

VILLAGE OF LAKE ZURICH

Board of Trustees
70 East Main Street



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

ELECTRONIC ONLINE MEETING

Microsoft Teams Meeting

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AGENDA

1. CALL TO ORDER

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.

3. PUBLIC COMMENT

This is an opportunity for residents to comment briefly on matters included on the agenda and otherwise of interest to the Board of Trustees. Public Comment is limited to 30 minutes total and 5 minutes per speaker. Written testimony and comments submitted to info@lakezurich.org prior to the start of the meeting will be read into the record.

4. PRESIDENT'S REPORT / COMMUNITY UPDATE

This is an opportunity for the Mayor to report on matters of interest to the Village.

5. CONSENT AGENDA

These titles will be read by the Village Clerk and approved by a single Roll Call Vote. Any item may be pulled from the Consent Agenda for discussion by any member of the Board.

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 (Assign 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.

Recommended Action: A motion to approve the Consent Agenda as presented.

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 (Mayor Poynton)**

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 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.

Recommended Action #2: A motion to Close the Public Hearing.

7. OLD BUSINESS

None at this time.

8. NEW BUSINESS

A. 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 (Trustee Beaudoin)

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.

Recommended Action: A motion 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.

9. **TRUSTEE REPORTS**

This is an opportunity for Trustees to report on matters of interest to the Board of Trustees.

10. **VILLAGE STAFF REPORT**

This is an opportunity for the Village Manager or Department Heads to report on matters of interest to the Board of Trustees.

11. **ADJOURNMENT**

(Next regularly scheduled Village Board meeting on Monday, March 15, 2021)

The Village of Lake Zurich is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at 847.438.5141 (TDD 847.438.2349) promptly to allow the Village to make reasonable accommodations for those individuals.