



CITY OF CRYSTAL LAKE
AGENDA

CITY COUNCIL
REGULAR MEETING

City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
May 5, 2015
7:30 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Oaths of Office administered to Mayor Aaron T. Shepley and City Councilmembers Ellen Brady, Cathy Ferguson and Brett Hopkins.**
5. **Proclamations**
 - a. **Bicycle Safety Week**
6. **Approval of Minutes – April 21, 2015 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. **City Council Reports**
11. **Consent Agenda**
 - a. **Pioneer Center For Human Services request for a Temporary Liquor License for a fundraising event at Crystal Lake Country Club on Friday, June 19, 2015 from 4:00 p.m. to 11:00 p.m.**
 - b. **St. Thomas the Apostle Church amended request to close Lake Street from an area just south of the First Congregational Church entrance to Washington Street and Washington Street between Lake Street and Pierson Street on Wednesday, May 27, 2015 from 7:45 a.m. until 2:15 p.m. for the St. Thomas Field Days.**
 - c. **64 Kent Avenue-Oak Hollow Subdivision-motion to continue the public hearing on the annexation agreement to the May 19, 2015 City Council meeting.**
12. **Lakeside Legacy Foundation Festival License, Class 19 Temporary Liquor License, and Crystal Lake Women of Today Children's Decorated Bike Parade requests.**

13. **Doherty Properties, 4420, 4501, 5201 and 5425 Route 176 - Annexation Public Hearing and adoption of Ordinances Authorizing execution of the Annexation Agreement, Annexation of the property, and Rezoning of the property upon annexation to the B-2 Commercial district with zoning variations.**
14. **8108 Pyott, Road-Bucky's Convenience Store – Ordinance granting the rezoning, Special Use Permit, Preliminary and Final PUD with Variations for a gasoline service station and convenience store.**
15. **177 Virginia Street, CVS Pharmacy – Ordinance granting the Rezoning, Special Use Permits, Final Plat of Subdivision and Variations.**
16. **Walkup Woods Water Company-Field Court (unincorporated-near Walkup Woods Park) - County Zoning Request to rezone the property to A-1 Agricultural District and a Conditional Use Permit for a commercial water well and variations from the current County UDO regulations for lot area, minimum frontage, and side yard setbacks.**
17. **10214 Algonquin Road, Thomas Halat (unincorporated-between Huntley and Lake in the Hills)- County Zoning request for a Conditional Use Permit to allow the property to be used as a garden center and variations to property areas to be setback a minimum of 1 foot from the property lines.**
18. **Resolution designating items as surplus equipment, and declaring two Hoffman four stage blowers as surplus and accept payment from Berryman Equipment Company for purchase of the blowers and authorizing execution of an agreement with Obenauf Auction Service, Inc. for the sale of surplus equipment using their online auction, and to authorize surplus items not sold or whose proposed auction price is less than a scrap price be scrapped in accordance with the City's scrap metal policy.**
19. **Bid Award and adoption of a resolution authorizing execution of a purchase agreement with Compass Minerals America Inc. for road salt for the 2015/2016 and 2016/2017 winter seasons.**
20. **Resolution appropriating MFT funds for the City's share of the Route 14 Improvement from Lucas Road to Crystal Lake Avenue.**
21. **Ordinance authorizing the City of Crystal Lake to borrow funds from the Illinois Environmental Protection Agency (IEPA) Water Pollution Control Loan Program and adopt a Resolution authorizing the development of a financing plan for the funding of water and wastewater projects.**
22. **Council Inquiries and Requests.**
23. **Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation, the sale, purchase or lease of real property, collective bargaining, and personnel.**
24. **Reconvene to Regular Session.**
25. **Adjourn.**

If special assistance is needed in order to participate in a City of Crystal Lake public meeting, please contact Brad Mitchell, Assistant to the City Manager, at 815-459-2020, at least 24 hours prior to the meeting, if possible, to make arrangements.



Agenda Item No: 4

**City Council
Agenda Supplement**

Meeting Date:

May 5, 2015

Item:

Swearing In Ceremony, Mayor Aaron Shepley and Returning City Councilmembers Brett Hopkins, Cathy Ferguson, and Ellen Brady.

Staff Contact:

Jillian Austin, Executive Assistant

Background:

Judge James Cowlin has agreed to administer the Oaths of Office to the Mayor and returning City Councilmembers.



Agenda Item No: 11a.

**City Council
Agenda Supplement**

Meeting Date: May 5, 2015

Item: Temporary Liquor License – Pioneer Center For Human Services

Staff Recommendation: Motion to approve issuance of one Class 19 Temporary Liquor License to Pioneer Center For Human Services

Staff Contact: Eric Helm, Deputy City Manager

Background:

The City has received a request from Pioneer Center For Human Services for the issuance of a Class “19” Temporary Liquor License in order to sell beer, wine and alcoholic liquor drinks at a fundraiser on Friday, June 19, 2015 from 4:00 p.m. to 11:00 p.m. at the Crystal Lake Country Club, 721 Country Club Road.

Section 329-5-S of the City Code permits the issuance of a Class “19” Temporary Liquor License for the retail sale of beer, wine and alcoholic liquor drinks 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: 11b

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	May 5, 2015
<u>Item:</u>	St. Thomas the Apostle School Street Closure Amended Request
<u>Staff Recommendation:</u>	Motion to approve the closure of Lake Street from an area just south of the First Congregational Church entrance to Washington Street and Washington Street between Lake Street and Pierson Street on Wednesday, May 27, 2015 from 7:45 a.m. until 2:15 p.m., during the St. Thomas Field Day.
<u>Staff Contact:</u>	Abigail Wilgreen, City Engineer

Background: The City has received a request from St. Thomas the Apostle School to amend their original approval for the closure of Lake Street from an area just south of the First Congregational Church entrance to an area south of the St. Thomas School parking lot to now extend the closure of Lake Street to Washington Street and the additional closure of Washington Street from Lake Street to Pierson Street on Wednesday, May 27, 2015 from 7:45 a.m. until 2:15 p.m. for the St. Thomas Field Days. During the St. Thomas Field Day, the children will be going back and forth from the school to the playing fields, participating in a wide variety of activities. They will be utilizing the parking lot on Washington Street for the Field Day. Closing Lake Street to Washington Street and closing Washington Street between Lake Street and Pierson Street would make it safer for the children to cross from the school to the fields and parking lot, as well as make it easier on the parent volunteers coordinating the St. Thomas Field Day.

City staff have reviewed the petitioner's request and does not have concerns regarding their amended request, providing the following conditions are met:

- 1) City-owned barricades must be used to block off the street closure sections and the far eastern driveway to the parking lot off of Pierson Street. Barricades shall be placed to allow access to existing crosswalks. In addition, a "Local Traffic Only" sign must be temporarily placed at the entrance to

Lake Street from Dole Avenue. The petitioner must complete and submit a Barricade Borrowing Application.

- 2) The petitioner must send a notice to all affected property owners along Lake Street, including the property owners just east of Washington Street.
- 3) The petitioner must contact the school districts in the area in case there are any bus routes that may utilize Lake Street or Washington Street.
- 4) Emergency vehicle access must be maintained throughout the event. Items should not be placed on the roadway to prohibit access, and volunteers should be available to remove barricades to allow emergency vehicles on the roadway, if necessary.
- 5) Emergency access to the School must be maintained throughout the event. The petitioner must provide a plan of the St. Thomas Field Day layout.
- 6) Local traffic access to Lake Street must be maintained throughout the event. Volunteers should be available to remove barricades to allow property owners on the roadway, if necessary.
- 7) All debris created by the event shall be cleaned up during and after the event.
- 8) The petitioner must adhere to the required City insurance provisions for the use of City-owned property by providing a certificate of insurance naming the City as additional insured, and sign the required Indemnity/Hold Harmless agreement.
- 9) If tents or canopies will be used, the petitioner shall contact the Fire Rescue Department for further review.
- 10) Any additional permits or requests for signage shall be made through the Community Development Department.
- 11) In the case of inclement weather, an alternate date can be approved by the City Manager.

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

Votes Required to Pass: Simple majority vote of the City Council



Agenda Item No: 11c

**City Council
Agenda Supplement**

Meeting Date:

May 5, 2015

Item:

Oak Hollow subdivision

Annexation Agreement Public Hearing Continuation

64 Kent Avenue (south of Kent Avenue and John Street to
Oak Hollow Road)

Recommendation:

Motion to continue the public hearing on the annexation agreement to the May 19, 2015, City Council meeting for the Oak Hollow Annexation and Zoning Petition.

Staff Contact:

James Richter II, Planning & Economic Development Manager

Background: The petitioner would like to request a continuation to allow the Council to review the full request including the rezoning, subdivision and variations, which was continued to the May 6th Planning and Zoning Commission hearing. The petitioner continues to work with City staff to finalize the annexation agreement language.

It is requested that this matter be continued to the May 19, 2015, City Council meeting for the respective Annexation Agreement Public Hearing.

Votes Required to Pass:

A simple majority vote.



Agenda Item No: 12

**City Council
Agenda Supplement**

Meeting Date:

May 5, 2015

Item:

Lakeside Legacy Foundation Festival License, Class 19 Temporary Liquor License, Carnival License, and Crystal Lake Women of Today Children's Decorated Bike Parade

Staff Recommendation:

Motion to approve issuance of the Lakeside Legacy Foundation Festival License, Class "19" Temporary Liquor License, Carnival License, and Crystal Lake Women of Today Children's Decorated Bike Parade with the conditions contained in this agenda supplement.

Staff Contact:

Abigail Wilgreen, City Engineer

Background:

The Lakeside Legacy Foundation has applied for a Festival License to conduct the Lakeside Legacy Foundation Festival on the grounds of the Dole Mansion/Lakeside Legacy. The Lakeside Legacy Festival is scheduled for Thursday, July 2, 2015 from 4:00 p.m. to 11:00 p.m.; Friday, July 3, 2015 from Noon to 11:00 p.m.; Saturday, July 4, 2015 from Noon to 11:00 p.m.; and Sunday, July 5, 2015 from Noon to 10:00 p.m. The Lakeside Legacy Foundation has also submitted applications for a Carnival License and Class 19 Temporary Liquor License as part of the Festival License Application. The festival will be operated much as it has been in the past.

In addition, the Crystal Lake Women of Today are requesting to conduct a children's decorated bike parade on Saturday, July 4, 2015 beginning at noon. The parade will begin on Lake Shore Drive (just east of the Crystal Lake Band Shell at Main Beach) and continue to the Lakeside Festival grounds at the Country Club Road and Broadway entrance. This event was held last year during the Lakeside Festival. The Crystal Lake Women of Today will apply for a Parade Permit through the Crystal Lake Police Department, as well as coordinate with the Police Department to provide two police cars to assist with the parade, as done in the past.

The Lakeside Festival will require staffing officers and supervisors as the City has provided in the past. This year the total man-hours would be 258 hours. The estimated cost of staff salary only for the Lakeside Festival is between \$11,654.80 to \$16,873.56.

City staff has reviewed the festival applications and would offer the following conditions for approval:

- Compliance with all City Code regulations pertaining to the request.
- Compliance with all of the Carnival License requirements.
- All carnival operators must be in compliance with the Illinois Carnival and Amusement Rides Safety Act, which includes requirements for hiring of carnival workers, criminal background checks, substance abuse policy, operator training standards, and penalties for violations. Prior to the event, the carnival operator must provide the Crystal Lake Police Department with a list of all employees who will work on the premises of the public event, including their legal name, date of birth, home address, and social security number and proof that said employees have undergone the required background checks.
- Wristbands for the Beer Garden will be issued and enforced.
- Proof of Insurance for Liquor sales.
- Trash must be picked up on a daily basis.
- There must be sufficient lighting around the portable toilet area.
- Any lighting should be placed so as not to disturb the neighbors.
- Separate permits will be required from the Building Division for any temporary signage.
- The event sites are subject to a life safety inspection by the Community Development, Fire Rescue, and Police Departments prior to the start of the festival.
- The petitioner shall work with the City regarding parking for the festival. In addition to on-site parking for the event, the petitioner has requested from the Park District the use of the "Triangle" and the Main Beach lot for parking. Also, the petitioner has requested the use of District 47's South Elementary and Lundahl parking lots for parking.
- Exempt from Noise Ordinance.
- The Police and Fire Rescue Departments must be included in any meetings regarding public safety issues.
- Uniformed City of Crystal Lake Police Officers will be on the grounds during all hours of the festival operation in the following numbers:

Thursday, July 2nd: 4:00 p.m. to 11:00 p.m. – 8 uniformed City of Crystal Lake Police Officers.

Friday, July 3rd: Noon to 5:00 p.m. – 6 uniformed City of Crystal Lake Police Officers.

5:00 p.m. to 11:00 p.m. – 8 uniformed City of Crystal Lake Police Officers.

Saturday, July 4th: Noon to 5:00 p.m. – 6 uniformed City of Crystal Lake Police Officers.

5:00 p.m. to 11:00 p.m. – 8 uniformed City of Crystal Lake Police Officers.

Sunday, July 5th: Noon to 5:00 p.m. – 6 uniformed City of Crystal Lake Police Officers.

5:00 p.m. to 10:00 p.m. – 8 uniformed City of Crystal Lake Police Officers.

- Signage shall be provided indicating that alcoholic beverages may not be taken into or out of the festival location.
- The Lakeside Legacy Foundation has requested that the City of Crystal Lake provide police services at no charge for the event. The City Council approved a similar request in 2014.
- The Women of Today will be required to apply for a parade permit through the Police Department.
- In the event of inclement weather during the festival, South Elementary School and Lakeside Legacy Foundation will be used as sheltering sites.
- Tents/Canopies
 - A. No smoking is permitted in or under any tents or canopies.
 - B. Tents shall be 20 feet from all buildings and other tents/canopies unless open on all sides. Then they are required to be 12 feet away from any structure.
 - C. The tents shall be properly anchored.
 - D. No open flame, fire or heat, or any flammable or combustible liquids, gas, charcoal, or other cooking devices are permitted inside of or within 20 feet of any tent or canopy.
 - E. A portable fire extinguisher shall be present.

City staff met with representatives from Lakeside Legacy in order to review plans. The City's Police and Fire Rescue Departments have reviewed and approved the request.

Votes Required to Pass:

Simple majority vote of the City Council.



Agenda Item No: 13

**City Council
Agenda Supplement**

- Meeting Date:** May 5, 2015
- Item:** REPORT OF THE PLANNING & ZONING COMMISSION
- Doherty Properties
4420, 4501, 5201 and 5425 Route 176
- ANNEXATION PUBLIC HEARING**
- Requests:**
- 1) Rezoning upon annexation to the B-2 Commercial district.
 - 2) Variations from the lot, yard, setback and tree survey requirements to accommodate the existing lots and future redevelopment.
- Petitioner:** Joe Gottemoller on behalf of Patrick Doherty, property owner
- Recommendation:** Motion to:
- 1) Adopt ordinances authorizing execution of the annexation agreement and annexation of the property;
 - 2) Approve the Planning and Zoning Commission recommendations and adopt an ordinance for rezoning upon annexation to the B-2 Commercial district and zoning variations for the Doherty properties;
- Staff Contact:** James Richter II, Planning and Economic Development Manager
-

Background:

- **Existing Use:** The four parcels are improved and unimproved; comprised of Discount Flooring Warehouse, commercial buildings and a vacant parcel.
- **History:** City staff contacted the property owner and encouraged annexation of these parcels. The annexation of these parcels is strategic in helping secure Crystal Lake's position for redevelopment of the Route 176/31 intersection, ensuring that this redevelopment occurs within Crystal Lake. The petitioner agreed to annex to Crystal Lake and as part of the annexation agreement requested the waiver of water/sewer connection fees for the flooring business, the parcel on the north side of Route 176. They are estimated to be ~\$24,000 for a 2" service for the existing building or up to ~\$44,000 if the service is

6” to accommodate a fire sprinkler system, if needed in the future. There is a current useable well and septic being utilized and according to the petitioner, there are no plans to connect to City sewer and water in the near future.

Key Factors:

- To zone the property B-2 within the City of Crystal Lake as part of an Annexation with variations to accommodate the existing and future lot configuration and development.
- Discount Flooring Warehouse may expand in the future and the parcels on the south side of Route 176 would be completely redeveloped with commercial development.

PZC Highlights:

- The PZC had no concerns with this project and stated that the requested zoning was appropriate for the area.

The Planning and Zoning Commission recommended **approval (6-0)** of the petitioner’s request with the following conditions:

1. The following variations are hereby granted:
 - A) Lot Area to allow 18,500; 18,900; 18,000; and 17,700 square feet, respectively, for Lots 1 – 4, due to the property taking for the roadway project;
 - B) Rear Yard Setback to allow up to 0 feet for Lots 1 – 4, given that parking and stormwater management requirements are satisfied;
 - C) Parking Lot Setback to allow up to 0 feet for Lots 1 – 4, given that parking and stormwater management requirements are satisfied; and
 - D) Tree preservation requirements to allow the removal of the trees on Lots 1 – 4 without providing the required tree survey and tree analysis.
2. The petitioner shall address all of the review comments and requirements of the Engineering and Building, Fire Rescue, Police, Public Works and Planning and Economic Development Departments.

The draft annexation agreement is attached. This document has been reviewed by an attorney and staff and is an acceptable format.

Votes Required to Pass: A super majority vote (5 votes) is required to approve the annexation agreement.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

**AN ORDINANCE ANNEXING CERTAIN TERRITORY TO
THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS**

WHEREAS, a written Petition, signed by all of the legal owners and all of the electors of record of all land within the territory hereinafter described, has been filed with the City Clerk of the City of Crystal Lake, McHenry County, Illinois, requesting that said territory be annexed to the City of Crystal Lake; and

WHEREAS, the said territory is not within the corporate limits of any municipality but is contiguous to the City of Crystal Lake; and

WHEREAS, said territory is not part of any public library district; and

WHEREAS, legal notices regarding the intention of the City to annex said territory have been sent to all public bodies required to receive such notice by State statute; and

WHEREAS, Patrick Doherty, has entered into a valid and binding Annexation Agreement relating to said territory; and

WHEREAS, all Petitions, documents and other necessary legal requirements are in full compliance with the requirements of said Annexation Agreement and with the Statutes of the State of Illinois, specifically 65 ILCS 5/7-1-8; and

WHEREAS, it is in the best interests of the City of Crystal Lake that said territory be annexed thereto.

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

SECTION I: That the following described territory:

Parcels 1 through 3

Lot 4 in Hutton's Subdivision, a subdivision of part of the Northeast Quarter of Section 34, Township 44 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded May 22, 1958, as Document No. 338561, in Book 13 of Plats, page 60, as amended by affidavit recorded September 15, 1958 as Document No. 343451, in McHenry County, Illinois. PIN Number and common address: 14-34-252-009 5201 Route 176

Lot 3 in Hutton's Subdivision, a subdivision of part of the Northeast Quarter of Section 34, Township 44 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded May 22, 1958, as Document No. 338561, in Book 13 of plats, page 60, as amended by affidavit recorded September 15, 1958 as Document No. 343451, in McHenry County, Illinois. PIN Number and common address: 14-34-252-010 5425 Route 176

Lots 1 and 2 in Hutton's Subdivision, a Subdivision of part of the Northeast Quarter of Section 34, Township 44 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded May 22, 1958, as Document No. 338561, in Book 13 of plats, page 60, as amended by affidavit recorded September 15, 1958 as Document No. 343451, in McHenry County, Illinois. PIN Number and common address: 14-34-252-030 4501 Route 176

Parcel 4

That part of the Southwest Quarter of the Northeast Quarter of Section 34, Township 44 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at a point of intersection of the Easterly right of way line of State Route 31 and the South line for the North 520 feet of the Southwest Quarter of the Northeast Quarter of aforesaid Section 34; thence bearing North 89 degrees 48 minutes 54 seconds East along the South line of the North 520 feet aforesaid 287.08 feet to the point of beginning of this parcel's description: Thence continuing along the previously described line North 89 degrees 48 minutes 54 seconds East 340.13 feet to a point on the Northwesterly right of way line of State Route 176; thence South 41 degrees 48 minutes 31 seconds West along said Northwesterly right of way 186.78 feet; thence South 89 degrees 09 minutes 54 seconds West 216.47 feet; thence North 00 degrees 09 minutes 53 seconds West 139.94 feet to the point of beginning, in McHenry County, Illinois. PIN Number and common address: 14-34-251-022 4420 Route 176

be and the same is hereby annexed to the City of Crystal Lake, McHenry County, Illinois.

SECTION II: That the City Clerk of the City of Crystal Lake is hereby directed to record in the Office of the Recorder of Deeds of McHenry County, Illinois, being the County in which the aforesaid annexed territory is situated, a certified copy of this Ordinance together with an accurate

map of the territory hereby annexed, said map being attached hereto and made a part hereof and labeled Exhibit "I".

SECTION III: That this Ordinance shall be in full force and effect from the after its passage and approval, and when a certified copy thereof, together with an accurate map is recorded in the Office of the Recorder of Deeds of McHenry County, Illinois, and filed in the Office of the County Clerk of McHenry County, Illinois; and thereupon said territory shall be subject to the jurisdiction of the City of Crystal Lake.

AYES:

NAYS:

ABSENT:

PASSED this ____ day of _____, 20__.

APPROVED by me this ____ day of _____, 20__.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

I, NICK KACHIROUBAS, do hereby certify that I am the duly elected, authorized and acting City Clerk of the City of Crystal Lake, County of McHenry, and State of Illinois, and that as such City Clerk I am the keeper of the records and minutes of the proceedings of the Mayor and Councilmembers to the said City.

I do hereby certify that the following "AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS" is a true and correct copy of Ordinance Number _____ duly passed and approved at a regular meeting of said Mayor and Council; held on the _____ day of _____ 20__, at which time ___ councilmembers were present and ___ councilmembers were absent.

Motion was made by Councilmember _____ and seconded by Councilmember _____ that the following Ordinance be passed and approved. Upon roll-call vote, ___ councilmembers voted AYE and _____ councilmembers voted NAY; whereupon said Ordinance was declared duly passed and was thereupon approved by the Mayor.

CITY CLERK

(SEAL)

Return to:
City of Crystal Lake
100 W. Woodstock Street
Crystal Lake, IL 60014

DRAFT

ORDINANCE NO. _____
FILE NO. _____

**AN ORDINANCE ZONING CERTAIN PROPERTY
"B-2" GENERAL COMMERCIAL AND
VARIATIONS**

WHEREAS, certain territory is the subject of a certain Annexation Agreement; and

WHEREAS, said territory has been duly annexed by ordinance to the City of Crystal Lake;

and

WHEREAS, by the terms of said Annexation Agreement, said territory is to be zoned "B-2"

General Commercial district; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the property legally described hereinbelow be classified and zoned as indicated.

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

SECTION I: That the following described property be and the same is hereby zoned and classified "B-2" General Commercial district:

Parcels 1 through 3

Lot 4 in Hutton's Subdivision, a subdivision of part of the Northeast Quarter of Section 34, Township 44 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded May 22, 1958, as Document No. 338561, in Book 13 of Plats, page 60, as amended by affidavit recorded September 15, 1958 as Document No. 343451, in McHenry County, Illinois. PIN Number and common address: 14-34-252-009 5201 Route 176

Lot 3 in Hutton's Subdivision, a subdivision of part of the Northeast Quarter of Section 34, Township 44 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded May 22, 1958, as Document No. 338561, in Book 13 of plats, page 60, as amended by

affidavit recorded September 15, 1958 as Document No. 343451, in McHenry County, Illinois.
PIN Number and common address: 14-34-252-010 5425 Route 176

Lots 1 and 2 in Hutton's Subdivision, a Subdivision of part of the Northeast Quarter of Section 34, Township 44 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded May 22, 1958, as Document No. 338561, in Book 13 of plats, page 60, as amended by affidavit recorded September 15, 1958 as Document No. 343451, in McHenry County, Illinois.

PIN Number and common address: 14-34-252-030 4501 Route 176

Parcel 4

That part of the Southwest Quarter of the Northeast Quarter of Section 34, Township 44 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at a point of intersection of the Easterly right of way line of State Route 31 and the South line for the North 520 feet of the Southwest Quarter of the Northeast Quarter of aforesaid Section 34; thence bearing North 89 degrees 48 minutes 54 seconds East along the South line of the North 520 feet aforesaid 287.08 feet to the point of beginning of this parcel's description: Thence continuing along the previously described line North 89 degrees 48 minutes 54 seconds East 340.13 feet to a point on the Northwesterly right of way line of State Route 176; thence South 41 degrees 48 minutes 31 seconds West along said Northwesterly right of way 186.78 feet; thence South 89 degrees 09 minutes 54 seconds West 216.47 feet; thence North 00 degrees 09 minutes 53 seconds West 139.94 feet to the point of beginning, in McHenry County, Illinois.

PIN Number and common address: 14-34-251-022 4420 Route 176

That the City agrees to grant Variations from the lot, yard, setback and tree survey requirements to accommodate the existing lots and future redevelopment with the following conditions:

1. The following variations are hereby granted:
 - A. Lot Area to allow 18,500; 18,900; 18,000; and 17,700 square feet, respectively, for Lots 1 – 4, due to the property taking for the roadway project;
 - B. Rear Yard Setback to allow up to 0 feet for Lots 1 – 4, given that parking and stormwater management requirements are satisfied;
 - C. Parking Lot Setback to allow up to 0 feet for Lots 1 – 4, given that parking and stormwater management requirements are satisfied; and
 - D. Tree preservation requirements to allow the removal of the trees on Lots 1 – 4 without providing the required tree survey and tree analysis.
2. The petitioner shall address all of the review comments and requirements of the Engineering and Building, Fire Rescue, Police, Public Works and Planning and Economic Development Departments.

3. Variations from the lot, yard, setback and tree survey requirements to accommodate the existing lots and future redevelopment for the properties located at 4420, 4501, 5201 and 5425 Route 176.

SECTION II: That the City Clerk be and he 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 zoning and classification of the above-described property 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.

AYES:

NAYS:

ABSENT:

PASSED this ____ day of _____, 20__.

APPROVED by me this ____ day of _____, 20__.

MAYOR

ATTEST:

CITY CLERK

DRAFT

ORDINANCE NO. _____
FILE NO. _____

**AN ORDINANCE AUTHORIZING THE EXECUTION
OF AN ANNEXATION AGREEMENT**

WHEREAS, it is in the best interests of the City of Crystal Lake, McHenry County, Illinois, that a certain Annexation Agreement, a copy of which is attached hereto and incorporated herein, be entered into; and

WHEREAS, Patrick Doherty, Owner, is ready, willing and able to enter into said Agreement and to perform the obligations as required thereunder; and

WHEREAS, the statutory procedures provided in Division 15.1 of Article 11 of the Illinois Municipal Code, as amended, for the execution of said Annexation Agreement have been fully complied with.

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

SECTION I: That the Mayor be and he is hereby authorized and directed to execute, and the City Clerk is directed to attest, the Annexation Agreement, a copy of which is attached hereto and made a part hereof.

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

AYES:

NAYS:

ABSENT:

PASSED this ____ day of _____, 20__.

APPROVED by me this ____ day of _____, 20__.

MAYOR

ATTEST:

CITY CLERK



Agenda Item No: 14

**City Council
Agenda Supplement**

Meeting Date:

May 5, 2015

Item:

REPORT OF THE PLANNING & ZONING COMMISSION

Bucky's Convenience Store

Requests:

1. Final PUD for a gasoline service station and convenience store
2. Rezoning from E Estate to B-2 PUD General Commercial.
3. Special Use Permit and Preliminary PUD to allow a Gasoline Service Station and Convenience Store and Gasoline Electronic Pricing signs.
4. Variations from:
 - a. Section 2-400 13 to allow a flat roof for the gas canopy, rather than the peaked roof required.
 - b. Section 2-400 62 and 4-1000 F to allow 2 free-standing gas station electronic pricing monument signs with red illumination,
 - c. Section 4-200 D 5 to allow greater than 125% of the required parking constructed on a non-permeable surface,
 - d. Section 4-400 F 1 from the requirement for a landscape island every 10 spaces and at the ends of the parking rows, and
 - e. Section 4-1000 F to allow 209 square feet of wall signage and additional signage on the gas pumps and to allow 96 square feet of signage on the front façade.

Petitioner:

Richard McMahan, petitioner
8108 Pyott Road

PZC Recommendation:

To approve the PZC recommendations and adopt an ordinance granting the rezoning, Special Use Permit, Preliminary and Final PUD with Variations for Bucky's Convenience Store at 8108 Pyott Road.

Staff Contact:

James Richter II, Planning and Economic Development Manager

Background:

- The City Council recently acted on the annexation of this property to correct a mapping error. This is the request to correct the zoning and process a Final PUD for the entire site.
- On June 17, 2014, the City Council approved a Preliminary PUD, Special Use Permit, and Variations for this project. To address the annexation anomaly, the petitioner must re-request approval for the previously-granted zoning items.
- The petitioner's current request fully complies with the conditions of the previously approved preliminary PUD.

Key Factors:

- This would be a 7,054 square-foot convenience store with 20 fuel pumps and an automatic carwash. Typically, the other convenience stores in the area are around 2,000 – 3,500 square feet.
- The gas pumps and canopy are out of the well head protection area.
- New commercial buildings are required to meet at least 6 of the architectural Design Standards in the UDO. This project meets 9 of the 10 criteria.
- The site would provide 40 parking spaces, only 25 are required, but the site does not exceed the maximum impervious surface coverage.
- Previously, the petitioner had requested variations for the total amount of signage, the requirement from landscape islands in the parking lot, to be allowed to exceed the maximum number of parking spaces and to allow red illumination on both EMC signs.

PZC Highlights:

- The PZC discussed the changes the petitioner made to the building's architecture and canopy. They were pleased with the columns on the gas canopy and the added knee-wall along the building. They reviewed the material samples and liked the materials and colors.
- The PZC reviewed the Findings of Fact and found that Bucky's met the criteria for the Special Use Permit, Gasoline Station, Planned Unit Development and Design Standards.

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 (Buchanan Energy LLC, received 03/25/15)
 - B. ALTA and Topographic Survey (VSEI., dated 2/19/13, received 04/25/14)
 - C. Site and Landscape Plans (ARC Design, dated 03/25/15, received 03/25/15)
 - D. Architectural Plans (Building Elevations and Floor Plan) (Robert W. Engel and Associates, dated 01/26/15, received 03/09/15)

E. Sign Plans (Omaha Neon Sign Co., dated 01/29/15, 01/30/15 and 03/06/15, received 03/09/15)

2. Site and Landscape Plan

A. The petitioner shall provide the easement documents to dedicate a 30-foot easement for water and future sanitary sewer along Rakow Road. The free-standing sign is permitted within this easement in the location as shown on the final PUD plans. Work with staff on the easement and MUMA.

3. Signs

A. The petitioner is granted a variation for signs as presented in the Sign Plans for the building wall signage, free-standing signage and the gas canopy signage.

B. The blue banding on the canopy shall be non-illuminated.

4. The petitioner shall address all of the review comments and requirements of the Community Development, Fire Rescue, Police, and Public Works Departments and the City's Stormwater Consultant.

Votes Required to Pass:

A simple majority vote.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING REZONING, A PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT, SPECIAL USE PERMIT AND VARIATIONS FOR BUCKY'S CONVIENENCE STORE

WHEREAS, pursuant to the terms of the Petition (File #2015-16) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the Final PUD for a gasoline service station and convenience store; Rezoning from E Estate to B-2 PUD General Commercial; Special Use Permit and Preliminary PUD to allow a Gasoline Service Station and Convenience Store and Gasoline Electronic Pricing signs; and Variations from: A. Section 2-400 13 to allow a flat roof for the gas canopy, rather than the peaked roof required; B. Section 2-400 62 and 4-1000 F to allow 2 free-standing gas station electronic pricing monument signs with red illumination; C. Section 4-200 D 5 to allow greater than 125% of the required parking constructed on a non-permeable surface; D. Section 4-400 F 1 from the requirement for a landscape island every 10 spaces and at the ends of the parking rows, and E. Section 4-1000 F to allow 209 square feet of wall signage and additional signage on the gas pumps and to allow 96 square feet of signage on the front façade for Bucky's Convenience Store at 8108 Pyott Road; and

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

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

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

SECTION I: That the the Final PUD for a gasoline service station and convenience store; Rezoning from E Estate to B-2 PUD General Commercial; Special Use Permit and Preliminary PUD to allow a Gasoline Service Station and Convenience Store and Gasoline Electronic Pricing signs; and Variations from: A. Section 2-400 13 to allow a flat roof for the gas canopy, rather than the peaked roof required; B. Section 2-400 62 and 4-1000 F to allow 2 free-standing gas station electronic pricing monument signs with red illumination; C. Section 4-200 D 5 to allow greater than 125% of the required parking constructed on a non-permeable surface; D. Section 4-400 F 1 from the requirement for a landscape island every 10 spaces and at the ends of the parking rows, and E. Section 4-1000 F to allow 209 square feet of wall signage and additional signage on the gas pumps and to allow 96 square feet of signage on the front façade for the property located at 8108 Pyott Road (19-16-100-019 & 020), Crystal Lake, Illinois.

SECTION II: That the Preliminary and Final Planned Unit Development, Special Use Permit,

and Variations be granted with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Buchanan Energy LLC, received 03/25/15)
 - B. ALTA and Topographic Survey (VSEI., dated 2/19/13, received 04/25/14)
 - C. Site and Landscape Plans (ARC Design, dated 03/25/15, received 03/25/15)
 - D. Architectural Plans (Building Elevations and Floor Plan) (Robert W. Engel and Associates, dated 01/26/15, received 03/09/15)
 - E. Sign Plans (Omaha Neon Sign Co., dated 01/29/15, 01/30/15 and 03/06/15, received 03/09/15)

2. Site and Landscape Plan
 - A. The petitioner shall provide the easement documents to dedicate a 30-foot easement for water and future sanitary sewer along Rakow Road. The free-standing sign is permitted within this easement in the location as shown on the final PUD plans. Work with staff on the easement and MUMA.

3. Signs
 - A. The petitioner is granted a variation for signs as presented in the Sign Plans for the building wall signage, free-standing signage and the gas canopy signage.
 - B. The blue banding on the canopy shall be non-illuminated.

4. The petitioner shall address all of the review comments and requirements of the Community Development, Fire Rescue, Police, and Public Works Departments and of the City's Stormwater Consultant.

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

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

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

MAYOR

ATTEST:

CITY CLERK



Agenda Item No: 15

**City Council
Agenda Supplement**

Meeting Date: May 5, 2015

Item: REPORT OF THE PLANNING & ZONING COMMISSION
CVS Pharmacy

Requests:

1. Rezoning from R-2 and O to B-2.
2. Final Plat of Subdivision to create 2 lots.
3. Special Use Permits for Lot 1 to allow a drive-through and electronic message center sign.
4. Variations from
 - a. Article 3-200 to allow 75% lot coverage, a variation of 10% over the 65% permitted,
 - b. Article 4-1000 to allow 360 square feet of signage, 210 square feet over the 150 square feet permitted,
 - c. Article 4-1000 to allow 2 free-standing signs on the property, allowing the off-premise sign, and
 - d. Article 5 to allow Lot 2 a lot that does not abut a publicly dedicated roadway.

Petitioner: Mark Bettenhausen, petitioner
177 Virginia Street

PZC Recommendation: To approve the PZC recommendation and adopt an ordinance granting the Rezoning, Special Use Permits, Final Plat of Subdivision and Variations for the CVS Pharmacy and Lot 2 at 177 Virginia Street.

Staff Contact: James Richter II, Planning and Economic Development Manager

Background:

- This property was the former Mama Rini's restaurant, the AutoTech Goodyear building and 2 single family residences.

- The request requires Rezoning, Special Use Permits, a Final Plat of Subdivision and Variations for a CVS Pharmacy, which includes a drive-through.

Key Factors:

- At the suggestion of staff, the applicants have revised their architecture to match the Randall Road location. The building had a brick exterior with stone columns, a large entry arch and awnings over the windows. The exterior is all masonry, with a combination of two brick colors and stone for the main entry area columns.
- According to the UDO, new buildings are required to meet at least 6 of the architectural design criteria; this building meets 9 of the 10 criteria.
- Parking for Pharmacy is 4.5 per 1,000 square feet, requiring 60 parking spaces. The project has been designed with 69 parking spaces.
- The CVS is maintaining the existing circulation around the Country Donuts property.
- The CVS has access to Circle Lane (a privately maintained roadway), which is a full access on Route 14. They have a central access drive onto Route 14, which is a right-in / left-in / right-out. There is also access out to Virginia Road, which is a full access that currently exists for the Virginia Park office condominium development.

PZC Highlights:

- The PZC heard the neighbors concerns regarding the traffic and felt that the proposed use would not significantly increase congestion on the adjacent streets and neighborhoods. Staff also provided the following information regarding traffic:
 - In May of 2012, the Traffic Safety Committee evaluated the traffic along Lincolnshire to determine if a stop sign was warranted at Nottingham. The requirement for a stop sign is that 300 cars per hour be maintained over an 8-hour period. Lincolnshire averages 58 cars per hour with a peak of 168 cars at 4:00 pm on a Friday.
 - The Police Department reviewed the speeding between December 4, 2014 and January 4, 2015. The officers logged 211 minutes of enforcement time during the hours of 4:30pm and 7:00 pm, when traffic counts are their highest. Only two citations were issued.
 - Traffic measurement devices were placed at all three legs of the intersection of Lincolnshire and Nottingham. From April 7, 2015 through April 15, 2015, approximately 10,000 vehicles traveled through the intersection. 98.6% of those vehicles were traveling at less than 32 miles per hour.
- The PZC discussed the building's architecture and were impressed that CVS was able to work with staff to get such a nice looking building.
- The commission members would like to see as many large trees as possible remain and they understand that this would be a discussion when Lot 2 comes in for development.
- The PZC suggested that wall signage for CVS be consistent with what was granted for the nearby Walgreens. CVS should have equivalent signage with what Walgreens received. Exhibit A shows this comparison.

- The PZC reviewed the Findings of Fact and found that CVS met the criteria for the Special Use Permit, Drive-through, Variations and Design Standards.

The PZC recommended **approval (5-1)** of the petitioner's requests with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (TMC Illinois 2, LLC, received 02/17/15)
 - B. ALTA / ASCM Land Title Survey (Manhard Consulting, dated 10/28/14, received 04/25/14)
 - C. Final Plat of Subdivision (Manhard Consulting, dated 03/27/15, received 03/30/15)
 - D. Site Plan (Manhard Consulting, dated 03/20/15, received 03/30/15)
 - E. Landscape Plan (Manhard Consulting, dated 03/20/15, received 03/30/15)
 - F. Tree Survey (Manhard Consulting, dated 02/12/15)
 - G. Elevations (Norr, dated 3/20/15, received 03/30/15)
 - H. Sign Plans (icon, dated 03/20/15, received 03/30/15)
2. Final Plat of Subdivision
 - A. Provide an easement over the portion of the former Lot 3 to accommodate the existing storm water facilities.
 - B. CVS shall be responsible for the maintenance of Circle Lane unless a separate easement document is prepared establishing shared or another type of maintenance among all adjacent parties.
3. Site and Landscape Plan
 - A. Review fire hydrant spacing, access to the Fire Department connection and location of the fire equipment room to ensure Fire Department comments have been addressed.
 - B. Illustrate the 2-foot projection of the columns on the site plan and any floor plans.
 - C. Any tree removal must meet the requirements of Article 4-300.
 - D. The median adjacent to the drive-through shall be increased to provide only a right-out towards Circle Lane. This portion of the median shall be mountable for trucks.
4. Traffic Study
 - A. Petitioner shall follow all the recommendation of the traffic study dated April 17, 2015.
 - B. The petitioner shall work with IDOT and McDOT to secure any permits for work in the right-of-way.
 - C. Any changes to the site plan required by the traffic study, IDOT or McDOT shall be reviewed and approved by the Community Development Department.
5. The petitioner shall address all of the review comments and requirements of the Community Development, Fire Rescue, Police, and Public Works Departments, and those of the City's Stormwater Consultant.
6. Lot 2 shall be zoned B-2 PUD. **(Added by the PZC)**

7. The petitioner shall work with staff to get signage equivalent to Walgreens. (Added by the PZC)
8. The free-standing sign for Lot 2 shall not be erected until that lot develops. (Added by the PZC)

Votes Required to Pass: A simple majority vote.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING REZONING, FINAL PLAT OF SUBDIVISION,
A SPECIAL USE PERMIT AND VARIATIONS
AT 177 VIRGINIA STREET

WHEREAS, pursuant to the terms of a Petition (File #2015-13) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested Rezoning to B-2 General Commercial; Final Plat of Subdivision to create 2 lots; Special Use Permits for Lot 1 to allow a drive-through and electronic message center sign; and Variations from: A. Article 3-200 to allow 75% lot coverage, a variation of 10% over the 65% permitted; B. Article 4-1000 to allow 360 square feet of signage, 210 square feet over the 150 square feet permitted; C. Article 4-1000 to allow 2 free-standing signs on the property, allowing the off-premise sign, 1 free-standing sign is permitted; and D. Article 5 to allow Lot 2 a lot that does not abut a publicly dedicated roadway for the property located at 177 Virginia Street; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Rezoning Final Plat of Subdivision, Special Use Permit, and Variations 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 to B-2 General Commercial; Final Plat of Subdivision to create 2 lots; Special Use Permits for Lot 1 to allow a drive-through and electronic message center sign; and Variations from: A. Article 3-200 to allow 75% lot coverage, a variation of 10% over the 65% permitted; B. Article 4-1000 to allow 360 square feet of signage, 210 square feet over the 150 square feet permitted; C. Article 4-1000 to allow 2 free-standing signs on the property, allowing the off-premise sign, 1 free-standing sign is permitted; and D. Article 5 to allow Lot 2 a lot that does not abut a publicly dedicated roadway for CVS Pharmacy located at the southwest corner of Route 14 and Virginia Road (19-08-126-002, 003, 004, and 025), Crystal Lake, Illinois;

Section II: Said Final Plat of Subdivision, Special Use Permit, and Variations are issued with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (TMC Illinois 2, LLC, received 02/17/15)
 - B. ALTA / ASCM Land Title Survey (Manhard Consulting, dated 10/28/14, received 04/25/14)
 - C. Final Plat of Subdivision (Manhard Consulting, dated 03/27/15, received 03/30/15)
 - D. Site Plan (Manhard Consulting, dated 03/20/15, received 03/30/15)

- E. Landscape Plan (Manhard Consulting, dated 03/20/15, received 03/30/15)
- F. Tree Survey (Manhard Consulting, dated 02/12/15)
- G. Elevations (Norr, dated 3/20/15, received 03/30/15)
- H. Sign Plans (icon, dated 03/20/15, received 03/30/15)

2. Final Plat of Subdivision

- A. Provide an easement over the portion of the former Lot 3 to accommodate the existing storm water facilities.
- B. CVS shall be responsible for the maintenance of Circle Lane unless a separate easement document is prepared establishing shared or another type of maintenance among all adjacent parties.

3. Site and Landscape Plan

- A. Review fire hydrant spacing, access to the fire department connection and location of the fire equipment room to ensure fire department comments have been addressed.
- B. Illustrate the 2-foot projection of the columns on the site plan and any floor plans.
- C. Any tree removal must meet the requirements of Article 4-300.
- D. The median adjacent to the drive-through shall be increased to provide only a right-out towards Circle Lane. This portion of the median shall be mountable for trucks.

4. Traffic Study

- A. Petitioner shall follow all the recommendation of the traffic study dated April 17, 2015.
- B. The petitioner shall work with IDOT and McDOT to secure any permits for work in the right-of-way.
- C. Any changes to the site plan required by the traffic study, IDOT or McDOT shall be reviewed and approved by the Community Development Department.

5. The petitioner shall address all of the review comments and requirements of the Community Development, Fire Rescue, Police, and Public Works Departments, and those of the City's Stormwater Consultant.

6. Lot 2 shall be zoned B-2 PUD.

7. The petitioner shall work with staff to get signage equivalent to Walgreens.

8. The free-standing sign for Lot 2 shall not be erected until that lot develops.

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

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

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

MAYOR

ATTEST:

CITY CLERK

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



Agenda Item No: 16

**City Council
Agenda Supplement**

Meeting Date: May 5, 2015

Item: COUNTY ZONING REQUEST

Walkup Woods Water Company County Zoning Request

Field Court (unincorporated – near Walkup Woods Park)

Recommendation: City Council's discretion.

- a) Motion to object to the proposed rezoning, conditional use permit and variation requests, directing staff to proceed with an objection at the County zoning hearing.
- b) No action.

Staff Contact: James Richter II, Planning & Economic Development Manager
Victor Ramirez, Public Works Director

Background: As is customary with County Zoning requests within the City's mile and a half planning jurisdiction, the City received notice of a request from the Walkup Woods Water Company.

The property in question is approximately a half-acre in area and is zoned R-1 Single-family residential district. The property is surrounded by R-1 zoning (County) to the north, south, east and west.

The petitioner is requesting to rezone the property to A-1 Agricultural District, and is seeking a conditional use permit for a commercial water well, and variations from the current County UDO regulations for lot area, minimum frontage, and side yard setbacks.

The hearing on this matter is to be held on May 7, 2015, at 1:30 p.m.

The property in question has a previously-installed well and existing storage tank. The petitioner's requests are to accommodate new equipment for the existing water system, including a new 30,000 gallon tank (and building), valves, hydrants, and an extended driveway.

The Public Works Department met with the managing utility company last year regarding an IEPA mandate to upgrade the 30,000 gallon tank. During this meeting, the feasibility of connecting the Walkup Woods, Upland Acres and Heritage Estates subdivisions to the City

utility system was discussed, as well as the required annexation that would go along with this action. The annexation never moved forward, and subsequently, the Walkup Woods Water Company has chosen to proceed with the tank upgrade. Aesthetically, the building housing the new tank may be visible from the Park and/or City homeowners, however, there are no architectural plans available for the building at this time.

Public Works does not see any negative impact to the City's public water supply, as the petitioner's water usage is not likely to increase significantly.

Accordingly, it is recommended that the Council take no action on this request.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 17

**City Council
Agenda Supplement**

Meeting Date:

May 5, 2015

Item:

COUNTY ZONING REQUEST

Thomas Halat County Zoning Request

10214 Algonquin Road (unincorporated – between Huntley and Lake in the Hills)

Recommendation:

City Council's discretion.

- a) Motion to object to the proposed conditional use permit and variation requests, directing staff to proceed with an objection at the County zoning hearing.
- b) No action.

Staff Contact:

James Richter II, Planning & Economic Development Manager

Background: As is customary with County Zoning requests within the City's mile and a half planning jurisdiction, the City received notice of a request from Thomas Halat for property at 10214 Algonquin Road.

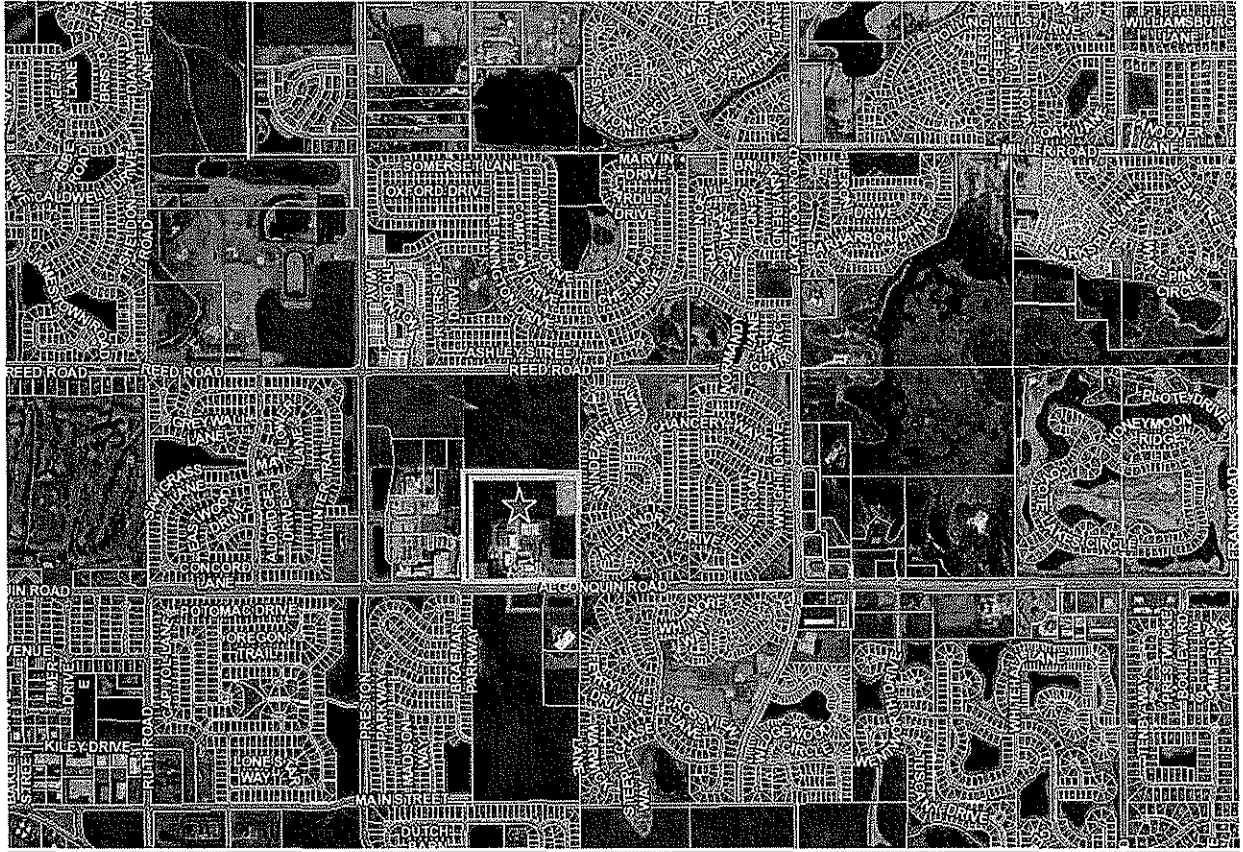
The property in question consists of approximately 43 acres and is zoned A-1V agricultural district (County), and is surrounded by HC health care district (Huntley) to the north and west, and R-2 single-family (Lake in the Hills) to the east, and A-1 agricultural (County) to the south.

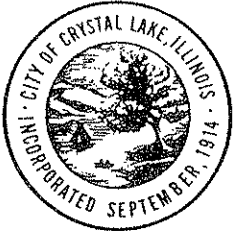
The petitioner is requesting a conditional use permit to allow the property to be used as a garden center and for intensive agritourism, as well as variations to allow sales, seating, activity and entertainment areas to be setback a minimum of 1 foot from the property lines instead of the required 30 feet.

The hearing on this matter is to be held on May 13, 2015, at 1:30 p.m.

The property in question does not appear to have any negative implications or impacts on Crystal Lake properties or our ability to provide services. Accordingly, it is recommended that the Council take no action on this request.

Votes Required to Pass: A simple majority vote.





Agenda Item No: 18

**City Council
Agenda Supplement**

Meeting Date: May 5, 2015

Item: Designation and Auction of Surplus Equipment

Staff Recommendation:

1.) Motion to adopt a resolution to designate the items identified in Exhibit "A" as surplus equipment, and authorize the City Manager to execute an agreement with Obenauf Auction Service, Inc. for the sale of this surplus equipment utilizing their online auction, and further to authorize surplus items not sold or whose proposed auction price is less than a scrap price, be scrapped.

2.) Motion to declare two (2) Hoffman four stage blowers as surplus and accept payment of \$2,000.00 from Berryman Equipment Company for the purchase of the blowers.

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

Background:

Currently the Public Works Department coordinates the selling of surplus City equipment. A list of equipment proposed as surplus, to be sold through a public online bidding process, is attached as Exhibit "A". This auction service is provided throughout the year and administered by Obenauf Auction Service, Inc. Exhibit "A" identifies a list of surplus vehicles and surplus equipment, which have been compiled by the Administration, Public Works, IT, Police, and Fire Rescue Departments. The designation of equipment as surplus and subsequent auction of equipment provides the following benefits to the City:

- 1) Participation in the auction would minimize the costs and time required to sell the equipment through a bidding process. These costs include advertising, publishing legal notification, and staff time required to show the vehicles and equipment. The associated cost to the City by utilizing Obenauf Auction Service, Inc. is a 3% commission for all items sold.

- 2) Participation in the auction would provide an additional avenue for the sale of the surplus equipment and vehicles to increase the likelihood that the City will maximize its return on the sale of the items.

In addition to the surplus items to be auctioned, the City has retained two centrifugal blowers that were recently replaced. The replaced blowers are 23 years old and have been inoperable for some time. Staff obtained quotes from local scrap metal recycling centers. The results are as follows:

Company	Scrap Quote
Metro East Recycling Nashville, IL	\$243.66
Elgin Recycling Company Elgin, IL	\$ 122.29
Grapperhaus Metal Company Highland, IL	\$ 300.00

Staff also sought another option through Berryman Equipment which quoted the City \$1,000.00 for each intact blower unit with the motor and frame. Given the scrap value and the considerable effort that would be required to remove the blower, this option is the most advantageous offer for the City.

Recommendation:

It is the recommendation of staff to designate the items in Exhibit "A" as surplus and authorize the City Manager to execute an agreement for the vehicles and equipment to be auctioned through a public online bidding process administered by Obenauf Auction Service, Inc. with a 3% sales commission for all items sold, and to sell the Hoffman blowers to Berryman Equipment in the amount of \$2,000.00. City staff will properly dispose of any items found to have no value through the auction process per all relevant regulations.

Votes Required to Pass:

Simple majority



DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE THAT

1. The items identified on Exhibit "A" be and are hereby designated as surplus; and
2. The City Manager is hereby authorized and directed to execute an agreement with Obenauf Auction Services, Inc. for auction services pertaining to all items listed on "Exhibit A" for a 3% sales commission; and
3. The two (2) Hoffman blowers are hereby designated as surplus; and
4. The City Manager is hereby authorized and directed to execute an agreement with Berryman Equipment Company for the sale of the Hoffman blower in the sale amount of \$2,000.00.

DATED this 5th day of May, 2015.

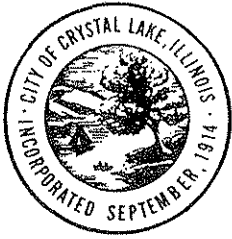
CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL
ATTEST

CITY CLERK

PASSED: May 5, 2015
APPROVED: May 5, 2015



Agenda Item No: 19

**City Council
Agenda Supplement**

Meeting Date:

May 5, 2015

Item:

Purchase of Road Salt for 2015/2016 and 2016/2017
Winter Seasons

Staff Recommendation:

Motion to award the contract for the purchase of road salt for the 2015/2016 and 2016/2017 winter seasons to the lowest responsive, responsible bidder, Compass Minerals America Inc., in the amount of \$72.24 per ton for the first year and \$74.41 for the second optional year and to adopt a resolution authorizing the City Manager to execute a two-year agreement with Compass Minerals American Inc. for road salt for the base year and the second year option in the amounts bid.

Staff Contact:

Victor Ramirez, P.E., Director of Public Works
George Koczwarra, Finance Director

Background:

The City of Crystal Lake Public Works Department coordinates the purchase and acquisition of road salt. Due to the harsh winter of 2013/2014 the City requested 4,000 tons of road salt for the winter of 2014/2015. The City agreed to purchase road salt from the lowest bidder, Great Lakes Salt, Inc., at the rate of \$106 per ton. This past winter however presented significantly less weather activity than the previous winter of 2013/2014. For example the winter of 2014/2015 had only 48 snow/ice events resulting in a snowfall of 36.25 inches compared to 86 snow/ice events resulting in 68 inches of snow in 2013/2014. As a result of a milder winter, the cost for road salt was expected to reduce from \$106 per ton due to the decrease of supply and demand.

For this year's road salt purchase the City collaborated with McHenry County who was submitting a road salt bid for their agency as well as individual municipalities. The bid allowed vendors to provide different bid amounts for each agency listed in the bid request. The bid also allowed vendors to bid on an optional second year. The bid results are as follows:

Company	Price Per Ton Year 1	Price Per Ton Year 2
Compass Minerals America Overland Park, KS	\$72.24	\$74.41
Cargill Deicing Technology North Olmsted, OH	\$74.62	\$78.62
Detroit Salt, Co. Detroit, MI	87.58	89.58
Central Salt, LLC Elgin, IL	\$109.00	No Bid
Morton Salt Chicago, IL	\$149.74	\$149.74
American Rock Salt Mt. Morris, NY	No Bid	No Bid

Discussion:

The current bids are significantly lower than the previous year's results. To equate this difference, the City currently requested 3,000 tons of rock salt; a reduction of 1,000 tons of rock salt from the previous year. This quantity reduction, plus the reduced per ton rate, results in road salt costs of \$207,280 less than the previous year. Furthermore, due to the uncertainty of winter weather, the second year option provides the City an opportunity to lock in costs and more effectively forecast the road salt budget for Fiscal Year 2016/2017. The second year will also provide 3,000 tons of rock salt.

Recommendation:

It is the recommendation of the Public Works Department to award the contract to the lowest responsive, responsible bidder, Compass Minerals America in the delivered amount of \$72.24 per ton for the first year and \$74.41 for the second year.

Votes Required to Pass:

Simple Majority



DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to award the contract for the purchase of road salt for the 2015/2016 and 2016/2017 winter seasons to the lowest responsive, responsible bidder, Compass Minerals America Inc., in the amounts bid.

DATED this 5th day of May, 2015.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

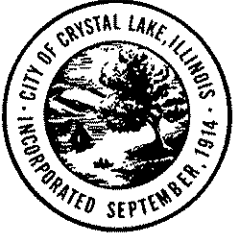
SEAL

ATTEST

CITY CLERK

PASSED: May 5, 2015

APPROVED: May 5, 2015



Agenda Item No: 20

**City Council
Agenda Supplement**

Meeting Date: May 5, 2015

Item: Appropriation of MFT funds for the City's share of the Route 14 Improvement from Lucas Road to Crystal Lake Avenue.

Staff Recommendation: Motion to adopt a resolution appropriating \$150,000 in MFT funds for the City's share of the Route 14 Improvement from Lucas Road to Crystal Lake Avenue.

Staff Contact: Abigail Wilgreen, City Engineer

Background:

The Illinois Department of Transportation (IDOT) improvement of Route 14 from Lucas Road to Crystal Lake Avenue is currently under construction. The improvements consist of reconstruction to provide two through lanes with a raised median from Lucas Road to Route 176 and widening and resurfacing from Route 176 to Crystal Lake Avenue.

As part of an intergovernmental agreement approved by the City Council on January 7, 2014, the City agreed to fund certain portions of the improvements. Among the elements that the City agreed to fund are:

- New traffic signal equipment at the intersections of Route 14 and Woodstock Street and Route 14 and Crystal Lake
- Emergency vehicle preemption equipment at all intersections affected by the construction.
- Illuminated street name signs at all of the signalized intersection in the construction areas.

The City will be funding its share of these elements using Motor Fuel Tax (MFT) funds. It is requested that the Council appropriate \$150,000 in MFT funds for the Route 14 Improvement. This appropriation is for the construction of the project and a 10 percent contingency. IDOT provided the City with the amount of the City's share of the construction based on as-bid costs. Any funds that are obligated and not spent will be returned to the City's unobligated balance once the project is complete. The City has sufficient reserves in its MFT fund for the construction and this project has been included in the FY 2015-2016 budget.

Votes Required to Pass:

Simple majority of City Council present.



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

Table with 4 columns: Name of Thoroughfare, Route, From, To. Row 1: U.S. Route 14, FAP 305, Lucas Road, Crystal Lake Avenue.

BE IT FURTHER RESOLVED, 1. That the proposed improvement shall consist of the City's share of the construction, including traffic signal modernization, emergency vehicle pre-emption equipment, and illuminated street name signs

and shall be constructed variable wide and be designated as Section 13-00121-00-TL

2. That there is hereby appropriated the (additional Yes No) sum of one-hundred and fifty thousand Dollars (\$150,000.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

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

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

Approved
Date
Department of Transportation
Regional Engineer

I, Nick Kachiroubas Clerk in and for the City of Crystal Lake, County of McHenry, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Council at a meeting on May 5, 2015. IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 5th day of May, 2015 (SEAL) City, Town, or Village Clerk



Agenda Item No: 21

City Council Agenda Supplement

Meeting Date:

May 5, 2015

Item:

Ordinance Authorizing the City of Crystal Lake to borrow funds from the Illinois Environmental Protection Agency (IEPA) Water Pollution Control Loan Program, and Authorizing the Development of a Borrowing Plan for various Water and Wastewater Projects

Staff Recommendation:

A motion:

1. Adopting an Ordinance authorizing the City of Crystal Lake to borrow funds from the Illinois Environmental Protection Agency (IEPA) Water Pollution Control Loan Program, and
2. Adopting a Resolution authorizing the development of a financing plan for the funding of water and wastewater projects and authorizing the City Manager to execute agreements for services related to the funding of water and wastewater projects.

Staff Contact:

George Koczvara, Director of Finance
Victor Ramirez, Director of Public Works

Background:

In 2013, in order to ensure that the City continued to provide modern, efficient, and reliable water and sewer utility service, the City Council approved contracts with consultants to provide Sewer and Water Master Plans. The purpose of these plans was to identify significant capital improvements to repair, rehabilitate and enhance the City's water and sewer system. In addition, the City approved a contract with Baxter and Woodman to evaluate the financial impacts of undertaking the proposed capital improvements, review the existing rate structure and make recommendations regarding five-year rate modifications to support capital improvements.

In 2014, the results of the Baxter and Woodman study were accepted as part of the Budget review process. The study provided for a multi-year sewer and water rate increase to continue

the activities of the Public Works Department's Water, Underground, and Wastewater Divisions, while incorporating escalating costs of energy and commodities needed for the pumping and treatment of water and sewer. Funds from the proposed increase would also provide for the ability to replace aged water/sewer infrastructure in order to maintain the current service levels our residents receive.

The accepted rate structure will support not only the continued operations of the water, sewer, and wastewater services of the City, but also the infrastructure improvements necessary for maintaining the integrity of the systems. The bulk of the water, sewer and wastewater projects will be funded through the State Revolving Fund (SRF) programs, administered by the Illinois Environmental Protection Agency (IEPA).

State Revolving Fund (SRF) programs

The SRF programs, administered by the IEPA, include the Water Pollution Control Loan Program (WPCLP) for wastewater projects and the Public Water Supply Loan Program (PWSLP) for drinking water projects. These two programs are annually the recipients of federal capitalization funding, which is combined with state matching funds, program repayments, and bond and interest proceeds to form a perpetual source of low interest financing for environmental infrastructure projects.

The City is still working on finalizing the necessary due diligence for the water projects but is ready to proceed with the wastewater projects for the Water Pollution Control Loan Program. The wastewater projects include the rehabilitation of two secondary clarifiers at Wastewater Treatment Plant #2, the construction of a digester, control building and centrifuge building at Wastewater Treatment Plant #2, and the reconstruction of digesters #1 and #2, blower building rehabilitation, and the rehabilitation of trickling filters #1 and #2 at Wastewater Treatment Plant #3. The total cost for these projects is \$16,370,000.

In order to complete the application process, the City must be authorized to borrow funds through the Water Pollution Control Loan Program through the approval of the attached ordinance. The ordinance also authorizes the Mayor to execute a loan agreement (including related documents such as the attached proposed schedule form) with the IEPA. The estimated cost of the total project is \$16,370,000, which includes a 10% contingency and construction engineering. The loan will be repaid from revenues of the water and sewer system over a twenty-year period. The loan is not a general obligation of the City.

The advantage of the IEPA loan program versus traditional bonds is the lower interest rate. The following is a comparison of the debt service obligations under an IEPA loan and Bonds.

	<u>Interest Rate</u>
IEPA Loan	2.21%
General Obligation Bond	3.0%
Revenue Bond	3.5%

The Revenue Bond is the more accurate comparable as it is also payable from revenues of the water and sewer system.

In addition to the approval of the Water Pollution Control Loan Ordinance, the City has published the attached public comment notice which provides information regarding the proposed projects and affords the public an opportunity to comment on the proposed project. This ten-day public comment period will commence on May 7, 2015.

Following the approval of the Water Pollution Control Loan Ordinance, bids will be released for the planned projects. It is anticipated that the bid results will be placed on the July or August, 2015 City Council agenda. The approval of the bids will be contingent upon receiving the Water Pollution Control Loan.

Promissory Note

There are three projects planned as part of the 2014 Utility Rate and Connection Fee Study that will not be funded through the IEPA Revolving Loan Programs. The first is the water main replacement as part of the U.S. Route 14 expansion (\$768,575). In the case of this project, the City will be reimbursing the State for the water main replacement portion of the project. IEPA loan rules do not allow for the use of IEPA loan proceeds to reimburse the State.

The second project is the water main replacement for Phase 3 of the Country Club Subdivision project (\$932,473). Of the total \$934,473 project cost, \$112,836 will be reimbursed by the Village of Lakewood for their proportionate share and \$357,711 will be paid out of existing proceeds in this fiscal year. The net amount that the City will need to finance is \$461,926 for this project. Similar to the U.S. Route 14 widening project, because the City will be receiving Surface Transportation Funding for the road portion of this project, IEPA loan rules do not allow the funding of the water main replacement portion of the project.

The final project is the engineering services for water capacity enhancements (\$575,000). This project will pay for engineering to determine how best to enhance water capacity in the City. Once the engineering is complete, the City will seek an IEPA loan for the construction of the project.

The total financing amount for the above three projects is \$1,805,501 and it is anticipated that these projects will be financed using a Promissory Note.

Pursuant to Section 8-1-3.1 of the Municipal Code, a municipality may borrow money from any bank or financial institution. The indebtedness is evidenced by a promissory note or similar debt instrument (but not a bond) authorized by an ordinance of the corporate authorities and executed by the mayor of the municipality. The borrowing must be for a lawful corporate purpose and must be repaid within 10 years. The obligation of the municipality to make payments due under the promissory note shall be a lawful direct general obligation of the municipality. The municipality is expected to agree to annually appropriate amounts sufficient to make payments due under the promissory note, but the promissory note will be valid whether or not the municipality includes such appropriation in any annual or supplemental appropriation adopted by the corporate authorities.

Due to the relative size of this financing requirement, a promissory note versus a traditional bond is more advantageous for two reasons. First, the City will not have to pay for third party services such as a rating service, underwriter, an online auction, and bond registrar since the note will be between the City and a local bank. The City will still need to pay for counsel and financial advisory services. Second, the City will solicit proposals for the promissory note from local financial institutions through a competitive process.

The attached resolution authorizes the development of a financing plan for the funding of water and wastewater projects and authorizes the City Manager to execute agreements for services related to the funding of water and wastewater projects. The results of the solicited proposals will be presented to the City Council for approval at an upcoming City Council meeting.

Recommendation

It is staff's recommendation to adopt an Ordinance authorizing the City of Crystal Lake to borrow funds from the Illinois Environmental Protection Agency (IEPA) Water Pollution Control Loan Program, and Adopt a Resolution authorizing the development of a financing plan for the funding of water and wastewater projects and authorizing the City Manager to execute agreements for services related to the funding of water and wastewater projects.

The agreement for services related to the promissory note include:

Legal Counsel – Foley & Lardner LLP	\$10,000
Financial Advisor – PMA Securities, Inc.	\$7,500

The City of Crystal Lake has successfully utilized the above financial advisor for previous borrowing issuances. The amount for their service is less than previously paid because a promissory note would not require an official statement and assistance with the rating process.

It is anticipated that the approval of the promissory note will be presented to the City Council at the June 2, 2015 City Council meeting. Attorney Pardys has reviewed the attached Ordinance and Resolution.

Votes Required to Pass:

Simple Majority

DRAFT



**ORDINANCE AUTHORIZING LOAN AGREEMENT
(WATER POLLUTION CONTROL LOAN PROGRAM --HOME RULE ENTITY)**

ORDINANCE NUMBER

AN ORDINANCE authorizing the City of Crystal Lake, McHenry County, Illinois, to borrow funds from the Water Pollution Control Loan Program

WHEREAS, the City of Crystal Lake, McHenry County, Illinois, operates its sewerage system ("the System") and in accordance with the provisions of Section 6 of Article VII of the Illinois Constitution and the Local Government Debt Reform Act, 30 ILCS 350/1 et seq. (collectively "the Act"); and

WHEREAS, the Mayor and City Council of the City of Crystal Lake ("the Corporate Authorities") have determined that it is advisable, necessary, and in the best interest of the public health, safety, and welfare to improve the System, including the following:

Improvements at Waste Water Treatment Plant #2 generally consisting of constructing a new anaerobic digester and cover, and new heating and mixing systems; installation of a new centrifuge; and, rehabilitation of the existing secondary clarifiers.

Improvements at Waste Water Treatment Plant #3 consisting of rehabilitation of the existing bio-packed towers, digester cover removal and replacement of existing blowers and diffusers with new high efficiency equipment.

together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation ("the Project"), all in accordance with the plans and specifications prepared by the consulting engineers of the City of Crystal Lake, which Project has a useful life of 40 years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$16,370,000, and there

are insufficient funds on hand and lawfully available to pay these costs; and

WHEREAS, the loan shall bear an interest rate as defined by 35 Ill. Adm. Code 365, which does not exceed the maximum rate authorized by the Bond Authorization Act, as amended, 30 ILCS 305/0.01 et seq., at the time of the issuance of the loan; and

WHEREAS, the principal and interest payment shall be payable semi-annually, and the loan shall mature in 20 years, which is within the period of useful life of the Project; and

WHEREAS, the costs are expected to be paid for with a loan to the City of Crystal Lake from the Water Pollution Control Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid from revenues of the System, and the loan is authorized to be accepted at this time pursuant to the Act; and

WHEREAS, in accordance with the provisions of the Act, the City of Crystal Lake is authorized to borrow funds from the Water Pollution Control Loan Program in the aggregate principal amount of \$16,370,000 to provide funds to pay the costs of the Project; and

WHEREAS, the loan to the City of Crystal Lake shall be made pursuant to a Loan Agreement, including certain terms and conditions between the City of Crystal Lake and the Illinois Environmental Protection Agency;

NOW THEREFORE, be it ordained by the Corporate Authorities of the City of Crystal Lake, McHenry County, Illinois, as follows:

SECTION 1. INCORPORATION OF PREAMBLES

The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this Ordinance by this reference.

SECTION 2. DETERMINATION TO BORROW FUNDS

It is necessary and in the best interests of the City of Crystal Lake to construct the Project for the public health, safety, and welfare, in accordance with the plans and specifications, as described; that the System continues to be operated in accordance with the provisions of the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq.; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the City of Crystal Lake in the aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$16,370,000.

SECTION 3. ADDITIONAL ORDINANCES

The Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this Ordinance, providing for entering into the Loan Agreement with the Illinois Environmental Protection Agency, prescribing all the details of the Loan Agreement, and providing for the collection, segregation and distribution of the revenues of the System, so long as the maximum amount of the Loan Agreement as set forth in this Ordinance is not exceeded and there is no material change in the project or purposes described herein. Any additional ordinances or proceedings shall in all instances become effective in accordance with the Act or other applicable laws. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for entering into the Loan Agreement under applicable law.

However, notwithstanding the above, the City of Crystal Lake may not adopt additional ordinances or amendments which provide for any substantive or material change in the scope and intent of this Ordinance, including but not limited to interest rate, preference or priority of any other ordinance with this Ordinance, parity of any other ordinance with

this Ordinance, or otherwise alter or impair the obligation of the City of Crystal Lake to pay the principal and interest due to the Water Pollution Control Loan Program without the written consent of the Illinois Environmental Protection Agency.

SECTION 4. LOAN NOT INDEBTEDNESS OF CITY OF CRYSTAL LAKE

Repayment of the loan to the Illinois Environmental Protection Agency by the City of Crystal Lake pursuant to this Ordinance is to be solely from the revenue derived from revenues of the System, and the loan does not constitute an indebtedness of the City of Crystal Lake within the meaning of any constitutional or statutory limitation.

SECTION 5. APPLICATION FOR LOAN

The City Manager is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Water Pollution Control Loan Program, in accordance with the loan requirements set out in 35 Ill. Adm. Code 365.

SECTION 6. ACCEPTANCE OF LOAN AGREEMENT

The Corporate Authorities hereby authorize acceptance of the offer of a loan through the Water Pollution Control Loan Program, including all terms and conditions of the Loan Agreement as well as all special conditions contained therein and made a part thereof by reference. The Corporate Authorities further agree that the loan funds awarded shall be used solely for the purposes of the project as approved by the Illinois Environmental Protection Agency in accordance with the terms and conditions of the Loan Agreement.

SECTION 7. AUTHORIZATION OF [MAYOR/PRESIDENT] TO EXECUTE LOAN AGREEMENT

The Mayor is hereby authorized and directed to execute the Loan Agreement with the Illinois Environmental Protection Agency. The Corporate Authorities may authorize by resolution a person other than the Mayor for the sole purpose of authorizing or executing any

documents associated with payment requests or reimbursements from the Illinois Environmental Protection Agency in connection with this loan.

SECTION 9. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION 10. REPEALER

All ordinances, resolutions, orders, or parts thereof, which conflict with the provisions of this Ordinance, to the extent of such conflict, are hereby repealed.

THE REST OF THIS PAGE IS LEFT INTENTIONALLY BLANK.

PASSED by the Corporate Authorities
on May 5, 2015.

APPROVED May 5, 2015

Aaron T. Shepley, Mayor
City of Crystal Lake
McHenry County, Illinois

AYES: _____

NAYS: _____

ABSENT: _____

PUBLISHED in the _____ on _____, 20____.

RECORDED in the City of Crystal Lake Records on _____, 20____.

ATTEST:

City of Crystal Lake Clerk
City of Crystal Lake
McHenry County, Illinois

CERTIFICATION

I, _____, do hereby certify that I am the duly elected, qualified and acting Clerk of the City of Crystal Lake. I do further certify that the above and foregoing, identified as Ordinance Number _____, is a true, complete and correct copy of an ordinance otherwise identified as [insert TITLE OF ORDINANCE], passed by the [Board of Trustees/City Council] of the City of Crystal Lake of _____ on the _____ day of _____, 20____, and approved by the [President/Mayor] of the City of Crystal Lake of _____ on the same said date, the original of which is part of the books and records within my control as Clerk of the City of Crystal Lake of _____.

Dated this _____ day of _____, 20____.

Clerk of the City of Crystal Lake