



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

JANUARY 11, 2024

## 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 Trevor Bosack, Chief of Police Mary Frake, Finance Director Pete Stefan, Public Works Director Ryan McDillon, Director of Community Development John Svalenka, Parks and Recreation Director Randy Splitt, Village Attorney Brad Stewart, and Village Clerk Shannon DuBeau.

The Pledge of Allegiance was led by Clare Johnson, Secretary for the Algonquin Lake in the Hills Interfaith Food Pantry (ALITH Food Pantry). Ms. Johnson introduced Kathy Mountain, President of the food pantry. Ms. Mountain thanked the Village for its support, and introduced Ken Scott, Vice President of the food pantry.

Ms. Mountain shared the history of the food pantry, which started out with 50 registered clients in January of 2000. After moving to the Larson property, it became very prosperous. What began as an apple orchard now also grows peach and pear trees. In addition, the Victory Garden produces thousands of organic vegetables per year. A book that features their Victory Garden has been accepted into the Smithsonian Institute's Community Gardens website. Since May of 2022 there has been an increased focus on nutritional options. Ms. Mountain proudly announced that as of 2023, over 10,000 people have served by the ALITH Food Pantry.

## Audience Participation

Dan Benassi a managing broker with Entre Commercial Realty shared his concern that the proposed Ordinance denying Conditional Uses for Arias Truck Repair at 8545 Pyott Road is being used as an excuse to deny industrial use; noting that the property's industrial neighbors have created jobs and increased property values. He added that the property has received no offers for aviation related use.

Eric Langsfeld, who operates a warehousing business near the 8545 Pyott Road property, voiced concerns that the Conditional Uses proposed for 8545 Pyott Road may affect his property. He noted that the property in question has its own access easement and has not been used as a hangar for years. Mr. Langsfeld is concerned that the Village is attempting to re-zone the land.

8545 Pyott Road property owner Chris Gantz noted inconsistencies and inaccuracies with the proposed Conditional Uses for Arias Truck Repair. Mr. Gantz stated that six of the seven standards listed in the Zoning Code are being met. Staff is concerned that the business will impede the normal and orderly development and improvement of surrounding airport properties for aviation uses permitted in the district. Mr. Gantz stressed that the airport is zoned AD-1 and the subject property is zoned AD-2—designating them as different districts.



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## Administration

### **Request to Approve the McHenry County Intergovernmental Agreement for the Reimbursement of Costs Associated with the Randall Road Project**

Presented by Village Administrator Shannon Andrews

The County of McHenry (the "County") anticipates construction to begin in the spring on the northern portion of the Randall Road improvement project, which extends from Polaris Drive/Acorn Lane in Lake in the Hills to Ackman Road in Crystal Lake. The project will include road widening and reconstruction, multiuse paths, sidewalks, traffic signals, bridges, sound walls, retaining walls, and street lighting.

Since a portion of the County's improvement project falls within the Village's municipal boundaries and Randall Road is under the jurisdiction of the County, an intergovernmental agreement has been prepared to identify the responsibilities of each party and outline the reimbursement of costs for the project. A summary of the contents has been included below:

- Shared use bike path/walking path within the project area along the east side of Randall Road. The County has agreed to pay 100% of this improvement estimated at \$2,780,000, with the Village maintaining the new path once completed.
- Sidewalk within the project area along the west side of Randall Road, estimated at \$1,720,000. The County will pay for 100% of this improvement, with the Village maintaining the sidewalk once completed.
- Water main modifications for the project will be the sole responsibility of the Village. The Village share for this work will be \$313,500.
- The County will construct a street lighting system along Randall Road, extending also onto Miller Road to Patton Avenue. The County will pay for 100% of this improvement, which is estimated at \$510,000.
- The County will reimburse the Village \$600 for each of the 95 trees removed from the County right-of-way during the project construction. This reimbursement of \$57,000 will offset the Village's costs associated with the planting of replacement trees within three years of project completion.
- Village assets at Ken Carpenter Park will need to be removed and relocated. This includes the electronic message sign, fencing, park sign, and adjacent landscaping. The County will contribute a total of \$20,000 to offset the Village's expenses related to this work.
- The Village shall provide mowing operations along the specified areas on the east and west sides of Randall Road at 100% of the cost.
- The County will perform intersection improvements at Miller Road (East of Randall Road) at no cost to the Village.
- The Village will grant a temporary easement in a northern section of Ken Carpenter Park adjacent to Miller Road for the construction of the proposed sidewalk and bike path improvements.
- The County will install Pace bus shelters along Randall Road at 100% their cost. The Village will not be responsible for any maintenance costs.



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## **Financial Impact**

The portion of the project cost attributable to the County is \$6,207,500, which includes a payment directly to the Village for reimbursable General Fund expenses totaling \$77,000. The Village's costs associated with the project are expected to be \$313,500 for water main modifications. This expenditure will require a budget amendment to the Water Operating and Maintenance Fund once the project is awarded.

Staff recommends a motion to approve the Intergovernmental Agreement Between the Village of Lake in the Hills and the County of McHenry with Respect to the Reimbursement of Costs for the Randall Road Project.

Assistant County Engineer Darrell Kuntz stated that the east leg of Miller Road will require several adjustments, including raising the intersection. During this part of the project, one-way traffic will be facilitated allowing police and emergency responders to have continued access. Lane closures will last for about one month.

Trustee Huckins asked how accurate the 4-year schedule is. Mr. Kuntz stated that the project is planned to span from 2024—2027 and is weather sensitive.

Trustee Harlfinger stated that increased communication was agreed upon and he is now at ease with prior concerns.

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

## **Request to Approve the Resolution for the Dedication of Dome Hill as a Nature Preserve Buffer**

Presented by Village Administrator Shannon Andrews

Staff is seeking the Board's approval of a Resolution for the Dedication of Dome Hill as a Nature Preserve Buffer Addition to the Lake in the Hills Fen Nature Preserve.

Once called "Larsen's Dome Hill," the property was donated to the Village by the Larsen family back in 1993. At that time, Mr. Larsen shared that the property was a glacial deposit and had a beautiful vantage point due to its elevation. Mr. Larsen stated that all of the Fen, Barbara Key Park, a portion of Lake in the Hills, and as far east as Route 31 could be seen from this property. At the time of its donation, he envisioned seeing a future walking path on the property that would not disturb the wildlife.

In 2022, Village staff was approached by the McHenry County Conservation District (MCCD) who had an interest in performing prescribed burns at Dome Hill as part of their routine maintenance of the adjacent Lake in the Hills Fen Nature Preserve. Prior to formalizing an agreement with MCCD to establish a conservation easement, representatives from the Illinois Nature Preserves Commission (INPC) joined the conversation. They identified a need to preserve Dome Hill due to its unique geology, as well as the ecological benefits related to its proximity to the Fen and the presence of an endangered species found on the site.

INPC staff approached the Village a proposal (attached to the agenda) to dedicate Dome Hill as a Nature Preserve Buffer to the Lake in the Hills Fen. The dedication of the Dome Hill property would increase the total size of the



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nature preserve area to 347.58 acres and allow for a cohesive management approach for the hill and the adjacent nature preserve. INPC staff is seeking support for the dedication of Dome Hill from the Village prior to making formal presentation to the Illinois Nature Preserves Commission in Springfield on January 23, 2024.

The dedication of the property would provide the greatest level of protection for Dome Hill, as well as the Fen below. In keeping with Mr. Larsen's vision, there is currently a trail connecting Dome Hill and the Fen, along with an observation area, which would remain. With the protection of the INPC, the property has the best opportunity to be restored and maintained in its natural state. As the INPC states in their report, "this buffer addition will further protect the wetland systems in the nature preserve, a dry gravel prairie, and the endangered prairie buttercup."

Staff recommends a motion to Approve the Resolution for the Dedication of Dome Hill as a Nature Preserve Buffer Addition to the Lake in the Hills Fen Nature Preserve.

Trustee Bojarski asked if other requirements must be met before allowing this to move forward. Administrator Andrews stated that they are seeking Board support at this time. Additional approvals may come forward down the line.

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

## **Request to Approve an Ordinance Amending Chapter 2, Section 2.16, Telephonic Attendance at Public Meetings**

Presented by Village Administrator Shannon Andrews

Staff is recommending the adoption of an Ordinance, which is attached to the agenda, to align the Village's Municipal Code with recent changes to the Illinois Open Meetings Act (the "Act"). Previously, the Act authorized remote attendance at public meetings for public body members pursuant to rules adopted by the public body. The Act permitted three reasons as the basis for remote attendance:

- personal illness or disability.
- employment purposes or Village business.
- a family or other emergency.

The Act now also allows for "unexpected childcare obligations."

The Ordinance, which is attached to the agenda, amends Chapter 2, Section 2.16 by first renaming the section to "Remote Attendance at Meetings" and then adding "unexpected childcare obligations" as an acceptable reason.

Staff recommends a motion to Approve an Ordinance Amending Section 2.16 of Chapter 2 of the Village's Municipal Code Regulating Remote Attendance at Public Meetings.

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



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## Community Development

### **Request to Approve an Ordinance Denying Conditional Uses for Arias Truck Repair at 8545 Pyott Road**

Presented by Director of Community Development John Svalenka

Available documents show that the building on the private property at 8545 Pyott Road was originally constructed in 1992 as an airplane hangar. As such, previous property owners had entered into license agreements with the Village to allow ingress and egress from the private hangar facility to the secure areas of the adjacent public airport property for general aviation purposes. The most recent license agreement was signed in 2014. In addition to allowing access to the airport, the agreement gave the Village the right to allow third-party aircraft parking on the western 20,000 square feet of the private property. The 2014 license agreement automatically terminated when the property was sold in March of 2021. Soon thereafter, the property was used for non-aviation purposes.

On March 22, 2021, the Village issued a business license to allow JHB Group to operate from the subject property. The company performs “trailer upfitting” services, which involves the assembling of components inside trailers to create mobile platforms for fire departments, police, military, and public health professionals. This industrial assembling work meets the definition of manufacturing in the Zoning Code, which is permitted by right in the subject AD-2 zoning district without the need for approval of a conditional use permit.

The property is currently for sale, and Oleksandr Kes Kovalskyi of Arias Truck Repair, Inc. has a contract to purchase the property. Mr. Kovalskyi currently operates Arias Truck Repair in a leased tenant space in the Village at 14 Prosper Court and wishes to move his business to the larger space on the subject property at 8545 Pyott Road. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code, “automotive service” is allowed in the AD-2 zoning district only with the approval of a conditional use. Therefore, Mr. Kovalskyi has requested approval of this conditional use.

As part of the proposed truck repair business, the applicant desires outdoor space to park trucks that are dropped off for repair or that are waiting for pickup after being repaired. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code “outdoor storage of vehicles accessory to principal use” is allowed in the AD-2 zoning district only with the approval of a conditional use. Therefore, Mr. Kovalskyi has also requested approval of this second conditional use.

Village staff reviewed the requested conditional uses according to the seven standards listed in the Zoning Code. Staff found that the request is supported by six of the seven review factors, but that the request is not supported by one of the seven factors. Specifically, staff found that review factor three is not supported in that: *the requested conditional uses will impede the normal and orderly development and improvement of surrounding airport properties for aviation uses permitted in the district, in that the uses will continue the loss of airport revenue from commercial activity fees, airport access license fees, and fuel purchases, and in that the truck repair business will continue to eliminate the use of a prime airport hangar building for aviation purposes.* Further, while staff did find that the request is supported by the other six review factors, it should be noted that the positive findings were



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subject to the applicant complying with a list of eight conditions. Therefore, staff recommended that the requested conditional use permits be denied.

The Planning & Zoning Commission conducted a public hearing on December 18, 2023, to consider the requested conditional uses. In addition to taking testimony from the applicant, the Commission heard public comments from ten different people. The recording of the December 18 meeting is available on the Village website at: <https://www.lith.org/Home/Components/Calendar/Event/2159/123?toggle=allpast>

Based on the staff report and the testimony provided during the public hearing, the Commission recommended denial of the requests by a vote of 6-0.

Staff recommends a motion to pass an ordinance denying conditional uses for Arias Truck Repair at 8545 Pyott Road.

Director Svalenka addressed the public speakers' concerns, stating that businesses need to be approved either by Conditional Use or Permitted Use. Conditional Use cases require additional review. In this case, the property located at 8545 Pyott Road does not pass review, while other properties in the surrounding area would. In regard to district concerns, as a neighboring property, a review of how a business may affect surrounding properties still needs to take place.

Trustee Harlfinger asked how long it has been since the building was used as hangar. Director Svalenka stated that the property sold in 2021 for non-airport use. Mobile Avionics used a portion of the building prior to that sale. Trustee Harlfinger asked what purpose the airport is serving and how it will be impacted by the proposed sale.

Trustee Huckins asked what benefit will come from denying the use. Director Svalenka stated that the decision was based on compliance with zoning codes rather than benefits.

Trustee Murphy asked Director Svalenka to address the traffic concerns that were brought forth at the Planning and Zoning Committee meeting. Director Svalenka stated that there was a concern that drivers may accidentally enter the taxiway. To avoid this, certain conditions will need to be met. Trustee Murphy asked if the applicants are willing to meet the conditions. The seller, Mr. Gantz, stated that when he purchased the property 3 years ago, fencing was mentioned and then decided against. The property has an easement keeping trucks from entering the taxiway. Trustee Bojarski asked if there are adjustments that can be made to the conditions to remedy the issues. President Bogdanowski stated that the final direction will be taken in the Board of Trustees meeting.

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

## Board of Trustees

Trustee Anderson noted that the Woods Creek Restoration project has increased the deer population in that area.



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## President

None.

## Adjournment

There being no further business to discuss, the Committee of the Whole meeting was adjourned at 8:26 pm.

Submitted by,

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

Shannon DuBeau  
Village Clerk