



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

APRIL 23, 2024

## Call to Order

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

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

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

The Pledge of Allegiance was led by McHenry County Treasurer Donna Kurtz.

Treasurer Kurtz presented the Board with recent updates to the property tax bill format, which had a focus on facilitating transparency. These updates include a paperless authorization code, a VIP taxpayer option allowing for scheduled payments and notifications, a table of taxing districts with corresponding phone numbers, and a pie chart illustrating where the funds end up.

Trustee Huckins noted that the first and second tax payment due dates are 3 months apart and asked if that is standard. Treasurer Kurtz explained that the payments follow a schedule set by the state of Illinois.

## Audience Participation

None.

## Police

### **Request to Approve Access Easement Agreement Between Costco Wholesale Corporation and the Village of Lake in the Hills**

Presented by Chief of Police Mary Frake

At the December 12th, 2023, Committee of the Whole meeting, the police department came before the Village Board to seek approval of an Access Easement Agreement between the Village of Lake in the Hills, Costco Wholesale Corporation, and Lowe's Home Centers LLC. The access easement rights were for construction of a predominately egress only driveway for the new police facility. The Village Board approved the agreement presented, conditioned upon the receipt of signatures from both Costco Wholesale Corporation and Lowe's Home Centers LLC.



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

APRIL 23, 2024

Costco Wholesale Corporation signed the agreement as presented, however, despite numerous communications and requests, Lowe's Home Centers LLC has failed to sign the agreement or provide any reasoning for the persistent delays. In an effort to move the project forward, Costco Wholesale Corporation and the Village have revised the agreement, subsequently removing Lowe's Home Center LLC as a party and adding contractual indemnity language. Lowe's is not an owner of the property; they were added to the original agreement at the request of Costco as Lowe's is considered a participating party as noted in the Covenants & Restrictions document 2003R0015644 with Costco.

The Access Easement Agreement, which is attached to the agenda, grants the Village:

1. a perpetual, non-exclusive access easement to be able to generally access the existing drive area.
2. a perpetual driveway easement from Costco for the placement of our drive connecting to Costco's existing drive.
3. a temporary, non-exclusive construction easement for the construction of our driveway connecting to Costco's drive.

The Village shall be responsible for the installation, maintenance, repair, and replacement of our driveway easement. The Village, not stated in the Agreement, would also pay Costco \$10,000 for the perpetual access easement to use Costco's drive, which is preferable to the alternative of paying an open-ended contribution percentage towards future repair costs whenever the Costco drive needs maintenance.

## Financial Impact

The financial impact is \$10,000 for the Village to secure its easement rights.

Staff recommends a motion to approve the Access Easement Agreement between Costco Wholesale Corporation and the Village of Lake in the Hills, conditioned on the receipt of the other parties' signature.

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

## Community Development

### **Request to Approve an Ordinance Granting a Conditional Use and Variations for Consumers Credit Union at 2450 W. Algonquin Road**

Presented by Director of Community Development John Svalenka

Consumers Credit Union (CCU) is an Illinois Chartered Credit Union founded in 1930 that has 14 locations in the north and northwest suburbs of Chicago. CCU is the contract purchaser of the subject property on the northeast corner of Randall Road and Algonquin Road at 2450 W Algonquin Road. The property includes an existing 4,570 square-foot building with a 1,730 square-foot drive-through canopy that was constructed in 2004 and originally occupied by Bank of America. The building has been vacant and unoccupied since 2014. CCU now proposes to renovate and occupy the existing building as a new retail banking location and proposes to remove the existing drive-through



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

APRIL 23, 2024

canopy and associated site improvements and construct a new 545 square-foot drive-through canopy in a new location with re-configured drive-through lanes.

The subject property is within the B-3 General Business zoning district. The proposed financial institution is permitted by right in the B-3 zoning district. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code, the proposed drive through is allowed in the B-3 zoning district only with the approval of a conditional use. A conditional use permit was approved in 2004 for the existing drive-through, but the new drive-through is proposed in a completely new location with a different layout. Further, per Section 24.9 of the Zoning Code, whenever any conditional use has been discontinued for a period of one year, such use shall not be reestablished without a public hearing and approval as required for conditional uses. Therefore, CCU has applied for approval of a conditional use permit for the new, reconfigured drive-through.

Prior to development of the Bank of America building in 2004, the subject property was used as an Amoco gas station. Due to the potential for environmental contamination from underground fuel storage tanks used by the gas station, the recorded deed selling the property includes a restrictive covenant that requires the property to be covered with an engineered barrier consisting of a concrete or asphalt surface at all times. In order to fully comply with the deed restrictions, the applicant has proposed extending the existing pavement areas up to the edge of the existing property lines with no setback and no perimeter landscaping. Therefore, the applicant has requested several zoning variations regarding parking setbacks, perimeter landscaping yards, and required landscape plantings. It should be noted that the requested variations only involve slight changes from previously approved variations granted in 2004 by Ordinance 2004-07 and in 2018 by Ordinance 2018-16, as detailed below.

Per Section 18.6-2 of the Zoning Code, parking spaces are not allowed to be located within the 30-foot front yard required along Randall Road and Algonquin Road. As part of the original approvals to allow construction the Bank of America building, variations granted in 2004 reduced the parking setbacks to 22 feet along Randall Road and 19 feet along Algonquin Road. In response to McHenry County acquiring portions of the subject property for additional right-of-way to accommodate the widening of Randall Road and Algonquin Road, variations granted in 2018 further reduced the parking setbacks to 4 feet along Randall Road and 2 feet along Algonquin Road. In order to provide the required engineered barrier of concrete or asphalt, the applicant has requested additional variations to reduce the parking setback along Randall Road and Algonquin Road to zero feet from the property line.

Per Section 26.4-2 and Table 26.5 of the Zoning Code, 30-foot-wide perimeter landscaping yards are required along Randall Road and Algonquin Road, and those yards are required to include a berm landscaped with a certain number of overstory trees, understory trees, evergreen trees, large shrubs and medium shrubs per every 100 linear feet of street frontage. Variations granted in 2004 reduced the perimeter landscaping yards to 22 feet along Randall Road and 19 feet along Algonquin Road. Variations granted in 2018 further reduced the perimeter landscaping yards to 4 feet along Randall Road and 2 feet along Algonquin Road and eliminated most of the required landscape plantings. In order to provide the required engineered barrier of concrete or asphalt, the applicant has requested additional variations to reduce the perimeter landscaping yards along Randall Road and Algonquin Road to zero feet from the property line, and to eliminate any remaining landscape planting requirements.



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

APRIL 23, 2024

Per Section 26.4-6 and Table 26.6 of the Zoning Code, 10-foot-wide perimeter landscaping yards are required along the rear lot line to the north and the side lot line to the east, and those yards are required to include a certain number of trees and shrubs. Variations granted in 2004 reduced the rear and side perimeter landscaping yards from 10 feet to zero feet. Since the existing pavement already extends up to the rear and side lot lines with no setback, the applicant has requested additional variations to eliminate the required landscape plantings of trees and shrubs. Village staff reviewed the requested conditional use and variations according to the standards listed in the Zoning Code. In general, staff found that the requests meet all seven standards for conditional uses and meet all nine standards for variations, subject to compliance with the following conditions:

1. The redesigned drive-through layout will result in the site entrance driveway being moved from the middle of the eastern property line to the far northeastern corner of the property. Therefore, the applicant must obtain a permanent easement from the owner of the adjacent property to the east to allow construction of the new entrance driveway shown on the submitted plans and to allow access to the driveway by the public.
2. The submitted plans were reviewed for code compliance by the Village Engineer, and the Village provided the applicant with a list of comments. The applicant has had the plans revised to comply with the Village's review comments, and staff finds that there are only minor details remaining that will need to be resolved before a site development permit can be issued. Therefore, staff recommends a condition that final engineering details must be submitted to the Village and shall be subject to final approval by the Village Engineer.
3. The submitted plans call for staining portions of the existing brick exterior of the building and covering other portions of the existing brick with new engineered cladding to match the corporate colors and branding for Consumers Credit Union. Therefore, to ensure that the revised exterior of the building does not alter the character of the area, staff recommends a condition requiring the exterior building elevations to include a minimum of 75 percent brick, stone, or other masonry material in compliance with Section 24.16 of the Municipal Code.
4. Even though the deed restrictions requiring an engineered barrier remain in full force and effect, the IEPA has issued a "No Further Remediation Letter" indicating that no further corrective actions are required on the property for the protection of human health and safety. The deed restrictions may only be waived in writing by the parent company of Amoco Oil Company, but there is a potential that they may be waived in the future. Therefore, staff recommends a condition requiring unused pavement areas (two diagonal striped areas shown on the plans along the western lot line) to be landscaped in the future if the restrictive covenants are ever formally waived.
5. The plans meet the parking lot landscape requirements in Section 26.10-3 of the Zoning Code by providing raised planters on top of the engineered barrier, but specific plant types are not listed. Therefore, to ensure that the landscaping meets the intent of the code, staff recommends a condition that live plantings must be maintained in the raised planters subject to review and approval by the Director of Community Development.



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

APRIL 23, 2024

The Planning & Zoning Commission conducted a public hearing on April 15, 2024, to consider the requested conditional use and variations. The Commission recommended approval of the requests by a vote of 6-0, subject to the conditions above.

Staff recommends a motion to approve an ordinance granting a conditional use and variations for Consumers Credit Union at 2450 W. Algonquin Road.

Trustee Huckins questioned ownership of the easement. Director Svalenka stated that the North-South access road is a private access easement owned by U-Haul.

President Bogdanowski asked if the property has already been sold. The applicant stated that the sale is pending approval of the ordinance granting conditional use and variations.

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

## Public Works

### **Request to Reject all Bids for Well 14 Roof and Gutter and Well 12 Siding Replacement Project**

Presented by Public Works Director Ryan McDillon

Village staff released a Request for Proposal (RFP) for the Well 14 Roof and Gutter and Well 12 Siding Replacement Project on January 6, 2024. The RFP invitation was posted on the Village's website, published in the Northwest Herald, and sent to fifty-three separate vendors. Public Works received and opened four sealed responses on March 20, 2024.

Top Roofing supplied the low bid of \$78,000.00; however, Top Roofing requested to withdraw their bid after realizing they had failed to review additional questions and answers posted to the informational portal concerning specifications. They stated that with the additional costs, they can no longer complete the job. The informational portal is provided to all registered plan holders and is intended to ensure that all interested parties are supplied the same information to promote a fair and equitable bid process and also provides all interested contractors the most up-to-date data to allow for proper pricing.

The budgeted amount for this project was \$75,000.00, which did not anticipate the additional specifications identified during the online Q&A. While the remaining bids are certainly higher, staff believes they are an accurate reflection of the anticipated costs of the project based on the additional information included in the portal. C3 Construction held the next lowest bid at \$91,777.00.

In this situation, the Village could attempt to force Top Roofing to adhere to their bid amount or the Village could hire the next lowest contractor and charge back the difference to Top Roofing. Unfortunately, there is a high likelihood that Top Roofing would legally contest either solution. The potential litigation costs outweigh the savings the Village may receive.



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

APRIL 23, 2024

Instead, Staff requests the Board reject all bids, which would allow for negotiation with the second lowest bidder, C3 Construction, in the hopes of securing the RFP pricing under the same terms and conditions. Staff would then return to the Board at a future meeting to consider that agreement.

### **Financial Impact**

The low bid was \$78,000.00, which is \$3,000.00 over the FY24 budgeted amount of \$75,000.00 for this project. The next lowest bid was \$91,777.00, which is \$16,777.00 over the FY24 budget and \$13,777 over the low bid.

Staff recommends a motion to reject all bids for the Well 14 Roof and Gutter and Well 12 Siding Replacement Project, and enter into negotiations with C3 Construction on an agreement that stipulates the same terms and conditions within the original RFP and Q&A.

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

### **Request to Approve a Contract with CMT, Inc. for Engineering Services for the Roof Rehabilitation at 8399 Pyott Rd.**

Presented by Public Works Director Ryan McDillon

Staff is seeking Board approval of an agreement with Crawford, Murphy & Tilly, Inc. (CMT) for preliminary and design phase services for the roof rehabilitation at 8399 Pyott Road.

The Fiscal Year 2024 budget includes funds for the replacement of the existing roof at the 8399 Pyott Maintenance Hangar. The roof is original to the building that dates back to at least the 1970s. The building houses an aircraft maintenance business, which has leased the property for several decades. Aside from workers present on a daily basis, up to a dozen aircraft are stored underneath the roof while they are being repaired. Unfortunately, the roof has had small leaks requiring frequent repairs by staff and outside contractors. The project was originally budgeted in 2023 but was delayed until 2024 while IDOT Division of Aeronautics conducted their review of the project.

With the state now prepared to move forward, the first step in the Village's process is to approve the IDOT agreement for consultant services. This work includes both preliminary and design phase services to be performed by the Airport Engineer, Crawford, Murphy & Tilly, Inc. (CMT). It also includes planning and special services that may be required. Upon conclusion of the design, the project will be bid with construction planned prior to the end of the year.

### **Financial Impact**

At the time this project was initially budgeted in FY23, staff was under the impression that no federal or state funding would be provided. The estimated project cost of \$205,000.00 was budgeted in its entirety under Capital Improvements out of the Airport Operating and Maintenance Fund. The state has now confirmed that this project will be grant-eligible, with the funding split 90% federal, 5% state, and 5% local. The Village's total cost is expected to be \$10,250.00, for a total savings of \$194,750.00.



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

APRIL 23, 2024

However, since this is a locally let project, the Village must cover the total project costs and then receive reimbursement. The first expense associated with the project will be for engineering services, not to exceed \$20,000.00. This includes \$14,600.00 for the preliminary design and design phase and \$4,500.00 for planning and special services. While professional services were not separately budgeted for this project, there are sufficient funds available from the savings within the Capital Improvements line item.

Additional funds will be required for construction phase engineering services, which are not included in this agreement; however, those too will be grant-eligible and covered by the project's overall savings.

Staff recommends a motion to approve the Standard Agreement with Crawford, Murphy & Tilly Inc., for Consultant Services at Illinois Airports for Architectural/Engineering (A/E), Planning and Special Services, in an amount not to exceed \$20,000.00.

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

## Parks & Recreation

### **Request to Approve Selection of NuToys as the Village's Park and Playground Services Provider**

Presented by Parks & Recreation Director Randy Splitt

To assist with the 2024 playground replacement projects and the playgrounds tentatively scheduled for replacement in 2025, the Parks and Recreation Department issued a Request for Qualifications (RFQ) for a multi-year agreement for general Parks and Playground services. The department is identifying a new approach to selecting a firm to provide professional services related to planning, improving, and creativity for our parks. The intent is for the selected firm to assist the staff with the following services:

- Playground equipment replacements
- Park and playground equipment planning with improvement recommendations
- Equipment design
- Construction/installation services (including removal and disposal of replaced equipment)
- Grant assistance and general assistance with project budgeting for future fiscal years

On Monday, January 22, 2024, Village Staff released a Request for Qualifications (RFQ) for the project to the Village's Website, a public notice was published in the Northwest Herald, and Village Staff contacted four vendors to notify them of this opportunity. On March 4, 2024, the Village received 7 responses. On the basis of the evaluations, staff developed a short list of the most qualified firms to provide the services outlined in the RFQ and invited 3 firms for interviews. The interview process allowed the 3 firms the opportunity to give a short presentation related to their RFQ response. They also informed staff of the process involved with changing a conceptual design plan, provided information on their internal grant opportunities, and discussed cooperative purchasing programs that they are involved with, which might offer the Village discounted equipment costs.





# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

APRIL 23, 2024

Through this RFQ process, it was determined that NuToys Leisure Products, Inc. (“NuToys”) provides the best overall professional services and turnkey operation to assist the Village’s Parks and Recreation Department. NuToys provided an extensive list of communities in the surrounding counties that illustrate their products and services. The interview process allowed staff to learn firsthand of their approach to the RFQ and understand their process for developing their conceptual plans. Their goal was to bring a new look to the parks with updated equipment that meets an all-inclusive approach for the community. Their conceptual plans align within the Village’s budget and their references were highly encouraging. In addition, NuToys facilitated the Playground Equipment Replacement at Ford School Park in 2018 and Village staff were pleased with their services during that replacement project.

### Financial Impact

NuToys provides project planning assistance that includes site visits, industry knowledge, conceptual ideas, and facilitates projects as part of their playground services at no direct cost to the Village. NuToys is an exclusive local representative for Landscape Structures, who then compensates NuToys for sales of a completed project. The Village would contract directly with Landscape Structures for playground equipment as designed by NuToys for each upcoming project.

Staff recommends a motion to select NuToys Leisure Products, Inc. as an exclusive local representative for Landscape Structures to perform professional services related to parks and playground services.

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

## Board of Trustees

None.

## President

President Bogdanowski announced that Arbor Day, Building Safety Month, and Mental Health Month proclamations will take place at Thursday’s Board of Trustees meeting.

## Adjournment

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

There being no further business to discuss, the Committee of the Whole meeting was adjourned at 7:53 pm.

Submitted by,

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

Shannon DuBeau  
Village Clerk

Committee of the Whole Meeting  
April 23, 2024