

## APPROVED MINUTES

### VILLAGE OF LAKE ZURICH

Board of Trustees  
70 East Main Street



Monday, August 16, 2021 7:00 p.m.

1. CALL TO ORDER by Mayor Thomas Poynton at 7:00 pm.
2. ROLL CALL: Mayor Thomas Poynton, Trustee Dan Bobrowski, Trustee Mary Beth Euker, Trustee Janice Gannon, Trustee Marc Spacone, Trustee Jonathan Sprawka, Trustee Greg Weider. Also in attendance: Village Manager Ray Keller, Village Atty. Scott Uhler, Director Michael Duebner, Director Mike Brown, Director Doug Gibson, Deputy Village Clerk Kyle Kordell.

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

Eric Dubiel, 25 North Pleasant Road, addressed the Board on the non-sufficient fund fee approved at the August 2, 2021. Mr. Dubiel said that since Village electronic fund transfers are not in place yet, that is why he had to cancel previous checks to the Village for utility payments. Mr. Dubiel also discussed the Sunset Pavilion property at Breezewald Park rented by the Village to PB and S Investments and encouraged a future competitive bid for the operation of that property.

5. PRESIDENT'S REPORT / COMMUNITY UPDATE There was none.

6. CONSENT AGENDA

- A. Approval of Minutes of the Village Board Meeting, August 2, 2021
- B. Approval of Semi-Monthly Warrant Register Dated August 16, 2021 Totaling \$403,829.52
- C. Ordinance Pertaining to the Coronavirus Local Fiscal Recovery Fund for the Village of Lake Zurich (Assign Ord. #2021-08-428)

**Summary:** The Village is an eligible municipality for federal funds from the American Rescue Plan Act (ARPA). Funding from the U.S. Treasury Department is being provided to Lake Zurich via the Illinois Department of Commerce and Economic Opportunity (DCEO), which requires recipients of the funds to formalize conflict of interest policies and compliance with federal terms and conditions required by the ARPA. The proposed Ordinance authorizes municipal officials to execute the necessary federal documents that must be provided to the DCEO.

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

AYES: 6

NAYS: 0

ABSENT: 0

**MOTION CARRIED**

7. OLD BUSINESS - There was none.

8. NEW BUSINESS

A. **Ordinance Approving Lease Agreement for Sunset Pavilion Property at Breezewald Park, 133 North Old Rand Road (Assign Ord. #2021-08-429)**

**Summary:** PB and S Investments, LLC has been the operator of the Breezewald Park Sunset Pavilion since opening in June 2018. The company proposes a new five-year lease agreement with the Village that would be effective until December 31, 2026.

The proposed lease includes Village monthly rent of \$500 or 20% of gross sales of alcohol and 12% of gross sales of other items, whichever is *greater*, payable for months of operation only. Months of operation are May 1<sup>st</sup> through October 31<sup>st</sup>, along with operating one day in March during the annual Purple Plunge special event.

The operator proposes to fund the cost of public improvements at Breezewald Park that would also benefit the Pavilion, including a pervious stone patio at the base of the existing deck with a fire pit for guests to enjoy during colder evenings in the autumn.

Trustee Gannon asked a question about the source of fuel that was intended for the new Sunset Pavilion firepit and encouraged the use of propane fuel over wood. Trustee Gannon also asked about the availability of public access onto the Pavilion deck and new stone patio. Trustee Gannon asked about insurance coverage in the event somebody is harmed around the new firepit. Ms. Stefani Schweda-Jerard, operator of the Pavilion, was in attendance and said that PB and S Investments has commercial insurance liability coverage of \$1 million as a condition of the village lease in the event of a future injury in connection with the Pavilion.

Trustee Spacone said he also preferred a propane fuel source for the firepit.

Trustee Bobrowski asked about the insurance coverage and who has the responsibility of putting the fire pit out each night. Director Duebner clarified it was the responsibility of the Pavilion employees to put the fire pit out. Trustee Bobrowski encouraged a propane fuel source as well.

Trustee Euker voiced her support for Sunset Pavilion and asked about locking the propane tank when closed. Ms. Schweda-Jerard answered yes the propane can and will be locked each night.

Trustee Sprawka spoke about the return on investment from the original Village costs of the Pavilion and said it was a smart investment. Trustee Sprawka voiced his support for the lease expansion of the business and the larger public-private partnership.

Mayor Poynton discussed the return on investment for the Village, saying the Village's initial investment in June 2018 of \$155,000 has already returned \$133,000 as of July 2021, a strong return to the Village. Mayor Poynton gained consensus of the Board to memorialize the Board's insistence on a propane fuel source for the fire pit.

Director Duebner explained to the Board that three local businesses were respondents when the Village administrated the original request for proposals for an operator of the Pavilion in 2018. Director Duebner explained the public-private partnership has been successful and has been embraced by the community. Director Duebner said Sunset Pavilion is just one of the Village's

multiple small business tenants in the Main Street District whose leases continue to be renewed over many years without a competitive bid process, including Craving Gyros, MyFlavorItPlace, and Johnny's Shoe Repair.

**Recommended Action:** A motion was made by Trustee Weider and seconded by Trustee Spacone to approve Ordinance #2021-08-429 approving a lease agreement for Sunset Pavilion Property at Breezewald Park, 133 North Old Rand Road with the added condition that the stone patio feature with a fire pit must use a propane fuel source and not wood.

AYES: 6

NAYS: 0

ABSENT:

**MOTION CARRIED**

**9. TRUSTEE REPORTS**

Trustee Gannon inquired about the Village's lighting siren being moved and that she received an email from a resident who can no longer hear it. Mayor Poynton said the system was originally intended to be a supplemental early warning system in locations where large crowds gather. Mayor Poynton said the original installation of the lighting early warning system was a partnership between the Lake Zurich Baseball and Softball Association and was never intended to be a warning system for the entire village population but just an early warning system in public parks where large crowds gather.

**10. VILLAGE STAFF REPORTS**

**A. Monthly Data Metrics**

Deputy Clerk Kyle Kordell said that Lake Zurich's 4<sup>th</sup> National Community Survey is out now and postcards from the National Research Center should be hitting Lake Zurich mailboxes over the next few weeks with an invitation to participate in the survey online.

Participation in this survey is important as this is Lake Zurich's only statistically valid opportunity to get resident opinions on quality of life. This year's National Community Survey uses a random sampling of 3,000 Lake Zurich households to provide the most accurate picture of the community as a whole at a 95% confidence level analyzed by experts at the National Research Center.

Residents have until September 28, 2021 to take the survey and the final report should be available around Halloween. Residents who are not in the statistically valid sample size will also be able to participate in the same survey later in September via a non-statistically valid survey.

**11. EXECUTIVE SESSION called for the purpose of**

A motion was made by Trustee Sprawka and seconded by Trustee Euker to adjourn to Executive Session for the purpose of 5 ILCS 120 / 2 (c) (21) approval of executive session minutes, 5 ILCS 120 / 2 (c) (1) appointment, employment, compensation, discipline, performance or dismissal of specific employees and 5 ILCS 120 / 2 (c) (6) setting price for sale / lease of real estate. There will be no further business in Open Session at the conclusion of the Executive Session.

AYES: 6

NAYS: 0

ABSENT: 0

**MOTION CARRIED**

Meeting adjourned into Executive Session at 747 pm.

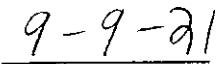
Respectfully Submitted by:

Kyle Kordell, Deputy Village Clerk

Approved by:



Thomas M. Poynton, Village Mayor



Date