



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

## Committee of the Whole Meeting

March 8, 2007

### Call To Order

The meeting was called to order at 7:00 p.m. Present were Trustees Harlfinger, Murawski, Bogdanowski, Sloan, Wakeman, Yensen, and President Plaza.

Also present were Village Administrator Gerald Sagona, Assistant Village Administrator Shannon Andrews, Director of Public Safety James Wales, Public Works Director Fred Mullard, Village Engineer Dave Van Camp, Parks and Rec. Director Trudy Wakeman, Assistant Finance Director Robert Miller, Community Development Director Dan Olson, Village Attorney Richard Flood and Village Clerk Denise Wasserman Haugk.

### Audience Participation:

#### Administrator:

#### Director of Public Safety:

**Ordinance – Amending Section 12.06A of the Municipal Code** – presented by Director of Public Safety James Wales – Chapter 12.06 was initially passed to address the parking of recreation vehicles, including trailers used to transport said recreational vehicles. Even though the main portion of the code is rather clear, the definition for “Trailer” has resulted in some individual feeling that all trailers fall under this section of the code. It is suggested that a definition of trailer be added as to clarify for recreational purposed. Trustee Harlfinger doesn’t feel this is an issue. He mentioned that some folks use other trailers for work purposes. Director Wales mentioned that depending on feedback from residents the ordinance may need to be amended again. Motion was made to place this item on the Village Board Agenda.

#### Community Development:

**2002 Comprehensive Plan – Amendment to the Comprehensive Plan to add Design Guidelines for the Route 47 Commercial Business District (Sub Area #1)** – presented by Community Development Director Dan Olson – The 2002 Comprehensive Plan provides recommendations for the Route 47 sub-area and identifies the creation of design guidelines for the sub-area as a strategy for implementing the plan. An amendment to the Comprehensive Plan to add Design Guidelines for the Route 47 Commercial Business District is therefore proposed. In anticipation of future guidelines governing different areas of the Village, we will add the guidelines to a new Chapter VII – Design Guidelines.

On December 12<sup>th</sup>, the Village Board reviewed the amendment and voted to set a public hearing for January 9<sup>th</sup>. During the hearing on the 9<sup>th</sup>, Tim Kellogg, Templeton Property Consultants, who represents the owner of

the commercial portion of the Fox Ridge Farm development along the east side of Rt. 47 spoke and requested the item be tabled so they could review the guidelines more. Mr. Kellogg indicated there was a possible retail developer for the property and they would like to review the guidelines with them. At the subsequent Committee of the Whole meeting later that evening, the Board voted to continue the matter to the first meeting of March.

On March 1<sup>st</sup>, we received a written response from the land owner, Peter Brennan of Foxford, LLC> The letter indicates the comments are not from a specific developer (a contract is yet to be finalized with one), but based upon their experiences as commercial developers, they are requesting some modifications or deletions to the guidelines. Staff needs more time to thoroughly review their comments and perhaps sit down with them to discuss. Community Development is requesting this item be tabled until April 10, 2007. Trustee Yensen agrees that it is a good idea to table this for one more month.

**Ordinance – Authorizing the Execution of a First Amendment to the Annexation Agreement**

**Concerning the Lake Pointe Development** – presented by Community Development Director Dan Olson – On November 11, 2004 the Village Board approved an annexation agreement for the Lake Pointe project located at the northeast corner of Lakewood and Algonquin Roads. Subsequent to that, it was brought to the Village’s attention that the petitioner did not have ownership of the entire parcel, and the McHenry County Conservation District (MCCD) had owned about 7 acres of the site. A land swap between PAR and MCCED has been ongoing since and it is near completion. Eventually lots 1-9 (19.04 acres) will be owned by PAR and the MCCD will take ownership of Lot 10 (10.93 acres) which is the subdivision’s stormwater detention facility.

The amendment will clear up the ownership issue and remove Lot 10 from the annexation agreement. The amendment will also add language to the Covenants/Owner’s Association section of the agreement to establish a protocol for the owner’s association maintenance of the stormwater facility on Lot 10. The amendment also includes a new exhibit for the backup Special Service Area (SSA) Ordinance that will be established for lots 1-9 to ensure the developers are property maintaining the stormwater facility. Motion was made to place this item on the Village Board Agenda.

**Ordinance – Intergovernmental Agreement – McHenry County Conservation District and the Village of Lake in the Hills -**

presented by Community Development Director Dan Olson – Proposed is an Intergovernmental Agreement between the Village and the McHenry County Conservation District (MCCD) regarding the stormwater detention facility (Lot 10) on the Lake Pointe project (NE corner of Lakewood and Algonquin Roads.) The developer of the project, PAR Development, and the MCCD are going through a land swap and eventually Lot 10 will be under the ownership of the MCCD, however, the facility will serve as the stormwater detention for the Lake Pointe development. The MCCD would like a procedure in place on how the Village would enact a levy pursuant to the SSA if the MCCD believed there were maintenance problems with the stormwater detention area. Motion was made to place this item on the Village Board Agenda

**Ordinance – Proposing the Establishment of backup Special Service Area 19 (Lake Pointe**

**Development)** — presented by Community Development Director Dan Olson – This is an Ordinance proposing the establishment of a backup Special Services Area (SSA) #19 for the Lake Pointe project at the Northeast corner of Lakewood Road and Algonquin Road. The amended annexation agreement for the project requires that a backup SSA be established for the development. This is needed in case the property owners

association failed to maintain the stormwater detention area (Lot 10), open spaces, landscaping, etc. No taxes will be levied for the SSA unless the association fails to perform the appropriate maintenance of these areas. There is also an Intergovernmental Agreement between the Village and the McHenry County Conservation District that sets a procedure in place on how the Village would enact a levy pursuant to the SSA if the MCCD believed there was maintenance problems with the stormwater detention area.

The Ordinance sets a public hearing date of April 10<sup>th</sup> at 7:00 pm regarding the establishment of the SSA. The Ordinance granting the SSA cannot be adopted until 60 days after the public hearing. Motion was made to place this item on the Village Board Agenda.

**Lake Point Project – Escrow Instructions** – presented by Community Development Director Dan Olson – In order to facilitate the use of MCCD’s land as detention for the benefit of the Lake Pointe commercial development, which also involves a land swap between MCCD and McHenry County, MCCD’s attorney requests that the Village deposit the SSA ordinance and the Intergovernmental Agreement into an escrow arrangement with the relevant title insurance company. This will provide assurances to MCCD that the detention area will be maintained by the SSA in order to facilitate its transactions with McHenry County and Park Development. The instructions include a signature block for the Village Attorney. Motion was made to place this item on the Village Board Agenda.

#### **Engineer:**

#### **Parks and Recreation:**

**Update – Bark Park Expansion** – presented by Parks and Recreation Director Trudy Wakeman – At the March 1, 2007 Parks and Recreation Board meeting the board approved the recommendation to expand the Bark Park with a 40’ buffer between the property owner’s lot line and the park that would include evergreens, grasses and a path. Members of the Parks and Rec. Board were present. Trustee Yensen wondered about community outreach to the residents in the area. Residents on the boundaries of the park without fences were contacted prior to the Feb. 1<sup>st</sup> meeting. After that meeting all residents in the surrounding area were contacted. Response came from 1/3 of the residents (out of 55). The residents who responded had issue with the expansion, including noise from the dogs and people at the park as well as continuing neighborhood barking dogs. Trustee Yensen has received a lot of e-mail. She is concerned that there is a communication issue with the possible buffering of the area. Trustee Yensen wondered about possible common ground with the residents. She feels that there are a lot of residents (in attendance this evening) that are upset with this issue. She believes Bark Park is a valued property in the community, however, if animals are allowed to get too close to property lines there will be upset residents. She gave an example of how Lowe’s came in and got to know the “neighbors” and worked with the community for resident approval. Trustee Yensen would like to see something more come of the communication process and the residents input. Trudy Wakeman mentioned that the neighbors that border the park were contacted. Trustee Yensen would like to table this issue and improve the communication with the residents and see if we can come up with some common ground with the residents. Trustee Murawski questioned the need for such a huge expansion (why 14 acres). He said he heard from a few residents who also agreed that the length of expansion seemed a bit much. Trustee Harlfinger (who has attended the last two Parks and Rec. Board meetings) mentioned that he’s seen about a dozen or so dogs at the Park and he has noticed they do not run the perimeter of the fence. He does think that to be a good neighbor there should be some discussion to figure out a compromise for the buffer. In general the village is trying to

provide the amenities that residents moved out here for and are asking for. Trustee Wakeman mentioned that the area was purchased for recreational purposes not just open space. She believes there could be a compromise in the distance of the buffer, however, she does not want to take away the investment in that property as to the recreational use of the land. She also feels the Village has been a good neighbor and has communicated the intent, but she feels some of the issues may be from residents who have not been in the area long and were not aware of the intent of the land. Trustee Yensen mentioned that there seems to be e-mail from residents who are in favor of the expansion. It seems the closer the residents live to the park the less favorable they are to the expansion. She would like to see possibly a bigger buffer that would make the residents happy. However, the property was designated some time ago for recreational purposes. The Village and residents need to come to a comfort level, so the Village can fulfill the Parks and Rec. Master Plan. Motion was made to place this item on the Village Board Agenda.

**Proposal – NuToys – Playground Equipment at Stoneybrook Park** - presented by Parks and Recreation Director Trudy Wakeman – Five companies furnished potential playground equipment designs to the Parks and Recreation Board at the March 1, 2007 Board meeting. Residents were invited to give their input into the playground designs. The total project budget for the removal, installation, equipment, and curbing is \$45,350.00. The design by NuToys, Evos Option No. 6 includes the hemisphere climber, helix net, swiggle stix, o-ring climber, stand on see saw and saddle spinner has been recommended for approval by the Parks and Recreation Board. Trustee Wakeman wondered if there was any input from the children. There were kids in attendance at the meeting. Motion was made to place this item on the Village Board Agenda.

#### **Public Works:**

**Participation Agreement – Illinois Department of Transportation – Land Acquisition Supporting Pyott Road Relocation** – presented by Public Works Director Fred Mullard – The participation Agreement establishes rights and obligations of the Village and the State as they pertain to the purchases of land for the Pyott Road Relocation. The land to be purchased under this agreement includes 5.296 acres of land owned by Material Service Corporation and 38.311 acres of land owned by Meyer Material. Under this agreement the Village will be reimbursed 97.5 percent of the overall cost of the purchases through a Federal Aviation Administration – Illinois Department of Transportation grant. The estimated cost of the two properties is \$2,799,390.00, with the Village's cost at \$69,985.00. As part of the agreement, the Village agrees to use the property for airport purposes and to follow federal and state regulations in the operation of the airport for the public's benefit for not less than 20 years. This is a standard agreement between the owner of public airports and the State of Illinois. Motion was made to place this item on the Village Board Agenda.

**Release Agreement – Earth Tech** – presented by Public Works Director Fred Mullard – The Village and Earth Tech, Inc. have reached an impasse in the resolution of differences related to Earth Tech's work on the water treatment plants for Wells 15 and 16. To resolve the issues, Public Works has negotiated an agreement with Earth Tech, Inc. in which the Village agrees to pay \$62,000 of Earth Tech's claims for additional engineering and construction supervision in exchange for releasing the Village from further financial obligation. Earth Tech, Inc. agrees to provide copies of water system documentation that they prepared for the Village while under contract. The additional funds not covered in the budget will come from settlement with Manusos General Contracting. The agreement has been reviewed by the Village attorney. Public Works supports the agreement. A copy of the release agreement was given to the Board for consideration. Motion was made to place this item on the Village Board Agenda.

**Payment Request – Lamp Inc. – Public Works Renovation and Expansion Project** – presented by Public Works Director Fred Mullard – The Village Board awarded the contract to Lamp Incorporated on February 9, 2006 to oversee the design and manage the expansion and renovation of the Public Works Facility on Haligus Road. Lamp Inc. is submitting a request for Progress Payment 10 in the amount of \$166,544.80. The Public Works Department supports the request for payment. A copy of the pay request and waiver of lien has been given to the Board for review and consideration. Trustee Harlfinger wondered about the paint for the roof. According to Mr. Mullard the old roof will be painted to match the new roof. The project will still be within budget. Motion was made to place this item on the Village Board Agenda.

**Payment Request – V3 Construction – Sunset Park Parking Lot** - presented by Public Works Director Fred Mullard – The Sunset Park Parking Lot Project was awarded to V3 Construction on April 13, 2006 for \$810,357.41. Previously approved change orders adjusted the project cost to \$869,186.42. V3 Construction is requesting Progress Payment 6 in the amount of \$2,664.00 for work completed to date. The documentation is on file. Copies of the recommendation, pay request and waivers were given to the Board for review and consideration. Motion was made to place this item on the Village Board Agenda.

**Payment Request/Change Order – J.S. Riemer – 2006 Drainage Project** - presented by Public Works Director Fred Mullard – The 2006 Drainage Project was awarded to J.S. Riemer, Inc. on April 27, 2006 for \$347,231.70. Previously approved change orders adjusted the project cost to \$406,254.89. J.S. Riemer, Inc. is submitting a request for Balancing Change Order 3 in the form of a credit in the amount of \$3,701.85 and final Progress Payment 3 in the amount of \$61,063.30. There is a maintenance bond of file for \$40,255.30. The bond allows the Village to release retainage and close out the project. The Public Works Department supports the balancing change order and progress payment. Payroll documentation is on file. Copies of the recommendation, pay request and waivers have been given to the Board for review and consideration. Motion was made to place this item on the Village Board Agenda.

On another note: regarding FEMA maps and flood plains – Mr. Mullard handed to the board a memo with updated information regarding discrepancies of what areas are considered to be in a flood plain.

Public Works was working on the Algonquin Road water main break. Work is continuing to replace the broken pipe. During repair, residents S. of Algonquin Road will be without water for 8 – 10 hours. The Village has notified the residents and passed out bottled water. Trustee Murawski wanted clarification if the land is unincorporated. The residents pay approx. 150% of what residents pay for water.

**President Plaza** – gave a brief overview of how the COW and BOT meetings work with Audience Participation.

**Finance Director:**

**Organizations and Developers :**

**Board of Trustees:**

Trustee Harlfinger - **Parks and Recreation Board Liaison Report** – Issues previously discussed. He applauded the PW dept. regarding the work on the Algonquin Road water main break.

Trustee Wakeman - **Business Relations Committee Liaison Report** – Extended gratitude to staff.

Trustee Yensen - **Senior Liaison Report** – Mentioned the tax service for the 55+ crowd. The seniors thank Public Works for keeping the road clear and sidewalk/drives cleared from the snow.

Trustee Bogdanowski - **McHenry County Council of Government Liaison Report** – A report on the AdHoc committee on health insurance was presented at the last meeting. A presentation from Imagine McHenry County was also provided. He would like them to make a presentation to the Village Board.

Trustee Joe Murawski - **County Transportation Liaison Report** – He congratulated the Police Department for the efforts in calling the seniors and their well being.

Trustee Ron Sloan -

**President:**

A Curriculum Vitae for Harry H. Semrow, Jr., Esq, was given to the Board. At the next set of meeting President Plaza will ask for a motion to appoint Mr. Semrow as Hearing officer in regards to initial red light camera operations.

Monday the Village will be sponsoring a Pandemic Flu symposium at the Safety Educational Center.

President Plaza and Mr. Sagona met with numerous elected officials in Springfield regarding several governmental issues.

**Audience Participation:**

**Adjournment:** There being no further business to discuss, the Committee of the Whole meeting was adjourned at 7:51 p.m.

Submitted by,

Denise Wasserman Haugk  
Village Clerk