



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

Committee of the Whole Meeting

December 11, 2007

Call To Order

The meeting was called to order at 7:31 p.m. Present were Trustees Harlfinger, Murawski, Bogdanowski, Mulcahy, Huckins, Yensen, and President Plaza.

Also present were Village Administrator Gerald Sagona, Director of Public Safety James Wales, Public Works Director Fred Mullard, Village Engineer Dave Van Camp, Parks and Rec. Director Trudy Wakeman, Finance Director Pete Stefan, Community Development Director Dan Olson, Village Attorney Michael Smoron and Village Clerk Denise Wasserman Haugk.

Audience Participation:

Clark family - 5487 McKenzie Drive – Regarding violations of dogs. They came to update the Board on the health of their dog. President Plaza thanked them for coming and mentioned that the Board would not need further updates.

Erik Goldberg -580 Wedgewood Circle – Wondering if the Village could also put Channukah and Kwanzaa decorations around the Village/Village Hall. Trustee Yensen is in agreement for diversity.

Administrator:

Raffle License – Algonquin Area Youth Organization – presented by Village Administrator Gerald Sagona - The Algonquin Area Youth Organization is requesting a raffle license. All provisions of Section 31.02 of the Village Code have been met. The Algonquin Area Youth Organization has supplied the fidelity bond requirement with the Raffle Application form. Motion was made to place this item on the Village Board Agenda.

Lease Extension – Algonquin/Lake in the Hills Interfaith Food Pantry– presented by Village Administrator Gerald Sagona – The Algonquin/Lake in the Hills Interfaith Food Pantry is requesting a two year extension to their current lease which will extend the lease until October 31, 2009. A copy of the lease document was given to the Board for review. Motion was made to place this item on the Village Board Agenda.

Ordinance – 2008 Fiscal Year Budget– presented by Village Administrator Gerald Sagona – The board was given a copy of the proposed Budget Ordinance for the 2008 Fiscal Year as discussed at the two budget workshops held on November 13th and November 15th. The proposed budget was made available to the public on November 9th. The public hearing was held on Tuesday, December 11th at 7:00 p.m. Motion was made to place this item on the Village Board Agenda.

Ordinance – Establishing Chapter 27, Cable/Video Service Provider Fee, of the Municipal Code– presented by Assistant Village Administrator Shannon Andrews - A new state statute will go into effect

on January 1, 2008. The Cable/Video Service Provider Fee, Chapter 27 of the Municipal Code is being established due to the new state statute requiring municipalities to impose a fee for video services that is consistent with the fee being paid by the current cable franchise holder. The fee, which is 5% of gross revenues, will be due to the Village on a quarterly basis. The Village also has the authority to audit any fee imposed. This does not represent a tax increase, it only redefines the means that the current franchise fee is being collected.

The Video Customer Protection Law, Chapter 28 of the Municipal Code is being established to adopt the consumer protection provisions outlined in the new state statute. After January 1, 2008, the consumer protection standards will apply to all incumbent cable operators and video services holders regardless of whether they have attained authority to operate via a franchise or through the state authorization process. The Village has enforcement power, but enforcement power is also vested in the State's Attorney General. The Village is also given authority to impose certain penalties by ordinance. Motion was made to place this item on the Village Board Agenda.

Resolution – Reduction of Global Warming Pollution– presented by Assistant Village Administrator Shannon Andrews – The Resolution is in support of the U.S. Mayors Climate Protection Agreement. Motion was made to place this item on the Village Board Agenda.

Lease Agreement Extension – 290 Indian Trail – presented by Assistant Village Administrator Shannon Andrews – Mr. Gordon Price and Ms. Jamie Wessell are asking for a lease agreement extension for the rental of 290 Indian Trail, Lake in the Hills, IL. For the past year, Mr. Price and Ms. Wesell have been the existing renters of the property without incident. With the exception of updating the dates of agreement, the remaining language has not changed. The lease, which commences on December 19, 2007, is for another one year term, with termination by either party requiring 60 days written notice. The lease includes the home, attached garage and .23 acres of property. Rent is set for \$1,300 per month. Motion was made to place this item on the Village Board Agenda.

Director of Public Safety:

For Informational Purposes: The Red Light Enforcement Project is set to go live December 17, 2007.

Ordinance – Surplus Equipment – presented by Director of Public Safety James Wales - The Illinois Municipal Code requires adoption of a formal ordinance to dispose of surplus Village property. The Ordinance declares specified cellular telephone equipment, as identified in Exhibit A, as surplus property. Motion was made to place this item on the Village Board Agenda.

Community Development:

Ordinance – Amended Development Plan for the Meadows Commercial Subdivision – Dunkin Donuts – presented by Community Development Director Dan Olson - On August 23rd the Village Board approved an amended Development Plan for the Dunkin Donuts to be located in the building located on Lot 7 in The Meadows Commercial Subdivision along the west side of Randall Road. The applicant is proposing to locate a 12' x 9' walk-in freezer in an area to the west of the building. There is no room in the existing tenant space for the freezer (letter attached from the applicant describing the proposed change). The freezer will be screened by an enclosure that will have the same materials as the building. In addition, landscape plantings are proposed around the enclosure. At the November 19th Planning and Zoning Commission meeting, the Commission voted 6 to 0 (Commissioner Stroud was absent), to recommend approval of the amended plan, subject to the changing of the color of the

rooftop compressor on the freezer unit to a more earth tone color. The applicant has revised the plan to address the Commissioners' condition. Motion was made to place this item on the Village Board Agenda.

Ordinance – Amending Chapter 24, Building Code, of the Municipal Code– presented by Community Development Director Dan Olson -Trustee Harlfinger has initiated a proposed amendment to Chapter 24 “Building Code” in reference to the 2003 International Residential Code. The amendment would require a combination smoke and carbon monoxide detector wherever a smoke detector is required per the Code (section R313 is attached). A current state law requires the placement of a carbon monoxide detector within 15 feet of a bedroom. The proposed amendment would increase the placement of carbon monoxide detectors to each location that a smoke alarm is required, which would be each sleeping room and on each level of a home. The amendment would only apply to new homes and existing residences that do additions that would require the installation of smoke detectors (per Section R313). We have consulted with both the Huntley and Algonquin/Lake in the Hills Fire Protection Districts and they are in support of the amendment. The proposed amendment will enhance early detection of carbon monoxide and improve safety in our homes. If approved, these code changes will go in effect 30 days after notification to the Illinois Building Commission, pursuant to the public notification period required per the Illinois Building Commission Act. Trustee Bogdanowski asked for clarification of the combo unit. He also wondered if this is “too much government”? Trustees Mulcahy and Yensen think this is a good idea. A brief discussion took place. Motion was made to place this item on the Village Board Agenda.

Engineer:

Parks and Recreation:

Public Works:

Payment Request – Arrow Road Construction – 2007 MFT Resurfacing Project– presented by Public Works Director Fred Mullard - The 2007 MFT Road Resurfacing Project was awarded to Arrow Road Construction on May 24, 2007 for \$493,619.70. Arrow Road Construction is requesting Progress Payment 2 in the amount of \$74,126.95. The Public Works Department supports the progress payment. Payroll documentation is on file. Copies of the pay request, waivers, and recommendation were given to the Board for review and consideration. Motion was made to place this item on the Village Board Agenda.

Payment Request – Excavating Concepts – Frank Road Detention Repairs– presented by Public Works Director Fred Mullard - The Frank Road Detention Repair Project was awarded to Excavating Concepts on October 11, 2007 for \$33,807.50. Excavating Concepts is submitting a request for Progress Payment 1 (final) in the amount of \$33,807.50. There is a maintenance bond on file for \$3,380.75, which allows us to release retainage and close out the project. The Public Works Department supports the progress payment. Payroll documentation is on file. Copies of the pay request, waivers, and recommendation were given to the Board for review and consideration. Trustee Mulcahy asked for clarification as to what this project actually accomplished. Mr. Mullard mentioned that a concrete swail was put in to move the water along. Motion was made to place this item on the Village Board Agenda.

Payment Request – Lamp Incorporated – 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 management of the expansion and renovation of the Public Works facility on Haligus Road. All of the work has been completed. Lamp Inc. is submitting a request for Progress Payment 14 (final) in the amount of \$23,968.50, including release of all retainage. The Public Works Department supports the request for payment. A copy of Lamp's pay request was given to the Board for review and consideration. Motion was made to place this item on the Village Board Agenda.

Payment Request/Change Order – Berger Excavating – 2007 Drainage Project– presented by Public Works Director Fred Mullard - The 2007 Drainage Project was awarded to Berger Excavating on April 26, 2007 for \$374,724.50. Berger Excavating is submitting a request for Balancing Change Order 1 in the form of a credit in the amount of \$3,975.50 and Progress Payment 3 (final) in the amount of \$93,579.60. There is a maintenance bond on file for \$37,074.90. This allows us to release retainage and close the project. The Public Works Department supports the balancing change order and progress payment. Payroll documentation is on file. Copies of the pay request, waivers, and recommendation 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 – Patnick Construction – 2007 Water Main Replacement Project– presented by Public Works Director Fred Mullard - The 2007 Water Main Replacement Contract was awarded to Patnick Construction on March 22, 2007 for \$1,198,317.00. A previously approved change order adjusted the project cost to \$1,225,156.00. Patnick Construction is submitting a request for Balancing Change Order 2 in the form of a credit in the amount of \$23,278.00 and Progress Payment 4 (final) in the amount of \$346,781.70. There is a maintenance bond on file for \$120,187.80, which allows us 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 pay request, waivers, and recommendation 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 – V3 Construction – Sunset Park Parking Lot Project– 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 submitting a request for Balancing Change Order 4 in the form of a credit in the amount of \$2,853.58 and Progress Payment 8 (final) in the amount of \$86,633.28. There is a maintenance bond on file for \$86,918.64, which allows us to release retainage and close out the project. The Public Works Department supports the progress payment and change order. Payroll documentation is on file. Copies of the pay request, waivers, resolution, IDOT forms and recommendation were given to the Board for review and consideration. Finance Department will hold final payment until IDOT has release of the final payment. Motion was made to place this item on the Village Board Agenda.

Ordinance – Amending Chapter 45, Fee, of the Municipal Code– presented by Public Works Director Fred Mullard - The Public Works Department is proposing three amendments to the Municipal Code, Chapter 45.31, Potable Water. The first amendment reflects a 4 percent consumption fee increase. This is necessary to compensate for increased sanitary sewer rates and electrical utility rates, as well as increased costs for water treatment chemicals. The second amendment reflects a 5 percent increase in tap-in fees for water system service connections. This increase is necessary to support the Water Capital Improvement Fund for infrastructure projects which are outlined in the updated Water System Study and

Master Plan. The third amendment reflects a 3 percent increase to the water meter fee. This increase accounts for elevated costs in water meter equipment for Fiscal Year 2008. Motion was made to place this item on the Village Board Agenda.

Ordinance – Establishing Chapter 25, Construction of Utility Facilities in the Rights of Way, of the Municipal Code– presented by Public Works Director Fred Mullard - Review of the Municipal Code by the Village Attorney identified a need for changes to the Village’s regulation of utility facilities in the rights of way. A copy of the proposed, new chapter to the Code was given to the Board for review. The new chapter will replace Section 6.19 of the Code. The Village Attorney, Village Engineer, and Public Works drafted the new chapter, jointly based on a model ordinance prepared by the Illinois Municipal League. The proposed changes include:

- Detailing insurance and security requirements
- Improved requirements for traffic control
- Improved requirements for the allowable location of utilities
- Improved requirements for standards of construction and restoration
- Improved maintenance and appearance requirements
- Procedures for requesting a variance from the requirements and granting approval authority to the Public Works Director

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

Ordinance Amending Chapter 53, Appendix A, Commercial Activity Fee Schedule, of the Municipal Code– presented by Public Works Director Fred Mullard - The Lake in the Hills Airport Commercial Activity Fee Schedule was recently reviewed to ensure fees charged met airport requirements. The review resulted in a need to increase the fee. The proposed fees will result in an increase of 3 percent, rounded to the nearest dollar. These rate increases are necessary to compensate for increasing costs for the airport operations and maintenance. The proposed rates were given to the Board for review and consideration. The Ordinance establishing the new fee schedule was given to the Board for consideration. Motion was made to place this item on the Village Board Agenda.

Contract – Best Quality Cleaning, Incorporated – Facility Cleaning Services– presented by Public Works Director Fred Mullard - Proposals for the Cleaning Services Contract were opened on November 2, 2007. The six proposals received ranged from a low of \$179,960.00 from Best Quality Cleaning Inc. to a high of \$401,471.00, total for the four years. The contract is renewable each year, based upon performance. For 2008 through 2011, each year will cost \$44,990.00. Public Works recommends accepting Best Quality Cleaning’s proposal. Public Works reviewed Best Quality Cleaning’s references and confirmed that they are capable of meeting the requirements of the contract. Copies of the recommendation and minutes from the proposal opening were given to the Board for review and consideration. Several Trustees questioned the lowest bid and why they came in so low. Trustee Yensen wondered what wages the company was paying the workers. She thinks this should be considered. What is the prevailing wage? She would like to see that for Thursday’s meeting. Mr. Sagona offered to invite the company to Thursday’s board meeting to answer any questions that the Board has. Motion was made to place this item on the Village Board Agenda.

Airport – Increase Airport Ground and Facilities Lease Rates – presented by Public Works Director Fred Mullard - Current ground and facilities lease agreements state that the rates may be subject to adjustment on an annual basis by the greater of the following; (i) 10 percent over the current year’s rent,

or (ii) the current year's rent multiplied by the Consumer Price Index (CPI) for the Chicago Metropolitan

Area. These rate increases are necessary to compensate for the increased costs of airport operations and maintenance. Due to increasing costs for operation and maintenance of the airport, Public Works recommends applying a 7 percent increase, effective January 1, 2008. After applying the increase, the proposed rate was rounded to the next \$1. The current and proposed rates for each category were given to the Board for review and consideration. Motion was made to place this item on the Village Board Agenda.

Finance Director:

Ordinances – 2007 Special Service Area Tax Levies – presented by Finance Director Pete Stefan – For discussion thirteen separate ordinances for the 2007 Special Service Area (SSA) tax levies.

SSA#1 to SSA#8C and SSA#15 - As discussed during the two budget workshops, the 2007 levies for each SSA range from \$100 for SSA#4B, SSA#7, SSA#8B, and SSA#8C to \$247,000 for SSA#2. Each of these eleven Special Service Areas will have a sufficient projected fund balance as of December 31, 2008 of at least 44% of budgeted expenditures. SSA#10 - SSA#10 is for the Bank of America property located at the northeast corner of Algonquin and Randall Roads. The Ordinance Ratifying the Establishment of SSA#10 was approved in 2004. The 2007 levy for SSA#10 is the fourth levy for this SSA. The ordinance calls for a \$20,000 annual levy for fourteen years (calendar years 2004 through 2017). SSA#14 - SSA#14 is for the Life Storage property located off of Algonquin Road. The Ordinance Ratifying the Establishment of SSA#14 was approved in 2005. The 2007 levy for SSA#14 is the third levy for this SSA. The ordinance calls for a \$7,500 annual levy for ten years (calendar years 2005 through 2014). Motion was made to place this item on the Village Board Agenda.

Ordinance – 2007 Tax Levy– presented by Finance Director Pete Stefan - The 2006 equalized assessed valuation (EAV) for the Village was \$773,725,560. The projected EAV for 2007 is \$820,150,000 which is \$46,424,440 higher and represents a 6% increase. The amount determined to be levied for 2007 is \$5,151,300 which is a 5.5% increase over the 2006 tax extension of \$4,884,529.46. However, this is not projected to result in a tax increase because the estimated tax rate is actually projected to decrease from .6313 to .6281 which represents a 0.5% decrease. The estimated tax rate of .6313 for 2007 will be the fourteenth consecutive year that the tax rate has declined. Additionally, it will reflect a decrease of 36.6% in the tax rate since 1991. Since the amount determined to be levied for 2007 exceeds the levy extension for 2006 by more than 5%, the Truth in Taxation Act requires that a notice of proposed property tax increase be published no more than 14 nor less than 7 days prior to the date of a public hearing. The notice was published on November 29, 2007 for a public hearing to be held at 7:15 p.m. on December 11, 2007. The 2007 tax levy ordinance is attached along with the 2007 levy distribution, a property tax trend analysis, and justifications for each of the proposed tax levies. Motion was made to place this item on the Village Board Agenda.

Ordinances – 2007 Tax Levy Abatement– presented by Finance Director Pete Stefan – For discussion: three draft ordinances providing for: 1) the abatement of the \$510,125 levy which will be extended by the County Clerk pursuant to Ordinance Number 1999-00-30 adopted on September 23, 1999 in connection with the issuance of the \$3,500,000 General Obligation Bonds Alternate Revenue Source), Series 1999 bond issue for the construction of Village Hall; 2) the abatement of the \$34,558 levy which will be extended by the County Clerk pursuant to Ordinance Number 2004-38 adopted on May 27, 2004

in connection with the issuance of the \$905,000 General Obligation Bonds, Series 2004 bond issue for the purchase of the Susong property; and 3) the abatement of the \$576,188 levy which will be extended by the County Clerk pursuant to Ordinance Number 2006-13 adopted on March 9, 2006 in connection with the issuance of the \$5,550,000 General Obligation Bonds, Series 2006 bond issue for the Public Works facility expansion/renovation project and the water main replacement program. The Village budgeted to pay all three of these debt issues with operating revenues from the General Fund and the Water Operating & Maintenance Fund. Accordingly, abatement ordinances must be filed to prevent the extension of real estate taxes in connection with these bond issues. Motion was made to place this item on the Village Board Agenda.

Organizations and Developers:

Board of Trustees:

Trustee Harlfinger – **Planning and Zoning Commission Liaison Report** –

Trustee Huckins – **Community Advisory Council for Randall Road Liaison Report** -

Trustee Yensen – **McHenry County Transportation Liaison Report** – She attended the senior Holiday Luncheon.

Trustee Bogdanowski – **Business Relations Committee Liaison Report** – Attended the BRC Holiday Party. This was probably the best attended BRC holiday function.

Trustee Joe Murawski – **Senior Liaison Report** -

Trustee Paul Mulcahy - **Parks and Recreation Board Liaison Report** -

President:

A. Resolution Supporting the United Way of McHenry County

B. Appointment to the Business Relations Committee – Jeffrey Meyer (Thursday)

C. Appointment to the Business Relations Committee – Cindy Heidemann (Thursday)

McCog Holiday dinner on Wed., Dec. 12, 2007.

Audience Participation:

Erik Goldberg wondered exactly what the Village planned to do with the used cell phones. According to James Wales, a company that purchases the cell phones will refurbish and donate to charities.

Sympathies to Officer Ricchias' family on the loss of their child.

Adjournment: There being no further business to discuss, the Committee of the Whole meeting was adjourned at 8:25 p.m.

Submitted by,

Denise Wasserman Haugk
Village Clerk