



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

AUGUST 9, 2022

Call to Order

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

Also present were Village Administrator Shannon Andrews, Chief of Police Mary Frake, Finance Director Pete Stefan, Public Works Director Ryan McDillon, Community and Economic Development Director Josh Langen, Parks & Recreation Director Trevor Bosack, Village Attorney Brad Stewart, and Village Clerk Shannon DuBeau.

Pledge of Allegiance was led by President Bogdanowski.

Audience Participation

Tara Nielsen addressed the Board with concerns over UpRising Bakery and Café's recent drag show. She stated that her concern is the safety and wellbeing of the children in attendance. Tara wishes UpRising Bakery and Café will be transparent and available to answer questions that some community members have, which include the following:

1. Why would drag queens want children in the audience?
2. For the sake of background checks, what are the performers' real names?
3. Why is the event marketed toward children?
4. How can we ensure that there will be no nudity or explicit material?
5. Can children be restricted from attending?

Tara finished by asking how the ACLU had an affect on the Village's zoning.

President Bogdanowski stated that UpRising Bakery and Café had been transparent about hosting small events. However, after the highly publicized event, it appeared that the business model was changing. The Village reached out to the owner for a resolution, which it was not well received. The ACLU helped the bakery and the Village resolve concerns and come to an agreement. As the zoning for B-2 is not clearly defined the Village will be reviewing the ordinance to ensure that it is compliant with the agreement.

Tara requested the Village make a statement to the community acknowledging that the ACLU did not force a change in the zoning ordinance.

Joan Schau approached the Board with surface drainage issues on Hilltop Rd. She stated that the slope in the road causes rain water to runoff toward that lake. Because of this, lakefront residents cannot walk down their property toward the lake without sinking. Joan added that a storm drain on Cedar St. also diverts water to her property. Administrator Andrews offered to review this issue and meet with Joan.



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Barbara Graf stated that a storm sewer located on her property dumps excess water and litter into her yard. Water continues to collect in her garage even after having it jacked up. Administrator Andrews offered to review this issue as well.

Administration

Informational Item Concerning 3910 Wisteria Ct. Driveway Concern

Presented by Village Administrator Shannon Andrews

At the June 9, 2022 Committee of the Whole meeting, Trustee Harlfinger requested that staff assess two manholes that are located in the driveway of 3910 Wisteria Ct. The presence of the infrastructure appears to be compromising the condition of the adjacent pavement as shown in the picture below:





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While the manhole on the left is a Village storm sewer, the one on the right is a sanitary sewer. As such, Village staff engaged the Lake in the Hills Sanitary District to assist in the assessment. The first step was to perform a leak dye test, which revealed no leakage and structurally sound manholes. The storm sewer line was televised and showed no defects and was clean. The sanitary sewer line was also televised and showed no defects.

The Sanitary District received a verbal estimate from their engineer of \$25,000–\$30,000 and felt that moving the structures would be a mistake. The Village engaged our engineer to provide a more detailed estimate of the cost associated with moving the structures from the driveway into the roadway. Their analysis is attached to the agenda for review. The total estimated cost for the project would be \$25,960 to move both structures.

As an alternative, staff asked the engineer to provide a cost estimate to repave the driveway. The engineer responded with an estimate of \$10,600, which includes only the portion of the driveway up to the right of way. No other solutions were able to be identified by the engineer to assist in resolving the resident's concerns.

The issue for discussion is the level of involvement the Village should have in this type of situation where infrastructure has been previously approved to be located within a resident's driveway. Options include the following:

- 1) \$25,960 – Relocate both manholes to the street. Not recommended due to cost and the infrastructure being in sound working condition. In addition, the Sanitary District is not supportive of relocation.
- 2) \$10,600 – Repave the failing portion of the homeowner's driveway up to the right of way. This remains a very costly option for the Village to consider.
- 3) \$2,500 – Cost sharing agreement with the homeowner where the Village would cover the cost of the manhole replacements up to this amount, while the resident covers the cost to repave the full length of the driveway as they would under normal circumstances.
- 4) \$0 – Do nothing. Homeowners are generally required to repave the full length of their driveways without financial support from the Village; however, driveways do not often include Village infrastructure. The cost to the homeowner would likely be less than the engineer's estimate, as they would not be required to pay prevailing wages.

Perhaps the developer should have designed the infrastructure in the street at the time the development plan was established; however, the Village should have considered this at the time of approval. Further, the homeowner made the purchase with the knowledge the infrastructure was in the driveway.

Staff does not currently have a count of the number of driveways similarly impacted throughout the Village. Any solution implemented at 3910 Wisteria Ct. may need to be similarly offered to others if the concern were raised.



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Financial Impact

Varies as outlined above.

Staff is seeking direction from the Board on how to proceed.

Trustee Anderson asked if this issue will recur if the manholes are not relocated. Administrator Andrews stated that there is a potential for a recurrence if there is damage around the infrastructure. Trustee Anderson asked if this is affecting multiple properties. Administrator Andrews stated that she does not have that information.

Trustee Murphy asked if the sanitary district is willing to contribute with either Option 1 or 2. Administrator Andrews stated that they are not in favor of changing the equipment since it was deemed to be functioning correctly.

Trustee Huckins asked if the full cost will be on the Village. Administrator Andrews explained that the Village will be responsible for \$1,250 for the replacement of the structure for each manhole.

Trustee Dustin noted that the driveway appears to be degraded due to its age. Administrator Andrews stated that the assessment shows the ground is being heated around the structures. Director McDillon explained that the asphalt would be removed and covers would be replaced while repaving to the correct grade. Trustee Dustin asked if the homeowner was aware of this issue when they purchased the property.

Trustee Harlfinger stated that this is the Village's easement and property. The homeowner may damage the infrastructure while repairing it. Attorney Stewart noted that there would be no right by the property owner to create an obstruction to the structures.

Trustee Anderson stated that she cannot give direction without knowing how many properties are being impacted.

Trustee Dustin asked if the issue is being caused by a change in the height of the asphalt or the manholes. He also asked if there are sidewalks. Trustee Harlfinger confirmed that there are no sidewalks. Administrator Andrews stated that because of all that is in play, the responsibility would lie with the homeowner, the developer, and the Village. To answer Trustee Dustin's previous question, Administrator Andrews stated that the property was last purchased in 2020.

Trustee Bojarski asked Director McDillon to explain the manhole replacement portion of Option 3. He explained the process of regrading the top of the structures and capping the manholes to make them flush to the repaved driveway. This will bring it back to a like-new condition but will not last.

The Board will decide how to proceed after reviewing an estimate on the number of properties affected.



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Request for a Waiver of Section 43.09, Noise, of the Lake in the Hills Municipal Code

Presented by Village Administrator Shannon Andrews

The annual Summer Sunset Festival will be held Friday, September 2, 2022 through Sunday, September 4, 2022 at Sunset Park, 5200 Miller Road. This Village event offers musical entertainment throughout the weekend, a carnival, fireworks display, and utilizes a sound system to make various announcements. The planning Committee for the event is requesting the Village Board waive the provisions of Section 43.09 of the Municipal Code to allow for festival activities, including music and announcements through 11:00 pm each day of the event at Sunset Park.

Staff recommends a motion to grant a waiver to Section 43.09, Noise, of the Municipal Code to allow for festival activities, including music and announcements through 11:00 pm on Friday, September 2, Saturday, September 3, and Sunday, September 4, 2022 at Sunset Park.

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

Request the Approve the Issuance of a Pyrotechnic Fireworks License to Mad Bomber Fireworks for the Summer Sunset Festival

Presented by Village Administrator Shannon Andrews

The Village issued a Request for Proposal for the Summer Sunset Festival Fireworks Display to be held on September 5, 2021 and September 4, 2022. The proposal from Mad Bomber Fireworks provided thirty (30) minutes of displays with a shell count of nearly 2900 that includes 123 shells that are either 5" or 6". Mad Bombers has submitted the required "Application for License for Public Displays of Fireworks, Pyrotechnics or Other Explosives." Their application has been reviewed by staff, who has confirmed that the Village is in receipt of the required documents. In addition, the applicant has provided proof of approval of the proposed display by the Fire Marshall of the Huntley Fire Protection District.

The applicant has requested a waiver of the \$250 application fee, which is consistent with the Village's practice in prior years. Having met all of the Village's requirements, staff is recommending the Board approve the application and waive the \$250 application fee as requested.

Financial Impact

FY2022 includes \$15,000 for the fireworks for the Summer Sunset Festival. The agreement with Mad Bomber Fireworks is \$15,000.

Staff recommends a motion to accept the proposal, issue a pyrotechnic fireworks license, and waive the application fee for Mad Bomber Fireworks for Summer Sunset Festival.

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



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Community Development

Informational Item Concerning the Reconsideration of a Variation to Section 16.7 Table 5 - Signs Permitted, Height, at 220 North Randall Road

Presented by Community and Economic Development Director Josh Langen

At the July 26, Committee of the Whole meeting, staff presented a request from Mark Hoffman for a variation to Section 16.7 Table 5 - Signs Permitted, Height, for an additional 7 feet beyond the maximum 8 feet height allowed for a ground sign in the B-2 Business district. The motion to approve the request was denied at the July 28 Board of Trustees meeting, with Trustees expressing concerns with the overall height of the sign. Staff met with Mr. Hoffman to determine whether he would be willing to reduce the height of the proposed sign and move it as close as possible to the property line to increase its visibility. Mr. Hoffman was very willing and open to making adjustments that would better align with the requests of the Board. As such, the original ordinance can be reconsidered on Thursday, August 11 following the procedures below:

- 1) Motion to suspend the prohibition of reconsidering the July 28 Board action on the sign variation for 220 North Randall Road. This action would require a 2/3 vote of the Board.
- 2) Motion to reconsider the July 28 Board action on the sign variation for 220 North Randall Road. A motion to reconsider would require that the motion and second be made by Trustees Bojarski, Anderson, Murphy, or Dustin.
- 3) Motion to approve Ordinance No. 2022-___, An Ordinance Granting a Variation to Section 16.7 Table 5 – Signs Permitted, at 220 No. Randall Rd, PIN 19-30-276-006, to allow for a sign. Prior to vote, a new Motion would need to be made to Amend this Ordinance as follows:
 - a. The proposed sign would be reduced from 20 to 15 feet in height, as measured from the base of the sign. Therefore, the variation being requested would change from 16 to 7 feet in height, measured from the base of the sign.

Staff is seeking the Board's direction on how they would prefer to proceed with this item.

Trustee Dustin asked if any other restaurants in the area have their signs on a pole. The consensus is that they do not.

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



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Public Works

Request to Approve a Well 14 High Service Pump Rebuild Contract

Presented by Public Works Director Ryan McDillon

Staff seeks Board approval to award a contract to Water Well Solutions Illinois of Elburn, IL for the Well 14 high service pump repair project in the not-to-exceed amount of \$29,998.00.

It is an industry best practice to replace or rebuild high service pumps every 10 years—staff has found that rebuilding is more cost-effective than replacing. Village staff released a Request for Proposal (RFP) for this project on July 11, 2022 and received and opened three sealed proposals on July 27, 2022. Water Well Solutions Illinois of Elburn, IL was the lowest responsible bidder at \$29,998.00. The Village has used Water Well Solutions Illinois in the past and has been satisfied with the services provided. The RFP results, a recommendation letter, and the bid certification form are attached to the agenda for review.

Financial Impact

The 2022 Village Budget includes \$32,000.00 for this project. The total cost for this project is \$29,998.00, which is \$2,002.00 under budget.

Staff recommends a motion to award a contract to Water Well Solutions Illinois of Elburn, IL for the Well 14 high service pump repair project in the not-to-exceed amount of \$29,998.00.

Trustee Huckins asked if the Village has worked with Water Well Solutions Illinois of Elburn in the past. Director McDillon stated that the Village has worked with them a few times.

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

Request for Approval of IDOT Forms for the Industrial Drive Reconstruction Project

Presented by Public Works Director Ryan McDillon

Staff seeks Board approval of the following Illinois Department of Transportation (IDOT) forms for the Industrial Drive reconstruction project: The Resolution for Improvement form, and the Request for Expenditure/Authorization form.

In 2019, Gov. JB Pritzker signed the REBUILD Illinois (RBI) capital program into law, which created funding for infrastructure improvements across the State of Illinois. Part of the RBI program includes dispersing RBI bond funds, from 2020 through 2022, to municipalities to fund capital projects based on population size. The Village received \$642,080.06 in RBI bond funds in 2020 and again in 2021, and expects to receive a total of \$1,926,240.18 in RBI bond funds by the end of 2022. While municipalities cannot use RBI bond funds to pay for roadway resurfacing projects, the funds can be used to pay for road reconstruction projects and related engineering work.



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To use RBI bond funds, IDOT requires that the Village Board of Trustees appropriate the funds by approving two IDOT forms. As shown on the forms, the total amount of RBI bond funds the Village plans to use this year is \$1,358,531.85, consisting of construction and engineering services. The construction portion of the work accounts for \$1,258,346.85 and the engineering portion of the work accounts for the remaining \$100,185.00 for construction supervision and material testing services.

Financial Impact

The financial impact of the services required for the Industrial Drive reconstruction project are discussed in the Request for Board Action memorandum requesting approval to enter into a contract award for the construction portion of the project and also the engineering portion of the project.

Staff recommends a motion to approve the following Illinois Department of Transportation (IDOT) forms for the Industrial Drive reconstruction project: The Resolution for Improvement form, and the Request for Expenditure/Authorization form.

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

Request to Approve an Engineering Services Task Order for Industrial Drive Project

Presented by Public Works Director Ryan McDillon

Staff seeks Board approval of a task order with Chastain and Associates ("Chastain") to perform construction supervision and material testing services for the Industrial Drive reconstruction project at a cost not-to-exceed \$100,185.00.

The Industrial Drive reconstruction project will reconstruct the existing Industrial Drive, Walter Court, and Prosper Court roadways and improve storm water drainage to the area by adding storm sewer infrastructure. For the construction supervision and material testing portion of this project, staff would like to hire the Village's Transportation Engineer, Chastain, at a cost not to exceed \$100,185.00. Staff already hired Chastain to perform the preliminary engineering design work at a cost of \$15,353.42, which was carried over from FY21. The Chastain task order is attached to the agenda for review and approval.

Financial Impact

Although this project will be funded through REBUILD Illinois (RBI) bond funds, the Village's 2022 budget includes \$132,780.00 for engineering services for this project in the Motor Fuel Tax (MFT) fund, as the State of Illinois requires municipalities to deposit RBI bond funds into the same fund used for MFT allocations. The \$15,353.42 in preliminary engineering work combined with the \$100,185.00 in construction supervision and material testing services totals \$115,538.52, which is \$17,241.48 under budget.

Staff recommends a motion to approve a task order with Chastain and Associates ("Chastain") to perform construction supervision and material testing services for the Industrial Drive reconstruction project at a cost not-to exceed \$100,185.00.

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

Request to Award a Contract for the Industrial Drive Reconstruction Project

Presented by Public Works Director Ryan McDillon

Staff seeks Board approval to award a contract in the amount of \$1,258,346.85 to Schroeder Asphalt Services of Huntley, IL, for the Industrial Drive Reconstruction Project.

The Industrial Drive reconstruction project will reconstruct the existing Industrial Drive, Walter Court, and Prosper Court roadways and improve storm water drainage to the area by adding storm sewer infrastructure. On July 26, 2022, Public Works opened five sealed bids for the Industrial Drive reconstruction project. The five bids ranged from a high bid of \$1,749,958.00 to Schroeder Asphalt's low bid of \$1,258,346.85, which is \$213,872.65 under the engineer's estimate of \$1,472,219.50 and \$9,433.15 less than the budgeted amount. The Village has previously contracted with Schroeder Asphalt Services for projects and has been satisfied with the product and the company.

Financial Impact

Although this project will be funded through REBUILD Illinois (RBI) bond funds, the Village's 2022 budget includes \$1,267,780.00 for the construction portion of this project in the Motor Fuel Tax (MFT) fund, as the State of Illinois requires municipalities to deposit RBI bond funds into the same fund used for MFT allocations. If awarded to Schroeder Asphalt, this \$1,258,346.85 project will be \$9,433.15 under budget.

Staff recommends a motion to award a contract to Schroeder Asphalt Services of Huntley, IL, for the Industrial Drive Reconstruction Project, in an amount not to exceed \$1,258,346.85.

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

Request for Approval of a Budget Amendment and a Change Order for Fleet Fuel

Presented by Public Works Director Ryan McDillon

Staff seeks Board approval of an Ordinance approving a budget amendment to the General Fund, Water Fund, and Airport Fund for the fiscal year ending December 31, 2022 and approval of a Resolution and change order with Avalon Petroleum to increase the purchase order for the procurement of fleet fuel from \$201,730.00 to \$301,730.00.

The Village entered into contract with Avalon Petroleum (Avalon) in February of 2018 for the purchase and delivery of fleet fuel for the Lake in the Hills fleet. The contract requires Avalon to provide the Village with gasoline and diesel at prices that fluctuate daily based on a regional fuel price index, plus \$0.079/gallon, which is the markup that Avalon submitted in their 2018 bid. Earlier this year, a purchase order was approved in the amount of \$201,730.00 to buy fuel from Avalon Petroleum in 2022 for Village vehicles and equipment. The 2022 purchase order amount was based on historical fuel usage estimates and fuel cost estimates generated by adding Avalon's per gallon markup to price estimates provided by the U.S. Energy Information Administration (EIA).

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Table 1 – 2022 Fuel Budget Estimates

Product	Price Per Gallon (EIA + markup)	Estimated Gallons	Extended price
89-octane gasoline	\$2.67	44,895	\$119,869.65
B2 biodiesel	\$3.02	27,084	\$81,793.68

Total \$201,663.33*

*\$201,730.00 is the total budgeted amount, after rounding all individual budget accounts.

So far this year, pricing for the purchase and delivery of fleet fuel has been higher than anticipated. As shown in the table below, per gallon pricing is 33% to 39% higher than anticipated.

Table 2 – 2022 Fuel Budget to Actual

Product	Budgeted Price/Gallon	YTD Actual Avg. Price/Gallon	Difference
89-octane gasoline	\$2.67	\$3.70	39%
B2 biodiesel	\$3.02	\$4.02	33%

Because fuel costs have been higher than anticipated so far this year, the Village has already spent \$153,790.06, which is approximately 76% of the total budgeted amount. Moving forward, as shown in the table below, staff expects to spend an additional \$147,901.00 on fuel through the end of this year, which is \$99,961.06 (rounded to \$100,000.00) over the budgeted amount of \$201,730.00.

Table 3 – Revised 2022 Fuel Cost Projections

Product	YTD Actual Fuel Cost	Projections (August to December 31 st)			2022 Fuel Cost	Revised Fuel Cost
		Price/Gallon*	Gallons	Fuel Cost		
89-octane gasoline	\$100,541.50	\$4.05	19,555	\$79,197.75	\$179,739.25	
B2 biodiesel	\$53,248.56	\$4.73	14,525	\$68,703.25	\$121,951.81	
Totals	<u>\$153,790.06</u>	+		<u>\$147,901.00</u>	=	<u>\$301,691.06</u>

*Based on the July 12, 2022, EIA Short-Term Energy Outlook for 2022.

Financial Impact

The Village’s 2022 budget includes \$201,730.00 for the purchase of fleet fuel across the General Fund, Water Fund, and Airport Fund. Increasing the purchase order with Avalon Petroleum from \$201,730.00 to \$301,730.00 will exceed the budget by \$100,000.00; therefore, a budget amendment Ordinance is attached to the agenda.

Staff recommends a motion to approve an Ordinance approving a budget amendment to the General Fund, Water Fund, and Airport Fund for the fiscal year ending December 31, 2022.



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Staff also recommends a motion to approve a Resolution and change order with Avalon Petroleum to increase the purchase order for the procurement of fleet fuel from \$201,730.00 to \$301,730.00.

Trustee Dustin asked if this petroleum is for the entire Village and police department. Director McDillon confirmed that it is.

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

Board of Trustees

Trustee Anderson announced that the Parks & Recreation Board had 4 options for Lynn Dillow Park improvements and have decided to review them based on focus groups.

President

President Bogdanowski introduced Human Resources Manager Shannon Cooney to the Board.

Closed Session

Motion to enter into Closed Session to discuss Pending Litigation (5 ILCS 120/2(c)(11)) was made by Trustee Huckins and seconded by Trustee Murphy. On roll call vote, Trustees Anderson, Bojarski, Murphy, Huckins, Dustin, and Harlfinger voted Aye. No Nays. Motion Carried.

Return from Closed Session

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

Adjournment

A motion to adjourn the meeting was made by Trustee Harlfinger and seconded by Trustee Huckins. All in favor by voice vote.

There being no further business to discuss, the Committee of the Whole meeting was adjourned at 8:39 pm.

Submitted by,

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

Shannon DuBeau
Village Clerk