

**Winnetka Village Council**  
**RESCHEDULED REGULAR MEETING**  
**Village Hall**  
510 Green Bay Road  
Tuesday, January 8, 2013  
7:30 p.m.

Emails regarding any agenda item are welcomed. Please email [contactcouncil@winnetka.org](mailto:contactcouncil@winnetka.org), and your email will be relayed to the Council members. Emails for the Tuesday Council meeting must be received by Monday at 4 p.m. Any email may be subject to disclosure under the Freedom of Information Act.

**AGENDA**

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Quorum
  - a) January 15, 2013 Regular Meeting
  - b) February 5, 2013 Regular Meeting
  - c) February 6, 2013 Budget Meeting
- 4) Approval of Agenda
- 5) Consent Agenda
  - a) Approval of Village Council Minutes
    - i) December 4, 2012 Regular Meeting.....3
    - ii) December 11, 2012 Study Session.....8
  - b) Approval of Warrant Lists 1777, 1778, 1779, and 1780 .....13
- 6) Stormwater Report: Next stormwater report will be at the January 15 Regular Meeting.
- 7) Ordinances and Resolutions
  - a) Ordinance MC-1-2013: Amending WVC Section 2.04.020 – Village Council Meeting Times and Location – Introduction.....14
- 8) Public Comment
- 9) Old Business: None.
- 10) New Business

- 11) Appointments
- 12) Reports
- 13) Executive Session
- 14) Adjournment

### **NOTICE**

All agenda materials are available at [villageofwinnetka.org](http://villageofwinnetka.org) (*Council > Current Agenda*); the Reference Desk at the Winnetka Library; or in the Manager's Office at Village Hall (2<sup>nd</sup> floor).

Broadcasts of the Village Council meetings are televised on Channel 10 and AT&T Uverse Channel 99 every night at 7 PM. Webcasts of the meeting may also be viewed on the Internet via a link on the Village's web site: [villageofwinnetka.org](http://villageofwinnetka.org)

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Megan Pierce, at 510 Green Bay Road, Winnetka, Illinois 60093, 847.716.3543; T.D.D. 847.501.6041.

**MINUTES  
WINNETKA VILLAGE COUNCIL  
REGULAR MEETING  
December 4, 2012**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in Village Hall on Tuesday, December 4, at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:32 p.m. Present: Trustees Arthur Braun, Jack Buck, Patrick Corrigan, Richard Kates, Stuart McCrary and Jennifer Spinney. Absent: None. Also present: Village Manager Robert Bahan, Village Attorney Katherine Janega, Finance Director Ed McKee, Assistant Finance Director Hanna Sullivan, Police Chief Patrick Kreis, Public Works Director Steve Saunders, Director of Water & Electric Brian Keys, Assistant to the Village Manager Megan Pierce, and approximately 5 persons in the audience.
- 2) Pledge of Allegiance. President Tucker led the group in the Pledge of Allegiance.
- 3) Quorum.
  - a) December 11, 2012 Study Session. All of the Council members present indicated that they expected to attend.
  - b) December 18, 2012 Regular Meeting. All of the Council members present indicated that they expected to attend.
  - c) January 8, 2013 Rescheduled Regular Meeting and Study Session. All of the Council members present, with the exception of Trustee Corrigan, indicated that they expected to attend.
- 4) Approval of the Agenda. President Tucker announced that Item 5(c), Village Council Meeting Schedule, had been removed from the consent agenda for discussion under New Business. Trustee Braun, seconded by Trustee Spinney, moved to approve the Agenda as amended. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.
- 5) Consent Agenda
  - a) Village Council Minutes.
    - i) November 13, 2012 Study Session.
    - ii) November 20, 2012 Regular Meeting.
  - b) Warrant Lists Nos. 1775 and 1776. Approving Warrant List No. 1775 in the amount of \$821,586.29, and Warrant List No. 1776 in the amount of \$199,672.01.
  - c) Village Council Meeting Schedule for 2013. This item was removed from the Consent Agenda and discussed at New Business, Item 10(c).
  - d) Multi-Purpose Refuse Scooter Vehicle Purchase. Approving the waiver of all previous bids and awarding a purchase order to EKA, Inc., of Stone Mountain, GA, for the

purchase of a Cushman Turf-Truckster multi-purpose vehicle for \$27,802, as stipulated in GSA contract #GS07F-0013M.

- e) Switchgear Bids. Authorizing the Village Manager to issue a purchase order to S&C Electric Company in the amount of \$36,770 for the purchase of two pieces of switchgear in accordance with Bid #12-023.
- f) Change Orders for Transformers (Wesco). Authorizing the Village Manager to award a change order to Wesco in the amount of \$26,496 for the purchase of five single-phase transformers and one three-phase transformer at the unit prices bid, subject to the terms in Bid #12-003.
- g) Resolution R-34-2012: Trade-in of Surplus Police Department Vehicles – Adoption. Adopting a resolution declaring vehicles PD 440 and PD 444 to be surplus property, and ratifying the application of their trade-in values to offset the purchase price of a previously approved of a new police vehicle.
- h) Ordinance MC-9-2012: Passage and Publication of Ordinances – Adoption. Adopting an Ordinance amending Chapters 2.04 and 2.15 of the Winnetka Village Code as they pertain to the passage and publication of ordinances.

Trustee Braun, seconded by Trustee Spinney, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

6) Stormwater Update. No report.

7) Ordinances and Resolutions.

- a) Ordinance M-18-2012: 2012 Property Tax Levy – Adoption. President Tucker said the property tax levy ordinances had been discussed at three prior meetings, and called for any final questions.

Trustee Kates made the following comments about pension funding: (i) the amortization period is a recommendation from the State, not the actuaries; (ii) the 10-year net earnings in Winnetka were 5.6% and 6.1% in Glencoe; and (iii) Glencoe funds some of its pension obligation with other sources in addition to property tax revenue.

There being no further comments, Trustee Braun, seconded by Trustee McCrary, moved to adopt Ordinance M-18-2012, levying property taxes for 2012. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

- b) Ordinance M-19-2012: 2012 Property Tax Abatement – Adoption.

There being no questions or comments, Trustee Kates, seconded by Trustee McCrary, moved to adopt Ordinance M-19-2012, abating the tax levy pertaining to the 2003 General Obligation bonds. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

c) Ordinance M-20-2012: SSA No. 3 Property Tax Levy – Adoption.

There being no comments or questions, Trustee Braun, seconded by Trustee McCrary, moved to adopt Ordinance M-20-2012, levying property taxes for SSA No. 3. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

d) Ordinance M-21-2012: SSA No. 4 Property Tax Levy – Adoption.

There being no questions or comments, Trustee McCrary, seconded by Trustee Braun, moved to adopt Ordinance M-21-2012, levying property taxes for SSA No. 4. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

e) Ordinance M-22-2012: SSA No. 5 Property Tax Levy – Adoption.

There being no questions or comments, Trustee Braun, seconded by Trustee McCrary, moved to adopt Ordinance M-22-2012, levying property taxes for SSA No. 5. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

f) Resolution R-35-2012: Public Safety Employee Pension Reform – Adoption.

President Tucker said continually rising public safety pension costs create an unsustainable burden on municipal budgets. She explained that the subject Resolution calls pension reforms that have been recommended by the Pension Fairness for Illinois Communities Coalition (PFICC), a coalition of Illinois municipalities, businesses and government organizations.

Trustee Kates, seconded by Trustee Braun, moved to adopt Resolution R-35-2012 urging the Governor and the Illinois Legislature to adopt public safety employee pension reform to mitigate the State-wide pension crisis. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

8) Public Comment and Questions. Jeffrey Liss, 1364 Edgewood, applauded the pension resolution and suggested that the Council request State elected officials and the Coalition partners to pledge support for the Resolution’s five recommendations, so they are on record as to their stance.

9) Old Business. None.

10) New Business.

a) SCADA Bids, Water Plant. Mr. Keys reviewed the two responses to the RFP that was issued for replacement of the Water Plant’s SCADA master station. He explained concerns about one of the respondents, QEI, with regard to tech support and past performance, and said using the other respondent, Survalent Technology, would ensure a better transition and would also help to interface with the Electric Plant, which also uses Survalent Technology.

After the Council asked a few brief questions, Trustee Braun, seconded by Trustee McCrary, moved to authorize the Village Manager to issue a purchase order to Survalent Technology in an amount not to exceed \$84,632.50 for the Water Plant SCADA master station and extended software warranty. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

- b) New Financial Software. Deputy Finance Director Hanna Sullivan explained that the Finance Department’s current software is a mainframe DOS-based system that was installed in 1986. She noted that the system can no longer perform Finance Department processes and does not interface with any other department software, resulting in duplicate entries of information in several systems. She added that the system’s capability to run reports is very limited, and that it cannot accommodate a calendar fiscal year, which the Village will transition to in 2013.

Ms. Sullivan reported that the goals of the new system include: (i) providing an integrated system with a flexible platform that can adapt to the Village’s unique processes; (ii) improving information and transparency for residents, including online service capabilities; (iii) increasing efficiency by streamlining some processes and by decreasing redundancy and manual workflow; (iv) facilitating better analysis, projections and financial reporting; (v) improving the budget process; and (vi) allowing for the transition to a calendar fiscal year.

Ms. Sullivan described the process for vetting the proposals received in response to the RFP, which included: (i) one-day software demonstrations; (ii) obtaining feedback from other communities who used the software; and (iii) a consult with the Village’s auditors. She said the feedback on New World software, the vendor Staff is recommending, was positive, especially in the area of technical support, and that the Village’s auditors have found New World easier to implement and use. She added that New World has an Illinois user group that Staff felt would be very helpful in implementation and future support.

Ms. Sullivan said Staff recommends selecting New World Systems for the new software, and purchasing the associated hardware through GSA, with the goal of beginning to implement the new software in 2013. She explained that the General Ledger and Budgeting modules would be installed first, followed by Payroll, Human Resources, Utility Billing and Community Development modules. She added that implementation is expected to take two years, since it is necessary to convert historical data, simultaneously run two software programs during the testing phases, and train staff to use the new software.

After a brief Council discussion, Trustee Braun, seconded by Trustee Buck, moved to authorize the Village Manager to enter into a contract with New World Systems for new software and to purchase associated hardware through GSA. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

- c) Village Council Meeting Schedule for 2013. Attorney Janega reviewed the proposed 2013 Council meeting schedule. The Council reached consensus to adopt the meeting schedule as proposed. After a brief discussion, the Council also directed Attorney Janega

to draft a Code amendment that will change the Council meeting start time to 7:00 pm, in order to finish the meetings at an earlier time out of consideration for those who need to be up early on weekday mornings.

Trustee Braun, seconded by Trustee McCrary, moved to approve the 2013 Meeting Schedule. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

11) Appointments.

- a) President Tucker announced the appointment of Paul Konstant to the Design Review Board for a full term, effective immediately. Trustee Spinney, seconded by Trustee Braun, moved to approve the appointment. By voice vote, the motion carried.

12) Reports

- a) Village President. No report.
- b) Trustees.
  - i) Trustee McCrary had a question about the leaf pickup program.
  - ii) Trustee Spinney encouraged the Council and residents to shop Winnetka over the upcoming Winnetka Holiday Sales in all three business districts.
  - iii) Trustee Braun recommended that residents water their trees to protect them from the draught.
- c) Attorney. No report.
- d) Manager. No report.

12) Executive Session. None.

- 13) Adjournment. Trustee Braun, seconded by Trustee Spinney, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 8:46 p.m.

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Recording Secretary

## MINUTES

### WINNETKA VILLAGE COUNCIL STUDY SESSION

December 11, 2012

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in Village Hall on Tuesday, December 11, 2012 at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:35 p.m. Present: Trustees Arthur Braun, Stuart McCrary, Jack Buck, Patrick Corrigan, Jennifer Spinney, and Richard Kates. Also present: Village Manager Robert Bahan, Village Attorney Katherine Janega, Public Works Director/Village Engineer Steven Saunders, Finance Director Ed McKee, Assistant to the Village Manager Megan Pierce, and approximately nine persons in the audience.
- 2) U.S. Cellular Cell Site Agreements. Village Attorney Katherine Janega requested policy direction from the Village Council regarding U.S. Cellular's request to reduce the term of its cell site license agreement from a 10-year term ending in 2017 to a 7-year term ending in 2014. She explained that the Village and U.S. Cellular are currently operating under an agreement in principle with U.S. Cellular, based on the Council's approved terms, but that, while awaiting U.S. Cellular's signature of the final agreement, the Village was notified that Nextel intends to buy U.S. Cellular's service territory and customer base, but not the company's equipment. The anticipated closing is in 2013, assuming U.S. Cellular does not wish to sign a 10-year agreement that would take them into 2017 when they anticipate approval of the sale by the Federal Communications Commission in 2013.

Attorney Janega explained that Staff was authorized to negotiate agreements substantially in the form originally presented to the Council, and that she felt that staff should not accept a term under 10 years without the Council's consent.

Responding to questions from the Council, Attorney Janega explained that the purpose of the continued contract is to capture additional revenue and that, if the sale of U.S. Cellular to Nextel does not proceed, the U.S. Cellular agreement with the Village would remain in place and there would be an option to renew for 1-year periods through the original final termination date of May 1, 2020. She noted that the draft agreement does not allow for additional equipment, and that Nextel would be required to remove all of U.S. Cellular's equipment upon termination of the U.S. Cellular agreement with the Village. She added that the Nextel is awaiting FCC approval of the acquisition and that, if it proceeds as anticipated, U.S. Cellular would still be required to give a 12-month written notice of termination.

It was the sense of the Council that staff could proceed to agree to a shorter initial term, ending March 31, 2014, with optional one-year extensions to end no later than May 1, 2020.

- 3) Stormwater Master Plan- Drainage Study of Six Additional Watershed Areas. Public Works Director/Village Engineer Steven Saunders noted that the Six Additional Drainage Areas (the Six Areas) are being studied as part of Baxter & Woodman's (B&W) Stormwater Master Plan

project to provide a comprehensive, long-term management plan for stormwater. As some areas under study by B&W are tributary to areas previously studied by Christopher B. Burke Engineering, Ltd. (CBBEL), consistent methodologies were employed so that models offer integrated recommendations. Mr. Saunders explained that flooding in the Six Areas was less frequent, less severe, and less damaging, and that potential improvements will be examined as part of the Master Plan process, as well as timing, funding, and priority of specific projects.

Mark Phipps, B&W Project Manager for the Stormwater Master Plan, presented the existing and proposed conditions related to each of the Six Areas. He explained the study methodology, which looked at the relative ground elevations in the drainage areas, incorporated the residential responses to the Village's 2011 flood survey, and then evaluated each area, differentiating between overland flooding and other stormwater flooding (primarily basement seepage or sump pump failure). He then summarized B&W's report conditions and recommendations for the Six Areas as follows:

**Area A** is a residential neighborhood in the northwest corner of the Village where three problem areas were identified as having street flooding, in addition to depressions in Corwin Park. Recommended improvements consist of increasing storm sewer sizes and adding storm sewers in Corwin Park to drain the area separately to Grove Street, at an estimated cost of \$0.5 million.

**Area C** – This is a mixed residential and commercial area in Hubbard Woods, with two problem areas correlated to the lowest areas. There are two existing outlets: one that crosses the railroad tracks and another that is a permitted connection to the Metropolitan Water Reclamation District (MWRD) interceptor. Flooding was reported in seven surveys, four of which were overland flooding. B&W offered two solutions. Alternate 1 would disconnect from the MWRD receptor to re-route water flow and increase stormwater pipes, at an estimated cost of \$1.9 million. Alternate 2 would maintain the MWRD connection and install new storm sewers at an estimated cost of \$1.7 million.

**Area E** – This is a residential neighborhood in the northwest corner of the Village, directly south of Area A. Surveys had four reports of flooding. B&W's suggested improvements would increase storm sewer size and new gates and valves at the east diversion ditch for backup prevention, at an estimated cost of \$ 0.9 million.

**Area G** – This is a residential neighborhood in north central Winnetka, with problem areas in three low points along Hibbard Road. Existing and proposed conditions here were both designed assuming the Willow Road Tunnel will have been constructed. There were 17 reported cases of flooding, but only a few isolated cases were overland flooding. B&W's recommended improvements assume increased storm sewer size along Hibbard and its branches at an estimated cost of \$2.0 million. Mr. Saunders also observed that improvements in Area G would eventually address the problems in Area F, currently under study by CBBEL.

**Area N** – This is a residential neighborhood in the southwest corner of the Village, with two low-lying, undrained areas. All of the storm sewers in this area drain west into the Forest Preserve District property. Five properties reported flooding in 2011, three of which were cases of overland flooding. B&W outlined possible improvements for increased storm sewer and inlet capacity (assuming the construction of the Willow Road Tunnel), at

a cost of about but does not recommend making these improvements. Rather, they suggested the Village invest in a detailed topographic survey of the ground elevation in Area N before determining improvements to overland flow paths.

**Area O** – This is the west Elm Street commercial district and surrounding residential area, with a small portion along Green Bay Road running north. This area has two permitted connections to MWRD and has three problem areas. Three of the 11 residential surveys returned reported overland flooding. Assuming construction of the Willow Road Tunnel, B&W recommended two options. Alternate 1 suggests disconnecting from both MWRD interceptors and routing water west to Provident Avenue through a new storm sewer system, at an approximate project cost of \$2.3 million. Alternate 2 would maintain the two existing MWRD connections, but not increase present discharge levels. There would be no need for a new connection to Provident, and all other improvements would be the same as prescribed for Alternate 1, at an estimated cost of approximately \$1.8 million.

Phipps concluded that the total of probable costs for the recommendations is estimated to be approximately \$8.1 million. This figure includes the \$1.2 million in Area N that B&W is not recommending; instead, B&W recommends that the Village invest approximately \$10,000 to conduct a topographic survey to provide meaningful data on which to base future recommendations. In addition, the final tabulation includes the Alternate 2 scenarios for both Areas C and O, which maintain the MWRD interceptor connections.

Mr. Saunders explained the options for policy decisions needed from the Council in the area of prioritizing any potential improvements that may be approved for the future. He described how these projects can be sequenced and funded at a later time, even if they are considered now as part of the Master Plan process and in Municipal and Financial Services Group's (MFSG) Utility Feasibility Study. The Council discussed how to potentially evaluate the cost/benefits of completing projects in these additional areas.

Trustee Kates noted the number and dispersion of the reports of overland versus other stormwater flooding. He and Mr. Saunders discussed the condition and capacity of the storm sewer pipe under Merrill Street, and it was agreed staff would look at the potential to use a pump to increase capacity, instead of additional pipe construction.

Trustee McCrary asked if the Village would benefit from any information learned if the decision on these projects was delayed until other improvements are constructed. Mr. Phipps said the data from the proposed infrastructure has already been calculated into the recommendations, and that although unforeseen conditions could arise during final engineering and design, they would need to be significant to alter the projected benefits.

Trustee Kates observed that some overland flooding might be prevented by berming and that overland flooding may result as a condition of yards. He asked about practices in other municipalities and their approaches to problems in widespread areas. Mr. Phipps responded that many municipalities prioritize and address the most significant problems first.

Trustee Kates inquired about the Village's legal responsibility in making stormwater improvements, and Attorney Janega responded that there is no legal mandate to construct to a specific threshold level or to provide a particular level of service, and that the Tort Immunity Act provides protection against liability in design of the plan, as long as it does not create

something unsafe. She added that equity is a policy issue, but in utility services, it is permissible to have different treatments in different conditions.

Trustee Corrigan asked whether the Village has now designed 100-year level protection designs for all areas of town. Mr. Saunders said this was correct. They discussed existing levels of protection and how they vary widely throughout the Village, as well as how this information may be broken down for evaluation. Mr. Saunders also reviewed past surveys conducted by the Village that led to the determination of initial study areas.

Trustee McCrary asked to clarify causes of sump pump failure. Mr. Phipps said the cause of failure is difficult to estimate and that in some cases, it may be due to pumping large volumes of water for extended periods. He noted that failures are more of a homeowner issue to resolve and that the Village shouldn't focus on fixing flooding that results from these failures. Solving the issue of standing water in the streets was discussed as potentially benefitting homeowners who have had pumps fail. Ground water and the level of water tables in the Village was described, and Mr. Saunders explained that there are practical limits to detention pond depths, because at certain levels, groundwater will leak in.

Trustee Braun asked how many homes in the Six Areas flooded in 2011. Mr. Saunders responded that 4,000 surveys were mailed and approximately 1,100 responses were received. He explained that the Village knows which of the respondents had overland flooding, but not the total number of occurrences of overland flooding, and he described how different data (Village survey responses, mapping of debris piles, and responses to the Cook County damage assessment survey) were used to construct a map of flooded homes. Trustee Braun also inquired as to how to approach a cost/benefit evaluation. Mr. Saunders said that the Federal Emergency Management Agency (FEMA) has some standards that could be considered, but that it is important to consider factors unique to the Winnetka community.

Trustee Braun also inquired as to Mr. Phipps' experience in other communities, and whether it is common to designate areas that have the most significant problems for improvements. Mr. Phipps responded that municipalities regularly focus capital improvements in priority areas and do not to attempt to bring every neighborhood to the same level of protection.

John O'Malley, a Winnetka resident on Merrill Street, spoke about his experience with street flooding in his area. He suggested the MWRD interceptor was not designed for the flow capacity it is receiving today and that the Village might be better off to completely disconnect from it. He expressed his concern about the cost magnitude of the proposed projects and the potential to exclude some of the smaller drainage areas.

Trustee Buck asked for clarification on the cause of the tailwater that influenced B&W recommendations related to Study Area N. Mr. Phipps explained that due to the high water elevations and pipe levels, pumping is required to push water in certain areas, and that the tailwater influence is more connected to the Skokie River than the pumping station.

The group also discussed the potential to address the tailwater through additional detention area in the forest preserve. Trustee Buck commented on the possibility of some in the Woodley Road area wishing to annex to the Village and the potential impact on its forthcoming stormwater system improvements. Manager Bahan noted that staff has engaged in discussions with some of these residents and has given consideration to how they might be connected to the Willow Road Tunnel, but he said that these are very preliminary ideas.

President Tucker stated this evaluation is uncharted territory for the Village Council, as past improvements have been studied at the project level, but never for the entire community. Trustee Kates stated that the costs to mitigate the overland flooding are extensive, but that there is an unknown cost to address the sanitary sewer situation. He expressed concern about adding more costs and tying the Village to future projects, and advocated focusing on the overland flooding, not failing sump pumps and seepage.

Manager Bahan explained that, in developing a comprehensive Stormwater Master Plan, the Council could opt to include many projects, without specifying what may ultimately be accomplished, or it could simply include projects in the Master Plan that are deemed feasible to accomplish. He described different approaches to comprehensive planning and how to continue to study projects where funding may not yet have been identified. The Council debated the pros and cons of including the entirety of proposed stormwater improvements in the Master Plan and Utility Feasibility Study.

In response to a discussion about potential standards for flooding evaluation to use in the future, Mr. Phipps described the FEMA funding standards for flood mitigation. He added that FEMA has a software package it uses for cost/benefit analyses of paying damage claims versus purchasing flooded homes, and that it might be a resource for the Village as it looks for ways to evaluate the cost/benefit of stormwater projects.

Ultimately, the consensus of the Village Council was to proceed with the topographic survey of Area N to better understand the most appropriate improvements for overland flooding in that area. They also agreed to consider the Six Areas in the forthcoming Utility Feasibility Study. Further data will be gathered before reconsidering the inclusion of the projects in the Stormwater Master Plan.

- 4) Adjournment. The meeting adjourned at 10:11 p.m.

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Recording Secretary

## AGENDA REPORT

TO: Village Council  
FROM: Robert M. Bahan, Village Manager  
DATE: January 3, 2013  
SUBJECT: **Warrant Lists Nos. 1777, 1778, 1779, and 1780**

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Warrants Lists Nos. 1777, 1778, 1779, and 1780 have been emailed to each Council member.

**Recommendation:** Consider approving Warrants Lists Nos. 1777, 1778, 1779, and 1780.

## AGENDA REPORT

**SUBJECT:** Ordinance MC-1-2013 – Amending WVC Section 2.04.020  
Village Council Meeting Times and Locations

**PREPARED BY:** Katherine S. Janega, Village Attorney

**DATE:** January 3, 2013

Pursuant to Section 2.04.020.A of the Winnetka Village Code (WVC), Village Council meetings begin at 7:30 p.m. In the course of setting its 2013 meeting schedule, the Council directed the Village Attorney to prepare a Village Code amendment that would set Council meeting times one-half hour earlier, at 7:00 p.m., so that the Council could finish its business earlier in the evening.

Section 2 of Ordinance MC-1-2013 implements the Council's directive by amending WVC Section 2.04.020.A. To make Subsection A easier to read, and to facilitate text searches within the Village Code, the subsection has been broken down into paragraphs. Paragraph 1 addresses regular Council meetings. Paragraph 2 adds new text that addresses meetings of the Committee of the Whole, more commonly known as Council Study Sessions.

In addition, Section 3 of Ordinance MC-1-2013 amends WVC 2.04.020.B, which pertains to the location of Council meetings. Although not part of the Council's directive, the draft amendment makes Subsection B consistent with established practice and with the other Code provisions pertaining to ordinances and resolutions.

First, the amended text of Subsection B recognizes that it may be necessary to change the location of a Council meeting before the meeting convenes, and establishes an administrative mechanism for doing so. Second, the method for relocating a Council meeting after it has convened has been amended so that all that is required is a simple motion passed by a majority of the Council members present. This amendment is necessary to bring Subsection B into conformity with WVC Section 2.04.050.F, which requires all resolutions to be in writing, as well as with the Open Meetings Act, which now requires meeting agendas to "set forth the general subject matter of any resolution . . . that will be the subject of final action at the meeting."

Section 4 of Ordinance MC-1-2013 directs the Village Clerk to issue an amended annual notice of meetings and to publish it "as may be required" by the Open Meetings Act by Thursday, January 24, 2013, which is more than 10 days before the February 5, 2013, Council meeting. Since Section 2.03 of the Open Meeting requires at least 10 days' notice by newspaper publication only if the regular meeting dates are changed, the phrasing of Section 4 allows the Village the option of using newspaper publication in addition to other forms of posting the notice. Section 4 of Ordinance MC-1-2013 also requires that registered media be notified of the change.

Finally, Ordinance MC-1-2013 is the first ordinance that implements the Council's December 2012 Code amendments that updated the ordaining clause and changed from posting ordinances in three different locations in the Village to making the ordinances available for

review and then publishing them in pamphlet form. The new ordaining clause precedes Section 1 of Ordinance MC-1-2013, and the procedural changes are reflected in the last recital before the ordaining clause and in the notations that follow the signature lines at the end of the Ordinance.

**Attachments:**

Ordinance MC-1-2013

Attachment 1: Complete, current text of Village Code Section 2.04.020

**Recommendation:**

Consider introduction of Ordinance MC-1-2013, Amending Section 2.04.020 of the Winnetka Village Code as it pertains to Village Council meeting times and locations.

**AN ORDINANCE  
AMENDING CHAPTER 2.04 OF THE WINNETKA VILLAGE CODE  
AS IT PERTAINS TO  
VILLAGE COUNCIL MEETING TIMES AND LOCATIONS**

**WHEREAS**, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village; and

**WHEREAS**, the Council of the Village of Winnetka (“Village Council”) finds and determines that the scheduling of Village Council meetings is a matter pertaining to the government and affairs of the Village; and

**WHEREAS**, Subsection A of Section 2.04.020 the Winnetka Village Code provides that Village Council meetings shall start at 7:30 p.m.; and

**WHEREAS**, the Village Council finds and determines that the current starting time of Village Council meetings is not always conducive to complete and meaningful discussion of, and action on, pending matters at a single meeting unless meetings continue late into the night; and

**WHEREAS**, the Village Council finds and determines that meetings that extend late into the night also discourage public attendance and can unnecessarily inconvenience Village staff who must remain at work through the day until the end of the meeting and return to work at their normal hour the next morning; and

**WHEREAS**, the Village Council finds and determines that it is in the best interests of the general welfare of the Village of Winnetka that Village Council meetings begin at 7:00 p.m., to allow for thorough Village Council discussion, consideration and action on pending matters following Village staff presentations and public comment; and

**WHEREAS**, this Ordinance has been placed on the Village Council’s agenda and made available for public inspection at Village Hall and on the Village’s web site, in accordance with Sections 2.04.040 and 2.16.040 of the Winnetka Village Code and applicable law.

**NOW, THEREFORE**, be it ordained by the President and Board of Trustees of the Village of Winnetka as follows:

**SECTION 1:** The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

**SECTION 2:** Subsection A of Section 2.04.020, “Meetings,” of Chapter 2.04, “Village Council,” of Title 2 of the Winnetka Village Code, “Administration and Personnel,” is hereby amended to provide as follows:

A. Time and Day of Meetings.

1. Village Council meetings. The Council shall hold its regular meetings on the first and third Tuesday of each month at ~~seven thirty p.m., seven p.m. (7:00 p.m.),~~ or as otherwise set forth in the annual meetings notice posted pursuant to the Illinois Open Meetings Act. In the event the regular meeting date falls on a legal holiday, or cannot be held on the date regularly scheduled for any other reason, including a general election, the meeting shall be held on such other day as the Council may designate; provided, that notice of such designation shall comply with the notice requirements of the Illinois Open Meetings Act.

2. Village Council study sessions. The regular study session meetings of the Village Council, meeting as committee of the whole, shall be held on the second Tuesday of each month at seven p.m. (7:00 p.m.), or as otherwise set forth in the annual meetings notice posted pursuant to the Illinois Open Meetings Act.

**SECTION 3:** Subsection B of Section 2.04.020, "Meetings," of Chapter 2.04, "Village Council," of Title 2 of the Winnetka Village Code, "Administration and Personnel," is hereby amended to provide as follows:

B. Place of Meetings.

1. Except in the case of an emergency, or as hereinafter provided, all meetings of the Council shall be held at the Village Hall.

2. If it appears that the physical facilities of the Village Hall ~~shall appear to the Council to be are or will be~~ inadequate to accommodate the number of persons who may attempt or plan desiring to be present at any meeting, ~~the Council may, in its discretion, upon resolution adopted at such meeting after the convening of such meeting, move~~ the meeting may be moved to some other hall or place within the Village having adequate capacity, ~~and continue the meeting at such other place.~~ The determination to change the location of a Council meeting can be made by the concurrence of a majority of the Council present when the meeting convenes, or at the direction of the Village President after conferring with the Village Manager, at any time before the agenda for the meeting is posted.

3. If the location of a Council meeting is changed, the Village Clerk shall post ~~at the Village Hall, or other place from which the meeting has been moved,~~ a notice of the location at which the meeting is being or will be held. The notice shall be posted at the entrance to Village Hall and at the entrance of the place from which the meeting has been moved. If the location of the meeting is changed prior to the posting of the agenda for that meeting, then the location of the meeting shall also be included in any and all meeting notices and agendas that are required by the Open Meetings Act and any other applicable law or ordinance.

**SECTION 4:** The Village Clerk shall issue notice of the foregoing changes in meeting times by publishing an amended annual notice of meetings on the Village web site and by such other means as may be required by the Illinois Open Meetings Act. The Village Clerk shall also notify all registered media of the amended annual notice of meetings. Such notices shall be issued no later than January 24, 2013.

**SECTION 5:** This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

**SECTION 6:** This Ordinance shall take effect immediately upon its passage, approval and publication as provided by law.

**PASSED** this \_\_\_ day of \_\_\_\_\_, 2013, pursuant to the following roll call vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** this \_\_\_ day of \_\_\_\_\_, 2013.

Signed:

\_\_\_\_\_  
Village President

Countersigned:

\_\_\_\_\_  
Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2013.

Introduced: January 8, 2013

Passed and Approved:

**ATTACHMENT 1**

**Winnetka Village Code Section 2.04.020**

**(Complete text)**

**Winnetka Village Code Excerpt**  
**Section 2.04.020 (Complete text)**

**Section 2.04.020 Meetings.**

A. Time and Day of Meetings. The Council shall hold its regular meetings on the first and third Tuesday of each month at seven-thirty p.m., or as otherwise set forth in the annual meetings notice posted pursuant to the Illinois Open Meetings Act. In the event the regular meeting date falls on a legal holiday, or cannot be held on the date regularly scheduled for any other reason, including a general election, the meeting shall be held on such other day as the Council may designate; provided, that notice of such designation shall comply with the notice requirements of the Illinois Open Meetings Act.

B. Place of Meetings. Except in the case of an emergency, or as hereinafter provided, all meetings of the Council shall be held at the Village Hall. If the physical facilities of the Village Hall shall appear to the Council to be inadequate to accommodate the number of persons desiring to be present at any meeting, the Council may, in its discretion, upon resolution adopted at such meeting after the convening of such meeting, move the meeting to some other hall or place within the Village having adequate capacity, and continue the meeting at such other place. If the location of a Council meeting is changed, the Village Clerk shall post at the Village Hall, or other place from which the meeting has been moved, a notice of the location at which the meeting is being or will be held.

C. Special Meetings. The President, or any two of the Trustees, may call special meetings of the Council. The Clerk shall notify all members of the Council of such meeting at least forty-eight (48) hours before the special meeting is held, by delivering to each member of the Council, either personally or by leaving a copy at the member's residence, a written notice stating the time and place of the meeting.

D. Open Meetings. All meetings of the Village Council shall be conducted in accordance with the Illinois Open Meetings Act.

(Ord. MC-183-97 § 13, 1997: prior code § 2.02)

E. Attendance. It is the policy of the Village of Winnetka that the members of the Council attend meetings of the Council in person, notwithstanding any statutes of the State of Illinois permitting remote attendance by some means other than physical presence at the location of the meeting.

(MC-8-2007, Amended, 06/05/2007, Subsection E added; MC-7-2007, Amended, 05/15/2007; MC-1-2001, Amended, 01/16/2001)