



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, Assistant Village Administrator Ashley Eccles, Chief of Police Mary Frake, Finance Director Pete Stefan, Public Works Director Ryan McDillon, Parks & Recreation Director Trevor Bosack, Director of Community Development John Svalenka, Assistant Director of Community Development Ann Marie Hess, Village Attorney Brad Stewart, and Village Clerk Shannon DuBeau.

The Pledge of Allegiance was led by Mayor Haig Haleblan of Crystal Lake.

Audience Participation

None.

Administration

Informational Item Concerning the Property Owners Association Sign Request

Presented by Village Administrator Shannon Andrews

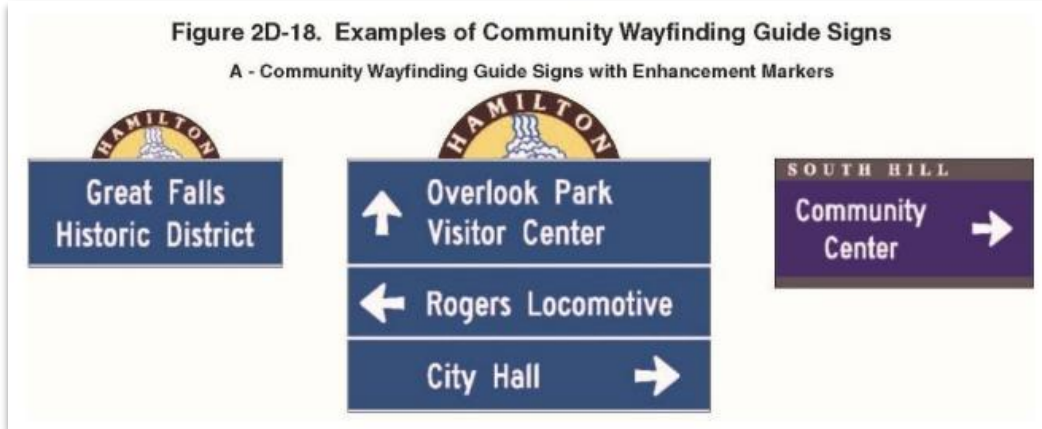
At the March 21, 2023, Committee of the Whole meeting, Property Owners Association (“POA”) President Rich Anderson and POA member John Murphy requested the Village’s assistance in providing some enhanced exposure to the public for their organization through the use of permanent signage.



At that time, they expressed an interest in affixing 20” x 30” signs to existing sign poles and had offered to make the signs themselves. The sign template they provided is shown to the left. Staff were directed to work with the POA to review the request and identify whether the Village could offer a solution.

The Manual on Uniform Traffic Control Devices (MUTCD) is the national standard for all traffic control devices (signs, pavement markings, traffic signals, etc.) installed on any street, highway, or bicycle trail open to public travel. Therefore, any signs installed in the public ROW should comply with the MUTCD. Based on MUTCD guidelines, staff identified two types of signs that could be considered for the POA’s requested use; however, each of them presents their own challenges.

- 1. **Community Wayfinding Sign** – Community wayfinding guide signs are part of a coordinated and continuous system of signs that direct tourists and other road users to key civic, cultural, visitor, and recreational attractions and other destinations within a city or a local urbanized or downtown area. They are a type of destination guide sign for conventional roads with a common color and/or identification enhancement marker for destinations within an overall wayfinding guide sign plan for an area. An example is included below:



The MUTCD recommends the use of these signs only as part of a larger community wayfinding guide sign system within the municipality. MUTCD discourages the use of Community Wayfinding Signs when there is infrequent or sparse placement that does not contribute to a continuous or coordinated system of signs. Are there enough destinations within Lake in the Hills to justify the establishment of a wayfinding guide system that could accommodate this signage option for the POA?

2. **Recreational and Cultural Interest Area Guide Signs** – Recreational and cultural interest area guide signs may be used on any road within the Village’s jurisdiction to direct persons to facilities, structures, and places, and to identify various services available to the general public. The Board could identify the POA as a point of interest and display the destination name with an arrow on a brown sign with white lettering similar to the examples below:



It should be noted that the Board may receive requests from additional businesses or organizations seeking similar exposure. At least one local business had communicated interest in permanent signage at Miller and



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Randall Roads during the recent construction project. If this were to move forward, staff would recommend establishing a policy delineating the criteria for consideration, including the destination's uniqueness to the community.

In either of the above scenarios, unless permission is granted by the County, the signs would need to be placed within Village rights of way. This significantly reduces the level of exposure for the POA, as they were seeking sign placement at Randal and Miller Roads, Randall and Acorn Roads, and Algonquin and Crystal Lake Roads, which are all intersections controlled by the County. Also, the Village would not be able to accommodate the POA's original requested design, as the sign would simply read Property Owners Association, with a directional arrow.

It may be possible to place signage along Miller or Crystal Lake Roads well outside of the intersection or the County's right of way providing adequate spacing from other higher priority signs, such as regulatory or warning signs. Staff are concerned that the limitations of where the signs can be placed may diminish their intended purpose.

As an additional option, in lieu of permanent signage, the Village does allow non-profit entities to place temporary signs in Village easements periodically throughout the year. A written request must simply be forwarded to the attention of the Administration Department and include the dates, locations, dimensions, and contact information of the person responsible for the signs.

The Village has also offered to use Social Media platforms and the e-newsletter to help raise awareness that the POA is now open to the public and eager to re-energize its mission to return to giving back to the community.

Financial Impact

While the POA offered to make the signs themselves, street signs such as the Community Wayfinding Sign and the Recreational Guide Sign would need to be made in-house so that they follow MUTCD regulations. Time and materials for two recreational signs would be approximately \$150. If the Board prefers to limit the request to temporary signage, the POA would be responsible for the costs.

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

1. Develop and implement a Community Wayfinding Sign system for the entire Village.
2. Establish a policy for Recreational Guide Signs, and install two guide signs on behalf of the POA at specific locations in the Village rights of way.
3. Encourage the POA to submit a request for temporary signs and submit information to be included on the Village's social media platforms.

Trustee Murphy questioned the process of establishing a Wayfinding Sign system. Administrator Andrews explained that staff would determine points of interest within the Village.

After much discussion, it was decided that the first step must be to determine if the POA is considered a business or a point of interest. Identifying this will determine if they merit a point of interest sign or temporary signage.



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Trustee Huckins questioned the time limits on temporary signs. Administrator Andrews stated that they can currently be displayed for 2 weeks at a time multiple times per year.

Trustee Bojarski asked if there is something that the Village currently does to help bring awareness to community organizations. Administrator Andrews listed temporary signs and *Residential Insider* articles as options.

Attorney Stewart noted that liquor licensing differentiates businesses from public organizations for the purpose of reduced fee schedules.

The Board agreed to move forward with a community wayfinding sign.

Request to Approve an Ordinance Extending Push Tax Tolling Agreement

Presented by Village Administrator Shannon Andrews

The Village Board approved a Penny Per Push Amusement Tax (“Push Tax”) on October 31, 2021, which generally requires the providers of video gaming machines (“Terminal Operators”) to collect and remit a monthly tax equal to \$0.01 for each time a person makes a wager and plays a game on a video gaming machine.

Prior to the Village enacting the Push Tax, two other communities who had adopted similar Push Taxes were engaged in litigation with the Terminal Operators over the enforceability of the municipal Push Tax. Lake in the Hills, along with four other home rule communities (Algonquin, Carpentersville, McHenry, and Woodstock) formed a consortium to aggregate legal resources and present a unified position in support of the Push Taxes. The consortium concluded that, instead of every municipality reinventing the wheel and incurring what could be substantial time and monetary expense in issuing tax deficiency notices, conducting hearings each month over tax deficiency appeals to the Village, and subsequent appeals through lawsuits in the court system, that it was more economical and efficient to agree to a tolling agreement.

The agreement provided that the municipalities and the Terminal Operators would reserve all legal claims and rights to pursue or defend the enforceability of the Push Tax once the tolling period expires. Further, any party can terminate the Tolling Agreement at any point in time, which is intended to allow the municipalities to terminate early if favorable case law indicated the Push Taxes are likely to be upheld as valid and collectible. The only notable concession in the Tolling Agreement is that the municipalities are foregoing any late payment penalties or interest assessments against the Terminal Operators during the pendency of the tolling period. However, the principal tax balance would still be collectible if the Push Tax is ultimately upheld as enforceable.

The presented addendum would extend the Tolling Agreement, otherwise set to expire on April 30, 2023, through October 31, 2023. If the Tolling Agreement is not approved, the Village would need to engage in ongoing collection and legal enforcement activities against all Terminal Operators, beginning in May.

Financial Impact

There is no precisely measurable financial impact from the ordinance extending the Tolling Agreement. Nonetheless, the fiscal advantage is the savings in administrative time and legal expense by not issuing notices of



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deficiency, conducting monthly hearings for the various Terminal Operators, and engaging in immediate litigation, all of which might be avoidable expenses depending on what the appellate court cases decide. The cost savings are estimated to be \$5,000-10,000 per month in staff time and legal expenses. There is a potential loss of interest income from the Tolling Agreement, but if the Push Tax is ultimately enforceable, then it would be de minimis in the larger scheme of potential new revenue, and if the Push Tax is not ultimately enforceable, then it would not be collectible anyway.

Staff recommends a motion to Approve an Ordinance Approving Entry of Second Addendum to Tolling Agreement with Video Gaming Terminal Operators for the Purpose of Tolling the Video Gaming Push Tax.

Trustee Huckins asked for an update on the current litigation. Attorney Stewart stated that both of the referred two cases are pending appellate decisions. This extension is essentially an agreed upon pause until the case law is defined.

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

Request to Approve Municipal Code Updates to Chapters 32, 11, 12, 43, and Appendix B

Presented by Village Administrator Shannon Andrews

In an effort to modernize the Village Code and make it more effective moving forward, staff is recommending the Board approve the Ordinance (attached to the agenda) amending multiple Chapters related to Business Regulations, Adult Entertainment Establishments, Nuisances, Offenses against Public Peace, Safety and Morals, and Appendix B.

The proposed changes captured within the Ordinance have been summarized below:

- The entirety of Chapter 11, Adult Entertainment Establishments, has been relocated and recodified as the new Section 32.06 under Chapter 32, Business Regulations.
- Definitions within the new Section 32.06 have been updated.
- A business would be considered "Adult Cabaret" if that business allows to be conducted on the premises certain defined activities. It is no longer limited to those businesses where Adult Cabaret is a substantial or significant portion of its business.
- Prohibits the operation of an adult establishment without a license; or to allow any person to conduct an activity that would require a license.
- The process for the issuance of the adult entertainment establishment licenses has been updated to mirror the current process utilized in Chapter 32.04, Massage Establishments.
- Violations must be promptly reported; acts or omissions by an owner, employee, or worker are considered to be the act or omission of the licensee.
- Chapter 12, Nuisances, considers a violation of Chapter 32.06 to be a public nuisance offending morals and decency in Section 12.02 C.
- Chapter 43, Offenses Against Public Peace, Safety and Morals, includes public urination, nudity, and public indecency in Section 43.16.



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- Updates the penalties for violations, which include a fine of \$750 for each violation that occurs while minors are present.

Staff recommends a motion to approve the Ordinance Amending Chapter 32, Business Regulations, Chapter 11, Adult Entertainment Establishments, Chapter 12, Nuisances, Chapter 43, Offenses Against Public Peace, Safety, and Morals, and Appendix B, Comprehensive Fine and Fee Schedule of the Village of Lake in the Hills Municipal Code.

Trustee Murphy asked if a business without adult entertainment licensing could host an adult event. Administrator Andrews stated that the event would fall outside of the business's licensing and would incur a fine.

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

Police

Request to Approve a McHenry County Consolidated Joint Training Facility and Firearms Range Intergovernmental Agreement

Presented by Chief of Police Mary Frake

On September 12, 2019, the Village Board passed Resolution 2019 - 06 in support of our Village pursuing an intergovernmental agreement to establish a consolidated training facility and firearms range. Through building and land opportunities, as well as the commitment of McHenry County law enforcement agencies, the intergovernmental agreement is complete and represents that cooperative spirit to share services in the delivery of high-quality training. With close to twenty training mandates that are required for law enforcement officers—and the potential for more—the Village is positioned to take advantage of this opportunity and share in an inventory of qualified instructors.

The County of McHenry owns the property located at 655 Village Hall Dr., Cary, and has started a buildout comprising of classrooms, conference rooms, and a defensive tactics area all designed to serve as a training facility. The Village of Cary owns the property at 460 Cary Woods Circle and has allowed the County of McHenry to lease a portion of that land for the construction of an indoor firearms range.

Through the intergovernmental agreement, the Village of Algonquin, the Village of Cary, the City of McHenry, the County of McHenry, and the Village of Lake in the Hills will form the Joint Training Facilities Board. The Joint Training Facilities Board will make decisions regarding the shared classroom facility and firearms range, to include but not be limited to, course instruction and programming, annual budget preparation, cost allocation, and instructor approval. Execution of the intergovernmental agreement will allow the Board to begin finalizing the operations of the training facility, including the development of a rate structure for customers and vendors.

Financial Impact

An initial membership assessment of \$5,000.00 is required for each member agency to fund the Joint Training Facility Dedicated Fund.



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The Training Facility is slated for completion in September 2023. The estimated annual cost to operate the Training Facility for Joint Training Facility members is \$149,959.42. The Village of Lake in the Hills estimated annual proportional assessment is 11.39%, which is based upon the number of sworn personnel, for a total of \$17,080.37.

The estimated annual cost to operate the Firearms Range is \$173,866.00. The Firearms Range is slated for completion in January 2024. The cost allocation for the range has yet to be determined and will be one of the tasks of the Joint Training Facilities Board through the intergovernmental agreement. However, for purposes of developing an estimated cost, the same proportional assessment of 11.39% was used, for a total of \$19,803.33.

It is anticipated that the Police Seizure Funds will provide the monies for the Village's cost assessments. The current balance of the State of Illinois and Federal seizure funds is \$327,847.32.

Staff recommends a motion to allow the Village of Lake in the Hills to enter into the Intergovernmental Agreement between the Village of Algonquin, Village of Cary, City of McHenry, and County of McHenry for the McHenry County Consolidated Law Enforcement Joint Training Facilities.

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

Finance

Request to Approve Health & Life Insurance Plan Renewals – Final Rates & Plan Design Changes

Presented by Finance Director Pete Stefan

Membership in the Intergovernmental Personnel Benefit Cooperative (IPBC) was approved on March 9th with final plan design changes and associated employer/employee premium allocations by specific rate tiers pending finalization. The following are the various plan design changes and premium allocations being recommended for adoption effective with the July 1, 2023 renewal.

Elimination of the Basic HMO Plan

One plan design change being recommended is to eliminate the Basic HMO Plan. While this plan is currently the least expensive of the Village's offered plans, it was very unique in that it was an HMO Plan that not only had office visit copays but also had a deductible as well. None of the 154 IPBC member communities has such an HMO Plan and mapping over the benefits to the IPBC created challenges that would require manipulating the plan design to make it compatible with the IPBC program. Therefore, eliminating this plan and allowing the employees on this plan to move to one of the other three plans during open enrollment is being recommended and this would also ease the administrative burden associated with managing multiple healthcare plans by reducing the number of plans offered down to only three plans. Read on for further information regarding the proposed treatment of the wellness program discount for employees that had been enrolled in the Basic HMO Plan and who will have earned their discount for the plan year ending June 30, 2023.



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PPO Plan Coinsurance

Another challenge of converting to the IPBC program was the PPO Plan coinsurance. Our current plan design calls for coinsurance for individual coverage of 90% for the first \$3,000 after the \$500 deductible was met then 80% for the next \$10,000 (family coverage calls for 90% for the first \$9,000 after the \$1,500 deductible is met then 80% for the next \$10,000). The IPBC program will not allow this dual coinsurance percentage structure and it has to be consistent at either 80% or 90%. The recommendation is to make the coinsurance percentage a consistent 80%, which will increase the maximum out-of-pocket costs from \$2,800 to \$3,100 for individual coverage and from \$4,400 to \$5,300 for family coverage, but those maximums will only be reached if total claims for the year reach \$13,500 for individual coverage or \$20,500 for family coverage. Decreasing the coinsurance percentage to 80% instead of increasing it to 90% also helps to dissuade employees from deciding to enroll in the most expensive of the three offered plans.

Coverage Effective Start Dates and Termination Dates

A modification to the plan's effective start dates and termination dates is also being recommended. Under the current plan design, a new employee is covered on the employee's first day of work and coverage remains in effect until the employee's termination date. This method involves calculating prorated premiums for payroll purposes for both employee costs and Village costs when an employee starts and again when an employee separates from employment. The recommendation is to make coverage effective on the first day of the month following the month of hire and to end coverage on the last day of the month of termination of employment. This will provide coverage to employees in full month increments, which will eliminate the need for premium prorations. Furthermore, the deferred start date will not affect existing employees as it will only affect new hires hired on or after July 1, 2023.

Elimination of the Village's HRA Plans

In past years, the Village has purchased very high deductible plans from BlueCross BlueShield of Illinois (BCBSIL) and then funded those down to the plan designs offered to employees through Health Reimbursement Accounts (HRA) as a cost saving measure. Since the IPBC plans with deductibles and coinsurance are essentially self-funded plans, the need to purchase a fully insured plan and self-fund it down to affordable levels no longer exists because all of the funds in the account are Village funds used to pay claims and expenses, and there is no longer a fully insured component that could provide potential cost savings opportunities depending on the plan designs purchased. Therefore, the recommendation would be to eliminate all of the Village's HRA Plans.

HDHP Plan Deductibles

The current HDHP Plan deductibles are \$1,400 for individual coverage and \$2,800 for family coverage. In order to maintain the plan as an HSA-compatible HDHP Plan, the Village must comply with the IRS mandated increase in the minimum deductibles to \$1,500 for individual coverage and \$3,000 for family coverage. Therefore, the recommendation is to increase the HDHP Plan deductibles to \$1,500 and \$3,000 for individual coverage and family coverage respectively.

Final Rate Quote from the IPBC

Due to the higher deductibles for the HDHP Plan, the IPBC provided a final rate quote (attached to the agenda) that lowered the 18-month blended rate for medical and dental insurance from 7.2% to 6.5% resulting in additional



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savings of \$17,003 annually. The recommendation is to accept the 18-month rate quote and lock in the medical and dental rates through December 31, 2024.

Calendar Year Plan Years

Accepting the 18-month plan year from July 1, 2023, through December 31, 2024, allows the Village to realign its plan year for various benefits to a calendar plan year, which eases administrative costs and aligns the plans with the IRS annual limits for certain benefits established on an annual basis. Thus, the recommendation would be to also include the Village's Section 125 Cafeteria Plan covering Flexible Spending Accounts (FSA) such as unreimbursed medical costs and dependent care expenses, as well as Health Savings Accounts (HSA) in the conversion to a calendar plan year and authorize staff to take all necessary steps to effectuate such changes.

Ancillary Coverages

In addition to the core insurance products of medical (BCBSIL), pharmacy (Express Scripts), dental (Delta Dental), vision (VSP Vision Care), and life insurance (Securian Financial) offered by the IPBC, it would be beneficial to move other ancillary products under the IPBC umbrella for ease of administration through one-stop shopping as well as for automated integration purposes. These products include COBRA administration, Retiree billing, FSA accounts, HSA accounts, the Employee Assistance Program, Medicare Solutions Program, and Affordable Care Act tracking and reporting requirements. Therefore, the recommendation would be to authorize staff to transition all the core insurance products and ancillary products referenced above to the IPBC pooled programs directly through the IPBC or through one of the IPBC service partners.

Village/Employee Premium Allocations

Numerous factors impacted the proposed cost sharing percentages between the Village and employees such as the various existing premium allocations among all plans, wellness program discounts, prior incentives implemented to persuade open enrollment elections by employees, the number of plans offered, comparable community data, and the polar opposite direction that rates are heading between the HMO Plan and the PPO Plans. Each of these factors would create a barrier on a standalone basis but collectively they effectively prevent immediate implementation of rates to their target levels without significant impact to employees. Thus, a multi-year phased-in approach is being recommended.

The existing four plans range in premium allocations anywhere from 95% Village/5% Employee for HDHP Plan employees achieving the wellness program discount to 78% Village/22% Employee for PPO Plan employees paying the non-wellness rates. Narrowing this 17% differential to no more than 10% over a two-year period is one goal of the multi-year phase-in plan with the target becoming an 80% Village/20% Employee premium allocation for the costliest plan (PPO) and a 90% Village/10% Employee allocation for the two less costly plans (HMO and HDHP).

The goal of a maximum 10% differential was developed after analyzing IPBC data on the Village's comparable communities of which eleven of sixteen are already members of the IPBC. The employer share of health insurance premiums for those communities is summarized in the following two charts:



Village Premium Splits

Municipality	HMO-1				PPO-1				PPO-2			
	Single	Single+ Spouse	Single+ Child(ren)	Family	Single	Single+ Spouse	Single+ Child(ren)	Family	Single	Single+ Spouse	Single+ Child(ren)	Family
LITH (Wellness)	93%	93%	93%	93%	95%	95%	95%	95%	82%	82%	82%	82%
LITH (Non-Wellness)	89%	89%	89%	89%	91%	91%	91%	91%	78%	78%	78%	78%
LITH Recommended	90%	90%	90%	90%	90%	90%	90%	90%	80%	80%	80%	80%
Comp Average	90%	87%	87%	87%	88%	83%	83%	84%	88%	83%	83%	83%

Comparable Premium Splits

Municipality	HMO				PPO-1				PPO-2			
	Single	Single + Spouse	Single + Child(ren)	Family	Single	Single + Spouse	Single + Child(ren)	Family	Single	Single + Spouse	Single + Child(ren)	Family
Algonquin	100%	85%	85%	85%	100%	85%	85%	85%	100%	85%	85%	85%
Barrington	87.5%			87.5%	87.5%			87.5%	85%			85%
Bloomington	85%	85%	85%	85%	75%	75%	75%	75%				
Cary	87%	87%	87%	87%	76%	76%	76%	76%				
Grayslake					100%	85%	85%	85%	100%	85%	85%	85%
Huntley	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%
Lake Zurich	90%	90%	90%	90%	90%	90%	90%	90%	80%	80%	80%	80%
McHenry, City of	97%	92.75%	93%	91%	91.5%	86%	86.75%	86.75%	89%	87.5%	88%	85.5%
Rolling Meadows	94%	94%	94%	94%	91%	91%	91%	91%	86%	86%	86%	86%
Roselle	90%	80%	80%	80%	90%	80%	80%	80%				
Wauconda					82.5%	82.5%	82.5%	82.5%	80%	80%	80%	80%
Average	90%	87%	87%	87%	88%	83%	83%	84%	88%	83%	83%	83%

The proposed premium allocations attempt to bring the Village’s costs more in line with the comparable community averages while still providing enough of an incentive to attract and retain top talent when the need arises and simultaneously still provide some incentive to elect one of the two less costly plans.



Once the target is established, the challenge becomes how quickly we can get there given the obstacles built into the current premium allocation structure, namely the 4% wellness program discount and the incentivized rates offered in prior years that were intended to entice employees towards lower cost plans.

Using the HDHP Plan as an example, with a current 5% cost for those paying wellness program rates, a 1% increase in premium costs allocated to employees translates to a 20% increase in out-of-pocket costs. So, eliminating the 4% wellness discount in one fell swoop requires an 80% increase in out-of-pocket costs.

Therefore, a phased-in approach is being recommended whereby all wellness program discounts would be eliminated by January 1, 2025, with one final rate allocation change effective July 1, 2025, for the HDHP Plan only to bring all plans to either a 90% Village/10% Employee cost share (HMO and HDHP Plans) or an 80% Village/20% Employee cost share (PPO Plan). Following is the full multi-year phase-in plan:

Multi-Year Phase-In of Village/Employee Cost Sharing Percentages for Healthcare Premiums

	Actual 12-Months Effective July 1, 2022 <u>(ER / EE)</u>	Proposed 12-Months Effective July 1, 2023 <u>(ER / EE)</u>	Proposed 6-Months Effective July 1, 2024 <u>(ER / EE)</u>	Proposed 6-Months Effective January 1, 2025 <u>(ER / EE)</u>	Unknown 12-Months IPBC Increase Effective <u>January 1, 2025</u>	Proposed 6-Months Effective July 1, 2025 <u>(ER / EE)</u>
<u>Wellness Rates</u>						
Basic HMO Plan	93% / 7%	N/A	N/A	N/A	N/A	N/A
Enhanced HMO Plan	89% / 11%	90% / 10%	90% / 10%	90% / 10%	+??%	90% / 10%
HDHP Plan	95% / 5%	95% / 5%	93% / 7%	91% / 9%	+??%	90% / 10%
PPO Plan	82% / 18%	82% / 18%	81% / 19%	80% / 20%	+??%	80% / 20%
<u>Non-Wellness Rates</u>						
Basic HMO Plan	89% / 11%	N/A	N/A	N/A	N/A	N/A
Enhanced HMO Plan	85% / 15%	86% / 14%	88% / 12%	90% / 10%	+??%	90% / 10%
HDHP Plan	91% / 9%	91% / 9%	91% / 9%	91% / 9%	+??%	90% / 10%
PPO Plan	78% / 22%	78% / 22%	79% / 21%	80% / 20%	+??%	80% / 20%

Since the IPBC medical and dental rates are guaranteed through December 31, 2024, premium allocations can only be projected through that date as the January 1, 2025, IPBC rate adjustments are not yet known. Accordingly, based on the above multi-year phase-in plan, attached to the agenda are the proposed rate increases to become effective July 1, 2023, for twelve months and July 1, 2024, for six months. As the proposed rates indicate, the group with the largest discrepancy to reconcile (the HDHP employees paying the wellness rate) will see a 12% increase effective July 1, 2023, followed by a 40% increase effective July 1, 2024.



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Wellness Incentive

In previous years, the wellness incentive has been awarded as a reduction to the employee share of premium costs, which is currently 4% of the total premium costs on an annual basis. This results in an increasing cost to the wellness program each year as premiums rise and also results in a significant increase in premium costs to any employee that earns the wellness program discount one year but falls short of the required threshold the next year.

While the previous discussion on rate allocations recommends eliminating the wellness discount from premiums charged to employees, it does not recommend the elimination of the wellness program altogether. Instead, the recommendation would be to convert the wellness program incentive to a stipend that would be paid out to employees who achieve or surpass the threshold, and that stipend would be based on how much is rebated to the Village through the IPBC's wellness program. The Village would first recoup its out-of-pocket costs for the wellness program such as the costs for the wellness screenings, flu shots, etc., and then the remainder would be distributed to employees that participated on a pro rata basis.

It should be noted that while the recommendation is to change the method of distributing the wellness program discount, the discount will be paid out as advertised for the July 1, 2023, to June 30, 2024, period as a reduction to premiums so that employees who have been working towards achieving that discount will receive what was promised to them. Employees will begin earning the new stipend-based wellness program incentive July 1, 2023, for the 18-month period ending December 31, 2024.

One challenge presented by the elimination of the Basic HMO Plan is how to fairly compensate employees enrolled in that plan if they earned their wellness discount over the course of the previous year. Since they have no option but to move to a higher cost plan, the recommendation is to pay out the wellness incentive earned as a lump sum in 2023 that can then be used to offset the higher premiums of their new plan. Based on current enrollment figures, the maximum lump sum wellness payouts in 2023 would be \$5,258 including benefits.

Financial Impact

The updated 18-month rate quote for medical and dental costs at a blended increase of 6.5% totals \$2,499,260 based on current enrollment data. Adding the projected vision insurance cost of \$12,235 and the projected life insurance cost of \$8,422 results in total annual costs for core insurance products amounting to \$2,519,917. The total FY23 budget for these items plus the Employee Assistance Program is \$2,620,880 resulting in a budget surplus of \$100,963, which will easily cover the cost of the ancillary products described above. Additionally, there is the potential to realize up to \$40,810 in Wellness Program rebates, which will fund the proposed stipend-based Wellness Program in its entirety. Rates would also be guaranteed through December 31, 2024, for medical and dental insurance and through December 31, 2025, for life insurance. Vision insurance rates are only guaranteed through June 30, 2024.

Staff recommends a motion to approve all rates and recommendations as presented above and authorize the Village Administrator to implement the recommendations effective July 1, 2023.

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



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Community Development

Request to Approve an Ordinance Granting Conditional Uses and a Development Plan for a Planned Development for a Class 3 Solar Energy System at 6000 Grafton Farm Drive

Presented by Director of Community Development John Svalenka

FFP IL Community Solar, LLC, a division of ForeFront Power, proposes to develop a 2.75-megawatt (MW) community solar facility on an approximately 14-acre tract of land located just south of the intersection of Grafton Farm Drive and Lucerne Lane. The property is part of a larger 71-acre parcel of land owned by Huntley Community School District 158 as part of the district's Reed Road Campus. The applicant intends to lease the 14 acres from the school district.

The subject property is within the I-B Institutional Buildings zoning district. Any solar energy system greater than 10 acres in size is defined as a Class 3 Solar Energy System. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code, a Class 3 Solar Energy System is allowed in the I-B zoning district only with the approval of a conditional use. The applicant has requested approval of this conditional use.

As noted in the definition of "Planned Development" in Section 3 of the Zoning Code, if land is greater than four acres in size it shall be developed as a Planned Development. Therefore, the development of the subject 14-acre property would require the approval of a conditional use for a planned development. In accordance with Section 25.5 of the Zoning Code, a Development Plan must be prepared and submitted for any Planned Development. Therefore, the applicant has also requested approval of a conditional use for a Planned Development and approval of a development plan for the subject property.

Village staff reviewed the conditional uses and development plan according to the standards listed in the Zoning Code. In general, staff found that the development meets all seven standards for a conditional use and meets the standards for a development plan, subject to compliance with the following conditions:

1. The solar energy system must be decommissioned at the end of its useful life as required by the Zoning Code and in accordance with a decommissioning plan submitted by the applicant.
2. The plans must be revised to provide stormwater management facilities if required by the Village Engineer to comply with all stormwater management requirements.

The Planning & Zoning Commission conducted a public hearing on April 17, 2023. The Commission recommended approval of the requests by a vote of 6-0. Based on the testimony received from Village residents living along Lucerne Lane, the Commission's recommendation included the following additional condition:

1. The applicant must install a row of shrubs or trees along the northern edge of the lease area for the solar energy system sufficient to soften the view of the solar arrays from the adjacent residential properties to the north.



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After the conclusion of the public hearing the applicant submitted a landscape plan to comply with the above comment. The landscape plan is attached to the draft ordinance as Exhibit D in the agenda.

The conditions recommended by Village staff and by the Planning & Zoning Commission are included in the draft ordinance that is attached to the agenda.

Staff recommends a motion granting conditional uses and a development plan for a planned development for a Class 3 Solar Energy System at 6000 Grafton Farm Drive.

Trustee Anderson questioned the type of landscaping that will be installed, noting a concern over invasive species. Director Svalenka stated that standard shrubs will be used.

Trustee Bojarski asked what type of turf will be below the panels. Director Svalenka explained that vegetation is required and, in this case, will be prairie.

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

Request to Approve an Ordinance Granting a Conditional Use for BAPS Midwest to Operate a Religious Use at 1300 Cunat Court

Presented by Director of Community Development John Svalenka

On December 14, 2017, the Village President and Board of Trustees passed Ordinance 2017-65 granting a conditional use at 1300 Cunat Court to allow Bochasanwasi Shri Akshar Purushottam Swaminarayan Sanstha Midwest, Inc (BAPS Midwest) to operate a religious use on the subject property. The ordinance approved the conditional use for a term of five years with the option to request renewal. The original approval expired on December 14, 2022. Therefore, BAPS Midwest has requested approval to renew the conditional use permit and make the use permanent.

Village staff reviewed the conditional use according to the standards listed in the Zoning Code. In general, staff found that the use meets all seven standards for conditional use, subject to compliance with some specific conditions, as summarized below.

1. During the Covid-19 pandemic, the members of the organization were not allowed to meet in person at the facility. Unfortunately, the owners did not visit the site regularly and fell behind on lawn and landscape maintenance of the site. Therefore, staff recommends a condition that the landscaping and lawn on the site must be maintained in a code-compliant condition at all times.
2. There is an existing sand volleyball court on the property that was overgrown with tall weeds. The applicant stated that the court is no longer used and has committed to having it removed. Therefore, staff recommends a condition that the court must be removed, and lawn grass must be established within 6 months (not later than October 31, 2023).



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3. The Village received a concern about overcrowding in the past that led to parking on the street and in the parking lots for the adjacent apartments. Places of worship are required to provide one parking space for each four seats. Based on the existing 111 parking spaces, the building would accommodate 444 people. Therefore, staff recommends a condition that the number of people in the building at any one time shall be limited to 444 people or the occupancy limit of the building as required by the Fire Code, whichever is less.
4. The facility has an existing dumpster that is commonly stored outside in the parking lot on the north side of the building without the required screening. The applicant has indicated that they can move the dumpster through an overhead door to the inside of a small garage area attached to the building. To ensure that this doesn't cause problems in the future, staff recommends a condition that all waste receptacles and dumpsters must be stored inside the building or a dumpster enclosure compliant with the Municipal Code must be constructed.
5. The existing parking lot pavement is badly deteriorated and must be repaired. The applicant has committed to making the repairs and has submitted quotes from a paving contractor to have asphalt resurfacing and sealcoating work performed. To ensure that the work is completed, staff recommends a condition that the existing asphalt parking lot must be repaired to a code-compliant condition within 6 months (not later than October 31, 2023).

The Planning & Zoning Commission conducted a public hearing on April 17, 2023. The Commission recommended approval of the request by a vote of 6-0, subject to the conditions above.

Staff recommends a motion to approve an ordinance granting a conditional use for BAPS Midwest to operate a religious use at 1300 Cunat Court.

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

Request to Approve an Ordinance Granting a Conditional Use for Automobile Service at 8302 Pingree Road

Presented by Director of Community Development John Svalenka

Public documents available from the McHenry County Recorder's Office show that James and Charleen Augustine purchased the property at 8304 Pingree Road in February 2000. Soon thereafter, they began operating a car wash business named Jetstream Detail & Wash on the property. In September 2001 Mr. & Mrs. Augustine purchased the residential property next door at 8302 Pingree Road and made it their home. In October 2018 Mr. & Mrs. Augustine deeded the property at 8304 Pingree Road to an organization named Chicago Urban Missions Foundation in lieu of foreclosure on the mortgage for the property. Chicago Urban Missions Foundation then sold the property in November 2021 to an LLC owned by Mr. Dariusz Saletnik.

Today, Mr. & Mrs. Augustine still own and live on the property at 8302 Pingree Road. Mr. Saletnik owns the property at 8304 Pingree Road and operates an automobile repair business named Mega Auto Collision and Repair. Mr. & Mrs. Augustine still operate their car wash business in a part of the building at 8304 Pingree Road, but as a tenant.



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Their lease at 8304 Pingree Road ends on November 30, 2023. Therefore, they would like to move the car wash business into a recently constructed detached garage behind their residence at 8302 Pingree Road.

The subject property at 8302 Pingree Road is currently used for residential purposes but is within the B-4 General Business zoning district. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code “automotive service” is allowed in the B-4 zoning district only with the approval of a conditional use. Therefore, James and Charleen Augustine have requested approval of this conditional use. They have indicated that they will continue to live in the house on the property, which is allowed to remain as a legal non-conforming use.

Village staff reviewed the conditional use according to the standards listed in the Zoning Code. In general, staff found that the use meets all seven standards for conditional use, subject to compliance with some specific conditions, as summarized below.

1. In the past, the cars being dropped off for the car wash business were parked in locations that blocked the neighbor’s driveway, and paved space on the subject property is limited. Therefore, staff recommends a condition that not more than eight cars may be parked outside on the subject property at any one time, and that all cars parked outside must be located on a paved surface located north and east of the fence shown on the plat of survey.
2. Currently vehicles would need to be driven across the neighbor’s property to access the new garage in the rear of the subject property. Therefore, staff recommends a condition that the applicant must install a code compliant asphalt or concrete driveway with a valid building permit on the subject property to provide access to Pingree Road or must obtain a written access easement from the owners of 8304 Pingree Road that is recorded with the McHenry County Recorder of Deeds. Based on the testimony received during the public hearing, the Commission set the deadline for compliance with this condition as November 30, 2023, which coincides with the end of the applicant’s lease at 8304 Pingree Road.
3. To ensure that the business doesn’t cause icing problems during the winter, staff recommends a condition that vehicles may only be washed inside the detached garage.
4. To ensure that the business stays a hand car wash and doesn’t become a nuisance, staff recommends a condition that no automatic car wash equipment may be installed or used on the subject property.
5. Part of the septic system for 8302 Pingree Road crosses underneath the shared driveway and extends onto the property at 8304 Pingree Road. The Health Department has advised the Village that their regulations do not allow driveway pavement over the top of private sewage disposal systems. Therefore, staff recommends a condition that the proposed car wash must stop operating if the existing private sewage disposal system fails or if a new driveway is constructed over the top of the sewage disposal system at 8302 Pingree Road, and the business may not resume operations until a private sewage disposal system in compliance with the McHenry County Health Department requirements is established.
6. As shown in photos attached to the agenda, staff visited the property recently and found that the applicant has had a large amount of gravel dumped and spread to the south and east of the new detached garage without a permit. New gravel parking surfaces are not allowed. Therefore, staff recommends a condition that the applicant must obtain a building permit for a paved driveway expansion in the area of the gravel shown on the photos not later than one month after approval of the conditional use or the applicant must



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remove all of the gravel from the property and restore all non-paved areas to lawn grass not later than one month after approval of the conditional use.

The Planning & Zoning Commission conducted a public hearing on April 17, 2023. The Commission recommended approval of the request by a vote of 5-0, subject to the conditions above.

Staff recommends a motion to approve an ordinance granting a conditional use for automobile service at 8302 Pingree Road

President Bogdanowski asked if all conditions were agreed to. Director Svalenka confirmed this.

Trustee Huckins questioned runoff drainage for washing cars. Mr. Augustine stated that vehicles are typically taken to Matt's Express Wash for exterior washes.

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

Informational Item Concerning an Ordinance Granting a Variation to Reduce the Minimum Side Yard at 255 Indian Trail to Allow a Carport

Presented by Director of Community Development John Svalenka

In August of 2017, Hui D. Tark (David) and his wife purchased the residence at 255 Indian Trail. As evidenced by Google Street View photos available online from July of 2012, the residence did not have a garage when it was purchased by Mr. Tark. Therefore, according to Mr. Tark, he purchased a temporary 10-foot by 20-foot carport canopy at Costco and set it up on the west side of his house in March of 2018. The temporary carport is visible on Google Street View photos from October of 2018.

Mr. Tark submitted drawings to Village staff in June of 2019 to obtain a permit to install a permanent carport in the same location as the temporary carport. Village staff advised Mr. Tark in July that such a permit could not be issued because it did not comply with the minimum side yard requirement. Mr. Tark then inquired about the potential to construct a garage or carport on the front of the house but was informed that such a structure would not comply with the minimum front yard requirement.

On May 31, 2022, the Village received a complaint through the online Public Portal from Dan Hirshfeld, owner of the neighboring property to the west at 257 Indian Trail. The complaint states that 255 Indian Trail was building a garage without a permit and in violation of zoning laws. The Village's property maintenance inspector visited the property the next day and found that Mr. Tark had installed wooden walls on the inside of the temporary carport and installed vinyl siding onto the front of the structure without a permit. On June 6th, the Village issued a courtesy notice of violation stating that the owner must obtain a permit for the proposed construction work. Mr. Tark accepted an offer of help from nearby neighbors Robert and Carol Herley and visited the Village Hall on June 10th to discuss the situation. At that time, Village staff advised Mr. Tark that he could apply for a zoning variation to reduce the size of the required side yard.



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The Planning & Zoning Commission conducted a public hearing on September 12, 2022, to consider a requested variation from Section 4.4-2 of the Zoning Code to reduce the minimum side yard width on the western side of the property from six feet to 1.2 feet to allow construction of a proposed carport. The minutes from the September 12th meeting are attached to the agenda and the recording of the meeting is available on the agendas and minutes page of the Village website at <https://www.lith.org/home/showpublisheddocument/3551/637986594989200000>. Village staff at the time found that the facts of the case complied with all nine of the review criteria listed in Section 23.7 of the Zoning Code, and proposed positive findings of fact that supported the variation request. Several of the applicant's neighbors attended the public hearing to speak in favor of the variation, and one neighbor sent a letter in support of the variation that was read at the public hearing. Unfortunately, the discussion during the public hearing strayed far afield from the required findings, including much discussion on whether or not the house had an attached garage at some time in the past. Regarding the requested side-yard variation itself, the owner of the neighboring property at 257 Indian Trail stated his belief that the remaining eight feet between the proposed garage and the neighboring house would be too narrow, and instead suggested that it would be better to construct a garage in the front yard. Therefore, the commissioners discussed the merits of a potential front yard setback variation instead of the side yard variation, and advised the applicant that a better course of action might be to apply for a front yard variation. Ultimately, the Planning and Zoning Commission motion to recommend approval of the side yard variation failed (0 aye, 5 nay, 2 absent, 0 abstain), and the failure of the motion resulted in a recommendation that the variation be denied.

Based on the unanimous recommendation for denial by the Planning and Zoning Commission, Mr. Tark decided to pause the application and not move it forward to the Board of Trustee for consideration at that time. Instead, he removed the temporary carport to eliminate the code violations. On November 4, 2022, Mr. Tark obtain a permit to install a 6-foot-tall wood privacy fence on the west side of his house. As allowed by the Zoning Code, the western and northern sides of the fence were installed at approximately the same location as the western and northern walls of the carport.

Village staff met with Mr. Tark along with Mr. & Mrs. Herley on February 15, 2023, to discuss potential next steps to provide a covered parking space on the subject property. Mr. Tark is over 70 years old and is on a fixed income and has limited funds available for design and construction costs. A full attached garage on the front of the house would likely be more expensive than the small carport proposed in the side yard, and a garage in the front would present design challenges in that it would block the walkway that leads to the front door of the house. Therefore, the applicant has decided that he cannot pursue the option of requesting a variation regarding the front yard setback and is still interested in pursuing options in the side yard.

In order to obtain a final decision regarding the requested side yard variation, Village staff recommend that Mr. Tark take the next step and have the requested considered by the Village President and Board of Trustees. Certainly, the recommendation of the Planning and Zoning Commission should weigh heavily on any decision of the Board of Trustees, but this would at least give the applicant the potential ability to state his case again and request approval. Staff made it clear to the applicant there is no guarantee that the Board of Trustees would overrule the Planning and Zoning Commission. In fact, pursuant to Section 23.9 of the Zoning Code, the requested variation shall not be approved except by the favorable vote of two-thirds of the members of the Board of Trustees.



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As noted above, Village staff in September of 2022 found that the submitted evidence sustained all nine of the findings of fact necessary to approve the requested side yard variation. Regarding the objections raised during the public hearing, staff offers the additional analysis for consideration:

- The neighboring property owner at 257 Indian Trail stated that the proposed structure would make it difficult for him to access his rear yard, and that this difficulty would lower his property values. As noted above, the owner of 255 Indian Trail has now installed a code-compliant fence along the shared lot line. Therefore, the space available for the owner of 257 Indian Trail to access his back yard on that side of the house will remain the same whether the variation is approved, and a carport is constructed next to the fence, or the variation is denied and the fence remains in place. Additionally, the owner at 257 Indian Trail has since installed a row of evergreen shrubs that further block access to the side yard and help screen the view of the existing fence.
- There was some discussion at the public hearing about whether the proposed structure would increase the danger of fire, as the new structure would be located approximately eight feet away from the neighboring house. To address this concern, staff suggest that any approval could include a condition that the structure be required to comply with the fire-resistant construction requirements in the building code.
- The applicant's primary concern appears to be to provide a covered parking space so that his wife's car is protected from snow and rain, and to limit the cost of the structure. Therefore, while the original request was listed on the Village's staff report as being for a "garage," staff finds that a simple roofed carport would likely meet the applicant's needs and be equally acceptable. The applicant submitted new plans for a carport that are drawn by an architect, which are included with the draft ordinance at Exhibit C.

Staff seeks the Board's direction regarding the options listed below. Discussion and possible action on this item would be included on the April 27, 2023, Village Board agenda under New Business.

1. If the Village President and Board of Trustees should decide to approve the originally requested side yard variation based on the additional facts presented above, staff has prepared an ordinance to approve the request. The ordinance as drafted includes positive findings of fact as required by the Zoning Code and includes conditions to ensure that the carport is only installed with permanent materials that comply with the fire-resistant construction requirements. As noted above, approval of this ordinance would require the favorable vote of two-thirds of the members of the Board of Trustees.
2. If the Village President and Board of Trustees agree with the Planning and Zoning Commission's original recommendation that the variation be denied, staff recommends the Board of Trustees deny the variation.
3. If the Village President and Board of Trustees believe that the requested variation has merit but prefers the Planning and Zoning Commission have an opportunity to provide input on the additional findings noted above, they may refer the application back to the Planning and Zoning Commission for further consideration in accordance with Section 23.9 of the Zoning Code.

The Board discussed the property and its past structures with Assistant Director of Community Development Ann Marie Hess, Mr. Tark, and Mrs. Herley to determine if there had ever been a garage on the property. They concluded that there had not. The home currently has lattice panels bordering the foundation and mudroom.



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Director Svalenka stated that Mr. Tark could have applied for a variation for a front garage, however, this was not pursued because of the cost.

Administrator Andrews stated that if the Board wants the ordinance approved, it is prepped for action at the Village Board meeting on Thursday.

The Board agreed to vote on Thursday.

Parks & Recreation

Request to Approve Northern Illinois Special Recreation Association Membership Dues

Presented by Parks & Recreation Director Trevor Bosack

Staff is seeking the approval of the proposed FY23/24 membership dues for Northern Illinois Special Recreation Association ("NISRA"). The Village of Lake in the Hills, as a member, has one representative on the NISRA Board of Directors, along with the other 12 participating agencies including Barrington Park District, Cary Park District, Crystal Lake Park District, Dundee Township Park District, City of Elgin, Hampshire Township Park District, City of Harvard, Huntley Park District, Marengo Park District, City of McHenry, Wauconda Park District, and the City of Woodstock.

The relationship between the Village of Lake in the Hills and NISRA is long-standing with NISRA providing additional recreation options to the community, training opportunities for staff, perspective and recommendations on future open space and programming, and staff members to consult with or attend programs to assist. Within the last six months, some recent examples of collaboration include (1) NISRA's participation in reviewing and recommending options at the Lynn Dillow playground replacement; (2) providing staff and resources to assist with a non-verbal spring break camp participant; (3) free staff training opportunities including "Trends in the Intellectual and Developmental Disabilities Community"; and (4) authorized use of their mini-bus.

NISRA dues are distributed across the member communities by applying a multiplier against the previous year's (2021) EAV ÷ \$100. The bylaws prevent a member's dues from being less than the previous year. In these situations, the dues are frozen for those individual members. The NISRA Finance Committee reviews multipliers of .017, .01725, and .0175 and a recommendation is made. For FY 23/24, the recommendation was to use the .0175 multiplier, increasing the Village of Lake in the Hills membership by \$3,406 over the FY 22/23 membership dues. The Village of Lake in the Hills' dues are 2.6% of the total membership dues collected.

Historically, the NISRA dues were approved by the Village Board in October of the previous year, with a request to pay partial dues in October and the remaining balance in February of the following year. These dues would be budgeted so that the cost was split across two fiscal years.

NISRA has a May 1 Fiscal Year start date, and the proposed dues would cover the Village's membership for the corresponding year of May 1, 2023, through April 30, 2024. The request is to consider and approve the membership dues, in full, as budgeted. This streamlines and simplifies the approval and payment processes.



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District	2020 EAV's	FY 22/23 Member Dues (rate .0170 or frozen from prev. year)	2021 EAV's	FY 23/24 Member Dues (rate .0175)
Lake in the Hills	316,622,415	54,176	329,042,031	57,582

It should be noted that the Village's EAV calculations do not include the overlapping EAV portions of Lake in the Hills that are included within the Huntley Park District, Cary Park District, or the Crystal Lake Park District.

Financial Impact

NISRA's FY2023/24 dues for the Village increased to \$57,582 and were included in the Village's FY23 budget in the same amount of \$57,582.

Staff recommends a motion to Approve the NISRA FY2023/24 membership dues calculated with a .0175 multiplier and resulting in the Village's membership dues at \$57,582.

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

Board of Trustees

None.

President

President Bogdanowski announced that Thursday's Village Board meeting will include re-appointments and proclamations.

Adjournment

There being no further business to discuss, the Committee of the Whole meeting was adjourned at 8:57 pm.

Submitted by,

Shannon DuBeau
Village Clerk