



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

Committee of the Whole Meeting

May 14, 2020

Call To Order

The meeting was called to order at 7:30p.m. Present were Trustees Harlfinger, Huckins, Dustin, Bogdanowski, Bojarski, Murphy and President Ruzanski.

Also present were Village Administrator Jennifer Clough, Assistant Village Administrator/Finance Director Shane Johnson, Chief of Police Dave Brey, Public Works Director Dan Kaup, Community Service Director Fred Mullard, Village Attorney Brad Stewart and Village Clerk Cecilia Carman.

Pledge of Allegiance was led by President Ruzanski.

Audience Participation:

Administration:

Planning & Zoning Commission Terms- Presented by Village Administrator Assistant/Finance Director Shane Johnson - At the April 23, 2020 Village Board meeting, Commissioner John Murphy was re-appointed to the Planning & Zoning Commission for a term of 4-23-20 to 4-30-25. It was noticed that there were three reappointments with terms expiring at the same time, ending 4-30-25. The Village's code states that in no circumstance should three commissioners have the same term of appointment. Upon further staff review, it was determined that Commissioner John Murphy's initial appointment in June of 2019 when he took over for Commissioner Serritella should have been through 2024 as a full-term appointment. Instead his appointment was only through 4-30-20. As such, in order to correct this, Commissioner John Murphy's appointment should be through 4-30-24.

Following are the correct terms:

- 1 term expiring in 2021 – Anna Siakel
- 1 term expiring in 2022 – Joe DeMay
- 2 terms expiring in 2023 – Mike Esposito & Vacant (Suzanne Artinghelli)
- 1 term expiring in 2024 – John Murphy
- 2 terms expiring in 2025 – Brent Borkgren & Greg Walker

Staff recommends a motion to adjust the term of Planning & Zoning Commissioner John Murphy, *nunc pro tunc*, to expire April 30, 2024. Motion was made to place this item on the Village Board Agenda.

Public Works:

Award a Contract for the Water Tower 3 Spot Repair and Overcoat Project- Presented by Public Works Director Dan Kaup- Water tower 3, located at 9010 Haligus Road, has begun to show several small areas of exterior rust fatigue. In an effort to extend the current life of the asset, an exterior spot repair, cleaning and paint overcoat has been determined to be the most cost effective course of action at this time. A spot repair and overcoat as opposed to a complete abrasive blast and repainting, will extend the life of the current paint coating by ten years.

Village staff authored a Request For Proposal (RFP) and on March 17, qualified vendors were notified of the RFP opportunity, the RFP was posted on the Village website and the RFP opportunity was published in the Northwest Herald. On April 24, staff opened four sealed bids and the low bid of \$124,548.00 was submitted by The Leary Construction Company (“Leary Construction”) of Greenfield Indiana. Although the Village has not worked with Leary Construction before, staff received positive reviews from municipalities in Illinois and Indiana that hired Leary Construction for water tower painting projects.

The Village’s water tower engineering consultant, Dixon Engineering, was consulted and contracted by Village staff to perform adhesion testing to determine if a spot repair and overcoating of the existing paint was feasible. This test was conducted and the current adhesion is satisfactory.

Financial Impact: The Village’s 2020 Budget includes \$105,000.00 in the Water Fund for this project. The budget number is based on a quote solicited last year from a local contractor that decided not to bid on this project. The low bid of \$124,548.00 is \$19,548.00 over the current budgeted amount; however, the Water Fund has sufficient reserves to cover this difference.

Staff recommends a motion to award a contract to The Leary Construction Company of Greenfield, Indiana for the Water Tower 3 Spot Repair and Overcoat Project in the amount of \$124,548.00. Motion was made to place this item on the Village Board Agenda.

Award a Contract for the Turtle Island Park Improvements Project--Presented by Public Works Director Dan Kaup-Included in the 2020 Village budget is \$354,200.00, for construction improvements to Turtle Island Park including shoreline stabilization, pavilion construction, parking lot removal and replacement, and fishing pier and boat ramp installation. Last year, this project was awarded an Open Space Lands Acquisition and Development (OSLAD) Grant through the State of Illinois, which will reimburse the Village for 50% of the actual construction cost, but no more than \$177,100.00.

HR Green, the Village Engineer that was hired in 2019 to design this project, released a competitive bid earlier this year. On March 18, 2020, five bid submittals were received and pricing ranged from a low price of \$474,552.00 from Copenhaver Construction (“Copenhaver”) of Gilberts, IL to \$796,753.00.

After the bid opening, Village staff contacted the State grant authority to discuss options for awarding the project with a reduced scope of work or receiving additional grant funding to cover all or a portion of the higher bid cost. The State grant authority will not increase the OSLAD grant reimbursement amount. However, they will allow the Village to remove the solar light and footbridge installation line items from their bid, which will reduce the project cost by \$120,000.00. If the Village Board approves this project, Village staff will furnish and install the solar lights after pursuing all lighting efficiency grants, and will install culverts, which will serve the same purpose as the footbridges that were included in the original design.

HR Green believes that Copenhaver and their subcontractors are qualified to perform this project and recommends that the Village award this project to them, with the scope of work reductions. Further, the Village Attorney, from a legal standpoint, does not have any concerns with the project award and the reduced scope of work. As such, Village staff recommends that the Village Board approve and award the Turtle Island Improvements Project to Copenhaver in the amount of \$354,552.00

Financial Impact: The Village’s 2020 budget includes \$354,200.00 in the Capital Improvement Fund for this project. The contract award amount of \$354,552.00 is over budget by \$352.00.

Staff recommends a motion to award a contract to Copenhagen Construction of Gilberts IL, for the Turtle Island Improvements Project in the amount of \$354,552.00. Motion was made to place this item on the Village Board Agenda.

Request to waive the competitive bidding requirements and award a contract for the Well 11 Design/Build Project- Presented by Public Works Director Dan Kaup- In 2017, staff presented a plan for multi-year water treatment facility upgrade project for each of the eight Village well houses. In 2018, the Village completed a design/build project for Well 14 on McPhee Drive, and again in 2019 at the Well 12 and Well 6 water treatment plants. The projects brought much needed controls and process upgrades to the aging systems at Wells 14, 12 and 6. All projects were completed on time and within budget.

Earlier this year, staff met with representatives from Baxter & Woodman/Concentric Integration (“Concentric Integration”), the Village water resources and controls engineer, to design the Well 11 improvements that are budgeted in FY20. Similar to the upgrades performed at Wells 14, 12 and 6 the Well 11 project consists of two components; upgrading the SCADA system controls, and replacing and upgrading the mechanical valves and actuators. During the design discussions for Well 11, staff determined there was an opportunity to reduce the cost by splitting the project, allowing Concentric Integration to replace the SCADA system controls componentry, and purchasing the mechanical valves and actuators through a competitive bid process and installing them with in-house staff. This was successful at Wells 12 and 6, and will be repeated at Well 11 at a significant savings to the Village. The Concentric Integration portion of the project has been priced at \$364,100.00.

In order to procure the valves and actuators that will be installed by in-house water division staff, a Request For Proposal (RFP) will be authored by Village staff and in June, the RFP invitation will be sent to multiple water system part supply vendors, posted on the Village’s website, and published in the Northwest Herald.

Financial Impact: The Village’s 2020 budget includes \$35,000.00 for professional engineering oversight and \$350,000.00 for the electrical and mechanical componentry upgrade work for Well 11 for a total project budget amount of \$385,000.00. If approved, the contract with Concentric Integration would be in the amount of \$364,100.00, and allow \$20,900.00 to be spent on valves and actuators.

Staff recommends a motion to waive the competitive bidding requirement and award a contract to Concentric Integration, LLC for the SCADA system upgrade portion of the Well 11 Design/Build project in the amount of \$364,100.00. Motion was made to place this item on the Village Board Agenda.

Special Services Area 51 Water Main Change Order 1- Presented by Public Works Director Dan Kaup- The SSA 51 Water Main Replacement Project was awarded to Mauro Sewer on October 22, 2019 for \$1,469,347.00. During the construction of the project, three components of the work have been amended which warrants this Change Order.

Directional Boring Removal & 14” HDPE Pipe Addition

One component of the project includes installing a second water main feed to the area by directional boring a casement and water main under Algonquin Road to the Special Services Area. Due to numerous large boulders under the roadway, the contractor cannot directionally bore the casement, and is requesting to decrease the diameter size of the bore to allow for a cased 14 inch HDPE pipe, so that the connection can be made. This change will result in an increase in the contract in the amount of \$22,542.00, after removing \$65,458.00 of directional boring work from the project and adding \$88,000.00 to the project for the 14 inch HDPE pipe.

Emergency Interconnect Removal

Another component of the project included an emergency interconnection with Algonquin. Due to The difference in system pressures, the two communities will not benefit from the interconnection. This will result in a reduction in the contract of \$68,000.00.

Additional Water Main (IEPA Requirement)

Finally, the Illinois Environmental Protection Agency required the Village amend a portion of the project to allow for shorter service line runs, which resulted in additional water main than the project originally called for. This will result in an increase in the contract in the amount of \$46,615.04. This additional work could not have been foreseen at the time the contract was signed, that it is germane to the project, and that it is in the best interest of the Village to perform this additional work.

The final cost of the project will be determined by the final “field verified” unit costs; however, as Table 1 (below) shows, these three changes are expected to increase the total project cost by \$1,157.04. As this project is paid for through a General Obligation Bond, the Village contemplated the potential need for additional funding in the event the project cost more than the award amount. As such, the Village bonded an additional 10% as a contingency for the project, and so this additional cost will be covered by the original bonded amount.

Financial Impact: An increase to the contract amount of \$1,157.04 for a total new contract amount of \$1,470,504.04.

Staff recommends a motion to approve a Resolution and Change Order 1 to increase the total cost of the contract from \$1,469,347.00 to \$1,470,504.04.

Trustee Dustin asked if this would affect the water pressure. Public Works Director Kaup explained it will not because it is a casing around the pipe. Trustee Bogdanowski asked if this will affect the completion date. Director Kaup stated no and that the project was ahead of schedule. Motion was made to place this item on the Village Board Agenda.

Board of Trustees:

President Ruzanski opened the discussion of allowing businesses to have more options to generate revenue. Trustee Harlfinger stated he had spoken to residents and they want businesses to open. He is not opposed to any discussions but he does not trust the State’s response to the crisis. He does not believe wearing masks in public is a good idea. He wants to move forward and open Lake in the Hills. Trustee Murphy commented we need to have this discussion. Businesses want to know the Board is on their side and have their support. If we allow businesses to open we need to be consistent throughout the Village. Trustee Bogdanowski commented that businesses are scared and need direction from us. Trustee Harlfinger disagreed. He believes each business should take it upon themselves and deem what is safe and the State is just feeding us scare statics.

Trustee Murphy asked Attorney Stewart what repercussion could happen if the Village went against the Governor’s plan. Attorney Stewart explained the liability the Village could ensue. He stated there could be lawsuits and possible loss of insurance. Trustee Murphy commented the Board needs to be cautious in their decision making. Trustee Harlfinger asked about the current lawsuits against the executive order. Attorney Stewart stated there have been many and most have been shut down. The Illinois Supreme court as of now refuse to hear these cases. He is unsure what would happen once they do start hearing these

cases. Trustee Harlfinger stated lawsuits should not be a concern because the pandemic will be over before they are heard.

Trustee Huckins asked if any other businesses beside the P.O.A. have come forward. President Ruzanski stated no. Trustee Huckins stated he was very comfortable with the P.O.A's plan to reopen. He would like each business to present a plan to reopen. However, he understood the state could revoke their liquor license. President Ruzanski asked about the property in which businesses are located. Attorney Stewart explained the executive order prohibits the consumption of food or liquor on the businesses' premises. The parking lots are considered part of the premise. Trustee Dustin commented the Village needs a plan for business to open. Each business needs to consider any ramification of losing insurance or state funding if they don't adhere to the Governor's executive order. No changes should be made before May 29 since the State should move into phase 3. Trustee Bojarski commented the Board needs to be careful about what they recommend. There is a clear cut direction from the Department of Health. She mentioned the letter the mayors had written to the Governor and The Village should wait and see what the response is. We do not want the Village open to any liability or encourage businesses to be unsafe.

President Ruzanski stated at the next COVID-19 meeting all these concerns can be addressed and a plan for businesses can be developed. Trustee Dustin asked if there are guidelines available. Trustee Huckins stated IDPH has provided guidelines. Attorney Stewart commented Phase 4 has guidelines for opening the state. The issue is if the Board is allowing business to go outside the structured parameters. Trustee Huckins would like each business to make their own plan. Trustee Dustin would like guidelines. Trustee Bogdanowski stated each business has the responsibility to keep their patron's safe. Trustee Huckins and Harlfinger agreed if businesses open in Phase 3 the Village should look the other way.

Trustee Dustin and Bogdanowski began a discussion with Attorney Stewart concerning what businesses can open in Phase 3 and 4. Trustee Harlfinger stated the Village needs to move to Phase 4 and he does not care if the State troopers enter the Village. President Ruzanski stated he is concerned about the liability of the Village if these actions are taken. Trustee Huckins asked if any other municipality is considering ignoring the Executive Order. Attorney Stewart explained other municipalities are looking to allow consumption of food and alcohol on town's square or downtown areas. These changes would still adhere to the Governor's executive order. Trustee Harlfinger again stated the Village needs to be in Phase 4 regardless.

President Ruzanski: Will read The Building Safety Month Proclamation at The Village Board Meeting. He also mentioned he and Village Administrator Clough presented the two food pantries with the \$5,000 grant. He has been in contact with District 300's food pantry but needs to inquire further if they are in need of assistance at this time.

Audience Participation: None

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

Submitted by,

Cecilia Carman
Village Clerk