



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

JULY 27, 2021

Call to Order

The meeting was called to order at 7:30 pm. Present were Trustees Harlfinger, Dustin, Huckins, Bojarski, Anderson, Murphy, and President Bogdanowski.

Also present were Village Administrator Fred Mullard, Assistant Village Administrator Shannon Andrews, Chief of Police Mary Frake, Finance Director Pete Stefan, Public Works Director Tom Migatz, Community and Economic Development Director Josh Langen, Airport Manager Mike Peranich, Village Attorney Brad Stewart, and Village Clerk Shannon DuBeau.

Pledge of Allegiance was led by President Bogdanowski.

Audience Participation

None.

Administration

Informational Item Concerning a Presentation from Uprising Bakery and Café (Liquor License & Video Gaming)

Presented by Uprising Bakery and Café Owner Corinna Sac

The owners, Corinna & Kevin Sac, will be seeking a Liquor License and Video Gaming License in order to open up Uprising Bakery & Café at 2102 W. Algonquin Road. The standard for Uprising Bakery & Café is to operate an upscale premium 3,400 sq. ft. Bakery & Café offering a wide range of allergen sensitive products, baked goods, vegan limited breakfast, lunch, dinner menu, high-end local coffee, and limited beer and wine options. They are looking to open the week of October 11, 2021. They will present their plan for input from the Board.

Corinna Sac stated that the building lease has been signed but is contingent upon Board approval of a Liquor License and Video Gaming License, as well as approval from the Health Department. In catering to customers with food allergies and intolerances, the building plans include two transparent kitchens; a dedicated gluten free and a traditional main kitchen. In the second year of operation, construction of the dedicated nut-free kitchen will commence. To keep the atmosphere relaxed, plans include a focus on minimizing noise levels produced by both the kitchen machinery and the video gaming area. A new local artist will have their work showcased on the walls of the café each month. Artwork will be available for purchase. Corinna plans to hold special events including open mic nights, game nights, cooking classes, paint and sip, and events to help scouts earn badges. Current plans include gaming machines in an existing dedicated gaming area. The café will have a welcoming and comfortable atmosphere and offer local products. It will be run in an eco-conscious manner with all items being biodegradable and compostable. Corinna plans to employ a staff of 8 on living wages while also offering contract type work to local decorators. In addition to typical bakery offerings, Uprising Bakery and Café will also offer a grab 'n go case with clean eating options, as well as a café menu. The full details, including menus and floorplans, can be found attached to the agenda.

Staff requests feedback on the business concept.

Trustee Huckins asked Corinna if she currently has a facility in operation. She explained that she operates out of a shared kitchen in Elgin, which she has outgrown.

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Trustee Bojarski thanked Corinna for bringing her business to Lake in the Hills and commended her for putting together a well-rounded business plan. Trustee Murphy also applauded her efforts but added that she does have reservations with bringing more video gaming to the area. To this, Corinna stated that her landlord pushed for the video gaming as part of the lease agreement.

Trustee Anderson asked for Corinna's current clientele size. Corinna stated that she has around 3,000 followers on social media, usually makes 200+ transactions at the Huntley Farmers Market, and has doubled those sales at the new Farmers Market at the Dole.

President Bogdanowski echoed others in complimenting the business concept but questioned her landlord's motivation to push for video gaming and liquor. Corinna explained that the request for a liquor license is solely her request as beer and wine consumption will tie-in to the events she wishes to host (e.g. paint and sip). She stated that without the additional revenue from video gaming, the landlord saw her as a risky tenant.

The Board unanimously approved of the Uprising Bakery and Café business concept.

Request for an Ordinance Amending Chapter 31, Raffles, of the Municipal Code

Presented by Village Assistant Village Administrator Shannon Andrews

Attached to the agenda, please find an Ordinance amending Chapter 31, Section 31.02, Raffles, of the Municipal Code. With the changes, the Administrator or designee would have the authority to approve raffle licenses without requiring Village Board approval. The change to the process brings the Village in line with the practice of many neighboring communities and allows the Administration Department to expedite the raffle application process.

In addition, the Ordinance amends the restriction of the license to allow the raffle manager to be a resident of the State of Illinois instead of the Village. The residency requirement has been a frequent challenge for many regional organizations to fulfill and are often forced to use a Village resident who is otherwise unconnected to the organization or involved in the raffle. Loosening the restriction will help to ensure that the raffle manager will truly be the individual responsible for making sure the raffle is properly managed in accordance with the State and local regulations.

Staff recommends a motion to approve an ordinance amending Chapter 31, Section 31.02, Raffles, of the Lake in the Hills Municipal Code.

Motion was made to place this item on the Village Board Agenda.

Request for Re-codification of Municipal Code Chapter 10, Lakes and Beaches, and Amendment of Appendix B, Comprehensive Fine and Fee Schedule, Section 3, Fees, Non-Offense

Presented by Village Administrator Fred Mullard

In response to concerns of Village residents earlier this month and request of some members of the Village Board, Chapter 10 of the Municipal was reviewed and re-codified. The ordinance attached to the agenda details the changes to Chapter 10 and amendments to the fee schedule in Appendix B. Modifications to the existing language



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still left a need for further clarification. To make the chapter easier to understand, it was rewritten with some needed changes.

Changes include:

- Reorganization to address specific uses (like swimming) in a single paragraph
- Modifying the use regulated subparagraph to give Village staff authority to make on-the-spot adjustments to use as necessary to manage comfort, safety, and convenience to users
- Make the beaches a residents and guests only facility, eliminating the restriction on the number of guests
- Eliminating the Lake Use Permit for swimming
- Converting the Lake Use Permit for fishing to a Fishing Permit
- Eliminating the need for a Lake Use (Fishing) Permit for fishing from a permitted boat
- Replacing fines and fees with language to reference the Comprehensive Fine and Fee Schedule
- Changing the non-resident annual Fishing Permit to per person rather than per household (Resident Annual Fishing Permits are still per household)
- Eliminating the restriction from playing with a ball or disc on the beach or in the water
- Modifying the fee titles to add clarity to what each fee represents

Financial Impact

The changes to what fees apply will result in a minor reduction to revenues. The budget for 2021 is \$9,000 and \$7,800 have already been collected this year.

Staff recommends a motion to approve an ordinance re-codifying Municipal Code Chapter 10, Lakes and Beaches, and amending Appendix B, Comprehensive Fine and Fee Schedule, Section 3 Fees, Non-Offense.

Trustee Dustin asked Administrator Mullard for clarification on ownership of Woods Creek Lake. Administrator Mullard stated that the Village owns the lake. Trustee Dustin asked if residents have rights to launch a boat from their own property without the Villages permission. Administrator Mullard stated that they do not. He went on to explain that there is a gray area in regard to lot lines and easements going into the lake.

Trustee Huckins asked if Woods Creek Lake is the only lake being referenced in this ordinance. Administrator Mullard stated that all lakes are included in the Applicability section. Wet-bottom retentions were discussed but not included in the ordinance.

Trustee Anderson raised a concern over the lack of restrictions on partying and boat launching at Indian Trail Beach. Attorney Stewart explained that the prohibition of alcoholic beverages on the property will curb parking lot parties. Administrator Mullard agreed to the addition of restricting boat launching to the boat ramps located at Nockels Park and Turtle Island. Trustee Huckins question if motors are referenced. Administrator Mullard confirmed that their use is prohibited except as authorized by the Police Department.

President Bogdanowski stated that clarity is important for enforcement. Chief Frake reported that the directed police patrols have begun to do rounds every hour after dusk and are set to run through Labor Day. The Police Department is also responsible for closing and opening the parking lot gates.



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President Bogdanowski showed his appreciation for the staff's response and promptness. Administrator Mullard stated that the measures being taken have been effective and the beaches will continue to be monitored.

Motion was made to place this item on the Village Board Agenda.

Public Works

Informational Item Concerning Water Plant Well Motor Failures

Presented by Public Works Director Tom Migatz

Recent failure of the motor at Well 16 prompted a request by Trustee Harlfinger for a report on the cause of that and other recent failures at Village well sites. The following will outline motor failures going back to 2007 (the earliest incident on recent record), the number of years each motor had been in service before failure, and a brief description of the cause for the failure.

Regarding the recent failure, the on-call staff member for the Water Department received an alarm on July 10 indicating a problem with the pump at Well 16 located at 9300 Haligus Road. Upon arriving he noticed the motor was repeatedly tripping the circuit breaker preventing the motor from running. As resetting the breaker did not fix the problem, he shut down the well for the weekend. Staff requested a service call from Newcastle Electric on Monday, July 12 to determine the cause. Electrical testing revealed that the motor had failed, resulting in the need for removal.

Well 16 is a shallow well that, until the time of failure, used a Byron Jackson motor. The motor had been in service for fourteen years and was due for replacement in 2022; according to the Well Pumps and Motors Asset Management Plan attached to the agenda. Consistent with that Plan, staff monitor each well for performance and efficiency based on manufacturer's recommendations. Prior to failure, testing did not indicate a decline in performance. Of note is the dry spell experienced in June this year. Last month, total gallons pumped across the system was up by 14.5 million gallons with Well 16 seeing an increase of 2.14 million or 71,366 gallons per day over the same period last year, a 13% increase. Staff made many small repairs to the water system during that period as increased demand put manageable and expected strain on the entire system.

While the industry expectation is that the Village should experience a thirty-year lifespan for a motor, actual conditions may shorten that. Data represented here shows the Village has been experiencing a life expectancy of fourteen to twenty-one years given available information. Additionally, other factors related to the well requiring removal of the motor also have an impact of service life as renovation of the well and pump make sense given the cost to remove the equipment from the well pipe.

Request to Award a Contract for Thermoplastic Road Striping

Presented by Public Works Director Tom Migatz

Staff seeks Board approval to award a contract to Superior Road Striping of Melrose Park, IL, for the thermoplastic road striping, for an amount not to exceed \$25,000.00.

The Suburban Purchasing Cooperative (SPC) offers the opportunity for local governmental bodies to participate in joint purchasing programs. They create specifications and solicit competitive bids for a variety of contracts. The SPC

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awarded their Thermoplastic Lane Marking Contract #201 to Superior Road Striping for 2021. Staff recommends awarding a contract to Superior Road Striping through the SBC contract, as the pricing and contractor obtained by the SPC for this service are both favorable. This purchase is exempt from the normal bidding process by Section 9.13 of the Village Municipal Code. A detailed listing of the pricing and contract award letter are attached to the agenda for your review and consideration. Thermoplastic road striping is part of a five-year striping maintenance plan to keep all roadway markings visible. Attached to the agenda are the estimated quantities and pricing for this year.

Financial Impact

The Village's 2021 budget included \$25,000.00 for thermoplastic road striping in the General Fund. The total expense for 2021 is not to exceed \$25,000.00.

Staff recommends a motion to award a contract to Superior road Striping of Melrose Park, IL, for the thermoplastic road striping for an amount not to exceed \$25,000.00.

Motion was made to place this item on the Village Board Agenda.

Request for Inter-Governmental Grant Agreement with the Illinois Department of Transportation for the Airport Obstruction Evaluation and Airport Layout Plan Redline Phase 2 Project

Presented by Airport Manager Mike Peranich

Staff seeks approval to enter into an Inter-Governmental Grant Agreement with the Illinois Department of Transportation for the Obstruction Evaluation and Airport Layout Plan Redline Phase 2 Project.

The Participation Agreement establishes rights and obligations of the Village and the State of Illinois as they pertain to the Obstruction Evaluation and Airport Layout Plan (ALP) Redline Phase 2 project. This project is for engineering work only and encompasses the initial design work as a precursor to the actual reconstruction of the airport's runway in 2022. No construction will be taking place under this phase of the project.

The overall cost of this project shall not exceed \$125,000.00 and the Village would be responsible for paying \$6,250.00 or 5%, with the Federal Aviation Administration (FAA) and State of Illinois paying the remaining \$118,750.00 or 95%.

Financial Impact

The Village's 2021 budget does not include funding for this project; however, the Airport Fund does contain adequate funding to cover this \$6,250.00 expense.

Staff recommends a motion to Approve the Resolution approving Inter-Governmental Grant Agreement with the Illinois Department of Transportation for the Obstruction Evaluation and Airport Layout Plan Redline Phase 2 Project in the amount of \$118,750.00.

Motion was made to place this item on the Village Board Agenda.



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Request for Ordinance Amending Minimum Aviation Fuel Pricing

Presented by Airport Manager Mike Peranich

Staff seeks approval of an ordinance establishing new minimum aviation fuel pricing.

Arrow Energy of Saline, Michigan, is currently under contract to furnish and deliver two different types of aviation fuel to the airport. The price per gallon that the Village pays to Arrow fluctuates based on a regional pricing index. Village staff then resells the aviation fuel it purchases from Arrow to aircraft owners at a markup that ensures that the Village is reimbursed for all costs associated with the resale of fuel. A profit margin is built in to this cost as well. The Village's aviation fuel minimum markup is known as "Minimum Aviation Fuel Pricing" and is reviewed by Village staff each year and then brought before the Village Board for approval.

The proposed minimum markup of self-service fuel is provided in the packet. This represents an approximate \$.01 decrease in the price of 100LL and \$.09 increase in the price of Jet-A. The 100LL decrease is largely due to the favorable rates the Village received after switching to a new energy provider and the Jet-A increase is primarily due to a decline in the amount of Jet-A fuel sold over the past year, which spreads the Village's costs associated with providing this service, over a smaller number of transactions.

The proposed minimum markup for full service fuel is provided in the packet. This is approximately a \$.09 drop for the 100LL truck and \$.32 increase for the Jet-A truck. The Jet-A truck has required more maintenance over the last year than the 100LL truck and, with fewer gallons sold compared to previous years, this results in higher per/gallon costs.

The cash/invoice discount of 3.35% for customers who pay using either cash or check will remain the same. Credit card fees will continue to be recovered only on transactions that utilize them at a rate of 3.35%. This fee is included in the per-gallon price presented to customers at the time of sale and represents the highest charge levied by a credit card company, American Express and AvCard. Sales tax for aviation fuel fluctuated between 7% and 8% over the past year but will remain at 8% going forward.

The Airport strives to maintain competitive fuel rates among other northern Illinois airports. The fee structure presented would accomplish just that. The Airport Manager monitors the aviation fuel pricing charged by neighboring airports and may increase pricing in order to increase revenues, but cannot charge less than the approved minimum sale price without approval from the Village Board.

Financial Impact

The sale of fuel remains the largest source of income for the airport with gross sales of \$488,709 in 2020. An adjustment to the minimum aviation fuel price ensures that the Airport is not losing money and continues to profit from the resale of fuel.

Staff recommends a motion to approve an ordinance establishing new minimum aviation fuel pricing.

Trustee Dustin asked Airport Manager Mike Peranich for a comparison in traffic from 2020 to 2021. Mike explained that his only indicator of traffic is in gallons of fuel sold. April and May of 2020 had a sharp decline. As we are



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approaching the peak season, the airport will likely have average numbers for 2021. Though a traffic count study was conducted, Mike has not yet received the results.

Motion was made to place this item on the Village Board Agenda.

Community Development

Request for Ordinance Granting Variations to Section 13.2-1.B and Section 13.2.-1.C at 331 Hiawatha Drive

Presented by Community and Economic Development Director Josh Langen

Jeff and Alicia Stoltz are proposing to install a pool in their front yard (side) on their corner lot. A corner lot is a lot located at the intersection of two or more streets. Their lot is located at the intersection of Hiawatha Drive and Cherokee Trail. When a lot is designated a corner lot, the lot will have two front yards, a front yard (front) and a front yard (side). When a corner lot has its rear yard facing the side yard of a neighboring property, the lot is described as a reverse corner lot. The applicant property is a reverse corner lot. Accessory structures, including pools are required to be no closer to their front yard (side) property line than the neighbor's front yard setback.

Section 13.2-1.B. states no accessory structure shall be located on a reversed corner lot beyond the front yard required on the adjacent lot to the rear. In this case, the setback from the front yard (side) would need to be 25 feet. However, the applicant is proposing an alternate layout which would be closer to the property line than the required 25 feet, depending upon site conditions. Therefore, a variation would be required from this section to install the pool as proposed.

Section 13.2-1.C. states accessory structures may not be erected in front of the main building on a zoning lot. As the pool is proposed to be in the front yard (side), a variation would be required from this section to allow for the proposed location.

The lot is a substandard lot measuring only approximately 7,400 sq. ft. in an R-2 District which requires 10,000 feet minimum. The lot is also configured to have an address and driveway along the wider lot line, along Hiawatha, instead of along the narrower lot line, Cherokee Trail, reducing the size of the rear yard.

The Planning and Zoning Commission conducted a public hearing on July 12, 2021 for the petitioner's request. The Commissioners voted 5-0 to recommend approval of the variations to Section 13.2-1.B. and Section 13.2-1.C. on July 12, 2021. The approval included the two staff-recommended conditions, the first of which is no longer relevant, and has not been included as part of the recommended action, as a Plat of Survey has been provided. The current recommended condition of approval therefore only includes the following:

1. The pool location shall generally be in conformance with the proposed submitted location plan, depending upon site conditions, and such location shall not be in violation of other applicable zoning regulations exclusive of Section 13.2-1.B and Section 13.2.-1.C.

Public comments consisted of a letter from the neighbors at 326 Hiawatha Drive stating they had no objection the requested variations or installation of a pool.



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Staff recommends a motion to approve an ordinance for variations from Section 13.2-1.B and Section 13.2-1.C, with condition, at 331 Hiawatha Drive on Parcel 19-28-154-001 to allow for a pool in the front yard (side).

Trustee Anderson questioned tree removal. Using the property photos, Alicia Stoltz identified the two trees that have been removed. All other trees will remain.

Trustee Dustin asked what type of protection will be in place around the pool. Alicia described a fencing system that will attached to the pool and will include a locking gate. Trustee Anderson asked if decking will be in the plans. Alicia confirmed that there will be no decking around the pool.

Motion was made to place this item on the Village Board Agenda.

Request for Ordinance Granting Conditional Use for an Automotive Service at 8304 Pingree Road

Presented by Community and Economic Development Director Josh Langen

Dariusz Saletnik, spelling corrected from Planning and Zoning Commission staff report and as reported during the meeting, requests a conditional use permit for operation of an Automotive Service, auto body & other repair, use at 8304 Pingree Road.

The subject property is currently in use as an Automobile Sales use and an Automobile Detailing use. The Automobile Sales use would be discontinued should the proposed conditional use be approved and the Automobile Detailing use would remain, corrected from Planning and Zoning Commission staff report and as reported during meeting. The following is a brief timeline of recent Conditional Uses approved for the property:

- In 1991 a major automobile repair Conditional Use was approved. The existing detail operation appears to be part of this use.
- In 1994 a rental vehicle storage Conditional Use was approved.
- In 2009 an automobile service Conditional Use was approved. The use has discontinued and the approval is no longer valid.
- In 2012 an automobile sales Conditional Use was approved. The use is ongoing.

Automotive Service is a use allowed as a Conditional Use in the B-4 District.

The Planning and Zoning Commission conducted a public hearing on July 12, 2021 for the petitioner's request. The Commissioners voted 5-0 to recommend approval of conditional use for Automotive Service at the July 12, 2021 meeting. There were no public comments. The approval included the following three staff-recommended conditions:

1. A plat of survey shall be submitted and the vehicle storage area configuration shall be determined to conform to the zoning code by reference to the plat, as well has any other applicable documents or regulations by the Community Development Department.



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2. Vehicle storage shall not be allowed in the front or side yards. Only vehicles for customer/employee parking or repaired vehicles to be picked up by customer on the same day are allowed in the front or side yard and paved parking areas.
3. The proposed use and site configuration shall generally be in conformance with the proposed submitted location plan, depending upon site conditions, and such location shall not be in violation of all other applicable zoning regulations.

Staff recommends a motion to approve an ordinance allowing Automotive Service as a conditional use, with conditions, at 8304 Pingree Road on Parcel 19-15-100-037.

Motion was made to place this item on the Village Board Agenda.

Board of Trustees

Trustee Huckins shared that he and Trustee Anderson attended the MCOG Meet and Greet. While there, Peter Austin invited the Board to a Randall Road ribbon cutting at the intersection of Algonquin Road. Dependent on materials, it is planned for late-August to mid-September.

Trustee Murphy shared that she received an email from a resident thanking the Board for following through on the concerns of the residents.

President

None.

Director Langen announced that Tropical Smoothie will be holding their ribbon cutting on July 28th, 2021 at 5:00 pm.

Adjournment

There being no further business to discuss, the Committee of the Whole meeting was adjourned at 8:37 pm.

Submitted by,

A handwritten signature in cursive script that reads "Shannon DuBeau".

Shannon DuBeau
Village Clerk