



STORMWATER MANAGEMENT COMMISSION

March 17, 2020

TO: Lake County Stormwater Management Commission

FROM: Mike Warner, Executive Director
Juli Crane, Principal Wetland Specialist

RE: Village of Lake Zurich—Kildeer Creek Restoration Project—WMB & STOCIP Amended IGA

ACTION REQUESTED: APPROVAL of STOCIP FUNDING and APPROVAL of REVISED PROJECT AGREEMENT (Contract Value = \$183,270)

SMC staff recommends approval of Stormwater Capital Improvement Program (STOCIP) funding in the amount of \$183,270 for the Village of Lake Zurich's Kildeer Creek Restoration Project. The SMC scored the project and determined it exceeded the minimum required score. The addition of STOCIP funding expands the original scope of work under the WMB grant to include infrastructure improvements to the adjacent Cedar Creek Estates subdivision stormwater detention basin, including flared end section repair, overflow weir reestablishment, and shoreline stabilization. This basin embankment is susceptible to failure, which would create an impoundment breach situation to Quentin Road and downstream through residential subdivisions of the Village of Kildeer.

SMC also requests approval of the amended Intergovernmental Agreement with the Village of Lake Zurich for a total not-to-exceed amount of \$183,270 (i.e., \$30,000 WMB funding and \$153,270 STOCIP funding). The following table summarizes the original and current proposed costs and funding sources:

Table 1. Project Cost-Share Summary

Project	Total Costs	Lake Zurich/ HOA Costs	WMB Funding*	STOCIP Funding**
Original	\$ 337,500	\$ 307,500	\$ 30,000	\$ 0.00
Current	\$ 530,270	\$ 347,000	\$ 30,000	\$ 153,270
<i>* The original VOLZ Kildeer Creek project was approved by the Watershed Management Board (12/05/18) and Lake County Stormwater Management Commission (01/17/2019).</i>				
<i>** STOCIP funding cannot be used towards easements, deeds, plat restrictions or requirements as part of a regulatory permit.</i>				

Attached is the amended Agreement for the project. If you should have any questions about this project, please feel free to contact Juli Crane at 847-377-7708 or jcrane@lakecountyil.gov.

Attachment: WMB&STOCIP agreement

AMENDED INTERGOVERNMENTAL AGREEMENT
between the
LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
and the
VILLAGE OF LAKE ZURICH
for the
Kildeer Creek Restoration Project

This is an AGREEMENT, by and between the LAKE COUNTY STORMWATER MANAGEMENT COMMISSION, 500 W. Winchester Rd., Libertyville, Illinois 60048 (hereinafter called SMC) and the VILLAGE OF LAKE ZURICH, c/o Michael Brown, 505 Telser Road, Lake Zurich, Illinois 60047 (hereinafter called VILLAGE).

PROJECT DESCRIPTION

The Village of Lake Zurich has investigated and intends to incorporate a series of recommended improvements to stabilize a 1,500 linear foot section of Kildeer Creek, restore the adjacent streambank, and enhance the remaining adjacent buffer zones. The PROJECT area begins at Illinois Route 22 and extends southeast to Quentin Road. The work will involve the following (per SMC SESC-19-085):

1. Directly stabilizing the creek channel and supporting banks with flow correction structures and cross vanes with appropriate stream bedding substrate.
2. Providing an anchored, bio-engineered streambank toe where needed.
3. Clearing overgrown, invasive vegetation, removing the bulk of the invasive overburden, and re-establishing a native herbaceous understory plant zone of prairie and stream-edge species.
4. Removing living and downed invasive wood debris that has accumulated and reduced flood conveyance.
5. Repairing the flared end section, reestablishing the overflow weir elevation, and installing shoreline treatment around the existing Cedar Creek Estates subdivision stormwater detention basin.

The VILLAGE will implement the project with assistance from Manhard Consulting. The PROJECT will be accomplished through administration by the Village, bidding to a qualified contractor, and coordination with the adjacent Coventry Creek homeowner's association (HOA) and the Cummings property owner (owner of agricultural property to the north). This work is hereinafter called the PROJECT and has two grant funding sources: the Watershed Management Board (WMB) grant and the Stormwater Capital Improvement Project (STOCIP).

SCOPE OF WORK

1. The VILLAGE will complete the PROJECT as described above and within the Scope of Work.

2. The VILLAGE will hire all consultants and/or contractors and procure all materials and/or equipment necessary to complete the PROJECT.
3. SMC will provide limited technical assistance to the VILLAGE during implementation of the PROJECT. This may include review of design documents, permit applications, and/or the methods and materials that will be used during construction.
4. The VILLAGE will obtain all land rights necessary to complete the PROJECT and maintain the constructed drainage improvements thereafter, including, if necessary, owner-authorized land access and/or land rights or evidence of possessory interest, in the form of previously recorded documentation or written authorization, from all property owners affected. Land rights for each parcel shall include:
 - a) A recordable permanent easement for the PROJECT land area on which the stormwater infrastructure (i.e., drainageway, storage area) is located.
 - b) If necessary, a temporary construction easement (or other right of access) to access the construction site (permanent easement premises).

Documentation or authorization may include recorded permanent easements; land covenants, deed-restricted areas, or prescriptive easement (with the owner's authorization or evidence of possessory interest); or other owner-approved and SMC-accepted legal instruments (e.g., owner-executed license agreement).

Work within public road rights-of-way shall not be performed without appropriate permits or authorization from the jurisdictional road authority.

Evidence of such land rights shall be provided to SMC *prior to construction*. SMC staff may assist in drawing the required documents obtained from the record Owner(s)

5. The VILLAGE will obtain all permits and conduct all consultations necessary to complete the PROJECT, including, but not limited to, if necessary, a wetland permit from the US Army Corps of Engineers (USACE), a Watershed Development Permit from SMC or, if applicable, the appropriate certified community, a construction stormwater permit from the Illinois Environmental Protection Agency (IEPA), and a consultation with the Illinois Department of Natural Resources (IDNR) regarding state-listed threatened and endangered species. Evidence of such permits and consultations shall be provided to SMC *prior to construction*. Please note that all permit fees are the responsibility of VILLAGE and are not reimbursable under this AGREEMENT; however, such permit fees may count toward VILLAGE's share of the total PROJECT cost.
6. During the PROJECT, VILLAGE will prepare and submit to SMC a brief one- to two-page written update report and, upon completion of the PROJECT, a brief one- to two-

page written final report. Photographic documentation of before, during, and after construction must be included.

SCHEDULE

1. The VILLAGE shall submit a written update report on the PROJECT to SMC on or before July 31, 2020.
2. The VILLAGE shall complete the PROJECT on or before November 30, 2020. If necessary, an extension may be requested in writing by VILLAGE prior to such date.
3. The VILLAGE shall submit a written final report on the PROJECT to SMC on or before November 30, 2020. If necessary, an extension may be requested in writing by VILLAGE prior to such date.
4. The VILLAGE shall submit a written request for reimbursement of eligible PROJECT expenses to SMC on or before November 30, 2020. If necessary, an extension may be requested in writing by VILLAGE prior to such date. Requests for reimbursement submitted after such date, unless an extension has been granted by SMC, will not be honored.

COMPENSATION

1. The total cost of the PROJECT is approximately \$520,500.
2. SMC funding shall not exceed \$173,500 for eligible PROJECT expenditures made after January 17, 2019. See **Table 1** for a PROJECT cost-share summary breakdown.

Table 1. PROJECT Cost-Share Summary.

Project	Total Costs	Lake Zurich/ HOA Costs	WMB Funding*	STOCIP Funding**
Original	\$ 337,500	\$ 307,500	\$ 30,000	\$ 0.00
Current	\$ 520,500	\$ 307,000	\$ 30,000	\$ 143,500
* The original VOLZ Kildeer Creek project was approved by the Watershed Management Board (12/05/18) and Lake County Stormwater Management Commission (01/17/2019).				
** STOCIP funding cannot be used towards easements, deeds, plat restrictions or requirements as part of a regulatory permit.				

3. The VILLAGE will provide 30 in-kind hours for the project to coordinate with local residents and provide project education and outreach.
4. Payment of reimbursable expenditures shall become due and payable by SMC after successful completion of the PROJECT and the receipt of a written request for reimbursement from VILLAGE for the requested reimbursement amount, complete with

adequate documentation of the PROJECT expenditures (i.e., invoices, and proof of payment), including in-kind services.

TERMS AND CONDITIONS

1. The terms of this AGREEMENT are valid until November 30, 2020.
2. Either party may terminate this AGREEMENT upon thirty days' written notice to the other party. In the event of such termination, SMC shall reimburse VILLAGE for 50 percent of eligible PROJECT expenditures made up to the date of termination, up to a maximum of \$173,500.
3. All adjustments, additions, and/or deletions to this AGREEMENT, including changes to the PROJECT description and/or scope of work, are subject to the written approval of both parties.
4. The VILLAGE will include in any publications created for general external circulation, including brochures, newsletters, and website and presentation materials), the following phrase: *"Funding for this project was provided in part by the Lake County Stormwater Management Commission through a Watershed Management Board Grant and Stormwater Capital Improvement Project."*
5. This AGREEMENT shall be governed by and construed according to the laws of the State of Illinois.
6. This AGREEMENT supersedes all other agreements, oral or written, between the parties hereto with respect to the subject matter hereof.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed, as evidenced by the signatures of their duly authorized representative as affixed below.

**LAKE COUNTY STORMWATER
MANAGEMENT COMMISSION:**

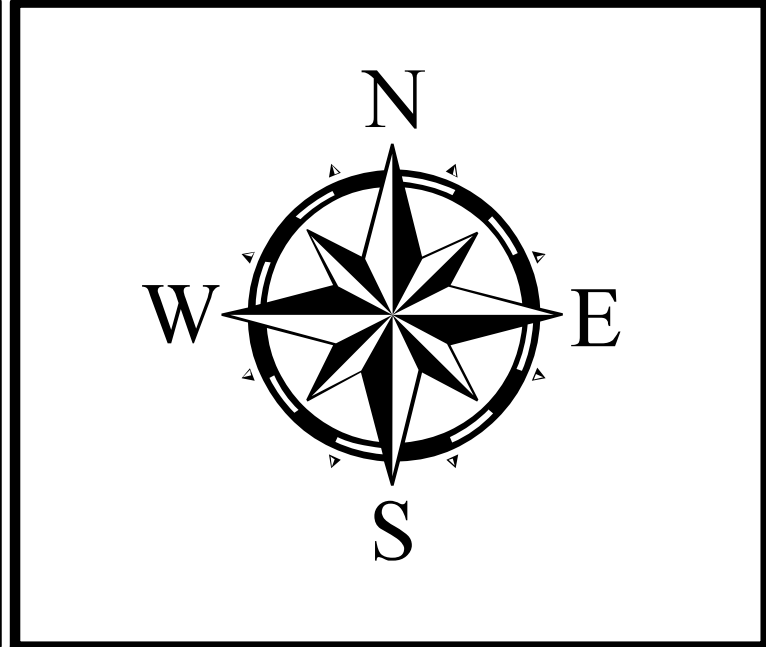
VILLAGE OF LAKE ZURICH:

Michael D. Warner
Executive Director

Michael Brown
Director of Public Works

Date: _____

Date: _____



VILLAGE OF LAKE ZURICH KILDEER CREEK RESTORATION

Legend

Stone Toe Bio-Engineering Riffles

Wetland Including Buffer

MAP DISCLAIMER

This map prepared by the Village of Lake Zurich Engineering Department is not a legally recorded map or engineering survey and is not intended to be used as such. The maps and documents are created as part of a Geographic Information System (GIS) that compiles records, information, and data from various Village, County, State and Federal sources. While the Village GIS staff makes every effort to portray accurate information, this map is only as accurate as the source of such maps and related databases, and may contain errors. Additional sources of information such as site-specific field surveys or engineering as-built plans should be consulted in order to determine actual conditions prior to any engineering design. This map is distributed "as-is" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use.

THE VILLAGE OF LAKE ZURICH SHALL NOT BE LIABLE FOR ANY DAMAGES OR CLAIMS THAT ARISE OUT OF THE USE OF THIS MAP, OR ANY RELATED DOCUMENTS AND DATA PROVIDED.

If errors, omissions, or discrepancies are found please contact the Village of Lake Zurich Public Works Department at (847)540-1696.