



CITY OF CRYSTAL LAKE
AGENDA

CITY COUNCIL
REGULAR MEETING

City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
December 17, 2013
7:30 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Administration of Oaths of Office**
 - a. **Firefighter Paramedics Andrew Chearo, Joseph Rosner and Robert Seyl**
 - b. **Police Officers Mark Pfeiffer, Anthony Tangorra, David Eitel and Drew Parker**
5. **Approval of Minutes – December 3, 2013 Regular City Council Meeting**
6. **Accounts Payable**
7. **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.
8. **Mayor's Report**
9. **Council Reports**
10. **Consent Agenda**
 - a. **Crystal Lake South High School Booster Club Class 16 Temporary Liquor License request.**
 - b. **Ordinance authorizing Historic Landmark designation for the Raue Center for the Arts, 26 N. Williams Street.**
 - c. **Abatement Ordinance for certain properties within Special Service Area Number 44, Tracy Trail Subdivision.**
 - d. **Abatement Ordinance for certain properties within Special Service Area Number 43, Crystal Heights Subdivision.**
 - e. **Abatement Ordinance for the 2013 General Obligation Bond Issue.**
 - f. **Abatement Ordinance for the 2012 General Obligation Bond Issue.**
 - g. **Abatement Ordinance for the 2009A and 2009 B Taxable General Obligation Bond Issue.**
 - h. **Abatement Ordinance for the 2009 C General Obligation Refunding Bond Issue.**
 - i. **Resolutions designating certain financial institutions as depositories of the City of Crystal Lake and approving the City's participation in the Illinois Metropolitan Investment Fund.**
 - j. **Ordinance rescinding Chapter 228, Article III, Retailer Façade and Commercial Tenant Improvement Program and Manufacturer Building and Equipment Improvement Program.**
11. **New Retailer Job Creation and Investment Program Matching Grant request – That's Amore Pizza, 105 N. Main Street.**
12. **Neis Insurance, 45 N. Virginia Street – Sign Variation to allow free-standing sign to be as close as 1 foot from the property line.**

13. **McHenry County Orthopedics, 420 N. Route 31 – Temporary Use Permit request to allow a MRI Trailer to be located on the property for approximately 60 days.**
14. **Crystal Lake Beer Company, 150 N. Main Street – Special use Permits for a Drinking Place and a beer microbrewery in the B-4 Downtown District.**
15. **Crystal Lake Beer Company, 150 N. Main Street – City Code Amendment creating a new liquor license classification, Class 26, and increasing the number of Class 26 liquor licenses from 0 licenses to 1 license.**
16. **175 and 179 Edgewater – Simplified Residential Variation to allow a 4-foot fence in the front yard setback for lake front houses.**
17. **Bid award and resolution authorizing execution of a contract for construction and rehabilitation services for Lift Station #1 with a 10% contingency for unforeseen expenses.**
18. **Bid award and resolution authorizing execution of an agreement for maintenance & rehabilitation work on Well #14 with a 10% contingency for unforeseen expenses.**
19. **Waiver of bidding requirements and approval of a one-time emergency purchase of a turbo blower for Wastewater Treatment Plant #2.**
20. **Resolution authorizing a contract amendment for the Country Club Area Water Main Replacement Stage 1 construction project.**
21. **Resolution appropriating MFT funds for the Country Club Road Multi-use Path Improvement.**
22. **Ordinance amending Chapter 650 of the Code of Ordinances for Political Signs.**
23. **Ordinance declaring official intent to allocate volume cap in connection with the intent to issue Industrial Revenue Bonds to Cortech, LLC.**
24. **Resolution approving the negotiated sum, authorizing the execution of any agreement or documents and authorizing payment to a property owner for right-of-way and easements needed for the South Main Street Improvement.**
25. **Property Tax Levy Ordinance/Truth in Taxation Public Hearing.**
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: 10a

**City Council
Agenda Supplement**

Meeting Date: December 17, 2013

Item: Temporary Liquor License – Crystal Lake South High School Booster Club

Staff Recommendation: Motion to approve issuance of a Class “16” Temporary Liquor License to the Crystal Lake South High School Booster Club

Staff Contact: Eric T. Helm, Deputy City Manager

Background:

The City has received a request from the Crystal Lake South High School Booster Club for the issuance of a Class “16” Temporary Liquor License in order to sell beer and wine at their Fifth Annual Trivia Game Night event being held at St. Elizabeth Ann Seton Catholic Church, located at 1023 McHenry Avenue, on March 8, 2014 from 6:30 p.m. to 10:30 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: 10b

**City Council
Agenda Supplement**

Meeting Date:

December 17, 2013

Item:

REPORT OF THE HISTORIC PRESERVATION COMMISSION

Historic Landmark Designation for the Raue Center for the Arts (El Tovar Theater).

Richard Kuranda, petitioner
26 N. Williams Street

HPC Recommendation:

Motion to approve the Historic Preservation Commission recommendation and to adopt an ordinance authorizing Historic Landmark designation for the Raue Center for the Arts (El Tovar Theater) at 26 N. Williams Street.

Staff Contact:

Michelle Rentzsch, Director of Planning & Economic Development

Background:

The Raue Center for the Arts started its life as the El Tovar theater opening in July 1929. It was designed by Elmer F. Behrns to be a state-of-the-art facility to feature "talkies." It was designed as a Spanish Mission style theater with a façade of face brick, red terra cotta tile embellishments and stone archways.

Elmer Behrns was a nationally known architect and a Crystal Lake resident. He designed the Chicago and Tivoli theaters in Chicago, the Arcada in St. Charles, and the Egyptian theater in DeKalb, among many other theaters and buildings in the area. His architecture style is significant for this area. The architectural design is Spanish Mission and the architect used local companies like Terra Cotta & Ceramic Company and Duntile and Concrete to provide the terra cotta tile. The façade is unique and provides an excellent example of the Spanish Mission style.

The El Tovar, then Lake Theater, and now Raue Center for the Arts has seen movies, then live acts including Gene Autry. It is now home to world class arts and entertainment programs with numerous live shows, plays, comedians, magicians and musicals throughout the year. It was the generosity of the Raue Family Estate that helped save this theater by purchasing and renovating it as the Raue Center for the Arts.

The petitioner is requesting the property in question be designated a historic landmark. The requirements for historic landmark designation are below.

1. It is within the corporate boundaries of the City of Crystal Lake; and
2. It is over fifty years old, in whole or in part; and

The Historic Preservation Ordinance continues by listing a host of general considerations and items of architectural and historic significance to be considered for designation. The Raue Center for the Arts satisfies the criteria provided in the Historic Preservation Ordinance, as detailed in the historic landmark application and staff report that is attached.

Once a property is historically landmarked, any significant changes to the exterior of the structure must be reviewed and approved by the Historic Preservation Commission through a Certificate of Appropriateness. The Commission determines if the proposed improvement is historically appropriate. In addition, landmarked buildings are eligible for a \$500 grant every other year provided by the HPC that assists the property owner in their exterior upgrades. The HPC generates this grant funding through the proceeds of their Annual Heritage Trolley Tour.

The Raue Center for the Arts represents a significant element of Crystal Lake's local history. The structure is worthy of recognition and preservation because of its historic significance.

The Historic Preservation Commission recommended **approval (5-0 vote)** of the request.

Votes Required to Pass: A simple majority vote.

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ORDINANCE NO. _____
FILE NO. _____

ORDINANCE

WHEREAS, the Mayor and City Council of the City of Crystal Lake have by ordinance established an Historic Preservation Commission; and

WHEREAS, the Historic Preservation Commission of the City of Crystal Lake has conducted a public hearing in accordance with the provisions of the Historic Preservation Ordinance to consider recommending to the Mayor and City Council of the City of Crystal Lake historic landmark designation for the Raue Center (El Tovar Theater) at 26 N. Williams Street, Crystal Lake, Illinois (H2013-56); and

WHEREAS, the Historic Preservation Commission of the City of Crystal Lake recommends historic landmark designation for the Raue Center (El Tovar Theater) at 26 N. Williams Street, Crystal Lake, Illinois. PIN 14-32-482-028;

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

Section I: That the Mayor and City Council of the City of Crystal Lake approve historic landmark designation for the Raue Center (El Tovar Theater) at 26 N. Williams Street, Crystal Lake, Illinois.

Section II: That the Historic Preservation Commission take all steps necessary to recognize the historic landmark designation of the Raue Center (El Tovar Theater) at 26 N. Williams Street, Crystal Lake, Illinois.

Section III: That a copy of this ordinance be spread upon the minutes of the City of Crystal Lake and the Clerk is directed to send a copy of this ordinance to the Historic Preservation Commission.

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: 10c

**City Council
Agenda Supplement**

Meeting Date:

December 17, 2013

Item:

Special Service Area Number 44, Tracy Trail Subdivision
Property Tax Abatement

Staff Recommendation:

Motion to adopt the Abatement Ordinance for certain
properties within Special Service Area Number 44, Tracy
Trail Subdivision

Staff Contact:

George Koczvara, Interim Director of Finance
Laura Herrig, Assistant Finance Director

Background:

In the summer of 2007, construction began on Tracy Trail. Prior to construction, property owners adjacent to Tracy Trail signed Participation Agreements, in which owners agreed to pay their proportionate share of the total project cost. The agreement served as a funding mechanism to pay for the improvements.

In the event an owner defaulted in the payment or payments due, the unpaid balance was to be paid from taxes collected by the City from Special Service Area #44. In the event those property owners made their payments, they would be entitled to a rebate for the excess payment they made.

To prevent property owners from having to escrow funds unnecessarily, staff conferred with the McHenry County Treasurer, and it is recommended that taxes for Special Service Area Number 44 property owners be abated for those participants who have paid their proportionate share.

Votes Required to Pass:

Simple majority

DRAFT



ORDINANCE NUMBER _____
File No. _____

ORDINANCE abating the tax heretofore levied for the Tax Year 2013 for certain properties in the Tracy Trail Subdivision, City of Crystal Lake, McHenry County, Illinois

* * *

WHEREAS, the Mayor and City Council (the "Corporate Authorities") of the City of Crystal Lake, McHenry County, Illinois (the "City"), by Ordinance adopted on the 24th day of April, 2007 (the "Ordinance"), did provide for establishing Special Service Area Number 44, Tracy Trail Subdivision and bonds, if issued, should be retired by the levy of Bond Taxes, being a direct annual tax sufficient to pay the principal and interest thereon; and

WHEREAS, in March, 2007, the City entered into an agreement with the owners of property within the Tracy Trail Subdivision, Crystal Lake, Illinois, for the purpose of completing street improvements to Tracy Trail as required by the Code of Ordinances of the City in order that Tracy Trail would be accepted by the City as a part of the City's public street system in exchange for payment of the owner's proportionate share of the total actual cost of improving Tracy Trail; and

WHEREAS, one owner has made their annual payment and shall be entitled to a rebate of 2013 taxes unless they are abated;

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

Section 1. Abatement of Tax. The tax heretofore levied for the tax year 2013 in the Ordinance is hereby abated for:

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595 Tracy Trail (PIN 19-04-400-023) Crystal Lake, Illinois

600 Tracy Trail (PIN 19-04-476-012), Crystal Lake, Illinois

Section 2. Filing of Ordinance. Forthwith upon the adoption of this Ordinance, the City Clerk shall file a certified copy hereof with the Treasurer of the County of McHenry, Illinois, and it shall be the duty of said Treasurer to abate said tax levied associated with the parcels identified in Section 1 of this Ordinance, for the tax year 2013 in accordance with the provisions hereof.

Section 3. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage by the Corporate Authorities and signing and approval by the Mayor.

Passed by the Corporate Authorities on _____

Approved _____

MAYOR

AYES:

NAYS:

ABSENT:

Recorded in the City Records on

ATTEST:

CITY CLERK



Agenda Item No: 10d

**City Council
Agenda Supplement**

Meeting Date:

December 17, 2013

Item:

Special Service Area Number 43, Crystal Heights
Subdivision Abatement

Staff Recommendation:

Motion to adopt the Abatement Ordinance for certain
properties within Special Service Area Number 43, Crystal
Heights Subdivision

Staff Contact:

George Koczvara, Interim Director of Finance
Laura Herrig, Assistant Finance Director

Background:

In April, 2005, construction began on the Crystal Heights water main, sanitary sewer, and road construction projects. Prior to construction, residents signed Participation Agreements, in which owners agreed to pay their proportionate share of the total project cost. The agreement served as a funding mechanism to pay for the improvements.

Several residents in the Crystal Heights area had failed to pay their proportionate share of the project costs as agreed upon in the Participation Agreement. This failure on their part had resulted in a shortage of funds required for the payment of annual outstanding bond obligations associated with the project. As a consequence, the City of Crystal Lake enacted Special Service Area #43 (SSA43).

Enacting the SSA #43 allowed the City to recoup the necessary delinquent funds through property taxes. Property owners who had paid their proportionate share of the project cost in full are able to receive reimbursement of the SSA #43 property tax on their tax bills.

To prevent property owners from having to escrow funds unnecessarily, staff conferred with the McHenry County Treasurer, and it is recommended that taxes for Special Service Area Number 43 property owners be abated for those participants who have paid their obligation in full.

Votes Required to Pass:

Simple majority

DRAFT



ORDINANCE NUMBER _____
File No. _____

ORDINANCE abating the tax heretofore levied for the Tax Year 2013 for certain properties in the Crystal Heights Subdivision, City of Crystal Lake, McHenry County, Illinois

* * *

WHEREAS, the Mayor and City Council (the "Corporate Authorities") of the City of Crystal Lake, McHenry County, Illinois (the "City"), by Ordinance adopted on the 4th day of May, 2004 (the "Ordinance"), did provide for establishing Special Service Area Number 43, Crystal Heights Subdivision and the imposition of a tax at a rate sufficient to pay the cost of providing special services in and for such area; and

WHEREAS, on the 4th day of May, 2004, the City entered into an agreement with the owners of property within the Crystal Heights Subdivision, Crystal Lake, Illinois, that allowed owners to connect their property to water and sewer mains of the City in exchange for payment of the owner's proportionate share of the total actual construction cost of the water and sewer mains; and

WHEREAS, some owners have prepaid the entire balance together with accrued interest before the final payment date;

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

Section 1. Abatement of Tax. The tax heretofore levied for the tax year 2013 in the Ordinance is hereby abated for:

415 E Crystal Lake Avenue (PIN 19-04-127-018),

25 John Street (PIN 19-04-126-022),

30 John Street (PIN 19-04-127-007),

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31 John Street (PIN 19-04-126-023),
37 John Street (PIN 19-04-126-024),
42 John Street (PIN 19-04-127-009),
43 John Street (PIN 19-04-126-025),
66 John Street (PIN 19-04-127-022),
11 Kent Avenue (PIN 19-04-201-022),
29 Kent Avenue (PIN 19-04-201-020),
33 Kent Avenue (PIN 19-04-201-010),
41 Kent Avenue (PIN 19-04-201-011), Crystal Lake, Illinois.

Section 2. Filing of Ordinance. Forthwith upon the adoption of this Ordinance, the City Clerk shall file a certified copy hereof with the Treasurer of the County of McHenry, Illinois, and it shall be the duty of said Treasurer to abate said tax levied associated with the parcels identified in Section 1 of this Ordinance, for the tax year 2013 in accordance with the provisions hereof.

Section 3. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage by the Corporate Authorities and signing and approval by the Mayor.

Passed by the Corporate Authorities on _____

Approved _____

MAYOR

DRAFT

AYES:

NAYS:

ABSENT:

Recorded in the City Records on

ATTEST:

CITY CLERK



Agenda Item No: 10e

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 17, 2013
<u>Item:</u>	General Obligation Bonds, Series 2013A Abatement
<u>Staff Recommendation:</u>	Motion to adopt the Abatement Ordinance for the 2013 General Obligation Bond Issue
<u>Staff Contact:</u>	George Koczvara, Interim Director of Finance Laura Herrig, Assistant Finance Director

Background:

In 2013, General Obligation Bonds were issued to finance the cost of Wastewater Treatment Plant improvements, waterworks, sewerage, and wastewater system improvements and pay certain costs associated with the issuance of the Bonds. At the time these bonds were issued, dedicated revenue streams were identified that would provide for the repayment of this obligation. Water and Sewer user fees shall be used to repay costs for water and sewer improvements.

Under the terms of the bond agreement, the City obligates the full faith and credit of the City if dedicated revenues fall short. If dedicated revenues fall short or no alternative sources are available, the City is required to collect property taxes as a means to repay the debt obligation. Since dedicated revenues and/or other sources will be available, City staff recommends that the City Council approve the attached abatement ordinance that provides official direction to the County Clerk to defray collecting property taxes next year for this bond issue.

Votes Required to Pass:

Simple majority

DRAFT



ORDINANCE NUMBER _____
File No. _____

ORDINANCE abating the tax heretofore levied for the Year 2013 to pay the principal and interest on \$9,465,000 General Obligation Bonds, Series 2013A of the City of Crystal Lake, McHenry County, Illinois

* * *

WHEREAS, the Mayor and City Council (the "Corporate Authorities") of the City of Crystal Lake, McHenry County, Illinois (the "City"), by Ordinance adopted on the 18th day of June, 2013 (the "Ordinance"), did provide for the issue of \$9,465,000 General Obligation Bonds (the "Bonds"), and the levy of a direct annual tax sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, the City will have money in the "Bond Fund" established pursuant to Section 15 of the Ordinance for the purpose of paying the principal of and interest on the Bonds up to and including April 30, 2015; and

WHEREAS, it is necessary and in the best interests of the City that the tax heretofore levied for the year 2013 to pay the principal of and interest on the Bonds be abated.

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

Section 1. Abatement of Tax. The tax heretofore levied for the year 2013 in the Ordinance is hereby abated in its entirety.

Section 2. Filing of Ordinance. Forthwith upon the adoption of this Ordinance, the City Clerk shall file a certified copy hereof with the County Clerk of the County of McHenry, Illinois, and it shall be the duty of said County Clerk to abate said tax levied for the year 2013 in accordance with the provisions hereof.

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Section 3. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage by the Corporate Authorities and signing and approval by the Mayor.

Passed by the Corporate Authorities on _____

Approved _____

MAYOR

AYES:

NAYS:

ABSENT:

Recorded in the City Records on

ATTEST:

CITY CLERK



Agenda Item No: 10f

**City Council
Agenda Supplement**

Meeting Date: December 17, 2013

Item: General Obligation Bonds, Series 2012 Abatement

Staff Recommendation: Motion to adopt the Abatement Ordinance for the 2012 General Obligation Bond Issue

Staff Contact: George Koczvara, Interim Director of Finance
Laura Herrig, Assistant Finance Director

Background:

In 2012, General Obligation Bonds were issued to finance the cost of Wastewater Treatment Plant improvements, Water Plant upgrades, water and sewer main replacements and to provide for the refunding of Series 2004 General Obligation Bonds, originally issued to provide financing for the Southeast Emergency Communications Center (SEECOM), construction of water and sanitary sewer mains along with related road construction in the area of the Crystal Heights Subdivision (SSA #43), and to provide for various water and sewer projects, realizing net debt service savings from the refunding.

At the time these 2012 bonds were issued, dedicated revenue streams were identified that would provide for the repayment of this obligation. Water and Sewer user fees will be used to repay water and sewer improvement costs. The portion associated with SEECOM will be repaid from contributions from SEECOM's participating agencies. In the case of the Crystal Heights water and sewer project, Crystal Heights SSA #43 participants will cover their annual debt obligation.

Under the terms of the bond agreement, the City obligates the full faith and credit of the City if dedicated revenues fall short. If dedicated revenues fall short or no alternative sources are available, the City is required to collect property taxes as a means to repay the debt obligation. Since dedicated revenues and/or other sources will be available, City staff recommends that the City Council approve the attached abatement ordinance that provides official direction to the County Clerk to defray collecting property taxes next year for this bond issue.

Votes Required to Pass:

Simple majority

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ORDINANCE NUMBER _____
File No. _____

ORDINANCE abating the tax heretofore levied for the Year 2013 to pay the principal and interest on \$9,235,000 General Obligation Bonds, Series 2012 of the City of Crystal Lake, McHenry County, Illinois

* * *

WHEREAS, the Mayor and City Council (the "Corporate Authorities") of the City of Crystal Lake, McHenry County, Illinois (the "City"), by Ordinance adopted on the 18th day of September, 2012 (the "Ordinance"), did provide for the issue of \$9,235,000 General Obligation Bonds (the "Bonds"), and the levy of a direct annual tax sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, the City will have money in the "Bond Fund" established pursuant to Section 16 of the Ordinance for the purpose of paying the principal of and interest on the Bonds up to and including April 30, 2015; and

WHEREAS, it is necessary and in the best interests of the City that the tax heretofore levied for the year 2013 to pay the principal of and interest on the Bonds be abated.

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

Section 1. Abatement of Tax. The tax heretofore levied for the year 2013 in the Ordinance is hereby abated in its entirety.

Section 2. Filing of Ordinance. Forthwith upon the adoption of this Ordinance, the City Clerk shall file a certified copy hereof with the County Clerk of the County of McHenry, Illinois, and it shall be the duty of said County Clerk to abate said tax levied for the year 2013 in accordance with the provisions hereof.

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Section 3. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage by the Corporate Authorities and signing and approval by the Mayor.

Passed by the Corporate Authorities on _____

Approved _____

MAYOR

AYES:

NAYS:

ABSENT:

Recorded in the City Records on

ATTEST:

CITY CLERK



Agenda Item No: 10g

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 17, 2013
<u>Item:</u>	Taxable General Obligation Bond, Series 2009 Abatement
<u>Staff Recommendation:</u>	Motion to adopt the Abatement Ordinance for the 2009A and 2009B Taxable General Obligation Bond Issue
<u>Staff Contact:</u>	George Koczvara, Interim Director of Finance Laura Herrig, Assistant Finance Director

Background:

In 2009, Taxable General Obligation Bonds were issued to provide for funding of construction of public improvements associated with the Three Oaks Recreation Area project and various water and sewer system improvements. At the time these bonds were issued, dedicated revenue streams were identified that would provide for the repayment of this obligation.

In the case of the Three Oaks Recreation Area project, home rule sales tax and incremental TIF property taxes, if available, will be transferred from time to time to the Bond Fund and utilized to abate the Pledged Taxes. Water and sewer user fees are utilized to pay capital improvement costs.

Under the terms of the bond agreement, the City obligates the full faith and credit of the City if dedicated revenues fall short. If dedicated revenues fall short, the City is required to collect property taxes as a means to repay the debt obligation. Since dedicated revenues will meet expectations, City staff recommends that the City Council approve the attached abatement ordinance that provides official direction to the County Clerk to defray collecting property taxes next year for this bond issue. The City attorney has reviewed the attached ordinance.

Votes Required to Pass:

Simple majority

DRAFT



ORDINANCE NUMBER _____
File No. _____

ORDINANCE abating the tax heretofore levied for the Year 2013 to pay the principal and interest on \$17,435,000 Taxable General Obligation Bonds, Series 2009 of the City of Crystal Lake, McHenry County, Illinois

* * *

WHEREAS, the Mayor and City Council (the "Corporate Authorities") of the City of Crystal Lake, McHenry County, Illinois (the "City"), by Ordinance adopted on the 15th day of September, 2009 (the "Ordinance"), did provide for the issue of \$17,435,000 Taxable General Obligation Bonds (the "Bonds"), and the levy of a direct annual tax sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, the City will have money in the "Bond Fund" established pursuant to Section 14 of the Ordinance for the purpose of paying the principal of and interest on the Bonds up to and including April 30, 2015; and

WHEREAS, it is necessary and in the best interests of the City that the tax heretofore levied for the year 2013 to pay the principal of and interest on the Bonds be abated.

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

Section 1. Abatement of Tax. The tax heretofore levied for the year 2013 in the Ordinance is hereby abated in its entirety.

Section 2. Filing of Ordinance. Forthwith upon the adoption of this Ordinance, the City Clerk shall file a certified copy hereof with the County Clerk of the County of McHenry,

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Illinois, and it shall be the duty of said County Clerk to abate said tax levied for the year 2013 in accordance with the provisions hereof.

Section 3. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage by the Corporate Authorities and signing and approval by the Mayor.

Passed by the Corporate Authorities on _____

Approved _____

MAYOR

AYES:

NAYS:

ABSENT:

Recorded in the City Records on

ATTEST:

CITY CLERK



Agenda Item No: 10h

**City Council
Agenda Supplement**

Meeting Date:

December 17, 2013

Item:

General Obligation Refunding Bonds, Series 2009C
Abatement

Staff Recommendation:

Motion to adopt the Abatement Ordinance for the 2009C
General Obligation Refunding Bond Issue

Staff Contact:

George Koczvara, Interim Director of Finance
Laura Herrig, Assistant Finance Director

Background:

In 2009, General Obligation Refunding Bonds were issued to provide for the refunding of Series 1998 General Obligation Bonds, (originally issued to provide financing for the municipal complex expansion and to provide for the replacement of water and sewer mains), realizing net debt service savings from the refunding. At the time these bonds were issued, dedicated revenue streams were identified that would provide for the repayment of this obligation. Funds to pay debt associated with the 1998 expansion of the municipal complex will come from General Fund revenues. Water and Sewer user fees are utilized to repay water and sewer improvement costs.

Under the terms of the bond agreement, the City obligates the full faith and credit of the City if dedicated revenues fall short. If dedicated revenues fall short or no alternative sources are available, the City is required to collect property taxes as a means to repay the debt obligation. Since dedicated revenues and/or other sources will be available, City staff recommends that the City Council approve the attached abatement ordinance that provides official direction to the County Clerk to defray collecting property taxes next year for this bond issue. The City attorney has reviewed the attached ordinance.

Votes Required to Pass:

Simple majority

DRAFT



ORDINANCE NUMBER _____
File No. _____

ORDINANCE abating the tax heretofore levied for the Year 2013 to pay the principal and interest on \$4,675,000 General Obligation Refunding Bonds, Series 2009C of the City of Crystal Lake, McHenry County, Illinois

* * *

WHEREAS, the Mayor and City Council (the "Corporate Authorities") of the City of Crystal Lake, McHenry County, Illinois (the "City"), by Ordinance adopted on the 15th day of September, 2009 (the "Ordinance"), did provide for the issue of \$4,675,000 General Obligation Refunding Bonds (the "Bonds"), and the levy of a direct annual tax sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, the City will have money in the "Bond Fund" established pursuant to Section 13 of the Ordinance for the purpose of paying the principal of and interest on the Bonds up to and including April 30, 2015; and

WHEREAS, it is necessary and in the best interests of the City that the tax heretofore levied for the year 2013 to pay the principal of and interest on the Bonds be abated.

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

Section 1. Abatement of Tax. The tax heretofore levied for the year 2013 in the Ordinance is hereby abated in its entirety.

Section 2. Filing of Ordinance. Forthwith upon the adoption of this Ordinance, the City Clerk shall file a certified copy hereof with the County Clerk of the County of McHenry, Illinois, and it shall be the duty of said County Clerk to abate said tax levied for the year 2013 in accordance with the provisions hereof.

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Section 3. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage by the Corporate Authorities and signing and approval by the Mayor.

Passed by the Corporate Authorities on _____

Approved _____

MAYOR

AYES:

NAYS:

ABSENT:

Recorded in the City Records on

ATTEST:

CITY CLERK



Agenda Item No: 10i

**City Council
Agenda Supplement**

Meeting Date:

December 17, 2013

Item:

Bank Depositories

Staff Recommendation:

1. Adopt a resolution authorizing the list of approved financial institutions, and
2. Adopt a resolution approving the City's participation in the Illinois Metropolitan Investment Fund.

Staff Contact:

George Koczwara, Interim Director of Finance
Laura Herrig, Assistant Finance Director

Background:

Adoption of this resolution is an annual procedural requirement. This annual disclosure is presented to provide information relating to the individuals who have been designated as official signatories on the City's accounts, designated financial institutions and general functions that will be performed.

The list of designated financial institutions is the same as was previously approved, except it would now include Castle Bank and the Illinois Metropolitan Investment Fund (IMET) as a designated financial institution. IMET was developed in July 1996 as a cooperative endeavor to assist Illinois municipalities with the investment of their intermediate-term dollars. IMET was established as a not-for-profit investment fund under the Illinois Municipal Code. Currently, IMET serves more than 240 municipalities and public entities. IMET continues to receive the highest rating available to US Government debt. IMET currently provides better yields than Illinois Funds, which is the other local government investment pool of which the City is a member.

Votes Required to Pass:

Simple majority.



DRAFT

RESOLUTION

WHEREAS, the City Council of the City of Crystal Lake, McHenry County, Illinois has previously adopted a Resolution which designated certain financial institutions as depositories for City Funds and designated signatories; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS, Gary J. Mayerhofer, City Manager, George J. Koczwar, Interim Director of Finance, Nick Kachiroubas, City Clerk, and Laura Herrig, Assistant Finance Director of the City of Crystal Lake are hereby designated as official signatories. These signatories can conduct business at the following institutions conducting business with the City of Crystal Lake: Amalgamated Bank of Chicago, American Community Bank and Trust, Associated Bank, Bank of America, BMO Harris Bank, BMO Harris Financial Advisors, BNY Mellon, Castle Bank, Charter One Bank, Chase Bank, Citibank, Cornerstone National Bank and Trust, Countrywide Bank, Crystal Lake Bank and Trust Company, Fifth Third Bank, LaSalle Bank, MB Financial, First Merit Bank, First Midwest Bank, First Tennessee, Golden Eagle Community Bank, Home State Bank, Key Bank, LaSalle Street Securities, Mischler Financial Group, Morgan Stanley Smith Barney, PNC Bank, Park National Bank, PMA Financial, RW Baird and Company, US Bank, Wells Fargo Bank, Wintrust Financial (Wayne Hummer Investments), Illinois Funds and the Illinois Metropolitan Investment Fund.

One of the aforementioned persons will initiate the transaction and a second person will confirm deposits and withdrawals of funds from any of the said bank accounts. The City of Crystal Lake reserves the right to conduct business with the above-mentioned institutions as determined necessary. This includes a depository account, wire transfer agreements, third party surety agreements, safekeeping agreements, collateral agreements and lockbox agreements. For the purpose of transaction clearing and safekeeping or the purchase of insured certificates of deposit, the above are authorized to act on behalf of this entity as its agent with respect to such accounts and agreements. The intent is to earn the highest returns on its investments at the lowest cost and risk.

DATED this 17th day of December, 2013.

CITY OF CRYSTAL LAKE, an
Illinois Municipal Corporation,

By: _____
Aaron T. Shepley, Mayor

SEAL
ATTEST

Nick Kachiroubas, City Clerk

DRAFT



**A RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF A SECOND AMENDED AND RESTATED DECLARATION OF TRUST**

WHEREAS, the City of Crystal Lake (the "*Entity*"), desires to participate in the joint investment of certain of its funds in accordance with the Constitution and laws of the State of Illinois (the "*State*"); and

WHEREAS, pursuant to a Declaration of Trust, dated as of September 1, 1995 (the "*Original Declaration*"), certain municipal treasurers entered into an agreement establishing the Illinois Metropolitan Investment Fund (the "*Fund*"), for the purpose of combining their respective available investment funds so as to enhance the investment opportunities available to them and increase the investment earnings accruing to the benefit of the respective municipalities on behalf of which they acted; and

WHEREAS, over the years many other public agencies, entities and pools and associations comprised of public agencies, entities and pools have become parties to the Original Declaration; and

WHEREAS, the Original Declaration was amended and restated by adoption of that certain Second Amended and Restated Declaration of Trust, dated as of January 20, 2012 (the Original Declaration, as amended by the Second Amended and Restated Declaration of Trust, hereinafter referred to as the "*Declaration of Trust*"); and

WHEREAS, the authority for the participants in the Fund (the "*Participants*") to jointly invest their funds comes from the following sources:

- Section 10 of Article VII of the State provides, among other things, that the State shall encourage intergovernmental cooperation and use its technical and financial resources to assist intergovernmental activities among its units of local government; and
- The Intergovernmental Cooperation Act, as amended (the "*Cooperation Act*"), provides a statutory framework that supplements the constitutional grant of intergovernmental cooperation powers found in said Section 10 of Article VII; and
- Section 3 of the Cooperation Act provides that "[a]ny power or powers, privileges, functions, or authority exercised or which may be exercised by a public agency of [the] State may be exercised, combined, transferred, and

enjoyed jointly with any other public agency of [the] State ... except where specifically and expressly prohibited by law"; and

- Section 5 of the Cooperation Act provides that any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform, *provided* that such contract shall be authorized by the governing body of each party of the contract and shall set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties; and
- Section 1-1-5 of the Illinois Municipal Code, as amended (the "*Municipal Code*"), provides, among other things, that the corporate authorities of each municipality may exercise jointly, with one or more other municipal corporations or governmental subdivisions or districts, all of the powers set forth in the Municipal Code; and
- Section 3.1-35-50(d) of the Municipal Code provides, among other things, the following:

(d) Notwithstanding any other provision of this Act or any other law, each official custodian of municipal funds, including, without limitation, each municipal treasurer or finance director or each person properly designated as the official custodian for municipal funds, including, without limitation, each person properly designated as official custodian for funds held by an intergovernmental risk management entity, self-insurance pool, waste management agency, or other intergovernmental entity composed solely of participating municipalities, is permitted to:

(i) combine moneys from more than one fund of a single municipality, risk management entity, self-insurance pool, or other intergovernmental entity composed solely of participating municipalities for the purpose of investing such moneys;

(ii) join with any other official custodians or treasurers of municipal, intergovernmental risk management entity, self-insurance pool, waste management agency, or other intergovernmental entity composed solely of participating municipalities for the purpose of jointly investing the funds of which the official custodians or treasurers have custody; and

(iii) enter into agreements of any definite or indefinite term regarding the redeposit, investment, or withdrawal of municipal, risk management entity, self-insurance agency, waste management agency, or other intergovernmental entity funds.

When funds are combined for investment purposes as authorized in this Section, the moneys combined for those purposes shall be accounted for separately in all respects, and the earnings from such investment shall be separately and individually computed, recorded, and credited to the fund, municipality, intergovernmental risk management entity, self-insurance pool, waste management agency, or other intergovernmental entity, as the case may be, for which the investment was acquired.

Joint investments shall be made only in investments authorized by law for investment of municipal funds. The grant of authority contained in this subsection is cumulative, supplemental, and in addition to all other power or authority granted by any other law and shall not be construed as a limitation of any power and authority otherwise granted.

- Section 12 of the Local Government Debt Reform Act, as amended by Public Act 96-0964, effective July 2, 2010, provides that “a governing body may authorize and upon such authorization the treasurer of any governmental unit may ... join with the treasurers of other governmental units for the purpose of jointly investing the funds of which the treasurer has custody.”

WHEREAS, the Fund’s assets can only be invested in instruments authorized by the Public Funds Investment Act, as amended; and

WHEREAS, no entity shall become a Participant in the Fund unless and until such entity, including the Entity, has adopted and authorized the Declaration of Trust; and

WHEREAS, the Participants anticipate that other Eligible Members (as such term is defined in the Declaration of Trust) may wish from time to time to become Participants; and

WHEREAS, the Entity deems it necessary and in the best interests of the Entity to participate in the Fund by having the Entity become a Participant:

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, IN THE EXERCISE OF ITS POWERS, AS FOLLOWS:

1. The preambles to this Resolution are hereby found and determined to be true, correct and complete and are hereby incorporated into the text of this Resolution by this reference as set out herein at length.

2. The Declaration of Trust is attached hereto and by this reference incorporated herein and made a part hereof, and is hereby adopted, authorized and approved in all respects; and the Entity is hereby authorized to become an additional Participant of the Fund.

3. The Presiding Officer and Entity Secretary or Clerk and other officers or employees of the Entity are hereby empowered and directed to execute and deliver all documents, certificates and other instruments necessary to further the intent and purpose of this Resolution.

4. All resolutions or motions in conflict herewith are hereby superseded to the extent of such conflict, and that this Resolution shall be in full force and effect forthwith upon its adoption.

PASSED this 17th day of December, 2013

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 17th day of December, 2013.

Aaron T. Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk

[Seal]



Agenda Item No: 10j

**City Council
Agenda Supplement**

Meeting Date:

December 17, 2013

Item:

Repealing the Retailer Façade and Commercial Tenant Improvement Program and the Manufacturer Building Improvement and Equipment Program.

Recommendation:

Motion to adopt an Ordinance rescinding Chapter 228, Article III, Retailer Façade and Commercial Tenant Improvement Program and Manufacturer Building and Equipment Improvement Program.

Staff Contact:

Michelle Rentzsch, Director of Planning & Economic Development

Background:

On January 15th, 2013, the City Council approved the New and Existing Retailer Job Creation and Investment matching grant programs. These programs replaced the previous Retailer Façade and Commercial Tenant Improvement Program and the Manufacturer Building Improvement and Equipment Program. As a matter of housekeeping, the attached Ordinance officially repeals these discontinued programs.

Votes Required to Pass:

Simple majority vote.

DRAFT



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

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

SECTION I: That Chapter 228, Article III Retailer Façade and Commercial Tenant Improvement Program and Manufacturer Building and Equipment Improvement Program is hereby repealed in its entirety by the Crystal Lake City Code as follows:

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

DATED at Crystal Lake, Illinois, this 17th day of December, 2013.

APPROVED:

Aaron T. Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: December 7th, 2013

APPROVED: December 7th, 2013

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



Agenda Item No: 11

**City Council
Agenda Supplement**

Meeting Date: December 17, 2013

Item: New Retailer Job Creation and Investment Program Matching Grant application request #2013-17-08 for That's Amore Pizza, at 105 N. Main Street, to request \$10,000 in matching grant funds.

Thomas Nestelberger, That's Amore Pizza

Recommendations: City Council's discretion:

1. Motion to approve the Grant Agreement with That's Amore Pizza, and to award \$10,000 in grant funding for the new retail business's furniture, fixtures and equipment and employees;
2. Motion to deny the grant application request.

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

Background:

- On November 1, 2011, the City Council approved the Retailer and Manufacturer Job Creation and Investment Programs, which provide grant funding to new and existing retailers who occupy vacant space and hire new full-time or part-time employees and/or install eligible furniture, fixtures, and equipment.
- In March of 2013, several changes were made to the grant program. The Retailer Job Creation and Investment program allows for grant funds to be disbursed to new businesses that purchase furniture, fixtures and equipment and hire new full-time and part-time employees.

Key Factors:

THAT'S AMORE PIZZA (103-105 N. Main Street)

That's Amore Pizza is a new restaurant to be located in Downtown Crystal Lake at 103-105 N. Main Street. That's Amore features unique New York style pizza and homemade dishes. They would be open 7 days a week and features dine-in, carry-out and delivery services. That's Amore Pizza plans to spend \$17,480 on new furniture, fixtures and equipment (FFE). In addition, they will be hiring 4 new full-time and 16 part-time employees. In accordance with the matching grant program guidelines, That's Amore is eligible for a \$10,000 grant award.

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

1. The program is open to any new sales-tax generating business that will occupy vacant retail space or a building or that will construct a new building for its business.

Meets *Does not meet*

2. Applicant must meet a minimum annual taxable sales threshold of at least \$100,000.

Meets *Does not meet*

3. Applicant's business must provide a stocked retail showroom for retail products.

Meets *Does not meet*

4. Applicant must provide written proof of employment recruitment and of FFE costs.

Meets *Does not meet*

5. Applicant must file an application for grant funding prior to commencing improvements.

Meets *Does not meet*

6. Grant recipient may re-apply after 5 years from the date of recipient's previous award.

Meets *Does not meet*

7. Eligible FFE includes, but is not limited to, shelving, racks, tables, chairs, furniture, point-of-sale systems, fixed computer equipment used in business operation, televisions located in dining rooms or showrooms, office furniture and appliances.

Meets *Does not meet*

The applicant's request has been evaluated based on the above eligibility criteria and their planned purchase of FFE and the new employees. The current application would meet 7 of the 7 eligibility criteria.

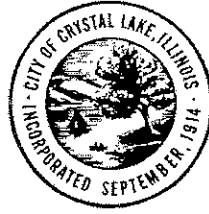
SUMMARY OF CURRENT REQUESTS

The chart below provides a complete summary of the grant funding requests. For the 2013-2014 Fiscal Year, there would be \$80,000 budgeted 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
2013-17-01	Dream Gowns Bridal	16 W. Crystal Lake Plaza	\$10,000.00			\$10,000.00	\$10,000.00
2013-17-02	ABC Supply Company	171 Erick St			\$20,000.00	\$20,000.00	\$20,000.00
2013-17-03	Kitchen Outfitters	64 N. Williams	\$10,000.00			\$10,000.00	\$10,000.00
2013-17-04	Greek's Pizza	6000 NW Hwy	\$10,000.00			\$10,000.00	\$10,000.00
2013-17-06	Shay	30 N. Williams Suite D	\$10,000.00			\$10,000.00	\$10,000.00
2013-17-08	That's Amore Pizza	103-105 N. Main Street	\$10,000.00			\$10,000.00	
	<i>Totals</i>		<i>\$50,000.00</i>	<i>\$0.00</i>	<i>\$20,000.00</i>	<i>\$70,000.00</i>	<i>\$60,000.00</i>

Votes Required to Pass: A simple majority vote.

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 Thomas and Kim Nestelberger of That's Amore Pizza, for a Retailer Job Creation & Investment Matching Grant in an amount not to exceed \$10,000.

DATED this ____ day of _____, 2013.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL
ATTEST

CITY CLERK

PASSED:
APPROVED:



Agenda Item No: 12

**City Council
Agenda Supplement**

Meeting Date:

December 17, 2013

Item:

Sign Variation to allow a free-standing sign for Neis Insurance to be as close as 1 foot from the property line.

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 & Economic Development

Background:

- Neis Insurance is replacing their existing free-standing sign at 45 N. Virginia Street.
- The existing sign must be removed because of property acquisition along the front of the property by IDOT for the Route 14 widening project.
- Typically, if a relocated sign is impacted by a State road project and cannot meet the ordinance, no variation is required. In this case, the new sign can meet the 10-foot setback; however, the applicant is seeking a variation to allow the sign to be 1 foot from the property line.

Analysis

- The property is zoned O Office and is permitted a free-standing sign that is 32 square feet in area and up to 6 feet in height, which must be set back 10 feet from the property line.
- The proposed sign will be internally illuminated; 32.19 square feet in area; 6 feet in height; and setback 1 foot from the new property line.
- There is approximately 22 feet between the new property line and the building, but the applicant has indicated that the existing trees would hinder the view of the sign for vehicles travelling north on Virginia Street.
- The petitioner is requesting a variation from Section 4-1000 E Office Signs in the UDO. The following table illustrates the Ordinance requirements and whether the proposed sign meets requirements:

Item	UDO Requirement	Proposed Signage	Variation
Quantity	1	1	No
Size	32 square feet	32.19 square feet (Recommended to be reduced to meet the 32 square feet requirement)	No
Height	6 feet	6 feet	No
Setback	10 feet	1 foot	Yes

- An application and details of the proposed signage are included.

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:

- A. The proposed variation will not serve merely as a convenience, but alleviate some demonstrable and unusual hardship.
- B. 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 a visual distraction which may lead to personal injury or a substantial reduction in the value of the property.
- C. The proposed variation is in harmony with the intent, purpose and objectives of the Ordinance.

Hughes Signs has made the request on behalf of Neis Insurance, and will be in attendance at the meeting to discuss this request with the City Council.

Recommended Conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application, Hughes Signs, received 12-6-2013
 - B. Sign Details, Hughes Signs, received 12-6-2013
2. The sign will be slightly reduced in size to meet the 32-square-foot area requirement of the UDO.
3. The proposed sign shall meet all of the other requirements of the UDO, including landscaping, as applicable.

Votes Required to Pass: Simple majority vote

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING A SIGN VARIATION FOR
NEIS INSURANCE AT 45 N. VIRGINIA STREET

WHEREAS, pursuant to the terms of the request (File #2013-04-J) before the City of Crystal Lake, the Petitioner has requested a sign variation to allow a freestanding sign to be located one foot from the property line for Neis Insurance; 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 a freestanding sign to be located one foot from the property line for Neis Insurance located at 45 N. Virginia Street, Crystal Lake, Illinois with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application, Hughes Signs, received 12-6-2013
 - B. Sign Details, Hughes Signs, received 12-6-2013
2. The sign will be slightly reduced in size to meet the 32 square foot area requirement of the UDO.
3. The proposed sign shall meet all of the other requirements of the UDO, including landscaping, 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 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.

DRAFT

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

MAYOR

ATTEST:

CITY CLERK

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



Agenda Item No: 13

**City Council
Agenda Supplement**

- Meeting Date:** December 17, 2013
- Item:** Temporary Use Permit to allow a MRI Trailer to be located at 420 N. Route 31 for approximately 60 days.
- Recommendation:** Motion to approve the Temporary Use Permit, pursuant to the recommendations listed below.
- Staff Contact:** Michelle Rentzsch, Director of Planning & Economic Development
-

Background: McHenry County Orthopedics at 420 N. Route 31 provides orthopedic services including MRI. The applicant will be making some modifications to their facility. To provide continued MRI services, the petitioner will be bringing a mobile MRI unit at this location. The applicant has indicated that the mobile MRI will likely be located on site for approximately 3 weeks, but no more than sixty days. The anticipated delivery date of the unit is late March. McHenry County Orthopedics will provide the City with the exact dates, once the delivery date is established.

The temporary trailer will be located in front of the building occupying 8 parking spaces in the row of parking farthest from Route 31. Because 'Other temporary Uses' are restricted to 4 calendar days, City Council approval is needed.

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

1. This temporary use permit is valid for a period not to exceed sixty days. The applicant will provide exact dates to the City once the delivery date is established.
2. Provide information on how the unit will be powered (generator or connection to the building), the stairway, the wheelchair lift, and whether it is required to be anchored to the ground.
3. All exterior lights on the trailer shall be full cut-off fixtures.
4. The trailer shall not be connected to the City sanitary sewer or water system.
5. A separate permit is required for the wheelchair lift. Inspection and approval of the wheelchair lift by an Illinois licensed elevator inspection company is required prior to occupying the trailer.
6. The applicant must address all of the review comments and requirements of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.

The applicant has been made aware of these recommended conditions and will be attending the December 17, 2013 City Council meeting to answer any questions.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 14

**City Council
Agenda Supplement**

- Meeting Date:** December 17, 2013
- Item:** REPORT OF THE PLANNING & ZONING COMMISSION
#2013-58 Crystal Lake Beer Company
- Request:** Special Use Permits for a Drinking Place and a beer microbrewery in the B-4 Downtown District
- Petitioner:** John O'Fallon and Chuck Ross, property owners
150 N. Main Street
- PZC Recommendation:** To approve the petitioners' request and adopt an ordinance granting the Special Use Permits for Crystal Lake Beer Company at 150 N. Main Street.
- Staff Contact:** Michelle Rentzsch, Director of Planning and Economic Development
-

Background:

- **Previous Approvals:** This property originally was the site of Reichert Chevy automobiles and then Grand Rental Station for a number of years.
- **Existing Use:** Currently, the site is not utilized; containing a vacant building and its associated parking area.
- **Request:** Special Use Permits to allow beer manufacturing and distribution in the B-4 Downtown District and for a Drinking Place to allow a tap room that is associated with the craft microbrew beers that are being created on-site.

Key Factors:

- **General:** Crystal Lake Beer Company would like to brew beer to package and sell to local businesses. In addition, a tap room would be offered so potential customers could sample the products. The building and site would be refurbished without expanding the building's footprint or impacting the size of the parking area.

Parking

- Based on the UDO requirements for Drinking Places and the total of 8 employees, 37 parking spaces are required. As this property is located within the Downtown District, the parking requirement is 70% of elsewhere in the City due to the availability of on-street parking. The parking requirement for this property is 26 spaces and 42 spaces have been provided.

Signage

- No freestanding sign is indicated.
- Wall signage: A 100-square-foot, externally illuminated wall sign and a 24-square-foot projecting sign are indicated for this building, for a total 124 square feet of wall signage. For a single tenant building, a total of 150 square feet of wall signage is permitted. No wall sign is to exceed 75 square feet; and no projecting sign is to exceed 9 square feet – variations to allow the signage as proposed via the SUP is requested.
- The floor plan shows future tenant spaces. If this is to be a multi-tenant building, 50 square feet per tenant space is permitted.

PZC Highlights:

- The PZC was supportive of this request and felt that the standards were met with this petition.
- Many area residents were present to learn about this project and spoke in favor of this vacant property being occupied, the proposed physical improvements and the proposed use.

The PZC recommended **approval (6-0)** of the petitioners' request with the following recommended conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (CL Beer Company, received 11/13/13)
 - B. Plat of Survey (Vanderstappen, 11/22/2013)
 - C. Site Plan (Korte, dated 11/25/13)
 - D. Floor Plan (Korte, dated 11/25/13)
 - E. Signage (Korte, dated 11/25/13)
2. Site Plan:
 - a. Verify ownership of the existing fence located at the northwest corner of the building. Extend this fence screening to First Street.
 - b. Provide screening details that meet the UDO for the trash dumpster and the outdoor storage of the spent grain containers.
 - c. With the curb stops provided, the parking spaces can be shown as 17.5 feet in length. This additional room might allow for another single row of parking to be striped within the center of the main parking area.
 - d. Provide some landscape screening south of the 5 parking spaces at the SEC of the site.
3. Signage:
 - a. As additional wall signage is being granted for this building, no freestanding sign is permitted for this property.
 - b. Via the Special Use Permit approval, the main building wall sign may exceed 75 square feet in area to allow 100 square feet; and the projecting sign may exceed the 9 square feet in area requirement to allow 24 square feet, as shown on the sign plan.
 - c. The signage for this building shall meet the UDO in every other requirement.

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

5. Submit a landscaping plan for staff's review and approval. (Added by PZC)

Votes Required to Pass: A simple majority vote.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING SPECIAL USE PERMITS
AT 150 N. MAIN STREET

WHEREAS, pursuant to the terms of a Petition (File #2013-58) before the Crystal Lake Zoning Board of Appeals, the Petitioner has requested the issuance of Special Use Permits to allow a Drinking Place and a beer microbrewery in the B-4 Downtown District for the property located at 150 N. Main Street; and

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

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

Section I: That Special Use Permits be issued to allow a Drinking Place and a beer microbrewery in the B-4 Downtown District for the property commonly known as 150 N. Main Street (14-32-431-006, 14-32-431-011, 14-32-431-012, and part of 14-32-431-005), Crystal Lake, Illinois.

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

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

- ~~A. Application (CL Beer Company, received 11/13/13)~~
- B. Plat of Survey (Vanderstappen, 11/22/2013)
- C. Site Plan (Korte, dated 11/25/13)
- D. Floor Plan (Korte, dated 11/25/13)
- E. Signage (Korte, dated 11/25/13)

2. Site Plan:

- ~~A. Verify ownership of the existing fence located at the northwest corner of the building. Extend this fence screening to First Street.~~
- ~~B. Provide screening details that meet the UDO for the trash dumpster and the outdoor storage of the spent grain containers.~~
- ~~C. With the curb stops provided, the parking spaces can be shown as 17.5 feet in length. This additional room might allow for another single row of parking to be striped within the center of the main parking area.~~
- ~~D. Provide some landscape screening south of the 5 parking spaces at the SEC of the site.~~

3. Signage:

A. As additional wall signage is being granted for this building, no freestanding sign is permitted for this property.

B. Via the Special Use Permit approval, the main building wall sign may exceed 75 square feet in area to allow 100 square feet; and the projecting sign may exceed the 9 square feet in area requirement to allow 24 square feet, as shown on the sign plan.

C. The signage for this building shall meet the UDO in every other requirement.

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

5. Submit a landscaping plan for staff's review and approval.

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

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

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

MAYOR

~~ATTEST:~~

CITY CLERK

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



Agenda Item No: 15

**City Council
Agenda Supplement**

Meeting Date: December 17, 2013

Item: City Code Amendment to create a new classification of Liquor License, Class 26, Microbrewery - Applicant: Crystal Lake Beer Company

Staff Recommendation: **Motion to:**

1. Adopt an ordinance creating a new classification of liquor license, Class 26, Microbrewery; and
2. Adopt an ordinance increasing the number of Class 26 liquor licenses from 0 licenses to 1 license.

Staff Contact: Eric T. Helm, Deputy City Manager

Background:

The City has received a request from Crystal Lake Beer Company, a new microbrewer which will be located at 150 N. Main Street, previously Grand Rental Station, for the Council to consider the adoption of two ordinances providing for amendments to the liquor license restriction provisions of the City Code, creating a new Class 26 liquor license classification and increasing the number of Class 26 liquor licenses from the current 0 licenses to 1 license. The owners of Crystal Lake Beer Company would like to operate a microbrewery and tap room, offering samples and serving beer by the glass in the interior of the specified premises as well as an open unroofed area immediately contiguous to the building premises. They also plan to package and distribute their beer to local bars, restaurants, and liquor stores.

Currently, the liquor license provisions of the City Code do not include a liquor license classification that permits the retail sale and consumption of craft microbrew beers on the premises where manufactured. The proposed Class 26 liquor license, a copy of which is attached, would authorize the consumption of craft microbrew beers, both in the interior of the specified premises and in an open unroofed area immediately contiguous to the building premises, as well as the retail sale of craft microbrew beers manufactured on the premises in the original package.

The applicant does not currently hold a liquor license with the City of Crystal Lake and issuance of the Class 26 liquor license to Crystal Lake Beer Company would be contingent upon satisfactory Illinois State Police and FBI background checks.

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 CHAPTER 329 LIQUOR LICENSES Section 329-5 shall be added as follows:

329-5 Z. Class 26 license which shall authorize any person having been licensed as a manufacturer to receive one license for the premises in which he or she actually conducts such business only for the retail sale of beer, as well as the retail sale of beer in the original retail package, manufactured at such premises and only on such premises specified, between the hours of 11:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday and Thursday: 11:00 a.m. and 2:00 a.m. Friday and Saturday and 12:00 noon and 1:00 a.m. Monday. For the purposes of this license, premises shall include not only the interior of any building or structure but also an open unroofed area immediately contiguous to the building or structure where beer is served or consumed.

(1) Any open unroofed area in which beer served or consumed pursuant to this license shall conform to the following:

(a) The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell beer on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.

(b) The open unroofed area shall be no greater than 1/2 the other floor space of the licensed premises.

(c) The open unroofed area shall have a maximum capacity as defined by the Liquor Commissioner which shall be separately posted at the entrance to the open unroofed area.

(d) Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Liquor Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the City regarding vision, clearance and required distances from corners.

(e) All electrical wiring shall comply with the codes of the City.

(f) All combustible rubbish shall be stored in a noncombustible container, and the license holder shall be responsible for keeping the area in a clean and slightly condition.

DRAFT

(g) The noise emanating from any open unroofed area where beer is served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.

(h) The license holder shall be responsible for preventing violations of this chapter.

(i) The open unroofed area shall not be open after 11:00 p.m.

(j) No license shall be issued until the Liquor Control Commissioner of the City of Crystal Lake is satisfied that the applicant manufacture has obtained all Federal and State of Illinois licenses required for the manufacture of beer. The annual fee for such a license is \$1,150.00.

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

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

DATED at Crystal Lake, Illinois, this ____ day of _____, 2013.

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: 16

City Council Agenda Supplement

- Meeting Date:** December 17, 2013
- Item:** REPORT OF THE PLANNING & ZONING COMMISSION
#2013-33 Rumford and Buelow
- Request:** Simplified Residential Variation to allow a 4-foot fence in the front yard setback for lakefront houses.
Michael Rumford and Robert Buelow
175 and 179 Edgewater
- PZC Recommendation:** Motion to deny the petitioners' request
- Staff Contact:** Michelle Rentzsch, Director of Planning and Economic Development
-

Background:

- **Existing Use:** The properties are improved with single family homes. There is an existing 3-foot chain link fence along the northeast lot line of 175 Edgewater Drive extending to the seawall.
- **History:** For lakefront lots, the lake side of the lot is defined as the front yard. Fences are permitted to be 3 feet in height in the front yard. The City uses an average setback to determine the front yard setback. This ensures that views of the lake are not blocked by adjacent properties.
- **Council Clarification:** At the November 19th City Council meeting, the Lake Lot UDO changes item was discussed. Council discussed the importance of lake views and did not want a different standard for lakefront yards from other front yards in the City. The Lake Lot UDO changes were not approved for 4-foot open style fences in the front yard.

Key Factors:

- **Request:** To construct a 4-foot fence along both property lines from the house to the seawall, requiring a variation for the fence height in the front yard setback.
- **UDO Standard:** Fences, walls or screening in any front yard or yard abutting a street shall not exceed 3 feet in height. The attached exhibit illustrates what is permitted for fences on typical lots within the City.
- **Past Lakeside Fence Variations:** A variation at 611(formerly 615) Leonard Parkway was approved in 2005. It allowed a 6-foot solid fence along the boat launch and a 4-foot solid

fence along the other side of the lot to the water's edge. This is the only other fence variation approved on a lake side lot. The meeting minutes are attached

- Fence Variations:
 - Over the past 20 years, 47 petitioners throughout the City have requested fence variations. 36 of these variations have been approved.
 - Of these 36 variations, 13 were for double- frontage lots – 10 of these were along Walkup Avenue due to the road widening project. Double-frontage lots have a roadway on both the front and back of the house or a roadway and the lake. An exhibit illustrating the double frontage lots around the lake with fence variations is included.
 - The remaining variations were for corner lots. The attached map illustrates the fence variations in relation to the 15,000 housing units in the City.

PZC Highlights:

The Planning and Zoning Commission had the following discussion about the item:

- The Commission did not want to set a new precedent for fence height in the front yard or along lakefront lots.
- The Commission felt the petition did not meet all of the standards for the Variation.

The Planning and Zoning Commission recommended **denial (6-2)** of the petitioners' request.

If the Council chooses to make a motion to approve, the following conditions are recommended:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Rumford & Buelow, received 06/21/13)
 - B. Plat of Survey 175 Edgewater (Luco Construction, dated 01/05/07, received 06/21/13)
 - C. Plat of Survey 179 Edgewater (Luco Construction, dated 10/02/12, received 06/21/13)
 - D. Wrought Iron fence details
2. The fence must remain open/see-through and not a solid fence. Any landscape materials in the front yard near the fence must remain 3 feet or less in height.
3. No fill is permitted in or around the fence. Any spoils from the fence posts must be removed from the property.
4. The petitioner shall address all of the review comments and requirements of the Engineering and Building and Planning and Economic Development Departments.

Votes Required to Pass:
PZC's motion for denial.

A super majority vote (**5 votes**) is required to overturn the



Agenda Item No: 17

**City Council
Agenda Supplement**

Meeting Date: December 17, 2013

Item: Lift Station #1 Construction and Rehabilitation Services.

Staff Recommendation: Motion to award the bid for construction and rehabilitation services for Lift Station #1 to the most responsive, responsible bidder, Genco Industries, Inc., and adopt a resolution authorizing the City Manager to execute a contract with Genco Industries, Inc., in the amount of \$522,930.00 with a 10% contingency for unforeseen expenses.

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

Background:

Lift Station #1 (McHenry Avenue) is an existing dry well/wet well type lift station with two centrifugal pumps that was constructed in the early 1970's. The entire pump and piping system is showing extreme signs of wear to the point that performance is compromised. The generator is the oldest in the division's inventory and was recommended for replacement during a recent evaluation.

A needs assessment was conducted by Baxter & Woodman in July 2012 to identify rehabilitation options for this lift station. It was determined that rehabilitating the facility with a similar centrifugal configuration, where the mechanical equipment is positioned in an adjacent dry well, would be more costly than converting the lift station to a submersible pumps system with all piping and fittings being replaced. This involves the removal of the old steel underground can (*the underground chamber that housed the pumps*), installation of a precast valve vault with a flow meter, and the protective coating of the existing wet well. In addition, the generator will be replaced and the control and communication systems will be updated with non-proprietary systems to support a PLC based SCADA environment. Additionally, the current generator/control building will be eliminated and the generator housed in a free-standing enclosure and the control panel also located just north and west of the current building. This configuration is typical of modern installations and the removal of the building was well received by the tenants and owners at 850 S. McHenry Avenue.

Of the City's 26 sanitary lift stations 20 are configured as submersible pump lift stations. Due to the alignment of the pump and motor on the same shaft, submersible stations generally require less maintenance. For that reason, many of the centrifugal stations that were installed in the same era as Lift Station #1 are being converted to submersible stations as they are rehabilitated.

In May of 2013, Christopher B. Burke Engineering (CBB) was contracted by the City to provide design and construction oversight services for Lift Station #1. On December 4, 2013, the City publicly opened and read aloud the bids received.

The following is a summary of the bids received:

Company	Total Bid Cost
Genco Industries, Inc. Crestwood, IL	\$522,930.00
Marc Kresmery Construction, LLC Elgin, IL	\$531,420.00
Berger Excavating Contractors, Inc. Wauconda, IL	\$626,733.00
Martam Construction, Inc. Elgin, IL	\$680,417.00

Recommendation:

Staff and the consultant engineer, Christopher B. Burke, have reviewed the bids received for completeness and accuracy in accordance with the Invitation to Bid document. CBB has completed numerous projects with Genco Industries, Inc. in the past with favorable results. Therefore, it is the recommendation of staff to award the bid for Lift Station #1 Construction and Rehabilitation Services to Genco Industries in the amount of \$522,930.00 with 10% contingency for unforeseen expenses.

Sufficient funds have been budgeted for this project.

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 an agreement between the CITY OF CRYSTAL LAKE and Genco Industries, Inc., in the amount of \$522,930.00 with a 10% contingency for unforeseen expenses.

DATED this _____ day of _____, 2013

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 18

**City Council
Agenda Supplement**

Meeting Date:

December 17, 2013

Item:

Well #14 Maintenance & Rehabilitation

Staff Recommendation:

Motion to award the bid for maintenance & rehabilitation work on Well #14 to the lowest responsible and responsive bidder, Water Well Solutions, and adopt a Resolution authorizing the City Manager to execute a service agreement with Water Well Solutions in the submitted bid amounts with a 10% contingency for unforeseen expenses.

Staff Contact:

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

Background:

On December 10, 2013, the City of Crystal Lake publicly opened and read aloud the bids received to perform maintenance and rehabilitation work to Well #14. Well #14 is located at Water Treatment Plant #4 (400 Knaack Blvd.), and was last serviced in 2009. The production of this well has been slowly declining over the last year and it is in need of routine maintenance and rehabilitation work.

Well #14 Project:

When performing repairs and maintenance on a submersible well pump, predicting the required repair and rehabilitation cost is impossible to calculate until the pump has been removed, disassembled, and inspected. To provide the City with a competitive cost, vendors were requested to submit bid pricing that includes hourly labor rates, material pricing, and equipment cost for possible repairs and services that may be needed. The City has also included specified well rehab work required on this well to improve the water production and remove nuisance bacteria.

The following table includes bid pricing for all of the work that staff anticipates may be required for the Well #14 project:

Bidder	Total Bid
√ Water Well Solutions Elburn, IL	\$26,833.25
Layne-Christensen Aurora, IL	\$28,480.00
Municipal Well & Pump Waupun, WI	\$28,770.00

√ Indicates the lowest responsive and responsible bidder

The bid price includes anticipated repairs that are necessary for the well, inspection of all equipment, replacement of the pump and motor, and rehabilitation work. The well rehabilitation work was specified to improve the well's productivity and remove nuisance bacteria.

Recommendation:

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. Water Well Solutions has submitted the lowest responsible and responsive bid per the specifications stated in the bid document and based on a typical scenario and anticipated repairs needed. The Public Works Department staff has used Water Well Solutions for other projects and they have been a very responsive contractor. It is therefore, the recommendation of staff to award the bid to the lowest responsive, responsible bidder, Water Well Solutions to perform the work on Well #14, in accordance with the terms and conditions of the bid document.

There are sufficient funds in the FY 2013/14 Budget for this expense.

Votes Required to Pass:

Simple Majority

DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a service agreement with Water Well Solutions for Well #14 Repair & Rehabilitation, in the submitted bid amounts with a 10% contingency for unforeseen expenses.

DATED this _____ day of _____, 2013.

CITY OF CRYSTAL LAKE, an Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 19

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 17, 2013
<u>Item:</u>	Purchase One Turbo Blower for WWTP#2 Aeration System Improvements
<u>Staff Recommendation:</u>	Motion to waive bidding requirements and make a one-time emergency purchase of a turbo blower for Wastewater Treatment Plant #2 from APG Neuros in the amount of \$167,250.00.
<u>Staff Contact:</u>	Victor Ramirez, P.E., Director of Public Works

Background:

Wastewater Treatment Plant #2 (WWTP #2) currently has five blowers that are used to produce air which is piped into the aeration tanks. The air is needed at this point in the treatment process to keep the "bugs" that breakdown the solids alive. This project will replace one of the centrifugal blowers with an energy efficient turbo blower.

This project is made possible by a grant through the Illinois Department of Commerce and Economic Opportunity (DCEO), which has tripled the standard incentive for turbo blowers from a rate of \$0.12 per kw hour saved to \$0.36 per kw hour saved. The grant will cover the costs of the equipment (\$167,250.00), leaving only the installation costs for the City to pay. When the electrical savings generated by this project are considered, the City's return on investment (ROI) for this project will be approximately 2.5 years. The new Turbo blower is estimated to have a useful service life of 20 years.

The DCEO grant that makes this purchase possible has a May 15, 2014 deadline, with no opportunity for an extension of that deadline. Since turbo blowers generally have a 20-week lead time across the industry, this makes the installation timeframe very tight. Staff is seeking an emergency funding authorization to ensure that the public may benefit from the full grant funding.

At the December 3, 2013 City Council meeting, Baxter & Woodman was awarded the contract for engineering services for these improvements. Due to the lead time on the equipment, a preliminary design was created, and manufacturers were immediately contacted to determine which could provide the blowers in a timeframe that meets the grant requirements.

A local sales representative of ABS Blowers stated that its manufacturing facility is currently in the process of being relocated, and that it would not be able to deliver equipment for 40-44 weeks. This lead time exceeds the grant deadline.

APG Neuros stated that it could build a blower to the City's requirements in approximately 16 weeks. However, to allow sufficient time for installation, the order would have to be received by December 22, 2013.

A third company, HSi, also manufactures turbo blowers. However, Baxter & Woodman has installed a number of these units, and many have reported issues or malfunctions after installation. In addition, staff has contacted facilities where these blowers have been installed and did not receive favorable feedback.

Discussion:

Due to the time constraints, APG Neuros has presented the best option to the City to maximize grant funding. Baxter & Woodman has determined that the cost that the City is receiving for the blower and controls is competitive with what other communities have paid for a similarly sized APG Neuros turbo blower. In addition, APG Neuros has offered the City a \$90,000.00 rebate if APG Neuros cannot meet an April 14, 2014 shipping date.

While the blower is being manufactured, Baxter & Woodman will finalize plans and bid specifications for the installation of the unit.

This method of procurement is unusual because the City will be purchasing equipment directly from the manufacturer, rather than through the general contractor. However, given the following, staff believes this path to be in the best interest of the City:

- A. APG Neuros is the only responsive, responsible quoter who can meet the DCEO deadline,
- B. The pricing has been verified by Baxter & Woodman to be competitive with other recent sales of similarly sized units, and
- C. APG Neuros is offering a substantial rebate for failure to meet a target delivery date.
- D. The DCEO Grant will pay for 100% of the equipment costs.
- E. If the City loses the grant opportunity, the City and its residents will bear a much greater price for completing the project.

Meanwhile, the Illinois Clean Energy Community Foundation recently released its 2014 energy grant program. The City will seek additional funding for this project to further offset costs.

Recommendation:

Staff and the City's consultant, Baxter & Woodman, Inc., have reviewed the options to provide the City with a functional turbo blower while taking advantage of the grant incentives available. Based on the condensed timeframe outlined in the grant, it is the recommendation of staff to waive bidding requirements and authorize the purchase of a turbo blower from APG Neuros in the amount of \$167,250.00.

The DCEO grant is expected to reimburse 100% of this amount.

Votes Required to Pass:

Simple Majority

DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that bidding requirements are hereby waived and the City Manager is authorized to make a one-time emergency purchase of a turbo blower from APG Neuros in the amount of \$167,250.00.

DATED this _____ day of _____, 2013

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 20

**City Council
Agenda Supplement**

Meeting Date:

December 17, 2013

Item:

Contract Approval of Amendment for Country Club Area Water Main Replacement Stage 1 Construction

Staff Recommendation:

Motion to adopt a resolution authorizing a contract amendment in the amount of \$26,958.23 for the Country Club Area Water Main Replacement Stage 1 construction project.

Staff Contact:

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

Background:

On May 7, 2013, the City Council approved the Country Club Area Water Main Replacement Stage 1 Construction contract award to Berger Excavating in the amount of \$1,365,209.40 including the 10 percent contingency. Stage 1 of this improvement includes the installation of new water main along Country Club Road from Meridian Lane to Golf Road and along Broadway Avenue from Meridian Lane to Country Club Road.

Construction for Stage 1 commenced in June of this year and was completed in October. During construction, many unforeseen issues were encountered due to the poor ground conditions, extremely old infrastructure and existing conditions:

- Despite the completion of soil borings during the design phase, installation of the new water main was challenging due to the very wet sandy running soil that was discovered during actual construction. As the contractor excavated to install the new water main, the wet sandy running soil collapsed prior to the trench box being placed. Because of this, the trench expanded horizontally and additional trench backfill was needed;
- The existing roadway pavement could not withstand the construction traffic and water main installation in certain locations due to an inconsistent pavement thickness on this older street that could not be anticipated until excavation. Therefore, a complete overlay was necessary, as opposed to isolated pavement patching originally anticipated, to avoid ponding water on the uneven pavement. This approach provides a far more serviceable pavement surface for motorists during the two-year interim condition, until all of the

watermain installation is complete and the area-wide resurfacing is conducted after Stage 3; and

- Various water main breaks occurred along the old watermain system on Oxford Lane, Cumberland Lane and Essex Lane that had to be addressed in and around the work zone.

Staff and the design consultant will utilize the new information on the subsurface conditions found during the construction of Stage 1 to ensure these unforeseen items are included in the Stage 2 and 3 construction plans.

City staff is requesting a contract amendment in the amount of \$26,958.23, which is 1.98% above the already approved total authorized amount.

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 contract amendment with Berger Construction in the amount of \$26,958.23 for the Country Club Area Water Main Replacement Station 1 construction project.

DATED this _____ day of _____, 2013

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:

December 17, 2013

Item:

Appropriation of MFT Funds for the Country Club Road Multi-use Path Improvement.

Staff Recommendation:

Motion to adopt a resolution appropriating MFT funds for the Country Club Road Multi-use Path Improvement.

Staff Contact:

Erik D. Morimoto, Director of Engineering and Building

Background:

City staff is requesting that the Council allocate \$90,000.00 in Motor Fuel Tax funds for the Country Club Multi-use Path improvement. This allocation is for the Phase I and Phase II Engineering, and a 10 percent contingency. On November 5, 2013, the City Council approved the selection of Alfred Benesch & Company as the consultant for these services. Any funds that are obligated and not spent will be returned to the City's unobligated balance once the project is complete. The City has budgeted for this project, and has sufficient reserves in its MFT fund for the construction.

Votes Required to Pass:

Simple majority



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

Table with 4 columns: Name of Thoroughfare, Route, From, To. Row 1: Country Club Road, Local, Wedgewood Subdivision, South Elementary.

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of installation of a new multi-use path along Country Club Road. Funds will be used for Phase 1 and Phase 2 engineering.

and shall be constructed 8-10 feet wide and be designated as Section 14-00122-00-BT

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

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

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

Approved
Date
Department of Transportation
Regional Engineer

I, Nick Kachiroubas Clerk in and for the City of Crystal Lake, County of McHenry, hereby certify the

foregoing to be a true, perfect and complete copy of a resolution adopted by the Council at a meeting on December 17, 2013

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 17th day of December, 2013

(SEAL)

City, Town, or Village Clerk



Agenda Item No: 22

**City Council
Agenda Supplement**

- Meeting Date:** December 17, 2013
- Item:** UDO Text Amendment relative to Article 4-1000 Signs
- PZC Recommendation:** Motion to approve the Planning and Zoning Commission recommendations with changes and to adopt an ordinance amending Chapter 650 of the Code of Ordinances for Political Signs.
- Staff Contact:** Michelle Rentzsch, Director of Planning and Economic Development
-

Background:

- At the City Council meeting on November 19th, the Council reviewed proposed amendments to various provisions of the UDO, including very conservative yet legally defensible language for Political Signs.
- The proposed amendment incorporates the feedback provided by the Council and is legally defensible.

Key Factors

- Political Signs are treated as a separate category within the Sign provisions of the Ordinance.
- They are further distinguished as Political Message Signs and Political Campaign Signs. Campaign Signs - announcing or supporting political candidates or issues in connection with any local, state or national election are permitted 90 days prior to an election to 14 days after that election occurs.
- The allowable sign area for an individual sign has been increased to 16 square feet from the currently permissible 6 square feet.

PZC Highlights

At the Planning and Zoning Commission meeting, the Commission felt strongly about restricting the size of individual signs in residential districts. The PZC's recommendation was to limit signs to 6 square feet in residential areas.

The following proposed ordinance language incorporates the City Council's feedback.

Article 4-1000 Signs

M. Political Signs

1. **Sign Area:** Political Signs up to 16 square feet in area per sign for all land uses, and up to 32 square feet in area per sign for all uses in Sign Area A for Commercial Signs, may be located within the lot lines of any lot with the consent of the lot owner and subject to the requirements established in this Section.
2. **Total Area and Location:** Except as provided in Subparagraph 10 below, the total area of all Political Signs may not exceed 32 square feet per zoning lot.
3. **Sign Height:** Political Signs may be up to 6 feet in height.
4. **Required Setback:** All Political Signs must be set back not less than five feet from every property line.
5. **Color and Illumination:** Political Signs are exempt from regulations regarding sign colors, but not exempt from regulations relating to illumination of signs.
6. **Sign Types:** Political Signs may be window signs or any other structural types permitted in the district, but must comply with the size, total area, and location limitations of this Section.
7. **Physical Condition:** Political Signs must be maintained in good physical condition at all times.
8. **Person Responsible:** Unless the Political Sign includes on the sign face the name of the person responsible for the sign, the owner of the lot on which the sign is located will be deemed responsible for the sign.
9. **Permit:** Political Signs are allowed at all times and are exempt from permit requirements at all times.
10. **Political Campaign Signs:** 90 days prior to an election and until 14 days after that election occurs, Political Campaign Signs may be located anywhere on a zoning lot with no limitations on the total square footage per zoning lot and with no required setback. In no case may a Political Campaign Sign be located in the clear sight triangle as established in this Ordinance.

Article 10 Definitions

Political Campaign Sign: A temporary sign announcing or supporting political candidates or issues in connection with any national, State, or local election. Political Campaign Signs include only those signs specifically advocating on behalf of a person, or a position on a question, to be considered by voters.

Political Message Sign: A sign other than a Political Campaign Sign expressing a noncommercial message regarding an issue of political or public concern.

Votes Required to Pass: A simple majority vote.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

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

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

WHEREAS, as a result of said hearing, the taking of evidence, and the viewing of exhibits advanced thereat, the Crystal Lake Planning and Zoning Commission did recommend to the City Council of the City of Crystal Lake the granting of the requested text amendment (File #2013-15); and

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

SECTION 1

Article 4, Density and Dimensional Standards is amended to include the following additions and corrections:

Section 4-1000 Signs

- D. Residential Signs
 - 1. Single-Family Residential Signs
 - 2. Multi-Family Residential Signs
- E. Office Signs
- F. Commercial Signs
- G. Civic Signs
- H. Industrial Signs
- I. Unique Area Signs

Sign Type	Quantity	Size (sq. ft.)	Height (Feet)	Notes	
Political Signs				See Article 4-1000 M	

M. Political Signs

1. Sign Area: Political Signs up to 16 square feet in area per sign for all land uses, and up to 32 square feet in area per sign for all uses in Sign Area A for Commercial Signs, may be located within the lot lines of any lot with the consent of the lot owner and subject to the requirements established in this Section.
2. Total Area and Location: Except as provided in Subparagraph 10 below, the total area of all Political Signs may not exceed 32 square feet per zoning lot.
3. Sign Height: Political Signs may be up to 6 feet in height.
4. Required Setback: All Political Signs must be set back not less than five feet from every property line.
5. Color and Illumination: Political Signs are exempt from regulations regarding sign colors, but not exempt from regulations relating to illumination of signs.
6. Sign Types: Political Signs may be window signs or any other structural types permitted in the district, but must comply with the size, total area, and location limitations of this Section.
7. Physical Condition: Political Signs must be maintained in good physical condition at all times.
8. Person Responsible: Unless the Political Sign includes on the sign face the name of the person responsible for the sign, the owner of the lot on which the sign is located will be deemed responsible for the sign.
9. Permit: Political Signs are allowed at all times and are exempt from permit requirements at all times.
10. Political Campaign Signs: 90 days prior to an election and until 14 days after that election occurs, Political Campaign Signs may be located anywhere on a zoning lot with no limitations on the total square footage per zoning lot and with no required setback. In no case may a Political Campaign Sign be located in the clear sight triangle as established in this Ordinance.

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

Political Campaign Sign: A temporary sign announcing or supporting political candidates or issues in connection with any national, State, or local election. Political Campaign Signs include only those signs specifically advocating on behalf of a person, or a position on a question, to be considered by voters.

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Political Message Sign: A sign other than a Political Campaign Sign expressing a noncommercial message regarding an issue of political or public concern.

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

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

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

MAYOR

ATTEST:

CITY CLERK

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



Agenda Item No: 23

**City Council
Agenda Supplement**

Meeting Date: December 17, 2013

Item: Intent to allocate Volume Cap in connection with the intent to issue Industrial Revenue Bonds to Cortech, LLC.

Recommendation: Motion to adopt an ordinance declaring official intent to allocate volume cap in connection with the issuance of Industrial Revenue Bond Financing to Cortech, LLC, in an amount not to exceed \$3,872,770.

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

Background: On March 19, 2013, the City Council reserved the City's volume cap allocation of \$3,872,770 for the 2013 calendar year.

The City has been working with Cortech, LLC, to relocate the business to Crystal Lake in the property formerly owned and occupied by Eisenmann (most recently occupied by MarbleTech), at 520 Dartmoor Drive. Cortech's relocation and occupancy would be assisted by the City through Industrial Revenue Bond (IRB) financing.

Cortech, LLC is requesting the City's entire 2013 IRB allocation. For 2013, the City's allocation (volume cap) is \$3,872,770 (40,766 residents multiplied by \$95/resident). Staff has not received any other inquiries to utilize the City's IRB allocation.

In order to finalize the issuance of the Industrial Revenue Bond, a public hearing must be held regarding the authorization of the transfer of the City of Crystal Lake's volume cap and the attached ordinance must be adopted.

There is no obligation to the municipality in issuing IRB's. All the payment responsibility rests with the private party. The lien is on the property, secured by the IRB's. Under Federal Law, the City can utilize the authorized volume cap as additional incentive for industrial firms to relocate or expand facilities within its jurisdiction. IRB's can be attractive to industrial firms because of the difference to the bond buyers between the tax-free interest rates and the prevailing taxable interest rates.

Votes Required to Pass: A simple majority vote.

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ORDINANCE NO. _____
FILE NO. _____

ORDINANCE DECLARING OFFICIAL INTENT
OF THE CITY OF CRYSTAL LAKE, ILLINOIS AND
ALLOCATING VOLUME CAP IN CONNECTION WITH THE
ISSUANCE OF NOT TO EXCEED \$3,872,770, PRINCIPAL AMOUNT OF
AN INDUSTRIAL DEVELOPMENT REVENUE BOND
(CORTECH, LLC) SERIES 2013

WHEREAS, the City of Crystal Lake, McHenry County, Illinois (the “**Issuer**”), a municipal corporation and home rule unit of local government organized and existing under the laws of the State of Illinois, is authorized by provisions of the Constitution and laws of the State of Illinois to issue revenue bonds;

WHEREAS, Cortech, LLC, an Illinois Limited Liability Corporation (the “**Borrower**”), has requested the Issuer to issue an industrial development revenue bond to provide financing for certain manufacturing facilities (the “**Project**”) located in the City of Crystal Lake (the “**Project Location**”), and the Issuer is authorized to do so;

WHEREAS, Section 146 of the Internal Revenue Code of 1986, as amended (the “**Code**”) and the State of Illinois Allocation of Bonding Authority in Accordance with the Tax Reform Act of 1986 and 30 ILCS 345 Guidelines and Procedures of the Office of the Governor effective January 1, 2013 (the “**Guidelines and Procedures**”) grants Illinois home rule units volume cap allocation for purposes of issuing tax-exempt private activity bonds for the 2013 calendar year in an amount equal to \$95 multiplied by its population;

WHEREAS, the Guidelines and Procedures set forth the most recent census estimate of the Issuer’s population as 40,766, providing the Issuer with a volume cap of \$3,872,770 for the calendar year 2013;

WHEREAS, the Issuer has available its entire volume cap for 2013 of \$3,872,770;

WHEREAS, the Borrower has requested that the 2013 volume cap of the Issuer be used to provide financing for the Project; and

WHEREAS, the Issuer hereby finds and determines that the financing of the improvements described below by the Issuer will serve the public purposes of the Issuer.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Crystal Lake, Illinois as follows:

1. The Issuer intends to issue obligations (the “**Bonds**”) for the purpose of financing the design,

acquisition, construction and installation of a manufacturing facility and other eligible costs within the Issuer and the acquisition of land on which such improvements are to be built, all of the benefit of the Borrower (the "Project") and including without limitation, related expenses for costs of issuance, capitalized interest and a debt service reserve. The total amount, which the Issuer intends to borrow through the issuance of the Bonds for the Project will not exceed \$3,872,770.

2. Certain costs will be incurred by the Issuer and the Borrower in connection with the Project prior to the issuance of the Bonds. The Issuer reasonably expects to reimburse such costs with proceeds of the Bonds.

3. This Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2 and the Internal Revenue Code of 1986, as amended.

4. In accordance with and pursuant to the power and authority granted by and under Section 6 of Article VII of the Constitution of the State of Illinois, Section 146 of the Code and Part B of the Guidelines and Procedures, the Issuer hereby agrees to and does allocate its entire 2013 volume cap of \$3,872,770 for the financing of the Project and the issuance of the Bonds. Prior to May 10, 2013 the City of Crystal Lake reported to the Governor's office in writing the reservation of the Issuer's 2013 volume cap pursuant to this Ordinance, in the form prescribed by the Guidelines and Procedures. Within 10 calendar days of the date of the Bonds are issued, the Issuer shall file or cause to be filed in the office of the Governor of the State of Illinois a confirmation of bond issuance letter as described in the Guidelines and Procedures.

5. The Mayor, the City Manager, the City Treasurer, and the City Clerk of the Issuer are hereby authorized to do all such acts and things, and to execute all such documents (including any certifications and other instruments), as may be necessary, in the opinion of counsel to the Issuer, to carry out and comply with the purposes of this Ordinance.

6. The provisions of this Ordinance are hereby declared to be separable, and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provision hereof.

7. All ordinances, resolutions and orders, and parts thereof, in conflict herewith are, to the extent of such conflict, hereby repealed. This Ordinance shall take effect and be in full force immediately upon its adoption and approval.

PASSED on December 17th, 2013.

Voting Aye: _____
Voting Nay: _____
Abstaining: _____
Absent: _____

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APPROVED this 17th day of December, 2013.
DATED this 17th day of December, 2013.

MAYOR

ATTEST:

CITY CLERK

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



Agenda Item No: 24

City Council Agenda Supplement

Meeting Date:

December 17, 2013

Item:

Acquisition of Right-of-way and Easements for the South Main Street Improvement

Staff Recommendation:

Motion to adopt a resolution approving the negotiated sum, authorizing the execution of any agreement or documents, and authorizing payment to a property owner for right-of-way and easements needed for the South Main Street Improvement.

Staff Contact:

Erik D. Morimoto, Director of Engineering and Building

Background:

The improvement to South Main Street is a programmed construction project that will widen Main Street to a five-lane section from Liberty Drive to Jennings Drive. This improvement will tie into the Rakow Road improvements to the south and the improvements to Route 14 and Main Street, completed in 2002, to the north. The City has obtained \$1.5 million in federal Surface Transportation Program funding for the construction.

This project will create a continuous four-lane roadway between Rakow Road and Crystal Lake Avenue and eliminate the traffic bottleneck that currently exists in the City's primary gateway to the Route 14 commercial corridor from the south. The specific project scope includes:

- Widening and resurfacing;
- Upgraded storm sewer;
- Upgraded traffic signals with illuminated street name signs; and
- Installation of dual modular block retaining walls in front of Mayfair Carpet.



Included in the proposed scope of improvement is the intersection of Main Street/Pyott Road and Virginia Road. Three legs of this intersection, the Pyott Road leg and the two Virginia Road legs, are under the jurisdiction of McHenry County. In addition, the traffic signal system at the intersection is under the jurisdiction of the County. McHenry County will be financially participating in the improvements along their sections of roadway, which includes participation with Phase II Engineering, the right-of-way and easement acquisition, the construction, and the Phase III Engineering.

In order to complete the project, the City needs to acquire right-of-way and easements from property owners adjacent to South Main Street using the Federal Process. Appraisals were completed for each property using an approved negotiator to negotiate a price for the needed right-of-way and easements with the property owners. The County has come to terms with two additional property owners for right-of-way required for the project along County highways.

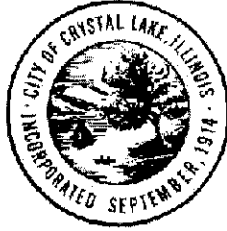
<i>Property Address</i>	<i>PIN</i>	<i>Appraisal Amount</i>	<i>Settlement Amount</i>	<i>Area Acquired (Acres)</i>	<i>Deeded To</i>
905 Pyott Road	19-08-430-001	\$124,500	\$124,500	0.149	County
856 Pyott Road	19-08-429-003	\$46,000	\$51,000	0.47	County

City and County staff reviewed the settlement amounts and have deemed them acceptable. The City Attorney has also reviewed the information and deemed it acceptable. In addition, the County will reimburse the City for properties that will be deeded to the County, as outlined in the intergovernmental agreement executed in 2011. The County has approved the settlement amounts for the ROW that will be deeded to them.

The City has budgeted for this acquisition, and has sufficient reserves in its MFT fund for the acquisition. The City's Negotiator continues to work with one other property owner, and the City will bring it before City Council when it is ready for approval.

Votes Required to Pass:

Simple majority of City Council present.



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The City of Crystal Lake Illinois

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the negotiated sum for right-of-way and easements needed for the South Main Street Improvement for the following properties are hereby acceptable, that the City Manager be authorized to execute any agreements or documents related to acquiring the right-of-way or easements, and that City staff be authorized to remit payment for right-of-way and easements:

- 905 Pyott Road (PIN 19-08-430-001): \$124,500.00
- 856 Pyott Road (PIN 19-08-429-003): \$51,000.00

DATED this seventeenth day of December, 2013.

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
MAYOR

SEAL

ATTEST:

CITY CLERK

PASSED: December 17, 2013

APPROVED: December 17, 2013



Agenda Item No: 25

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 17, 2013
<u>Item:</u>	Property Tax Levy Ordinance/Truth in Taxation Public Hearing
<u>Staff Recommendation:</u>	Motion to adopt the 2013 property tax levy ordinance and certificate of compliance.
<u>Staff Contact:</u>	Gary J. Mayerhofer, City Manager George Koczwara, Interim Director of Finance Laura Herrig, Assistant Finance Director

Background:

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

The City of Crystal Lake City Council must adopt a property tax levy by ordinance and submit the ordinance to the McHenry County Clerk no later than the last Tuesday in December (December 24, 2013). The process for the adoption of the tax levy ordinance is as follows:

- 1) Adopt a resolution determining the maximum 2013 tax levy.
- 2) Hold a public hearing.
- 3) Adopt the tax levy ordinance.
- 4) File the levy with the McHenry County Clerk by Tuesday, December 24th.

The resolution determining the maximum 2013 tax levy was adopted on November 19, 2013. Adoption of this resolution was merely a procedural requirement and the actual

levy ordinance is considered during the public hearing at the December 17, 2013 City Council meeting.

The process in determining the actual tax levy is challenging because the actual dollars collected from the 2013 tax levy are not received until fiscal year 2014/2015, for which the City has not yet considered an annual budget. The City's 2013 tax levy will be incorporated into property tax bills, which homeowners will receive during the calendar year 2014, and will be utilized by the City to fund a portion of the 2014/2015 City Budget (the City operates on a May 1 through April 30 fiscal/budget year). The tax levy ordinance adopted by the City of Crystal Lake is filed with the McHenry County Clerk, whose office determines the actual "tax rate" necessary in order to raise the dollars levied by the City. The City levies in dollars needed rather than a specific tax rate. As a result, the City does not receive any additional dollars if the assessed valuation of property in the City increases. Rather, the amount of the City tax levy remains the same and is spread over a greater total assessed valuation of property (which can result in a decrease in the actual City tax rate).

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

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

The impact of a proposed property tax levy is determined by estimating the Equalized Assessed Value (EAV). The actual City EAV will be calculated by the County Assessor and is not known at this time. It is estimated that the City's 2013 EAV will be \$1,019,809,651, which is a 6% decrease over the 2012 EAV. As a comparison, the 2012 EAV decreased 6.68% from 2011, the 2011 EAV decreased 8.60% from 2010 and the 2010 EAV decreased 7.56% from 2009. As home values begin to recover, the City's EAV will rise.

The tax levies for the Fire and Police Pensions have been actuarially determined. The State of Illinois' actuary determines an amount and each of the Pension Funds retains a third party actuary to verify the amounts. The intention of the actuaries' study is to continue to fund the pension benefits outlined in the State Statutes. Both the Fire and Police Pension Boards have recommended that the City Council adopt the levy amounts in the actuarial reports. The levy amounts are \$1,973,564 for the Police Pension and \$1,720,093 for the Fire Pension. The Police Pension Fund is currently 58.5% funded and the Fire Pension Fund is currently 65.0% funded.

The recommended levy for the Illinois Municipal Retirement Fund (IMRF) and the City's share of Social Security and Medicare taxes (FICA) is \$1,708,041. In accordance with State Statute, the municipal contribution rate for IMRF is actuarially determined each year by IMRF. Contributions are calculated as a percentage of covered payroll.

It is anticipated that the Fire Rescue operating budget will increase by approximately 3.47% in fiscal year 2014/2015. The increase in operations is the result of increased personnel costs due to the Firefighters' Collective Bargaining Agreement and the Affordable Health Care Act. In aggregate, all other operational accounts shall be kept at a zero percent increase. Fund reserves will be utilized again in fiscal year 2014/2015 for capital purchases.

Below is the projected effect that the recommended 2013 tax levy will have on property tax rates as compared to the effects of the City's 2012 property tax levy. The projections below reflect an estimated decrease of -6% in the City's overall EAV for tax year 2013.

Fund	Actual 2012 Levy Rate	Estimated 2013 Levy Rate
General	0.000000	0.000000
City IMRF	0.059196	0.092305
City FICA	0.069873	0.075181
Library Operations	0.345896	0.385209
Library IMRF	0.026081	0.027662
Library FICA	0.015791	0.016748
Police Pension	0.170409	0.193523
Fire Rescue	0.527590	0.606703
Crossing Guard	0.002305	0.004424
Fire Pension	0.150300	0.168668
Total	1.367441	1.570423

Determining the impact of the City's tax levy on area home values is dependent on several factors: the assessed value of a property as determined by each township's assessor, the equalization multiplier assigned by each township supervisor, the equalization multiplier assigned by the State and exemptions specific to each property and property owner, (homestead, senior, senior freeze, etc.). The City of Crystal Lake spans four different townships: Algonquin Township, Nunda Township, Dorr Township and Grafton Township.

Assuming a home valued at \$250,000 has experienced the same decline in EAV as the City overall since 2008, then the impact of the City's recommended 2013 property tax levy is estimated to add \$60.13 to the annual tax bill, or \$5.01 per month.

Summary:

The adoption of the attached ordinance would:

- 1) Maintain a zero General Fund levy, which has been in place since 1997. The General Fund, which is the largest fund of the City's Budget, funds general City services, such as police, public works, planning, building, vehicle and equipment maintenance, administration and legal. This fund would continue to be supported primarily through sales and income tax revenues.
- 2) Provide funding for pension and IMRF obligations as mandated by Illinois law.
- 3) Provide funding to support Fire Rescue operations.

The attached spreadsheet shows the total 2012 rates for neighboring communities with similar municipal services.

Recommendation:

It is the recommendation of the City Manager and Interim Director of Finance to adopt the 2013 property tax levy ordinance and certificate of compliance.

Votes Required to Pass:

Simple majority



**AN ORDINANCE FOR THE LEVY
AND ASSESSMENT OF TAXES
FOR THE CITY OF CRYSTAL LAKE
FOR THE FISCAL YEAR BEGINNING
THE 1ST DAY OF MAY, 2013 TO
THE 30TH DAY OF APRIL, 2014**

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

December 17, 2013

**Published in pamphlet form by the authority of the City Council of the
City of Crystal Lake, McHenry County, Illinois, this 17th day of December, 2013.**

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**AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES
FOR THE CITY OF CRYSTAL LAKE FOR THE FISCAL YEAR BEGINNING THE 1ST
DAY OF MAY, 2013 TO
THE 30TH DAY OF APRIL, 2014**

WHEREAS, the City Council of Crystal Lake in the County of McHenry and State of Illinois did on the 16th day of April, 2013, pass the Annual Budget in accordance with Chapter 65 5/8-2.-9.1, *et. seq.* of the Illinois Compiled Statutes, for the City for the fiscal year beginning on the 1st day of May 2013 the amount of which is ascertained to be Ninety Million Eighteen Thousand Thirty-One Dollars and No Cents (\$90,018,031), including inter-fund transfers, which said Budget Resolution was duly published on the 16th day of April, 2013.

WHEREAS, the Mayor and City Council of the City of Crystal Lake did on the 19th day of November, 2013, determine that the levy of the City of Crystal Lake for 2013 would not exceed \$16,015,325 exclusive of debt service (or \$19,746,403 inclusive of debt service) and, therefore, the City of Crystal Lake did on the 7th day of December, 2013, publish a Notice pursuant to Chapter 35, Illinois Compiled Statutes 200/18-55 *et. seq.*, entitled "Truth in Taxation Act" and all provisions of said Act were fully complied with by the City of Crystal Lake.

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

Section 1: That the total amount of appropriations for all corporate purposes legally made to be collected from the tax levy of the current fiscal year is hereby ascertained to be the sum of Sixteen Million Fifteen Thousand Three Hundred Twenty-Five Dollars and No Cents (\$16,015,325).

Section 2: That the sum of Sixteen Million Fifteen Thousand Three Hundred Twenty-Five Dollars and No Cents (\$16,015,325) being the total of appropriations heretofore legally made that are to be collected from the tax levy of the City of Crystal Lake for the purpose of providing for the Illinois Municipal Retirement Fund (the City's contributions to IMRF and Social Security), Police Pension Fund, Fire Pension Fund, Library Operating Fund, Library Pension Fund (the Library's contributions to IMRF and Social Security), Fire Rescue Fund and School Crossing Guard Fund, and Debt Service Funds as appropriated for the current fiscal year by annual appropriation of the City of Crystal Lake for the Fiscal Year 2013-2014, passed by the Mayor and City Council of said City at the

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legally convened meeting of April 16, 2013 be, and the same is hereby levied upon all of the taxable property in the City of Crystal Lake subject to taxation for the current year, the specific amounts as levied for the various funds heretofore named being included herein by being placed in separate columns under the heading "Tax Levy" that appears over them, the tax so levied being for the current fiscal year of said City, and for the said appropriation to be collected from said tax levy, the total of which has been ascertained as aforesaid and being as follows:

	<u>AMOUNT</u> <u>APPROPRIATED</u>	<u>TAX LEVY</u>
GENERAL FUND	\$31,226,175	\$0
HOME RULE SALES TAX	\$6,607,540	\$0
WATER & SEWER FUND	\$8,883,635	\$0
WATER AND SEWER CAPITAL IMPROVEMENT	\$9,086,618	\$0
FIRE RESCUE FUND	\$8,862,395	\$6,187,211
SCHOOL CROSSING GUARD FUND	\$62,705	\$45,116
MOTOR FUEL TAX FUND	\$4,463,086	\$0
ROADS & VEHICLE LICENSE FUND	\$2,365,830	\$0
DEBT SERVICE FUNDS	\$4,268,519	\$0
FOREIGN FIRE INSURANCE FUND	\$60,150	\$0
CAPITAL CONSTRUCTION FUNDS	\$50,000	\$0
CAPITAL REPLACEMENT FUND	\$2,526,205	\$0
THREE OAKS RECREATION AREA FUND	\$549,839	\$0
THREE OAKS CAPITAL FUND	\$43,276	\$0

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	<u>AMOUNT</u> <u>APPROPRIATED</u>	<u>TAX LEVY</u>
ILLINOIS MUNICIPAL RETIREMENT FUND		
IMRF	\$984,251	\$941,341
SOCIAL SECURITY	\$766,700	\$766,700
INSURANCE FUND	\$1,149,693	\$0
POLICE PENSION FUND	\$1,963,100	\$1,973,564
FIRE PENSION FUND	\$1,120,300	\$1,720,093
LIBRARY-OPERATING FUND	\$3,877,767	\$3,928,397
LIBRARY-PENSION FUND		
IMRF	\$282,102	\$282,102
SOCIAL SECURITY	\$170,801	\$170,801
LIBRARY-CONSTRUCTION & REPAIR FUND	\$23,940	\$0
LIBRARY-AMES TRUST FUND	\$5,000	\$0
LIBRARY-GIFT & MEMORIAL FUND	\$34,660	\$0
LIBRARY-PER CAPITA FUND	\$83,744	\$0
LIBRARY-WORKING CASH	\$0	\$0
LIBRARY-SPECIAL RESERVE FUND	<u>\$500,000</u>	<u>\$0</u>
GRAND TOTAL - ALL FUNDS	\$90,018,031	\$16,015,325

Section 3: That the total amount of Sixteen Million Fifteen Thousand Three Hundred Twenty-Five Dollars and No Cents (\$16,015,325) ascertained above, be and is hereby levied and assessed on all property subject to taxation within the City of Crystal Lake according to the value of said property as assessed and equalized for state and county purposes for the current year.

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

Section 5: That there is hereby certified to the County Clerk of McHenry County, Illinois, the several sums above, constituting said total amount, and the total amount of Sixteen Million Fifteen Thousand Three Hundred Twenty-Five Dollars and No Cents (\$16,015,325), which total amount the City of Crystal Lake requires to be raised by taxation for the current fiscal year of the City, and the City Clerk of the City is hereby ordered and directed to file with the County Clerk of the County on or before the time required by law, a certified copy of this Ordinance.

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

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

Section 8: Pursuant to Statute, in compliance with Public Act 83-881, the City of Crystal Lake did file on April 26, 2013 an Estimate of Revenue by Source with the McHenry County Clerk's office.

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

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

ADOPTED this 17th day of December 2013, pursuant to a roll call vote as follows:

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AYES:

NAYS:

APPROVED this 17th day of December 2013.

Aaron Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk