



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

OCTOBER 10, 2023

Call to Order

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

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

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

Also present were Village Administrator Shannon Andrews, Assistant Village Administrator Trevor Bosack, Chief of Police Mary Frake, Finance Director Pete Stefan, Public Works Director Ryan McDillon, Director of Community Development John Svalenka, Village Attorney Brad Stewart, and Village Clerk Shannon DuBeau.

The Pledge of Allegiance was led by Algonquin/Lake in the Hills Chamber of Commerce Executive Director Greg Urban. Greg noted that the Chamber is improving networking opportunities by hosting more events with presenters and speakers, including Women on the Move and Third Thursday Lunch Breaks. The upcoming Third Thursday Lunch Break will be held at Lou Malnati's Pizzeria where Detective Koehler of the Algonquin Police Department will be the guest speaker.

Audience Participation

None.

Administration

Request for Approval of an Ordinance Authorizing the Disposal of Surplus Property

Presented by Village Administrator Shannon Andrews

The Illinois Municipal Code requires adoption of an Ordinance to dispose of surplus property, which is either no longer functional or is no longer valuable to Village operations. The attached Surplus Property Listing in Exhibit A identifies items that meet the criteria for being declared surplus. The listing includes seven items with a total estimated value of \$1,560.00 that the Village would attempt to sell by auction. Any items that do not sell would be recycled or otherwise disposed of.

The Ordinance, which is attached to the agenda, formally declares this property as surplus and authorizes the Village Administrator to determine the appropriate means of disposal.

Staff recommends a motion to adopt the Ordinance authorizing the disposal of surplus property owned by the Village.



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Financial Impact

The estimated value of property listed in Exhibit A on the agenda is approximately \$1,560.00.

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

Request for Approval of an Ordinance Approving Third Addendum to the 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. Until those cases have fully progressed through the appeal process, our consortium recommends extending our tolling agreement with the Terminal Operators. As before, the tolling agreement reserves all legal claims and rights to pursue or defend the enforceability of the Push Tax once the tolling period expires.

The Board approved the initial Tolling Agreement through April 23, 2023. A Second Addendum extended the expiration of the Agreement to October 31, 2023. A Third Addendum is now being proposed to further extend the term another year through October 31, 2024, to allow sufficient time for the existing lawsuits to move their way through the court system. It is important to note that any party can terminate the Tolling Agreement at any point in time, allowing the municipalities to terminate early if favorable case law indicates 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. 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 November.

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 deficiency, conducting monthly hearings for the various Terminal Operators, and engaging in immediate litigation, all of which might be avoidable expense, 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.



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

Trustee Huckins questioned the repeated extensions. Administrator Andrews explained that each time an extension is requested, it is due to the appeals processes. She added that throughout this process, the Village has been working in tandem with neighboring municipalities. All involved have decided to stay the course based on the substantial amount of money that will be owed by the terminal operators if the cases are decided in favor of the municipalities.

Attorney Stewart stated that there are two ongoing cases—District 1 and District 2—neither of which are near finalization. In both cases, the trial courts have largely dismissed the terminal operators' arguments. The Village is waiting for those decisions to be affirmed. Finalization in District 1 is likely 18 months out and District 2 will likely be finalized within the year.

President Bogdanowski asked if Lake in the Hills can opt out of the agreement regardless of the neighboring municipalities' decisions. Attorney Stewart stated that any party can opt out at any time.

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

Informational Item Concerning 2023 Indian Trail Beach Operation Review

Presented by Village Administrator Shannon Andrews

On March 21, 2023, staff presented the Village Board an informational memorandum regarding an update to Chapter 8 of the Municipal Code related to Parks, Lakes, and Beaches. While there was discussion related to Woods Creek Lake as a whole, the primary topic of conversation was Indian Trail Beach ("ITB") operations. During the meeting, the Village Board provided direction to hire beach attendants, who would lock the gates and control access to the beach. Resident feedback at the meeting also requested restrictions on boating and fishing from ITB during the beach season of Memorial Day to Labor Day. The following 2023 beach operation review summarizes the challenges and provides recommendations for the 2024 beach season.

OVERALL OPERATIONS

2023 Approach

Summary: As the beach season approached, staff went through the annual process of opening the beach, which included contacting the McHenry County Department of Health to schedule an inspection and regular water sampling/testing, renewing the beaches as swimming facilities with the Illinois Department of Public Health, and engaging Public Works to assist with setting buoy lines and preparing the beaches to open. Staff created new signs and banners to reflect the updated policies more clearly and had anticipated a Memorial Day weekend opening for the beach. The weather was such that the gates to the beach were opened in mid-May from sunrise to sunset prior to signage being in place and before having staff available to monitor the proof of residency requirement.



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Historically, the responsibility for opening and closing the beaches had fallen to the Police Department (PD). During the 2023 season, the beach attendants opened and closed the access points to ITB, while the PD opened and closed Butch Hagele Beach, following ITB's operating hours. The attendants at ITB were responsible for checking residency status, taking hourly attendance (including those turned away), and performing opening/closing maintenance duties. Beach attendants also restricted boats and/or fishing poles from going through the gates to enforce the "no boating" and "no fishing" rules.

Challenges: The mid-May opening of the beach caused confusion when the residency requirements began being enforced over Memorial Day weekend. Patrons who had been able to visit the beach for two weeks without issue were then required to show proof of residency. This caused a few issues with patrons who were not aware of the requirement or who did not agree with the approach.

Staff responded to a resident's concern about boats pulling ashore to the north side of the beach. This was addressed during set-up with the placement of posts and yellow rope to provide a visual and physical barrier to boat parking. Staff also modified operations to restrict access to the memorial garden in order to limit access to the beach to a single point of entry where proof of residency could be verified.

Finally, feedback was received that people who were turned away from ITB were simply going over to Butch Hagele Beach since it was not staffed.

Recommendation(s) or Discussion:

Staff recommends following the process established during the 2023 season with the following changes:

- Post signage upon placement of buoys in the swim area so that early patrons understand that restricted access begins with the beach season on Memorial Day weekend.
- Alternatively, the Board may prefer to keep the beach closed regardless of the weather conditions until the beach is formally opened on Memorial Day weekend.
- Unless given direction by the Board to do otherwise, staff would not recommend staffing Butch Hagele Beach.
- Based on direction, staff will review and update daily maintenance checklists and duties for beach attendants.

Dates and Hours

Summary: Prior to the beach season, staff made the decision to open the beaches between Memorial Day through Labor Day, Monday through Sunday, from 10:00 AM to 7:30 PM. The consistency in the hours allowed for staff schedules of 9:30 AM to 3:00 PM (5.5 hours) and 3:00 PM to 8:00 PM (5 hours).

Challenges: Staff received both positive and negative feedback on the hours of operations. There were certain residents who like to have the opportunity to visit the beach both early in the morning and at sunset, to appreciate the peacefulness of the lake. One of the concerns is identified in a letter from a resident (Attachment 1 on the agenda). Other residents provided feedback that they liked that the beach was closed in the evening and limited large crowds.

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Recommendation(s) or Discussion: Staff feel that the set beach hours provided manageable work shifts and would not recommend expanding the hours. Staff also do not recommend allowing the beach to remain open while not staffed, as unrestricted access to the beach during the evening hours could present additional challenges.

Police Presence/Calls for Service

Summary: Prior to the start of the beach season, the Parks and Recreation Department and the Police Department discussed the summer beach operations including opening/closing responsibilities, when to call the police for assistance, and an increased police presence during the season. During the beach season, patrol officers made daily rounds, checking in with the beach staff and/or following up on calls for service.

Following the beach season, staff contacted the Police Department for a history of calls for service starting with Memorial Day weekend. There was a total of 22 calls for service between May 27, 2023, and September 4, 2023. Of these, seven (7) occurred during Memorial Day weekend. Some of the calls for service were generated by beach staff to assist with issues that escalated or general concerns.

Challenges: An unexpected challenge in having a Village employee present at the gate was the public perception that they were lifeguards or that they should be responsible for duties outside the intended scope of the beach attendant. Staff fielded a number of e-mails and phone calls from residents who misunderstood the role of the attendants.

While the beach attendants were provided training to enforce ordinance violations and beach rules (i.e., no alcohol, swim within the buoy lines, etc.), it was difficult for any enforcement beyond simply requesting compliance. Beach attendants then had to escalate compliance issues to the police. The majority of the calls for service were for minor incidents.

Recommendation(s) or Discussion: Early season training and communication between the Police and the attendants is critical to ensure staff feels comfortable calling for assistance. Additionally, as Parks and Recreation is still navigating through establishing these new operational policies related to the beach, as issues arise, it will be important that communication is timely and accurate between departments.

STAFFING

Hiring, Training, and Scheduling

Summary: Staff approached the beach season under the assumption that only two to three staff would need to be hired for the season based on the hours of operation. The weekly staff schedule totaled 73.5 hours per week and staff assumed this would be satisfied by a few individuals working 25-30 hours per week. During the interview process, staff quickly determined that the applicants interested in the position were looking for 15-20 hours per week and, as such, would require additional staff.

Challenges: Even with the additional number of hired attendants, it was challenging to fill shifts when there were call-ins. Staff spent a considerable amount of time managing schedules and absences.



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The increase in staff also required additional background checks and drug screens.

The Village hired additional beach attendants throughout the beach season. Two to three day camp staff were hired to cover beach attendant shifts as well. The beach attendant position had a higher hourly salary than the day camp staff—this posed some challenges as well.

One of the unexpected challenges with staffing was the return to school dates for most of the attendants. One individual ended her employment as early as July 31 so that she could leave for college. The other attendants, who were returning to high school, had a mid-August start date, which left the weekday operations without coverage through Labor Day.

Recommendation(s) or Discussion:

- Align the beach attendant hourly wage with the day camp staff.
- Hire four to five staff from the onset to account for time off.
- Consider the term of the beach season in relation to back-to-school start dates in mid-August. The recommendation is to revert to weekend-only monitoring but allow for beach access through the end of the season, similar to what was done this year. Signage would remain indicating resident only, regardless of available enforcement.

BEACH STATISTICS

- Days closed due to McHenry County Department of Health: 2
- Days closed due to blue/green algae: 20
- Days closed due to inclement weather: 3
- Highest attendance taken: 108
- Number of patrons turned away (season): 61
- Number of shelter rentals: 12
- Parks and Rec. Special Events: 2 (Beach Bash and LITH Fishing Tournament in memory of Connor Kincaid)

Trustee Huckins questioned the 22 police calls. Director Bosack stated that most were very minor, such as after-hours trespassers.

Trustee Huckins asked if it is recommended to continue with staffing the beach in 2024. Director Bosack clarified that the Village is looking for guidance on whether to extend the same procedures to Butch Hagele Beach while using the same staff and hours of operation. Staff is also looking for guidance on how to handle the lack of beach attendants near the end of the season.

President Bogdanowski asked for a summary of beach attendant duties aside from checking for residency. Director Bosack listed the duties of opening and closing the beach, raking the sand, removing garbage, and enforcement of alcohol, boating, and fishing ordinances.



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President Bogdanowski stated that the improvement in cleanliness was noticed and would like to continue to see the beach staffed. Since many of the conflicts were due to residential status, he suggested opening the beach to the public while keeping the attendants on duty. Director Bosack agreed that having attendants was successful and clarified that if staffing is to be continued or increased, it will need to be planned for in the FY24 budget. Administrator Andrews stated that eliminating the task of checking for residency would enable staff to focus more on custodial duties and enforcement in other areas at a cost savings.

Trustee Anderson questioned the nature and number of police calls. Chief Frake offered to retrieve the details. She stated that most of the calls were for low-level concerns. When asked about Butch Hagele in comparison, Chief Frake stated that it lacks crowds due to limited parking and had no significant disturbances.

President Bogdanowski asked if the ordinance restricts beachgoers to residents only. Administrator Andrews confirmed that it does.

Staff will explore keeping the beach staffed without enforcing residential status.

Public Works

Informational Item Concerning Engineering Services Master Agreements

Presented by Public Works Director Ryan McDillon

Prior to 2020, the Village had historically been served by multiple engineering firms as follows:

1. **Airport Engineer** - Crawford, Murphy & Tilly ("CMT") since 2012
2. **Water Services Engineer** - Baxter & Woodman since 2007
3. **General Engineering** - HR Green through 2019

In 2019, Public Works recommended that the Village move to an "Engineering Pool" to handle the various projects within the Village. While CMT continued to provide airport related expertise and Baxter & Woodman remained the Water Services Engineer, general engineering was split across three firms as follows:

4. **Village Engineer and Development Services** – Baxter & Woodman
5. **Stormwater and Lakes**– Christopher B. Burke
6. **Motor Fuel Tax and Transportation Infrastructure Design** – Chastain and Associates

The intent in 2019 was to implement a system that would broaden the areas of expertise available to Village staff; however, each of these firms in their own right has the depth of experienced staff to be able to cover all Village needs. It was also believed that the multi-engineer system would foster competition between firms; however, with pre-defined roles and annual renewals of the Master Agreements, the system has not had the desired impact. Unfortunately, with the Village's engineering contract split as it is, the value to any of those individual firms is diminished.

After operating for several years under this multi-engineer system, Staff is recommending that the Village simplify its engineering model by reverting back to a single primary engineer that can service all general engineering,



stormwater and streets/MFT related needs. Having a “one stop shop” for all engineering will improve operations in several ways.

First, there will be a significant reduction in the amount of staff time currently required to manage three separate engineering relationships. With services split three ways, there are three separate primary contacts from each of the firms, which requires more meetings, phone calls, emails, and general oversight for each of them. In addition, each firm manages their task orders and billing differently, requiring more administrative work than necessary.

The change to a single engineer would allow for a single point of contact for all the Village’s needs. Staff can easily identify progress across projects and address questions or concerns in one conversation. Under a single engineering contract, Staff believes the Village would also have more leverage to secure top-tier support. In addition, this model ensures that the engineer has a broader understanding of Village priorities and initiatives, as well as infrastructure needs and operational challenges. This will make the engineer more effective as they perform their work and when providing guidance for decision making.

With the Airport and water systems being unique, Staff is very comfortable retaining CMT and Baxter & Woodman respectively to continue providing engineering services related to those specializations. Staff is recommending the consolidation of the remaining engineering services and seek the Board’s direction before moving forward.

Contracts for professional services of individuals possessing a high degree of professional skill do not require competitive bidding. Staff recommend selecting the desired firm based on their knowledge and experience with the Village and the results of their past performance. Once a contract has been negotiated, it will be brought back in front of the Board for consideration at a future meeting. The alternative would be to continue under our existing multi-engineer model, requiring approval of the Master Agreements in December

Financial Impact

For reference, below is the distribution of engineering expenses across firms based on FY2022 invoicing:

| Engineering Firm | Total FY2022 Expenditures |
|-------------------------------------|---------------------------|
| Christopher B Burke Engineering LTD | \$142,502.43 |
| Chastain and Associates | \$200,401.71 |
| Baxter & Woodman | \$56,078.05 |
| Crawford, Murphy & Tilly | \$280,504.81 |

Staff is seeking feedback and direction from the Board on whether to move forward with a single engineering firm for stormwater, streets, and general engineering services.



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Trustee Huckins stated that he is in favor of this approach and asked if there is a favorite single-source engineering firm. Director McDillon stated that there is a firm that they feel comfortable with but are open to new options. Administrator Andrews noted that RFQs could still be submitted.

President Bogdanowski asked for the length of master contracts. Administrator Andrews stated that they are renewed annually. President Bogdanowski recommended setting a timeframe for checking the competitiveness of service providers.

The Board approved of moving forward.

Request to Approve an Additional Purchase of Water Conditioning Bulk Softener Salt

Presented by Public Works Director Ryan McDillon

Staff is requesting that the Board waive competitive bidding and approve an additional purchase of water conditioning bulk softener salt from Compass Minerals at an additional cost not to exceed \$28,000.

At the December 8, 2022, Board of Trustees meeting, the Board approved the purchase of 1105 tons of water conditioning bulk softener salt at a rate of \$132.73 per ton through Compass Minerals at a cost not to exceed \$146,666.65. Due to the warmer summer temperatures, deep Wells, 11, 14 and 15 required higher than anticipated run times. Increased production from the Village's deep well facilities requires more salt for the softening process. Based on projected water production through the remainder of 2023, staff is seeking approval for the purchase of an additional 208 tons of salt at the previously contracted rate of \$132.73 per ton. This purchase should be a sufficient quantity of salt to extend through the end of the year.

Since this expenditure exceeds \$10,000 and is more than 10% of the original approved cost, staff is requesting the Board approve a waiver of competitive bidding so that the additional purchase can be made at the previously approved rate of \$132.73 per ton through Compass Minerals. This additional expenditure will require a future budget amendment to the Water Operation and Maintenance fund.

Financial Impact

The FY23 Budget contained \$146,688.75 for the purchase and delivery of softener salt. The Board approved an initial purchase for \$146,666.65, leaving just \$22.10 remaining. The additional purchase of \$28,000 would bring the total FY23 cost to \$174,666.65. This expenditure would require a future budget amendment to the Water Operation and Maintenance Fund; however, the increased water production, which made the purchase necessary, has provided some offsetting revenue.

Staff recommends a motion to waive competitive bidding and approve an additional purchase of water conditioning bulk softener salt from Compass Materials at an additional cost not to exceed \$28,000.00.

Trustee Anderson questioned the hardness of residential water. Director McDillon stated that the Village blends hard and soft water adding that some of the residential supply comes from untreated plants.



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

Board of Trustees

Trustee Dustin asked for the date of the annual budget meeting. Administrator Andrews stated that it will be held on November 14th, noting that changes can be made up until the public hearing date.

Trustee Anderson commented on the Parks and Recreation Board meeting cancellation. Administrator Andrews stated that there will be a guided discussion based on their feedback about the reordering of their duties.

President

President Bogdanowski announced that he will be giving a proclamation at Thursday's Village Board meeting.

Adjournment

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

There being no further business to discuss, the Committee of the Whole meeting was adjourned at 8:42 pm.

Submitted by,

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

Shannon DuBeau
Village Clerk