



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

JANUARY 23, 2024

## Call to Order

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

The Pledge of Allegiance was led by Boy Scout Troop 151 of Algonquin.

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

Motion to allow Trustee Harlfinger to attend telephonically was made by Trustee Huckins and seconded by Trustee Bojarski. On roll call vote, Trustees Anderson, Murphy, Bojarski, Dustin, 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, Parks and Recreation Director Randy Splitt, Village Attorney Brad Stewart, and Village Clerk Shannon DuBeau.

## Audience Participation

James Dixon addressed the Board in regard to the privacy screening dispute at 2840 Briarcliff Lane. Mr. Dixon stated that when someone makes multiple false reports to the police for a personal agenda, the local government is within its rights to send a bill for that waste of community services.

Marissa Xicotencatl, daughter of the 2840 Briarcliff Lane zoning variation applicant Nicole Xicotencatl, described years of verbal harassment that her family has endured from their backyard neighbor and asked the Board to approve a variation for their privacy screen.

Brittany Manning, daughter of the 2840 Briarcliff Lane zoning variation applicant Nicole Xicotencatl, stated that only 4 of the 9 review factors for variation were denied and asked the Board to consider the waste of resources due to the multiple false reports by her neighbor. She also asked the Board to take into consideration that the complainant is not present.

2840 Briarcliff Lane zoning variation applicant Nicole Xicotencatl stated that she first tried to shield her family from her rear neighbor with the use of shrubbery and sunshades. She has now spent over \$25k to keep the neighbor from making false claims to the police. Mrs. Xicotencatl believes that if the privacy screen is removed, the neighbor will resume making calls to the police. During court proceedings, the rear neighbor showed video of Mrs. Xicotencatl's backdoor and kitchen and recited the family's schedules. Mrs. Xicotencatl claims that the screening was approved by a member of the Village staff and adjustments were made in accordance with his guidance. Mrs. Xicotencatl requested that a nuisance ordinance be used to protect her against the neighbor's behavior citing the disruption to her family's reasonable ability to enjoy their own property.



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

JANUARY 23, 2024

## Administration

### **Request to Approve a One-year Initial Agreement with OpenGov Inc., with Two (2) One-year Renewal Terms, for Software and Services Related to Cartegraph Systems**

Presented by Village Administrator Shannon Andrews

Staff seeks Village Board consideration to enter into a one-year, initial term master services agreement, with two one-year renewal terms, related to the Cartegraph Operations Management System (OMS) software and services.

The Village began using the Cartegraph OMS in 2015 to help manage the Village's assets and resident work order requests. The current contract expires on February 1, 2024. To continue using this proprietary software, the Village needs to execute a new contract with OpenGov. The previous contracts were with Cartegraph Systems, LLC; however, OpenGov acquired Cartegraph in 2022. The Cartegraph OMS software has been an invaluable tool in managing Village assets, inventory, equipment, labor, and training. Public Works staff use Cartegraph on a daily basis for their work orders, asset management, field work, and more. Under the recently amended purchasing policy, the annual amount of the software subscription can be approved via the Village Administrator; however, the three-year total is in excess of \$100,000. Staff respectfully requests Board approval to enter into a one-year initial agreement with OpenGov Inc., with two (2) one-year renewal terms, for software and services related to Cartegraph Systems.

#### **Financial Impact**

The Village's Fiscal Year 2024 Budget includes \$46,125.00 for support and use of the Cartegraph OMS work management software, a 5% increase over the FY23 cost. The costs for 2025 and 2026 also reflect a 5% increase in cost, at \$48,431.41 and \$50,852.98, respectively.

Staff recommends a motion to enter into a Master Services Agreement with OpenGov, Inc.

Trustee Dustin questioned why the software deserves a 15% increase over 3 years. Director Bosack explained that this is the going rate for software increases. Trustee Dustin stated that the increase seems excessive.

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

## Police

### **Request to Approve the Ordinance Amending Chapter 4, Police Department, of the Lake in the Hills Municipal Code**

Presented by Chief of Police Mary Frake

Pursuant to Public Act 103-0357 which was effective January 1, 2024, the citizenship requirement for the position of police officer has been expanded to include an individual who is not a citizen but is legally authorized to work in the United States under federal law or is an individual against whom immigration action has been deferred by the



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

JANUARY 23, 2024

U.S. Citizenship and Immigration Services under the federal Deferred Action for Childhood Arrivals (DACA) process. The law required a change to the citizenship section of Chapter 4 of the Municipal Code.

With situations present to change one section of the Municipal Code, we have taken the opportunity to make all the recommended changes to a Chapter to ensure that we are working towards a more streamlined and organized set of regulations. While the majority of the changes involve clarifying language and processes, the more notable changes are as follows:

- Permitting the POWER test card be submitted in lieu of taking the physical agility test.
- Changing the full-time employment capacity period of a lateral entry candidate from (18) months to six (6) months.
- The Chief of Police may consider and appoint qualified candidates who have served as full-time employees of the Village for at least six (6) months instead of (18) months.
- The probationary period of entry level candidates has been extended to (18) months from (12) months.
- Section 4.10 Accidental injury to, or death of, police officer; Outdated language was stricken to reference the Village's Personnel Rules & Regulations and the Illinois Worker's Compensation and Occupational Diseases Act.

Staff recommends a motion to approve the Ordinance amending Chapter 4, Police Department, of the Lake in the Hills Municipal Code.

Trustee Huckins asked if the change in requirements for lateral entry is being asked for by the Lake in the Hills Police Department or by the state. Chief Frake stated that the Lake in the Hills Police Department prompted the change. She added that the citizenship requirement is the only change that is being required by law.

Trustee Bojarski asked for more information on the POWER test card. Chief Frake explained that the card shows that the cardholder has met the agility requirements.

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

## **Request to Approve a f Master Software Licensing Agreement with DACRA Tech LLC**

Presented by Chief of Police Mary Frake

The Village currently utilizes an ordinance violation software to process the entire life cycle of tickets issued for violations of the Lake in the Hills Municipal Code. The Village has experienced significant issues with the current vendor and proposed in the FY24 budget a replacement software option which was approved. The processing of ordinance violations involves several departments, so a committee was formed involving Police, Finance, and Community Development to evaluate three vendors: DACRA Tech, Quicket Solutions, and Tyler Technologies. Based upon two-year service agreements the following were the estimated costs:

- Quicket Solutions - \$53,400 (\$28,200 in 2024 and \$25,200 in 2025)



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

JANUARY 23, 2024

- DACRA Tech - \$65,000 (\$35,000 in 2024 and \$30,000 in 2025)
- Tyler Technologies - \$145,372 (\$112,696 in 2024 and \$32,676 in 2025)

Reference checks were conducted on the vendors. The agencies contacted reported being pleased with DACRA's performance but were not favorable to their experiences with Quicket Solutions. The department has had our own internal dealings with Quicket Solutions and found that the system does not perform as advertised. Ultimately, DACRA was selected as the preferred vendor. Additionally, DACRA provides an all-in-one solution for the processing of state and municipal e-citations which would have a significant impact on the efficiencies within the Patrol and Records divisions.

### Financial Impact

The initial investment in 2024 with DACRA Tech LLC is \$35,000 which had been budgeted in the Capital Improvement Fund (CIP). This includes \$15,000 in installation costs and another \$20,000 for eight months of maintenance costs. Year 2 includes a full twelve months of maintenance costs for a total of \$30,000.

Since the one-time costs do not meet the minimum capital threshold for software (\$25,000), a budget amendment will be required to move \$35,000 from the CIP Fund to the General Fund. At the same time, the budgeted General Fund transfer to the CIP Fund will be reduced by \$35,000 for a net zero effect on balances for both funds.

Staff recommends a motion to approve the DACRA Tech LLC Master Software License Agreement and a motion to approve an Ordinance Approving a Budget Amendment to the Operating Budget for the Fiscal Year Ending December 31, 2024.

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

## Community Development

### Informational Item Concerning Conditional Uses for Arias Truck Repair at 8545 Pyott Road

Presented by Director of Community Development John Svalenka

At the January 11, 2024, Committee of the Whole meeting staff presented a request from Oleksandr Kes Kovalskyi of Arias Truck Repair, Inc. regarding a conditional use permit for automotive service to allow for the use of the property at 8545 Pyott Road for truck repair, and for a conditional use permit to allow the outdoor storage of vehicles accessory to the truck repair business. Village staff had reviewed the requested conditional uses according to the seven standards listed in the Zoning Code and found that the request was not supported one of the seven factors. Further, while staff did find that the request is supported by the other six review factors, it was noted that those positive findings were subject to the applicant complying with a long list of conditions. Therefore, staff had recommended that the conditional use permits be denied. The Planning & Zoning Commission conducted a public hearing on December 18, 2023, to consider the requested conditional uses. 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.



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

JANUARY 23, 2024

The Board of Trustees received public comments supporting the approval of the conditional uses from the current owner of the subject property at 8545 Pyott Road, from the realtor representing the owner, and from the owner of the neighboring property at 8585 Pyott Road. The trustees then generally expressed the opinion that the conditional uses could be approved if the applicant were to be able to comply with the list of conditions.

At the January 11, 2024, Board of Trustees meeting, the trustees removed the motion to pass an ordinance denying the conditional uses from the Consent Agenda and considered the case during Unfinished Business. The trustees heard additional comments from the current property owner and from the applicant and reviewed the draft list of conditions one-by-one. The trustees provided Village staff with direction regarding which conditions could be eliminated, which conditions could be amended, and which conditions should be required. The trustees then approved a motion to postpone consideration of the requests until the January 25th, 2024, Board of Trustees meeting.

Based on the direction from the trustees, Village staff drafted a new ordinance to grant approval of the requested conditional uses subject to a list of conditions. The draft conditions included in the ordinance are listed below along with detailed explanations.

## Conditions

The proposed conditions are in italics. Staff comments about the conditions are in regular text.

- All vehicle repairs must take place inside the Existing Building on the Property and no exterior vehicle repairs shall be allowed.*  
COMMENT: This condition remains unchanged.
- Vehicles in disrepair may not be stored outside the Existing Building for longer than 30 days.*  
COMMENT: This condition remains unchanged.
- The Applicant must install and maintain painted pavement markings around the perimeter of the outdoor vehicle storage areas, subject to review and approval of the paint locations by Village staff.*  
COMMENT: Staff eliminated the requirement for a fence and replaced it with a requirement for painted pavement marking. This eliminates the need for FAA approval of the fence, and eliminates potential conflicts with airplanes and snowplows, while still allowing formal demarcation of the permitted vehicle parking areas.
- The Applicant must enter into a through-the-fence airport access license agreement with the Village, and such an agreement must remain in effect at all times that the Proposed Uses are operated on the Property.*  
COMMENT: Staff eliminated the requirement to obtain FAA approval and reduced the condition to only require Village approval of a through-the-fence airport access license agreement.
- The Applicant and Owner must dedicate a permanent ingress and egress easement to the Village over the western 20 feet of the property, with said easement to be coterminous with the existing non-exclusive*



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

JANUARY 23, 2024

*ingress/egress easement granted in the document recorded with the McHenry County Recorder as document number 2021R0012200.*

COMMENT: The most recent 2014 license agreement for the subject property gave the Village the right to allow third-party aircraft parking on the western 20,000 square feet of the private property. After that agreement terminated when the property was sold in March of 2021, the aircraft parking area was no longer available, and airport tenants and pilots indicated their belief that the remaining aircraft maneuvering space to the west is too narrow. Therefore, staff has proposed that an ingress-egress easement be granted to the Village along the western edge of the subject property to ensure that aircraft can easily taxi to the north and south. To prevent the easement from being burdensome to the applicant, staff has proposed that the Village easement be in the exact same location and width as an ingress/egress existing easement held by the owner of the property to the south at 8585 Pyott Road.

6. *The Applicant and Owner must dedicate a permanent fence/gate easement to the Village at no cost to replace the easement granted in the document recorded with the McHenry County Recorder as document number 1998R0062992.*

COMMENT: This condition remains unchanged.

7. *No vehicle parking, stopping or standing shall be allowed on the northern 25.39 feet and western 20 feet of the Property.*

COMMENT: The northern 25.39 feet covers an existing Village easement at the main entrance to the airport. The western 20 feet covers the proposed easement in condition 5 above.

Staff has presented the above conditions to the applicant and the owner in the form of a draft ordinance to grant approval of the requested conditional uses. The applicant and owner have agreed to comply with the conditions and have confirmed their agreement by signing the "Unconditional Agreement and Consent" form in Exhibit B of the ordinance attached to the agenda.

The January 11, 2024, Board of Trustees meeting included an agenda item titled, "Motion to pass Ordinance No. 2024- \_\_\_\_, An Ordinance Denying Conditional Uses for Arias Truck Repair at 8545 Pyott Road." The motion to pass that ordinance was rescinded, and instead the Board of Trustees postponed consideration of the ordinance until the January 25, 2024, Board of Trustees meeting. Therefore, if a trustee is against denial of the conditional uses and in favor of approval of the conditional uses, staff suggests the following two motions and votes on January 25:

1. A motion to kill the motion to pass an ordinance denying conditional uses for Arias Truck Repair at 8545 Pyott Road.
2. Motion to approve an ordinance granting conditional uses for Arias Truck Repair at 8545 Pyott Road.

#### NOTES:

- The first motion above requires a favorable vote by a simple majority of the trustees present to be passed.
- In accordance with the Illinois Municipal Code (65 ILCS 5/11-13-1.1), any proposed conditional use which fails to receive the approval of the Planning and Zoning Commission shall not be approved by the corporate



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

JANUARY 23, 2024

authorities except by a favorable majority vote of all trustees holding office. Therefore, the second motion above requires a favorable vote by a minimum of four trustees to be passed.

## **Request to Approve an Ordinance Denying Variations for a Privacy Screening Fence at 2840 Briarcliff Lane**

Presented by Director of Community Development John Svalenka

On October 13, 2023, the Village received an anonymous complaint about a tarp installed on top of an existing six-foot-tall fence on the subject property at 2840 Briarcliff Lane. Village staff investigated and found black fabric material tied to metal poles with rope, with the fabric extending along the rear lot line over the top of an existing white vinyl privacy fence to a height of approximately 9.5 feet. Village records show that the white vinyl privacy fence was installed with a valid fence permit, and that the final inspection for the fence was approved on May 5, 2022. When questioned by Village staff, a resident of the subject property stated that the black fabric material was installed just after installation of the white vinyl fence by the same contractor. The owner indicates on the submitted application form that they believe they cannot use the rear area of the subject property without the black fabric screen because the removal of the screen would allow a neighboring property owner to scrutinize and comment upon activities taking place in the rear yard of the subject property.

Staff informed the resident that the structure does not comply with the standards in the Village codes and must be removed. On November 16, 2023, the Village issued a written Notice of Violation that required the structure to be removed by December 22, 2023. Therefore, on December 5, 2023, one of the owners of the property, Nicole Xicotencatl, submitted an application to the Village for a zoning variation to allow the structure to remain.

The application submitted by Ms. Xicotencatl requests a variation from Section 13.5 of the Zoning Code to allow the existing structure to remain in place and describes the structure as “a light and air permeable privacy screen.” Section 13.5 is the table of permitted accessory structures. The table does not list light and air permeable privacy screens as permitted accessory structures. However, the table does list “fences” as permitted accessory structures, and the existing structure meets the definition of a fence in Section 3 of the Zoning Code. As such, the structure must comply with the fence regulations in Section 15 of the Zoning Code.

Within Section 15 of the Zoning Code, Section 15.3-3 states that fences in rear yards shall not exceed six feet in height. The black fabric fence is located in the rear yard of the subject property, and the submitted application indicates that the top of the structure is located 9.5 feet above the ground, which violates Section 15.3-3. Further, Section 15.2.A of the Zoning Code states that all fences shall be constructed of suitable plastic material (PVC, vinyl, and composite), wood, chain link, decorative aluminum, or wrought iron.

The existing black fabric material is not listed as an acceptable material for a fence, and staff finds that such a temporary type of material and construction is not a suitable fence material. Therefore, in order to allow the existing structure to remain in place, the applicant must receive approval of variations from Sections 15.2.A and 15.3-3 of the Zoning Code.



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

JANUARY 23, 2024

Village staff reviewed the three variations according to the nine standards listed in the Zoning Code. Staff found that the request is supported by five of the nine review factors, but that the request is not supported by four of the nine factors. Specifically, staff made the following negative findings:

- Review condition A: *The property could yield a reasonable return without the granting of the requested variations in that it is common throughout the Village for residential properties to be bought and sold that are adjacent to other residential rear yards from which neighboring residents can make comments, and in that the property directly next door at 2850 Briarcliff Lane has similar conditions as the subject property and was able to be sold for a reasonable return without the need for the same variation.*
- Review condition C: *The variations, if granted, would alter the essential character of the locality, in that 9.5-foot-tall privacy screens made of temporary black fabric material would drastically alter the visual appeal of the neighborhood.*
- Supplemental standard D: *The physical conditions of the specific property would not bring a hardship upon the owner if the strict letter of the regulation were to be carried out, in that the subject property is of the same size, shape and topography as all surrounding properties, and that the height of the house and deck on the adjacent property to the rear is common in the vicinity.*
- Supplemental standard E: *The conditions upon which the petition for variation is based would be applicable generally to other property within the same zoning classification, in that it is not uncommon for neighboring properties owners to have disagreements.*

Therefore, based on the four negative findings above, staff recommended that the requested variations be denied.

The Planning & Zoning Commission conducted a public hearing on January 15, 2024, to consider the three variations. The Commission heard testimony from the applicant and heard public comments from the applicant's family members and friends. The majority of the testimony and comments included impassioned descriptions of harassment by the applicant's rear-yard neighbor at 2831 Hillsboro Lane. The rear-yard neighbor did not attend the public hearing. The recording of the January 15 meeting is available on the Village website at: <https://www.lith.org/Home/Components/Calendar/Event/2707/123?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 4 ayes, 1 nay, and 2 absent. While all of the commissioners present at the hearing expressed sympathy with the applicant regarding the feud with her neighbor, the four commissioners voting in favor of denial indicated that the subject property does not have any unique physical characteristics to justify a zoning variation, and that it would set a bad precedent to allow such a screening fence based solely upon a dispute with a neighbor.

Staff recommends a motion to pass an ordinance denying variations for a privacy screening fence at 2840 Briarcliff Lane.

NOTE: For the above motion, an AYE vote would be in favor of denial, and a NAY vote would be against denial.





# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

JANUARY 23, 2024

Trustee Dustin stated that while he is sympathetic to the situation, standards should be upheld, and the issue should be managed in another way.

President Bogdanowski asked if a 12 foot fence is allowed. Director Svalenka stated that there is no ordinance allowing that height. Trustee Huckins asked for the max height allowable. Director Svalenka stated that 6 feet is the max height.

Trustee Bojarski asked if there are any camera ordinances that can be applied. Chief Frake stated that unauthorized videotaping of the interior of a home is a violation. She will investigate that issue.

Chief Frake stated that there have been two No Contact orders—one filed by each party. In addition, there have been about 20 calls to the police on the matter. Mrs. Xicotencatl stated that all calls were unfounded by the police.

Trustee Huckins asked if the privacy screen has helped. Mrs. Xicotencatl stated that there have been no calls in the 18-month period since the screen was installed.

Trustee Anderson asked if the family has tried planting trees in alternate locations. Mrs. Xicotencatl stated that their shrubs have only died on tree line—the same species have survived elsewhere in their yard.

President Bogdanowski asked if the ordinance review was the result of a complaint. Director Svalenka confirmed that a complaint was made.

Attorney Stewart stated that variances run with the land forever, regardless of property owner, and are used to remedy hardships created by the property, not people. He recommended crafting a non-enforcement agreement with the applicant allowing for term limits. President Bogdanowski requested to have this option available for the Board to review. Trustee Harlfinger asked if this method is different than conditional use. Attorney Stewart explained that this does not follow a conditional use process.

## Public Works

### **Request to Approve a Contract for Generator Maintenance and Inspection Services**

Presented by Public Works Director Ryan McDillon

Staff seeks Board approval to accept the bid and award a contract to Rush Power Systems of Belvidere, IL for generator maintenance and inspection services in an amount not to exceed \$46,056.00.

Village staff released a Request for Proposal (RFP) for generator maintenance and inspection services through December 31, 2025. The RFP was posted to the Village's website, a public notice was published in the Northwest Herald, and Village staff contacted sixteen vendors to notify them of this opportunity. On January 10, 2024, eight sealed proposals were opened, and two-year pricing ranged from a high of \$81,616.00 to a low of \$46,056.00 from Rush Power Systems.



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

JANUARY 23, 2024

Rush Power Systems have been performing maintenance and inspection services for the Village since 2020 and staff have been pleased with their performance. As such, Village staff recommend awarding this two-year contract to Rush Power Systems for \$46,056.00.

### Financial Impact

The lowest bid for the full term of the contract through December 31, 2025, is \$46,056.00. Of this amount, the cost for FY24 is \$27,633.60, which exceeds the budgeted amount of \$20,500.00 by \$7,133.60. The budgeted expenses had been split between the General Fund (37%) and the Water Fund (67%). Therefore, the FY24 cost to the General Fund will be \$10,109.85 and the cost to the Water Fund will be \$17,523.75.

The FY25 expense will be significantly reduced to \$18,422.40, which will again be split \$6,739.90 to the General Fund and \$11,682.50 to the Water Fund.

Staff recommends a motion to accept the bid and award a contract for generator maintenance and inspection services with Rush Power Systems in an amount not-to-exceed \$46,056.00.

Trustee Huckins questioned the vast difference between the bid amount and the budgeted amount in regard to using the same vendor provider as in the past. Director McDillon explained that 2024 has more high-priced items due for maintenance, driving the cost up.

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

## Board of Trustees

None.

## President

None.

## Adjournment

A motion to adjourn the meeting was made by Trustee Huckins 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 8:19 pm.

Submitted by,

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

Shannon DuBeau  
Village Clerk

Committee of the Whole Meeting  
January 23, 2024