



**MINUTES  
REGULAR VILLAGE BOARD MEETING  
Monday, August 24, 2015**

**Present:**

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|---|--|
| Mayor Brandt  | Trustee Feldman  |
| Trustee Grujanac                                      | Trustee Hancock  |
| Trustee McAllister                                    | Trustee McDonough                                      |
| Trustee Servi   | Village Clerk Mastandrea                               |
| Village Attorney Simon                                | Village Manager Burke                                  |
| Chief of Police Kinsey                                | <del>Village Treasurer/Finance Director Peterson</del> |
| Community & Economic Development<br>Director McNellis | Public Works Director Woodbury                         |
|   | Village Planner Robles                                 |

**ROLL CALL**

Mayor Brandt called the meeting to order at 7:00 p.m., and Village Clerk Mastandrea called the Roll.

**2.1 Approval of the August 10, 2015 Regular Village Board Meeting Minutes**

Trustee McDonough moved and Trustee Servi seconded the motion to approve the minutes of the Regular Village Board Meeting of August 10, 2015 as presented. The roll call vote was as follows: AYES: Trustees McDonough, Servi, McAllister, Hancock, and Grujanac. NAYS: None. ABSENT: None. ABSTAIN: Trustee Feldman. Mayor Brandt declared the motion carried.

**3.0 REPORTS OF OFFICERS**

**3.1 Mayor's Report**

Mayor Brandt congratulated Koshor Pork, Lincolnshire representatives at the recent Bannockburn barbeque challenge, who took first place for the best side dish, second place for people's choice, second place for best ribs, fourth place for briquette, and second place overall.

Mayor Brandt noted another barbeque challenge is taking place on Monday, September 7, 2015 at the Lincolnshire Swim Club. Mayor Brandt encouraged all to attend.

**3.2 Village Clerk's Report**

**3.3 Village Treasurer's Report**

**3.31 Revenues and Expenditures by Fund for the month of July, 2015**

Village Manager Burke noted the Revenues and Expenditures for the month of July are available and appear to be in order.

### 3.4 Village Manager's Report

Village Manager Burke noted a press release was provided to the Board regarding a District 103 community engagement meeting taking place Wednesday, August 26, 2015 at 7:00 p.m.

Village Manager Burke noted Stevenson High School's annual Spirit Fest is taking place on Saturday, September 12, 2015 and there will be a Fireworks display as part of the Fest.

Village Manager Burke provided an update regarding the appeal of denial of Tree Removal Permit Application for Property at 53 Wiltshire Drive brought before the Board at the August 10, 2015 Committee of the Whole Meeting. Village Manager Burke noted staff worked with the company that assessed the cavity in the tree and noted the tree has subsequently been removed.

## 4.0 PAYMENT OF BILLS

### 4.1 Bills Presented for Payment on August 24, 2015 in the amount of \$525,801.41

Trustee Hancock moved and Trustee Grujanac seconded the motion to approve the bills prelist as presented. The roll call vote was as follows: AYES: Trustees Grujanac, Servi, McDonough, McAllister, Feldman, and Hancock. NAYS: None. ABSENT: None. ABSTAIN: None. Mayor Brandt declared the motion carried.

## 5.0 CITIZENS WISHING TO ADDRESS THE BOARD (on agenda items only)

## 6.0 PETITIONS AND COMMUNICATIONS

### 6.1 Westwood Lane Watermain Replacement

Mr. Don Uteg, resident at 7 Westwood Lane provided photos of his yard, which has been disturbed over the past month, as a result of the watermain replacement project. Mr. Uteg noted his opinion was there is no sense of urgency regarding the watermain replacement at his residence and reiterated he has been getting his water from a hose for approximately four months. Mr. Uteg noted the hole that has been dug has sunk and there could be possible damage to his garage foundation. Mr. Uteg stated he is contemplating a lawsuit against the contractor or the Village. Mr. Uteg provided photos of the contractors and the hole in his yard. Mr. Uteg stated he would like answers.

Village Manager Burke provided an update to the project and stated the Village has been working with the contractor and sub-contractor. Since the time Mr. Uteg last appeared before the Village Board, new seals were re-attached to see if the cured pipe would hold water. At this time, the process failed on numerous attempts and other solutions were researched that also failed. Subsequent to the failures, the Village issued a letter to City Construction putting them on notice of intent to declare default in the contract for not meeting the contract terms. A meeting was scheduled as a result of the letter that took place the morning of August 24, 2015 with City Construction and the bond company who holds the surety for the contract. Village Manager Burke stated as a result of the meeting there is a tentative way forward which is directional drilling; and abandoning the existing watermain and cured in place pipe. Village Manager Burke stated the reason staff pursued the lined pipe was

to preserve the conservancy area and the parkway in front of the residence. Village Manager Burke provided information related to the lined pipe option; how it worked in other locations and issues the Village has had; the process going forward; the timing of obtaining required permits from the Illinois Environmental Protection Agency; required testing needed to be completed before the system is put back in service; the time frame; and updates regarding pavement in the area of construction.

Mr. Uteg stated his desire to have another contractor completing the project.

A brief conversation followed regarding the restoration of Mr. Uteg's yard. Village Manager Burke noted fill could be put into the hole in Mr. Uteg's yard since the option to directional drill a new water main going forward would not have to be installed as deep.

Trustee Feldman asked if the Village has had issues with this contractor in the past. Public Works Director Woodbury stated Michael's has not been used by the Village previously. Public Works Director Woodbury noted the contractor had been performing exceedingly well up until the issues arose with the subcontractor responsible for installation of the cured in place pipe in this location.

Public Works Director Woodbury apologized to Mr. Uteg and noted the General Contractor is the organization that hires the sub-contractor and the Village is doing what they can to resolve this issue. Public Works Director Woodbury noted the Village does not have direct legal authority over the subcontractor the General Contractor secured to perform the work related to the cured in place pipe.

Trustee Servi asked what was unique about this situation and contractor that the situation could not be resolved sooner. Village Manager Burke noted staff has had discussions to try and figure out why this process has not worked and there has been no determination as to why the situation is unique or answers as to why this has not worked since it has worked in other Villages. Concerns raised by the contractor as to why this might have happened, hold no validity in the eyes of village staff. Public Works Director Woodbury stated part of the process going forward, is to make sure materials used and the process used is acceptable, that it meets IEPA standards noting the Village would not want to come back in three months only to dig up the resident's yard again.

Village Manager Burke noted the current process is going above and beyond the scope of the project and current contract terms and staff is working with Attorney Simon to protect the Village and the resident. Public Works Director Woodbury stated as part of the process, the engineering consultant had to come up with a bid specification recognizing the work outside of the scope of the original contract. Trustee Feldman asked if the current contractor had a deadline. Village Manager Burke stated the Notice of Intent to Default has a September 4, 2015 deadline. Village Attorney Simon stated the Village is looking to reach an agreement prior to September 4, 2015 to have a holistic solution. If a holistic solution can be reached prior to September 4, 2015, staff will have them move along at a safe pace to complete the job instead of having the surety step in and find a third contractor to come in to complete the job. The ideal situation would be to have the contractor who is familiar with the job and location to come in and complete the job as quickly and

safely as possible so the Village is protected, the property is protected and the Village is not at a loss financially.

Trustee McAllister asked if there was any type of resolve for the resident other than getting their water from a hose. Village Manager Burke noted currently the services come off of the rear of the two homes. Village Manager Burke noted that installation of new service connections through the existing vegetation in between the two side yards, the trees, and out to the street is something the Village would prefer to avoid and makes this a unique situation. Village Manager Burke noted there are companies that can lay the pipe quickly but the desire to save the vegetation has been the reason other options were not pursued.

Ms. Vicky Wright, resident at 9 Westwood Lane stated her property has been affected by the project as well; noting her disappointed for very low water pressure, a backhoe in between lots, and mounds of dirt allowing water to back up against their foundation. Ms. Wright asked how this area could have been lined and stated the water main in this location has a dog leg bend in it. Ms. Wright expressed concern that the directional drilling options would require digging a second hole in the conservancy area to be able to accommodate the dog leg bend. Public Works Director Woodbury stated Westwood would need to be reopened and a pit would be dug in the street, but there should be no need to dig a second pit in the conservancy area.

Mayor Brandt offered condolences to the residents and informed Ms. Wright, two weeks ago, the Board gave authorization for staff to do whatever it took to get this situation resolved. The consensus was to move forward with an option to try and protect the homes and vegetation. Mayor Brandt stated unfortunately, aspects of the situation are beyond our control. The Village is doing what they can to resolve the issue, doing the job right without sparing expenses.

## **7.0 CONSENT AGENDA**

### **7.1 Approval of Bid Rejection for Route 22 Median Landscaping Project from Copenhaver Construction Company, Gilberts IL (Village of Lincolnshire)**

Trustee McAllister moved and Trustee Servi seconded the motion to approve the Consent Agenda. The roll call vote was as follows: AYES: Trustees Grujanac, Hancock, McDonough, McAllister, Feldman and Servi. NAYS: None. ABSENT: None. ABSTAIN: None. The Mayor declared the motion carried.

## **8.0 ITEMS OF GENERAL BUSINESS**

### **8.1 Planning, Zoning & Land Use**

**8.11 Approval of an Ordinance amending Ordinance No. 03-1861-38, which authorized an Annexation Agreement for the Sedgebrook Continuing Care Retirement Community, as further amended by Ord. No. 14-3321-47, to permit the development of Lot 2 for a proposed 88-unit attached single-family residential townhome community (Pulte Homes)**

**8.12 Approval of an Ordinance amending Ordinance No. 03-1864-41 which established a Special Use for a Planned Unit Development (PUD) for a Continuing Care Retirement Community (CCRC), as further amended by**

**Ord. No. 04-1899-15, 04-1905-21, and 14-3322-48, to remove Lot 2 from development restrictions related to the Sedgebrook CCRC, and granting a new Special Use for a Planned Unit Development, and approval of a Preliminary Development Plan for an 88-unit attached single-family residential townhome community (Pulte Homes)**

Mayor Brandt opened up items 8.11 and 8.12 together.

Village Planner Robles provided a brief summary regarding the proposed Ordinances requested by Pulte Homes. One of the approvals Pulte is seeking is a preliminary planned unit development which would only approve preliminary concepts and designs of the proposed development. Final plans would return to the Village Board for review at a later date. Village Planner Robles noted the preliminary site plan and amendment of the Annexation Agreement will be presented by the petitioner. Village Planner Robles noted changes to proposed parkland donations based on unit count reductions.

Mayor Brandt asked if there was an agreement worked out with Pulte and KZF regarding improvements to Rivershire Road. Village Planner Robles noted the Pulte proposal would improve Rivershire Road to Village Road cross section to their eastern boundary line, per Village Code. Staff has had several conversations with KZF Stack, LLC informing them Village staff will request continuing the road improvements to Riverside Road where Pulte left off. A discussion followed regarding Pulte improving the intersection and recapture.

Trustee Hancock asked about the status of the requested sidewalk improvements along the Rivershire development to the north. Village Planner Robles noted there were discussions regarding installing sidewalks along the Rivershire community but this is not in the proposal tonight and Pulte would provide additional information regarding the status.

Mr. Mark Mastrorocco, representing Pulte Homes provided a presentation and summary regarding the proposed ordinances and annexation previously brought before the Board relative to the proposed Pulte Homes preliminary development plan for an 88-unit attached single-family residential townhome community.

Mr. Chuck Hanlon with WBK Associates, Land Planner for the proposed project provided a summary of the land plan previously presented to the Board. Mr. Hanlon noted a trail/sidewalk would be extended to Audubon so Sedgebrook residents can use it. The remaining property where sidewalk was requested, to connect to Rivershire, has a limited public right of way. Mr. Hanlon noted if it was worked out with IDOT to extend the sidewalk further to Rivershire, the sidewalk would be against the curb due to existing vegetation and the property being so close to Milwaukee Avenue. Mr. Hanlon explained that the various factors regarding working with IDOT, Rivershire homeowner's association, as well as the close proximity of any planned sidewalk to Milwaukee Avenue makes this a difficult issue to address and for Pulte to commit to solving.

Mr. Greg Segan, Landscape Architect for Pulte Homes provided a brief presentation of the landscape plan and park sites related to the proposed project.

Mr. Mastrorocco provided a presentation showing sample building elevations, plans and architecture of the proposed preliminary development plan.

Mr. Mastrorocco provided a summary of the school district impacts.

Trustee Feldman noted it was her opinion Pulte addressed all changes requested by the Board and is in favor of the proposed project.

Trustee Hancock asked if Pulte would be willing to add language in the Association language preventing the possibility of rentals. Mr. Mastrorocco stated he thought this type of language would diminish the value of the buyer groups targeted.

Trustee McAllister moved and Trustee Feldman seconded the motion to approve an Ordinance amending Ordinance No. 03-1861-38, which authorized an Annexation Agreement for the Sedgebrook Continuing Care Retirement Community, as further amended by Ord. No. 14-3321-47, to permit the development of Lot 2 for a proposed 88-unit attached single-family residential townhome community. The roll call vote was as follows: AYES: Trustees McAllister, Feldman, Grujanac and Hancock. NAYS: Trustees McDonough, Servi, and Mayor Brandt. ABSENT: None. ABSTAIN: None. The Mayor declared the motion failed since a super majority of the Village Board is required to approve an amendment to the annexation agreement.

Mayor Brandt asked the Trustees who voted Nay to give insight to Pulte Homes as to why. Trustee McDonough stated this project has been in process for a year with many different issues noting Pulte did a great job of addressing the issues brought up by the Board and issues with the school districts but does not see the project as favorable for Lincolnshire. Trustee Servi stated his issue continues to be density. Mayor Brandt stated she is on the fence but had issues with the road improvements not being addressed and still has issues with density. Trustee Feldman noted concern regarding school issue but thought the economic impact would have been favorable overall.

Mr. Steve Bauer, attorney with Meltzer, Purtill & Stelle LLC representing Pulte noted the Nay vote regarding the Annexation Agreement prevents Pulte from moving forward with item 8.12 and asked the Board to table the item in order for Pulte to be able to further modify the plan and bring it back to the Board for possible approval in the future. Village Attorney Simon clarified Pulte would not want a vote on 8.12 at this time and noted there is nothing in the code to prohibit Pulte from bringing an amendment to the Annexation Agreement back to the Board.

Mayor Brandt noted the Board would be open to Pulte coming back and presenting changes.

Mr. Steve Bauer requested item 8.12 be tabled so there would not to be a motion or a vote.

Trustee Grujanac moved and Trustee Hancock seconded the motion to table an Ordinance amending Ordinance No. 03-1864-41 which established a Special Use for a Planned Unit Development (PUD) for a Continuing Care Retirement Community (CCRC), as further amended by Ord. No. 04-1899-15, 04-1905-21, and 14-3322-48, to remove Lot 2 from development restrictions related to the Sedgebrook CCRC, and granting a new Special Use for a Planned Unit Development, and approval of a Preliminary Development Plan for an 88-unit attached single-family residential townhome community to an undetermined date. The roll call vote was as follows: AYES: Trustees Grujanac, Hancock, McDonough, McAllister, Feldman and Servi. NAYS: None. ABSENT: None. ABSTAIN: None. The Mayor declared the motion carried.

8.2 Finance and Administration

8.3 Public Works

8.4 Police

8.5 Parks and Recreation

8.6 Judiciary and Personnel

**9.0 REPORTS OF SPECIAL COMMITTEES**

**10.0 UNFINISHED BUSINESS**

**11.0 NEW BUSINESS**

**12.0 EXECUTIVE SESSION**

**13.0 ADJOURNMENT**

Trustee McDonough moved and Trustee Grujanac seconded the motion to adjourn. The voice vote was unanimous and Mayor Brandt declared the meeting adjourned at 8:17 p.m.

Respectfully submitted,  
**VILLAGE OF LINCOLNSHIRE**

Barbara Mastandrea  
Village Clerk