



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

AUGUST 10, 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, Village Attorney Brad Stewart, and Village Clerk Shannon DuBeau.

Pledge of Allegiance was led by President Bogdanowski.

## Audience Participation

Jim Meese of Sonoma Circle requested the Board consider amending the ordinance restricting overnight street parking or the ordinance prohibiting the blocking of sidewalks. He explained that these ordinances do not accommodate households with several vehicles. Jim asked the Board to consider amending the sidewalk ordinance to be in effect during daylight hours only. President Bogdanowski noted that the Village cannot allow the blocking of sidewalks as it is regulated by the state. Attorney Stewart clarified that the Americans with Disabilities Act (ADA) requires that sidewalks remain accessible. Chief Frake stated that tickets issued for violations of this nature are complaint-based. Trustee Harlfinger asked Jim if he has room to park vehicles in his garage. Jim stated that the garage is used to store one vehicle. Trustee Harlfinger pointed out that an amendment to allow overnight street parking would hinder snow removal. He suggested Jim look into widening his driveway or work with his neighbors and the police to resolve the complaints. President Bogdanowski asked the Board for other suggestions related to overnight street parking. Trustee Harlfinger recommended working with the police. Chief Frake offered to look into the issue.

## Administration

### **Request for Waiver of Section 43.09, "Noise", of the Lake in the Hills Municipal Code and Waiver of Sign Regulations & Enforcement**

Presented by Village Administrator Fred Mullard

Attached to the agenda, please find a letter from Stewart McVicar, with Club 400, requesting enforcement activities be suspended to allow the erection of temporary signage on Henry Lane and a waiver of the provisions of Section 43.09, Noise, of the Municipal Code to allow music to be played at an event being held by Club 400 at 3090 Henry Lane on Friday, September 10, 2021. Finally, Stewart McVicar, on behalf of Club 400, requests that parking be allowed on the following streets for between 150 and 200 guests:

- Northside of Gladstone
- Eastside of Henry Lane
- Southside of Gateway
- Eastside of Albrecht



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Accordingly, the police department will place signage restricting parking to only one side of the street during the events. This will alleviate street congestion and allow for better traffic flow for residents and emergency vehicle access if necessary.

Club 400 will also be applying for a One-day Event Permit Liquor License.

Staff recommends a motion to waive the provisions of Section 43.09, "Noise" from 6:00pm until 10:00pm, suspend enforcement activities to allow the installation of temporary signage on Henry Lane, and allow parking for between 150 and 200 guests for the event being held by Club 400 on September 10, 2021 at 3090 Henry Lane.

Since this event happens each year, Trustee Dustin asked to streamline approvals of this nature by folding them into administrative duties. Attorney Stewart suggested issuing Club 400 an irrevocable license for parking and noise during a defined period of time. Administrator Mullard offered to look into options.

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

Stewart McVicar introduced himself and exuberantly explained his passion for fundraising. He aspires to one day reach the milestone of 1 million dollars raised for charity—he is half way there. This particular Club 400 event is set to raise funds for the family of a young boy with an issue akin to muscular dystrophy. All of the money raised will go to the family.

## **Request for Cable Television Franchise Agreement with Comcast of Northern Illinois, Inc.**

Presented by Village Administrator Fred Mullard

The Village's existing franchise agreement with Comcast of Northern Illinois, Inc. expired on May 26, 2020. The proposed agreement, which has been attached to the agenda for your review, allows Comcast to operate and maintain their cable system in the Village subject to the terms and provisions of the Village's Ordinances governing the streets and rights of way of the Village. Comcast will pay a franchise fee of 5% of the annual gross revenues received from the operation of the cable system. The proposed contract also references the customer service obligations of the Illinois Cable and Video Customer Protection Act which sets the default provisions for customer service standards. The agreement is for a 10-year term commencing on June 24, 2021.

### **Financial Impact**

In FY2019 Comcast paid franchise fees in the amount of \$372,028 and in FY20 they paid \$354,326.

Staff recommends a motion to approve a Resolution authorizing the Village President to execute the franchise agreement between the Village and Comcast of Northern Illinois, Inc.

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



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## Police

### **Request for Amendment to Police School Liaison Intergovernmental Agreement between Huntley School District #158 and the Village of Lake in the Hills**

Presented by Chief of Police Mary Frake

The Village entered into an Intergovernmental Agreement with School District #158 in January, 2019 for Police School Liaison Services. The original agreement under section 2.0 required that the School Resource Officer complete a 40-hour basic school resource officer training course within six months of their assignment. Changes in the Police Training Act effective January 1, 2021, now require that officers assigned as School Resource Officers complete the requisite 40-hour basic school resource training prior to serving in this assignment. School District #158 has provided the Village with the amended agreement reflecting that school resource officers have completed the required course of instruction prior to the assignment. The current School Resource Officer is in compliance with this requirement.

Staff recommends a motion to approve the Resolution approving the first amendment to the intergovernmental agreement between Huntley Community School District #158 and the Village of Lake in the Hills for Police School Liaison Officer Services.

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

## Public Works

### **Request for Sunset Park Skate Park Change Order #1**

Presented by Public Works Director Tom Migatz

Staff seeks Board approval of a Resolution and Change Order to increase the contract completion time with American Ramp Company for the Sunset Skate Park Removal and Replacement Project.

The Village awarded a contract to American Ramp Company in the amount of \$230,000 on March 25, 2021 for the purchase and installation of replacement equipment for the skate park at Sunset Park. The RFP outlining the project stipulated a July 1 completion date. However, the Village did not receive the equipment until July 12 due to delivery issues and not wanting to take auxiliary parking away from Ribfest. Additionally, the contractor began another job outside the area due to the material delay subsequently making him unable to begin installation until July 12. An oversight on the part of staff has resulted in this request coming to the Board until after the fact. As of August 4, American Ramp Company has completed the installation and the feature is open to users.

Staff recommends a motion to approve a Resolution and Change Order to increase the contract completion time with American Ramp Company for the Sunset Skate Park Removal and Replacement Project.

Trustee Huckins asked if the purpose of this change order is solely to put an extension on the original agreement. Director Migatz confirmed this.



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

## **Request for Airport Ground Lease for Hangar PAP-38**

Presented by Public Works Director Tom Migatz

Staff seeks approval to enter into a twenty-year ground lease for hangar PAP-38 with Chris Thoman of CST & Sons LLC.

The Lake in the Hills Airport Rules and Regulations require airport tenants to enter into applicable leases, licenses, or storage agreements for Village owned hangers. Chris Thoman representing CST & Sons LLC is requesting a new ground lease on hangar PAP-38. This lease is for the period of August 13, 2021 to August 12, 2041. The lease includes an option to renew for four additional five-year terms.

Mr. Thoman has signed the appropriate lease form and already has provided acceptable proof of insurance. A background check was completed and no issues were found by the Lake in the Hills Police Department.

### **Financial Impact**

The Airport Fund will receive \$13,029.36 annually from the ground lease, subject to annual increases approved by ordinance.

Staff recommends a motion to approve the Ordinance and authorize the Village President and Village Clerk to sign the ground lease for Hangar PAP-38 with Chris Thoman of CST & Sons LLC.

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

## Community Development

### **Request to Approve Contract and Budget Amendment for Purchase of Business Recruiting and Retention Software**

Presented by Community and Economic Development Director Josh Langen

Community Development requests approval for an unbudgeted three-year contract to access business recruiting and retention software. The Community Development Department recently hired an Economic Development Coordinator. His primary responsibility is to recruit and retain retail, manufacturing, and corporate office businesses to the Village. This responsibility and the proposed software support the recently approved strategic objectives of "Implement revenue growth without increasing property taxes for the average property owner" and "Develop plans identifying development opportunities and detail the feasibility, needs, and challenges of each opportunity".

One key method of recruiting and retaining businesses is to present and maintain an up-to-date inventory of available properties on the Village website and to allow for website visitors to assess market conditions at the customized geography or market area which meets their requirements. Many potential new businesses will begin a market search by visiting a community website and conducting initial market analysis on the community website



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before calling a broker or community economic development staff. An unresponsive website can dissuade a potential new business from contacting economic development staff.

The proposed contract would enhance Village economic development webpages and provide property and market assessment capabilities as a service to potential new businesses. The proposed software would also provide research tools to allow existing business to look for market opportunity and make business investment and expansion plans based upon up-to-date market data which they currently may not have ready access to.

The addition of these capabilities will save the time and cost of staff embedding and maintain mapping and customizable market research capabilities into the Village website derived from different sources. The addition of this software service is also intended to have a positive financial impact by encouraging new businesses to locate to the Village and assisting with the expansion of existing businesses, thereby increasing revenue to the Village.

A wide range of software services are available which can assist with business recruitment and retention. Community Development staff has attended webinars and virtual vendor meetings with a number of vendors providing this type of service. Potential annual costs were also reviewed for multiple vendors. The GIS Webtech Recruit software is the only package which had the ability to host manufacturing, retail, and office property information, provide market research analysis, and partner with ESRI, the leading community development geographic information system software and data provider, to staff satisfaction. In addition, GIS Webtech Recruit software and service is substantially lower in price than all of the other vendors which were reviewed.

The need for this type of software was not identified in the current year's budget because neither the current Director nor the Economic Development Coordinator were hired until after the budget was prepared. The out of cycle request is necessary to improve the efficiency and effectiveness of staff members involved in the economic development process.

## **Financial Impact**

Community Development staff reviewed pricing of similar software services and found the GIS Webtech Recruit software to be substantially lower in price than other vendors with a more comprehensive range of services. The contract under consideration from GIS Webtech is a three-year contract, payable annually.

Staff recommends a motion to approve a three-year contract.

Trustee Harlfinger asked why the Village has chosen the GIS Webtech software, if other end-users have been surveyed, and whether other programs were reviewed. Director Langen explained that most platforms are geared toward commercial brokers. This service will link directly to MLS and give posting permissions to local brokers. It also has broader capabilities including data analysis. Other GIS Webtech end-users have been reviewed. GIS Webtech is listed as an ESRI partner, giving us a direct relationship.

Trustee Huckins asked if this software will require continuous updates. Director Langen stated that the software will run automatic updates. These updates will include new census data as it becomes available.



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Trustee Bojarski asked Director Langen how many manhours this software will save by addressing questions that staff would otherwise be tasked with answering. He stated that reports can be compiled almost instantaneously and the manpower saved will be tremendous.

Trustee Huckins questioned outsider use of the software. Director Langen explained that specific permissions can be assigned for user access.

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

## **Request for Economic Incentive Agreement with DM LITH, Inc. at 251 N. Randall Road**

Presented by Community and Economic Development Director Josh Langen

DM LITH, Inc. is the intended operator, with DM LITH RE, LLC. the intended owner, of a new restaurant, Culver's, at 251 North Randall Road. There is currently a restaurant, Woods Creek Tavern, operating at this location; however, the current owner has entered into an agreement to sell the property to DM LITH RE, LLC. The new owner proposes replacing the existing operation, updating interior and exterior facilities, and adding drive-through facilities to the building and parking lot. They also applied for a Conditional Use Permit to install a drive-through and a public hearing on the petition is advertised to be held at the Planning and Zoning Commission meeting on August 16, 2021.

DM LITH, Inc. submitted an Economic Incentive Request and supporting documentation. They are requesting this incentive as the total project cost exceeds their top end budget. Due to significant construction cost increases in the last year along with supply chain issues causing costs to rise, the total cost of this project exceeds any of their previous projects. They feel the Village market on Randall Road will be strong over the long term and enable them to build sales over time to cover the additional debt burden. However, they are requesting assistance from the Village to help offset some of their costs in the short term.

Based upon the submitted Economic Incentive Request and a Village staff derived financial impact analysis, Village staff is proposing an incentive of a reimbursement of sixty percent of all sales taxes generated by the project to the property owner in any of the first twelve quarters of operation and fifty percent of all sales taxes above \$2,500 generated by the project in any quarter thereafter until 10 years from the first reimbursement or until \$300,000 has been reimbursed.

### **Financial Impact**

Village staff has conducted a financial impact analysis of the proposed incentive. Given estimated sales figures from DM LITH, Inc., along with an agreed-upon conservative annual growth 2.5% per year, the proposed agreement would reach the \$300,000 limit in 2030, with cumulative Village revenue reaching \$285,550 in the same year. Compared to the estimated average revenues of similar restaurants in the local area, Village revenues are estimated to reach \$258,817 in 2030, showing greater Village revenue under the proposed agreement when compared to average revenue from similar businesses.

Revenue from New Business is estimated and could be higher or lower than presented in the fiscal impact analysis. Higher revenues could result in the total \$300,000 incentive reimbursed before 2030 and higher Village share of revenue than shown for the reimbursement years. However, lower revenues could mean the total \$300,000



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incentive would not be reimbursed by 2030 and Village share of revenue could be lower than shown during the reimbursement years. Therefore, a term limit of 10 years to 2031 has been proposed to allow for potentially lower revenues.

Staff recommends a motion to approve an Economic Incentive Agreement between DM LITH, Inc. and the Village of Lake in the Hills.

Trustee Harlfinger stated that his initial concerns over negatively impacting the surrounding establishments were alleviated by the realization that Culver's has a different customer base and thus will not be competing for sales. He noted that, historically, the Village's economic incentives have been successful in helping new businesses grow and bring in revenue.

President Bogdanowski asked for the projected timeframe. Culver's franchisee Chuck Martin stated that the plan is to purchase the property in the first half of October and open for business in early January.

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

## Board of Trustees

Trustee Bojarski thanked Public Works for being very responsive and able to diffuse a troublesome issue.

Trustee Anderson announced that completion of Parks and Recreation's pickle ball court has been delayed as a result of paint shortages. The Sunset Skate Park is now open. Asphalt has been laid for the half-court basketball court at Cattail Park. The equipment will be installed soon. A memorial may be put in place at Sunset Skate Park for a child who passed away.

## President

None.

## Adjournment

There being no further business to discuss, the Committee of the Whole meeting was adjourned at 8:13 pm.

Submitted by,

A handwritten signature in black ink that reads "Shannon DuBeau".

Shannon DuBeau  
Village Clerk