



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

APRIL 12, 2022

## Call to Order

The meeting was called to order at 7:30 pm.

Roll call was answered by Trustees Huckins, Harlfinger, Dustin, Bojarski, Murphy, and President Bogdanowski.

Trustee Anderson was not present.

Also present were Village Administrator Shannon Andrews, Assistant Village Administrator Ashley Eccles, 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

Scott Surman was in attendance to follow-up on lake use issues.

## Administration

### **Request to Approve the Amended Village Support Request for the 2022 Pub in the Park Craft Brewfest**

Presented by Village Administrator Shannon Andrews

The People for Parks Foundation of Lake in the Hills, Inc., has requested a change in the date for their 2022 Pub in the Park from June 25, 2022, to October 15, 2022.

On February 10, 2022, the Village Board approved the June 25, 2022, event date, along with the following Village support and waivers:

- All Police Department overtime associated with the event
- All Public Works staff regular hourly rates associated with the event (overtime is excluded)
- Equipment use charges
- Fees associated with the installation and dismantling of fencing, parking lot rope and water connection
- Deposit and rental fee for Sunset Park
- Liquor License fee
- Sign regulations to allow for temporary signs, within the Village boundaries, advertising the event

Attached to the agenda is a copy of the Foundation's amended request to change the date to October 15, 2022, subject to the same terms as outlined above.

### **Financial Impact**

The following is an estimate of the financial impact of the waived support costs for the event:

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- Police Department - \$2,870 of overtime charges waived
- Public Works Department – approximately \$3,800 in labor and equipment charges waived
- Value of the fees and permits waived would be \$275

Staff recommends a motion to approve the amended request as described in the April 6, 2022, letter from the People for Parks Foundation of Lake in the Hills.

Trustee Huckins stated that this change is due to the difficulty in establishing brewer support as a result of the pandemic. This will be a smaller event with about thirty brewers. The People for Parks Foundation is partnering with Club 400 and will have a smaller tent in the main parking lot. All other details remain unchanged.

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

## **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 Shannon Andrews

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, May 27, 2022. 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

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.

Stewart McVicar was present at the April 12, 2022, Committee of the Whole meeting.

Staff recommends a motion to waive the provisions of Section 43.09, “Noise” from 4:00 pm until 10:00 pm, 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 May 27, 2022, at 3090 Henry Lane.

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

## Informational Item Concerning Lake Operations Recommendations

Presented by Village Administrator Shannon Andrews

Staff is seeking Board direction on lake use issues related to fees, non-resident access, and catch and release policies.

Staff conducted a historical review of operations at Woods Creek Lake from 2006 to present day to better understand the impact of the changes implemented over the years. From 2006 to 2016, which was the final year of beach operations, the Village averaged approximately \$24,000 in Lake Use Permits per season. Operations peaked in 2012 when the Village brought in \$30,000 in revenue and bottomed out in 2017 when operations halted, 15 seasonal jobs were eliminated, and revenues dropped to \$7,414. Since that time, the Village has continued to average approximately \$10,000 from boat use, boat storage and fishing permits each season.

< 2021 Lake Use or > 2021 Fishing	Fees
Residents	\$40
Seniors (55+)	\$30
Non-Residents	\$60
<b>Boat Use</b>	
Residents	\$10
Seniors (55+)	\$7
Non-Residents (daily)	\$15
<b>Boat Slips</b>	
Resident	\$20
Senior (55+)	\$15

Fees have not been increased since 2002; however, a change was made in 2021, when the Village replaced the Lake Use Permit with a Fishing Permit. Since the Lake Use Permit encompassed both swimming and fishing and the Village was no longer staffing the beaches, the permit was reduced to a Fishing Permit only. At that time, the following language was added to the Municipal Code:

“Persons fishing from a boat with a current Boat Use Permit or Daily Boat Use Permit do not require a Fishing Permit.”

This change was not put into practice in 2021, which is why there was no significant decrease in revenues. As we approach the 2022 season, if no changes are made, this will significantly reduce resident fees. The 2021 change would allow a resident to pay \$10 annually to fish on the lakes in a boat versus \$50.

Non-residents are not permitted to purchase an annual pass. They are limited to purchasing a \$15 daily boat use permit. Instead of being issued stickers for their boat, they must retain a copy of their receipt for their daily permit. Beginning this season, requests for daily permits will require the same waivers and indemnifications as the annual permit holders. Staff will also be working on preparing a flyer to encourage lake safety to be handed out as the permits are issued.

The issue of non-resident use of the lakes escalated when the COVID-19 pandemic hit in 2020. At that time, the Village instituted capacity limit restrictions at the beach in response to the pandemic but was struggling to enforce them without active beach staff to regulate beach usage. Administration was challenged with finding staff willing



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to take on the additional hours and those who did were being paid as much as \$40-70/hour due to overtime being earned. Despite this, to control the population at the beaches, they continued to be staffed every Friday, Saturday, and Sunday through Labor Day.

When the 2021 season began, there were no longer capacity limit restrictions, so beach operations resumed with no staff presence as it had done in the past. This was identified as an issue at the June 8, 2021, Committee of the Whole Meeting, where a resident expressed concerns that there had been an uptick in the unpermitted use and polluting of the Village's ponds, lakes, and beaches. His primary concerns were kayak and boat use on Woods Creek Lake and safety. In response to this, signage was revisited, lake enforcement was increased, and staffing adjustments were made to allow for seasonal staff to monitor residency at the beach entrance during peak periods over the weekends.

At the most recent set of meetings, residents shared additional observations of the lake operations since improvements were made in 2021:

- While enforcement helped through August, they continued to witness violations on the water from September on through the winter months.
  - In response, the Police Department is planning to extend their lake patrol into October, as weather and staffing permits.
- The residents asked the Village to consider increasing signage regarding regulations.
  - Once the ground has thawed, Public Works is planning to add additional signage to other lake access points besides the beaches.
- The residents also recommended increasing public education regarding boating safety.
  - The Village communications team will work on developing an educational campaign to address this at the beginning and during the season.

While staff is working to address the above issues, there are two resident requests that require further guidance from the Board:

- Restrict lake access to residents and their accompanying guests, like the restrictions at the beaches.
- Change to catch and release fishing regulations.

This last request was made after the residents witnessed many individuals removing undersized fish from the lake or removing quantities that exceed regulatory limits. The residents indicated that surrounding towns restrict to "catch and release fishing only," which has drawn anglers to Woods Creek Lake. Finally, they propose that a change to catch and release would reduce the Village's annual restocking costs of \$6,500 and give the existing fish an opportunity to thrive and grow.

Staff is seeking direction from the Board on the following points:



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1. Should lake access be restricted to residents and their accompanying guests?
2. Should the lakes be changed to “catch and release”?
3. Should persons fishing from a boat be required to purchase both a Boat Use Permit and a Fishing Permit?

If the Board suggests any changes be made to the existing policies, an Ordinance would be prepared for consideration at a future meeting.

Trustee Dustin asked how our Village’s fees compare to Three Oaks Recreation Area. Administrator Andrews stated that Three Oaks offers amenities that Woods Creek does not, making it an unfair comparison.

Scott Surman feels that the lack of enforcement during the winter months caused excessive unauthorized use of the lake. He recommended improving signs and adding minimal enforcement to curb unauthorized use. He added that without monitoring fishing licenses, it would be best to make the lake catch and release only.

Trustee Murphy pointed out that there are too many boat launch areas to feasibly monitor them all and suggested random checks. She brought up the topic of the beach being residents only. Administrator Andrews stated that while the beach is currently residents only, extending this across the whole lake would be difficult to monitor. Chief Frake confirmed that active enforcement would be a challenge.

Many agreed that signs would make a large enough impact. President Bogdanowski stated that he is uncomfortable changing the ordinance to something that the Village is not able to enforce.

Trustee Harlfinger questioned the penalty, which is \$50—\$500. Administrator Andrews explained that it would take a formal action for the penalty to hold ground. She stated that if there is a change to the ordinance, residents may be more frustrated with the minimal amount of enforcement.

Trustee Harlfinger feels that it would be best to keep the ordinance as is and instead raise the fine.

Trustee Huckins agreed with others that the signs may be sufficient, recommending the addition of catch and release wording to the signs. He would also like to see fishing licenses required for all who intend to fish regardless of the purchase of a boat permit.

Scott stated that he was required to pay for a lake use permit in addition to a boat permit and Illinois fishing license.

President Bogdanowski confirmed that the Board and staff agree to reinstate the requirement for both boating and fishing permits and to make no other changes to the ordinance. A focus will be placed on improving the enforcement and signage on current rules.

Trustee Huckins recalled previous discussions around enforcement at subdivision ponds and asked if the issues had been addressed. Director Migatz offered to follow-up with Trustee Huckins.



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President Bogdanowski stated that he would like to see some enforcement on the lakes during the winter months. Trustee Bojarski recommended more media and information for those who may not be aware of the rules. Administrator Andrews stated that she plans to incorporate an informational campaign to highlight the Village's expectation.

## Public Works

### **Request to Approve Pingree Road Design Engineering Task Order**

Presented by Public Works Director Tom Migatz

Staff seeks Board approval to enter into an agreement with Chastain & Associates LLC for engineering design and bidding services for Pingree Road resurfacing in an amount not to exceed \$24,500.

A Federal Surface Transportation Program (STP) grant was awarded to the Village through the McHenry County Council of Mayors (MCCOM), the regional council with oversight responsibility for various Federal transportation and planning programs available to McHenry County communities. The MCCOM council is comprised of representatives from each of the municipalities within the County with all communities having a voice in how the Federal STP funds are awarded. STP Local funds are Federal transportation funds distributed in even years to MCCOM for the purpose of improving local agency roads in the community having a functional classification of minor collector or higher by the State of Illinois.

STP funds are awarded to projects and communities within McHenry County based on a competitive application process through a "Call for Projects" in the first quarter of the even numbered years. Each project is scored and ranked against all other submittals and the highest scoring projects are awarded funds of various amounts depending upon the amount requested. In 2020 when Pingree Road was awarded STP funds, the MCCOM policy was that no project would receive more than \$1.5 Million dollars or a maximum of 80% of the estimated construction and construction engineering cost. STP funds can be used for both reconstruction or resurfacing of functional roads classified as minor collector or higher with a preference given to projects that improve capacity, multiple forms of mobility and environmental quality.

In the 2020 call for projects, the Village submitted three applications: Reed Road, Pingree Road, and Crystal Lake Road. The Village was awarded funds for Reed Road and Pingree Road. The Crystal Lake Road project was placed on the Contingency List. The Contingency List contains projects that, in the event that another project drops out of the program or there are savings realized in construction, projects on the contingency list could be moved up to an active funded status. Reed Road from Lakewood Road west, approximately 0.25 miles, will be resurfaced this April through early May. Pingree Road is the next project that the Village needs to move forward in order to be ready for construction in 2023. The Pingree Road project was awarded \$212,649 or 80% of the originally estimated \$265,811 construction cost at time of application in March 2020.6

The Village has a master agreement with Chastain Engineering for engineering consulting services which allows the Village to enter into agreements for services as needed. The agreement with Chastain for design engineering and



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bidding services totals \$24,500 and is attached to the agenda. To continue to move the Pingree Road resurfacing project forward, Chastain must plan and design the project in coordination with IDOT and MCCOM for solicitation of bids for the construction portion of this project. With the STP program being Federally funded all project planning efforts, designs, plan preparation and solicitation of bids must be coordinated through and with IDOT. The Pingree Road project is currently programmed for funding obligation in Federal fiscal year 2022, which runs through September 30, 2022. STP funds for the Pingree Road project need to be obligated to the project prior to March 2023 or STP funding may be rescinded and reprogrammed to other MCCOM projects.

### **Financial Impact**

The FY22 Motor Fuel Tax Fund budget includes \$55,370, which allows for \$24,500 engineering design and bidding services and \$30,870 for construction observation services.

Staff recommends a motion to approve a Task Order with Chastain Engineering to perform road design engineering services for the Pingree Road project at a cost not to exceed \$24,500.

Trustee Dustin asked if safety improvements are planned for traffic traveling from Pingree Rd onto S Virginia Rd. Steve Frerichs of Chastain Engineering stated that project coordination with IDOT is required. If it is determined that improvements should be made to an intersection, they will be required as part of the project. Chief Frake confirmed that accident reports will be submitted, adding that there was a fatality at that intersection. Steve explained that while resurfacing is the scope, the state may require changes, such as channelization improvements.

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

### **Request to Approve Purchase of Hydro-Excavator**

Presented by Public Works Director Tom Migatz

Staff seeks Board approval to purchase a hydro-excavator from Vermeer Midwest of Aurora, IL, through the Sourcewell Purchasing Cooperative in the amount of \$114,236.00.

The Fiscal Year 2022 (FY22) Village budget includes \$120,000 for the purchase of a hydro-excavator. This equipment would be a replacement of the aging hydro-excavator that is beyond the service life of its intended use. Past efforts to keep it running include rehabilitating the machine several times, replacing all the vacuum lines, and welding patches on the tank. Furthermore, parts are very difficult to find if they are available at all. Staff reviewed machines from different manufacturers, Vac-Con, Ditch Witch, and Ring-O-Matic, and believe that a Vermeer brand hydro-excavator best fits the needs of the department. Vermeer Midwest provided the Village with a quote for a new hydro-excavator at a cost of \$114,236.00 in accordance with Sourcewell Purchasing Cooperative pricing. Cooperatives, such as Sourcewell are aggregated joint purchasing programs that receive competitive bid prices for vehicles and equipment for governmental purchase. Chapter 17.08 of the Municipal Code recognizes joint purchasing programs as an acceptable substitute to a formal competitive bid.





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Additionally, staff seeks Board approval to temporarily repurpose the old hydro-excavator by transferring it to the Streets Division. The conveyor pit outside the salt dome requires the use of this type of equipment three to four times a year to remove salt that has accumulated around the lower mechanism. Prior use of the current hydro-excavator has exposed it to a highly corrosive environment and significantly contributed to its degradation. In order to avoid degradation of the new equipment, staff seeks to retain the old unit for salt conveyor maintenance while alternatives can be explored and budgeted. This includes the possible need to modify the current conveyor pit to minimize or eliminate the current procedure before the old unit ceases to function, even in this limited role.

The old unit would only be retained temporarily, provided it does not significantly add to the workload or maintenance expenses in the Fleet Division. Staff would add the old equipment to the surplus declaration to formally dispose of it before investing any further time or money into it.

Also, while the FY22 budget includes \$6,240 in revenue from auction of the old unit, that figure is a best guess estimate and could be lower given its condition. Finally, rental of a hydro-excavator would offset any resale revenue providing a vendor would rent such a unit for this task.

### **Financial Impact**

The Village's FY22 Budget includes \$120,000.00 for the purchase of the hydro-excavator in the Water Fund. The total cost for the hydro-excavator is \$114,236.00, which is \$5,764.00 under budget. Should the Board agree to temporarily retain the current unit and not offer it for auction, the Village would see a reduction in anticipated revenue of \$6,240 for FY22.

Staff recommends a motion to approve the purchase of a hydro-excavator from Vermeer Midwest of Aurora, IL, through the Sourcewell Purchasing Cooperative in the amount of \$114,236.00.

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

### **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 thermoplastic road striping, for an amount not to exceed \$28,000.

The Suburban Purchasing Cooperative 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. This purchase is exempt from the normal bidding process by Section 9.13 of the Municipal Code. The Thermoplastic Lane Marking Contract #201 was extended to Superior Road Striping for 2022 with no price increase. A detailed listing of the pricing and contract award are attached to the agenda for your review and consideration. The thermoplastic road striping is part of a five-year thermoplastic road striping maintenance plan to keep all roadway markings visible. Below are the estimated quantities and pricing for this year.





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Item	Estimated Quantity	Unit	Unit Price	Total
4" Thermoplastic Marking Line	36,354	LF	\$0.53	\$19,267.62
6" Thermoplastic Marking Line	3,591	LF	\$0.75	\$2,693.25
12" Thermoplastic Marking Line	1,329	LF	\$1.50	\$1,993.50
24" Thermoplastic Marking Line	696	LF	\$3.75	\$2,610.00
Thermoplastic Marking Letters & Symbols	328	SF	\$3.75	\$1,230.00
Thermoplastic Marking Removal	685	SF	\$0.30	\$205.50
<b>TOTAL</b>				<b>\$27,999.87</b>

### Financial Impact

The Village’s 2022 budget included \$28,000 for thermoplastic road striping in the General Fund. The total expense for 2022 is not to exceed \$28,000.

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 \$28,000.

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

### Request to Waive the Competitive Bidding Requirements and Award a Contract for the Well 15 Design/Build Project

Presented by Public Works Director Tom Migatz

Staff seeks Board approval to waive competitive bidding requirements and award a contract for the Well 15 Rehabilitation Project to Concentric Integration, LLC in the amount of \$113,230.00.

In 2017, staff presented a plan for a multi-year water treatment facility upgrade project for each of the eight Village well houses. The Village completed a design/build project for Well 14 in 2018, Wells 12 and 6 in 2019, Well 11 in 2020, and Well 10 in 2021. The projects brought much needed control and process upgrades to the aging water treatment facilities. All projects concluded on time and within budget.

Earlier this year, staff met with representatives from Baxter & Woodman/Concentric Integration (Concentric Integration), the Village water resources and controls engineer to design the Well 15 improvements budgeted in FY22. Similar to the upgrades performed at Wells 14, 12, 6, 11, and 10. The Well 15 project consists of three components: upgrading the SCADA system controls, replacing and upgrading the mechanical valves and actuators, and replacing the controls and rebuilding the high service pump control valve. Concentric will perform the SCADA system control upgrades and staff will procure and install the mechanical valves and actuators. The Concentric Integration portion of the project is priced at \$113,230.00. To procure the valves and actuators, staff issued a Request for Proposal (RFP) last month. The RFP opened on April 1, and staff will seek approval to purchase the valves and actuators through a separate agenda item.



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Upon approval of this project, staff will begin meeting with Concentric Integration to design and discuss the Well 9/17 facility upgrade project planned for inclusion in the FY23 Village Budget.

### **Financial Impact**

The Village's 2022 budget includes a total of \$330,000.00 for upgrades to Well 15. Approval of this request leaves \$216,770.00 for the procurement of valves, actuators, and rebuilding the high-service pump.

Staff recommends a motion to waive the competitive bidding requirement and award a contract to Concentric Integration, LLC for the SCADA system upgrade portion of the Well 15 design/build project in the amount of \$113,230.00.

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

### **Request to Enter into Agreement for Construction Phase Engineering for the Runway 8/26 Rehabilitation and Reprofiling Project**

Presented by Public Works Director Tom Migatz

Staff seeks to enter into an agreement with Crawford, Murphy and Tilly, Inc. (CMT) for construction phase services for the runway 8/26 rehabilitation and reprofiling project in an amount not-to-exceed \$163,600.

In September of 2021, the Village Board approved a design and special service phase agreement with CMT for the runway 8/26 rehabilitation and reprofiling project. This latest phase involves oversight of the actual construction project which is slated to begin August 1, 2022.

This project will eliminate an existing Modification of Standards (MOS) on file with the Federal Aviation Administration (FAA) and allow the airport to focus future grant money on other projects. The MOS exists because the airport runway does not currently meet the FAA minimum width of 75 feet. The project will involve excavating the existing runway down to the aggregate base, replacing that base, increasing the width to 75 feet, and finally repaving and reprofiling the new wider surface to allow for proper stormwater runoff. The length of the existing runway will not increase as a result of this improvement project. Staff anticipates the work will close the airport for up to 68 calendar days and this information has been shared with the airport businesses and tenants.

The Village has a master agreement with CMT for aviation consulting services which allows the Village to enter into agreements for services as needed. The agreement with CMT for construction phase engineering service, which is attached to the agenda, is in the not-to-exceed amount of \$163,600.

### **Financial Impact**

The Village's 2022 budget includes \$242,600.00 in the Airport Fund for construction phase engineering services. However, the Village's share of the overall project, including the construction portion, will be approximately



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\$12,000—thanks to funding made available from the Coronavirus Aid, Relief, and Economic Security Act and other federal monies.

Staff recommends a motion to enter into an agreement with Crawford, Murphy and Tilly, Inc. (CMT) for construction services for the runway 8/26 rehabilitation and reprofiling project in an amount not to exceed \$163,600.

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

## Board of Trustees

None.

## President

None.

## Closed Session

Motion to enter into Closed Session to Discuss Probable or Pending Litigation and Approval/Semi-Annual Review of Closed Session Minutes Pursuant to 5 ILCS 120/2(c)(11) & (21) was made by Trustee Harlfinger and seconded by Trustee Huckins. On roll call vote, Trustees Bojarski, Murphy, Huckins, Dustin, and Harlfinger voted Aye. No Nays. Motion Carried.

## Return from Closed Session

Roll call was answered by Trustees Huckins, Harlfinger, Dustin, Bojarski, Murphy, and President Bogdanowski.

## Adjournment

A motion to adjourn the meeting was made by Trustee Murphy and seconded by Trustee Huckins. On roll call vote, Trustees Bojarski, Murphy, Dustin, Harlfinger, and Huckins voted Aye. No Nays. Motion carried.

There being no further business to discuss, the Committee of the Whole meeting was adjourned at 8:58 pm.

Submitted by,

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

Shannon DuBeau  
Village Clerk