



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

## Committee of the Whole Meeting

September 22, 2020

### Call To Order

The meeting was called to order at 7:30pm. Roll call answered by Trustees Huckins, Dustin, Bogdanowski, Bojarski, Murphy and President Ruzanski.

Motion to allow Trustee Harlfinger to attend telephonically was made by Trustee Murphy and seconded by Trustee Huckins. On roll call vote Trustees Huckins, Bogdanowski, Dustin, Bojarski and Murphy voted Aye. No Nays. Motion Carried.

Pledge of Allegiance was led by President Ruzanski.

Also present were Village Administrator Fred Mullard, Assistant Village Administrator Shannon Andrews, Interim Finance Director Wayde Frerichs, Chief of Police Dave Brey, Interim Public Works Director Peter D'Agostino, Interim Community Development Director Ann Marie Hess, Village Attorney Brad Stewart and Village Clerk Cecilia Carman.

**Audience Participation:** None

### Finance:

**Information Regarding Five Year Budget Projection-** Presented by Interim Finance Director Wayde Frerichs and Village Administrator Fred Mullard- A presentation was given outlining and reviewing the projected FY 20 financial status and preliminary focus of the FY 21 Budget for some of the Village of Lake in the Hills' Funds. In these trying and unprecedented times of COVID 19, it is more important than ever to frequently and thoroughly review and analyze the state of the Village's finances and respective fund balances. Through the use of prudent forecasting, we can identify actions and make recommendations necessary to maneuver through the effects COVID 19 has had on our revenue streams. This presentation will help us recognize where we are and where we need to be. Included are:

- Revenues and expenses for the General Fund
- Revenues and expenses for the Capital Improvement Fund
- Revenues and expenses for the MFT Fund

We will also examine our two Enterprise Funds;

- Revenues and expenses for the Water Fund
- Revenues and expenses for the Airport Fund

Minor funds are not presented because they have dedicated funding sources or provide little impact on the Village's overall financial health. These funds include:

- Special Services Areas
- Lake Restoration
- Debt Service

- Health Insurance

Numbers presented are general in nature and based on information available at the beginning of August. All budgets are currently in the process of detailed review and final numbers are subject to change. Additionally, accuracy of projections declines with each future year we try to identify.

Trustee Dustin asked how they can ensure tapping fees will be consistent through the next five years. Administrator Mullard stated there are many vacant home lots and several industrial lots. Each house would bring in revenue of \$13,000 and a business lot could bring in \$100,000.

President Ruzanski asked if the airport is on target with complying with the FAA requirements by 2025. Administrator Mullard stated there will be a TIF meeting next month and the work should be completed by 2023.

Trustee Dustin thanked the staff for the information. He commented there will be a 13 million dollar short fall over the next 5 years. He believes the Village should aggressively pursue RT 47 and 31 for business development. He asked what the MFT revenues were for 2019. Administrator Mullard stated it was \$750,000. However, in 2020 there is the TRF tax as well. In 2020 there was \$640,000 in MFT and \$430,000 in TRF tax. Also 2020 should be the last year of high growth allotment of \$30,000. Trustee Dustin commented the challenges are where the Village can generate more revenue. Administrator Mullard stated the Village can apply for the Federal Access Route grants for road resurfacing. The Public Works Department normally resurfaces every 20 years but has been starting to wait 21 years which is a \$100,000 savings. Also, adding rejuvenating materials can allow resurfacing in 22-23 year mark.

Trustee Bojarski stated she is grateful the Village is looking for processes of improvement. She believes the Village needs to double down on savings opportunities and take advantage of any grants available.

Trustee Huckins asked if EAV covered unincorporated areas of the Village. Administrator Mullard stated no.

#### **Public Works:**

**Well 11 Rehabilitation Project change order #1-** Presented by Interim Public Works Director Peter D'Agostino- On May 14, 2020, the Village awarded a contract to Concentric Integration in the amount of \$364,100.00 for the rehabilitation of Well 11, specifically, SCADA system control and commentary upgrades. Concentric's services included subcontracting with ComEd in the amount of \$10,000.00 to perform electrical panel upgrades; however, after awarding the contract to Concentric, ComEd informed Concentric and the Village that the Village would need to contract with ComEd directly for the electrical panel upgrades but that they would be able to perform the electrical panel upgrades for \$9,793.97. As such, the Village has contracted with ComEd to perform the electrical panel upgrades in the amount of \$9,793.97 and Village staff requests Village Board approval of a change order to decrease the contract with Concentric from \$364,100.00 to \$354,100.00.

**Financial Impact:** If the change order is approved, the contract with Concentric Integration will be reduced from \$364,100.00 to \$354,100.00

Staff recommends a motion to approve a Resolution and Change Order #1 to decrease the total cost of the contract with Concentric Integration for the Well 11 Rehabilitation Project from \$364,100.00 to \$354,100.00. Motion was made to place this item on the Village Board Agenda.

**Award for the purchase of valves and actuators-** Presented by Interim Public Works Director Peter D’Agostino- Similar to the rehabilitation projects performed at Wells 14, 12, and 6, the Well 11 rehabilitation project includes valve and actuator replacements, performed by Village staff, after procuring the valves and actuators. On August 25, 2020, an RFP invitation was sent to 22 vendors, posted on the Village’s website, and published in the Northwest Herald. On September 9, 2020, four RFP submittals were received and the Dorner Company of Sussex, Wisconsin, submitted the low bid of \$24,663.00.

The Village has purchased valves and actuators from the Dorner Company in the past and staff have been pleased with the products that they have supplied. Therefore, Village staff recommend procuring the valves and actuators from Dorner Company of Sussex, Wisconsin.

**Financial Impact:** The Village’s 2020 budget includes \$35,000.00 for professional engineering oversight and \$350,000.00 for the electrical and mechanical componentry upgrade work for a total project budget of \$385,000.00. The ComEd portion of the project is \$9,793.97 and if the Concentric change order and award to Dorner are approved, the Concentric portion of the project will be \$354,100.00, and the Dorner portion will be \$24,663.00, for a total project budget of \$388,556.97, which is \$3,556.97 over budget. However, the Water Fund has adequate reserves and Water Fund FY 2020 expenses, overall, are expected to be under budget.

Staff recommends a motion to approve the purchase of valves and actuators from the Dorner Company of Sussex, Wisconsin in the amount of \$24,663.00. Motion was made to place this item on the Village Board Agenda.

**Recommendation to Award the Full Width Driveway Apron Repairs Project-** Presented by Interim Public Works Director Peter D’Agostino- As follow-up from the Village’s 2020 MFT Street Rehabilitation Project and recent discussions concerning the need to replace partial driveway apron repairs with full width driveway apron repairs, Village staff authored a Request For Proposal (RFP) for full width driveway apron repairs. On September 9, 2020, RFP invitation was sent to 57 resurfacing companies, posted on the Village’s website, and published in the Northwest Herald. On September 18, 2020, four RFP submittals were received and pricing ranged from a low of \$37,860.00 from Schroeder Asphalt Services (“Schroeder”) of Huntley, IL, to a high of \$63,745.00.

Schroeder has worked on similar projects for the Village in the past and staff have been pleased with their performance. Therefore, Village staff recommend awarding this project to Schroeder Asphalt Services of Huntley, IL.

Before the RFP was released, Village staff contacted the Illinois Department of Transportation (IDOT) to inform them of this project and to request the use of Motor Fuel Tax (MFT) funds. Although IDOT eventually indicated that they were receptive to our request, the IDOT process that the Village would need to follow, namely the lengthy IDOT review process, would not allow the project to be completed this year.

**Financial Impact:** The Village’s 2020 budget does not include funds for this project, as this project was unanticipated. If the contract award is approved, \$37,860.00, would be paid out of the Public Works Streets Division budget. Although this project is unbudgeted, the General Fund accounts used by the Streets Division, overall, are expected to be under budget, mostly due to the mild winter earlier this year, which resulted in less rock salt being purchased.

Staff recommends a motion to award a contract to Schroeder Asphalt Services (“Schroeder”) of Huntley, IL, for the Full Width Driveway Apron Repairs Project in the amount of \$37,860.00.

Trustee Huckins asked if each driveway will be cut and filled on the same day. Interim Public Works Director Peter D'Agostino believes this is the plan but will verify and report to the Board on Thursday.

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

**Community Service:**

**Brick/ Masonry Mailbox Enclosures-** Presented by Interim Director of Community Services Ann Marie Hess- The Village has been made aware there is a proliferation of masonry mailbox enclosures being erected without permission or permit granted by the Village. This in turn has led to an increasing number of public safety and operational concerns. In 2019 alone, Police responded to 24 incidents of car vs. mailboxes.

Within the Municipal Code Regulations Section 6.04, Encroachments on Streets, regulations state:

*D. MAILBOXES: Mailboxes with wooden, metal or plastic posts only may be installed in the right-of-way when installed according to the United States Postal Service regulations. E. MAINTENANCE: Any encroachment on any street, sidewalk, alley, or public way shall be maintained so that it does not endanger or obstruct the public.*

Following a brief discussion of the issue at the August 11th, 2020 Village Board meeting, staff has assembled the following information for further discussion for any changes needed to the current Municipal Code regulations, and policy consideration for those structures that are existing and do not meet current regulations:

A survey of the Village completed September 14, 2020 revealed there are 82 mailbox enclosures or masonry landscape rings around mailbox posts, dispersed throughout various sub-divisions. Approximately 72 of the 82 total are full height enclosing structures with a few in various states of disrepair, or leaning due to being installed on a shallow foundation.

IRMA provided a response to the Village's inquiry stating that masonry structures increase liability exposure from both 3rd parties as well as damage to Village property, and they do not recommend these types of obstructions be allowed in Village right-of-ways. Receiving an indemnification letter from a property owner as an option could still be insufficient when the level of financial protection a homeowner is able to provide is less than what could potentially be a very large loss.

Chastain and Associates, LLC consulting engineers conducted a review of Illinois Department of Transportation (IDOT) standards, United States Postal Service (USPS) recommendations, and a survey of surrounding communities. They conclude that the generally accepted approach for mailbox installation would preclude the use of masonry structures or other reinforcements based on the increased safety concerns these structures could impose during a vehicular impact. The communities of Algonquin, Huntley, Cary, and McHenry do not allow masonry mailboxes.

Additional research by staff concluded that the Village of Lakewood requests customers to follow USPS guidelines, and that the Cities of Woodstock and Crystal Lake do not currently have an ordinance. Crystal Lake stated they are looking to adopt an ordinance in 2021 precluding the use of masonry enclosures.

Trustee Huckins commented he had spoken to Chief of Police Brey and there have only been 24 incidents of a car hitting a mailbox and none of them were concrete mailboxes. It is impossible to ask a resident to remove the concrete mailbox but could ask them to sign a liability waiver.

Trustee Harlfinger asked wouldn't the damage be under the homeowner's policy not the Village's. Attorney Stewart stated the liability would be more likely on the homeowner however if there was major accident the Village could be liable. Trustee Harlfinger commented that the Village could ask for permits before builds. Trustee Bogdanowski mentioned the Board should look at the ordinance and allow these concrete structures.

Trustee Murphy agreed with Trustee Harlfinger and to have structures built be grandfathered in. She mentioned the importance of educating the public on the ordinance. The Trustees and President Ruzanski agreed to educate the public on the issue. Trustee Dustin commented with the age of most home in area there may not be many more built.

Trustee Huckins asked about the resident who is actively building a concrete structure. Interim Director of Community Services Ann Marie explained a property inspector and she personally spoke to the homeowner about the ordinance. She explained to write a letter to the Village Administrator and it can be brought to the Board for a vote. The homeowner refused to comply and stated he will finish building the mailbox.

The Trustees and Interim Director of Community Services Ann Marie decided to begin an educational campaign to the residents. Trustee Harlfinger stated he will reach other to other municipalities to inquire about their ordinances. He would like the Village to at least send a reminder to homeowners whose concrete mailboxes are in need of repair.

**Variation to Section 15.3-1 (D), Permitted Fencing at 1610 Royal Oak Lane-** Presented by Interim Director of Community Services Ann Marie Hess- The property owner of 1610 Royal Oak Lane requests a variation to the Zoning Ordinance to allow for a constructed six-foot high, board-on-board wooded fence, in the front yard (side) of this corner lot. The fence section being requested for variance approval faces Greenfield Lane, and runs from the back corner of the house to the existing fencing facing Swanson Road. The code limits fence height to five-feet in the front yard (side) of a corner lot.

The purpose of the applicant's request is to allow the fence to serve as a combination guardrail for the 3-foot high elevated deck immediately adjacent to the fence, and for the fence to serve as the safety barrier to the swimming pool water in the rear yard. The lot does have existing fencing around the remainder of the rear yard area.

The attached site plan shows the requested location for the six-foot high fence as labeled in red.

The Planning and Zoning Commission conducted a public hearing on September 14, 2020 for the petitioner's request. Three letters were received in advance of the hearing (two in support, and one opposed). The neighbor in opposition provided testimony during the hearing expressing concerns for clear line of sight when stopped at the stop sign on Greenfield Lane and turning onto Swanson Road. A neighbor in support spoke stating they lived directly across Greenfield Lane and their home faces the fence. The Commissioners voted 6-0 to recommend approval of the variation as requested. Subsequently, the petitioner has agreed to alter the fence location to clip the corner of the fence to comply with the line-of-sight vision triangle requirements of the Zoning Ordinance.

Staff recommends a motion to approve an ordinance for variation to Sections 15.3-1(D) of the Zoning Ordinance to allow construction of a six-foot high board-on-board wooden fence located in the front yard (side) on Parcel 18-24-154-001 at 1610 Royal Oak Lane.

Trustee Huckins asked what objections to the fence were discussed. Interim Director of Community Services Ann Marie Hess explained two residents spoke in favor of the fence because it brings beauty to the neighborhood. The one complaint was cars at the intersection may have an obstructed view. The resident did not know there would have been an issue with the fence or he would have placed the above ground pool lower into the ground.

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

**Variations to Section 13.3-1, Accessory Structure—Height Limitations, and Section 13.3-2, Accessory Structure—Size Limitations at 4660 West Algonquin Road-** Presented by Interim Director of Community Services Ann Marie Hess- The applicant, Thomas Yucuis, owner of Butcher on the Block, requests two variations to the Zoning Ordinance for an accessory structure shed to be constructed as an enclosure building for a premanufactured walk-in cooler. The structure will be located near the rear lot line of the business plaza at 4550 West Algonquin Road.

The first variation is to allow for the cooler shed to be 465 square feet in size where the code limits an accessory structure to 300 square feet in size in a business district.

The second variation is to allow for a portion of the roof to extend to a maximum height of fourteen feet where the code limits an accessory structure in 12 feet in height in a business district.

All other aspects of the shed's intended construction comply with the requirements of the Zoning Ordinance being in a rear yard location, a minimum of 5 feet away from the rear lot line and not located over any existing utility easements.

The shed's intended construction also is in compliance with the applicable provisions of the Village's adopted building codes.

The Planning and Zoning Commission conducted a public hearing for the variations on September 14, 2020. There were no public comments and Commissioners voted 6-0 to recommend approval of the variations as requested by the applicant.

Staff recommends a motion to approve an ordinance for variations to Section(s) 13.3-1 and 13.3-2 of the Zoning Ordinance on Parcel 18-26-401-037 allowing the construction of a fourteen-foot high, 465 square foot cooler shed located 10 feet from the rear property line behind the tenant space with the address of 4660 West Algonquin Road.

Trustee Huckins asked if the shed will be in the same location as the cooler and if there will be any issue with noise. Tom Yucuis of Butcher on the Block stated yes it will be in the same location. The shed will actually reduce the amount of noise. It's a shed with an enclosed cooler and will also be attractive and safe. He has had complaints in the past about noise and had the cooler company exchange it for a quieter model.

Trustee Dustin asked why the owners of the building are not here. Mr. Yucuis explained the landlords know he is very reliable and is responsible for the cost. Attorney Stewart explained citations can be given to the property owner or the renter. Trustee Dustin commented on the garbage behind the building and it needs to be addressed. Trustee Harlfinger stated that is not what is up for vote and needs to be discussed at a later time. President Ruzanski agreed and complemented Mr. Yucuis on his business and what an asset it is to the Village.

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

**Text Amendment to Section 16, Signs-** Presented by Interim Director of Community Services Ann Marie Hess- The Planning and Zoning Commission has discussed several changes to the Sign Section of the Zoning Ordinance over the past several months. Proposed changes are intended to modernize standards and fully support the business and local community. Input was requested on multiple occasions from all interested stakeholders.

Language has been added to fully address electronic message boards, temporary signs, and the installation and removal of signs. A significant addition to the Section is the updating of the Sign Tables permitted in various zoning districts.

A public hearing on these text amendments was held on September 17, 2020. There were no public comments and Commissioners voted 6-0 to recommend approval of the proposed changes.

Staff recommends a motion to approve an ordinance to amend Section 16, Signs, of the Zoning Ordinance.

Trustee Huckins thanked the staff for all their hard work on this issue.

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

**Conditional Use for Senior Housing, Variations, and Development Plan Final Approval for Arden Rose Senior Living on East Oak Street-** Presented by Interim Director of Community Services Ann Marie Hess- The applicants request a conditional use, variations, and approval for a development plan to construct a senior living facility on East Oak Street. Conditional use is required for senior housing in the B-3 district.

The proposed facility consists of three single- story buildings surrounding a courtyard and parking area. Variation requests include reducing the front yard setback of two of the buildings from 30 feet to 15 feet, and to allow a patio to encroach 5 feet on a 30 foot side yard setback requirement.

Additional variation requests include reducing the number of required parking spaces from 25 to 23 spaces, miscellaneous planting variances, and to permit a decorative split-rail fence along portions of the front lot line to compliment the architectural design aesthetic of the buildings. The buildings are intended to have elevations consisting of 66 percent masonry in lieu of meeting the 75 percent masonry requirement for buildings in a B-3 district.

Staff reviewed the proposed development plans and found them in compliance and reasonable. Traffic generated by this development would be minimal and not create problems for the local road network.

The Planning and Zoning Commission conducted a public hearing on August 17, 2020. Public comment and concerns of the Commission were addressed by the petitioner at the subsequent September 14, 2020 public hearing. At that time, no additional concerns were raised or conditions proposed. Commissioners voted 6-0 to recommend approval of the conditional use, variations, and the development plan.

Staff recommends a motion to approve an ordinance granting a Conditional Use for Senior Housing; Variations to Table 8.4, Section 18.9, Sections 15.2-15.3, and Section 26 of the Zoning Ordinance; and Development Plan approval for Arden Rose Senior Living on Parcel 19-21-300-061 on East Oak Street.

Anthony Sarillo of Sarillo Development explained the project, décor, landscaping and the variances they are asking for. Trustee Bojarski asked how many parking spots there will be. Mr. Sarillo stated 23 and normally only 10 are used at time. Trustee Huckins mentioned concern the closeness to the Larsen Property and the possible loss of trees. Mr. Sarillo stated the trees will not be harmed.

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

**Board of Trustees:**

Trustee Harlfinger – None at this time

Trustee Dustin – None at this time.

Trustee Huckins - None at this time

Trustee Bojarski - None at this time

Trustee Bogdanowski - None at this time

Trustee Murphy - None at this time

**President Ruzanski:** None at this time

**Audience Participation:** None

**Adjournment:** A motion to adjourn meeting was made Trustee Huckins and seconded by Trustee Dustin. All in favor by voice vote there being no further business to discuss, the Committee of the Whole meeting was adjourned at 9:28pm.

Submitted by,

Cecilia Carman  
Village Clerk