDO and building codes, as applicable.

**Votes Required to Pass:**

A simple majority vote.

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

AN ORDINANCE GRANTING A SIGN VARIATION FOR THE  
STARBUCK'S COFFEE, 6000 NORTHWEST HIGHWAY UNIT 13J

WHEREAS, pursuant to the terms of the request (File #2012-05-G) before the City of Crystal Lake, the Petitioner has requested a sign variation to allow total wall signage of 152.47 square feet, exceeding the allowable total of 75 square feet, for Starbuck's Coffee at 6000 Northwest Highway, unit 13 J; and

WHEREAS, a hearing of the request was held before the City of Crystal Lake City Council in the manner and in the form as prescribed by Ordinance and Statute; and

WHEREAS, as a result of said hearing, the City Council made a motion to approve the sign variation as requested; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the sign variation be granted as requested,

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

SECTION I: That a sign variation be granted to allow total wall signage of 152.47 square feet, exceeding the allowable total of 75 square feet, for Starbuck's Coffee at 6000 Northwest Highway, unit 13 J, Crystal Lake, Illinois with the following conditions:

1. Approved plans, reflecting staff recommendations, as approved by the City Council:
  - A. Application (Weisbrod SJW Architects, received 06/25/12)
  - B. Exterior Elevations (SJW Architects, dated 3/16/12, received 6/25/12)
  - C. Sign Details (Hilton Displays, dated 4/10/12, received 6/25/12)
2. The awnings shall be a solid color and not contain additional signage.
3. Reduce the Welcome/Gateway Sign (Clearance Bar) to 12 feet in height and remove the Starbuck's logo.
4. The proposed signage shall meet all of the other requirements in the UDO and building codes, as applicable.

SECTION II: 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

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

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

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

\_\_\_\_\_  
MAYOR

ATTEST:

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

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



**Agenda Item No: 12**

**City Council  
Agenda Supplement**

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**Meeting Date:** July 17, 2012

**Item:** Job Creation and Investment Matching Grant and Targeted Development Zone application requests:

- 1) #2012-44-01 for Potbelly Sandwich Works, at 6000 Northwest Highway, to request \$10,000 in matching grant funds, and
- 2) #2012-44-02 for CalCo Controls Inc., at 439 S. Dartmoor Drive, to request \$10,000 in matching grant funds.

Scott Norrick and Ed Stockman, Potbelly Sandwich Works  
Neil Sivertson, CalCo Controls Inc.

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

1. Motion to approve the Grant Agreement with Scott Norrick, and to award \$10,000 in grant funding for furniture, fixtures and equipment at 6000 Northwest Highway, for Potbelly Sandwich Works;
2. Motion to approve the Grant Agreement with Neil Sivertson, and to award \$10,000 in grant funding for 15 employees at 439 S. Dartmoor Drive, for CalCo Controls; and
3. Motion to approve the Targeted Development Zone 50% fee reduction for a business located on the periphery of Route 14 for CalCo Controls.
4. Motion to deny the grant applications and fee reduction request.

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

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**Background:** On November 1, 2011, the City Council approved the **Retailer and Manufacturer Job Creation and Investment Programs**, which provides grant funding to new and existing retailers who occupy vacant space and hire new full-time employees and/or install eligible furniture, fixtures, and equipment.

POTBELLY SANDWICH WORKS (6000 Northwest Highway)

Potbelly Sandwich Works is a specialty fast-food casual restaurant offering sandwiches, salads, soups, baked goods and non-alcoholic beverages. Potbelly is leasing approximately 1,550 square

feet in the new outlot building at the Crystal Point Mall. They will be hiring 10 full-time and 10 part-time employees for their new restaurant. Potbelly will spend approximately \$183,762 on eligible furniture, fixtures, and equipment.

In order to objectively analyze the applications for funding, review criteria have been established in the Ordinance approving this program. The chart below outlines the evaluation of the applicant's request in relation to our review criteria:

REVIEW CRITERIA	APPLICANT'S ABILITY TO MEET THE REVIEW CRITERIA
Improvement to overall appearance	Minor improvements to the appearance of the subject property would be provided*
Aesthetic impact to surrounding areas	Improvements would provide a minor aesthetic impact to the area
Number of employees and wages	20 new employees will be added by Potbelly Sandwich Works*
Value of new FFE	Furniture, fixtures, and equipment in excess of \$183,000*
Use of the property as a result of a new business	Promotes the intended use of the building for retail sales*
Contribution to economic vitality	Promotes occupancy of vacant retail space with a viable restaurant collecting sales taxes*
Compatibility with nearby uses	Compatible with adjacent uses*

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

**CALCO CONTROLS INC. [a.k.a. CalCo Cutaways] (439 S. Dartmoor Drive)**

CalCo Controls will be relocating from Cary to a larger building that they have selected in Crystal Lake, at 439 S. Dartmoor. CalCo searched for a new location within a 15-mile radius of their Cary location and the City worked in cooperation with the McHenry County Economic Development Corporation to attract CalCo to Crystal Lake. CalCo is a world leader in the production of cutaways, models, and interactive displays for some of the world's largest durable goods manufacturers, along with various branches of the military and other government organizations. CalCo brings 15 jobs to Crystal Lake, not including the owner, and these employees will enjoy the shopping and recreational opportunities offered here in the City. For calculating their grant amount, CalCo receives \$1,000 for each full-time employee hired or relocated to their Crystal Lake location. CalCo is eligible for the full \$10,000 grant amount.

In order to objectively analyze the applications for funding, review criteria have been established in the Ordinance approving this program. The chart below outlines the evaluation of the applicant's request in relation to our review criteria:

REVIEW CRITERIA	APPLICANT'S ABILITY TO MEET THE REVIEW CRITERIA
Improvement to overall appearance	Minor improvements to the appearance of the subject property would be provided
Aesthetic impact to surrounding areas	Improvements would provide a minor aesthetic impact to the area
Number of employees and wages	15 employees will be brought to the Crystal Lake facility*
Value of new FFE	CalCo will be repurposing the space for their use, but at this time, the value of new FFE is not available.
Use of the property as a result of a new business	Provides new building for a manufacturer providing global products and services to expand within, promoting the intended use of the currently-vacant building as a manufacturing location*
Contribution to economic vitality	Fills a vacant manufacturing building with a viable operator, bringing 15 employees to Crystal Lake that will shop, dine and recreate here*
Compatibility with nearby uses	Compatible with adjacent uses*

The applicant's request has been evaluated for the value of the improvement, the extent of proposed work, and its potential impact. The current application would fulfill 4 of the 7 review criteria (marked with an asterisk\*).

**TARGETED DEVELOPMENT ZONE FEE REDUCTION**

In order to stimulate the development and redevelopment of these highly visible corridors, Route 14, Route 31 and Route 176 in Crystal Lake have been designated as a Targeted Development Zones. Properties within the Route 14, Route 31 and Route 176 corridors will be entitled to a waiver of 50% of all associated City review, permit and inspection fees for any commercial improvement valued at \$250,000 or greater. Properties on the periphery of these corridors may qualify for the fee waiver by consent of the City Council.

CalCo will far exceed the \$250,000 minimum threshold for investments to bring their manufacturing facility to Crystal Lake. Their new building at 439 S. Dartmoor Drive is located approximately 3,900 feet from Route 14, and it backs up to Three Oaks Recreation Area. Based upon the work that they will perform to repurpose the building for occupancy, it is estimated that the total permit fees would not exceed \$2,500. At 50%, the total incentive for CalCo would not exceed \$1,250.

**SUMMARY OF CURRENT REQUESTS**

The chart below provides a complete summary of the pending grant funding requests. The City has budgeted \$80,000 for reimbursements to awarded recipients. The job creation and investment programs will share the same funding source (\$80,000).

File #	Applicant Name / Business name	Address	New Retailer Programs	Existing Retailer Programs	Manufacturer Programs	Total Requested	Amount Approved	Status
2012-44-01	Potbelly Sandwich Works	6000 Nw Hwy	\$10,000.00			\$10,000.00		Proposed
2012-44-02	CalCo Controls Inc	439 S. Dartmoor			\$10,000.00	\$10,000.00		Proposed
<b>TOTALS</b>			<b>\$10,000.00</b>	<b>\$0.00</b>	<b>\$10,000.00</b>	<b>\$20,000.00</b>	<b>\$0.00</b>	

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





**Agenda Item No: 13**

**City Council  
Agenda Supplement**

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- Meeting Date:** July 17, 2012
- Item:** REPORT OF THE PLANNING & ZONING COMMISSION  
#2012-46 Daly Simplified Residential Variation
- Request:** Variation to allow a covered front porch to encroach 3 feet 2 inches into the required 30-foot front yard setback.  
  
Brian and Mary Daly, Petitioners  
862 Wimbleton Lane
- PZC Recommendation:** Motion to approve the petitioners' request and adopt an ordinance allowing the covered front porch to encroach 3 feet 2 inches into the front yard setback at 862 Wimbleton Lane.
- Staff Contact:** Michelle Rentzsch, Director of Planning and Economic Development
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**Background:**

- The house has an existing brick front porch and stairs. The pitch and location of the roof causes water, ice and snow to accumulate on the brick porch.
- The petitioners would like to cover the front porch and the top step with a gable roof. The enclosure will also provide railings on the side making it easier to grab the railing to get up and down the stairs.
- Decks, stairs and porches open to the sky are permitted to encroach 4 feet into the required front yard. The existing brick porch and stairs meet the ordinance requirements. By covering the porch, it is now required to meet the principle building setbacks, which do not permit the encroachment.
- The size and location of the porch and stairs is not changing. A variation is needed to allow the existing encroachment since it will now be a covered porch.

**PZC Highlights:**

The Planning and Zoning Commission could support this request knowing it was a safety issue and the front porch and stairs were not being expanded.

The Planning and Zoning Commission recommended **approval (8-0)** of the petitioners' request with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (Daly, received 06/21/12)
  - B. Plat of Survey/Site Plan (L B Harvard, dated 01/02/75, received 06/21/12)
  - C. Construction details (Banyan Builders, undated, received 06/21/12)
2. A variation to allow encroachment into the required front yard setback by 3 feet 2 inches for a covered front porch stoop.
3. The petitioner shall comply with all of the requirements of the Engineering and Building, and Planning and Economic Development Departments.

**Votes Required to Pass:**

A simple majority vote.

DRAFT

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

AN ORDINANCE GRANTING A VARIATION  
AT 862 WIMBLETON LANE

WHEREAS, pursuant to the terms of the Application (File #2012-46) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested the granting of a Simplified Residential Variation from Article 3-200 to allow a covered front porch to encroach 3 feet 2 inches into the required 30-foot front yard setback and be as close to the property line as 16 feet 10 inches; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the Variation be granted as requested in said Application.

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

SECTION I: That a Variation be granted from the Crystal Lake Unified Development Ordinance Article 3-200 to allow a covered front porch to encroach 3 feet 2 inches into the required 30-foot front yard setback and be as close to the property line as 16 feet 10 inches

at the property at 862 Wimbleton Lane, Crystal Lake, Illinois.

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

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (Daly, received 06/21/12)
  - B. Plat of Survey/Site Plan (L B Harvard, dated 01/02/75, received 06/21/12)
  - C. Construction details (Banyan Builders, undated, received 06/21/12)
2. A variation to allow encroachment into the required front yard setback by 3 feet 2 inches for a covered front porch stoop.
3. The petitioner shall comply with all of the requirements 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 granting of a Simplified Residential Variation in accordance with the provisions of this Ordinance, as provided by law.

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

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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: 14**

**City Council  
Agenda Supplement**

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<b><u>Meeting Date:</u></b>	July 17, 2012
<b><u>Item:</u></b>	REPORT OF THE PLANNING & ZONING COMMISSION  #2012-42 Cooper Simplified Residential Variation
<b><u>Request:</u></b>	Variation to allow a deck to encroach 7 feet into the required 20-foot rear yard setback, a variation of 3 feet.  Rich and Kathy Cooper, Petitioners 132 Ashton Lane
<b><u>PZC Recommendation:</u></b>	To deny the petitioners' request.
<b><u>Staff Contact:</u></b>	Michelle Rentzsch, Director of Planning and Economic Development

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**Background:**

- The house has an existing 4-foot by 4-foot deck and stairway into the rear yard. Decks, stairs and porches open to the sky are permitted to encroach 4 feet into the required rear yard. The existing deck encroaches 3 feet into the rear yard setback.
- The petitioners would like to expand the size of the deck to 8 feet by 8 feet to provide usable space on the deck.
- The petitioners stated it will not affect the lot drainage or any adjoining property owners as the lot behind them is wooded and owned by the Evangelical Free Church.
- The enlargement of the deck will require a variation for the 7-foot encroachment.

**PZC Highlights:**

The Planning and Zoning Commission could not support this request since they found no case for a hardship.

The Planning and Zoning Commission recommended **denial (8-0)** of the petitioners' request.

If a motion to approve the petitioners' request is made, the following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (Cooper, received 06/08/12)
  - B. Plat of Survey/Site Plan (Unnamed, undated, received 06/08/12)

2. A variation to allow encroachment into the required rear yard setback by 7 feet for a second story deck and stairway is granted.
3. The petitioner shall comply with all of the requirements of the Engineering and Building, and Planning and Economic Development Departments.

**Votes Required to Pass:** A super majority vote (5 votes).



**Agenda Item No: 15**

**City Council  
Agenda Supplement**

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**Meeting Date:** July 17, 2012

**Item:** REPORT OF THE PLANNING & ZONING COMMISSION

#2012-45 Ashton Pointe

Final PUD Amendment to adopt a new set of home plans by Ryland Homes.

Matt Pagoria, petitioner  
West of Pingree Road, north of UPRR

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

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

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**Background:**

- In April of 2004, the original Final PUD for Ashton Pointe was approved. Through the PUD approval, the house model styles proposed by Ashton Pointe were reviewed and approved.
- In April of 2010, Ashton Pointe requested an amendment to their PUD to allow the lots to be sold individually or in groups to different builders. Ashton Pointe created an Acknowledgement Statement that lists the design criteria for future home construction. Two homes have been built under these criteria. This Acknowledgement Statement is attached to this supplement as Exhibit A.
- Ryland Homes is interested in purchasing the remaining 41 lots. They have prepared a comparison of their model homes to the approved Acknowledgement Statement criteria. That list is attached as Exhibit B. As a summary the following differences are noted:
  - ◇ The homes will be between 45 feet to 56 feet wide, some below the 52-foot minimum in the criteria.
  - ◇ The trim around windows, doors and fascias will be vinyl to match the vinyl siding, not cedar as in the criteria.
  - ◇ All but two models will have 3-car garages, the criteria requires 2-car garages.

- ◇ The homes will be larger, ranging from 2405 SF to 3800 SF, exceeding the previously set minimum of 2100 SF for a ranch or 2360 SF for a two-story.
- ◇ 23 of the remaining 41 homes will have brick, as required by the previous ordinance and criteria.
- The City will be utilizing funds from the Letter of Credit to complete the roadway improvements.
- Ordinance #5845, the original Final PUD approval ordinance, will remain in effect, which requires the following items to still be applicable:
  - ◇ Approved Final Plat, Engineering, Site Layout, Tree Removal, and Landscape plans.
  - ◇ Elevations
    - ◇ At least 36 of 71 single-family homes and all models shall have front elevations that match elevations “B” or “C” for each product. In addition, these homes shall wrap the brick around the side elevations by at least one foot, creating a pier element.
    - ◇ Shutters around all windows on the rear and side elevations of the units shall be mandatory, versus optional.
    - ◇ Provide color samples and material samples of all exterior building materials used on the units.
    - ◇ Work with Staff to add additional architectural features to the rear and side elevations on lots backing up the Pingree Road.

**PZC Highlights**

- The PZC was concerned that, since these home plans are larger than the original homes proposed by Ashton Pointe, they will be squeezed onto these lots, leaving little space for yard or accessory structures.
- The petitioner suggested allowing variations for decks into the setbacks so they can offer the future homebuyers larger deck options. The PZC did not want to set a precedent on deck variations. Also, they felt that the developer was putting too large a home on the lots, self-creating the difficulty in fitting decks on the homes.
- The PZC wanted some additional architectural details on the homes. All the homes needed to have windows on all the elevations. Any homes that had brick on the front needed to wrap it 1 foot around the sides. Homes backing to Pingree Road needed to have masonry fireplaces.

The Planning and Zoning Commission recommended **approval (7-1)** of the petitioner’s requests with the following conditions.

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (Ashton Pointe LLC, received 06/29/12)
  - B. Home Plans (Ryland Homes, dated 05/30/12, received 06/29/12)
2. Conditions of Ordinance No. 5845 shall remain in effect, as applicable. Ordinance #6311 (allowing ranch homes) and Ordinance #6560 are hereby rescinded.



3. The following conditions shall apply to the following lots and proposed elevations:
  - A. Due consideration will be given while designing residences on Lots 12, 38, 39, 48 and 68 to take into account the possibility of the side/rear facades of these houses facing the entrance to other residences. These façades shall provide interest by the addition of details or fenestration. Additional planting shall be provided on these lots to screen any accessory structures (sun rooms, screen porches, etc.)
  - B. Variations from required setbacks shall not be granted for any structures (principal or accessory) on Lots 12, 18, 38, 39, 47, 48, 59 and 68. Buyers will be required to sign an acknowledgment to that effect.
  - C. For the Carlisle and Meridian plans, some fenestration must be added to both the side elevations on all models. For the Hawthorne plan, some interest must be added to the left elevation, either through the addition of fenestration or other details.
  - D. For all plans, an at least 3-inche wide trim is required on the patio doors.
  - E. Any brick shall be wrapped around the side by one (1) foot. (Added by PZC)**
  - F. If fireplaces are to be added to the homes backing up to Pingree Road, they shall be masonry. (Added by PZC)**
4. The following anti-monotony provisions shall apply:
  - A. No two homes which are within 2 lots side by side or face front to front shall have the same identical elevation. This does not apply to a back to back situation.
  - B. No two homes having lots which border in any way (without regard to streets and parks) shall have the same identical color scheme. This includes identical trim, siding and masonry color selection.
  - C. No two homes with identical elevations shall be allowed to have the same identical exterior color scheme.
  - D. No two homes with identical floor plans, regardless of elevation, shall be built next to each other or directly across the street from each other.
  - E. None of the lots on a cul-de-sac shall have the same model and elevation on it.
5. Variations from the proposed elevations are permitted upon staff approval as long as they meet at least seven of the following nine criteria:
  - A. Where siding is used as a building material, wood board siding shall be used.
  - B. A front porch or stoop at main entrances of the proposed homes is provided.
  - C. Three-car garages are designed as 2-car side loading and 1-car front-loading.
  - D. Front-loading, side-facing garages shall have windows facing the street that match the style, spacing and frequency of windows for the rest of the dwelling.
  - E. Front-loading, front-facing garages shall incorporate at least 3 architectural elements (like columns flanking doors, moldings, overhanging eaves, decorative vent covers, decorative brackets, arched lintels, garage windows, etc.)
  - F. Windows are required on all elevations. Long, blank facades or token window/s on elevations are not permitted.
  - G. Window and door openings must be articulated through the use of shutters, flat or arched lintels, projecting sills or surrounds. These treatments should be applied on all elevations of the dwelling.

- H. Where shutters are used, they should be sized to the window such that they appear as if they can be closed and fully protect the window.
  - I. All facades generally, and the front façade specifically shall be articulated through the use of dormers, eyebrow windows, decorative brackets, louvers, balconies or other elements.
6. The adoption of the Ryland Homes model plans shall only be for the single-family lots; Ashton Pointe LLC shall retain control and development rights of the multi-family lots.
  7. The petitioner shall comply with all of the requirements of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.

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

# DRAFT

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

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

WHEREAS, pursuant to the terms of the Petition (File #2012-45) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested an Amendment to the Final Planned Unit Development for Ashton Pointe to allow a new set of homes plans by Ryland Homes; and

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

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

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

SECTION I: That a Final PUD Amendment be granted to permit allow a new set of homes plans by Ryland Homes for the property located north of the railroad tracks and west of Pingree Road, Crystal Lake, Illinois.

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

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (Ashton Pointe LLC, received 06/29/12)
  - B. Home Plans (Ryland Homes, dated 05/30/12, received 06/29/12)
2. Conditions of Ordinance No. 5845 shall remain in effect, as applicable. Ordinance # 6311 (allowing ranch homes) and Ordinance # 6560 are hereby rescinded.
3. The following conditions shall apply to the following lots and proposed elevations:
  - A. Due consideration will be given while designing residences on Lots 12, 38, 39, 48 and 68 to take into account the possibility of the side/rear facades of these houses facing the entrance to other residences. These façades shall provide interest by the addition of details or fenestration. Additional planting shall be provided on these lots to screen any accessory structures (sun rooms, screen porches, etc.)
  - B. Variations from required setbacks shall not be granted for any structures (principal or accessory) on Lots 12, 18, 38, 39, 47, 48, 59 and 68. Buyers will be required to sign an acknowledgment to that effect.

# DRAFT

- C. For the Carlisle and Meridian plans, some fenestration must be added to both the side elevations on all models. For the Hawthorne plan, some interest must be added to the left elevation, either through the addition of fenestration or other details.
  - D. For all plans, at least 3 inches wide trim is required on the patio doors.
  - E. Any brick shall be wrapped around the side by one (1) foot.
  - F. If fireplaces are to be added to the homes backing up to Pingree Road, they shall be masonry.
4. The following anti-monotony provisions shall apply:
- A. No two homes which are within 2 lots side by side or face front to front shall have the same identical elevation. This does not apply to a back to back situation.
  - B. No two homes having lots which border in any way (without regard to streets and parks) shall have the same identical color scheme. This includes identical trim, siding and masonry color selection.
  - C. No two homes with identical elevations shall be allowed to have the same identical exterior color scheme.
  - D. No two homes with identical floor plans, regardless of elevation, shall be built next to each other or directly across the street from each other.
  - E. None of the lots on a cul-de-sac shall have the same model and elevation on it.
5. Variations from the proposed elevations are permitted upon staff approval as long as they meet at least seven of the following nine criteria:
- A. Where siding is used as a building material, wood board siding shall be used.
  - B. A front porch or stoop at main entrances of the proposed homes is provided.
  - C. Three-car garages are designed as 2-car side loading and 1-car front-loading.
  - D. Front loading, side facing garages shall have windows facing the street that match the style, spacing and frequency of windows for the rest of the dwelling.
  - E. Front loading, front facing garages shall incorporate at least 3 architectural elements (like columns flanking doors, moldings, overhanging eaves, decorative vent covers, decorative brackets, arched lintels, garage windows, etc.)
  - F. Windows are required on all elevations. Long blank facades or token window/s on elevations are not permitted
  - G. Window and door openings must be articulated through the use of shutters, flat or arched lintels, projecting sills or surrounds. These treatments should be applied on all elevations of the dwelling.
  - H. Where shutters are used, they should be sized to the window such that they appear as if they can be closed and fully protect the window.
  - I. All facades generally, and the front façade specifically shall be articulated through the use of dormers, eyebrow windows, decorative brackets, louvers, balconies or other elements.
6. The adoption of the Ryland Home model plans shall only be for the single-family lots, Ashton Pointe LLC shall retain control and development rights of the multi-family lots.

# DRAFT

7. The petitioner shall comply with all of the requirements of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.

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

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

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

\_\_\_\_\_  
MAYOR

ATTEST:

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

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



**Agenda Item No: 16**

**City Council  
Agenda Supplement**

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**Meeting Date:**

July 17, 2012

**Item:**

Route 31/Route 176 utility line relocation/burial

**City Council Discretion:**

- 1) A further deferral of the requirement to bury the utility lines until all of the properties around this intersection are in the City's jurisdiction.
- 2) Move forward with the relocation and burial of the lines as illustrated on the plans.
- 3) Waiver of the requirement to bury or relocate the utility lines.

**Staff Contact:**

Michelle Rentzsch, Director of Planning & Economic Development  
Abigail Wilgreen, Assistant City Engineer

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**Background:**

- Through their zoning approvals, several properties were granted deferrals to bury the utility lines along their frontage until an area wide program was established or a specific time limit, whichever occurred first. These businesses were:
  - ◊ Mobile Gas [Southwest corner of Rt.31/Rt.176]
  - ◊ Brilliance Honda [South of the southwest corner of Rt.31/Rt.176]
  - ◊ Burger King [West of the southwest corner of Rt.31/Rt.176]
  - ◊ MGAS (Shell, Wendy's and Lube Plus) [Northwest corner of Rt.31/Rt.176]
  - ◊ MCO Professional Center [Southwest corner of Rt.31/Ray Street]
  - ◊ Talon Development [Northwest corner of Rt.31/Ray Street]
  - ◊ Walgreens [Northeast corner of Rt.31/Rt.176]
- Several properties do not have a requirement to relocate or bury the utility lines. Also the properties on the east side of Route 31, south of Route 176 and north of Walgreens are not in the City's jurisdiction.
- IDOT has approved plans for changes to the Route 31/Route 176 intersection which includes widening, lane reconfiguration, and converting the intersection to a 4-way. The project has been awarded to a contractor, R.W. Dunteman Company, and construction is scheduled to begin as soon as all utilities are relocated.
- IDOT has given ComEd a 90-day notice to relocate their facilities for the roadway work.
- The City has contacted ComEd and requested a revised plan illustrating the possible location for the burial or relocation of the facilities for this intersection.

- ComEd has prepared a utility line relocation/burial plan with a preliminary cost estimate of \$2.2 million. The plan and letter are attached.
- A map has been prepared, Estimated Cost Breakdown for Each Site Based on Frontage, to illustrate what each property owner would pay as their portion of the project.
- The estimate and proposed work does not include the requirement for the City to obtain easements as well as switch individual service lines.

**Discussion Points:**

For the City Council's discussion are the following:

- 1) A further deferral of the requirement to bury the utilities lines until all of the properties around this intersection are in the City's jurisdiction.
  - ✦ It should be noted that the cost estimate also takes into consideration a credit from ComEd based on the amount of money they would have spent just to relocate the facilities per IDOT's requirement. This credit would not be available if the project was to be completed in the future.
- 2) Move forward with the relocation and burial of the lines as illustrated on the plans.
- 3) Waiver of the requirement to bury or relocate the utility lines.

**Votes Required to Pass:** No action required.



**Agenda Item No: 17**

**City Council  
Agenda Supplement**

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**Meeting Date:**

July 17, 2012

**Item:**

On Target Range and Tactical Training Agreement

**Staff Recommendation:**

Motion to adopt a resolution authorizing the City Manager to execute an Agreement with Straight Shooter Gallery, LLC/dba On Target Range & Tactical Training.

**Staff Contact:**

David Linder, Chief of Police

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**Background:**

Currently, the Police Department uses shooting range facilities in Boone County for training. These facilities are very costly due to commuting expenses as well as overtime needs to accommodate shift schedules. To reduce such training costs, the Department has researched other options for shooting ranges. While research demonstrated very limited options, the Department was able to discuss an agreement with a new, local business named On Target Range and Tactical Training.

This shooting range, which is located in Crystal Lake, offers a training facility at a greatly reduced cost. The range in Boone County is approximately 64 miles round trip, so a local training facility will provide savings in fuel costs and wear and tear on vehicles. Additionally, using the On Target Range and Tactical Training facility will allow our day and afternoons shifts to train while on duty rather than using overtime expenses to cover their participation, while the overnight shift will still be trained on off-duty time. Notwithstanding, the Department should see an overtime savings of approximately \$25,000.

Departmental staff has worked with On Target Range and Tactical Training to develop an agreement. This agreement clarifies hourly rates, facility logistics, term limits, and other general procedures. Legal staff has reviewed this agreement.

**Recommendation:**

Authorize the City Manager to execute an agreement with On Target Range and Tactical Training for Police Department range training.

**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 hereby authorized and directed to execute an Agreement with Straight Shooter Gallery, LLC/dba On Target Range & Tactical Training.

DATED this 17<sup>th</sup> day of July, 2012

CITY OF CRYSTAL LAKE, an  
Illinois Municipal Corporation,

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

SEAL

ATTEST

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

PASSED: July 17, 2012  
APPROVED: July 17, 2012



**Agenda Item No: 18**

**City Council  
Agenda Supplement**

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**Meeting Date:** July 17, 2012

**Item:** 2012 Sidewalk and Curb Replacement Program

**Staff Recommendation:** Motion to award the 2012 Sidewalk and Curb Replacement Program bid to the lowest responsive and responsible bidder, D'Land Construction, LLC., in the bid amount of \$97,183.00, and adopt a resolution authorizing the City Manager to execute the contract with D'Land Construction, LLC, allowing for a 10 percent contingency.

**Staff Contact:** Abigail Wilgreen, Assistant City Engineer

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**Background:**

On June 25, 2012, bids received for the 2012 Sidewalk and Curb Replacement Program were opened and publicly read. The City received four bids, and the results are tabulated below.

<i>Firm</i>	<i>Amount of Bid</i>
D'Land Construction, LLC <sup>1</sup> Bensenville, IL	\$97,183.00 <sup>2</sup>
Copenhaver Construction, Inc. Gilberts, IL	\$104,540.00
Metropolitan Construction, LLC Glendale Heights, IL	\$117,256.00
Alliance Contractors, Inc. Woodstock, IL	\$123,693.00

<sup>1</sup> Indicates Recommended Lowest Responsive and Responsible Bidder

<sup>2</sup> Corrected bid amount based on provided unit prices.

Every year, the City's Engineering and Building Department surveys one quarter of the City, and evaluates all of the sidewalks in that section of the City. The City also routinely responds to reports of damaged sidewalks and curbs that are received from residents and staff. The City keeps records of all the damaged sidewalks and prepares a sidewalk repair program annually to repair all of the sidewalks that meet the replacement criteria.

D'land Construction was also the low bidder for the 2008 Fall Sidewalk Program. The Engineering and Building Department was pleased with their performance on that project.

Specifications were mailed to various contractors and standard bid advertisement procedures were followed. This project is included in the Fiscal Year 2012-2013 budget.

**Votes Required to Pass:**

Simple majority of City Council present.

**DRAFT**



**The City of Crystal Lake Illinois**

**RESOLUTION**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE** that the City Manager be authorized to execute the contract with D'Land Construction, LLC, for the 2012 Sidewalk and Curb Replacement Program in the amount of \$97,183.00. The City Manager is additionally authorized to approve up to 10 percent in justifiable contract amendments from a contingency allowance.

**DATED** this seventeenth day of July, 2012.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: \_\_\_\_\_  
AARON T. SHEPLEY, MAYOR

SEAL

ATTEST:

\_\_\_\_\_  
NICK KACHIROUBAS, CITY CLERK

PASSED: July 17, 2012

APPROVED: July 17, 2012

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



**Agenda Item No: 19**

**City Council  
Agenda Supplement**

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**Meeting Date:** July 17, 2012

**Item:** Emergency Medical Services Equipment Pricing Bid

**Staff Recommendation:** Motion to award the bid for EMS equipment pricing for two (2) years to the lowest responsive, responsible bidder, Henry Schein, and adopt a resolution authorizing the City Manager to execute an agreement with Henry Schein.

**Staff Contact:** Paul DeRaedt, Deputy Fire Rescue Chief

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**Background:**

On Tuesday, June 19, 2012, the City of Crystal Lake publicly opened and read aloud the bids received for EMS equipment pricing. The lowest responsive, responsible bidder will furnish EMS equipment such as medical respirator masks, exam gloves, protective eyewear, heart monitor accessories, blood pressure cuffs, stethoscopes, backboards, and other EMS equipment purchased throughout the year by the Fire Rescue Department. The majority of our EMS supplies are state and federally mandated infection control items, which are single-use only.

The City requested a comprehensive list of items that are typically purchased over the course of a year. The items purchased over the course of the year exceed \$10,000. Of the 8 submitted bids, one of the bidders submitted for all the items listed. The remaining bidders did not submit bids for certain items because they either do not carry that individual product or cannot meet the minimum bid specifications for that item.

The Fire Rescue Department compared bidders against items used in the greatest frequency and quantity of items purchased by the Fire Rescue Department during the course of the year. Vendors who submitted pricing for greater than 90% of the items in the bid document were compared. The illustration below outlines these items and the associated bid from each vendor.

<u>BIDDER</u>	<u>Original Bid</u>	
Henry Schein Irmo, SC	\$ 6,318.05	✓
Bound Tree Medical Dublin, OH	\$ 6,780.43	
Midwest Medical Supply Earth City, MO	\$ 8,395.63	
Ever Ready First Aid Brooklyn, NY	\$ 5,487.49	X
Progressive Medical International Vista, CA	\$ 5,226.60	X
Kentron Healthcare, Inc. Springfield, TN	\$ 1,923.91	X
Physio-Control, Inc Redmond, WA	\$ 1,889.64	X
ZOLL Medical Corporation Chelmsford, MA	\$ 2.76	X

✓ Indicates recommended lowest responsive, responsible bidder.

X Did not meet minimum bid specifications.

Bids for EMS equipment pricing were originally solicited in March with a much larger list of items to bid. The larger list showed many companies not submitting a bid on several of the items or not meeting the minimum bid requirements, which made it difficult to determine a clear responsive, responsible bidder. To ensure competitive pricing, the EMS equipment pricing bid list was downsized and rebid. The original bid had only four vendors reply.

**Recommendation:**

The City Manager's Office and the Fire Rescue Department reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. The Fire Rescue Department staff has verified references and has received positive recommendations.

It is staff's recommendation to award the bid to the lowest responsive, responsible bidder, Henry Schein.

The bid prices received for the aforementioned equipment will be valid for two (2) years, from the time of City Council approval. There are sufficient funds in the FY 2012/2013 Budget and anticipated FY 2013/2014 Budget for these items.

**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 and the City Clerk is authorized to attest a two (2) year agreement with Henry Schein for Emergency Medical Services equipment in the submitted bid amount.

**BE IT FURTHER RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE** that the bids received for EMS Equipment Pricing, which were opened on March 8, 2012, are hereby rejected.

**DATED** this 17<sup>th</sup> day of July 2012.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk





**Agenda Item No: 20**

**City Council  
Agenda Supplement**

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**Meeting Date:** July 17, 2012

**Item:** Purchase of Forestry Truck

**Staff Recommendation:** Motion to award the bid for the purchase of a forestry truck to the lowest responsive, responsible bidder Altec Industries, and adopt a resolution authorizing the City Manager to execute a purchase agreement with Altec Industries in the amount of \$123,946.00.

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

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**Background:**

On May 25, 2012, the City of Crystal Lake publicly opened and read aloud bids received for the purchase of a forestry truck to be implemented in the Streets Division fleet. The Public Works Department has identified a significant need for the implementation of a forestry truck, as the Streets Division regularly receives requests for forestry services to perform various tree-trimming or removal services for parkway trees throughout the community. Many of these requests require specialty equipment to properly perform the work. To date, the Streets Division has had to contract the work or compile a list of requests that require a boom truck and rent the equipment when the list is sufficient to justify the rental. In some cases, this means long lead times before requests are completed.

To improve customer service in this area, the Streets Division has identified a truck that will be most efficient with a boom and chipper box in one unit, thus reducing the size of the crew and equipment required to execute service requests. The following is a breakdown of bids received.

<b>Bidder</b>	<b>Price</b>
√ Altec Industries St. Joseph, MO	\$ 123,946.00
MRT Manufacturing Inc. Forest, VA	\$ 125,000.00
* MRT Manufacturing Inc. (Alternate Bid) Forest, VA	\$ 109,500.00

√ Indicates the lowest responsive, responsive bidder

\* Indicates the bidder did not meet minimum specifications

Bids were initially solicited for a forestry truck in December 2011, however, the bids received exceeded the amount budgeted. Additional funds were allocated this fiscal year for the purchase of a forestry truck.

Altec Industries submitted pricing for an International 4300 w/ Altec LRV 60. This truck is an untitled 2011 model year that was utilized by Altec as a demo unit for nine months.

MRT Manufacturing Inc. proposed an unused 2011 Freightliner Business Class M2 106 which met the minimum specifications, and an alternate Ford F750 which did not meet the minimum bid specifications for boom size, transmission, air brakes, GVRW, or engine capacity.

**Discussion:**

Specifications for this truck identified an untitled 2011 model year or newer International or Freightliner unit. The City's fleet of large trucks is predominantly International brand equipment. The Fleet & Facility Services Division has experience working on these trucks and the diagnostic equipment to facilitate such work.

Having experienced technicians and diagnostic equipment on-hand for maintenance and repairs makes the low bid, International unit the more appealing option, despite it being utilized as a demo unit. International is a very highly regarded manufacturer for large equipment.

**Recommendation:**

After careful examination, it is the recommendation of the Public Works Department to award the purchase of one (1) Forestry Truck to the lowest responsible, responsive bidder, Altec Industries, in the amount of \$123,946.00. This truck has been inspected by the Fleet & Facility Services Division and the Streets Division to ensure that it physically and mechanically meets the demands of the Division. Funds have been budgeted for this purchase.

**Votes Required to Pass:**

Simple Majority

**DRAFT**

**RESOLUTION**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a Purchase Agreement between the CITY OF CRYSTAL LAKE and Altec Industries for the provision of one (1) Forestry Truck in the amount of \$123,946.00.

BE IT FURTHER RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the bids received for the Forestry Truck, which were opened on December 7, 2011, are hereby rejected.

DATED this 17<sup>th</sup> day of July, 2012.

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

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

SEAL

ATTEST

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

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

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



**Agenda Item No: 21**

**City Council  
Agenda Supplement**

---

**Meeting Date:**

July 17, 2012

**Item:**

Financial Advisory Services Agreement

**Staff Recommendation:**

A motion awarding the proposal for Financial Advisory Services and adopting a resolution authorizing the City Manager to execute an agreement, based on the submitted proposal, with the lowest responsive, responsible proposer, PMA Securities, Inc.

**Staff Contact:**

Mark F. Nannini, Director of Finance

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**Background:**

On June 21, 2012, the City opened proposals for financial advisory services. The retained financial advisor will perform a variety of tasks, including but not limited to analyzing the financing needs of the City of Crystal Lake, constructing a bond issue, assisting in selection of an underwriter or organizing a competitive sale, dealing with the rating agencies, and advising on other matters of importance such as research on potentially new revenue sources and continuing compliance filings. The financial advisor will be prohibited from acting as the underwriter on any debt issuance during the term of the contract. Attached is a summary of the proposals received.

This proposed bond issue is for utility service related improvements as presented at the FY 2012/2013 Budget Workshop.

**Recommendation**

The request for proposals have been reviewed for completeness and accuracy in accordance with the Request for Proposal documents. Staff reviewed the proposals submitted and determined that PMA Securities, Inc., has met the specifications based on price, experience and ability to serve the City's economic development and debt issuance needs for up to two separate bond issues, one new issue for \$6 million and a partial refunding for \$10,000,000.

The evaluation process included experience with issuance of bonds, working with underwriting, working with bond counsel, cost for annual retention of services and cost for both a \$6 million new issue and a partial refunding of \$10 million dollar debt issue for the IEPA loan. The two scenarios are based on the future direction from City Council to City Staff.

The City of Crystal Lake has successfully utilized PMA Securities, Inc., previously for investment of Build America Bonds proceeds issued for Three Oaks Recreation Area.

**Votes Required to Pass:**

Simple Majority



DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be and he is hereby authorized and directed to execute an agreement between PMA Securities, Inc. and the City of Crystal Lake in the submitted proposal for issuance of General Obligation Bonds for Calendar Year 2012. Fees paid to PMA Securities will be part of the bond proceeds.

DATED this 17th day of July, 2012

CITY OF CRYSTAL LAKE, an  
Illinois Municipal Corporation,

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

SEAL

ATTEST

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



**Agenda Item No: 22**

**City Council  
Agenda Supplement**

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**Meeting Date:**

July 17, 2012

**Item:**

Designation and Sale of Surplus Equipment

**Staff Recommendation:**

Motion to adopt an ordinance designating water treatment plant valves as surplus equipment, and to authorize the City Manager to approve the sale of said valves to the Village of Island Lake for \$2,515.92.

**Staff Contact:**

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

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**Background:**

A new ION Exchange system was installed at Water Treatment Plant #4 (WTP #4) in 2011. This new system has different types of valves than the previous system. Prior to the improvements at WTP #4, the Water Division kept two valves in their inventory to serve as replacements in emergency situations because these valves were prone to failure and had a 6-8 week delivery time.

After the new system was installed, staff requested a credit from the valve supplier to take back the new, stocked valves that were no longer utilized in WTP #4. However, the supplier would not take the valves back.

The Water Division was recently approached by the Village of Island Lake who was experiencing a valve failure and needed the same valves that the City had in stock. The supplier informed the Village that the City had two valves in stock. Island Lake was in dire need of these valves and could not wait 6-8 weeks for delivery. Island Lake contacted us and said they would pay the City the same price the City paid for those valves.

Since this was an emergency situation, Island Lake picked up the valves for immediate installation in their water treatment plant. The Village issued payment of \$2,515.92, the City's cost. Any other means of sale would have netted the City minimal revenue so this is a win-win situation.

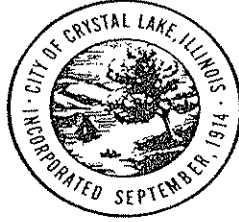
**Recommendation:**

It is staff's recommendation to designate the water treatment plant valves:  
Cla-val Model #7083501C, 4" with V5537A powertrol seat and 00836H o-ring and  
Cla-val Model #7092601K, 6" with V6869B powertrol seat and 00851G o-ring  
as surplus personal property and authorize the City Manager to retroactively approve the sale of  
the valves to the Village of Island Lake in the amount of \$2,515.92.

**Votes Required to Pass:**

Simple majority





Ord. No.  
File No.

**DRAFT**

**The City of Crystal Lake Illinois**

**ORDINANCE**

WHEREAS, in 2011, the City of Crystal Lake (hereinafter, "the City") installed a new ION Exchange System at Water Treatment #4 ("hereinafter, "the New Ion Exchange System"); and

WHEREAS, the City stocked an inventory of replacement valves which were available for use in the previously installed system but which no longer can be used in the New ION Exchange System (hereinafter, the Obsolete Valves"); and

WHEREAS, the Village of Island Lake is in need of the Obsolete Valves for use in its water treatment facility; and

WHEREAS, pursuant to 65 ILCS 5/11-76-4, the Mayor and City Council have found and determined that the Obsolete Valves are no longer necessary or useful for the City.

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

SECTION I: The foregoing recitals are hereby incorporated herein as though fully set forth.

SECTION II: That the Mayor and City Council authorize that the Obsolete Valves be sold to the Village of Island Lake for the sum of \$2,515.92.

SECTION III: That the City Manager is authorized to execute such documents as may be necessary for the sale of the Obsolete Valves to the Village of Island Lake for the above stated sum.

SECTION IV: That the City Clerk deliver a copy of this Ordinance to the Village of Island Lake.

**DRAFT**

Ord. No.  
File No.

DATED at Crystal Lake, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

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

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

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

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



**Agenda Item No: 23**

**City Council  
Agenda Supplement**

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**Meeting Date:**

July 17, 2012

**Item:**

Consultant Selection Approval for the Water Treatment Plant #4 Water Main Extension Design & Construction Engineering

**Staff Recommendation:**

Motion to award the proposal for the Water Treatment Plant #4 Water Main Extension Design & Construction Engineering to the most responsible and responsive proposer, Postl-Yore & Associates, and adopt a resolution authorizing the City Manager to execute an agreement with Postl-Yore in the amount of \$42,365.00 and approve changes in scope by 10 percent of the original price.

**Staff Contact:**

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

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**Background:**

The City of Crystal Lake solicited proposals from qualified engineering firms to design a water main improvement to extend new main from Water Treatment Plant #4 (WTP4) (400 N. Knaack Blvd) west, under the rail road tracks, through a property currently owned by the Matthews Corporation, and upsize existing water main on View Street. This improvement will improve the water flow and quality to residents in this area by adding the additional connection under the railroad tracks, and it will allow Matthews Corporation to annex into the City and connect to the City's public water supply.

The attached map shows the various locations of water main improvements.

*Consultant Selection Process*

The Public Works Department followed the City's Purchasing Policy to secure a qualified engineering firm to address this project. The City received proposals from eight firms in response to the request.

Staff from the Public Works Department reviewed each of the proposals and ranked the firms based on their qualifications and cost. The qualifications criteria that were considered during the review were:

1. Proposal completeness
2. Firm's reputation and integrity
3. General experience and history of performance on similar projects
4. Current or past projects related to the scope of services
5. Understanding of the unique project design challenges
6. Adherence to the Project Scoping Summary
7. Experience of personnel
8. Cost

The cost breakdown of the eight firms is as follows:

<b>Engineering Firm</b>	<b>Base Cost</b>
Postl-Yore Rolling Meadows	\$ 42,365.00
Baxter & Woodman Crystal Lake, IL	\$ 42,500.00
Crawford, Murphy, & Tilly Aurora, IL	\$ 52,994.00
Gewalt Hamilton Associates Vernon Hills, IL	\$ 53,469.20
Civiltech Crystal Lake, IL	\$ 54,285.61
Engineering Resource Associates Geneva, IL	\$ 77,680.00
Christopher B. Burke Rosemont, IL	\$ 82,450.00
Thomas Engineering Group Oak Park, IL	\$ 93,143.72

The Public Works Department identified Postl-Yore as being the most responsive and responsible proposer for reasons including:

- Proposal was detailed and easy to read, which showed an overall understanding of the magnitude and complexities of the project.
- Proposal included coordination and communication elements necessary for the success of the project.
- Proposal provided an adequate amount of hours while providing the City with a feasible schedule.

**Recommendation:**

Based upon the qualifications, cost review, and analysis of each firm's project approach relative to the RFP&Q requirements, Staff's recommendation is to select Postl-Yore & Associates to perform the Water Treatment Plant #4 Water Main Improvement Design & Construction Engineering. Funds are available to begin work immediately and final designs to be completed in Fiscal Year 2012-2013.

**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 between the CITY OF CRYSTAL LAKE and Postl-Yore & Associates for the Water Treatment Plant #4 Water Main Extension Design & Construction Engineering in the amount of \$42,365.00 and approve changes in scope by 10 percent of the original price.

DATED this 17<sup>th</sup> day of July, 2012.

CITY OF CRYSTAL LAKE, an  
Illinois municipal corporation,

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

SEAL

ATTEST

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

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

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



**Agenda Item No: 24**

**City Council  
Agenda Supplement**

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**Meeting Date:** July 17, 2012

**Item:** Water and Sewer Rate Adjustment

**Staff Recommendation:** Motion to adopt an ordinance amending Section 515-15 of the City Code to increase the monthly water service fee to \$4.03 per month and monthly sewer service fee to \$4.78 per month, and increase the water volumetric rate to \$2.72 per 1,000 gallons and the sewer volumetric rate to \$2.77 per 1,000 gallons, as proposed in the Reukert-Mielke Study and previously approved with the adoption of the 2012/2013 Budget.

**Staff Contact:** Victor Ramirez, Director of Public Works  
Mark F. Nannini, Director of Finance

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**Background:**

A modern, efficient, reliable water and sewer system is an important foundation of Crystal Lake's quality of life. Residents count on the City to deliver safe drinking water to protect public health, fight fires, and supply the water needs of business and industry. Investments in the utility system ensure that residents of Crystal Lake have adequate supplies of high quality water 365 days a year. The City's water and sewer infrastructure is also an important asset that supports economic growth. Sustainable water and sewer utility services encourage the location of new companies and the development of business – growth that benefits both taxpayers and consumers.

At the direction of the City Council, a comprehensive water and sewer rate study was completed in 2009, with the assistance of the City's consultant, Ruekert-Mielke, to ensure that the City continues to provide modern, efficient, and reliable water and sewer utility service. The results of that study were initially presented at the City's Budget Workshop in March 2009 and, subsequently, the first-year rate increase was adopted. An outcome of the study was to separate the water and sewer accounts into two stand-alone rates in order to analyze each on their own merits. The study provided for a multi-year sewer and water rate increase to continue the activities of the Public Works Department's Water, Sewer and Lift, and Wastewater Treatment Divisions, while incorporating escalating costs of energy and commodities needed for the pumping and treatment of water and wastewater. Funds from the proposed increase will also provide for the replacement of aged water/sewer infrastructure in order to maintain the current service levels our residents receive.

## **Water and Sewer as an Enterprise Fund**

Under governmental Generally Accepted Accounting Principles (GAAP), there are three categories of fund types: governmental, proprietary (i.e. enterprise funds), and fiduciary. The City's Water and Sewer Fund operates as a propriety or enterprise fund. GAAP requires state and local governments to use the enterprise fund type to account for "business-type activities" – activities similar to those found in the private sector. Business-type activities include services primarily funded through user charges.

The National Council on Governmental Accounting Statement No. 1 defines the purpose of enterprise funds as:

*"...to account for operations (a) that are financed and operated in a manner similar to private business enterprises —where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through users charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes."*

Local governments use an enterprise fund to account for their activities when the criteria of either (a) or (b) above are met.

Additionally, Illinois Compiled Statutes mirror these "business-type activity" requirements in two respects. First, under Section 11-117-12, the charges fixed by a municipal utility "for the product supplied or the service rendered by any municipality shall be sufficient at least to bear all cost of maintenance and operation, to meet interest charges on the bonds and certificates issued on accounts thereof, and to permit the accumulation of a surplus or sinking fund to meet all unpaid bonds or certificates at maturity."

Further, Section 11-117-13 requires that "any municipality, owning a public utility, shall keep the accounts for each public utility distinct from other municipal accounts and in such a manner as to show the true and complete financial results of municipal ownership or ownership and operation."

The proposed rate increase ensures that the Water and Sewer Fund moves toward a self-sustained operation able to meet all of its short and long-term obligations in compliance with GAAP and Illinois State Statute.

## **2012/2013 Proposed Increase**

The proposed ordinance provides for an increase in rates for water and sewer utility services. This also impacts the water and sewer rate for bulk water sales not covered by contractual agreements. The following table compares current rates and monthly service fees with the proposed fees:



	Monthly Service Fee	Rate/1,000 gallons	Total Cost for 6,000 gal/mo
<b>Water Current</b>	\$3.80	\$2.57	\$19.22
<b>Water Proposed</b>	\$4.03	\$2.72	\$20.35
<b>Sewer Current</b>	\$4.55	\$2.64	\$20.39
<b>Sewer Proposed</b>	\$4.78	\$2.77	\$21.40
<b>Current Monthly W&amp;S Combined</b>	-	-	\$39.61
<b>Proposed Monthly W&amp;S Combined</b>	-	-	\$41.75

As part of the study completed by Ruckert-Mielke, the following comparison of surrounding communities' water and sewer rates was compiled based on the usage of 6,000 gallons. The monthly table was updated in May 2012 to reflect rate adjustments as follows:

Municipality	Monthly Bill @ 6,000 Gals/Month
Sleepy Hollow	\$119.66
Lakewood	\$ 97.45
Carpentersville	\$ 69.56
Round Lake Beach	\$ 65.46
FRG	\$ 61.97
LITH*	\$ 52.98
Harvard*	\$ 52.47
Huntley	\$ 50.54
Johnsburg	\$ 49.57
Woodstock*	\$ 45.07
Algonquin	\$ 43.80
Crystal Lake - <i>Proposed</i>	\$ 41.75
McHenry	\$ 41.52
Crystal Lake - <i>Current</i>	\$ 39.61

\* Municipalities that sell water per 100 cubic feet rather than per 1,000 gallons

The Water and Sewer Rates in Crystal Lake are discounted for qualified senior citizens, wherein residents over the age of 65 who register for the discount will continue to receive a 15% discount for the first four thousand gallons used each month. This is not reflected in the chart above.

The Water/Sewer rate increases are critical to the continued operation of the City's water and sewer utility services. As revenue policy in the budget states, the City must "charge fees that reflect the full cost of providing services for general operations and Enterprise Funds (Water, Sewer, & Wastewater)". This is further identified to mean the following:

- Utility fees for water, sewer, and wastewater are matched to the cost of providing these services.
- Water and Sewer rates approximately equal operating expenses.
- Water and Sewer revenues are first used to defray the cost of effective and efficient operation of the utility systems; monies accumulated in excess of operations costs are to be used for replacement and repair of those systems as needed.

For some time now, the Water & Sewer Enterprise fund has not been following this policy. Cash reserves for this fund have been diminished. In response to the funding shortage, costs have been cut across the board in the Public Works Department. The Public Works Department has reduced its staffing levels through attrition to the minimum level to maintain core services. Any further cuts would reduce the level of service that the department is able to provide to residents.

In addition, rate increases are needed to complete capital projects; otherwise, they must be further deferred. The City's infrastructure is aging, and equipment and infrastructure must be replaced or rehabilitated to continue to function at a level necessary to sustain operations.

Perhaps the most pressing issue surrounding the financial state of the water and sewer operations is the ability to pay debt obligations and leverage future funds for capital projects as needed. Wastewater Treatment Plant #2 was expanded in 2003 with funds obtained through an IEPA revolving loan. At the time, it was reasonably believed that connection fees from 200 new homes per year would pay the annual principal and interest payment of \$1,033,503/year for the life of the loan. In FY 2011-12, there were 17 new connection fees collected by the City. This shortfall has to be made up through operating funds and reserves. Without these actions, the City runs the risk of defaulting on the loan and losing its strong bond rating, which would impact the entire City.

In order to eliminate spikes in the annual water and sewer rate adjustments provided for in the five-year plan, bonds will be sold to generate revenues for several critical infrastructure projects totaling \$4,172,472. These bond revenues are dedicated for the purpose of funding specific capital projects, and cannot be redirected to cover operational costs.

Critical capital projects funded by water and sewer rates that would need to be deferred should a rate increase not be provided include the following:

Water and sewer relocation Rt 176 and Rt. 31 Engr.....	\$20,000
Watermain relocation Rt. 176 and Rt. 31.....	\$80,000
SCADA study & Arc flash for lift stations.....	\$38,000
Lift Station #1 improvements.....	\$100,000
WTP#3 Ground storage tank painting.....	\$780,000
Well #17/18 Engr and replacement.....	\$400,000
WTP #3 Arc flash, softener valves, etc.....	\$70,000
SCADA McCormick Tower.....	\$25,000
WTP #5 Generator, TS, etc.....	\$600,000
WTP Electrical grounding.....	\$80,000
WTP #1 roof restoration and tuckpointing.....	\$90,000
Watermain replacement design Country Club Road area.....	\$114,472
Watermain replacement Walkup Road.....	\$625,000
WWTP Automation Projects.....	\$585,000
Watermain replacement WTP#4 extension.....	\$263,000
WWTP#2 Primary tanks #1 and #3 repairs.....	\$50,000
WWTP #2 fiberglass dome recoat.....	\$18,000
Blower #1 rehabilitation.....	\$14,000
Wastewater facilities improvements.....	\$220,000

**Total.....\$4,172,472**

The deferral of these projects would significantly increase the potential of system failures that would impact our ability to ensure the delivery of safe drinking water and proper wastewater treatment operation, and result in costly violations of our National Pollution Discharge Elimination System (NPDES) permits and drinking water standards.

The remaining shortfall of revenues would require the consideration of a further reduction of staff in the Water, Wastewater and Sewer and Lift Divisions. Approximately six full-time equivalents (FTE) would need to be eliminated, which would result in delays in restoring service in the event of a system failure and reduced services at all levels. There would be further impacts to our snow-fighting capabilities, as these six FTEs would not be available to cover six snow routes, resulting in the need to expand routes. With an expanded snow route, the time required to make one pass would double, resulting in an increase in the hazards to the motoring public. This risk must also be carefully weighed when considering further reductions of staff.

While the City is not profit driven, water and sewer operations must be run like a business. Without revenues sufficient enough to cover expenses, any business will fail.

**Recommendation:**

The Public Works Department has conducted an analysis of operations, and made adjustments where practical to cut costs. In addition, a comprehensive staffing plan was conducted to determine minimum staffing levels to maintain core services. At this time, the staffing level is at the minimum level to sustain operations and costs have been reduced where possible. It is the recommendation of the Public Works Department and Finance Department to follow the Reukert-Mielke plan and adopt an ordinance to amend Section 515-15 of the City Code by increasing the water and sewer rates by a blended rate of 5.40%, and adjust the water rate to \$2.72 per 1,000 gallons and the sewer rate to \$2.77 per 1,000 gallons, and the fixed monthly service fee for these services to \$4.03 for water and \$4.78 for sewer.

The City Attorney has reviewed the proposed ordinances.

**Votes Required to Pass:**

Simple Majority

DRAFT



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

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

SECTION I: That ARTICLE III COMMUNITY DEVELOPMENT, CHAPTER III  
PUBLIC UTILITIES Section B. Water and Sewer Rates Section 515-15 shall be amended as  
follows:

515-15 Rates.

That the consumer or user on all property or premises upon which any building or structure has  
been or may hereafter be erected having connection with any mains or pipes which exist or may  
hereafter be constructed and used in connection with the water and sewage or water or sewage  
systems of the City of Crystal Lake shall pay the following rates according to the following  
schedule:

A. Water Rate: Beginning August 1, 2012, the following rates shall apply:

- |     |                        |                          |
|-----|------------------------|--------------------------|
| (1) | Monthly service charge | \$4.03                   |
| (2) | Each 1,000 gallons     | \$2.72 per 1,000 gallons |

B. Sewer Rate: Beginning August 1, 2012, the following rates shall apply:

- |     |                        |                          |
|-----|------------------------|--------------------------|
| (1) | Monthly service charge | \$4.78                   |
| (2) | Each 1,000 gallons     | \$2.77 per 1,000 gallons |

C. The rates and charges herein established shall be collected from owners, occupants,  
consumers and users of the premises for all such use from and after each scheduled rate  
adjustment. The minimum rate for water and sewer monthly billing shall be equal to the  
combined water and sewer monthly service charge for the rate period covered. The fee  
paid for sewer use shall be determined by the water meter reading. No discounts shall be  
allowed for any difference between the water meter reading and actual sewer use.

D. Senior citizens may qualify for a water and sewer rate discount of 15% for the first 4,000  
gallons billed each month by requesting the discount and registering with the Finance  
Department. To receive the discount, a senior citizen must be 65 years of age, and must

reside at the address and the account must be in his/her name.

E. Water users outside the corporate limits of the City of Crystal Lake shall pay 1-1/3 times the fee charged for the same services within the City (except those users covered by contractual agreements).

F. Bulk water sales made by metered connections to secondary community water supplies or via metered hydrant for onsite use or via metered hydrant to a tanker for transport to an end user (except those users covered by contractual agreements) shall be billed monthly and pay the following rates according to the following schedule:

(1) Bulk Water Rate: (Except those users covered by contractual agreements) Beginning August 1, 2012 and continuing until further adjusted by the Mayor and City Council of the City of Crystal Lake:

- (a) Monthly service charge \$22.36
- (b) Each 1,000 gallons \$8.34 per 1,000 gallons

G. Water Used During Construction of New Buildings: Beginning August 1, 2012 and continuing until further adjusted by the Mayor and City Council of the City of Crystal Lake:

- (1) One and Two Family Residences: \$52.04
- (2) Multi-family, Commercial, Industrial
  - (a) Under 2,000 square feet minimum fee: \$52.04
  - (b) Each additional square foot over 2,000 to 10,000: \$ 0.03
  - (c) Each additional square foot over 10,000 to 50,000: \$0.010
  - (d) Each additional square foot over 50,000: \$0.005

H. Surcharge for Industrial Users: When the average concentrations of B.O.D. and/or suspended solids exceeds 300 mg/l or 350 mg/l respectively, a surcharge shall be \$0.36 per pound of B.O.D., and \$0.18 per pound of S.S. All measurements, tests, and analysis of the characteristics of water and wastes to determine the industrial user surcharge factors shall be conducted in conformance of Section 435 of the City Code. All Commercial and Institutional users shall be reclassified Industrial as per the Office Management and Budgets Standard Industrial Classification Manual, 1972 edition under the category Division D Manufacturing when any of their wastes exceed the concentration of Section 435-8 of the Ordinance Regulating the Use of Public and Private Sewers.

SECTION II: That any person, firm or corporation that draws water from the public water supply through an unauthorized connection shall be fined not less than \$100.00 and not more than \$500.00 per offense.

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

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

**DRAFT**

hereby repealed.

DATED at Crystal Lake, Illinois, this 17th day of July 2012.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

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

PASSED:

APPROVED:

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



**Agenda Item No: 25**

**City Council  
Agenda Supplement**

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**Meeting Date:**

July 17, 2012

**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 C. Ramirez, P.E., Director of Public Works

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**Background:**

As part of the State of Illinois adoption of its annual budget in 2003 and its efforts to overcome a 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, 2012. 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 1<sup>st</sup> of each year.

These NPDES 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, 2010 and 2011. A copy of the letter to be submitted with the 2012 payment is attached, in addition to the invoices for the current year.

The City has been assessed a total of \$436,500 in NPDES fees since 2003.

The IEPA website 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



DRAFT

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 17 day of July, 2012.

CITY OF CRYSTAL LAKE, an  
Illinois Municipal Corporation,

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

SEAL

ATTEST

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

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

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