



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

JULY 11, 2023

## 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, Parks & Recreation Director Trevor Bosack, Director of Community Development John Svalenka, Village Attorney Brad Stewart, and Village Clerk Shannon DuBeau.

The Pledge of Allegiance was led by Huntley Fire Department Chief Scott Ravagnie.

Chief Ravagnie gave the Board an overview of the personnel structure within the Huntley Fire Protection District, which consists of a 5-person Board of Trustees, 5 commissioners, and 69 crew members and 5 stations. The district covers 55 square miles and is home to 62k residents. The Huntley Fire Protection District hosts a [Fire Cadet](#) and [Intern](#) Program with fire classes offered at ECC and MCC. A Mobile Integrated Health Paramedic is on staff. This is a unique role that offers patients assistance with medications and safety within the home. The Huntley Fire Protection District will be hosting an Open House at 4:00 pm on August 2<sup>nd</sup> at Station 1, 11808 Coral St, Huntley.

## Audience Participation

None.

## Administration

### **Informational Item Concerning Video Gaming Machines at a Proposed Restaurant**

Presented by Village Administrator Shannon Andrews

Attached to the agenda, please find information regarding a proposed authentic Mexican restaurant at 2122 W. Algonquin Road. The owner, Luis Landa Mendez, is in the process of securing a Class A Liquor License for the establishment and is also interested in offering video gaming. Mr. Mendez would like to have three video gaming machines on the premises, which is consistent with the prior Taco's El Norte business at the same location. Prior to applying for video gaming, Mr. Mendez is seeking input from the Board. If it is determined to be feasible to move forward, the Board would need to approve his application at a future meeting.

A representative from Rinconcito de Veracruz, Inc. attended the July 11, 2023, Committee of the Whole meeting.

### **Financial Impact**

In addition to the license fees of \$500 per machine, the Village would also receive the required payment of \$500 for the terminal operator.

Staff is seeking the Board's direction and feedback on the proposed video gaming machines at this location.



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## **Informational Item Concerning a Construction Update for the New Police Facility**

Presented by Village Administrator Shannon Andrews

In March of this year, the Village Board accepted the final Schematic Design for the new police facility, while also approving the \$27 million cost estimate provided by Dewberry Architects. Camosy Construction (“Camosy”) was then selected to be the Construction Manager at Risk in April. At that time, staff was aggressively targeting a fall groundbreaking on advice from Leopardo Construction (Dewberry’s cost estimator) that this would provide the greatest opportunity to save on continuing escalation costs. With a fourteen (14) month construction schedule, project completion was anticipated by December of 2024.

Upon engaging Camosy, they worked extensively with Dewberry to acclimate themselves with the project to produce their own project estimate based on the Schematic Designs. Camosy presented Village staff with two cost scenarios; one that included a Fall 2023 start and the other a Spring 2024 start. Unfortunately, the Fall 2023 start increased the cost of the project by over \$700,000. Much of this was due to the additional costs associated with an extended/interrupted construction schedule and the winter protection for the concrete and masonry. Under the Spring 2024 start scenario, Camosy’s total project estimate at Schematic Design is \$24,739,224.

Dewberry has been progressing through the final design process, which remains on target for completion before Fall. This will enable Camosy to begin the bid process early, locking in pricing and getting scheduling commitments from their contractors. Construction would be expected to begin as soon as the weather allows in the Spring of 2024.

Cost estimating will continue through the end of the final design, when Camosy will provide the Village with a guaranteed maximum price (“GMP”) proposal. The Village’s acceptance of the GMP will require the execution of a GMP amendment through which the construction manager becomes contractually bound to provide labor and materials for the project and to complete construction at or below the GMP, with the exception of approved change orders.

### **Financial Impact**

The total project cost is currently estimated to be \$24,739,224 under a Spring 2024 start. This figure will be finalized at the conclusion of the final design and the establishment of the GMP.

Unless directed otherwise by the Board, staff will proceed with a Spring 2024 groundbreaking for the new police facility.

Trustee Anderson questioned the completion date. Administrator Andrews stated that the project should take about 14 months, ending in the summer of 2025. Chief Frake stated that she does not see any issues with the change.



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## Police

### **Request for Approval of a McHenry County Narcotics Task Force Intergovernmental Agreement**

Presented by Chief of Police Mary Frake

The department joined the McHenry County Drug Task Force in 2011. This partnership has proven to be a valuable endeavor in addressing drug related incidents occurring in our community and McHenry County. The department continues to be committed in providing the resources needed for drug investigations and continuing our proactive partnership with the Sheriff's Office. The department currently has one officer assigned to the task force fulltime.

This agreement replaces the agreement entered on April 22, 2019. The following are the only changes to the agreement:

- The term of the Agreement, which is effective August 1, 2023, to August 1, 2028.
- An update to the McHenry County Board Chairman to reflect Michael J. Buehler.
- An update to the Lake in the Hills Village President to reflect Ray Bogdanowski.
- An update to the McHenry County Sheriff to reflect Robb A. Tadelman.

### **Financial Impact**

The projected FY23 personnel cost of the officer assigned to the task force is \$172,894. The department receives a portion of assets seized during investigations that are eligible for forfeiture.

Staff recommends a motion to approve the agreement between the Lake in the Hills Police Department and the McHenry County Sheriff's Office.

Trustee Huckins asked if the full-time task force position will allow the officer to be available to the Village. Chief Frake explained that the officer will be housed at the McHenry County Sheriff's office but will travel to Lake in the Hills as needed for task force and S.W.A.T. uses.

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

## Community Development

### **Request for Approval of an Ordinance Granting a Temporary Exemption from the Requirement to have a Garage on the Property at 65 Hilltop Drive**

Presented by Director of Community Development John Svalenka

On July 25, 2018, David Manuel purchased the residence at 65 Hilltop Drive. On January 7, 2020, a fire broke out in the rear of the house. Paperwork submitted by the owner indicates that the fire caused over \$120,000 of damage to the roof and rear portions of the building. On June 10, 2020, the owner's general contractor submitted a permit application to the Village to perform approximately \$200,000 of fire rehabilitation work and renovation work on the house. After the review and approval of revised drawings, the Village issued a building permit on September 1,



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2020, to allow the construction work to begin. In accordance with the Municipal Code, the original building permit was valid for six months.

Unfortunately, Mr. Manuel and his contractors were not able to complete the approved construction work in a timely manner, and the construction exceeded the approved scope of work several times. On February 25, 2021, the Village posted a stop-work order on the property because the two-car attached garage on the front of the house had been demolished. The garage was not damaged by the fire, and the approved building permit did not include any work on the garage. On July 29, 2021, the Village posted another stop-work order on the property because the owner had started constructing a large deck around the north, west, and south sides of the house without a permit. The deck did not exist at the time of the fire, and the approved building permit did not include any work for a deck. On September 21, 2021, the Board of Trustees passed Ordinance 2021-39 granting front yard setback and side yard setback variations to allow the garage to be reconstructed in the same location and to allow the proposed deck to be constructed. The owner paid for permit extensions to allow the work to continue.

By December of 2021, construction work had essentially been completed for the living areas on the upper level of the house, but work was not yet complete on the lower level of the house or on the exterior areas. This date was nearly two years after the fire, and Mr. Manual requested permission to begin living in the house again. Therefore, on December 22, 2021, the Village issued a Temporary Certificate of Occupancy (TCO), subject to a list of conditions to be addressed prior to expiration of the permit on March 31, 2022. The conditions essentially required the owner to clean the exterior of the property, complete permanent construction of the deck, complete interior & exterior construction on the house, and submit architectural plans for proposed additional construction work (including replacement of the garage).

Mr. Manual did not comply with the conditions of the TCO by the March 31 due date. Therefore, on April 7, 2022, the Village issued a citation with a notice to appear at the Village municipal adjudication hearing on May 11, 2022. After several continuations of the hearing, the Village worked in good faith with the owner to provide additional time to resolve the several code violations identified in the TCO. Specifically, as detailed in the letter (attached to the agenda) from the Village Attorney dated November 10, 2022, the Village agreed to provide Mr. Manual with an additional six-month period from December 22, 2022, to June 13, 2023, to comply with the conditions listed on the TCO. Village inspectors have since confirmed that all permitted construction work has been completed and inspected, and the primary remaining issue is the construction of a garage.

Section 24.15(M) of the Municipal Code states that, *“Every dwelling unit shall have an attached or detached garage on the zoning lot upon which it is constructed. Said garage shall be at least 12’ wide and 20’ deep and shall be connected to the street by a driveway constructed pursuant to the Village ordinances. A garage shall have a minimum 8 feet wide by 7 feet high access door.”* As detailed in the letter (attached to the agenda) dated June 30, 2023, Mr. Manuel has requested that the Village grant a temporary exception from this code requirement to allow additional time for him to raise the funds necessary to construct the required garage.

## Analysis

David Manuel has requested that the Board of Trustees approve a temporary exemption from the Building Code requirement in Section 24.15(M) of the Municipal Code, specifically to allow five additional years for him to



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complete the requirement to construct a garage. As the garage requirement is part of the Building Code and not the Zoning Code, there is no requirement for a public hearing or any input from the Planning and Zoning Commission.

In his request in the letter (attached to the agenda), Mr. Manual lists the following hardships to justify the exemption:

- His insurance company did not cover the increased cost of materials and labor due to the Covid-19 pandemic.
- He has taken out two home equity loans and two personal loans to further the work, as well as maxed out all of his credit cards. Thus, he does not have an immediate way to obtain additional funds to construct a garage at this time.
- His architect quoted an estimate of over \$100,000 to construct a garage because the structural support underneath the garage and is no longer usable, and because of the difficulties involved with the steep hill.

Staff has examined the request and considered potential options for compliance, and notes the following:

- A simple detached garage measuring at least 12' wide and 20' deep would be relatively inexpensive to construct. However, due to the steep hill and the location of the existing house, there is no level spot to build such a garage on the lot. These unique conditions would result in increased construction costs.
- At first glance, it would seem to be relatively inexpensive to construct a simple garage at the same location as the demolished garage. However, the old garage was constructed on top of a room built into the hillside underground, and the foundation of this structure is questionable. Further, the remaining floor of the demolished garage is wooden instead of concrete, which does not comply with the building code requirements. Therefore, staff agrees that the cost to construct a new garage at the same location as the old garage would be unusually high on the subject property.
- The property has sufficient off-street parking space on the driveway to accommodate parking of the owner's vehicles until a garage is constructed. The Village is not aware of any complaints about parking in front of this address since the owner moved back into the home in December 2021.
- The Village has the option of pursuing code compliance through court action, but in the short-term, this would likely only result in additional time and costs for the Village along with additional fines assessed against Mr. Manuel. Village staff's goal is to obtain code compliance and not to collect fines, and over the long-term, staff finds that the applicant is more likely to be able to construct a compliant garage if given more time to obtain funding.

Based on Mr. Manual's written request and staff's analysis above, and per the direction of the Village Attorney, staff has drafted an ordinance to approve the requested temporary exemption from the Building Code requirement in Section 24.15(M) of the Municipal Code. In addition to granting a five-year exemption from the requirement for a garage, staff had drafted the ordinance to include the following conditions:



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- Staff finds that Mr. Manual qualifies for the requested exemption only based upon his unique circumstances as noted above, and that other property owners would not qualify for such an exemption. Therefore, staff recommends a condition that a code-compliant garage must be constructed on the property within 180 days after a change in ownership of the property. With this condition, new owners of the property would be required to construct a garage if Mr. Manual sells or transfers ownership of the property.
- Staff recommends a condition that the owner be prohibited from constructing an addition to the house or constructing other buildings on the property prior to construction of the required garage. Mr. Manual has indicated to staff that he also has plans to construct several room additions on the house in the future, and this condition would help to ensure that construction of a garage is the main financial priority on the property during the requested five-year exemption.

Staff recommends a motion to approve an Ordinance Granting a Temporary Exemption from the Requirement to have a Garage on the Property at 65 Hilltop Drive.

Trustee Huckins voiced concern over the length of time. He asked if there will be a process to ensure that the garage will be completed at the end of the allotted 5 years. Director Svalenka stated that it will be up to staff to track the completion and send reminders.

President Bogdanowski asked Mr. Manual if he understands the agreement. He indicated that he does.

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

## Public Works

### **Request for Approval of Phase 1 Engineering Task Orders for Engineering Services Related to STP Funded**

Presented by Public Works Director Ryan McDillon

Staff seeks Board approval to enter into an agreement with Chastain & Associates LLC for Phase I Engineering Services for Crystal Lake Road, Miller Road, and Frank Road.

Federal Surface Transportation Program (STP) grants are awarded 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 amount requested. STP funds can be used for both reconstruction or resurfacing of functional



roads classified minor collector or higher with a preference given to projects that improve capacity, multiple forms of mobility, and environmental quality.

In the 2022 call for projects, the Village submitted applications for the resurfacing of both Miller Road and Crystal Lake Road. Both projects were placed on the contingency list. The contingency list contains projects that, in the event 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. To be ready for possible funding and be better positioned for the next call for projects in 2024, having the Phase I Engineering completed gives the Village the best opportunity to secure funding.

In the 2022 call for projects, the Village also applied for the reconstruction of Frank Road. In November 2022, McHenry County Council of Mayors notified the Village that the Frank Road project was approved for funding in the 2023-2027 STP-L MCOM program. The construction would take place in 2027.

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 agreements with Chastain, which are attached to the agenda, are for the following services:

- Miller Road Phase I Engineering in an amount not to exceed \$54,510.
- Crystal Lake Road Phase I Engineering in an amount not to exceed \$36,969.
- Frank Road Phase I Engineering in an amount not to exceed \$129,554.

**Financial Impact**

The FY23 Motor Fuel Tax Fund budget included a total of \$250,300 for Phase I Engineering Services for these projects. The task orders as presented total \$221,033 for a savings of \$29,267.

Project	Budget	Actual	Difference
Miller Road	\$61,100	\$54,510	\$6,590
Crystal Lake Road	\$37,500	\$36,969	\$531
Frank Road	\$151,700	\$129,554	\$22,146
<b>Total</b>	<b>\$250,300</b>	<b>\$221,033</b>	<b>\$29,267</b>

Staff recommends the following motions:

1. Motion to approve a Task Order with Chastain Engineering to perform Phase I Engineering Services for the Miller Road project at a cost not to exceed \$54,510.
2. Motion to approve an IDOT Engineering Services Agreement for the Miller Road project.
3. Motion to approve a Task Order with Chastain Engineering to perform Phase I Engineering Services for the Crystal Lake Road project at a cost not to exceed \$36,969.
4. Motion to approve an IDOT Engineering Services Agreement for the Crystal Lake Road project.
5. Motion to approve a Task Order with Chastain Engineering to perform Phase I Engineering Services for the Frank Road project at a cost not to exceed \$129,554.





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6. Motion to approve an IDOT Engineering Services Agreement for the Frank Road project.

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

## **Request for Approval of an Ordinance Approving a Plat of Easement for 141 and 143 Hilltop Drive**

Presented by Public Works Director Ryan McDillon

The Public Works Department is currently working with the Village's engineering consultant, Christopher B. Burke Engineering Ltd (CBBEL), to design a new storm sewer to be installed along the shared lot line between the residences at 141 Hilltop Drive and 143 Hilltop Drive. The sewer will drain water from the street to Woods Creek Lake. The Village will assume maintenance responsibility for the storm sewer, but the Village requires a permanent easement over the sewer in case the need arises to perform emergency maintenance work. Further, the Village will need temporary construction easements in order to install the sewer. Therefore, Village staff recommends that the Village Board approve the Plat of Easement that dedicates temporary and permanent easements to the Village.

### **Financial Impact**

Approval of the plat will have no direct additional financial impact.

Staff recommends a motion to approve an Ordinance Approving a Plat of Easement for 141 and 143 Hilltop Drive.

Trustee Huckins questioned the cost of drainage. Director McDillon stated that it was in the budget for the purpose of alleviating this problem.

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

## Board of Trustees

None.

## President

President Bogdanowski asked Director Bosack about the formation of park focus groups. Director Bosack stated that the Village is actively recruiting residents for Meadowbrook's northwest parks and Jaycee Park focus groups. Interest forms can be found on the [website](#).

## Adjournment

There being no further business to discuss, the Committee of the Whole meeting was adjourned at 8:03 pm.

Submitted by,

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

Shannon DuBeau  
Village Clerk

Committee of the Whole Meeting  
July 11, 2023