

APPROVED MINUTES
VILLAGE OF LAKE ZURICH

Board of Trustees
70 East Main Street



Monday, July 1, 2024 7:00 p.m.

1. CALL TO ORDER by Mayor Thomas M. Poynton at 7:08pm.

2. ROLL CALL: Mayor Thomas Poynton, Trustee Dan Bobrowski, Trustee Mary Beth Euker, Trustee William Riley, Trustee Roger Sugrue, Trustee Marc Spacone and Trustee Greg Weider were absent and excused. Also in attendance: Village Manager Ray Kellen, Asst. Village Manager Michael Duebner, Atty. Michele Niermann, Finance Dir. Amy Sparkowski, Management Services Dir. Kyle Kordell, Police Chief Steve Husak, Dir. Of Community Development Sarosh Saher, Public Works Dir. Mike Brown.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Joshua Jevell, 1250 Eric Lane, addressed the Board on allowing backyard chickens by rescinding an old Ordinance. He listed the many benefits of raising chickens.

CONSENT AGENDA

- A. Approval of Minutes from the Village Board Meeting of June 17, 2024
- B. Approval of Semi-Monthly Warrant Register Dated July 1, 2024, Totaling \$1,054,269.37
- C. Approval of Minutes from the Village Board Executive Session on May 6, 2024
- D. Ordinance Granting a Special Use Permit for Lake County Barbell at 290 Telser Road ORD. #2024-07-574

Summary: Mr. Nicholas Nastruz, the applicant, requests approval for a Special Use Permit to operate a physical fitness facility within the industrial park for the property located at 290 Telser Road. Mr. Nastruz is the owner and operator of Lake County Barbell and has been operating at 890 South Rand Road since 2022. The applicant intends to lease the subject property to operate a private membership gym 24 hours a day, 7 days a week, with primary business hours from 7:00 am – 12:00 pm. The Planning and Zoning Commission held a public hearing on June 19, 2024, to consider this request and voted 7-0 to recommend approval.

- E. Full Release of Letter of Credit for Life Time at 400 North Rand Road

Summary: Life Time provided a guarantee of site improvements in the form of a Letter of Credit for \$2,253,438.05 as a performance and payment security for site work at its facility. This includes excavation and grading improvements, water main and sanitary sewer improvements, stormwater management

facilities, soil erosion and sediment control, and off-site improvements on Old Rand Road and Golfview Road. These improvements have been successfully completed and inspected.

F. **Resolution Approving the Sale of Property and Authorizing Execution of Sale Contract for 32 and 36 Mionske Drive in the Amount of \$87,000**
RES. #2024-07-089

Summary: Roca Builders requests to purchase 32 and 36 Mionske Drive from the Village for the purpose of building one single-family residence on each lot, to be built within two years of closing.

G. **Ordinance Amending Title 3 of Chapter 3 of the Village of Lake Zurich Municipal Code to Increase Authorized Class A-1 Full-Service Restaurant and Class-V Video Gaming Liquor Licenses for Playoffs Bar & Grill Located at 884 South Rand Road Unit H** ORD. #2024-07-575

Summary: CDT Enterprises, doing business as Playoffs Bar & Grill at 884 South Rand Road, requests full-service Class-A1 liquor and Class-V video gaming licenses for the dispensing of alcoholic beverages inside and in the patio area outside of the establishment. The restaurant is expected to be open in quarter 3 of 2024.

H. **Intergovernmental Agreement between the Lake County Stormwater Management Commission and the Village of Lake Zurich for the North Branch Buffalo Creek Improvements at Bristol Trails Park**

Summary: The Village and the Lake County SMC seek a partnership on a stormwater infrastructure project to resolve drainage and flooding-related issues impacting the areas tributary to Buffalo Creek by, among other things, applying for support via the State Department of Commerce and Economic Opportunity Stormwater Capital Improvement Program. In May 2024, Lake County SMC unanimously approved grant proceeds through this State program in the amount of \$494,000 with a Village match of \$66,337.50.

Mayor Poynton had comments on Agenda Items 5D, 5E, 5F and 5H.

On 5D, Mayor Poynton commented that the Industrial Council was opposed to health/exercise type tenants because of safety concerns but property owners are renting to those tenants.

Agenda Item 5E, letter of credit release, Lifetime Fitness met all the requirements for their building after listening to residents and the Board members.

And 5F, two more village owned properties are back on the tax rolls with this sale.

Finally on 5H, kudos were given to Dir. Brown and Public Works on saving the Village over \$500,000 for the project by getting the grant.

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

AYES: 5 Trustees Bobrowski, Euker, Riley, Sugrue, Mayor Poynton.

NAYS: 0

ABSENT: 2 Trustees Spacone, Weider.

MOTION CARRIED.

6. NEW BUSINESS

A. Waiving of the Competitive Bid Process and Approval of Agreement with Pirtano Construction for Emergency Main Street Storm Sewer Repairs in the Amount Not-to-Exceed \$174,071.19

Summary: On June 22, 2024, a storm occurred late Saturday evening into the early Sunday morning of June 23 that brought severe thunderstorms and flash flooding with the Lake Zurich rain gauge recording 3.96" of rain.

In the early morning of Sunday, June 23 2024, a section of the Village's storm sewer line backed up, causing the roadway to heave upwards. This section of storm sewer is located on West Main Street between Mionske Drive and Lake Street, adjacent to the Promenade.

Given the contributing factors of the amount of rain that fell, the duration of the event, the lake level, and the age of the infrastructure, Staff suspects the pressure from that water may have caused the pipe to fail, resulting in a collapse underneath the roadway.

In an effort to mobilize for emergency repairs to be finalized before the July 4th holiday, Staff recommends emergency approval with Pirtano Construction to replace approximately 350 feet of storm sewer in the subject area with watermain quality pipe with pressure tight seals.

Public Works Dir. Mike Brown explained what had occurred and the need for rapid emergency repairs. The road opened this afternoon after being addressed by Pirtano. Dir. Brown praised Pirtano for their speedy repair and Manhard Consulting for their assistance.

Recommended Action: A motion was made by Trustee Euker, seconded by Trustee Riley, to waive the competitive bid process and approve an agreement with Pirtano Construction for emergency Main Street storm sewer repairs in the amount not-to-exceed \$174,071.19.

AYES: 5 Trustees Bobrowski, Euker, Riley, Sugrue, Mayor Poynton.

NAYS: 0

ABSENT: 2 Trustees Spacone, Weider.

MOTION CARRIED.

7. PRESIDENT'S REPORT / COMMUNITY UPDATE

Mayor Poynton invited team members, from Justice/BLOC/Nirvana cannabis store, to address the Board on their request for a thirty-day extension for their building readiness at the former TGIF building. Their original date was July 1st, 2024. Village Manager Keller gave background history on the process over the last two and half years and he asked for feedback from the Board on the request for an extension. Ed Warpinski addressed the Board, he listed the project update, and asked for a 30 days extension and the willingness to post another bond as they double up their work schedule.

Mayor Poynton asked if there was anyone on the team who wished to address the Board. A representative of Hamilton Partners respectfully asked for an extension, and the Attorney for Nirvana stated that they are very close to finishing the interior. C.J. from High Energy Construction explained some of the delay.

Community Development Dir. Saher reported on the items needing to be addressed.

Board members gave their feedback which included loss of tax revenue for the Village, timeline of their opening, subletting part of the building to another tenant, change of owners, among other issues. The Board had concerns about the possibility of a sub-tenants. Questions were answered by the Nirvana team. There was confusion on the timeline as they will not be ready to open in 30 days. They need a Certificate of Occupation to finish the process of their full license from the State of Illinois.

8. TRUSTEE REPORTS

Trustee Sugrue stated that the communication boards are now on display at Paulus and Breezewald Parks. The Boards were designed by family and friends and help communication with people with disabilities. Funding was provided by the Special Recreation Association of Central Lake County. Trustee Sugrue thanked Park and Rec. Dir. Caputo, Public Works Jason Schuler and friends and family for their assistance on acquiring the Communication Boards.

9. VILLAGE STAFF REPORTS

Management Services Dir. Kyle Kordell reported on the Electronics Recycling event being held the week of July 9 and 10th in the Village.

10. ADJOURNMENT

Motion to adjourn the meeting was made by Trustee Sugrue, seconded by Trustee Euker.

AYES: 5 Trustees Bobrowski, Euker, Riley, Sugrue, Mayor Poynton.

NAYS: 0

ABSENT: 2 Trustees Spacone, Weider.

MOTION CARRIED.

The meeting adjourned at 8.27pm.

Respectfully submitted by:

Kathleen Johnson, Village Clerk.

Approved by:



Mayor Thomas M. Poynton.



Date.