



The City of Crystal Lake
PROCEEDINGS OF THE CITY COUNCIL
March 3, 2009

Call to Order

Mayor Shepley called the City Council meeting to order at 7:30 p.m.

Roll Call

On roll call, Councilmembers Ellen Brady Mueller, Ralph Dawson, Cathy Ferguson, Dave Goss, Brett Hopkins, Jeff Thorsen and Mayor Aaron Shepley were present.

City Clerk Roger Dreher, City Manager Gary Mayerhofer, City Attorney John Cowlin, Director of Planning and Economic Development Michelle Rentzsch, Director of Engineering and Building Victor Ramirez, Director of Public Works Eric Lecuyer, Director of Finance Mark Nannini, Chief of Police David Linder, Assistant City Engineer Erik Morimoto and Deputy City Manager George Koczwar were also present.

Pledge of Allegiance

Mayor Shepley led the Council and the public in the Pledge of Allegiance.

Approval of Minutes

Councilman Hopkins moved to approve the minutes of the February 17, 2009 Regular City Council Meeting. Councilman Goss seconded the motion. On roll call, all voted yes. Motion passed.

Accounts Payable

Councilman Goss moved to approve the Accounts Payable in the amount of \$1,591,744.36. Councilwoman Ferguson seconded the motion. On roll call, all voted yes, except Mayor Shepley abstained on the invoices from Centegra Occupational Medicine and Centegra Worksite Wellness. Motion passed.

Public Presentation

None.

Mayor's Report

Mayor Shepley introduced and welcomed new Superintendent of Streets Bob Huss.

Mayor Shepley stated that on Wednesday, March 4, from noon to 2 p.m., there would be a summit meeting with shopping center owners to discuss vacancies and how the City can collaborate with them to fill those vacancies.

APR 06 2009

Mayor Shepley wished Ilma Braatz, 100 years old, a very happy birthday.

City Council Reports

None.

Consent Agenda

Councilwoman Brady Mueller moved to approve a Consent Agenda, consisting of Items 11, 12, 13, 14, 15, 16, 22, 23, 24 and 25. Councilwoman Ferguson stated that she would like to discuss Items 16 and 24. Following discussion, Councilwoman Brady Mueller withdrew the motion and moved to approve a Consent Agenda consisting of Items 11, 12, 13, 14, 15, 22, 23 and 25. Councilman Goss seconded the motion. On roll call, all voted yes. Motion passed.

- 11. Approved the issuance of a Taxicab License to A#1 Cab Dispatch, Inc.*
- 12. Adopted an Ordinance for the annexation of property located at 305 E. Crystal Lake Avenue.*
- 13. Viking Dodge, 680 W. Terra Cotta – Approved a Temporary Use Permit request for 2009 Special Promotions, subject to the recommended conditions.*
- 14. Commuter Car Care, 82A Railroad Street – Approved the Planning and Zoning Commission recommendations and adopted an ordinance granting a Special Use Permit to allow a car wash and Zoning Variations from the requirement to provide 5 car stacking spaces and from the requirement to provide an approved surface for parking lots to allow the existing compacted gravel lot.*
- 15. Lutter Center, 1125 and 1145 S. Route 31 - Approved the recommendations of the Planning and Zoning Commission and adopted an ordinance amending the Final Planned Unit Development to allow signs on the rear of the two outlot buildings at 1125 and 1145 South Route 31.*
- 22. Adopted a Resolution authorizing execution of the Local Agency Agreement for Federal Participation with IDOT for construction of the 2009 LAPP Improvements.*
- 23. Adopted a Resolution authorizing execution of the Local Agency Agreement for Federal Participation with IDOT for engineering of the Main Street Rail Yard Relocation.*
- 25. Adopted an Ordinance amending Chapter 600 Section 12C and Section 12D of the City Code.*

Presentation to the Police Department by Lt. Col. John D. Faron of the United States

Army.

Police Chief David Linder stated that in November, 2008, the Crystal Lake Police Department had received correspondence from Lt. Col. John Faron, Commander of the 327th Military Police Battalion, Camp Taji, Iraq, and a resident of Crystal Lake, which included an American Flag that had been flown over Camp Taji in commemoration of the seventh anniversary of September

11th. Lt. Col. Faron's letter personally thanked the City and the Police Department for their support of the military and for "those fallen and those who continue to protect our freedom at home and abroad". Additionally, a unique coin was awarded to the Police Department by these Military Police Officers, thanking the Police Department for caring for the community and their homes while the soldiers are away. Chief Linder personally thanked Lt. Col. Faron, himself a Police Officer for Cook County, who was present at the City Council meeting, and presented him with a Crystal Lake Police Challenge Coin on behalf of the Crystal Lake Police Department.

Mayor Shepley also thanked Lt. Col. Faron and the members of his family who were present for their sacrifice and continued service to our country.

337 Charlotte Avenue – Simplified Residential Variation from the average front yard setback of 28 feet to allow a front porch constructed at 21.43 feet.

Patrick Gingras, the homeowner, was present for the matter. Mr. Gingras stated that when he replaced the front porch and stairway, he was told by his contractor that he did not need a building permit. Building Commissioner Rick Paulson confirmed that a building permit was required because the support posts were removed, and if the petitioner had obtained a permit, the encroachment would have been noticed at that time.

Mayor Shepley asked if anyone in the audience wished to speak on the matter. No one wished to speak.

Councilwoman Ferguson stated that the last time a similar matter had come before the Council, the petitioner was required to have the matter adjudicated before the Administrative Law Judge, who could levy fines for not obtaining a building permit, and she wanted to be consistent with this petitioner. Mayor Shepley confirmed that no Councilmembers objected to the construction, and stated that the adjudication process was a reasonable approach.

Councilwoman Ferguson moved to approve the Planning and Zoning Commission recommendations with an additional condition that the matter be reviewed by the Adjudication Court for the assessment of any fines or penalties for failure to obtain a building permit. Councilman Goss seconded the motion. On roll call, all voted yes. Motion passed.

Crystal Lake Brake and Auto, 6200 Berkshire Drive, Unit 3 – Special Use Permit for outside storage of vehicles; Zoning Variation from the requirement to provide a solid 6-foot screen of fence, earth berm or dense evergreen growth for outside storage; Zoning Variation from the requirement to provide landscape islands at the ends of parking rows and each 10 spaces; and Zoning Variation from the requirement to provide a 24-foot drive aisle at 90 degree parking and a 13-foot drive aisle at 45 degree parking.

Bruce Barry, the business owner, stated that after he moved to this location in July, he learned that he needed to apply for a permit for the outside storage of vehicles. He noted that the Planning and Zoning Commission had denied the request, but stated that because of the three other tenants occupying the building, screening was not an option, and he was requesting City Council consideration on the matter.

Mayor Shepley asked if anyone in the audience wished to speak on the matter.

Brian Gatza of the Family Dog Center stated that his business was one of the building's tenants and was located next door to Crystal Lake Brake and Auto. He stated that a fence would block his customers from accessing the parking lot, and asked that if a fence were required, only a portion of the parking lot be fenced.

Director of Planning and Economic Development Michelle Rentzsch clarified that a new site plan had been prepared by the staff since the Planning and Zoning Commission meeting, which provided for adequate drive aisles. Councilman Dawson asked if Ms. Rentzsch believed the Planning and Zoning Commission would find the new plan acceptable. Ms. Rentzsch stated that the Planning and Zoning Commission's main concern had been traffic movement, and the revised site plan addressed that concern.

The Council discussed the matter further. Mr. Barry assured the Council that he would not store junk cars on the site, and only keep them long enough to do repairs, acknowledging the 30-day limitation. He stated that he would put up signage and had contacted a local towing company to tow unauthorized cars, stating that an adjacent car repair facility had been known to place cars in his parking lot. Mayor Shepley asked if Mr. Barry was in agreement with the 11 conditions listed on the agenda supplement, and Mr. Barry stated that he was.

Councilwoman Brady Mueller moved to adopt an ordinance granting a Special Use Permit for the outside storage of vehicles and granting Zoning Variations from the requirement to provide a solid 6-foot screen or fence, earth berm or dense evergreen growth for outside storage, from the requirement to provide landscaped islands at the ends of parking rows and each 10 spaces, and from the requirement to provide a 13-foot drive aisle at 45 degree parking for the parking rows at the southeastern corner of the building, subject to the 11 conditions listed on the Agenda Supplement dated March 3, 2009, and Parking Plan scenario #2, Exhibit B. Councilman Thorsen seconded the motion. On roll call, all voted yes. Motion passed.

Randall Road Improvement Presentation by the McHenry County Division of Transportation.

Representatives from McHenry County, Jeff Young, Assistant County Engineer, and Wally Dittrich, Design Manager, provided a detailed presentation to the City Council regarding the County's plans for Randall Road. Mr. Young stated that the purpose of changing Randall Road was to enhance mobility and local access while addressing safety issues, community values and environmental impacts. Mr. Young noted that detailed information is available at www.randallroad.info.

Mr. Dittrich outlined the County's preferred alternative for Crystal Lake, which would be to close access to Alexandra Boulevard, add turning lanes and signalization to Angela Lane, and convert Village Road to right in/right out. He stated that they also planned to add turn lanes to Miller Road.

Mr. Dittrich summarized the main constraints for this section of Randall Road: (1) signal

warrants, (2) ½ mile signal spacing requirements for freeways, (3) IDOT SRA criteria, (4) acceleration/deceleration lane distances for turn lanes, and (5) avoid access on curved segments or in areas with grade greater than 3%.

Mayor Shepley asked if this was five years too late. Noting the County's plan to close or change access to Randall Road at Alexandra Boulevard, Village Road and Angela Lane, he asked how many access points in Lake in the Hills and Algonquin were being contemplated for closure. Mr. Young stated that decisions had been made 15 years ago regarding Randall Road, but they were trying to deal with the situation as it currently existed. He outlined additional access limitations in Lake in the Hills and Randall Road, which Councilman Thorsen confirmed were private drives, not public streets, as proposed for Crystal Lake.

Mr. Young stated that the County would continue to make presentations to municipalities and gather input, and then take that information back to the County Transportation Committee before proceeding on a detailed plan with a preferred alternative. He stated that there would also be a public hearing for feedback and comments. Councilwoman Ferguson stated that the County had ignored Crystal Lake's feedback at previous public meetings.

Mr. Young stated that the ultimate goal was to have an approved plan by next year so that the County could seek funding for this \$80 million project.

Mayor Shepley reminded the County representatives that when the County had previously requested that municipalities limit access to Randall Road, Crystal Lake was the first to agree, but Algonquin and Lake in the Hills had refused and now Crystal Lake was being penalized. He stated that the County's proposed changes were like pouring a cup of water on a forest fire, and would be a complete waste of taxpayer money.

Mr. Young noted that Algonquin had recently asked the County to restrict access at a McDonald's, which Mr. Young felt was evidence of Algonquin's cooperation. Mayor Shepley stated that he felt this was an isolated example.

Councilman Hopkins stated that the County allowed the problems on Randall Road in Lake in the Hills and Algonquin to occur, but not in Crystal Lake. He stated that the impact of the proposed changes to Crystal Lake would be severe, and only negligible further south in Lake in the Hills and Algonquin.

Mayor Shepley stated that the fact of the matter was that it felt like Crystal Lake was potentially being punished because it didn't go the way Algonquin went, which had threatened a lawsuit over limiting access to Randall Road. He stated that Village Road, Alexandra Boulevard and Angela Lane were all constructed with access to Randall Road with the County's approval, and that now, for the betterment of Algonquin and Lake in the Hills, the County was going to close or limit access to those roads.

Councilman Goss stated that he felt the County had a bad access ordinance. He stated that the Crystal Lake residents need access from Village Road and Alexandra Boulevard, and both

should be signalized. He stated that both signals would qualify under a SRA (Strategic Regional Arterial) designation, which recommends 1/2 mile separation, but will accept 1/4 mile spacing of signals. It is the County "freeway" designation dictating the 1/2 mile spacing. He stated that Crystal Lake had honored the County's intergovernmental agreement regarding no new curb cuts on Randall Road, which Algonquin and Lake in the Hills had not. He stated that the proposed changes would affect 3,000 homes in Crystal Lake, approximately 25% of the City's homes, including three elementary schools. He noted that the County was also shutting off access from Skyridge Drive to Ackman Road with the Rakow Road expansion project. He stated that he did not understand why the County had designated Randall Road as a freeway, and Mr. Young stated that the purpose was for funding and access. Councilman Goss asked where the freeway designation ended. Mr. Dittrich replied that it ended at McHenry Avenue. Councilman Goss stated that it was a freeway to nowhere. Councilman Goss noted that in the late 1980's and early 1990's, IDOT had sanctioned a study called the Fox Valley Freeway Citizens Advisory Committee, which had concluded that no corridor was suitable in McHenry County unless it was west of Route 47. He stated that IDOT had accepted those recommendations and declared there would be no further study. He noted that he was a member of that committee and authored the recommendation of the McHenry County part of that committee to IDOT. He stated that McHenry County Board Chairman Ken Koehler had also served on the committee.

Councilman Goss listed other intersections that do not meet the McHenry County DOT criteria or warrants, as follows:

- The distance between Randall and Crystal Lake Road in Lake in the Hills (signalized) along Algonquin Road does not meet the 1/2 mile separation of your access ordinance; Algonquin Road is also a freeway.
- The separation of Randall and Harvest Gate (signalized) on Algonquin Road is less than 1/2 mile, and did not meet warrants when installed.
- The separation between Frank Road and Square Barn (both signalized) do not meet the 1/2 mile spacing requirements – also along Algonquin Road.
- The separation between Kreutzer Road and the new entrance to WalMart on Route 47 does not meet separation criteria, and it absolutely does not meet warrants.

Councilman Goss asked if the County was planning on closing either Virginia Road's or Pyott Road's access to Rakow Road when those improvements are made, considering that they are less than 1/2 mile apart. Mr. Young stated "No".

Councilman Goss noted the Crystal Lake Police and Fire Departments' concerns about serious life safety issues if Village Road and Alexandra Boulevard do not remain full access intersections. He noted the Crystal Lake Chamber of Commerce's concerns about the negative impact on Crystal Lake businesses due to the fact that it will be extremely inconvenient for area residents to patronize Crystal Lake businesses when the easier traffic movements point them south. He stated that the County was effectively making it much more convenient for Crystal Lake residents to shop in Algonquin or Lake in the Hills.

Councilman Goss stated that Crystal Lake's full access points were developed with County approval, they meet IDOT SRA standards for signal spacing, and they are an integral part of our

City transportation system. He stated that a traffic signal at Alexandra Boulevard, interconnected with Ackman Road and McHenry Avenue, would do wonders for controlling left turn stacking at Ackman and McHenry. He stated that the County could further that cause by restricting left turn movements southbound on Randall Road at Ackman Road, and move that activity to McHenry Avenue, which would free up the entire length of turn lane bays from Ackman to McHenry for dual left stacking. Councilman Goss stated that the County's consultant had reviewed having fully signalized intersections at Alexandra Boulevard and Village Road, and their own conclusion was that there would be marginal improvement traffic movements with the signals, noting that through traffic flow on Randall Road would not be impaired with full access at Village and Alexandra and interconnected signals. Councilman Goss stated that the City of Crystal Lake needed to see a plan where both intersections at Alexandra Boulevard and Village Road have full access and traffic signals, and he would not accept anything less.

Councilwoman Brady Mueller stated that she agreed with Councilman Goss. Councilman Dawson stated that he also agreed, and felt that Crystal Lake's residents were being abused by the County. Councilman Hopkins agreed, and Councilwoman Ferguson stated that she had attended one of the County's public meetings and had not seen any evidence of them taking public comments from Crystal Lake residents and using them, as they kept proposing the same alternatives. She stated that the County was sacrificing Crystal Lake's residents to fix a problem that was not caused by Crystal Lake.

Councilman Thorsen stated that Councilman Goss's comments illustrated that some of the County's applications of their access ordinance were being made arbitrarily at best. He stated that the two collector roads, Alexandra and Village, were crying for signalization, and Crystal Lake had been suffering for years because of it. He stated that Crystal Lake's concerns seemed to be falling on deaf ears, and the County was failing Crystal Lake residents. He also noted that the City alternative is itself a sacrifice but that was still not good enough for the County DOT.

Mayor Shepley stated that County Board members were in attendance that evening and he wanted to make sure they were aware of Crystal Lake's concerns. He again asked the County representatives what other collector road access points were being considered for closure south of Crystal Lake. Mr. Young could only name access points at commercial facilities, such as at Bank of America and Blockbuster Video and Lowes. Mayor Shepley said those were driveways, not collector roads. Mr. Young stated that Stonegate was also being considered for right in/right out access.

Councilman Thorsen stated that Randall Road access was a right that Crystal Lake had, and the County was now contemplating taking that right away. He stated that he had been told by people from the County that Crystal Lake's opinion didn't matter, which was upsetting. He stated that the County was basically telling Crystal Lake that it did not deserve access to Randall Road.

Mayor Shepley stated that 25% of Crystal Lake's population lives on the south side of the City, and they purchased their homes on the premise that they would have access to Randall Road. He stated that those residents had rights to access, and the County was proposing taking those rights

away. Mayor Shepley stated that the County was contemplating spending Crystal Lake taxpayer money to close roads where residents had already paid taxes to have those roads as collectors. He stated that closing Blockbuster's driveway did not compare to cutting off access to 3,000 homes. Mayor Shepley asked the County Board members in the audience to consider how the greatest negative impact to Crystal Lake residents would have the smaller impact on the entire project.

County Board Member Scott Breeden stated that he served on the County's Transportation Committee, and he felt that a happy medium could be reached between the County's and City's positions, and that "we can move this forward". Mr. Breeden stated he would check back in with the City Engineer to discuss this further. Councilman Goss stated that he was very concerned about life safety issues and wanted them addressed.

County Board Member Jim Heisler stated that he would go out of his way to do his best to take the energy he had witnessed that evening back to the County Board. He encouraged the Mayor and Council to speak at the next County Board meeting, as well.

Bid award and resolution authorizing execution of an agreement for the purchase of five (5) Electric Valve Actuators.

Councilman Hopkins moved to award the bid for five (5) electric valve actuators to the lowest responsible bidder, Dorner Co., Inc., in the amount of \$23,505.00, and to adopt a resolution authorizing the City Manager to execute a purchase agreement with Dorner Co., Inc. Councilman Goss seconded the motion. On roll call, all voted yes. Motion passed.

Bid award and resolution authorizing execution of an agreement for the purchase of 6" Dri-Prime Trash pumps and lengths of corresponding suction and discharge hoses.

Councilwoman Ferguson moved to award the bid for 6" Dri Prime trash pumps and corresponding hoses to the lowest responsible bidder, Godwin Pumps of America, in the amount of \$49,756.00, and to adopt a resolution authorizing the City Manager to execute a purchase agreement with Godwin Pumps of America. Councilman Thorsen seconded the motion. On roll call, all voted yes. Motion passed.

Bid award and resolution authorizing execution of a contract for the Independence Day Fireworks Display and approval of up to 10 percent in justifiable contract amendments from a contingency allowance.

Councilman Thorsen moved to award the proposal for the Independence Day Fireworks Display and to adopt a resolution authorizing the City Manager to execute an agreement, based on the submitted proposal, with the lowest responsible bidder, Pyrotecnico, for the Independence Day Fireworks Display in the amount of \$25,000 per year and authorizing the City Manager to approve up to 10% in justifiable contract amendments from a contingency allowance. Councilman Goss seconded the motion. On roll call, all voted yes. Motion passed.

Ordinance establishing a schedule of fines.

Councilwoman Ferguson suggested that rather than go to \$15 for 8 months and then to \$20 for parking violations, the Council consider just going to \$20 now, or delay going from \$15 to \$20.

The consensus of the Council was to change the parking fine to \$20.

Councilwoman Brady Mueller moved to adopt an ordinance establishing a Schedule of Fines for the City Code, including a \$20 parking fine. Councilman Goss seconded the motion. On roll call, all voted yes. Motion passed.

Crystal Lake Unified Development Ordinance Discussion.

Director of Planning and Economic Development Michelle Rentsch stated that there are currently four Watershed Districts in the City, W1, W2, W3 and W4, and approximately 1,250 acres of land currently within City limits is zoned within one of the four watershed districts. She stated that in 2008, the City Council adopted the Northwest Sub-Area (NWSA) Plan to proactively plan for development in the City's northwest corridor, which includes 4,645 acres of land (both in the City and land that could potentially be annexed), and approximately 687 acres of the 1,250 acres of land currently zoned within one of the four watershed districts is within the NWSA.

Ms. Rentsch stated that attorneys Joseph Gottemoller and Tom Burney had presented different suggestions for watershed zoning, and the staff was looking for City Council direction. She stated that Mr. Burney preferred Special Uses, and Mr. Gottemoller had requested a Watershed Planned Unit Development designation.

Mayor Shepley stated that this was the last remaining issue in the Unified Development Ordinance (UDO). He noted that Floating zones amount to whatever the City wants to say they are, and provide no incentive to the development community or any reasonable assurances that there will be any chance for approval, but it also needed to be recognized that preliminary approval of a Planned Unit Development would vest certain rights.

Councilman Goss asked Mr. Burney if a Special Use Permit, rather than a Planned Unit Development, would allow a developer to sell a project to the bank and then come back through the process with a full Planned Unit Development. Mr. Burney stated that would be acceptable, as long as the City acknowledges that certain rights would be vested, and there could be an asterisk that all requirements would have to be met.

Mayor Shepley stated that if the City sticks with Planned Unit Development standards and a developer gets approval for an R-2PUD at a certain density, but subject to Best Management Practices (BMP), the developer would then know they could develop the land, and if they could not meet the BMPs, they would have to reduce the density.

Councilman Goss stated that a Special Use Permit would be like a conceptual plan that a developer could sell to a bank, whereas a Preliminary Planned Unit Development would require much more time and engineering.

Mr. Gottemoller stated that all options grant rights with an asterisk, and it was his intent to clarify for developers what could be built if engineering is met. He stated that he did not want to have a full Planned Unit Development process from the start, because it would cost \$100,000 for

a 10-15 acre parcel of land, and the developer would have no idea what the Council wished to see built there.

Mayor Shepley stated that he definitely did not want to have less control in the Watershed than anywhere else in the City. Councilman Thorsen stated that he could appreciate wanting to separate engineering cost from knowing what the Council wants to see developed, but he was concerned about being protected by an asterisk. Mayor Shepley stated that it was not so much the Planned Unit Development process that was the issue, but more that developers won't know the permitted uses of an area. Mr. Gottemoller agreed, and stated that the City could designate commercial and residential areas. Mayor Shepley stated that the City had spent 40 years protecting the watershed and he did not wish to discontinue that. Councilman Goss suggested zoning for W-Residential and W-Nonresidential.

Mayor Shepley suggested directing staff to come back to the Council at the first meeting in April with a recommendation as to what option would best address the Council's goals and concerns. The Council agreed.

Councilwoman Ferguson asked about the remainder of the UDO, and Mayor Shepley stated that the entire document could be brought back at the next meeting for any City Council discussion. Councilwoman Brady Mueller reminded the Council to submit their comments in writing to the staff regarding the UDO.

Council Inquiries and Requests

None.

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.

Councilman Hopkins moved to adjourn to Executive Session at 9:58 p.m. Councilman Goss seconded the motion. On roll call, all voted yes.

Reconvene in Regular Session

Councilman Goss moved to reconvene in Regular Session at 10:24 p.m. Councilman Thorsen seconded the motion. On voice vote, all voted yes: Motion passed.

Liquor Hearing Report

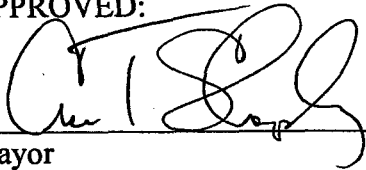
Mayor Shepley reported to the Council that at the March 3, 2009 Liquor Control Commission Hearing for The General Store liquor license violation, he had ordered a fine of \$1,500 and suspension of The General Store's liquor license for ten (10) consecutive days. Mayor Shepley stated that, when considering the General Store's fine and license suspension, he had taken into account the Illinois Liquor Control Commission's earlier order concerning the violation, imposing a \$2,500 fine and a three-day suspension to be served concurrently with any future license suspension imposed by the City.

Adjournment

There being no further business, Councilman Goss moved to adjourn the meeting at 10:26 p.m.

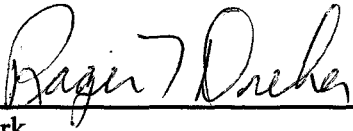
Councilman Thorsen seconded the motion. On voice vote, all voted yes. Motion passed.

APPROVED:



Mayor

ATTEST:



City Clerk

All adopted ordinances are published in pamphlet form by the authority of the Mayor and City Council.