



CITY OF CRYSTAL LAKE
AGENDA

CITY COUNCIL
REGULAR MEETING

City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
October 21, 2014
7:30 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Administration of Oaths of Office**
 - a. **Deputy Chief of Fire Rescue Christopher Olsen**
 - b. **Battalion/Bureau Chief Christopher Kopera**
 - c. **Firefighter Paramedic Sergio Delgado**
 - d. **Police Sergeant Charles Harris**
 - e. **Police Officers David Emrich, Michael Maloney and Adam Danowski**
5. **Proclamations**
 - a. **Dobbe Marketing and Public Relations**
 - b. **Village Squire**
 - c. **Fox Valley Animal Hospital**
6. **Approval of Minutes – October 7, 2014 Regular City Council Meeting**
7. **Accounts Payable**
8. **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.
9. **Mayor's Report**
10. **Council Reports**
11. **Consent Agenda**
 - a. **Justin Schroeder Memorial Foundation Class 16 Temporary Liquor License request.**
12. **Resolution authorizing the Chamber of Commerce to officially name the Chamber of Commerce office building at 427 W. Virginia Street as the Blazier Center for Commerce, Community & Leadership and authorizing the Chamber of Commerce to install wall signs on the east and north elevations of the building.**
13. **ReBound –The Chris Herren Story Community Forum – Discussion Only and Sponsorship Recognition.**
14. **McHenry County College, 8900 Route 14 – Sign Variation to allow a 104-square-foot, 10.5-foot-high temporary sign.**
15. **103 Sunnyside Avenue – Variation from the minimum front yard setback requirements to allow a 40-foot encroachment of a covered front porch that will be added to the existing nonconforming principal structure.**

16. **153 N. Greenfield Avenue – Variation from the minimum front yard setback requirements to allow a 12-foot encroachment of a new front porch.**
17. **171 S. Main Street – Ordinance rezoning the property from M-L Manufacturing Limited to B-4 Downtown Commercial and Special Use Permit to allow a single-family attached first floor residential use in the B-4 zoning district.**
18. **Resolution authorizing execution of an agreement with the Board of Education of Crystal Lake Community Consolidated School District 47 for crossing guard services.**
19. **Resolution authorizing execution of an intergovernmental agreement between the City of Crystal Lake and the Lake in the Hills Sanitary District providing for the discontinuance of water service to premises for the nonpayment of sewerage service charges.**
20. **Resolution authorizing execution of an intergovernmental agreement between the City of Crystal Lake and the Crystal Lake Park District providing for certain storm water improvements.**
21. **Bid award and resolution authorizing execution of an agreement for Tree Pruning Services.**
22. **Bid award and resolution authorizing execution of a contract for the 2014 Crack Sealing Program and allowing for a 10 percent contingency.**
23. **Bid award and resolution authorizing execution of a contract for the Illuminated Street Name Sign Program and allowing for a 10 percent contingency.**
24. **Resolution authorizing execution of an agreement for the purchase of thirty-five computer desktops through the State of Illinois Joint Purchasing Program.**
25. **Amendment to the City Code prohibiting the use of e-cigarettes or any other similar device inside a public building.**
26. **Resolution authorizing execution of an intergovernmental agreement for sanitary sewage treatment and roadway maintenance and repair between the City of Crystal Lake and the Village of Lakewood.**
27. **Acceptance of the Annual Audit for the Fiscal Year 2013-2014.**
28. **Council Inquiries and Requests**
29. **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.**
30. **Reconvene to Regular Session.**
31. **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: 11

**City Council
Agenda Supplement**

Meeting Date:

October 21, 2014

Item:

Temporary Liquor License – Justin Schroeder Memorial Foundation

Staff Recommendation:

Motion to approve issuance of a Class “16” Temporary Liquor License to the Justin Schroeder Memorial Foundation

Staff Contact:

Eric T. Helm, Deputy City Manager

Background:

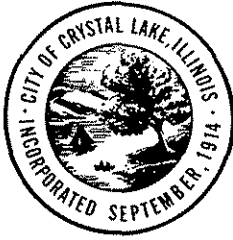
The City has received a request from the Justin Schroeder Memorial Foundation for the issuance of a Class “16” Temporary Liquor License in order to sell beer and wine at the Foundation’s annual fundraiser to be held at St. Elizabeth Ann Seton’s Community Center, located at 1023 McHenry Avenue, on October 25, 2014 from 6:00 p.m. to 11:00 p.m. The funds raised during this event will be used to fund two scholarship programs administered by the foundation. The first program is designated for a graduating senior at Crystal Lake South High School. The second is available to any qualifying McHenry County student who attends Marquette University to study engineering. These scholarship programs were established to honor the memory of Cathy and Kevin Schroeder’s son, Justin, who was a student at both Crystal Lake South High School and Marquette University.

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: 12

**City Council
Agenda Supplement**

Meeting Date: October 21, 2014

Item: Crystal Lake Chamber of Commerce request to officially name the pump house building at 427 W. Virginia Street as the Blazier Center for Commerce, Community & Leadership, and to install wall signage on the building.

Staff Recommendation: Motion to adopt a resolution authorizing the Chamber of Commerce to name the pump house building at 427 W. Virginia Street as the Blazier Center for Commerce, Community & Leadership, and authorizing the Chamber of Commerce to install wall signs on the east and north elevations of the building.

Staff Contact: James L. Richter II, Planning & Economic Development Manager

Background:

The City and the Crystal Lake Chamber of Commerce currently have a lease agreement for the former pump house building that the Chamber uses for their main offices. The Chamber of Commerce is in the seventh year of their 100-year lease (expiring in 2106). The lease requires the Chamber to seek approval from the City prior to installing any signage or making any significant changes to the building.

BLAZIER CENTER FOR COMMERCE, COMMUNITY & LEADERSHIP:

To kick-off the Chamber's 75th year of service and advocacy for the Crystal Lake business community, the Chamber is requesting permission to officially name their office building as the Blazier Center for Commerce, Community, & Leadership, in honor of Bob and Rosemary Blazier's many contributions to the Crystal Lake Chamber of Commerce and to the Crystal Lake community. Simultaneously, the Chamber will launch a yearlong funding effort to raise \$75,000 to pay down the debt associated with the recent renovation of the Chamber office.

SIGNAGE

The lease agreement requires the Chamber to seek approval from the City prior to installing signage on the building. The Chamber would like to install two wall signs with the new name "Blazier Center for Commerce, Community & Leadership" on the north wall of the building and the east side over the entrance to the building. The signs would be comprised of metal lettering, either channel letters or die-cut lettering mounted on a solid color background. The Chamber

will be required to meet the requirements of the Sign Ordinance and submit permits for the signs prior to installation.

Recommendation:

It is Staff's recommendation that the Mayor and City Council approve the attached resolution and authorize the Crystal Lake Chamber of Commerce to name the pump house building as the Blazier Center for Commerce, Community & Leadership, and to install wall signage on the building, with the following conditions:

- 1) The Crystal Lake Chamber of Commerce's right to name the building at 427 W. Virginia Street as the Blazier Center for Commerce, Community & Leadership shall run concurrently with the lease for the building.
- 2) The Crystal Lake Chamber shall submit detailed plans and illustrations for the design of the wall signs, including any illumination details, for final review and approval by City Staff.

Votes Required to Pass:

Simple majority vote.



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RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the Crystal Lake Chamber of Commerce is hereby authorized to name the Chamber of Commerce office building, also known as the pump house building, at 427 W. Virginia Street, as the Blazier Center for Commerce, Community & Leadership and to install wall signage on the building, pursuant to the conditions of approval.

DATED this 21st day of October, 2014.

CITY OF CRYSTAL LAKE, an
Illinois Municipal Corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED:
APPROVED:



Agenda Item No: 13

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	October 21, 2014
<u>Item:</u>	Rebound-The Chris Herren Story Community Forum
<u>Staff Recommendation:</u>	Discussion Only and Sponsorship Recognition
<u>Staff Contact:</u>	James R. Black, Chief of Police

Background:

The Crystal Lake Police Department is hosting a community forum on the topic of substance abuse. The community forum will be held on November 5, 2014, at 7:00 pm, at Prairie Ridge High School. Chris Herren will be the speaker at the community forum.

Chris Herren, a former NBA professional athlete for the Boston Celtics, will speak about his personal journey from substance abuse to recovery. He shares his harrowing story of abuse and recovery in his memoir, *Basketball Junkie*, as well as in numerous interviews throughout the Emmy-nominated ESPN Films documentary, *UNGUARDED*, of which he is the subject. In inspiring presentations, Chris Herren draws on his own history to convince audiences that it is never too late to follow your dreams and urges audience members to overcome their setbacks and start making the right choices. To support this vision, he founded The Herren Project, a nonprofit organization dedicated to providing treatment navigation, and educational and mentoring programs to those touched by addiction and to educating people of all ages on the dangers of substance abuse.

As part of the planning for this event, the Crystal Lake Police Department has partnered with Community High School District 155 to bring the Chris Herren presentation to student assemblies at Crystal Lake High Schools. Students will see *Rebound-The Chris Herren Story* at assemblies on November 5th and November 6th. The Police Department has extended an invitation to area businesses to become sponsors of the event. Community sponsors of this event are Home State Bank, Rosecrance, McHenry County Community Foundation, Sage Products, and the McHenry County State's Attorney's Office. Sponsors in attendance will receive a Certificate of Recognition from the Police Department for their generous contributions.

The Crystal Lake Police Department, Community High School District 155, and donations from sponsors will equally offset the costs of the presentations. The Police Department will fund this expenditure through the use of funds in an asset forfeiture account.

Votes Required to Pass: Discussion Only



Agenda Item No: 14

**City Council
Agenda Supplement**

Meeting Date:

October 21, 2014

Item:

Sign Variation to allow a 104-square-foot, 10.5-foot high temporary sign for McHenry County College at 8900 Route 14.

Staff Recommendation:

City Council Discretion:

- A. Motion to approve an ordinance with the recommended conditions for the variation as requested.
- B. Motion to deny the variation request.

Staff Contact:

James Richter II, Planning & Economic Development Manager

Background:

- IDOT is currently working on widening Route 14 from Crystal Lake to Woodstock. As part of this roadway project, the existing free-standing sign at McHenry County College will need to be removed.
- The petitioner requested a sign variation in 2013 to allow a 104-square-foot, 10.5-foot-high temporary sign at Tartan Drive and Route 14, near Entrance 3 of the school. The request was approved with an allowance for the sign to remain for the duration of the roadway construction project.

Analysis

- Per the UDO, a temporary sign is defined as a sign, with or without frames, intended to be displayed for a short period of time, which displays information that is not permanently associated with the use located on the property. The petitioner is requesting the temporary sign during the roadway construction.
- Temporary signs are permitted to be 16 square feet, 6 feet in height with a 10-foot setback. This sign would be 104 square feet, double-sided, 10.5 feet high and setback 7 feet from the right-of-way. The petitioner plans to illuminate the sign with external ground-mounted flood lights.
- The petitioner is requesting a variation from Section 4-1000 G Civic Signs in the UDO. The following table illustrates the Ordinance requirements and whether the proposed sign meets those requirements:

Item	UDO Requirement	Proposed Signage	Variation
Location	All signs must be located on the site which they identify.	Located on the site at the main entrance.	No
Quantity of Temporary Signs	2	2 (This sign would be the second one requested.)	No
Size	16 square feet per side	104 square feet per side	Yes
Height (feet)	6 feet	10.5 feet	Yes
Setback	10 feet from property line	7 feet from property line	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.

Recommended Conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application, (Joe Vavrina, received 10/10/14)
 - B. Sign and Lighting Details, (HR Green, dated 10/7/13, received 10/10/14)

2. The temporary sign is granted for the duration of the Route 14 road construction project between Crystal Lake and Woodstock, and shall be removed 30 days after the substantial completion of the construction project.
3. The sign shall meet all of the other requirements in the UDO.
4. The exterior lighting for the sign is approved with the 2700 K eW Burst Powercore, which illuminates at 1,046 lumens.

Votes Required to Pass: Simple majority vote

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ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING A SIGN VARIATION FOR
McHENRY COUNTY COLLEGE, 8900 ROUTE 14

WHEREAS, pursuant to the terms of the request (File #2014-04-F) before the City of Crystal Lake, the Petitioner has requested a sign variation to allow a 104 square foot, 10.5 foot high temporary sign for McHenry County College; 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 104 square foot, 10.5 foot high temporary sign for McHenry County College located at 8900 Route 14 (PIN 13-25-300-013), Crystal Lake, Illinois with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application, (Joe Vavrina, received 10/10/14)
 - B. Sign and Lighting Details, (HR Green, dated 10/7/13, received 10/10/14)
2. The temporary sign is granted for the duration of the Route 14 road construction project between Crystal Lake and Woodstock, and shall be removed 30 days after the substantial completion of the construction project.
3. The sign shall meet all of the other requirements in the UDO.
4. The exterior lighting for the sign is approved with the 2700 K eW Burst Powercore, which illuminates at 1,046 lumens.

SECTION II: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting of

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

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

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

MAYOR

ATTEST:

CITY CLERK

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Agenda Item No: 15

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	October 21, 2014
<u>Item:</u>	REPORT OF THE PLANNING & ZONING COMMISSION #2014-41 103 Sunnyside Ave (Dimopoulos)
<u>Request:</u>	Variation from Article 3-200, 7-200B (iii) and 7-300B 4 from the minimum front yard setback requirements to allow a 40-foot encroachment of a covered front porch that will be added to the existing nonconforming principal structure.
<u>Petitioner:</u>	Corbie Dimopoulos, petitioner
<u>PZC Recommendation:</u>	To approve the PZC recommendations and adopt an ordinance granting the variations from the required 57-foot front yard setback at 103 Sunnyside Avenue.
<u>Staff Contact:</u>	James Richter II, Planning and Economic Development Manager

Background:

- **Existing Use:** The property is improved with a single family home. The principal structure has a front yard setback of 18 feet and the required front yard setback for the property is 57 feet, due to the setbacks of the two closet structures.
- **Background:** The property is nonconforming due to the property not meeting the front yard setback requirement as outlined in the UDO for R-2 zoning. The property will be remodeled. The remodel includes a first floor addition to the existing structure, 3-car attached garage, second floor addition, new covered front porch and a conversion of the existing detached garage to a garden shed. The petitioner is requesting a variation from the front yard setback. The proposed covered porch would extend one foot from the current footprint of the existing principal structure. The proposed covered front porch would therefore increase the encroachment of the front yard setback, creating a 40-foot encroachment.

Key Factors:

- **Request:** The petitioner is requesting a variation from the minimum front yard setback requirement.
- **UDO Standard:** The R-2 Single Family zoning district requires a front yard setback that is the average existing setback of the dwellings on the two closest lots for nonconforming

properties or 70% of the required front yard setback, whichever is greater. The front yard setback therefore is 57 feet.

PZC Highlights:

- Mr. Skluzacek recused himself from the discussion of this petition.
- The PZC felt that the 40-foot encroachment on the front yard setback would not be an issue because the request meets the standards in the staff report.
- Commission members agreed the remodel would fit in with the character of the neighborhood.
- The PZC agreed that the Findings of Fact had been met.

The PZC recommended **approval (5-0)** of the petitioner's request with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Dimopoulos, received 09/05/14)
 - B. Survey (Luco Construction Company, dated 09/27/13, received 09/05/14)
 - C. Building Renovation and Addition (Reece Architects, dated 08/22/14, received 09/12/14)
2. The variation from Article 3-200, 7-200B (iii) and 7-300B 4 from the minimum front yard setback requirement to allow a 40-foot encroachment of a new covered front porch is hereby granted.
3. The addition to the property may not increase the encroachment of the front yard setback by more than one foot, totaling in a maximum encroachment of 40 feet.
4. Style, colors and materials shall be complementary to the principal structure.
5. The petitioner shall address all of the review comments and requirements of the Community Development, Public Works, and Fire Rescue Departments.

Votes Required to Pass: A simple majority vote.

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ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING A VARIATION
AT 103 SUNNYSIDE AVENUE

WHEREAS, pursuant to the terms of the Application (File #2014-41) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested the granting of a Simplified Residential Variation from Article 3-200, 7-200B (iii) and 7-300B 4 from the minimum front yard setback requirements to allow a 40-foot encroachment of a covered front porch that will be added to the existing nonconforming principal structure; and

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

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

SECTION I: That a Variation be granted from the Crystal Lake Unified Development Ordinance Article 3-200, 7-200B (iii) and 7-300B 4 from the minimum front yard setback requirements to allow a 40-foot encroachment of a covered front porch that will be added to the existing nonconforming principal structure at the property at 103 Sunnyside Avenue (18-01-203-001, -002, and -003), Crystal Lake, Illinois.

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

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Dimopoulos, received 09/05/14)
 - B. Survey (Luco Construction Company, dated 09/27/13, received 09/05/14)
 - C. Building Renovation and Addition (Reece Architects, dated 08/22/14, received 09/12/14)
2. The variation from Article 3-200, 7-200B (iii) and 7-300B 4 from the minimum front yard setback requirement to allow a 40-foot encroachment of a new covered front porch is hereby granted.
3. The addition to the property may not increase the encroachment of the front yard setback by more than 1-foot, totaling in a maximum encroachment of 40 feet.
4. Style, colors and materials shall be complementary to the principal structure.
5. The petitioner shall address all of the review comments and requirements of the Community Development, Public Works, and Fire Rescue Departments.

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

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

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

MAYOR

ATTEST:

CITY CLERK

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Agenda Item No: 16

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	October 21, 2014
<u>Item:</u>	REPORT OF THE PLANNING & ZONING COMMISSION #2014-42 153 N. Greenfield Ave (Karr-Shoevlin)
<u>Request:</u>	Variation from Article 3-200, 7-200B (iii) and 7-300B 4 from the minimum front yard setback requirements to allow a 12-foot encroachment of a new front porch.
<u>Petitioner:</u>	Tim Shoevlin, petitioner
<u>PZC Recommendation:</u>	To approve the PZC recommendations and adopt an ordinance granting the variations from the required 42-foot front yard setback at 153 N. Greenfield Avenue.
<u>Staff Contact:</u>	James Richter II, Planning and Economic Development Manager

Background:

- Existing Use: The property is improved with a single family home. Currently, there are no accessory structures or porches on the property.
- Background: The property is nonconforming due to the property not meeting the lot width requirement or the front yard setback requirement as outlined in the UDO for R-2 zoning. The petitioner is requesting a variation for the front yard setback. The proposed front porch is 8 feet by 18 feet and would create a 12-foot encroachment of the front yard setback.

Key Factors:

- Request: The petitioner is requesting a variation from the minimum front yard setback requirement.
- UDO Standard: The R-2 Single Family zoning district requires a front yard setback that is the average existing setback of the dwellings on the two closest lots for nonconforming properties or 70% of the required front yard setback, whichever is greater. The front yard setback has been calculated at 42 feet.

PZC Highlights:

- The PZC found that the 12-foot encroachment on the front yard setback would not be an issue because many homes on the street have a front porch.

- Commission members agreed the addition of a front porch would fit in with the character of the neighborhood.
- Residents in the area support the addition, stating that it would improve the curb appeal of the neighborhood.
- The PZC agreed that the Findings of Fact had been met.

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

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Karr-Shoevlin, received 09/12/14)
 - B. Survey (Shoevlin, received 09/12/14)
 - C. Proposed deck plan (Shoevlin, received 09/12/14)
 - D. Setback measurements drawing (City staff, received 09/12/14)
2. The variation from the minimum front yard setback requirement to allow a 12-foot encroachment of a new front porch is hereby granted.
3. The size of the front porch cannot be expanded in the future, thereby limiting further encroachment of the front yard setback.
4. Style, colors and materials shall be complementary to the principal structure.
5. The petitioner shall address all of the review comments and requirements of the Community Development, Public Works, and Fire Rescue Departments.

Votes Required to Pass: A simple majority vote.

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ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING A VARIATION
AT 153 GREENFIELD AVENUE

WHEREAS, pursuant to the terms of the Application (File #2014-42) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested the granting of a Simplified Residential Variation from Article 3-200, 7-200B (iii) and 7-300B 4 from the minimum front yard setback requirements to allow a 12-foot encroachment of a new front porch that will be added to the existing nonconforming principal structure; and

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

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

SECTION I: That a Variation be granted from the Crystal Lake Unified Development Ordinance Article 3-200, 7-200B (iii) and 7-300B 4 from the minimum front yard setback requirements to allow a 12-foot encroachment of a new front porch that will be added to the existing nonconforming principal structure at the property at 153 Greenfield Avenue (18-01-227-014), Crystal Lake, Illinois.

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

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Karr-Shoevlin, received 09/12/14)
 - B. Survey (Shoevlin, received 09/12/14)
 - C. Proposed deck plan (Shoevlin, received 09/12/14)
 - D. Setback measurements drawing (City staff, received 09/12/14)
2. The variation from the minimum front yard setback requirement to allow a 12-foot encroachment of a new front porch is hereby granted.
3. The size of the front porch cannot be expanded in the future, thereby limiting further encroachment of the front yard setback.
4. Style, colors and materials shall be complementary to the principal structure.
5. The petitioner shall address all of the review comments and requirements of the Community Development, Public Works, and Fire Rescue Departments.

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

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

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

MAYOR

ATTEST:

CITY CLERK

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Agenda Item No: 17

**City Council
Agenda Supplement**

- Meeting Date:** October 21, 2014
- Item:** REPORT OF THE PLANNING & ZONING COMMISSION
#2014-40 171 S. Main Street Rezoning and SUP
- Requests:**
1. Rezoning from M-L Manufacturing Limited to B-4 Downtown Commercial.
 2. Special Use Permit to allow a single-family attached first floor residential use in the B-4 zoning district.
- Petitioner:** Karlan Covey, attorney
Neil Boyer, petitioner
- PZC Recommendation:** To approve the PZC recommendations and adopt an ordinance granting the Rezoning and Special Use Permit for 171 S. Main Street.
- Staff Contact:** James Richter II, Planning and Economic Development Manager
-

Background:

- Existing Use: The property is currently a vacant manufacturing/office building.
- Proposed Use: The use of the building as a residence and home business for Lifestyle Transitions and White Oak Interiors and rental office space. The petitioners currently work out of their house. This would allow them to expand their home business and then create a separate residence also within the same building. There will be office space to rent for additional tenants.

Key Factors:

- Requests:
 - Rezoning from M-L Manufacturing Limited to B-4 Downtown Commercial.
 - The petitioner is requesting a Special Use Permit. Residential is permitted as an upper story residence as part of a commercial building. This residence would be on the first floor, requiring the Special Use Permit.

PZC Highlights:

- The PZC had concerns about parking if new tenants moved into the building.
- The PZC reviewed the Findings of Fact and found that the petitioner met the criteria for the Rezoning and Special Use Permit.

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

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Boyer, received 09/11/14)
 - B. Application Packet Narrative (Boyer, received 09/15/14)
2. The petitioner shall submit a complete set of building permit plans for any interior alterations and is required to meet all life-safety codes for all commercial, office and residential uses.
3. All parking areas shall be on a paved surface with at least 1 enclosed space for the residence and 11 additional striped spaces.
4. The petitioner shall address all of the review comments and requirements of the Community Development and Fire Rescue Departments.

Votes Required to Pass:

A simple majority vote.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING REZONING AND
A SPECIAL USE PERMIT
AT 171 S. MAIN STREET

WHEREAS, pursuant to the terms of a Petition (File #2014-40) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested Rezoning from "M-L" Manufacturing Limited to "B-4" Downtown Commercial and a Special Use Permit to allow a single-family attached first floor residential use in the "B-4" zoning district for the property located at 171 S. Main Street; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Rezoning and 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 the Rezoning from "M-L" Manufacturing Limited to "B-4" Downtown Commercial and a Special Use Permit to allow a single-family attached first floor residential use in the "B-4" zoning district for the property commonly known as 171 S. Main Street (19-04-157-005), Crystal Lake, Illinois.

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

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Boyer, received 09/11/14)
 - B. Application Packet Narrative (Boyer, received 09/15/14)
2. The petitioner shall submit a complete set of building permit plans for any interior alterations and is required to meet all life-safety codes for all commercial, office and residential uses.
3. All parking areas shall be on a paved surface with at least 1 enclosed space for the residence and 11 additional striped spaces.
4. The petitioner shall address all of the review comments and requirements of the Community Development and Fire Rescue Departments.

Section III: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the issuance of a

DRAFT

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: 18

City Council Agenda Supplement

Meeting Date:

October 21st, 2014

Item:

Crossing Guard Services Agreement

Staff Recommendation:

Motion to adopt a resolution authorizing the Mayor to execute an agreement with the Board of Education of Crystal Lake Community Consolidated School District 47 for crossing guard services.

Staff Contact:

James R. Black, Chief of Police

Background:

For the past several years, the Crystal Lake Police Department and Crystal Lake School District 47 have worked cooperatively to provide crossing guard services at middle and elementary schools. The City currently employs twelve crossing guards who work at fourteen locations (three substitute crossing guards). Each crossing guard receives a daily pay rate determined by the location and time spent at that daily location. The program is administered by the Police Department, which also provides training and equipment for the crossing guards. Historically, Crystal Lake School District 47 has provided reimbursement to the City for approximately half of program costs. To date, however, both parties do not have a formal agreement outlaying program details. Accordingly, City staff recently worked with Crystal Lake School District 47 to formalize an agreement to improve and clarify the terms of the program.

The proposed agreement outlines the key components of the crossing guard program. For example, the following components include but are not limited to:

- human resources activities such as hiring and training;
- cost sharing;
- covering shifts for absent crossing guards;
- provisions for contracting out crossing guard services;
- indemnification/liability language; and
- Workers' Compensation Insurance.

The agreement will automatically renew yearly and either party has the right to not renew the Agreement if appropriate notice is provided. School District 47 has verbally approved this agreement and will provide their Board with a copy of the agreement for review.

Legal staff has reviewed this agreement.

Votes Required to Pass:

Simple majority



DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the Mayor is hereby authorized and directed to execute an agreement with the Board of Education of Crystal Lake Community Consolidated School District 47 for crossing guard services.

DATED this 21st day of October, 2014

CITY OF CRYSTAL LAKE, an
Illinois Municipal Corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: October 21, 2014
APPROVED: October 21, 2014



Agenda Item No: 19

**City Council
Agenda Supplement**

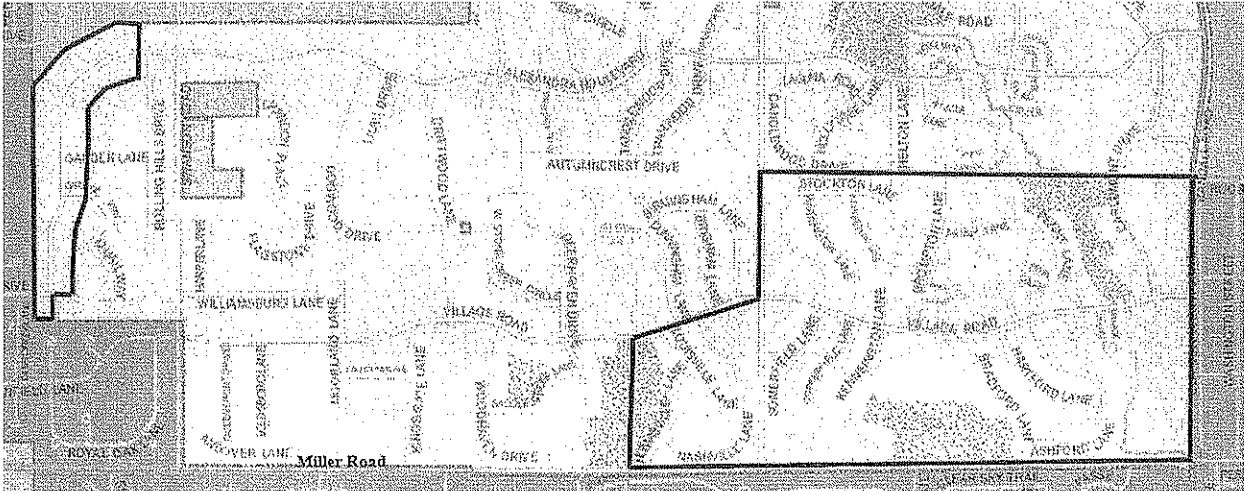
Meeting Date: October 21, 2014

Item: An Intergovernmental Agreement between the City of Crystal Lake and the Lake in the Hills Sanitary District.

Staff Recommendation: Motion to approve a Resolution authorizing the City Manager to execute an intergovernmental agreement between the City of Crystal Lake and the Lake in the Hills Sanitary District providing for the discontinuance of water service to premises for the nonpayment of sewerage service charges.

Staff Contact: George Koczwar, Finance Director
Victor Ramirez, Director of Public Works

Background: There exists an area within the corporate limits of the City of Crystal Lake (City) where sanitary sewer service is provided by the Lake in the Hills Sanitary District (District) instead of the City. In the area depicted below, approximately 790 properties receive sanitary sewer service from the District and water service from the City.



Representatives from the District contacted City staff and requested assistance with customers who are delinquent on their sanitary sewer service bills. The requested assistance would fall under the auspices of Illinois Public Act 93-0500.

On June 1, 2004, the Illinois General Assembly passed Public Act 93-0500 that amended the Illinois Municipal Code and the Sanitary District Revenue Bond Act to provide that the payment of delinquent charges for sewerage service to any premises may be enforced by discontinuing either the water service or the sewerage service to that premises, or both.

The attached agreement sets forth procedures for implementing the discontinuing of water to those premises within the parameters of PA93-0500. This agreement will be for a term of five (5) years and automatically renew each year unless cancelled in accordance with the provisions as stated in the agreement.

PA 93-0500 requires a municipality to discontinue water service upon receiving notice from the Sanitary District. Moreover, it also requires the Sanitary District to reimburse the municipality for lost water service revenues and costs of discontinuing service, and it also requires the Sanitary District to indemnify the municipality for any judgment and related attorney fees resulting from any action based on the discontinuance of water service.

The District shall reimburse the City for the cost of the discontinuance and reinstatement of water service in the same amount as set forth in the City Code (\$100.00) for each discontinuance and reinstatement.

Currently, there are currently approximately 20 properties in the City's portion of the District that would be eligible for shut-off. Going forward, the district anticipates only two or three shut-offs per quarter. The anticipated volume of delinquent Sanitary District accounts that result in water shut-offs is significantly less than the average number of delinquent City accounts that result in water shut-offs. Currently, the primary vehicle the District has to collect on delinquent accounts is by placing a lien on a property.

Additionally, this agreement requires the District to reimburse the City for lost water service revenues as determined by the water consumption history of the premises being disconnected. The City estimates that this liability and revenue to the Enterprise Fund will equate to less than \$100.00 annually.

Votes Required to Pass:

Simple majority vote of the City Council.

DRAFT



**A RESOLUTION AUTHORIZING EXECUTION OF AN
AGREEMENT BETWEEN THE CITY OF CRYSTAL LAKE AND
THE LAKE IN THE HILLS SANITARY DISTRICT**

BE IT RESOLVED by the City Council of the City of Crystal Lake, McHenry County, Illinois, as follows:

1. That the form and substance of a certain agreement (the "Agreement"), between the City of Crystal Lake (the "City") and the Lake in the Hills Sanitary District (the "District"), for the discontinuance of water service to premises for the nonpayment of sewerage service charges, as set forth in the form of the Agreement submitted to this meeting is hereby approved.
2. That the City Manager and City Clerk are hereby respectively authorized and directed for and on behalf of the City to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the City Manager shall deem necessary.
3. That the proper officials, agents and employees of the City are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the City in accordance with the provisions of the Agreement.
4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.
5. That the resolution shall be in full force and effect from and after its passage as provided by law.

DRAFT

DATED this 21st day of October, 2014.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: October 21, 2014
APPROVED: October 21, 2014



Agenda Item No: 20

City Council Agenda Supplement

<u>Meeting Date:</u>	October 21, 2014
<u>Item:</u>	An Intergovernmental Agreement between the City of Crystal Lake and the Crystal Lake Park District.
<u>Staff Recommendation:</u>	Motion to approve a Resolution authorizing the City Manager to execute an intergovernmental agreement between the City of Crystal Lake and the Crystal Lake Park District providing for certain storm water improvements.
<u>Staff Contact:</u>	George Koczvara, Finance Director Abby Wilgreen, City Engineer

Background:

On March 19, 1974, the City and the Park District entered into a lease agreement, whereby the Park District granted to the City the right to construct and maintain a storm water basin on property owned by the Park District. The property is located east of the Main Beach parking lot and north of Lake Avenue as described below.



Following the approval of the Lease, the City constructed the Basin. The lease expired in 1999.

On May 18, 2006, the City and the Park District entered into an intergovernmental agreement providing for certain obligations of the Park District and certain obligations of the City. At the time that the parties entered into the 2006 Agreement, it was anticipated that a storm sewer line would be constructed within the right-of-way on Nash Road as part of the development of the property commonly known as the Bryn Mawr Development. Only a portion of the Bryn Mawr Development has been completed and the remaining portion of the Bryn Mawr Development that would have necessitated the construction of the Nash Road Storm Sewer has not been completed. It is not anticipated that such portion of the Bryn Mawr Development will be constructed in the foreseeable future.

The District Obligations in the 2006 Agreement included the granting of certain rights-of-way and easements, including the granting of a "Storm Sewer and Storm Water Detention Easement" to the City to allow for the continuing use, installation and maintenance of the Basin as well as the use, installation and maintenance of a storm sewer.

The City's Obligations are set forth in Section 6 of the 2006 Agreement related to certain obligations of the City that were contingent upon the completion of the Bryn Mawr Development. Section 6(b) provided for the construction of a stub for sanitary sewer in close proximity to the maintenance garage at Main Beach.

Paragraph 6(f) of the 2006 Agreement required the City to provide the District with credits against connection fees charged by the City for the District's connection to the City's water and sanitary sewer system, in lieu of payment for certain dedication of rights-of-way for Country Club Road and Lake Avenue, as well as the dedication of easements for the Bryn Mawr Development. The total amount of the credits to be given was \$125,000. As of the current date, the City has applied \$110,696.13 of the \$125,000 credit, leaving a credit balance of \$14,303.87.

Paragraph 6 of the 2006 Agreement provided that in the event the Nash Road storm water line was not constructed, the City would be obligated to pay rent for the use of the Basin, commencing in the 11th year of the Agreement.

In 2011, the District began operation of the Acorn Alley Splash Park on the property located at 431 N. Walkup Road, Crystal Lake, Illinois. The current unpaid balance of the water and sewer connection fees for the Acorn Alley Splash Park, is \$184,350.22. After application of the Credit Balance (\$14,227.24), the remaining balance due to the City for the Acorn Alley connection fee is \$170,122.98. The District anticipates building one additional splash park in the foreseeable future.

In light of the lack of progress on the completion of the Bryn Mawr Development, the construction of the Nash Road Storm Sewer is not presently feasible. In the best interests of the City and the District and their respective residents, the attached Intergovernmental Agreement would grant a perpetual storm water easement to the City for the maintenance and operation of the Basin and the Storm Sewer, as well as future modification by the City to the Basin, provided that the area of the Basin would remain available to the District and its citizens for passive recreational uses such as bird watching, walking, picnicking and photography, which will not interfere with the operation or maintenance of the Basin or the Storm Sewer.

Concurrently, the City would waive the Acorn Alley Connection Fee Balance and any future water and sewer connection fees for the Additional Splash Park as consideration for the granting of the perpetual easement contemplated by this Agreement.

Summary of Proposed Intergovernmental Agreement:

1. The Park District will grant a perpetual easement to the City for modifications, maintenance and operation of the storm water basin.
2. The City will waive the Acorn Alley Connection Fee Balance and any future water and sewer connection fees for the Additional Splash Park.
3. Release of the City's obligation under the 2006 Agreement. The Park District will release any and all unsatisfied obligations of the City under the 2006 Agreement and agrees that the City shall be under no obligation to perform any of the City's Obligations under the 2006 Agreement which have not previously been satisfied.
4. Waiver of permit fees. As additional consideration, the District and the City agree to the waiver of certain fees, as follows.
 - a) Waiver of Fees Normally Charged by the City: The fees normally charged by the City in connection with: 1) building permit applications; 2) zoning applications; and 3) engineering site review shall be waived by the City with respect to any projects initiated and under the control of the District.
 - b) Waiver of Fees Normally Charged by the District: The Fees normally charged by the District in connection with 1) the rental/use of District facilities; and 2) the rental/use of District equipment shall be waived by the District with respect to any use of such facilities and equipment by the City.
 - c) Charges for Outside Consultants. To the extent that the City and/or the District incur costs for the retention of outside consultants in connection with the subject matters for which a waiver of fees is granted pursuant to this Section, the party receiving such fee waiver shall reimburse the party granting the fee waiver for such actual costs, without a premium added to such costs, provided that such costs would normally be charged in the absence of a fee waiver.
 - d) Duration of Fee Waiver. The fee waivers referenced in this Section 4 of this Agreement shall be applied throughout the duration of the executed Perpetual Easement.

Votes Required to Pass:

Simple majority vote of the City Council.



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**A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN
THE CITY OF CRYSTAL LAKE AND THE CRYSTAL LAKE PARK DISTRICT**

BE IT RESOLVED by the Mayor and City Council of the City of Crystal Lake, McHenry County, Illinois, as follows:

1. That the form and substance of a certain agreement (the "Agreement"), between the City of Crystal Lake (the "City") and the Crystal Lake Park District (the "District"), for the perpetual easement to the City for modifications, maintenance and operation of the storm water basin, as set forth in the form of the Agreement submitted to this meeting is hereby approved.
2. That the City Manager and City Clerk are hereby respectively authorized and directed for and on behalf of the City to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution.
3. That the proper officials, agents and employees of the City are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the City in accordance with the provisions of the Agreement.
4. That the resolution shall be in full force and effect from and after its passage as provided by law.

DATED this 21st day of October, 2014.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL
ATTEST

CITY CLERK

PASSED: October 21, 2014
APPROVED: October 21, 2014



Agenda Item No: 21

**City Council
Agenda Supplement**

Meeting Date: October 21, 2014

Item: Tree Pruning Services

Staff Recommendation: Motion to award the bid for Tree Pruning Services to the lowest responsive and responsible bidder, Landscape Concepts Management, and to adopt a resolution authorizing the City Manager to execute a service agreement with Landscape Concepts Management in the amount of \$19.50 per tree pruned.

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

Background:

On October 14, 2014, the City of Crystal Lake publicly opened and read aloud the bids received for the services related to tree pruning. The goal of this program is to continue achieving a healthy, sustainable forest and improve the natural resource management within the community. The tree pruning program is specific only to those trees on public property or otherwise designated. The program covers only trees that require routine arboriculture pruning to correct structural problems or growth patterns which would eventually obstruct traffic or interfere with sightlines or signage. One of the main objectives of this pruning is to raise the crown of the trees to stay consistent with City policies.

The Streets Division identified the following targeted neighborhoods within the City of Crystal Lake as the most critical areas in need of tree-pruning services. The base bid is identified as the Wyndmuir Subdivision, Kelly Lane, and Old Westbury areas, consisting of approximately 480 trees averaging 8" to 16" DBH. In addition, an alternate targeted in this bid are Sara Ridge, Talcott, Wildflower, and Kingsport Ridge areas, consisting of approximately 495 trees averaging 8" to 16" DBH. The breakdown of bids is as follows:

	Bid Price per Tree
√Landscape Concepts Management Grayslake, IL	\$19.50
JW Hellyer and Sons Tree Service Marengo, IL	\$44.00
Winklers Tree & Landscaping, Inc. La Grange Park, IL	\$53.81

√ Indicates the lowest responsive and responsible bidder

Recommendation:

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid documents. It is the recommendation of staff to award the Tree Pruning services to the lowest responsive and responsible bidder, Landscape Concepts Management. Landscape Concepts Management has performed these services for the City in the past with favorable results, and currently holds the City's contract for Lawn Care Maintenance.

Votes Required to Pass:

Simple Majority



DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be and he is hereby authorized and directed to execute an agreement with Landscape Concepts Management for Tree Pruning Services in the amount of \$19.50 per tree pruned.

DATED this 21st day of October, 2014.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL
ATTEST

CITY CLERK

PASSED: October 21, 2014
APPROVED: October 21, 2014



Agenda Item No: 22

**City Council
Agenda Supplement**

Meeting Date: October 21, 2014

Item: 2014 Crack Sealing Program

Staff Recommendation: Motion to award the 2014 Crack Sealing Program bid to the lowest responsive and responsible bidder, Behm Pavement Maintenance, Inc., in the bid amount of \$38,925.00, and adopt a resolution authorizing the City Manager to execute the contract with Behm Pavement Maintenance, Inc., allowing for a 10 percent contingency.

Staff Contact: Abigail Wilgreen, City Engineer

Background:

On October 13, 2014, bids received for the 2014 Crack Sealing Program were opened and publicly read. The City received three bids and the results are tabulated below.

<i>Firm</i>	<i>Amount of Bid</i>
Behm Pavement Maintenance, Inc. ¹ Crystal Lake, IL	\$38,925.00 ²
SKC Construction, Inc. West Dundee, IL	\$41,250.00
Microsurfacing Contractors, LLC St. Louis, MO	\$48,750.00

¹ Indicates Recommended Lowest Responsive and Responsible Bidder

² Corrected Bid Amount Based on Submitted Unit Prices with Adjusted Quantities

The following table contains the list of streets included in the 2014 program.

<i>STREET</i>	<i>FROM</i>	<i>TO</i>
Barlina Road	Golf Course Road	McHenry Avenue
Caroline Street	Franklin Avenue	Woodstock Street
Country Oaks Subdivision	All	
Crystal Lake Avenue	Walkup Avenue	Dole Avenue

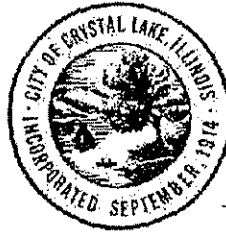
Paddock Street	Williams Street	McHenry Avenue
Walkup Avenue	Railroad	Franklin Avenue
Waterford Cut	Huntley Road	Bennington Drive
Wedgewood Drive	Phase 1 and Phase 1A	
Williams Street	Crystal Lake Avenue	Esther Street

The City has completed three crack sealing programs since 2012, and has found it to be a very cost-effective way to extend the usable life of the City's streets. As an example, roadways which were previously crack sealed exhibited much less distress during the harsh winter of 2014.

Specifications were mailed to various contractors and standard bid advertisement procedures were followed. Behm Pavement Maintenance completed the fall 2013 crack sealing program. Due to advantageous prices, quantities have been increased to crack seal additional streets beyond what was included in the original bid but within budget. This project is included in the Fiscal Year 2014-15 budget.

Votes Required to Pass:

Simple majority



DRAFT

The City of Crystal Lake Illinois

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be authorized to execute the contract with Behm Pavement Maintenance, Inc. for the 2014 Crack Sealing Program in the amount of \$38,925.00. The City Manager is additionally authorized to approve up to 10 percent in justifiable contract amendments from a contingency allowance.

DATED this twenty-first day of October, 2014.

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
MAYOR

SEAL

ATTEST:

CITY CLERK

PASSED: October 21, 2014

APPROVED: October 21, 2014



Agenda Item No: 23

**City Council
Agenda Supplement**

Meeting Date: October 21, 2014

Item: Illuminated Street Name Sign Program, Year Two, Installation Bid Award

Staff Recommendation: Motion to award the Illuminated Street Name Sign bid to the lowest responsive and responsible bidder, Meade, Inc., in the bid amount of \$61,821.39, and adopt a resolution authorizing the City Manager to execute a contract with Meade, Inc. in the amount of \$61,821.39, and allowing for a 10 percent contingency.

Staff Contact: Abigail Wilgreen, City Engineer

Background:

On October 9, 2014, the City opened and publicly read the bids received for the second part of the Illuminated Street Name Sign program. The City received three bids and the results are tabulated below.

<i>Firm</i>	<i>Amount of Bid</i>
Meade, Inc. ¹ McCook, IL	\$61,821.39
Home Towne Electric, Inc. Lake Villa, IL	\$66,005.60
Lyons Electric Company, Inc. LaGrange, IL	\$68,600.00

¹ Indicates Recommended Lowest Responsive and Responsible Bidder

Illuminated street name signs assist visitors to our community in finding key intersections as they travel in night time conditions. The three intersections included in this year's program are:

- US Route 14 and Teckler Boulevard
- US Route 14 and Crystal Point Drive
- US Route 14 and Exchange Drive

Illuminated street name signs were previously installed at the Congress Parkway and Pingree Road intersection in 2012. Earlier this year, the City installed illuminated street name signs at two intersections along Main Street: the Route 14 and Congress Parkway intersections. The program is scheduled to continue over the next four years.

Specifications were mailed to various contractors and standard bid advertisement procedures were followed. Meade is the City's current traffic signal and street light maintenance contractor. The City has received high quality and responsive service from them. Motor Fuel Tax (MFT) funds have been allocated for this project.

Votes Required to Pass:

Simple majority



DRAFT

The City of Crystal Lake Illinois

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be authorized to execute the contract with Meade, Inc., for the Illuminated Street Name Sign Program Year Two Installation in the amount of \$61,821.39. The City Manager is additionally authorized to approve up to 10 percent in justifiable contract amendments from a contingency allowance.

DATED this twenty-first day of October, 2014.

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
MAYOR

SEAL

ATTEST:

CITY CLERK

PASSED: October 21, 2014

APPROVED: October 21, 2014



Agenda Item No: 24

City Council Agenda Supplement

Meeting Date: October 21, 2014

Item: State of Illinois Joint Purchase Contract for Computer Desktops

Staff Recommendation: Motion to adopt a resolution authorizing the City Manager to execute an agreement with CDS Office Technologies for the purchase of thirty-five (35) computer desktops in the amount of \$35,549.00 through the State of Illinois Joint Purchasing Program.

Staff Contact: Greg Fettes, Director of Information Technology

Background:

Every year, as a part of the budget preparation process, Information Technology staff review the City's inventory of data processing equipment, in concert with long-term planning for equipment replacement, to determine the necessity for replacements during the next Fiscal Year. As a part of this review, age of the equipment, what role the equipment plays in the organization, and the types of repair orders received over the course of the unit's lifetime are all taken into consideration.

The typical replacement cycle for corporate desktop machines that are in continuous use is generally every four (4) to five (5) years. As a computer ages, particularly machines that are in continuous use, their electronic components deteriorate. The most noticeable result of this deterioration is a marked increase in component failures and a significant slowdown in the performance of the machine. As machines become slower and must be taken out of service more often for repairs, a significant impact on employee productivity can result. In addition, after several years of service, computer monitors begin to lose their clarity and brightness, which results in difficulty for employees viewing the information on their screens.

Over the past several years, the City has been able to delay the replacement of many machines throughout the organization resulting in significant cost savings. As a result, over the past few years, the City has been increasing the number of machines being replaced in order to remove

these older machines from service and to replace machines containing the Windows XP operating system.

All of the machines proposed for replacement were purchased and built when Windows XP was the flagship operating system from Microsoft. Windows XP was originally released in 2001. Since that time, Microsoft has released the Windows Vista (released in 2007), Windows 7 (released in 2009) and Windows 8 (released in 2012) operating systems. Microsoft support for the Windows XP operating system was terminated earlier this year. All remaining Windows XP machines in the City's inventory are scheduled to be replaced this Fiscal Year.

The core design of Windows operating systems was changed significantly first with Windows Vista (which was not generally well received) and then again with Windows 7. As a result, many new software products and pieces of hardware began to drop support for Windows XP in favor of Windows 7, which can result in difficulties rolling out new software packages and equipment. Older machines running Windows XP generally cannot be updated to the Windows 7 or Windows 8 operating systems because the BIOS (Basic Input Output System) for the motherboard (the main controller in the machine) will not support the newer operating systems. Software drivers for the older video cards, network interface controllers and other machine hardware also generally do not support the newer operating systems.

As a part of the FY2014-2015 budget, a total of thirty-five (35) new and replacement desktop machines were identified. Almost all of the machines identified for replacement have already reached or will reach an age of at least six (6) years by the time they are replaced, and many will be at least seven (7) years of age.

State Joint Purchasing contracts have been awarded to CDS Office Technologies for Desktop hardware. The desktop hardware in the State Joint Purchasing contracts is Lenovo branded hardware, which the City has been utilizing since they were awarded the State Joint Purchasing contract three years ago and we have been pleased with the hardware's performance.

Sufficient funding is available in the FY2014-2015 budget for this project.

Recommendation:

It is the recommendation of Information Technology to purchase thirty-five (35) computer desktops and monitors from CDS Office Technologies in the amount of \$35,549.00 through the State of Illinois Joint Purchasing Program.

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 is authorized to participate in the State of Illinois Joint Purchasing Program and that the City Manager is authorized to execute a contract with CDS Office Technologies for the purchase of thirty-five (35) computer desktops in the amount of \$35,549.00, from the State of Illinois Joint Purchasing Program.

DATED this 21st day of October, 2014.

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: October 21, 2014

APPROVED: October 21, 2014



Agenda Item No: 25

**City Council
Agenda Supplement**

Meeting Date: October 21, 2014

Item: Clean Indoor Air Ordinance

Recommendations: City Council's discretion:
1. Motion to adopt an amendment to the City Code, adding Chapter 212, the Clean Air Ordinance.
2. Motion to deny the amendment.

Staff Contact: Michelle Rentzsch, Director of Community Development
Jim Black, Chief of Police

Background:

- The City Code, Chapter 446, *Smoking*, currently bans the smoking of tobacco products in certain locations, including within public buildings.
- The City has already adopted amendments to the City Code, Chapter 203, *Cigarette Sales*, to include the regulation of e-cigarettes and bans the sale of e-cigarettes to minors.
- The Unified Development Ordinance prohibits smoking or hookah lounges in the City. We have found that many of the e-cigarette sales shops also operate as smoking lounges, wherein patrons are inhaling and exhaling vapors emitted by e-cigarettes or similar devices. Our current Code only considers the lighting (i.e. "burning") of tobacco to be "smoking."
- This amendment to the City Code would include e-cigarettes or any other similar device to be under the same prohibitions as any other lighted tobacco product. This amendment also re-defines the term "smoking" to include the usage of e-cigarettes or other similar devices.

Recommendation:

That Chapter 212 of the Crystal Lake Code of Ordinances is added, as described in the attached proposed Ordinance.

Votes Required to Pass:

Simple Majority



DRAFT

AN ORDINANCE ADDING CHAPTER 212 CLEAN INDOOR AIR ORDINANCE

WHEREAS, the City of Crystal Lake is a home rule unit of government pursuant to Article VII, Section 6(a) of the Illinois Constitution; and

WHEREAS, pursuant to its home rule authority, the City of Crystal Lake may exercise any power and perform any function pertaining to its government and affairs, including promoting the health, safety, and welfare of its citizens; and

WHEREAS, cigarette smoking has been linked to various cancers and lung diseases; and

WHEREAS, many states, including Illinois, have adopted protective clean indoor air laws that eliminate workers', patrons' and visitors' exposure to secondhand smoke; and

WHEREAS, secondhand smoke, which contains 4,000 chemicals, 63 of which cause cancer, is the third leading cause of preventable death in the United States, and the National Cancer Institute determined in 2000 that secondhand smoke is responsible for the early deaths of as many as 65,000 Americans annually; and

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart and respiratory disease, stroke, and lung cancer; and

WHEREAS, the Public Health Service's National Toxicology Program has listed secondhand smoke as a known carcinogen (U.S. DHHS, 2000, citing Cal. EPA, 1997); and

WHEREAS, the ills of smoking and secondhand smoke are well documented in all of the independent medical studies and secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

WHEREAS, children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden death syndrome, developmental abnormalities, and cancer; and

WHEREAS, the Americans with Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability; and

WHEREAS, (1) the U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke, (2) the Environmental Protection Agency has determined that second hand smoke cannot be reduced to safe levels in businesses by high rates of ventilation, (3) air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke, (4) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smoke-free environments because it cannot determine a safe level of exposure to secondhand smoke, which contains cancer-causing chemicals, and ASHRAE acknowledges that the technology does not exist that can remove chemicals from the air that cause cancer; and

WHEREAS, an ASHRAE Position Document on Environmental Tobacco Smoke concludes that at present, the only means of eliminating health risks associated with indoor exposure is to ban all smoking activity; and

WHEREAS, the ASHRAE Position Document further concludes that no current ventilation, air cleaning or other technologies have been demonstrated to control health risks from environmental tobacco smoke exposure in spaces where smoking occurs; and

WHEREAS, numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke-free; and

WHEREAS, creation of smoke-free workplaces is sound economic policy and provides the maximum level of employee health and safety; and

WHEREAS, smoking is a potential cause of fires, cigarette and cigar burns and ash stains on merchandise and fixtures and contributes to the economic damage of businesses; and

WHEREAS, while many struggle with their nicotine and tobacco addiction, those seeking to quit their "habit" have sought several modes of treatment; medicine from their doctors, nicotine patches, and, in recent years, e-cigarettes; and

WHEREAS, e-cigarettes, which first entered the United States market in 2007, are electronic inhalers meant to simulate cigarette smoking. E-cigarettes use a heating element that vaporizes a liquid solution. Some e-cigarettes release nicotine, while some merely release flavored vapor. They are designed to mimic traditional smoking implements in their use and appearance; and

WHEREAS, though e-cigarettes have been advertised as a "safe" alternative to smoking, they are not currently regulated by the United States Food and Drug Administration (FDA), leaving states and cities to adopt their own regulations; and

WHEREAS, several states, including Illinois, have adopted legislation banning the sale

of e-cigarettes to minors; and

WHEREAS, the Center for Disease Control and Prevention (CDC) in a report released on September 5, 2013, stated that ten percent of high school students surveyed reported using e-cigarettes in 2012, up from 4.7 percent in 2011; and

WHEREAS, included in its study, the CDC also reported that these same minors also admitted to smoking conventional cigarettes at the same time; and

WHEREAS, CDC Director Tom Frieden, M.D., M.P.H. stated the “increased use of e-cigarettes by teens is deeply troubling. Nicotine is a highly addictive drug. Many teens who start with e-cigarettes may be condemned to struggling with a lifelong addiction to nicotine and conventional cigarettes.”; and

WHEREAS, according to Tim McAfee, M.D., M.P.H. the Director of the CDC Office on Smoking and Health “it should be the goal of all to protect the health of our youth and to keep them from experimenting or using any tobacco product. These dramatic increases in usage suggest that developing strategies to prevent marketing, sales, and use of e-cigarettes among youth is critical.”; and

WHEREAS, the City of Crystal Lake finds that e-cigarettes with their flavored sweet cartridges and/or nicotine content represent a calculated attempt by e-cigarette manufacturers to entice children and young adults to purchase and use their devices and constitute an indirect marketing campaign which targets youth; and

WHEREAS, the City of Crystal Lake finds that the public health and safety of its citizens, particularly its children, is being endangered by the lack of comprehensive regulation of e-cigarettes; and

WHEREAS, e-cigarettes are devices that convert liquid nicotine into a gas that is inhaled by the consumer; and

WHEREAS, the National Institute for Occupational Safety and Health and the Center for Disease Control and Prevention have prepared emergency response information addressing the dangers associated with liquid nicotine. Nicotine affects the nervous system and heart and is addictive. Exposure to relatively small amounts of liquid nicotine can rapidly be fatal; and

WHEREAS, the City of Crystal Lake finds that for the health and welfare of its citizens, that is in the City’s best interest to regulate e-cigarette usage; and

WHEREAS, the potential harmful effects of inhaling second-hand vapor from e-cigarettes, including liquid nicotine and other toxins, have not been fully studied and are currently unknown; and

WHEREAS, the potential risks of e-cigarettes, when used as intended, to both primary users as well as those inhaling second-hand vapors, are currently unknown, including how much

nicotine or other potentially harmful chemicals are being inhaled during use; and

WHEREAS, pursuant to voluntary adverse event reports, allegedly involving e-cigarettes, received by the FDA from consumers, health professionals and concerned members of the public, adverse events associated with e-cigarettes may include hospitalizations for illnesses such as pneumonia, congestive heart failure, disorientation, seizure, hypotension and other health problems; and

WHEREAS, regulation of the distribution, sale, and use of e-cigarettes is a legitimate role of government relating to the welfare of its citizens; and

WHEREAS, the Crystal Lake City Council finds and declares that the purposes of this Ordinance are (1) to protect the public health and welfare by prohibiting smoking in all public places and places of employment, (2) to guarantee the right of nonsmokers to breathe smoke-free air which shall have priority over the desire to smoke.

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

SECTION 1: The Code of Ordinances, City of Crystal Lake, Illinois, is hereby amended by adding Chapter 212, CLEAN INDOOR AIR ORDINANCE, as follows:

212-5 Title.

This chapter shall be known as the Crystal Lake Indoor Air Ordinance.

212-10 Definitions.

In this chapter:

“Bar” means an establishment which has as its primary business the serving of alcoholic beverages for consumption by guests on the premises. “Bar” includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

“Department” means the Crystal Lake Police Department.

“Electronic cigarette” or “e-cigarette” means any electronically actuated device which in operation causes the user to exhale any smoke, vapor, or other substance other than those produced by unenhanced human exhalation. “Electronic cigarette” or “e-cigarette” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or under any other product name or descriptor. The term “electronic cigarette” does not include any asthma inhaler or other device that has been specifically approved by the United States Food and Drug Administration.

“Employee” means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a nonprofit entity.

“Employer” means a person, business, partnership, association, or corporation, including a municipal corporation, trust, or nonprofit entity that employs the services of one or more individual persons.

“Enclosed area” means all space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

“Enclosed or partially enclosed sports arena” means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

“Gaming equipment or supplies” means gaming equipment / supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

“Gaming facility” means an establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

“Healthcare facility” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, assisted living establishments, long-term care facilities, adult family care homes, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. “Healthcare facility” includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.

“Live theatre location” means any building, playhouse, room, hall, or other place utilized by live performers to present artistic representations of real or imagined events in front of a live audience.

“Performance space” means the portion or portions of a live theater location where performances occur. “Performance space” excludes all other portions of live theatre locations, including, but not limited to, hallways, lobbies, and public restrooms.

“Place of employment” means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to entrances and exits to places of employment, including a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-

based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a “place of employment.”

“Private club” means a not-for-profit association that (1) has been in active and continuous existence for at least three (3) years prior to January 1, 2008, whether incorporated or not, (2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, (3) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and (4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, “private club” means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. § 501.

“Private residence” means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

“Public place” means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the City of Crystal Lake, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A “public place” does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. A “public place” includes, but is not limited to, hospitals, restaurants, retail stores, including those in which e-cigarettes are sold, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the City of Crystal Lake or City subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

“Restaurant” means (i) an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and (ii) a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. “Restaurant” includes a bar area within the restaurant.

“Retail tobacco store” means a retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, cigarettes, cigarillos, cigars, pipes, other smoking devices and accessories, hookahs and related products, and/or electronic cigarettes and related products, and in which the sale of other products is merely incidental. “Retail tobacco store” does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

“Smoke” or “smoking” means either (1) the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment; or (2) the use of any electronic cigarette.

“Theatre actor” means an individual in the process of presenting an artistic representation of real or imagined events in front of a live audience, or in the process of rehearsing to do the same. The term “theatre actor” applies to both women and men.

212-15 Smoking in public places, places of employment and governmental vehicles prohibited.

Unless an exemption contained in Section 35 of this chapter specifically applies, no person shall smoke in a public place or in any place of employment. No person may smoke in any vehicle owned, leased, or operated by the City of Crystal Lake.

212-20 Posting of signs; removal of ashtrays.

(a) “No Smoking” signs or the international “No Smoking” symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this chapter by the owner, operator, manager, or other person in control of that place.

(b) Each public place and place of employment where smoking is prohibited by this chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(c) All ashtrays shall be removed from any area where smoking is prohibited by this Chapter by the owner, operator, manager, or other person having control of the area.

212-25 Smoking prohibited in student dormitories.

Notwithstanding any other provision of this chapter, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.

212-30 Designation of other nonsmoking areas.

Notwithstanding any other provision of this chapter, any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may

designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in subsections (a) and (b) of Section 20 of this chapter.

212-35 Exemptions.

Notwithstanding any other provision of this chapter, smoking is allowed in the following areas:

(1) Private residences or dwelling places, except when used as a child care, adult day care, or healthcare facility or any other home-based business open to the public.

(2) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

In addition, theatre actors shall be allowed to use nicotine-free electronic cigarettes within performance spaces.

212-40 Enforcement; Complaints.

(a) Chapter 212 shall be enforced by the Police Department, or their authorized designees.

(b) Notice of the provisions of this chapter shall be given to all applicants for a business license in the City of Crystal Lake.

(c) The Department or its designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this chapter.

(d) An owner, manager, operator or employee of an establishment regulated by this chapter shall inform persons violating any provision of this chapter of the appropriate provisions thereof.

(e) In addition to the remedies provided by this chapter, the Department or any person aggrieved by the failure of the owner, operator, manager or other person in control of a public place or a place of employment to comply with the provisions of this chapter may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

212-45 Violations.

(a) A person, corporation, partnership, association or other entity who violates any provision of this chapter shall be fined pursuant to this section. Each day that a violation occurs is a separate violation.

(b) A person who smokes in an area where smoking is prohibited under any provision of this chapter shall be fined in an amount that is not less than \$100 and not more than \$250. A person who owns, operates, or otherwise controls a public place or place of employment that violates any provision of this chapter shall be fined (i) not less than \$250 for the first violation, (ii) not less than \$500 for the second violation within one year after the first violation, and (iii) not less than \$2,500 for each additional violation within one year after the first violation and a sixty (60)

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day suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

212-50 Discrimination prohibited.

No individual may be discriminated against in any manner because of the exercise of any rights afforded by this chapter. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this chapter or reports or attempts to prosecute a violation of this chapter.

212-55 Construction with other code provisions.

No reference or omission in this chapter shall be construed to allow smoking if otherwise restricted or prohibited by other law or code provisions.

212-60 Rules.

The Police Department is authorized to adopt rules necessary for the administration of this chapter.

SECTION 2: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3: If any part of this ordinance is found invalid, then the remainder shall continue in full force and effect.

DATED at Crystal Lake, Illinois, this _____ day of October, 2014.

APPROVED:

Aaron T. Shepley, Mayor

ATTEST:

City Clerk

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PASSED: _____

APPROVED: _____

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



Agenda Item No: 26

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	October 21, 2014
<u>Item:</u>	An Intergovernmental Agreement between the City of Crystal Lake and the Village of Lakewood.
<u>Staff Recommendation:</u>	Motion to approve a Resolution authorizing the City Manager to execute an intergovernmental agreement for sanitary sewage treatment and roadway maintenance and repair between the City of Crystal Lake and the Village of Lakewood.
<u>Staff Contact:</u>	Victor Ramirez, Director of Public Works George Koczwar, Finance Director

Previously, the Village of Lakewood notified the City that it intends to disconnect their sewer conveyance from their lines into the City's lines by running a new sewer line to their Haligus Road wastewater treatment plant. Attached please find a draft agreement that was negotiated with Village of Lakewood representatives. The agreement provides for the continuing treatment of sanitary sewage from the Village through a termination date of November 30, 2015. The proposed termination date is consistent with the anticipated time period for the completion of the Village's wastewater system, as outlined in their termination letter.

Background:

The City and Village have had an ongoing agreement for the City to provide sanitary sewer services to the Village for the portion of the Village directly south of Crystal Lake. Generally, this portion of Lakewood is what is referred to as the original Lakewood (in Lakewood they refer to this portion as the east side). Beginning in 1939, sewage conveyed from the Village has been accepted and treated by the City of Crystal Lake. The agreement has been renewed and modified over the years.

Prior to the expiration of the most recent agreement, the City provided notice to the Village, pursuant to the agreement, that it wished to renegotiate the agreement, rather than allow it to automatically renew. During the negotiations, the City has continued to operate under the conditions of the expired agreement. In September 2013, the Village of Lakewood notified the City that it intends to disconnect their sewer conveyance from their lines into the City's lines by running a new sewer line to their Haligus Road wastewater treatment plant.

The main issue during the agreement negotiations was Lakewood's infiltration issue. Infiltration typically occurs when groundwater seeps into the sanitary sewer through holes, cracks, joint failures, and faulty connections. A lot of the infiltration is occurring on the private sanitary side. Because of this infiltration issue, the City is treating and pumping a large amount of storm water originating from the Village of Lakewood sewer lines. A draft agreement that was presented to the Village provided incentives for the Village to deal with this infiltration issue. It does not appear, however, that the Village will be dealing with the infiltration issue under their proposed plan. Instead, they will convey this new sewer demand to their Haligus Road wastewater treatment plant, which is underutilized, as opposed to the City's treatment facility (Wastewater Treatment Plant #2), which is approaching capacity.

The draft agreement that was provided to the Village as part of the earlier negotiations also required the Village to install a metering process to account for actual amounts of sanitary sewer being conveyed into the City's sanitary sewer. Currently, there is no metering or any other process for determining actual flow. Instead, a formula (which was created in 1980) is being used to calculate the monthly rate. It is apparent that this formula is under-representing how much conveyance is occurring into the City's sewer, especially as it relates to storm water infiltration.

Any loss of revenue with Village of Lakewood properties no longer being serviced by the City will be offset by reduced treatment demands, as well as provide the City with an increase in sewer treatment capacity that can be used for other areas of the City.

Termination Agreement:

The attached draft termination agreement provides for the continuing treatment of sanitary sewage from the Village of Lakewood through a termination date of November 30, 2015. The proposed termination date is consistent with the anticipated time period for the completion of the Village's wastewater system, as outlined in their termination letter.

The draft termination agreement provides for the continuing acceptance and treatment of sanitary sewage by the City from homes located on Meridian Street, between Broadway Avenue and Country Club Road, as well as the maintenance of the sanitary sewer main serving those homes, both prior to the termination date and for a period of twenty years thereafter. Properties on the west side of Meridian Street are in the Village while properties on the east side are in the City. Under the draft termination agreement, the Meridian Street sanitary sewer will continue to be connected to the City's system and the City will continue to provide water to these properties. The seven properties in the Village will be billed directly by the City at a non-resident rate.

The draft agreement provides for the sharing of expenses for the maintenance of Meridian Street between Broadway Avenue and Country Club Road during this same time period. As part of Phase III of the Country Club water main project, the water lines on Meridian are scheduled to be replaced and Meridian will be resurfaced. The draft termination agreement will have the Village responsible for half of the Meridian Street sewer and water repair costs.

Once the Village disconnects from the City's sewer service, as part of this termination agreement, only a few Village of Lakewood properties will continue to utilize the City's sanitary sewer service.

These properties include the above-mentioned Meridian Street properties and properties under the Southwest Interceptor Agreement.

Southwest Interceptor Agreement

The Southwest Interceptor Agreement is a separate sewer agreement between the City and the Village. As part of the agreement, the Village provided the City with easements to run a sanitary sewer service through areas within the Village so that the City could extend a sanitary sewer from the "West End" of the City, along Huntley Road, to Wastewater Treatment Plant #2. In exchange for these easements, the City has agreed to allow Village of Lakewood properties along the path of the Southwest Interceptor to connect to the City's sewer service. Generally, these properties are located south of Oakwood Drive and east of Huntley Road. Disagreement on the wording of the agreement eventually led to a lawsuit by the Village and a developer, which led to an agreed order in August, 1994 (Diasio Settlement) requiring the City to accept sewage from the Diasio subdivision in Lakewood.

At Lakewood's request, the Termination Agreement also allows any future restaurant on the Village of Lakewood property to connect to City sewer and water (Section 12 of the Termination Agreement). In exchange, Lakewood has agreed to modify the Southwest Interceptor easement to make it a perpetual easement (Section 11 of the Termination Agreement).

Votes Required to Pass:

Simple majority vote of the City Council.



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**A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN
THE CITY OF CRYSTAL LAKE AND THE VILLAGE OF LAKEWOOD**

BE IT RESOLVED by the Mayor and City Council of the City of Crystal Lake, McHenry County, Illinois, as follows:

1. That the form and substance of a certain agreement (the "Agreement"), between the City of Crystal Lake (the "City") and the Village of Lakewood (the "Village"), for sanitary sewage treatment and roadway maintenance and repair, as set forth in the form of the Agreement submitted to this meeting is hereby approved.
2. That the City Manager and City Clerk are hereby respectively authorized and directed for and on behalf of the City to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution.
3. That the proper officials, agents and employees of the City are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the City in accordance with the provisions of the Agreement.
4. That the resolution shall be in full force and effect from and after its passage as provided by law.

DATED this 21st day of October, 2014.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL
ATTEST

CITY CLERK

PASSED: October 21, 2014
APPROVED: October 21, 2014



Agenda Item No: 27

City Council Agenda Supplement

<u>Meeting Date:</u>	October 21, 2014
<u>Item:</u>	Annual Audit for the Fiscal Year 2013-2014
<u>Staff Recommendation:</u>	Motion to adopt a Resolution accepting the Comprehensive Annual Financial Report of the City of Crystal Lake for the Fiscal Year ending April 30, 2014.
<u>Staff Contact:</u>	George Koczvara, Director of Finance Laura Herrig, Assistant Finance Director Stephanie Wrolson, Accountant

Background:

The City of Crystal Lake Fiscal Year 2013-14 Comprehensive Annual Financial Report (CAFR) has been completed. This report is management's annual financial report to the taxpayers, governing council, oversight bodies, investors and creditors of the City. This report provides a historical picture of the City's financial status as of April 30, 2014 and activities for the year (May 1, 2013 to April 30, 2014). **Selden Fox, Ltd. has expressed that the City's financial statements present fairly, in all material respects, the financial position of the City for the fiscal year ended April 30, 2014 (a "clean" opinion).** The report is available on-line at the City's website, under the "About Us" tab, under "Website Transparency."

State law (65 ILCS 5/8-8) requires that all general-purpose local governments publish within six months of the close of each fiscal year a complete set of financial statements presented in conformity with generally accepted accounting principles (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants.

In addition, on July 16, 2014, Governor Quinn signed Public Act 98-0738 related to new requirements concerning the audit of annual financial statements. The effective date of this act is January 1, 2015. This Act is added to the Illinois Municipal Code and requires the auditor to perform the following within sixty days after the issuance of audited financial statements:

- Provide a copy of the management letter and audited financial statements to the Municipality's Corporate Authorities. If the county or municipality maintains a website, these reports shall be posted to the website.
- Present the information from the audit to the Municipality's Corporate Authorities either in person or by a live phone or web connection during a public meeting.

Comprehensive Annual Financial Report, Communication with Those Charged with Governance, and Management Letter

Comprehensive Annual Financial Report (CAFR)

The CAFR is a thorough, detailed presentation of the City's financial position and activities for the year. **The 2013-14 CAFR was audited by Selden Fox, Ltd. The City received an unqualified ("clean") opinion (see page 11), the highest obtainable.**

The CAFR is a valuable tool that enables City officials and investors to make financial decisions from sound and timely information. The report provides an independently audited accounting of the financial condition of the City. The CAFR contains a set of financial statements comprising the financial report of the City that complies with the accounting requirements promulgated by the Governmental Accounting Standards Board (GASB). GASB provides standards for the content of a CAFR in its annually updated publication Codification of Governmental Accounting and Financial Reporting Standards. The CAFR is composed of three sections: Introductory, Financial and Statistical. It combines the financial information of fund accounting and Enterprise Authorities accounting.

Communication with those Charged with Governance and Management Letter

Currently, Auditing Standards require two separate communications following the audit of the financial statements. The Auditor's **Communication With Those Charged With Governance** requires the communication of: the auditor's responsibilities under generally accepted auditing standards, an overview of the planned scope and timing of the audit, and significant findings from the audit. As indicated in the attached Communication, the auditors:

- Found the disclosures in the financial statements are neutral, consistent, and clear.
- Encountered no significant difficulties in dealing with management in performing and completing the audit.
- Encountered no disagreements with management.

Also included in this Communication are adjusting entries, entries to convert accounts to the full accrual basis of accounting for the government-wide financial statement and entries believed to be immaterial to the financial statements as a whole which have not been reflected in the financial statements. All three types of entries occur regularly during the normal course of an audit.

The second communication following the audit of the financial statements which requires the communication of deficiencies in internal control that meet the definition of a material weakness or a significant deficiency (**Management Letter**).

One item was noted in the Management Letter related to the City's participation in the Intergovernmental Personnel Benefit Cooperative. In an effort to better control health care costs, the City joined the Intergovernmental Personnel Benefit Cooperative (IPBC). The IPBC is an entity created under Illinois State laws, which allows municipal groups to band together for the purposes of health insurance. The IPBC was established in 1979 and includes 66 municipalities or municipal entities as members. The purpose of the IPBC is to provide economies of scale and

risk pooling that will allow members more financial stability than offered by the commercial insurance market.

During the course of fiscal year 2014, staff sought guidance from Selden Fox to properly report funds on deposit in the City's Terminal Reserve Account with the Intergovernmental Personnel Benefit Cooperative (IPBC) that would not be needed to fund claims incurred or act as a reserve against future claims. Selden Fox determined that it would be proper for the balance in the Terminal Reserve account (\$71,082 at June 30, 2013), be recorded as an asset of the City, which staff has done.

In addition to the two required communications, the auditor may communicate other matters to those charged with governance that are not required by US Auditing Standards if the auditor feels such matters are of importance to the local government. These communications may be combined into one report or delivered in separate reports.

Certificate of Achievement for Excellence in Financial Reporting Program (GFOA CAFR Program)

The Government Finance Officers Association (GFOA) is a professional association of approximately 17,500 state, provincial, and local government finance officers in the United States and Canada. The GFOA established the Certificate of Achievement for Excellence in Financial Reporting Program (CAFR Program) in 1945 to encourage and assist state and local governments to go beyond the minimum requirements of generally accepted accounting principles to prepare comprehensive annual financial reports that evidence the spirit of transparency and full disclosure and then to recognize individual governments that succeed in achieving that goal.

Reports submitted to the CAFR program are reviewed by selected members of the GFOA professional staff and the GFOA Special Review Committee (SRC), is comprised of individuals with expertise in public-sector financial reporting and includes financial statement preparers, independent auditors, academics, and other finance professionals.

For the twenty-fourth consecutive year, the financial report has been prepared to comply with the high standards of the GFOA Certificate of Conformance for Excellence in Financial Reporting Award Program criteria.

GASB 67 and 68

Different standards-setting bodies have authority for establishing accounting reporting standards for the different levels of government. Accounting and financial reporting standards for the federal government are recommended by the Federal Accounting Standards Advisory Board (FASAB). Accounting and financial reporting standards for state and local government in the United States are set by the Governmental Accounting Standards Board (GASB).

The Governmental Accounting Standards Board (GASB) is the source of generally accepted accounting principles (GAAP) used by state and local governments in the United States. As with most of the entities involved in creating GAAP in the United States, it is a private, non-governmental organization. The GASB is subject to oversight by the Financial Accounting

Foundation (FAF), which selects the members of the GASB and the Financial Accounting Standards Board, and funds both organizations.

The mission of the Governmental Accounting Standards Board is to establish and improve standards of state and local governmental accounting and financial reporting that will result in useful information for users of financial reports and guide and educate the public, including issuers, auditors, and users of those financial reports.

The GASB recently established new reporting requirements for “defined benefit” pensions plans. (Defined benefit pension plans guarantee a certain level of benefits based on a calculation, typically including years of service, as opposed to the 401k-type plans for which benefits depend on performance of the investments). In summary, the requirements require governments providing defined benefit pensions to 1) recognize their long-term obligation for pension benefits as liabilities on the balance sheet for the first time, 2) more comprehensively and comparably measure the annual costs of pension benefits, and 3) enhance note disclosures and Required Supplementary Information for pension plans. GASB took this action by adopting Statements 67 and 68, which supersede Statements No. 27 and 50. (More detailed information on these GASB statements can be found at their website at gasb.org.)

These new reporting requirements will affect how the City reports pension obligations rather than how the City funds its pensions. These changes will be incorporated into the City’s Comprehensive Annual Financial Report (CAFR). Statement 67 will be effective for the fiscal year ending April 30, 2015, while Statement 68 will be effective for the fiscal year ending April 30, 2016.

According to a GASB press release, Statement 67 “addresses financial reporting for state and local government pension plans. Statement 68 establishes new accounting and financial reporting requirements for governments that provide their employees with pensions.”

Statement 67 will not have much of an impact on the City; instead, it will affect the actual plans. There are three different types of pension plans: single-employer plans, agent multiple-employer plans, and cost-sharing multiple-employer plans. In Crystal Lake’s case, all eligible non-sworn employees are part of the Illinois Municipal Retirement Fund (IMRF). IMRF is an agent multiple employer plan. Crystal Lake police officers and firefighter/paramedics are part of their respective public safety pension plans. The Crystal Lake Police Pension Plan and the Crystal Lake Firefighter’s Pension Fund are single-employer plans.

Prior to implementing GASB 68, employers recognized annual pension cost under a funding approach, wherein pension expense was the annual required contribution to the plan. A pension liability arose when there was a difference between the annual contributions required and the annual contributions made. Subsequent to implementing GASB 68, employers will recognize a liability in their financial statements as employees earn their pension benefits (i.e., as they provide services to the government).

Statement 68 will only impact what information will go on the City’s financial statements. It does not affect the City’s cash position. The City’s statutorily required contribution formulas to IMRF and the Police and Firefighters’ pension funds are unchanged. Instead, now

the City will have to recognize the portion of the liability for where those retirement systems are not being fully funded. This will not impact how much the City has to contribute. These changes will reduce the City's equity in its financial statements, but not its actual equity in the bank. On the balance sheet, there will be a liability for the unfunded portion of the pension plans.

In summary, the impact will be that:

- Accounting liabilities will be higher than funding liabilities
- Accounting liabilities will need to be recorded for the first time
- Contribution rates will not increase because of these new requirements
- Initially, there may be some confusion

Finance staff will provide more information on these changes as their effect on the City is determined, but it is being mentioned at this point because it will be widely discussed in the near future.

Recommendation

It is staff's recommendation to adopt a Resolution accepting the Comprehensive Annual Financial Report of the City of Crystal Lake for the Fiscal Year ending April 30, 2014. Members of the audit firm and finance staff will be present at the meeting to address any questions. A motion is requested of the Council for acceptance of the annual audit for the Fiscal Year 2013-2014.

Votes Required to Pass:

Simple majority