

APPROVED MINUTES
VILLAGE OF LAKE ZURICH
Board of Trustees
70 East Main Street
ELECTRONIC ONLINE MEETING



Monday, March 1, 2021 7:00 p.m.

1. **CALL TO ORDER** by Mayor Thomas M. Poynton at 7.00pm.
2. **ROLL CALL:** Mayor Thomas Poynton, Trustee Jim Beaudoin, Trustee Mary Beth Euker, Trustee Janice Gannon, Trustee Marc Spacone, Trustee Jonathan Sprawka, Trustee Greg Weider. Also in attendance: Village Manager Ray Keller, Asst. Village Manager Roy Witherow, Village Atty. Scott Uhler, Finance Dir. Bane Thomey, Dir. of Innovation Michael Duebner, Acting Fire Chief Dave Pilgard, Police Chief Steve Husak, Dir. Of Community Development Sarosh Saher, Public Works Dir. Mike Brown, Park and Rec. Dir. Bonnie Caputo, H.R. Dir. Doug Gibson. Guests: - Perry Janke, Paper One LLC/Evermore Homes, and Matt Brolley and Russell Whitaker, Pulte Homes.
3. **PUBLIC COMMENT**
There were none.
4. **PRESIDENT'S REPORT / COMMUNITY UPDATE**
Mayor Poynton requested residents to pick up any garbage revealed by the melting snow.
5. **CONSENT AGENDA**
 - A. Approval of Minutes of the Village Board Meeting, February 16, 2021
 - B. Approval of Semi-Monthly Warrant Register Dated March 1, 2021 Totaling \$527,841.02
 - C. Illinois Department of Transportation Resolution for Motor Fuel Tax Maintenance Under the Illinois Highway Code in the Amount Not-to-Exceed \$449,680.35
Summary: The Village contracts maintenance services and material purchases each year using its Motor Fuel Tax allocation from the State of Illinois. This Resolution appropriates the funds needed in 2021 for items such as traffic signal maintenance, road signage, right-of-way landscaping, and pavement marking.
 - D. Ordinance Proposing the Establishment of a Backup Special Service Area #19 in the Village of Lake Zurich and Providing for a Public Hearing and Other Procedures in Connection Therewith for Brierwoods Estates Subdivision at 23954 Miller Road ORD. #2021-03-404
Summary: The proposed Public Hearing is for the establishment of a backup Special Service Area #19 for maintaining, repairing, reconstructing and/or replacing the stormwater management improvements and open space areas and outlots located within Brierwoods Estates subdivision. Special Service Area #19

is being setup as a backup SSA in the event the owners of residential units, the homeowner's association, or any future parties of interest in the area fail to maintain stormwater management improvements or open space areas. No levy of taxes are proposed at this time.

Atty. Uhler explained the order of the 5D Ordinance after Trustee Spacone requested clarification.

Recommended Action: A motion was made by Trustee Beaudoin, seconded by Trustee Sprawka, to approve the Consent Agenda as presented.

AYES: 6 Trustees Beaudoin, Euker, Gannon, Spacone, Sprawka, Weider.

NAYS: 0

ABSENT: 0

MOTION CARRIED.

6. **PUBLIC HEARING TO CONSIDER FORMING BACKUP SPECIAL SERVICE AREA #19 FOR MAINTENANCE OF STORMWATER MANAGEMENT IMPROVEMENTS FOR BRIERWOODS ESTATES SUBDIVISION AT 23954 MILLER ROAD**

Summary: The proposed Special Service Area will allow the Village to assess a tax, in the future and only if necessary, on the property owners of the single-family homes within Brierwoods Estates subdivision to pay for maintenance and repairs to the storm water management improvements and open space areas. This would only occur in the event the subdivision's Homeowners Association (HOA) is delinquent in fulfilling these obligations.

The intent is to provide the Village with a tool to make repairs or maintain these facilities and areas in the future if they are not functioning properly or damaged, before they cause further damage to property within the subdivision or downstream of the property. This backup SSA is required as a condition within the Development Agreement between the Village of Lake Zurich and developer, Paper One LLC doing business as Evermore Homes for the development of the property.

Recommended Action #1: A motion was made by Mayor Poynton, seconded by Trustee Euker, to open the Public Hearing regarding the proposed backup Special Service Area #19 for maintenance of stormwater improvements and open space areas for Brierwoods Estates subdivision at 23954 Miller Road.

AYES: 6 Trustees Beaudoin, Euker, Gannon, Spacone, Sprawka, Weider.

NAYS: 0

ABSENT: 0

MOTION CARRIED.

The Public Meeting opened at 7.08pm.

Dir. Of Community Development Sarosh Saher explained the proposed SSA #19.

PUBLIC COMMENT.

There were none.

Recommended Action #2: A motion was made by Mayor Poynton, seconded by Trustee Sprawka, to close the Public Hearing.

AYES: 6 Trustees Beaudoin, Euker, Gannon, Spacone, Sprawka, Weider.

NAYS: 0

ABSENT: 0

MOTION CARRIED.

Public Meeting closed at 7.11pm.

7. OLD BUSINESS

None at this time.

8. NEW BUSINESS

Utilities Services Easement and Development Agreement by and Between the Pulte Home Company, LLC and Village of Lake Zurich and Churchill Associates, Inc. for Kildeer Crossings at the Northeast Corner of Rand Road and Cuba Road in Kildeer

Summary: The Kildeer Village Board recently approved a PUD ordinance for Kildeer Crossings by Pulte Homes, a development that will yield 90 single family homes and 5.6 acres of commercial lots on the Churchill property, located at the northeast corner of Rand Road and Cuba Road in Kildeer.

Rather than work around Lake Zurich's existing water and sewer lines on the property or pursue offsite alternatives, Pulte requested connections to Lake Zurich's water and sewer systems. The Village Board provided initial guidance on this proposal during a courtesy review at their August 17, 2020 meeting.

Under this proposal, Pulte would construct new looped water mains and sewer mains through their subdivision, then dedicate the infrastructure and easements to the Lake Zurich to operate in perpetuity. The proposed 90 residences and the future commercial uses would then connect to these systems as Lake Zurich utility customers and pay nonresident user rates.

In consideration for allowing this connection to Lake Zurich's utilities and the accompanying future replacement liability, the agreement establishes the following terms:

- Pulte will pay a capital reservation fee of \$500,000 for their 90 single family lots, due at the time they close on the purchase of the Churchill property. They will also pay a total of \$956,250 in nonresident connection fees for the homes as they are permitted, with additional connection fees due from the future commercial sites. Lake Zurich agrees to not increase this fee schedule before December 31, 2025.
- Future utility customers would be billed at the nonresident user rate. The 90 dwelling units are projected to pay collectively about \$72,000 more annually than resident customers, generating an additional \$2.8 million (in 2021 dollars) over the next 40 years.
- The new looped water mains will replace Lake Zurich's 50+ year old water line that currently extends across the property. The Village will avoid a \$200,000+ water main replacement project in the near term and reduce the total length of pipe that will require future maintenance and replacement.

In addition to Pulte's contributions, the Churchill property is subject to a 2015 intergovernmental agreement between Lake Zurich and Kildeer that establishes a 50%/50% sharing of sales and municipal property taxes between the two villages. At buildout, Lake Zurich can anticipate receiving approximately \$17,000 from its half of Kildeer's municipal property taxes on the homes, plus 50% of the potential future sales and property taxes generated by the commercial lots.

The approved Kildeer Crossings development plan already incorporates the priority design criteria that Lake Zurich established early in the negotiations and are memorialized in the agreement.

The property will be developed with a 20-foot landscaped buffer around its perimeter, adjacent to the Countryside East neighborhood.

No connections or access will be provided via Old Mill Grove Road, with all access limited to Rand and Cuba Roads.

The property's stormwater management system will comply with Lake County's more stringent Bulletin 70 standards, which anticipate greater rainfalls due to climate change.

Village Manager Ray Keller introduced Matt Brolley and Russell Whitaker from Pulte Homes to explain the proposed agreement. Mayor Poynton reminded the meeting that the proposed development is in the Village of Kildeer boundary. Matt Brolley gave a PowerPoint presentation of the proposed project and Atty. Russell Whitaker, zoning attorney, added comments about the retail properties, which they will not be developing. Board members commented on the project and they included entrance off of Route 12, emergency vehicle access, stormwater on the northside bordering Windermere Road, Tree Commission chair's request of a tree survey; Mr. Brolley and Atty. Whitaker answered the comments.

Recommended Action: A motion was made by Trustee Beaudoin, seconded by Trustee Weider, to approve the Utilities Services Easement and Development Agreement by and Between the Pulte Home Company, LLC and Village of Lake Zurich and Churchill Associates, Inc. for Kildeer Crossings at the Northeast Corner of Rand Road and Cuba Road in Kildeer.

AYES: 6 Trustees Beaudoin, Euker, Gannon, Spacone, Sprawka, Weider.

NAYS: 0

ABSENT: 0

MOTION CARRIED.

9. **TRUSTEE REPORTS**

Trustee Spacone mentioned sightings of coyotes and residents should be aware of them.

10. **VILLAGE STAFF REPORT**

There were none.

11. **ADJOURNMENT**

Motion to adjourn was made by Trustee Sprawka, seconded by Trustee Euker.

AYES: 6 Trustees Beaudoin, Euker, Gannon, Spacone, Sprawka, Weider.

NAYS: 0

ABSENT: 0

MOTION CARRIED

Meeting adjourned at 7.3pm

Respectfully Submitted by:

Kathleen Johnson, Village Clerk.

Approved by:



Thomas M. Poynton, Village Mayor

3-18-2021
Date.