

Winnetka Village Council
RESCHEDULED REGULAR MEETING
Village Hall
510 Green Bay Road
Thursday, April 18, 2013
7:00 p.m.

Emails regarding any agenda item are welcomed. Please email 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) May 7, 2013 Regular Meeting
 - b) May 14, 2013 Study Session
 - c) May 21, 2013 Regular Meeting
- 4) Approval of Agenda
- 5) Consent Agenda
 - a) Approval of Village Council Minutes
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 - iii) April 4, 2013 Rescheduled Regular Meeting.....11
 - b) Approval of Warrant Lists 1793 and 179416
 - c) Trenchless Lining of Sanitary Sewers: Municipal Partnering Bid17
 - d) 2013 Concrete Repair Program: Municipal Partnering Bid.....21
 - e) Winnetka Village Hall Rehabilitation: Final Construction Report.....25
 - f) Transformer Bid, Bid Number 13-011.....30
 - g) Ordinance MC-2-2013: Registration of Certain Food Service Providers – Adoption41
 - h) Ordinance M-5-2013: Authorizing the Disposition of Surplus Electrical Equipment – Adoption51
 - i) One Year Extension of Yard Waste Composting Contract56
- 6) Stormwater Monthly Summary Report.....58

- 7) Ordinances and Resolutions
- 8) Public Comment
- 9) Old Business
 - a) Administrative Hearing Process70
- 10) New Business: None.
- 11) Appointments
- 12) Reports
- 13) Executive Session
- 14) Adjournment

NOTICE

All agenda materials are available at villageofwinnetka.org (*Council > Current Agenda*); the Reference Desk at the Winnetka Library; or in the Manager’s Office at Village Hall (2nd 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

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
March 19, 2013

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Council Chambers on Tuesday, March 19, 2013, at 7:00 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:01 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, Community Development Director Michael D'Onofrio, Public Works Director Steven Saunders, Water & Electric Director Brian Keys, Assistant to the Village Manager Megan Pierce, and approximately 13 persons in the audience.
- 2) Pledge of Allegiance. President Tucker led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) April 4, 2013 Rescheduled Regular Meeting. With the exception of Trustee Braun, all Council members expect to attend.
 - b) April 11, 2013 Rescheduled Regular Meeting. With the exception of Trustee Braun, all Council members expect to attend.
 - c) April 16, 2013 Regular Meeting. All of the Council members expect to attend.
- 4) Approval of the Agenda. Trustee Spinney, seconded by Trustee Buck, moved to approve the Agenda. 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) February 12, 2013 Study Session.
 - ii) February 13, 2013 Budget Meeting.
 - iii) February 19, 2013 Regular Meeting.
 - iv) February 20, 2013 Budget Meeting.
 - b) Warrant Lists Nos. 1789 and 1790. Approving Warrant List No. 1789 in the amount of \$1,399,336.72, and Warrant List No. 1790 in the amount of \$741,581.72.
 - c) RFB #213004: Crack Sealing Services. Awarding a bid for pavement crack sealing in the total amount of \$60,000 over a three year period to Denler, Inc. as part of a joint purchasing program with the Northwest Municipal Conference.
 - d) Directional Boring. Authorizing the Village Manager to execute a purchase order in an amount not to exceed \$520,000 to B-Max Inc., for directional boring from June 1, 2013 through May 31, 2014.

- e) Wire Pulling Services. Authorizing the Village Manager to execute a purchase order in an amount not to exceed \$50,000 to Western Utility Contractors, for wire pulling services from June 1, 2013 through May 31, 2014.
- f) Electric Line Clearance. Authorizing the Village Manager to issue a purchase order to Asplundh Tree Expert Co. in an amount not to exceed \$140,000 in accordance with the terms of Bid #0011-009.
- g) GIS Service Provider Agreement. Approves entering into a service agreement with Municipal GIS Partners, Inc. for GIS services, for a fee based on the hourly rates set forth in the agreement, not to exceed \$41,013.
- h) Annual Outdoor Seating Permits & Sidewalk Restaurant Liquor Licenses. Approves 11 Outdoor Seating Permit applications; approves 6 Sidewalk Restaurant Liquor License Riders; and authorizes the Village President to waive enforcement of the commencement date restrictions for sidewalk liquor service.
- i) Reverse Osmosis Water Treatment System Bid. Authorizing the Village Manager to issue a purchase order to Process Solutions in the amount of \$52,285, for the purchase of the reverse osmosis water treatment system in accordance with the terms of Bid #013-010.
- j) Parkway Tree Trimming, Removal and Maintenance. Awarding tree trimming and maintenance contracts to Nels Johnson Tree Experts in accordance with the unit rates contained in their March 2013 bid proposal.
- k) 2012 Sewer Lining Contract. Approving Change Order #1 to Michels Corporation for the 2012 Sewer Re-lining Contract in the amount of \$24,458.00.

Trustee Spinney, seconded by Trustee McCrary, 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. The next monthly report will be given at the April 16, 2013 meeting.

7) Ordinances and Resolutions.

- a) Budget, Fee and Rate Resolutions. Village President Tucker summarized the procedural background for the 2013-2014 Fiscal Year Budget and related rate resolutions: (i) the Budget was reviewed at budget study sessions; (ii) at the March 5th Council meeting, the Budget and rate resolutions were reviewed, a public hearing was held on the Budget, and the Budget Resolution and Water, Electric, Sewer, and Refuse Rate Resolutions were introduced; (iii) resolutions for General Permit and License Fees, for Building, Zoning and Construction Fees, and for Fire Service Fees were also reviewed at the March 5th Council meeting but do not require introduction. There were no questions or comments from the Council.
- i) Resolution R-8-2013: Village Budget – Adoption.

Trustee Kates, seconded by Trustee Braun, moved to adopt Resolution R-8-2013. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

ii) Resolution R-9-2013: Water Rates – Adoption.

Trustee Braun, seconded by Trustee Spinney, moved to adopt R-9-2013. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

iii) Resolution R-10-2013: Electric Rates – Adoption.

Trustee Braun, seconded by Trustee McCrary, moved to adopt R-10-2013. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

iv) Resolution R-11-2013: Sewer Rates – Adoption.

Trustee Braun, seconded by Trustee McCrary, moved to adopt R-11-2013. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

v) Resolution R-12-2013: Refuse Rates – Adoption.

Trustee McCrary, seconded by Trustee Braun, moved to adopt R-12-2013. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

vi) Resolution R-13-2013: General Permit & License Fees – Adoption.

Trustee Braun, seconded by Trustee McCrary, moved to adopt R-13-2013. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

vii) Resolution R-14-2013: Building, Zoning & Construction Fees – Adoption.

Trustee McCrary, seconded by Trustee Braun, moved to adopt R-14-2013. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

viii) Resolution R-15-2013: Fire Service Fees – Adoption.

Trustee McCrary, seconded by Trustee Braun, moved to adopt R-15-2013. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

- b) Ordinance M-3-2013: 630 Pine Lane Landmark Rescission – Adoption. Village Attorney Janega reviewed the concerns raised by the Council at the March 5 meeting regarding construction access, and reported that she had met with the homeowners' attorney to attempt to reach an agreement. She noted that the ordinance was in the same form as previously presented, that it relaxes and expedites the demolition process, once the homeowners have applied for a demolition permit, but rescinds the landmark status immediately. She added that the language of the ordinance confirms the rights of the existing owners, but protects the neighbors. Finally, it will allow for a new development agreement, since the homeowners do not intend to redevelop the property, but rather "flip" the home.

Responding to questions from Trustee Corrigan, Attorney Janega confirmed that construction traffic would be required to use Hibbard Road, that emergency access from Pine Lane to the property was preserved, and access for the other homeowners on Pine Lane would not be restricted. She noted that the construction easement would expire when a certificate of occupancy is issued for 630 Pine Lane. Trustee McCrary said the Winnetka Historical Society had confirmed that it is already working on the Historic and Architectural Impact Study (HAIS).

Trustee Corrigan, seconded by Trustee Braun, moved to amend Ordinance M-3-2013. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

Trustee Corrigan, seconded by Trustee Buck, moved to adopt Ordinance M-3-2013. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None.

c) Ordinance M-4-2013: 399 Ridge Avenue Zoning Variation – Introduction.

Community Development Director Michael D’Onofrio presented the request of homeowners David and Christine Walker, for a 1.5 ft. rear yard setback variation to replace an existing detached garage at 399 Ridge Avenue with a larger, 20 ft. by 20 ft. detached garage and to allow the new garage to use the existing driveway access. Mr. D’Onofrio noted that a 6 ft. setback is required because the rear lot line adjoins the neighbors’ front and side yards, and added that the Zoning Board of Appeals recommended approval by a favorable vote of 5 to 1.

Responding to a question from Trustee Kates about how much of the garage’s deterioration had occurred in the last 10 years, Mr. Walker noted that the original garage was constructed in 1935, and that its condition had gotten much worse in the last 1½ to 2 years when the homeowners were addressing other improvements.

Trustee McCrary commented that where possible, the Council should act on the recommendation given by the lower board, especially when cases are not controversial.

Trustee Braun, seconded by Trustee McCrary, moved to introduce Ordinance M-4-2013. By voice vote, the motion carried.

8) Public Comment and Questions.

9) Old Business. None.

10) New Business. None.

11) Appointments.

a) President Tucker announced the appointment of Joni Johnson to replace Joe Adams as Chair of the Zoning Board of Appeals, effective immediately. Trustee Braun, seconded by Trustee McCrary, moved to approve the appointment. By voice vote, the motion carried.

b) President Tucker announced the appointment of Chris Blum to the Zoning Board of Appeals for a full term, effective immediately. Trustee Braun, seconded by Trustee McCrary, moved to approve the appointment. By voice vote, the motion carried.

12) Reports.

a) Village President. President Tucker reported that she and Manager Bahan attended the March 13 meeting of the Northwest Municipal Conference (NWMC) and upcoming legislation was discussed. She also spoke about the upcoming construction on Green Bay Road and Winnetka Avenue and communication efforts to notify motorists.

b) Trustees.

Trustee Spinney noted the Annual Chamber Luncheon is April 10, 2013.

Trustee Braun reported that the Environmental and Forestry Commission (EFC) discussed the IKE Grant and funding uses and their desire to be involved in the process. The EFC expressed an interest in how green technology can be employed to deal with the “first flush” related to stormwater management. The EFC also mentioned ideas for recycling bins in public and commercial areas. In response to an inquiry about the Committee’s scope of authority, Attorney Janega said the prior communications can be discussed with the Chair and Village President. The role of the Committee in the stormwater management project was discussed.

c) Attorney. No report.

d) Manager. Manager Bahan noted that the General Assembly is in session, so Staff may be providing updates about important bills that come under consideration. Trustee Kates stated that residents should be provided information about legislation and that interest had been expressed in a prior Caucus Survey. Manager Bahan said this information is often provided through the Village website and E-Winnetka.

13) Executive Session. President Tucker announced that the Council would go into Executive Session at the close of the Study Session, and would adjourn directly at the end of the Executive Session.

14) Adjournment. Trustee Spinney, seconded by Trustee Braun, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 7:45 p.m.

Recording Secretary

MINUTES
WINNETKA VILLAGE COUNCIL SPECIAL STUDY SESSION

March 19, 2013

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, March 19, 2013 at 7:00 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:52 p.m. Present: Trustees Arthur Braun, Jack Buck, Patrick Corrigan, Richard Kates, Stuart McCrary and Jennifer Spinney. Absent: None. Also in attendance: Village Manager Robert Bahan, Village Attorney Katherine Janega, Community Development Director Michael D’Onofrio, Assistant to the Village Manager Megan Pierce, and approximately 11 persons in the audience.
- 2) Urban Land Institute Technical Assistance Panel 1 Executive Summary Report.

Village Manager Rob Bahan introduced Cindy McSherry, Executive Director of ULI Chicago, saying the first Technical Assistance Panel (TAP) convened on February 27 and 28 and that an intensive two-day process resulted in preliminary findings. He reiterated that the study is a work in progress, as the second TAP will convene later this spring. Ms. McSherry also noted that this was the first of two panels, which lays the groundwork for future study. She then introduced two of the eight panelists who worked on TAP 1, Tina Dalman and Todd Berlinghof, who presented the preliminary report.

Ms. Dalman provided background information on ULI Chicago, whose members have participated in over 25 TAPs. She noted the uniqueness of Winnetka’s two-phase approach to studying the retail markets for Indian Hill, Elm Street, and Hubbard Woods, and added that ULI considers East and West Elm to be a single district, despite their physical separation. Ms. Dalman explained that, by addressing a discrete, focused problem, the TAP will provide a foundation that Winnetka can build upon for a sustainable commercial strategy, looking at emerging issues and trends.

Through the TAP process, ULI interviewed over 100 stakeholders in the commercial districts and also consulted a group of peer communities (Hinsdale, Barrington, Lake Bluff, and Glen Ellyn) to consider how they have addressed trends in their jurisdiction. Ms. Dalman reviewed the Scope of Work, including visiting the three commercial areas, recommending things that can be changed, reviewing trends in the types of retail space available, as well as suggesting design guidelines and zoning regulations. ULI believes Winnetka can leverage its three train stations because of the popularity of transit-oriented design. A Shopper Survey was also performed to better understand the types of shoppers and the experiences Winnetka wants to create in the commercial districts.

Mr. Berlinghof summarized the Panel’s findings and recommendations, stating that change will truly occur when Winnetka becomes a pro-business environment and improves its image as a good place to do business. Though Winnetka was described as lucky to have many small boutiques, Mr. Berlinghof said there must be recognition that the retail market has changed, because retail today revolves around service and restaurants. The two spoke about Winnetka’s changing demographics and the need to keep shoppers and services in the Village, due to the close proximity of other shopping areas. Ms. Dalman stated that site selection can be facilitated by clear and transparent Village Code. ULI found three distinct

shopping districts in its evaluation: 1) Elm Street, the “downtown” that needs vibrancy and better connection between east and west; 2) Hubbard Woods, a multi-community destination that requires collaboration; and 3) Indian Hill, an auto rather than pedestrian area, heavily impacted by Green Bay Road corridor development.

ULI reviewed recommendations related to Village regulations, including height restrictions, pervious surface needs, and sprinkler requirements. It was suggested the Village could establish a grant program to encourage façade work on buildings. Based on feedback from the Shopper Survey, ULI suggested ways to alter the Village’s narrow liquor license classifications. Both Ms. Dalman and Mr. Berlinghof encouraged the Village to revisit the Overlay District, stating there are legitimate uses that would bring people to Winnetka that are not being captured. A broader definition of the Overlay would make the process less onerous and reduce the number of special use. They encouraged a single point of contact to advocate for new businesses at project outset, and for Staff to make processes easily understood and consistent. They recommended the Village should follow the trend toward transit-oriented development and reduce parking requirements. Ms. Dalman said parking in Hubbard Woods should be constructed to encourage people to stay and shop.

ULI noted mid-term goals, including: i) streetscape and lighting in retail areas; ii) seeking corporate sponsorship for improvements; iii) a larger review of the zoning code; and iv) landlord incentives for façade improvements. Long-term goals included: i) embracing the streetscape to brighten tired areas; ii) letting the market drive the development; and iii) redevelopment of the Post Office site. Berlinghof said the Village must first determine the use of the site and then allow private developers to determine the marketability. The importance of marketing was discussed, especially improved tenant identification/signage, hours of operation, special events, and corporate sponsorships. ULI encouraged the Village to revisit its density limitations to better utilize space around the three transportation hubs.

In conclusion, ULI said there should be awareness that the businesses are important to the community; they contribute revenue, and Winnetka needs to make a reinvestment. As Winnetka makes improvements, it is important to communicate these items and let people know change is occurring. Continued outreach to Glencoe, Kenilworth, and Northfield was described as critical. ULI suggested that it will re-open the Shopper Survey prior to TAP 2, which will build upon the ideas presented to form more concrete recommendations.

Trustee Buck expressed his pleasure with the presentation that will lay the groundwork for making improvements in the districts. Trustee Kates also complimented ULI’s efforts and described the community as screaming for change in the districts. Trustee McCrary asked ULI to comment about the development in Kenilworth along Green Bay Road. Ms. Dalman and Mr. Berlinghof suggested a consistent approach to development along this corridor with both Glencoe and Kenilworth is key, since it is a State arterial road.

Asked by Trustee Braun how other governing bodies typically approach ULI’s recommendations, Ms. Dalman said there is much variation, but suggested the Village of Wilmette had been very effective in using the TAP recommendations as a springboard to zoning code changes and master planning for the downtown. She suggested that after TAP 2, the Council could consider a master plan or invite in retail experts to then incrementally implement changes. Ms. McSherry said it is important to have one person responsible for the implementation of recommendations to move ideas forward quickly. In response to a

question about the reporting process, Ms. McSherry said there would be a white paper written about TAP 1 to feed into TAP 2 and also a final report.

Trustee Spinney said the next Council is very well equipped to do something and hopes that the suggestions that have been made are pursued. Trustee Kates spoke about the history of the retail Overlay District and suggested that having examples of successful non-retail districts, as well as types of businesses that have synergy in a district, would be helpful. The Council and ULI discussed trends with Overlay Districts, noting they were at one time very common, but that the environment has changed drastically. The market was noted as truly dictating what is best suited to a particular area. The topics of density and market area were reviewed. Winnetka's size and lack of density was said to mostly impact the location of national retailers, but also as possibly contributing to a high total cost of doing business.

3) Public Comment.

Julie Windsor, owner of Beat Street: Ms. Windsor said it is an exciting time for development in Winnetka and that the Village should be looking at what the future can bring. She described that she is changing her business, but is finding it more difficult to stay here than it would be to go to another community.

4) Executive Session.

Trustee Kates moved to adjourn into Executive Session to discuss Personnel, pursuant to Section 2 (c)(1) of the Illinois Open Meetings Act. Trustee Spinney seconded the motion. By roll call vote, the motion carried. Ayes: Trustees Braun, Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: None. The Council adjourned into Executive Session at 9:20 p.m.

5) Adjournment. Trustee Kates, seconded by Trustee Spinney, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 10:40 p.m.

Recording Secretary

**MINUTES
WINNETKA VILLAGE COUNCIL
RESCHEDULED REGULAR MEETING
April 4, 2013**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Council Chambers on Thursday, April 4, at 7:00 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:03 p.m. Present: Trustees Jack Buck, Patrick Corrigan, Richard Kates, Stuart McCrary and Jennifer Spinney. Absent: Trustee Arthur Braun. Also present: Village Manager Robert Bahan, Village Attorney Katherine Janega, Water & Electric Director Brian Keys, Public Works Director Steve Saunders, Community Development Director Mike D’Onofrio, Assistant to the Village Manager Megan Pierce and approximately 19 persons in the audience.
- 2) Pledge of Allegiance. President Tucker led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) April 11, 2013 Rescheduled Study Session. All Council members present expect to attend.
 - b) April 16, 2013 Regular Meeting. President Tucker asked to reschedule the meeting to Thursday, April 18, 2013. All Council members indicated they were able to attend on the alternate date.
 - c) May 7, 2013 Regular Meeting. All Council members present expect to attend.
- 4) Approval of the Agenda. Trustee Spinney, seconded by Trustee Corrigan, moved to approve the Agenda. By roll call vote the motion carried. Ayes: Trustees Buck, Corrigan, Kates, McCrary and Spinney. Nays: None. Absent: Trustee Braun.
- 5) Consent Agenda
 - a) Village Council Minutes.
 - i) March 5, 2013 Regular Meeting.
 - ii) March 12, 2013 Study Session.
 - b) Warrant Lists Nos. 1791 and 1792. Approving Warrant List No. 1791 in the amount of \$569,522.23, and Warrant List No. 1792 in the amount of \$525,157.07.
 - c) Cable Bids, Bid #13-008. Authorizing the Village Manager to make two awards for Bid #13-008: to Okonite Company for the purchase of primary cable at unit prices bid, not to exceed \$179,742 and to Wesco for the purchase of secondary cable at unit prices, not to exceed \$135,517.
 - d) Electric Plant Intake & Cooling Pond Dredging, Bid #13-009. Authorizing the Village Manager to award a purchase order to Earthwerks, Inc. in an amount not to exceed \$75,000 for dredging of intake and cooling ponds at the Electric Plant, in accordance with Bid #13-009.

- e) PW-7 Replacement: State of Illinois Cooperative Purchasing Program. Approving the purchase of a 2013 Ford F250 chassis to replace PW-7, in the amount of \$27,655 from Bob Ridings Ford of Taylorville, IL, the low bidder through the State of Illinois Cooperative Purchasing Program.
- f) Tree Planting Bid Extension. Extending the existing tree planting contractual unit pricing from Bid #12-005 for an additional year, with St. Aubin Nursery and Arthur Weiler Nursery, in an amount not to exceed \$50,000.
- g) Ordinance M-4-2013: 399 Ridge Avenue Zoning Variation – Adoption. Granting a rear yard setback variation to allow a two-car garage to use the same driveway and curb cut as the deteriorated garage being replaced.
- h) Resolution R-17-2013: Approving and Establishing the Salaries of Department Heads Effective April 1, 2013.
- i) Resolution R-18-2013: Approving and Establishing Changes in the Base Salary of the Village Manager.

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

6) Stormwater Update.

- a) Sanitary Sewer Detailed Inflow/Infiltration Investigations. Public Works Director Steve Saunders reviewed efforts to identify reductions in the Village’s proposed study of Inflow and Infiltration (I/I) in the sanitary sewer system. During the July 2011 flood, sources of I/I contributed to basement backups in homes. Following a flow monitoring study in the summer of 2012, a detailed inspection program for eight areas was originally presented to the Village Council in September, 2012. Mr. Saunders reviewed the goals of the proposed program: 1) evaluate specific portions of the sanitary system to locate defects; 2) identify rehabilitation measures and costs; and 3) develop a rehabilitation program for sewer improvements. However, Mr. Saunders recalled, there was not consensus on the Council at the time to proceed.

After deferring the study, Village Staff started with Strand Associates’ recommended areas, but in an effort to create a more holistic understanding, mapped additional data, including Village sewer lines, previous flood survey results, and new home construction since 1990. Detailed data analysis around the clusters of most substantial flooding helped Staff to eliminate sewer segments from further study. Since these areas are unlikely to contain significant sources of I/I, Mr. Saunders believes the Village can reduce the number of manhole inspections and lower the amount of smoke testing. Mr. Saunders reviewed the southeast, east, southwest, and Sunview Lane areas of the Village, noting the differences between the original and revised studies being proposed.

Mr. Saunders received a revised price for the scope of work from Strand Associates, as well as from Baxter & Woodman and RJN Group. He recommended awarding a contract to Baxter & Woodman, with manhole inspections beginning immediately and smoke testing following in the summer. Additionally, he explained that the data from Strand

Associates' flow monitoring is still valid and can be employed, even if Baxter & Woodman conducts the additional investigations.

Trustee Spinney stated that New Trier High School had appeared before the Village Council related to flooding problems on their property. She inquired about the data the Village has about flooding at other school locations. Mr. Saunders said that the Village knows both Crow Island and Skokie schools have experienced lower level flooding, but that direct sources have been difficult to identify. Responding to a question from Trustee McCrary, Mr. Saunders said that the data about building permit from demolitions (1990 to present) is connected to the Village's requirement for overhead sewers. He further explained that newer homes tend to have fewer illicit sewer system connections, as they must pass plumbing inspections for permits.

Bernard Hammer, 1455 Tower Road: Mr. Hammer inquired about the differences in flooding between sanitary and storm sewer and asked for an explanation of how smoke testing works. Mr. Saunders explained that the smoke testing has not yet been performed, and explained how the testing is done. He said that smoke testing is an effective way to cover large areas and helpful in showing where rainwater improperly enters the storm sewer system. The Council and Mr. Hammer further discussed the differences between the Village's storm sewer and sanitary sewer system studies, noting most improvements to date focus on the more significant problems related to storm sewer.

Trustee Kates, seconded by Trustee Corrigan, moved to authorize the Village Manager to enter into an agreement with Baxter & Woodman Consulting Engineers to complete a detailed I/I Field Investigation and Pilot Rehabilitation Program in limited areas of the Village, for a fee not to exceed \$44,300. By roll call vote, the motion carried. Ayes: Trustees Kates, Corrigan, Spinney, McCrary, and Buck. Nays: None. Absent: Trustee Braun.

7) Ordinances and Resolutions.

- a) Ordinance M-5-2013: Authorizing the Sale or Other Disposition of Surplus Electrical Equipment – Introduction. Village Attorney Katherine Janega stated that Ordinance M-5-2013 specifically authorizes the disposal of the Water & Electric Department's old SCADA system and also provides a blanket authorization for the remainder of the fiscal year, allowing the Department to dispose of equipment that is retired when it is no longer useful. She noted it has been the Village's historical practice to do one ordinance during the year to cover all such items. The ordinance also contains the necessary provisions for disposal of items covered by environmental regulations.

Trustee Corrigan, seconded by Trustee Spinney, moved to introduce Ordinance M-5-2013. By voice vote, the motion carried.

- b) Ordinance MC-2-2013: Amending Chapters 5.04, 5.24 and 8.12 of the Winnetka Village Code to Require Registration of Certain Food Service Providers – Introduction. Village Attorney Janega said that the Community Development Department handles food sanitation inspections and licensing of food dealers in Winnetka. She added that the Village does not currently license food service businesses at institutions such as schools and thus lacks basic business contact information that would be critical in the case of a

food borne illness. The process outlined in the amended chapters of the Village Code would create a free, annual registration process.

Trustee McCrary said the process did not seem invasive and would provide information to use for the public good. Trustee Buck questioned whether this was a responsibility the Village should take on, when licensed vendors are regulated by other agencies. Village Staff stated that information from the annual registration would facilitate communications, as there is no single repository for this data when an illness occurs. Community Development Director Mike D'Onofrio added that the registration process would capture all institution types, ranging from day cares to private and public schools.

Trustee Kates, seconded by Trustee Spinney, moved to introduce Ordinance MC-2-2013. By voice vote, the motion carried.

8) Public Comment and Questions.

Trustee Kates expressed concern that the Village hasn't received comments from the Caucus Council annual survey for the last two years, which he believes is a detriment, as he sees them as a key information source.

Bernard Hammer, 1455 Tower Road: Mr. Hammer inquired about research related to the Village's consideration of a stormwater utility. It was discussed that more information will be available to public, once the Village's consultant has completed the stormwater utility feasibility study.

9) Old Business. None.

10) New Business. None.

11) Appointments.

- a) President Tucker announced the appointment of Scott Myers as the ZBA's liaison to the Plan Commission, effective immediately. The consensus of the Council was to concur.

12) Reports.

- a) Village President. President Tucker called attention to the information on the Village's website related to Spring Cleanup, Willow Road construction, and Winnetka Avenue/Green Bay Road intersection improvements. She also stated that the Village was one of the first communities to implement a restriction on cell phone use while driving and that the Police Department is conducting enforcement and education.

- b) Trustees.

Trustee Spinney reported that the Chamber of Commerce is holding their annual recognition lunch on April 10, 2013 at the Community House.

Trustee Kates reported that the BCDC met and reviewed the ULI report on the business districts. The BCDC will wait for the next report and white paper.

- c) Attorney. Attorney Janega noted she will be attending an IICLE land use conference and will also be speaking on FOIA and the Open Meetings Act in land use matters.

- d) Manager. No report.

13) Executive Session. None.

- 14) Adjournment. Trustee Spinney, seconded by Trustee Buck, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 8:07 p.m.

Recording Secretary



Agenda Item Executive Summary

Title: Warrant Lists Nos. 1793 and 1794

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 04/18/2013

Consent: YES NO

<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Bid Authorization/Award
<input type="checkbox"/>	Policy Direction
<input checked="" type="checkbox"/>	Informational Only

Item History:

None.

Executive Summary:

Warrant Lists Nos. 1793 and 1794 were e-mailed to each Village Council member.

Recommendation / Suggested Action:

Consider approving Warrant Lists Nos. 1793 and 1794

Attachments:

None.



Agenda Item Executive Summary

Title: Trenchless Lining of Sanitary Sewers: Municipal Partnering Bid

Presenter: Steven M. Saunders, Director of Public Works/Village Engineer

Agenda Date: 04/18/2013

Consent: YES NO

<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	Bid Authorization/Award
<input type="checkbox"/>	Policy Direction
<input type="checkbox"/>	Informational Only

Item History:

None

Executive Summary:

The Village of Winnetka has partnered with the municipalities of Northfield (Lead Agency) and Glenview to provide for trenchless relining of existing sanitary sewers. The idea behind partnering is to combine projects from several municipalities to create economies of scale and obtain reduced pricing.

On March 14, 2013, sealed bids were opened and read aloud. The low overall bid was submitted by Michels Corporation, a qualified contractor for this type of work. Michels Corporation pricing is also lowest for Winnetka's portion of the work. Michels Corporation has successfully completed lining projects for some of the other communities in the past, as well as the Village's 2012 Relining Project. They performed their work to the satisfaction of the Village.

Recommendation / Suggested Action:

Consider awarding the Village of Winnetka's portion of Trenchless Lining of Existing Sanitary Sewers, to Michels Corporation in the total amount of \$89,590.00.

Attachments:

1. Agenda Report
2. Bid Tabulation

Agenda Report

Subject: **Trenchless Lining of Sanitary Sewers
Municipal Partnering Bid**

Prepared By: Steven M. Saunders, Director of Public Works/Village Engineer

Date: April 9, 2013

The Village of Winnetka has partnered with the municipalities of Northfield (Lead Agency) and Glenview to provide for trenchless relining of existing sanitary sewers. The idea behind partnering is to combine projects from several municipalities to create economies of scale and obtain reduced pricing. On March 14, 2013, sealed bids were opened and read aloud with the results shown below:

<u>Bidder</u>	<u>Total Bid (Corrected)</u>	<u>Total Bid (As Read)</u>	<u>Winnetka's Portion</u>
Michels Corporation 817 W. Main Street Brownsville, WI 53006	NO CHANGE	\$1,254,979.50	\$89,590.00
Insituform Technologies 17988 Edison Avenue Chesterfield, MO 63005	\$1,596,561.33	\$1,596,615.06	\$114,383.92
SAK Construction, LLC 864 Hoff Road O'Fallon, MO 63366	NO CHANGE	\$1,645,741.30	\$116,399.65
Visu-Sewer 9014 S. Thomas Avenue Bridgeview, IL 60455	\$1,737,816.80	\$1,737,761.84	\$117,577.93

The low overall bid was submitted by Michels Corporation, a qualified contractor for this type of work. Michels Corporation pricing is also lowest for Winnetka's portion of the work. Michels Corporation has successfully completed lining projects for some of the other communities in the past, as well as the Village's 2012 Relining Project. They performed their work to the satisfaction of the Village.

Budget Information: The FY 2013-14 Budget (account #54-70-640-201) contains \$150,000 for this project. Staff estimated this project at \$117,317.00, allowing for additional sewer funds to be spent on sanitary manhole relining, which is to be bid separately through the Village of Glenview. This year's prices were much reduced from last year's program.

Recommendation: Consider awarding the Village of Winnetka's portion of Trenchless Lining of Existing Sanitary Sewers, to Michels Corporation in the total amount of \$89,590.00.

Attachments:

1. Bid Tabulation

ATTACHMENT #1

BID TABULATION

Sewer Lining
 Glenview, Northfield & Winnetka
 Bid Tabulation
 March 14, 2013

		Village of Winnetka Quantities				Michels Pipe Services Brownsville, WI		Instituform Technologies Chesterfield, MO		SAK Construction, LLC O'Fallon, MO		Visu-Sewer of Illinois, LLC Bridgeview, IL	
No.	Description	Unit	Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1.	8" CURED IN PLACE PIPE	LF	2,815.0	\$21.00	\$59,115.00	\$24.66	\$69,417.90	\$27.55	\$77,553.25	\$26.91	\$75,751.65		
2.	8" CURED IN PLACE PIPE (EASEMENT)	LF	0.0	\$22.00	\$0.00	\$25.25	\$0.00	\$29.55	\$0.00	\$41.38	\$0.00		
3.	9" CURED IN PLACE PIPE	LF	213.0	\$30.50	\$6,496.50	\$36.60	\$7,795.80	\$32.75	\$6,975.75	\$33.06	\$7,041.78		
4.	10" CURED IN PLACE PIPE	LF	439.0	\$21.50	\$9,438.50	\$33.30	\$14,618.70	\$29.75	\$13,060.25	\$33.06	\$12,829.14		
5.	12" CURED IN PLACE PIPE	LF	0.0	\$25.00	\$0.00	\$32.33	\$0.00	\$30.75	\$0.00	\$37.56	\$0.00		
6.	12" CURED IN PLACE PIPE (EASEMENT)	LF	0.0	\$31.00	\$0.00	\$38.20	\$0.00	\$32.75	\$0.00	\$41.32	\$0.00		
7.	15" CURED IN PLACE PIPE	LF	208.0	\$38.50	\$8,008.00	\$56.70	\$11,793.60	\$56.30	\$11,710.40	\$71.42	\$14,855.36		
8.	24" CURED IN PLACE PIPE	LF	0.0	\$72.00	\$0.00	\$99.30	\$0.00	\$94.90	\$0.00	\$93.16	\$0.00		
9.	24" CURED IN PLACE PIPE (EASEMENT)	LF	0.0	\$67.00	\$0.00	\$98.20	\$0.00	\$94.90	\$0.00	\$102.48	\$0.00		
10.	REINSTATEMENT OF SERVICE LATERALS - SANITARY SEWER	EA	71.0	\$92.00	\$6,532.00	\$151.52	\$10,757.92	\$100.00	\$7,100.00	\$100.00	\$7,100.00		
11.	REINSTATEMENT OF SERVICE LATERALS - STORM SEWER	EA	0.0	\$83.00	\$0.00	\$184.00	\$0.00	\$150.00	\$0.00	\$200.00	\$0.00		
12.	PROTRUDING REMOVAL	EA	0.0	\$202.50	\$0.00	\$392.60	\$0.00	\$100.00	\$0.00	\$300.00	\$0.00		
Total:					\$89,590.00	\$114,383.92	\$116,399.65	\$117,577.93					



Agenda Item Executive Summary

Title: 2013 Concrete Repair Program: Municipal Partnering Bid

Presenter: Steven M. Saunders, Dir. of Public Works/Village Engineer

Agenda Date: 04/18/2013

Consent: YES NO

- | | |
|-------------------------------------|-------------------------|
| <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | Bid Authorization/Award |
| <input type="checkbox"/> | Policy Direction |
| <input type="checkbox"/> | Informational Only |

Item History:

None

Executive Summary:

The Village of Winnetka participates in the Municipal Partnering Initiative to jointly purchase materials and services that create economies of scale and reduce costs for concrete curb and sidewalk repairs. As past bid results were notably beneficial to all, the Village has again partnered with the Village of Glencoe (lead agency) in this year's program, and bids for this project were opened and read aloud on Thursday, April 4, 2013 by the Village of Glencoe. Four bidders responded. All bids were reviewed for completeness and accuracy, and the bid tabulation is attached. The low bid of \$185,341.00 was submitted by Schroeder and Schroeder.

Recommendation / Suggested Action:

Consider awarding a contract to Schroeder and Schroeder, of Skokie, IL, for the 2013 Concrete Repair Program, in the amount of \$104,121.00, and not to exceed \$125,000.00.

Attachments:

1. Agenda Report
2. Bid Tabulation

AGENDA REPORT

Subject: 2013 Concrete Repair Program – Municipal Partnering Bid

Prepared By: Steven M. Saunders, Dir. of Public Works/Village Engineer

Date: April 8, 2013

The Village of Winnetka participates with the Municipal Partnering Initiative in jointly purchasing materials and services, to take advantage of economies of scale and reduce costs for concrete curb and sidewalk repairs. As past bid results were notably beneficial to all, the Village partnered again with the Village of Glencoe (lead agency) in this year's program, and bids were opened and read aloud on Thursday, April 4, 2013, by the Village of Glencoe for this project. Four bidders responded, and their bids are summarized below:

Bidders	Bid Amount As Read (Consortium)	Adjusted Bid As Calculated (Consortium)	Bid Amount As Calculated (Winnetka Only)
Schroeder & Schroeder 7306 Central Park Skokie, IL 60076	\$185,341.00	No Change	\$104,121.00
Suburban Concrete 21227 W. Commercial Dr. Mundelein, IL 60060	\$192,575.50	No Change	\$111,308.00
Globe Construction 1781 Armitage Court Addison, IL	\$217,325.50	No Change	\$126,395.50
D'Land Construction 600 County Line Road, #1N Bensenville, IL 60106	\$260,120.00	No Change	\$148,670.00

All bids were reviewed for completeness and accuracy, and the bid tabulation is attached. The low bid of \$185,341.00 was submitted by Schroeder and Schroeder. Using Schroeder and Schroeder's unit prices for Winnetka's quantity of work, the Village's portion of the bid totaled \$104,121.00.00 which was below the Engineer's Estimate for the Village of Winnetka's scope of \$123,590.75. The Village of Winnetka has allocated \$125,000 for sidewalk replacement in the FY 2013-2014 budget. Schroeder and Schroeder has performed the Village's Concrete Repair Program on numerous occasions to the Village's satisfaction, and staff recommends awarding a contract for Winnetka's portion of the jointly-bid 2013 Concrete Repair Program to Schroeder and Schroeder for \$104,121.00, and "Not to Exceed" amount of \$125,000.00. The Village's FY 2013-14 budget contains \$125,000 from the Sidewalk Replacement Program, Account Number 10-30-640-142.

Recommendation:

Consider awarding a contract to Schroeder and Schroeder, of Skokie, IL, for the 2013 Concrete Repair Program, in the amount of \$104,121.00, and not to exceed \$125,000.00.

Attachments:

1. Bid Tabulation

ATTACHMENT #1

BID TABULATION

**BID TAB APRIL 4, 2013
2013 CONCRETE REPLACEMENT PROGRAM
THE VILLAGE OF GLENCOE AND VILLAGE OF WINNETKA WINNETKA-ONLY**

Item No.	Item Description	Estimated Quantity Winnetka-Only	Unit	SCHROEDER AND SCHROED		SUBURBAN CONCRETE		GLOBE CONSTRUCTION		D LAND CONSTRUCTION	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
1	PCC PAVEMENT PATCH CLASS C (9") R&R	350	SY	\$ 46.00	\$ 16,100.00	\$ 60.00	\$ 21,000.00	\$ 69.00	\$ 24,150.00	\$ 70.00	\$ 24,500.00
2	PCC DRIVEWAY R&R	112	SY	\$ 38.00	\$ 4,256.00	\$ 44.00	\$ 4,928.00	\$ 49.00	\$ 5,488.00	\$ 60.00	\$ 6,720.00
3	PCC SIDEWALK REMOVAL	15000	SF	\$ 0.45	\$ 6,750.00	\$ 1.00	\$ 15,000.00	\$ 1.00	\$ 15,000.00	\$ 1.15	\$ 17,250.00
4	PCC SIDEWALK REPLACEMENT 5-6 INCH	15000	SF	\$ 4.00	\$ 60,000.00	\$ 3.35	\$ 50,250.00	\$ 3.73	\$ 55,950.00	\$ 4.20	\$ 63,000.00
5	PCC SIDEWALK RAMPS R&R	400	SF	\$ 4.50	\$ 1,800.00	\$ 4.35	\$ 1,740.00	\$ 5.00	\$ 2,000.00	\$ 30.00	\$ 12,000.00
6	CURB & GUTTER R&R (TYPE M33.12, B-6.12, B-6.18)	200	FT	\$ 13.00	\$ 2,600.00	\$ 18.75	\$ 3,750.00	\$ 19.00	\$ 3,800.00	\$ 28.00	\$ 5,600.00
7	CURB & GUTTER R&R (TYPE B-6.24)	0	FT	\$ 20.00	\$ -	\$ 18.75	\$ -	\$ 20.00	\$ -	\$ 40.00	\$ -
8	DETECTABLE WARNINGS	120	SF	\$ 27.00	\$ 3,240.00	\$ 44.00	\$ 5,280.00	\$ 36.00	\$ 4,320.00	\$ 25.00	\$ 3,000.00
9	TREE GRATE INSTALLATION	10	EA	\$ 275.00	\$ 2,750.00	\$ 300.00	\$ 3,000.00	\$ 575.00	\$ 5,750.00	\$ 600.00	\$ 6,000.00
10	ADA PANEL INSTALLATION: WET SET (GLENCOE)	0	EA	\$ 125.00	\$ -	\$ 25.00	\$ -	\$ 200.00	\$ -	\$ 250.00	\$ -
11	PCC SIDEWALK (NEW) 5-6 INCH	1325	SF	\$ 5.00	\$ 6,625.00	\$ 4.80	\$ 6,360.00	\$ 7.50	\$ 9,937.50	\$ 8.00	\$ 10,600.00
TOTAL BID				\$	104,121.00	\$	111,308.00	\$	126,395.50	\$	148,670.00



Agenda Item Executive Summary

Title: Winnetka Village Hall Rehabilitation: Final Construction Report

Presenter: Steven M. Saunders, Director of Public Works/Village Engineer

Agenda Date: 04/18/2013

Consent: YES NO

<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Bid Authorization/Award
<input type="checkbox"/>	Policy Direction
<input checked="" type="checkbox"/>	Informational Only

Item History:

None.

Executive Summary:

The Winnetka Village Hall Renovation and Restoration Project is substantially complete. The project included three separate construction contracts – Roof Replacement, Masonry Restoration, and Interior Renovation and Restoration. The total construction cost for the three contracts is \$3,871,919, which is \$85,334 (2.16%) below budget. With architect's fees included the total project cost is \$4,235,919, which is \$21,334 (0.5%) below budget.

Recommendation / Suggested Action:

Informational Report

Attachments:

1. Agenda Report
2. Detailed Cost Accounting

Agenda Report

Subject: Winnetka Village Hall Rehabilitation – Final Construction Report

Prepared By: Steven M. Saunders, Director of Public Works/Village Engineer

Date: April 8, 2013

The Winnetka Village Hall Renovation and Restoration Project is substantially complete. The project included three separate construction contracts – Roof Replacement, Masonry Restoration, and Interior Renovation and Restoration. The project was originally bid as a single construction project, however after the initial bids came back over the cost estimate, the Village elected to re-bid the project as three separate construction contracts. This strategy saved the Village about \$326,500 in construction costs when compared to the original single bid.

With the project substantially complete, staff has prepared the following semi-final project cost accounting summary for the Village Council. A detailed spreadsheet is shown in **Attachment #1**.

Item	Estimated Cost April 26, 2011	Est. Final Cost April 5, 2013
Roof Replacement	\$632,654	\$643,864
Masonry Restoration	\$347,800	\$299,660
Interior Construction (incl. alternate bids and construction contingency)	\$2,639,855	\$2,643,177
Additional Items (incl. furniture, temporary office space, and L.E.E.D. commissioning)	\$336,944	\$285,218
Total Const. Cost	\$3,957,253	\$3,871,919 (\$85,334)
Architect Fees	\$300,000	\$364,000
Total Project Cost	\$4,257,253	\$4,235,919 (\$21,334)

The one item of note is that the architect’s fees were higher than estimated. This increase is primarily due to three factors: 1) an additional \$19,000 for re-issuing construction drawings associated with bidding three contracts versus one contract, 2) an additional \$30,000 associated with designing the project to include L.E.E.D. certification, and 3) an additional \$26,000 for interior design services, which were an optional service in the original contract.

This project was challenging for Village staff and the contractor, in large part because there were significant issues with the architectural firm, primarily related to HVAC

design and project team continuity. As a result, there were some additional project expenses incurred by the Village resulting from design errors. The architect has provided the Village with a \$13,470 credit to offset some of these additional expenses. Community Development Director D’Onofrio, the Village’s on-site manager for this project, did excellent work holding the architect accountable for these errors.

The desired outcome of every construction project is “on time, within budget”. While the Village Hall project was not completed within the contractor’s original estimated timeframe, it was completed approximately \$21,000 below budget and represents a significant stewardship investment in a treasured Village asset, the 1925 Village Hall.

Recommendation:

Informational Report

Attachments:

1. Detailed Cost Accounting

ATTACHMENT #1

Detailed Cost Accounting

**Winnetka Village Hall Renovation and Restoration Project
Cost Tracking Sheet**

Item	April 26, 2011 Contract Award	04/05/2013 Cost to Date	Estimated Final Cost	Comments
Roof Replacement (Mortensen Roofing)	\$ 632,654	\$ 643,864	\$ 643,864	Contract Awarded by V.C. 08/17/2010, complete June 2011
Masonry Restoration (G.C. Masonry)	\$ 347,800	\$ 299,660	\$ 299,660	Contract Awarded V.C. 09/07/2010, complete September 2011
Base Bid Interior Construction (Simpson)	\$ 2,250,000	\$ 2,250,000	\$ 2,250,000	Contract as awarded by V.C. 4/26/2011
Add alternates 4, 5, 6, 7	\$ 72,510	\$ 72,510	\$ 72,510	Contract as awarded by V.C. 4/26/2011
Contingency for unforeseen items	\$ 317,345	\$ 294,572	\$ 320,667	10% of roof, masonry, and interior cost.
Subtotal Bid Items	\$ 3,620,309	\$ 3,560,606	\$ 3,586,701	
Council Room AV Equipment	\$ 125,200	\$ 8,092	\$ 10,057	Complete. Most equipment was included in interior construction contract
Furniture Purchase	\$ 124,144	\$ 141,127	\$ 141,127	Complete
Computer/Data Relocation	\$ 15,000	\$ 24,485	\$ 24,485	Complete
Temporary Office Space	\$ 25,000	\$ 26,721	\$ 26,721	Complete
L.E.D. Commissioning	\$ 47,600	\$ 40,761	\$ 47,600	Contract Awarded by V.C. 4/26/2011
Asbestos Sampling & Remediation	\$ -	\$ 20,200	\$ 20,200	Complete
Overtime for off-hour work	\$ -	\$ 2,322	\$ 2,322	Complete
Temporary Air Conditioning	\$ -	\$ 9,220	\$ 9,220	Complete
Room 125 Revisions	\$ -	\$ 1,545	\$ 1,545	Complete
Appliances	\$ -	\$ 1,941	\$ 1,941	Complete
Subtotal Additional Items	\$ 336,944	\$ 276,414	\$ 285,218	
Construction Project Cost	\$ 3,957,253	\$ 3,837,020	\$ 3,871,919	
			(85,334)	
			-2.16%	
Architect's Fees	\$ 300,000	\$ 361,817	\$ 364,000	Additional expenses due to re-bidding and LEED design.
Total Project Cost	\$ 4,257,253	\$ 4,198,837	\$ 4,235,919	
			(21,334)	
			-0.50%	



Agenda Item Executive Summary

Title: Transformer Bid, Bid Number 13-011

Presenter: Brian Keys, Director of Water & Electric

Agenda Date: 04/18/2013

Consent: YES NO

<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	Bid Authorization/Award
<input type="checkbox"/>	Policy Direction
<input type="checkbox"/>	Informational Only

Item History:

Budget Presentation - February 13, 2013

Executive Summary:

The Water & Electric Department issued Bid Number 13-011 for the purchase of pad mount transformers during the period of April 1, 2013 through March 31, 2014.

Transformers are awarded based on the results of a life cycle cost basis. Inherent to the transformer's design are electrical losses. The cost of these losses is added to the purchase cost of the transformer to arrive at an evaluated life cycle cost. As such, it is possible for a transformer to have a low material cost with high losses to be the highest evaluated cost. Conversely, a transformer with a high material cost, but with very low losses can be the lowest evaluated cost.

Based on the evaluation, staff is recommending that the single phase transformers be awarded to Resco (Ermco) and three phase transformer purchases be awarded to Wesco (ABB).

Recommendation / Suggested Action:

Consider authorizing the Village Manager to award Bid #13-011 to Resco for the purchase of Ermco single phase transformers at the unit prices bid in an amount not to exceed \$17,360.00 subject to all of the conditions stated in the bid.

Consider authorizing the Village Manager to award Bid #13-011 to Wesco for the purchase of ABB three phase transformers at the unit prices bid in an amount not to exceed \$31,779.00 subject to all of the conditions stated in the bid.

Attachments:

- 1) Agenda Report
- 2) Exhibit A - Bid Detail

AGENDA REPORT

Subject: Transformer Bid, Bid Number 13-011

Prepared by: Brian Keys, Director Water & Electric

Ref: February 13, 2013 Budget Presentation

Date: April 11, 2013

The Water & Electric Department issued Bid Number 13-011 for the purchase of pad mount transformers during the period of April 1, 2013 through March 31, 2014.

The bid notice was advertised in the Pioneer Press and bid notices were sent to eight suppliers. Bids were received from three bidders and included both single and three phase pad mount transformers. Bidders were informed that the bid may be awarded single phase transformers, three phase transformers, or both types of pad mount transformers.

Transformers are awarded based on the results of a life cycle cost basis. Inherent to the transformer's design are electrical losses. The cost of these losses is added to the purchase cost of the transformer to arrive at an evaluated life cycle cost. As such, it is possible for a transformer to have a low material cost with high losses to be the highest evaluated cost. Conversely, a transformer with a high material cost, but with very low losses can be the lowest evaluated cost.

Based on the bid evaluation quantities, the results of the bids have been summarized as follows:

Single Phase Pad Mount Transformers

Bidder (Manufacturer)	Material Cost	Loss Evaluation	Life Cycle Cost	Pricing Held Until
Resco (Ermco) Alternate	\$17,360.00	\$12,561.85	\$29,921.85	6/01/13
Resco (Ermco)	\$13,560.00	\$19,422.90	\$33,002.90	6/01/13
Wesco (ABB)	\$18,825.00	\$14,978.65	\$33,803.65	3/31/14
Border States(Cooper)	\$14,597.95	\$20,856.65	\$35,454.60	3/31/14

Three Phase Pad Mount Transformers

Bidder (Manufacturer)	Material Cost	Loss Evaluation	Life Cycle Cost	Pricing Held Until
Wesco (ABB)	\$51,491.00	\$23,381.60	\$74,872.60	3/31/14
Resco (Ermco)	\$39,671.00	\$38,772.84	\$78,443.84	6/1/13
Border States (Cooper)	\$43,781.38	\$38,958.16	\$82,739.54	3/31/14

The bid submitted by Resco (Ermco) contains firm pricing through June 1, 2013. Units purchased after this time period may be subject to escalation. For the single phase transformers,

Resco submitted an alternate design. The alternate design was acceptable for consideration. Additional bid detail by bidder has been included in the attached Exhibit A.

One of the units included in the bid evaluation is a large three phase transformer (500 kVA) that may be required for load additions at North Shore Country Day School. Approval to purchase this unit will be requested when the project requirements are confirmed that the larger transformer is required.

Based on the evaluation, staff is recommending that the single phase transformers be awarded to Resco (Ermco) and three phase transformer purchases be awarded to Wesco (ABB). Staff is requesting authorization to proceed with orders for the following units:

<i>Single Phase:</i>	<i>Three Phase</i>
<u>Quantity of (5): 100 kVA</u>	Quantity of (3): 75 kVA
Total Cost: \$17,360.00	<u>Quantity of (1): 150 kVA</u>
	Total Cost: \$31,779.00

As noted above, Resco's bid contained firm pricing for orders through June 1, 2013. After this period, additional orders may be subject to escalation. If additional single phase padmount transformers are required later in the fiscal year and the vendor is unable to provide the units at the same cost without escalation, staff will seek new bids for these units. The FY2013-14 Budget contains \$80,000 (account #50-47-640-212) for the purchase of *Line Transformers and Devices*.

Recommendation:

Consider authorizing the Village Manager to award Bid #13-011 to Resco for the purchase of Ermco single phase transformers at the unit prices bid in an amount not to exceed \$17,360.00 subject to all of the conditions stated in the bid.

Consider authorizing the Village Manager to award Bid #13-011 to Wesco for the purchase of ABB three phase transformers at the unit prices bid in an amount not to exceed \$31,779.00 subject to all of the conditions stated in the bid.

A B C D E F G H J K

Bid Evaluation Quantity Bid Evaluation Cost for Each Transformer Alternate Cost for FR3 Filled Transformer No Load Losses @ \$12.49 Full Load Losses @ \$2.67 Load Losses @ \$2.67 Subtotal for Each Transformer Total Cost Delivery Time in Weeks

I. for single phase, pad mount transformers, primary voltage - 7200v, secondary voltage 120/240v

50	0	2,788.00	3,485.00	40	\$499.60	372	\$993.24	\$4,280.84	\$0.00	12-14 weeks
75	0	3,234.00	4,042.00	50	\$624.50	525	\$1,401.75	\$5,260.25	\$0.00	12-14 weeks
100	5	3,765.00	4,706.00	59	\$736.91	846	\$2,258.82	\$6,760.73	\$3,803.65	12-14 weeks
167	0	4,639.00	5,798.00	87	\$1,086.63	1259	\$3,361.53	\$9,087.16	\$0.00	12-14 weeks

II. for single phase, pad mount transformers, primary voltage - 7200v x 2400v, secondary voltage 120/240v

50	0	2,861.00	3,576.00	40	\$499.60	477	\$1,273.59	\$4,634.19	\$0.00	12-14 weeks
75	0	3,425.00	4,281.00	50	\$624.50	708	\$1,890.36	\$5,939.86	\$0.00	12-14 weeks
100	0	4,562.00	5,703.00	67	\$836.83	758	\$2,023.86	\$7,422.69	\$0.00	12-14 weeks
167	0	6,122.00	7,652.00	87	\$1,086.63	1437	\$3,836.79	\$11,045.42	\$0.00	12-14 weeks

Subtotal for Group I & II. \$33,803.65

III. for three phase, pad mount transformers, primary voltage - 12,470v/7200v delta, secondary voltage 208Wye/120v

75	3	7,605.00	9,506.00	80	\$999.20	536	\$1,431.12	\$10,035.32	\$30,105.96	12-14 weeks
150	1	8,964.00	11,205.00	118	\$1,473.82	1225	\$3,270.75	\$13,708.57	\$13,708.57	12-14 weeks
300	0	11,344.00	14,180.00	182	\$2,273.18	2692	\$7,187.64	\$20,804.82	\$0.00	12-14 weeks
500	1	19,712.00	24,640.00	427	\$5,333.23	2252	\$6,012.84	\$31,058.07	\$31,058.07	12-14 weeks
750	0	21,772.00	27,215.00	370	\$4,621.30	4949	\$13,213.83	\$39,607.13	\$0.00	12-14 weeks
1000	0	26,682.00	33,352.00	457	\$5,707.93	6914	\$18,460.38	\$50,850.31	\$0.00	12-14 weeks
1500	0	29,175.00	36,468.00	647	\$8,081.03	11148	\$29,765.16	\$67,021.19	\$0.00	12-14 weeks

IV. for three phase, pad mount large opening transformers, primary voltage - 12,470/7200v delta, secondary voltage 208Wye/120v

75	0	8,760.00	10,590.00	80	\$999.20	536	\$1,431.12	\$11,190.32	\$0.00	12-14 weeks
150	0	9,870.00	12,337.00	118	\$1,473.82	1225	\$3,270.75	\$14,614.57	\$0.00	12-14 weeks
300	0	11,693.00	14,616.00	182	\$2,273.18	2692	\$7,187.64	\$21,153.82	\$0.00	12-14 weeks

A	B	C	L	D	E	F	G	H	I	K
KVA Size	Bid Evaluation Quantity	Cost for each Transformer	Alternate Cost for FR3 Filled Transformer	No Load Losses	No Load Losses @ \$12.49	Full Load Losses	Load Losses @ \$2.67	Subtotal for each Transf. C + E + G	Total Cost B x H	Delivery Time in weeks

V. for three phase, pad mount transformers, primary voltage - 12,470/7200v delta, secondary voltage 480Wye/277v

75	0	7,615.00	9,518.00	85	\$1,061.65	490	\$1,308.30	\$9,984.95	\$0.00	12-14 weeks
150	0	9,280.00	11,600.00	126	\$1,573.74	1091	\$2,912.97	\$13,766.71	\$0.00	12-14 weeks
300	0	10,557.00	13,196.00	175	\$2,185.75	2428	\$6,482.76	\$19,225.51	\$0.00	12-14 weeks
500	0	13,920.00	17,400.00	270	\$3,372.30	3568	\$9,526.56	\$26,818.86	\$0.00	12-14 weeks
750	0	20,628.00	25,785.00	382	\$4,771.18	3970	\$10,599.90	\$35,999.08	\$0.00	12-14 weeks
1000	0	23,647.00	29,558.00	418	\$5,220.82	6121	\$16,343.07	\$45,210.89	\$0.00	12-14 weeks
1500	0	24,809.00	31,011.00	726	\$9,067.74	8805	\$23,509.35	\$57,386.09	\$0.00	12-14 weeks

VI. for three phase, pad mount transformers, primary voltage - 12,470/7200v X 4160/2400v delta, secondary voltage 208Wye/120v

75	0	8,536.00	10,670.00	71	\$886.79	948	\$2,531.16	\$11,953.95	\$0.00	12-14 weeks
150	0	9,526.00	11,907.00	110	\$1,373.90	2122	\$5,665.74	\$16,565.64	\$0.00	12-14 weeks
300	0	14,234.00	17,792.00	190	\$2,373.10	2997	\$8,001.99	\$24,609.09	\$0.00	12-14 weeks
500	0	16,617.00	20,771.00	271	\$3,384.79	3790	\$10,119.30	\$30,121.09	\$0.00	12-14 weeks

VII. for three phase, pad mount transformers, primary voltage - 12,470/7200v X 4160/2400v delta, secondary voltage 480Wye/277v

75	0	9,833.00	12,291.00	106	\$1,323.94	507	\$1,353.69	\$12,510.63	\$0.00	12-14 weeks
150	0	12,199.00	15,248.00	174	\$2,173.26	673	\$1,796.91	\$16,169.17	\$0.00	12-14 weeks
300	0	13,211.00	16,513.00	218	\$2,722.82	1973	\$5,267.91	\$21,201.73	\$0.00	12-14 weeks
500	0	15,917.00	19,896.00	334	\$4,171.66	3162	\$8,442.54	\$28,331.20	\$0.00	12-14 weeks
750	0	19,402.00	24,252.00	382	\$4,771.18	4796	\$12,805.32	\$36,978.50	\$0.00	12-14 weeks
1000	0	23,263.00	29,078.00	434	\$5,420.66	7847	\$20,951.49	\$49,635.15	\$0.00	12-14 weeks
1500	0	31,604.00	39,505.00	726	\$9,067.74	10103	\$26,975.01	\$67,646.75	\$0.00	12-14 weeks

Subtotal for Groups III to VII \$74,872.60

Total for Groups I to VII \$108,676.25

A	B	C	L	D	E	F	G	H	I	K	
KVA Size	Bid Evaluation Quantity	Cost for Each Transformer	Alternate Cost for FR3 Filled Transformer	No Load Losses	No Load Losses @ \$12.49	Full Load Losses	Load Losses @ \$2.67	Subtotal for Each Transformer	Total Cost	Delivery Time in Weeks	
					D x \$12.49		F x \$2.67	C + E + G	B x H		
I. for single phase, pad mount transformers, primary voltage - 7200v, secondary voltage 120/240v											
50	0	1,676.00	1,947.00	86	\$1,074.14	476	\$1,270.92	\$4,021.06	\$0.00	8-10 weeks	
75	0	2,330.00	2,632.00	128	\$1,598.72	554	\$1,479.18	\$5,407.90	\$0.00	8-10 weeks	
100	5	2,712.00	3,086.00	154	\$1,923.46	736	\$1,965.12	\$6,600.58	\$33,002.90	8-10 weeks	
167	0	3,569.00	4,113.00	247	\$3,085.03	1152	\$3,075.84	\$9,729.87	\$0.00	8-10 weeks	
II. for single phase, pad mount transformers, primary voltage - 7200v x 2400v, secondary voltage 120/240v											
50	0	1,778.00	2,474.00	76	\$949.24	557	\$1,487.19	\$4,214.43	\$0.00	8-10 weeks	
75	0	2,290.00	2,713.00	119	\$1,486.31	687	\$1,834.29	\$5,610.60	\$0.00	8-10 weeks	
100	0	2,799.00	3,222.00	158	\$1,973.42	765	\$2,042.55	\$6,814.97	\$0.00	8-10 weeks	
167	0	3,695.00	4,137.00	247	\$3,085.03	1236	\$3,300.12	\$10,080.15	\$0.00	8-10 weeks	
									Subtotal for Group I & II.	\$33,002.90	
III. for three phase, pad mount transformers, primary voltage - 12,470v/7200v delta, secondary voltage 208Wye/120v											
75	3	6,665.00	8,394.00	129	\$1,611.21	1027	\$2,742.09	\$11,018.30	\$33,054.90	8-10 weeks	
150	1	8,056.00	9,400.00	247	\$3,085.03	1280	\$3,417.60	\$14,558.63	\$14,558.63	8-10 weeks	
300	0	9,611.00	11,597.00	464	\$5,795.36	2382	\$6,359.94	\$21,766.30	\$0.00	8-10 weeks	
500	1	11,620.00	13,934.00	671	\$8,380.79	4056	\$10,829.52	\$30,830.31	\$30,830.31	8-10 weeks	
750	0	17,156.00	20,739.00	884	\$11,041.16	5396	\$14,407.32	\$42,604.48	\$0.00	8-10 weeks	
1000	0	18,245.00	22,094.00	1077	\$13,451.73	8001	\$21,362.67	\$53,059.40	\$0.00	8-10 weeks	
1500	0	23,373.00	28,155.00	1587	\$19,821.63	11814	\$31,543.38	\$74,738.01	\$0.00	8-10 weeks	
IV. for three phase, pad mount large opening transformers, primary voltage - 12,470/7200v delta, secondary voltage 208Wye/120v											
75	0	6,665.00	8,394.00	129	\$1,611.21	1027	\$2,742.09	\$11,018.30	\$0.00	8-10 weeks	
150	0	7,858.00	9,400.00	246	\$3,072.54	1375	\$3,671.25	\$14,601.79	\$0.00	8-10 weeks	
300	0	9,611.00	11,597.00	464	\$5,795.36	2382	\$6,359.94	\$21,766.30	\$0.00	8-10 weeks	

A	B	C	C	D	E	F	G	H	I	K
KVA Size	Bid Evaluation Quantity	Cost for each Transformer	Cost for each Transformer	No Load Losses	No Load Losses @ \$12.49	Full Load Losses	Load Losses @ \$2.67	Subtotal for each Transf.	Total Cost	Delivery Time in weeks
D x \$12.49										
F x \$2.67										
C + E + G										
B x H										
V. for three phase, pad mount transformers, primary voltage - 12,470/7200v delta, secondary voltage 480Wye/277v										
75	0	8,426.00	6,701.00	132	\$1,648.68	968	\$2,584.56	\$12,659.24	\$0.00	8-10 weeks
150	0	9,235.00	7,653.00	253	\$3,159.97	1292	\$3,449.64	\$15,844.61	\$0.00	8-10 weeks
300	0	11,226.00	9,209.00	433	\$5,408.17	2313	\$6,175.71	\$22,809.88	\$0.00	8-10 weeks
500	0	13,421.00	11,376.00	649	\$8,106.01	3312	\$8,843.04	\$30,370.05	\$0.00	8-10 weeks
750	0	17,835.00	14,564.00	811	\$10,129.39	5736	\$15,315.12	\$43,279.51	\$0.00	8-10 weeks
1000	0	21,221.00	17,663.00	1113	\$13,901.37	6183	\$16,508.61	\$51,630.98	\$0.00	8-10 weeks
1500	0	26,396.00	21,996.00	1571	\$19,621.79	8778	\$23,437.26	\$69,455.05	\$0.00	8-10 weeks
VI. for three phase, pad mount transformers, primary voltage - 12,470/7200v X 4160/2400v delta, secondary voltage 208Wye/120v										
75	0	8,620.00	6,896.00	124	\$1,548.76	1096	\$2,926.32	\$13,095.08	\$0.00	8-10 weeks
150	0	9,804.00	8,291.00	247	\$3,085.03	1374	\$3,668.58	\$16,557.61	\$0.00	8-10 weeks
300	0	13,556.00	11,326.00	446	\$5,570.54	2186	\$5,836.62	\$24,963.16	\$0.00	8-10 weeks
500	0	15,533.00	13,158.00	765	\$9,554.85	3469	\$9,262.23	\$34,350.08	\$0.00	8-10 weeks
VII. for three phase, pad mount transformers, primary voltage - 12,470/7200v X 4160/2400v delta, secondary voltage 480Wye/277v										
75	0	8,834.00	7,029.00	160	\$1,998.40	763	\$2,037.21	\$12,869.61	\$0.00	8-10 weeks
150	0	9,506.00	7,934.00	273	\$3,409.77	1273	\$3,398.91	\$16,314.68	\$0.00	8-10 weeks
300	0	12,038.00	10,022.00	397	\$4,958.53	2349	\$6,271.83	\$23,268.36	\$0.00	8-10 weeks
500	0	14,024.00	11,734.00	701	\$8,755.49	3200	\$8,544.00	\$31,323.49	\$0.00	8-10 weeks
750	0	20,917.00	17,349.00	875	\$10,928.75	4761	\$12,711.87	\$44,557.62	\$0.00	8-10 weeks
1000	0	22,135.00	18,529.00	1170	\$14,613.30	6221	\$16,610.07	\$53,358.37	\$0.00	8-10 weeks
1500	0	27,371.00	23,239.00	1622	\$20,258.78	8884	\$23,720.28	\$71,350.06	\$0.00	8-10 weeks
Subtotal for Groups III to VII									\$78,443.84	
Total for Groups I to VII									\$111,446.74	

A	B	C	L	D	E	F	G	H	I	K
KVA Size	Bid Evaluation Quantity	Cost for Each Transformer	Alternate Cost for FR3 Filled Transformer	No Load Losses 120/240v	No Load Losses @ \$12.49	Full Load Losses	Load Losses @ \$2.67	Subtotal for Each Transformer	Total Cost	Delivery Time in Weeks
					D x \$12.49		F x \$2.67	C + E + G	B x H	

I. for single phase, pad mount transformers, primary voltage - 7200v, secondary voltage 120/240v

50	0	2,075.00	2,398.00	35	\$437.15	456	\$1,217.52	\$3,729.67	\$0.00	8-10 weeks
75	0	2,615.00	3,175.00	47	\$587.03	627	\$1,674.09	\$4,876.12	\$0.00	8-10 weeks
100	5	3,472.00	3,926.00	56	\$699.44	679	\$1,812.93	\$5,984.37	\$29,921.85	8-10 weeks
167	0	3,850.00	4,340.00	57	\$711.93	1820	\$4,859.40	\$9,421.33	\$0.00	8-10 weeks

II. for single phase, pad mount transformers, primary voltage - 7200v x 2400v, secondary voltage 120/240v

50	0	2,193.00	2,531.00	32	\$399.68	489	\$1,305.63	\$3,898.31	\$0.00	8-10 weeks
75	0	2,760.00	3,135.00	47	\$587.03	637	\$1,700.79	\$5,047.82	\$0.00	8-10 weeks
100	0	3,646.00	4,120.00	56	\$699.44	687	\$1,834.29	\$6,179.73	\$0.00	8-10 weeks
167	0	3,989.00	4,472.00	56	\$699.44	1910	\$5,099.70	\$9,788.14	\$0.00	8-10 weeks
Subtotal for Group I & II.									\$29,921.85	

III. for three phase, pad mount transformers, primary voltage - 12,470v/7200v delta, secondary voltage 208Wye/120v

75	3				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
150	1				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
300	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
500	1				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
750	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
1000	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
1500	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks

IV. for three phase, pad mount **large opening** transformers, primary voltage - 12,470/7200v delta, secondary voltage 208Wye/120v

75	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
150	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
300	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks

A	B	C	L	D	E	F	G	H	I	K
KVA Size	Bid Evaluation Quantity	Cost for each Transformer	Alternate Cost for FR3 Filled Transformer	No Load Losses	No Load Losses @ \$12.49	Full Load Losses	Load Losses @ \$2.67	Subtotal for each Transf.	Total Cost	Delivery Time in weeks
D x \$12.49 F x \$2.67 B x H C + E + G										
V. for three phase, pad mount transformers, primary voltage - 12,470/7200v delta, secondary voltage 480Wye/277v										
75	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
150	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
300	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
500	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
750	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
1000	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
1500	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
VI. for three phase, pad mount transformers, primary voltage - 12,470/7200v X 4160/2400v delta, secondary voltage 208Wye/120v										
75	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
150	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
300	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
500	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
VII. for three phase, pad mount transformers, primary voltage - 12,470/7200v X 4160/2400v delta, secondary voltage 480Wye/277v										
75	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
150	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
300	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
500	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
750	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
1000	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks
1500	0				\$0.00		\$0.00	\$0.00	\$0.00	8-10 weeks

Subtotal for Groups III to VII \$0.00
 Total for Groups I to VII \$29,921.85

VILLAGE OF WINNETKA

Exhibit A

Exhibit A

Bid 13-011

Border States (Cooper)

A	B	C	L	D	E	F	G	H	I	K
KVA Size	Bid Evaluation Quantity	Cost for Each Transformer	Alternate Cost for FR3 Filled Transformer	No Load Losses	No Load Losses @ \$12.49	Full Load Losses	Load Losses @ \$2.67	Subtotal for Each Transformer	Total Cost	Delivery Time in Weeks
					D x \$12.49		F x \$2.67	C + E + G	B x H	
I. for single phase, pad mount transformers, primary voltage - 7200v, secondary voltage 120/240v										
50	0	1,864.80	1,884.38	87	\$1,086.63	520	\$1,388.40	\$4,339.83	\$0.00	6-8 weeks
75	0	2,411.59	2,508.05	114	\$1,423.86	676	\$1,804.92	\$5,640.37	\$0.00	6-8 weeks
100	5	2,919.59	3,036.37	145	\$1,811.05	884	\$2,360.28	\$7,090.92	\$35,454.60	6-8 weeks
167	0	3,769.07	3,919.84	210	\$2,622.90	1403	\$3,746.01	\$10,137.98	\$0.00	6-8 weeks
II. for single phase, pad mount transformers, primary voltage - 7200v x 2400v, secondary voltage 120/240v										
50	0	1,943.10	2,020.82	87	\$1,086.63	536	\$1,431.12	\$4,460.85	\$0.00	6-8 weeks
75	0	2,600.80	2,704.85	114	\$1,423.86	737	\$1,967.79	\$5,992.45	\$0.00	6-8 weeks
100	0	3,077.66	3,200.77	158	\$1,973.42	911	\$2,432.37	\$7,483.45	\$0.00	6-8 weeks
167	0	4,116.84	4,281.52	213	\$2,660.37	1448	\$3,866.16	\$10,643.37	\$0.00	6-8 weeks
									Subtotal for Group I & II.	\$35,454.60
III. for three phase, pad mount transformers, primary voltage - 12,470v/7200v delta, secondary voltage 208Wye/120v										
75	3	7,689.66	8,074.14	178	\$2,223.22	723	\$1,930.41	\$11,843.29	\$35,529.87	6-8 weeks
150	1	8,342.59	8,759.71	285	\$3,559.65	1407	\$3,756.69	\$15,658.93	\$15,658.93	6-8 weeks
300	0	10,210.15	10,720.66	471	\$5,882.79	2349	\$6,271.83	\$22,364.77	\$0.00	6-8 weeks
500	1	12,369.81	12,988.30	730	\$9,117.70	3769	\$10,063.23	\$31,550.74	\$31,550.74	6-8 weeks
750	0	14,763.41	15,501.59	884	\$11,041.16	6251	\$16,690.17	\$42,494.74	\$0.00	8-10 weeks
1000	0	17,931.54	18,828.11	1089	\$13,601.61	8071	\$21,549.57	\$53,082.72	\$0.00	8-10 weeks
1500	0	33,068.04	34,721.44	1330	\$16,611.70	12436	\$33,204.12	\$82,883.86	\$0.00	11-12 weeks
IV. for three phase, pad mount large opening transformers, primary voltage - 12,470/7200v delta, secondary voltage 208Wye/120v										
75	0	7,828.44	8,219.87	166	\$2,073.34	739	\$1,973.13	\$11,874.91	\$0.00	6-8 weeks
150	0	8,645.26	9,077.52	256	\$3,197.44	1412	\$3,770.04	\$15,612.74	\$0.00	6-8 weeks
300	0	10,268.31	10,781.72	460	\$5,745.40	2314	\$6,178.38	\$22,192.09	\$0.00	6-8 weeks

A	B	C	L	D	E	F	G	H	I	K
KVA Size	Bid Evaluation Quantity	Cost for each Transformer	Alternate Cost for FR3 Filled Transformer	No Load Losses	No Load Losses @ \$12.49	Full Load Losses	Load Losses @ \$2.67	Subtotal for each Transf.	Total Cost	Delivery Time in weeks
D x \$12.49										
F x \$2.67										
C + E + G										
B x H										
V. for three phase, pad mount transformers, primary voltage - 12,470/7200v delta, secondary voltage 480Wye/277v										
75	0	7,684.38	8,068.60	176	\$2,198.24	768	\$2,050.56	\$11,933.18	\$0.00	6-8 weeks
150	0	8,308.22	8,723.63	286	\$3,572.14	1297	\$3,462.99	\$15,343.35	\$0.00	6-8 weeks
300	0	9,746.24	10,233.55	477	\$5,957.73	2255	\$6,020.85	\$21,724.82	\$0.00	6-8 weeks
500	0	12,246.90	12,859.24	730	\$9,117.70	3012	\$8,042.04	\$29,406.64	\$0.00	6-8 weeks
750	0	14,466.03	15,189.33	894	\$11,166.06	5155	\$13,763.85	\$39,395.94	\$0.00	8-10 weeks
1000	0	17,227.07	18,088.42	1008	\$12,589.92	6831	\$18,238.77	\$48,055.76	\$0.00	8-10 weeks
1500	0	23,224.96	24,386.21	1497	\$18,697.53	9067	\$24,208.89	\$66,131.38	\$0.00	11-12 weeks
VI. for three phase, pad mount transformers, primary voltage - 12,470/7200v X 4160/2400v delta, secondary voltage 208Wye/120v										
75	0	8,437.75	8,859.64	150	\$1,873.50	932	\$2,488.44	\$12,799.69	\$0.00	6-8 weeks
150	0	9,282.32	9,746.43	275	\$3,434.75	1532	\$4,090.44	\$16,807.51	\$0.00	6-8 weeks
300	0	10,678.03	11,211.94	496	\$6,195.04	2663	\$7,110.21	\$23,983.28	\$0.00	6-8 weeks
500	0	12,889.24	13,533.70	771	\$9,629.79	4123	\$11,008.41	\$33,527.44	\$0.00	8-10 weeks
VII. for three phase, pad mount transformers, primary voltage - 12,470/7200v X 4160/2400v delta, secondary voltage 480Wye/277v										
75	0	8,408.67	8,829.10	183	\$2,285.67	817	\$2,181.39	\$12,875.73	\$0.00	6-8 weeks
150	0	9,241.34	9,703.41	263	\$3,284.87	1511	\$4,034.37	\$16,560.58	\$0.00	6-8 weeks
300	0	10,594.76	11,124.51	462	\$5,770.38	2622	\$7,000.74	\$23,365.88	\$0.00	6-8 weeks
500	0	12,582.61	13,211.73	697	\$8,705.53	3823	\$10,207.41	\$31,495.55	\$0.00	6-8 weeks
750	0	16,866.25	17,709.56	877	\$10,953.73	5202	\$13,889.34	\$41,709.32	\$0.00	8-10 weeks
1000	0	19,660.32	20,643.34	1043	\$13,027.07	6591	\$17,597.97	\$50,285.36	\$0.00	8-10 weeks
1500	0	26,796.20	28,136.00	1441	\$17,998.09	9248	\$24,692.16	\$69,486.45	\$0.00	11-12 weeks
Subtotal for Groups III to VII									\$82,739.54	
Total for Groups I to VII									\$118,194.14	



Agenda Item Executive Summary

Title: MC-2-2013 - Registration of Certain Food Service Providers - Adoption

Presenter: Katherine S. Janega, Village Attorney

Agenda Date: 04/18/2013

Consent: YES NO

- | | |
|-------------------------------------|-------------------------|
| <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Bid Authorization/Award |
| <input type="checkbox"/> | Policy Direction |
| <input type="checkbox"/> | Informational Only |

Item History:

None.

Executive Summary:

The Village licenses and inspects food service providers and retailers in the Village, but does not license food service businesses that provide food to such institutional uses as schools, which are usually licensed by the communities in which they prepare their food, leaving the Village without contact and other information that could enable the Village to respond quickly to a food borne and to alert local institutions served by the same business.

Ordinance MC-2-2013 would require institutional food services to provide basic business and contact information through a free, annual registration process. MC-2-2013 amends the following provisions of the Village Code:

- > Chapter 5.04 - Amends the title; amends Section 5.04.010 to clarify the chapter's scope and add references to registration.
- > Chapter 5.24 - Adds the registration requirement, defines the content of the registration, and restructures the entire chapter.
- > Chapter 8.12 - Amends Section 8.12.060 by adding the registration requirement.

Recommendation / Suggested Action:

Consider adopting Ordinance MC-2-2013, titled "An Ordinance Amending Chapters 5.04, 5.24 and 8.12 of the Winnetka Village Code to Require the Registration of Certain Food Services."

Attachments:

1. Agenda Report
2. Ordinance MC-2-2013, showing final text of amended provisions.
3. Ordinance MC-2-2013, showing amendments with tracked changes.

AGENDA REPORT

SUBJECT: **Ordinance MC-2-2013 Amending Chapters 5.04, 5.24 and 8.12 of the Winnetka Village Code to Require the Registration of Certain Food Service Providers**

PREPARED BY: Katherine S. Janega, Village Attorney

DATE: April 11, 2013

Ordinance MC-2-2013 was introduced at the April 4, 2013 Council meeting.

Ordinance MC-2-2013 amends Chapters 5.24 and 8.12 of the Village Code to require food services that provide food for institutional uses in the Village to register annually with the Village, provided they are licensed by another regulatory agency. The registration would require proof of licensing, identify the business and the institution(s) it serves, and provide emergency contacts for both the food service provider and the institution(s). There would be no registration fee.

All food service providers are subject to licensing and regulation under the State of Illinois' Food Service Code and Retail Food Store Sanitation Code, which the Village has adopted by reference, but the Village only licenses those food businesses that prepare food in the Village. Because the Village does not license the institutional food services, it has no contact information and no information that would allow it to notify those institutions in the event an institutional food service provider is involved in a food borne illness incident within or outside of the Village. The proposed amendments, requested by the Village Sanitarian after two recent incidents, would close this information gap without imposing additional costs or inspections.

As explained at the time of introduction, the Ordinance also makes technical amendments to Chapter 5.04, which contains the general license and permitting provisions. Those amendments rename Chapter 5.04, add references to business registration, and clarify that the chapter applies to business licenses, permits and registration, rather than to licenses and permits in general.

Recommendation:

Consider adoption of Ordinance MC-2-2013, titled "An Ordinance Amending Chapters 5.04, 5.24 and 8.12 of the Winnetka Village Code to Require the Registration of Certain Food Services."

**AN ORDINANCE
AMENDING WINNETKA VILLAGE CODE CHAPTERS 5.04, 5.24 AND 8.12
TO REQUIRE THE REGISTRATION OF CERTAIN FOOD SERVICES**

WHEREAS, the Village of Winnetka (“Village”) 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 regulation of food service establishments and other providers of food services protects the health, safety and welfare of the Village’s residents and businesses, and is a matter pertaining to the government and affairs of the Village; and

WHEREAS, the Village Council further finds and determines that it is necessary to provide a regulatory mechanism for identifying food services that are not licensed by the Village and that provide food or meals for institutional uses; 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: The title of Chapter 5.04, “Licenses and Permits Generally,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended as follows:

**Chapter 5.04
General Provisions**

SECTION 2: Section 5.04.010 of Chapter 5.04 of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

Section 5.04.010 Applicability.

A. Governing Regulations. Unless otherwise provided, this chapter governs the issuance of all business licenses, business permits and business registrations required by this code.

B. Applications. Applications for all business licenses, business permits and business registrations shall be made in writing on forms to be provided by the Village, and shall be submitted to the Village Manager.

C. Renewal. A separate application shall be necessary to renew any business license, business permit or business registration at its expiration.

D. Issuance. Where a business license or business permit is required by the Village, such license or permit shall be issued by the Village Manager, except where otherwise provided.

E. Forms. Forms of all business licenses, business permits and business registrations shall be prescribed by and provided by the Village Manager.

SECTION 3: Chapter 5.24, "Food Businesses," of Title 5 of the Winnetka Village Code, "Business Licenses and Regulations," is hereby amended in its entirety, to provide as follows:

Chapter 5.24
FOOD BUSINESSES

Sections:

- | | |
|-----------------|-----------------------------------|
| 5.24.010 | Licensing of food dealers. |
| 5.24.020 | Hours of Operation. |
| 5.24.030 | Definitions. |

Section 5.24.010 Licensing and registration of food dealers.

A. License required. Except as provided in subsection B, each person keeping, maintaining or operating a food service establishment, including a restaurant, or retail food store, and each itinerant food vendor and each person operating one or more food vending machines as defined in Chapter 8.12 of this code, in this Village, shall annually, on or before January 1st of each year, exhibit to the Village Manager a permit issued by the Village Sanitarian as provided in Chapter 8.12 of this code for the purpose of securing a license to conduct such business.

B. Registration of certain food services. Any food service establishment that provides food services to any institutional use in the Village, including school food services, shall not be required to obtain a license from the Village if that food service establishment holds a current, valid license issued by another regulatory authority under the Illinois Food Service Sanitation Code promulgated by the Illinois Department of Public Health, or any successor thereto. In lieu of obtaining a Village license, such food service establishment shall register with the Village annually, on or before January 1st of each year, which registration shall provide the following information:

1. Name, address and phone number of the registrant, and the name and phone number for registrant's emergency contact;
2. Proof of licensing;
3. Name, address and phone number of the institution(s) served in the Village by the registrant, and the name and phone number of the emergency contact for the institution(s);

4. A description of the food services provided, including the location or locations at which food will be prepared; and

5. Such other information as may be requested by the Village Manager or his or her designee.

C. License and registration forms and fees.

1. Application and registration forms. The form of application for licenses and registrations pursuant to this section 5.24.010 shall be prescribed by the Village Manager, as provided in Chapter 5.04 of this code.

2. The fee for licenses required by section 5.24.010(A) shall be established by resolution of the Village Council. There shall be no fee for the registration required by section 5.24.010(B) of this code.

Section 5.24.020 Hours of operation.

All restaurants and food stores shall be subject to the following hours of operation:

A. All standard restaurants may be open to the public between the hours of 6:00 a.m. and midnight on Fridays and Saturdays and between the hours of 6:00 a.m. and 11:00 p.m. on all other nights of the week. Notwithstanding the foregoing, the hours of any standard restaurant that is also licensed to serve alcoholic beverages under a Class A or Class A-1 liquor license issued pursuant to Chapter 5.09 of this code, may remain open for business until 2:00 a.m. on January 1st; provided, that no additional patrons shall be admitted to such restaurant after 1:00 a.m.

B. Fast food restaurants and drive-in restaurants may be open to the public between the hours of 6:00 a.m. and midnight every day of the week.

C. All food stores may be open to the public between the hours of 6:00 a.m. and midnight every day of the week.

5.24.030 Definitions.

A. As used in this chapter, the terms “food service establishment,” “retail food store,” and “Village Sanitarian” shall have the meanings defined in the Winnetka Food Sanitation Code, Chapter 8.12 of this code.

B. As used in this chapter, the terms “fast food restaurant” and “standard restaurant” shall have the meanings defined in paragraphs 8 and 9 of Section 17.04.030 (R) of this code.

SECTION 4: Section 8.12.060 of Chapter 8.12, “Food Service Sanitation,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

Section 8.12.060 License or registration required.

A. License required. Except as provided in subsection B, no person shall operate a food service establishment or retail food store without a valid license to operate issued by the Village Sanitarian as provided in this chapter. A valid license shall be posted in every food service establishment and retail food store so as to be visible to patrons.

B. Registration of certain food services. Any food service establishment that provides food services to any institutional use in the Village, including school food services, shall not be required to obtain a license from the Village if that food service establishment holds a current, valid license issued by another regulatory under the Illinois Food Service Sanitation Code promulgated by the Illinois Department of Public Health, or any successor thereto. In lieu of obtaining a Village license, such food service establishment shall register with the Village annually, on or before January 1st of each year.

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 18th day of April, 2013, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 18th day of April, 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: April 4, 2013

Passed and Approved:

AN ORDINANCE
AMENDING WINNETKA VILLAGE CODE CHAPTERS 5.04, 5.24 AND 8.12
TO REQUIRE THE REGISTRATION OF CERTAIN FOOD SERVICES

WHEREAS, the Village of Winnetka (“Village”) 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 regulation of food service establishments and other providers of food services protects the health, safety and welfare of the Village’s residents and businesses, and is a matter pertaining to the government and affairs of the Village; and

WHEREAS, the Village Council further finds and determines that it is necessary to provide a regulatory mechanism for identifying food services that are not licensed by the Village and that provide food or meals for institutional uses; 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: The title of Chapter 5.04, “Licenses and Permits Generally,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended as follows:

Chapter 5.04

Licenses and Permits Generally

General Provisions

SECTION 2: Section 5.04.010 of Chapter 5.04 of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended to provide as follows:

Section 5.04.010 Applicability, License and permit regulations.

A. Governing Regulations. Unless otherwise provided, this chapter governs the issuance of all business licenses, and business permits and business registrations required by this code. issued by the Village.

B. Applications. Applications for all business licenses, business and permits and business registrations shall be made in writing on forms to be provided by the Village, and shall be submitted to the Village Manager.

C. Renewal. A ~~new separate~~ application shall be necessary to renew any business license, business permit or business registration at its expiration.

D. Issuance. Where a business license or a ~~business~~ permit is required by the Village, such license or permit shall be issued by the Village Manager, except where otherwise provided.

E. Forms. Forms of all business licenses, ~~and business~~ permits and business registrations shall be prescribed by and provided by the Village Manager.

SECTION 3: Chapter 5.24, “Food Businesses,” of Title 5 of the Winnetka Village Code, “Business Licenses and Regulations,” is hereby amended in its entirety, to provide as follows:

Chapter 5.24
FOOD BUSINESSES

Sections:

- 5.24.010** Licensing of food dealers.~~Food dealers.~~
- 5.24.020** Hours of Operation.~~Milk dealers. (Repealed, MC-7-2003, 05/20/03)~~
- 5.24.030** Definitions.

Section 5.24.010 Licensing and registration of food dealers.~~Food dealers.~~

A. License required. ~~Except as provided in subsection B, each~~ ~~Each~~ person keeping, maintaining or operating a food service establishment, including a restaurant, or retail food store, and each itinerant food vendor and each person operating one or more food vending machines as defined in Chapter 8.12 of this code, in this Village, shall annually, on or before ~~January 1st~~ January 1st of each year, exhibit to the Village Manager a permit issued by the ~~Health Officer~~ Village Sanitarian as provided in Chapter 8.12 of this code for the purpose of securing a license to conduct such business, ~~and pay the license fee required.~~

B. Registration of certain food services. Any food service establishment that provides food services to any institutional use in the Village, including school food services, shall not be required to obtain a license from the Village if that food service establishment holds a current, valid license issued by another regulatory authority under the Illinois Food Service Sanitation Code promulgated by the Illinois Department of Public Health, or any successor thereto. In lieu of obtaining a Village license, such food service establishment shall register with the Village annually, on or before January 1st of each year, which registration shall provide the following information:

1. Name, address and phone number of the registrant, and the name and phone number for registrant’s emergency contact;
2. Proof of licensing;
3. Name, address and phone number of the institution(s) served in the Village by the registrant, and the name and phone number of the emergency contact for the institution(s);

4. A description of the food services provided, including the location or locations at which food will be prepared; and

5. Such other information as may be requested by the Village Manager or his or her designee.

C. License and registration forms and fees.

1. Application and registration forms. The form of application for licenses and registrations pursuant to this section 5.24.010 shall be prescribed by the Village Manager, as provided in Chapter 5.04 of this code.

2. The fee for licenses required by section 5.24.010(A) shall be established by resolution of the Village Council. There shall be no fee for the registration required by section 5.24.010(B) of this code.

Section 5.24.020 Hours of operation.

~~B. Hours of Operation.~~ All restaurants and food stores shall be subject to the following hours of operation:

A. 1. All standard restaurants may be open to the public between the hours of 6:00 a.m. and midnight on Fridays and Saturdays and between the hours of 6:00 a.m. and 11:00 p.m. on all other nights of the week. Notwithstanding the foregoing, the hours of any standard restaurant that is also licensed to serve alcoholic beverages under a Class A or Class A-1 liquor license issued pursuant to Chapter 5.09 of this code, may remain open for business until 2:00 a.m. on ~~January 1st~~ January 1st; provided, that no additional patrons shall be admitted to such restaurant after 1:00 a.m.

B. 2. Fast food restaurants and drive-in restaurants may be open to the public between the hours of 6:00 a.m. and midnight every day of the week.

C. 3. All food stores may be open to the public between the hours of 6:00 a.m. and midnight every day of the week.

5.24.030 Definitions.

A. As used in this chapter, the terms “food service establishment,” “retail food store,” and “Village Sanitarian” shall have the meanings defined in the Winnetka Food Sanitation Code, Chapter 8.12 of this code.

~~B. C. Definitions.~~ As used in this chapter, the terms “fast food restaurant” and “standard restaurant” shall have the meanings defined in paragraphs 8 and 9 of Section 17.04.030 (R) of this code.

SECTION 4: Section 8.12.060 of Chapter 8.12, “Food Service Sanitation,” of Title 8 of the Winnetka Village Code, “Health and Safety,” is hereby amended to provide as follows:

Section 8.12.060 License or registration required.~~Required~~

A. License required. ~~No~~ Except as provided in subsection B, no person shall operate a food service establishment or retail food store without a valid license to operate issued by the Village Sanitarian as provided in this chapter. A valid license shall be posted in every food service establishment and retail food store so as to be visible to patrons.

B. Registration of certain food services. Any food service establishment that provides food services to any institutional use in the Village, including school food services, shall not be required to obtain a license from the Village if that food service establishment holds a current, valid license issued by another regulatory under the Illinois Food Service Sanitation Code promulgated by the Illinois Department of Public Health, or any successor thereto. In lieu of obtaining a Village license, such food service establishment shall register with the Village annually, on or before January 1st of each year.

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 18th day of April, 2013, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 18th day of April, 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: April 4, 2013

Passed and Approved:



Agenda Item Executive Summary

Title: M-5-2013 - Authorizing the Disposition of Surplus Electrical Equipment - Adoption

Presenter: Katherine S. Janega, Village Attorney

Agenda Date: 04/18/2013

Consent: YES NO

- | | |
|-------------------------------------|-------------------------|
| <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Bid Authorization/Award |
| <input type="checkbox"/> | Policy Direction |
| <input type="checkbox"/> | Informational Only |

Item History:

None.

Executive Summary:

From time to time, it is necessary to dispose of equipment that is no longer used and useful for the Village, due to replacement or obsolescence. Consistent with procedures established by Illinois statutes, the Village's established practice is to pass an ordinance authorizing the Village Manager to determine the value and the appropriate method for disposing of such items.

Ordinance M-5-2013 authorizes the disposition of the SCADA system due to obsolescence and planned retirement. In addition, in keeping with the Village's established practice, the ordinance also contains the annual authorization for the Manager to dispose of other Water & Electric Department equipment or vehicles as necessary in the course of the current fiscal year.

The ordinance also requires that the disposal of any surplus property that contains PCBs complies with applicable environmental regulations and that the disposal is properly documented.

Recommendation / Suggested Action:

Consider adoption of Ordinance M-5-2013, titled "An Ordinance Authorizing the Sale or other Disposition of Surplus Electrical Equipment."

Attachments:

1. Agenda Report
2. Ordinance M-5-2013, "An Ordinance Authorizing the Disposition of Surplus Electrical Equipment"

AGENDA REPORT

SUBJECT: **Ordinance M-5-2013 - Authorizing the Sale or Other Disposition of Surplus Electrical Equipment**

PREPARED BY: Brian Keys, Director Water & Electric
 Katherine S. Janega, Village Attorney

DATE: April 11, 2013

Ordinance M-5-2013 was introduced at the April 4, 2013, Council meeting.

The ordinance authorizes the Water & Electric Department to dispose of certain equipment that has become outdate and/or is no longer useful to the Village. That equipment consists of the four outdated computer servers and video monitors that formerly constituted the Supervisory Control and Data Acquisition (SCADA) system at the water plant. That equipment has been replaced and Department will attempt to sell off whatever parts of the equipment it can prior to the ultimate disposal.

Ordinance M-5-2013 also provides an annual authorization to the Water & Electric Department that allows it to dispose of such equipment as transformers, meters and switchgear as the equipment is retired during the fiscal year as it becomes obsolete or too costly to repair.

Ordinance M-5-2013 specifically requires that any equipment containing contaminants be disposed of according to environmental regulations. Generally, this applies to surplus transformers, which are tested for Polychlorinated Biphenyl (PCB) content to insure that the appropriate method of disposition is followed and documented.

Recommendation:

Consider adopting Ordinance M-5-2013, authorizing the Village Manager to dispose of surplus electrical equipment as provided in the ordinance.

**AN ORDINANCE
AUTHORIZING THE SALE OR OTHER DISPOSITION
OF SURPLUS ELECTRICAL EQUIPMENT**

WHEREAS, the Village of Winnetka Water and Electric Department (“Department”) has requested authorization to dispose of the following equipment (“Retired Equipment”),

Serial Number	Year	Make / Model	Comments	Minimum Price
N183913695	c.1997	DIGITAL 433AU	Alpha server	Salvage
AS50259204	c.1997	Dec 90L +	Server	Salvage
6V73231057	c.1997	HP	16” CRT Monitor	Salvage
N183913696	c.1997	DIGITAL 433AU	Alpha server	Salvage
IR54366852	c.1997	Dec 90L +	Server	Salvage
345707-001	c.1997	HP	21” CRT Monitor	Salvage

which is no longer useful in the Department’s operations and/or has been scheduled for replacement; and

WHEREAS, the Department has also reported to the Village Council that from time to time in the course of the year, certain electrical transformers and other equipment are also expected to be retired from service and will no longer be necessary or useful to the Village of Winnetka (the “Additional Retired Equipment”); and

WHEREAS, the Director of Water and Electric has requested that the Council of the Village of Winnetka (“Village Council”) (i) determine that the “Retired Property” is no longer necessary or useful to the Village of Winnetka, and (ii) authorize the Water and Electric Department to dispose of the Retired Equipment and Additional Retired Equipment (collectively, the “Surplus Property”); and

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 and 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, including, but not limited to, the powers to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the Village Council finds that the disposal of surplus property owned by the Village, such as the Surplus Property described in this Ordinance, is a matter pertaining to the affairs of the Village and to the public health, safety and general welfare; and

WHEREAS, the Village Council has determined that disposal of the Surplus Property as provided in this Ordinance is necessary and proper so as to avoid incurring unnecessary additional costs and unnecessary exposure to liability related to storing or disposing of the Surplus Property; and

WHEREAS, 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, have determined that it is in the best interests of the Village and its citizens to dispose of the Surplus Property in a manner consistent with the provisions of Section 11-76-4 of the Illinois Municipal Code (65 ILCS 5/11-76-4), as more fully set forth in this Ordinance; 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, the Council of the Village of Winnetka do ordain as follows:

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

SECTION 2: The Village Council finds: (a) that the Retired Property described above in this Ordinance is no longer necessary or useful to the Village of Winnetka; (b) that, in the event the Water and Electric Department retires or replaces any other electrical transformers or other equipment between the date this Ordinance is passed and the end of the 2013-14 fiscal year ("Additional Retired Equipment"), such Additional Retired Equipment shall be determined to no longer be necessary or useful to the Village, provided that the Director of Water and Electric, with the approval of the Village Manager, determines that the Additional Retired Equipment cannot reasonably be reused in the Village's electric distribution system or by another operating department of the Village; and (c) the best interests of the Village of Winnetka will be served by the sale or other disposition of the Retired Equipment and the Additional Retired Equipment (collectively, the "Surplus Property") as provided in this Ordinance.

SECTION 3: The Village Council further finds that, based on prior experience in disposing of similar items of property, the cost of conducting a public sale of such property, which includes the costs of advertising and publishing, as well as personnel costs for maintaining security and conducting the public sale, exceed the value of such items.

SECTION 4: The Village Manager is hereby authorized and directed to determine the value and to dispose of the Surplus Property in the manner provided in Sections 5 and 6 of this Ordinance.

SECTION 5: If the Surplus Property does not contain polychlorinated biphenyls (PCBs), the Village Manager, in the exercise of his discretion, may dispose of the Surplus Property in one of the following ways:

A. by selling the Surplus Property to the highest bidder, with or without advertising; or

B. in furtherance of intergovernmental cooperation as provided in Article VII, Section 10 of the Illinois Constitution of 1970, and in the Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq.*, by transferring title to any Illinois municipal electric utility, with or without competitive bidding; provided, that: (i) competitive bids may be obtained with or without advertising, and (ii) the terms and conditions of any transfer of title without competitive bidding shall be established by the Village Manager on a case by case basis, after considering such factors as the estimated value of the Surplus Property and the technical needs and financial capabilities of the transferee municipal electric utility.

SECTION 6: All Surplus Property that contains or is contaminated by PCBs shall be disposed of at the lowest cost to the Village, which cost may be determined with or without advertising; provided, that any person or entity that disposes of or destroys any part of such Surplus Property shall provide a sworn statement to the Village certifying that such disposal or destruction complies with all applicable environmental laws and regulations.

SECTION 7: 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 8: This Ordinance shall take effect immediately upon its passage, approval and publication as provided by law.

PASSED this 18th day of April, 2013, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 18th day of April, 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: April 4, 2013

Passed and Approved:



Agenda Item Executive Summary

Title: One Year Extension of Yard Waste Composting Contract

Presenter: Steven M. Saunders, Director of Public Works/Village Engineer

Agenda Date: 04/18/2013

Consent: YES NO

- | | |
|-------------------------------------|-------------------------|
| <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | Bid Authorization/Award |
| <input type="checkbox"/> | Policy Direction |
| <input type="checkbox"/> | Informational Only |

Item History:

None.

Executive Summary:

The Village has a contract with Thelen Sand & Gravel of Antioch, IL to provide transport and disposal services for yard waste collected by the Village of Winnetka refuse collection operations. Under State of Illinois law, yard waste may no longer be disposed of in landfills, but must be composted. The Village of Winnetka maintains a landscape waste transfer station at the Village's closed landfill at 1390 Willow Road. Operationally, the Village collects the landscape waste with its refuse collectors and deposits it at the transfer site on the landfill. Thelen then hauls the material offsite within 72 hours of deposit, and composts the material at their compost site in Antioch.

The current contract was initiated for the period April 1, 2006 through March 31, 2007, at a contract price of \$6.94 per cubic yard. The contract allows for up to 5 one-year extensions with a rate adjustment based on the percent change in the Chicago CPI. The operation has gone extremely smoothly over the life of the contract. Last year Thelen requested to extend the contract with all original terms, conditions and to hold pricing. Thelen again wishes to extend the contract for an additional year. Staff has been very pleased with the operation and also wishes to extend the contract. Thelen has agreed to hold their prices at the contract rate of \$7.00 per cubic yard.

Recommendation / Suggested Action:

Consider authorizing a one year extension of the current composting contract with Thelen Sand & Gravel of Antioch, IL for \$7.00 per cubic yard.

Attachments:

Agenda Report

Agenda Report

**Subject: One Year Extension of Yard Waste Composting Contract
with Thelen Sand & Gravel**

Prepared By: Steven M. Saunders, Director of Public Works/Village Engineer

Date: April 11, 2013

The Village has a contract with Thelen Sand & Gravel of Antioch, IL to provide transport and disposal services for yard waste collected by the Village of Winnetka refuse collection operations. Under State of Illinois law, yard waste may no longer be disposed of in landfills, but must be composted. The Village of Winnetka maintains a landscape waste transfer station at the Village's closed landfill at 1390 Willow Road. Operationally, the Village collects the landscape waste with its refuse collectors and deposits it at the transfer site on the landfill. Thelen then hauls the material offsite within 72 hours of deposit, and composts the material at their compost site in Antioch.

The current contract was initiated for the period April 1, 2006 through March 31, 2007, at a contract price of \$6.94 per cubic yard. The contract allows for up to 5 one-year extensions with a rate adjustment based on the percent change in the Chicago CPI.

The operation has gone extremely smoothly over the life of the contract. Last year Thelen requested to extend the contract with all original terms, conditions and to hold pricing. Thelen again wishes to extend the contract for an additional year. Staff has been very pleased with the operation and also wishes to extend the contract. Thelen has agreed to hold their prices at the contract rate of \$7.00 per cubic yard.

The contract rates over the life of the contract follow:

Year	Rate
2006	\$6.94
2007	\$7.00
2008	\$7.00
2009	\$7.00
2010	\$7.00
2011	\$7.00
2012	\$7.00
2013 (proposed)	\$7.00

Recommendation:

Consider authorizing a one year extension of the current composting contract with Thelen Sand & Gravel of Antioch, IL for \$7.00 per cubic yard.



Agenda Item Executive Summary

Title: Stormwater Monthly Summary Report

Presenter: Steven M. Saunders, Director of Public Works/Village Engineer

Agenda Date: 04/18/2013

Consent: YES NO

<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Bid Authorization/Award
<input type="checkbox"/>	Policy Direction
<input checked="" type="checkbox"/>	Informational Only

Item History:

Monthly Report

Executive Summary:

The Village's Stormwater Project Manager has prepared a monthly report for the Village Council that brings together status, cost, and schedule information, for each separate stormwater project, in one place. The report consists of four documents, explained below:

AT Group Project Summary Report (Attachment #1)

This report provides a brief outline and summary of each major stormwater project currently being undertaken by the Village.

One Year Look-Ahead Schedule (Attachment #2)

This document provides an overview schedule for each project.

Program Budget (Attachment #3)

This report provides financial information for the stormwater and sanitary sewer improvement programs.

Program Organization Chart (Attachment #4)

This document presents a one-page "snapshot" view of the status of each project, and how each project fits into the overall stormwater and sanitary sewer management program.

Recommendation / Suggested Action:

Informational Report

Attachments:

1. AT Group Project Summary Report
2. One Year Look-Ahead Schedule
3. Program Budget
4. Program Organization Chart

Attachment #1
AT Group Project Summary Report



MEMORANDUM

DATE: April 11, 2013
TO: Steven Saunders, P.E.
Village of Winnetka
SUBJECT: Project Summary

Spruce Outlet (Tower)

Activity Summary Christopher B. Burke Engineering, Ltd. (CBBEL) is proceeding with final design. CBBEL continues to coordinate the USACE permit. Tentatively, construction is scheduled for the fall of 2013.

Budget Summary The Village budgeted \$90,000 for engineering and committed \$111,429. The total project cost estimate remains \$1,162,853.

6-Month Look Ahead The project team will:

1. Complete final engineering
2. Present the project to the Council for scheduling consideration
3. Let the contract with Village Council approval
4. Conduct a neighborhood meeting on the project

Spruce Outlet (Lloyd)

Activity Summary CBBEL submitted 95% final plans to the Village and Park District for pre-bid review and comment. Tentatively, construction is scheduled for the summer of 2013.

Budget Summary The Village budgeted \$90,000 for engineering and committed \$37,143. The total project cost estimate remains \$398,786.

6-Month Look Ahead The project team will:

1. Complete the final engineering
2. Present the project to the Council for scheduling consideration
3. Prepare construction documents for bidding
4. Let the contract with Village Council approval
5. Conduct a neighborhood meeting on the project

Winnetka Avenue Pump Station

Activity Summary The Forest Preserve District Board is scheduled to consider approval of the proposed construction plans at their April 16, 2013 meeting.

Budget Summary The Village budgeted \$750,000 for the project and committed \$29,300 for engineering.

6-Month Look Ahead The project team will:

1. Complete the final engineering
2. Prepare construction documents for bidding
3. Prepare and submit the required permits
4. Let the contract with Village Council approval

NW Winnetka (Greenwood/Forest Glen)

Activity Summary CBBEL is proceeding with the final engineering, and the plans are at the 85% design stage. The U.S. Army Corps of Engineers has issued a permit for construction of the proposed outlet to the lagoon. A request for permission to construct the outfall on Forest Preserve District of Cook County property was submitted January 9, 2013. Plans and permits should be complete by June 30, 2013.

Budget Summary The Village budgeted \$250,000 for engineering and committed \$226,874 for engineering. The total project cost estimate – including the Forest Glen improvements - remains \$4,266,924.

6-Month Look Ahead The project team will:

1. Continue preliminary engineering
2. Brief the Council on the preliminary engineering and determine schedule
3. Prepare construction documents for bidding
4. Prepare and submit the required permits
5. Let the contract with Village Council approval
6. Conduct a neighborhood meeting on the project



Willow Road Tunnel

Activity Summary The project team has completed a preliminary Draft RFQ but activity on this project is pending Council discussion of project financing.

Budget Summary The Village budgeted \$800,000 for engineering and committed \$70,350. The total project cost estimate remains \$34,369,048.

6-Month Look Ahead The project team will:

1. Present the Draft RFQ and consultant selection process to the Village Council
2. With Village Council approval, procure the services of an engineering consultant for design and permitting
3. Commence preliminary engineering

Stormwater Master Plan

Activity Summary Village staff continues to meet monthly with Baxter & Woodman (B&W) representatives to discuss the status of the project. In addition to B&W, CBBEL also attends as needed for project coordination. The next scheduled meeting is April 19.

Budget Summary The Village budgeted \$50,000 and committed \$101,220.

6-Month Look Ahead The project team will:

1. Prepare the draft Stormwater Master Plan

Stormwater Utility Feasibility Study

Activity Summary Municipal and Financial Services Group participated in the third workshop and is proceeding with the final report.

Budget Summary The Village budgeted \$50,000 and awarded an agreement in the amount of \$72,100.

6-Month Look Ahead The project team will:

1. Present the final report to the Council



Sanitary Sewer Evaluation

Activity Summary On April 4, 2013, the Council awarded a contract to Baxter & Woodman for further detailed I/I evaluation in select areas of the Village to identify specific system repairs and corrections needed.

Budget Summary The Village has budgeted \$150,000 and committed \$152,157.

6-Month Look Ahead The project team will:

1. Complete detailed evaluations as approved
2. Report findings to the Council
3. Complete design engineering of initial system improvements

Public Outreach

Activity Summary The project team continues to update the website and monitor the activity. The team prepared a draft engagement plan and will present the plan to the Council in May 2013.

Budget Summary There is no separate budget associated with this project.

6-Month Look Ahead The project team will:

1. Refine the draft engagement plan
2. Present the plan to the Council
3. Continue to update the website and monitor activity

Attached are the following documents:

1. One-Year Look-Ahead Schedule including Council Meeting Presentations
2. Program Budget
3. Program Organization Chart

If you have any questions or need additional information, please call me at 847-691-9832, or send an e-mail to jjohnson@theatgrp.com.



Attachment #2
One Year Look-Ahead Schedule

Village of Winnetka
Stormwater Management Program

One-Year Look Ahead Schedule

	Apr. 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14	Mar 14
Lower Foxdale												
Preliminary Engineering												
Permitting												
Final Engineering												
Construction												
Lower Outlet												
Preliminary Engineering												
Permitting												
Final Engineering												
Construction												
Tunnel (Willow North, Willow South, Provident, Cherry Outlet, Underpass)												
Feasibility Study												
Engineering RFQ/RFP												
Preliminary Engineering												
NW Winnetka (Greenwood/Forest Glen)												
Preliminary Engineering												
Permitting												
Final Engineering												
Construction												
Winnetka Avenue Pump Station												
Preliminary Engineering												
Permitting												
Final Engineering												
Construction												
Sanitary Sewer												
Pilot Study												
Stormwater Master Plan												
Develop SMP												
Community Outreach												
Village Council Meeting Presentations												
Community Engagement Plan												
Stormwater Utility Feasibility Study Final Report												
Stormwater Projects Program												
Stormwater Monthly Report												
Stormwater Master Plan Draft Report												
Stormwater Monthly Report												
Stormwater Master Plan Final Report												
Stormwater Monthly Report												
Stormwater Monthly Report												

04/11/2013



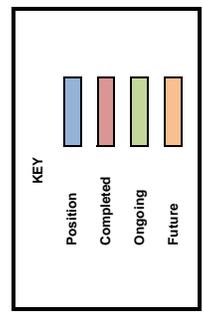
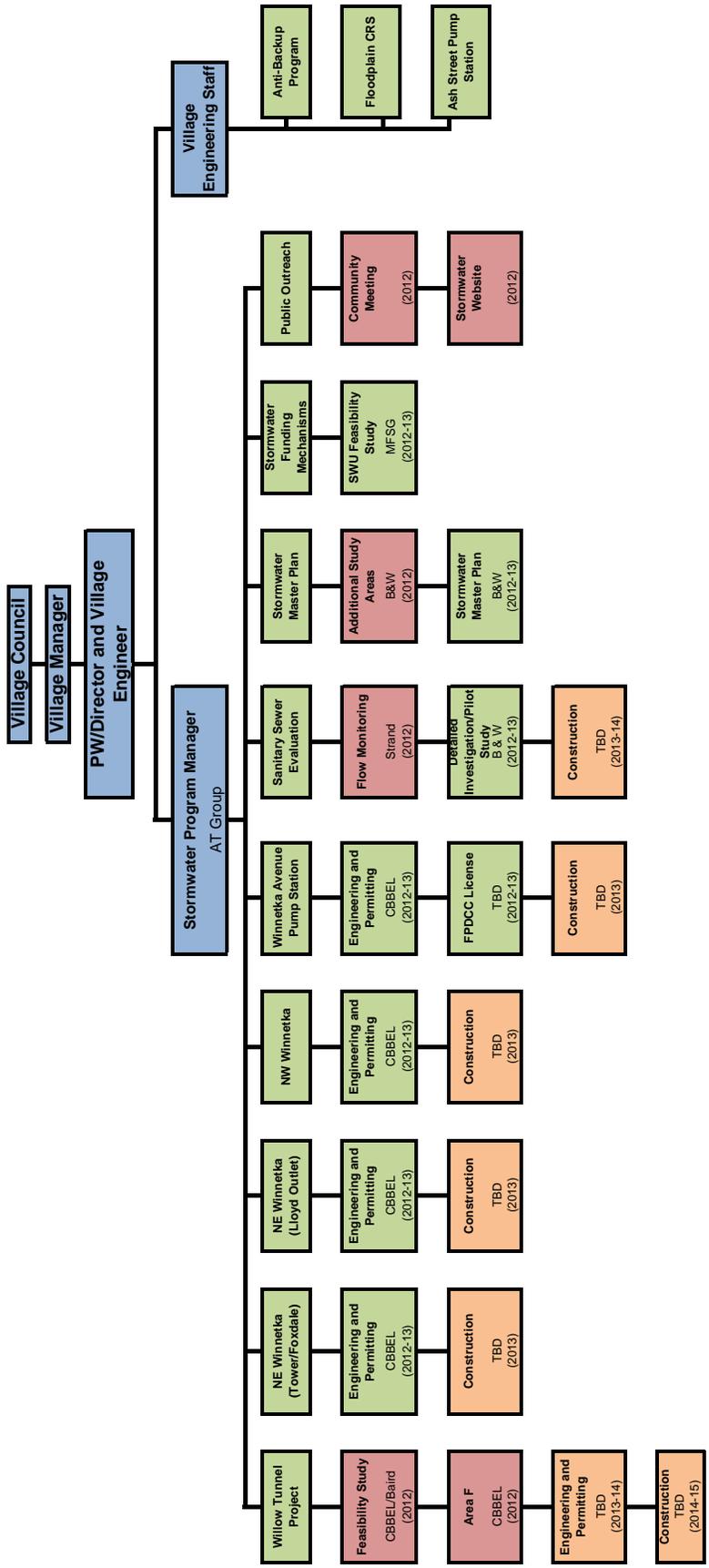
Attachment #3
Program Budget

Village of Winnetka
Stormwater Management Program Budget

Project	Initial Estimated Project Costs	Current Estimated Project Costs	2013/2014 Budget	Council Authorized	Spent	Comments
Stormwater Fund						
<u>58,75,640,601</u>						
Winnetka Ave. pump station	\$ 750,000	\$ 750,000	\$ 750,000	\$ 29,300	\$ 19,441	Based on DPW 2011/12 Budget
Tower Road/Foxdale	\$ 1,419,544	\$ 1,162,853	\$ 1,000,000	\$ 111,429	\$ 92,768	Decrease based on 65% construction drawings
Lloyd Park/Spruce Street	\$ 601,030	\$ 398,786	\$ 414,000	\$ 37,143	\$ 30,923	Decrease based on 65% construction drawings
NW Winnetka Greenwood/Forest Glen	\$ 2,880,887	\$ 4,266,924	\$ 4,040,000	\$ 226,874	\$ 149,921	Added Forest Glen and included utilities from different line item
Willow Rd tunnel <i>Proposed Area F</i>	\$ 32,498,697	\$ 34,369,048	\$ 800,000	\$ 37,750 \$ 17,600	\$ 37,705 \$ 17,407	CBBEL October 2011 budget w/Kenny and Baird estimates
Stormwater rate study	\$ 50,000	\$ 72,100	\$ 10,000	\$ 72,100	\$ 72,100	DPW 2011/12 Budget vs proposal
Stormwater master plan	\$ 50,000	\$ 101,220	\$ 60,000	\$ 101,220	\$ 73,538	DPW 2011/12 Budget vs proposal (added 6 drainage areas)
Total Stormwater Costs	\$ 38,250,158	\$ 41,120,930	\$ 7,074,000	\$ 633,416	\$ 493,803	
Sanitary Sewer Fund						
<u>54,70,640,201</u>						
Sanitary Sewer Studies/Engineering	\$ 150,000	\$ 152,157	\$ 50,000	\$ 152,157	\$ 107,857	Additional monitoring
System I & I repairs	\$ 1,000,000	\$ 1,000,000	\$ 300,000	\$ -	\$ -	
Total Sanitary Sewer Costs	\$ 1,150,000	\$ 1,152,157	\$ 350,000	\$ 152,157	\$ 107,857	



Attachment #4
Program Organization Chart





Agenda Item Executive Summary

Title: Administrative Hearing Process

Presenter: Katherine S. Janega, Village Attorney

Agenda Date: 04/18/2013

Consent: YES NO

<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Bid Authorization/Award
<input checked="" type="checkbox"/>	Policy Direction
<input type="checkbox"/>	Informational Only

Item History:

January 19, 2010 Council Meeting, Agenda pp. 80 - 94
May 11, 2010 Council Study Session, Agenda pp. 42-62
October 9, 2012 Council Study Session, Agenda pp. 2 - 24

Executive Summary:

The Police Department has been exploring migrating from the enforcement of Village Code violations exclusively in Court, to an administrative adjudication process for all parking violations, vehicle compliance tickets, and certain other Village Code violations.

Pursuant to Council discussion at its October 9, 2012 Study Session, Staff has done further study and has provided more detailed information in furtherance of the discussion and possible implementation at the beginning of 2014. The agenda report covers several critical issues: (1) it provides a more detailed explanation of the legal authority and requirements for establishing an administrative adjudication system; (2) it outlines the contents of an ordinance that would establish an administrative adjudication system; (3) it outlines the qualifications of the hearing examiner; (4) it provides a proposed fee schedule; (5) it presents a cost and budget overview; (5) it makes recommendations for recovering administrative costs; and (6) it proposes an implementation timeline.

Recommendation / Suggested Action:

Provide policy direction on 6 issues:

(1) scope of offenses to be directed to administrative adjudication; (2) structure of fines; (3) possible imposition of hearing fee, and amount of fee; (4) use of judgment liens; (5) expanding parking ticket administration contract to include administrative adjudication process; and (6) set implementation target of January 2014.

Attachments:

Agenda Report
Attachment 1 - Draft Outline of Village Code Provisions
Attachment 2 - Agenda Report from October 9, 2012 Study Session
Attachment 3 - Minutes of October 9, 2012 Study Session

AGENDA REPORT

SUBJECT: Administrative Hearing Process

PREPARED BY: Katherine S. Janega, Village Attorney
Patrick Kreis, Chief of Police

REFERENCE: January 19, 2010 Council Meeting, Agenda pp. 80 – 94
May 11, 2010 Study Session, Agenda pp. 42 – 62
October 9, 2012 Study Session, Agenda pp. 2 – 24

DATE: April 11, 2013

I. Background

At the October 9, 2012, study session, the Village Council considered preliminary legal, procedural and policy issues related to establishing an administrative adjudication process for violations of Village Code and motor vehicle provisions that are issued by the Winnetka Police Department.

Staff's presentation outlined the general legal authority and requirements for the administrative hearing process itself as well as for the hearing officer. In addition, Staff outlined the anticipated benefits an administrative adjudication system would provide for both the Village and the general public.

The Council's agenda materials also included a bullet list of the various steps needed to implement the administrative hearing process. (See Attachment 2, pp. 6-7) The discussion concluded with policy direction to proceed with the next steps, and to return to the Council with a draft of the administrative hearing process, including legal requirements and structures. (See Attachment 3)

Pursuant to that policy direction, Staff has explored several key issues and developed recommendations for the Council's consideration before preparing the detailed documentation that would be needed to implement an administrative adjudication program. This Agenda Report does the following:

- Provides a more detailed explanation of the legal authority for establishing an administrative adjudication system.
- Outlines the contents of an ordinance that would establish an administrative adjudication system.
- Outlines the qualifications of the hearing examiner.
- Provides a proposed schedule of fines.
- Presents a cost and budget overview.
- Makes recommendations for recovering administrative costs.
- Proposes an implementation timeline.

II. Legal Authority

The Village of Winnetka has the authority to pass an ordinance providing for a system of administrative adjudication for Village Code violations pursuant to Article 1, Division 2.1 of the Illinois Municipal Code (“Municipal Code”), which applies solely to home rule municipalities. (65 ILCS 5/1-2.1-1, *et seq.*) As defined in Section 1-2.1-2 of the Municipal Code, “system of administrative adjudication” means the adjudication of any violation of a Village ordinance, subject to certain limitations. For example, administrative adjudication cannot be used for moving vehicle violations or for offenses that are reportable to the Secretary of State under the Illinois Vehicle Code. It also cannot extend beyond the scope of the Village’s statutory or home rule authority. (65 ILCS 5/1-2.1-2)

Municipalities have additional administrative adjudication authority pursuant to Section 11-208.3 of the Illinois Vehicle Code, which authorizes municipalities to provide a system of administrative adjudication for vehicular standing, parking and compliance violations. (625 ILCS 5/11-208.3) Thus, administrative adjudication procedures can be used for parking violations and other non-moving vehicle violations such as local vehicle licensing, but cannot be used for misdemeanors and felonies.

Two other statutory provisions are noteworthy, as well. First, the Division 2.1 statutory administrative adjudication process is not exclusive and does not preclude using other methods for enforcing ordinances. (65 ILCS 5/1-2.1-3) Second, the statutory administrative adjudication process does not preempt home rule authority, so the Village could use its home rule powers to adopt other means of code enforcement. (65 ILCS 5/1-2.1-10) These two provisions would enable the Village to state a broad jurisdictional scope in the ordinance establishing the administrative adjudication process, while preserving the ability to use the court system for some violations. They also would enable the Village to use its home rule powers to “customize” its administrative adjudication system so that different processes could be used for different purposes. For example, some home rule municipalities have different processes for building and zoning cases, while others have carved out a separate process for red light camera violations.

The administrative adjudication process thus treats eligible offenses as civil violations rather than as quasi-criminal or criminal matters that require prosecution in the Circuit Court of Cook County. In place of the court system, the administrative adjudication requires establishing a “code hearing unit,” and assigning one or more hearing officers to conduct the hearings and decide the cases. (65 ILCS 5/1-2.1-4)

Regardless of the scope or specific purpose of any administrative process, all administrative adjudication systems have two defining characteristics: (i) they treat eligible offenses as civil violations rather than as quasi-criminal or criminal matters; and (ii) they provide for adjudication and enforcement in a local, administrative forum, where the rules of evidence are relaxed and proof is by a preponderance of the evidence, rather than requiring prosecution in the Circuit Court of Cook County, where formal rules of evidence apply and proof beyond a reasonable doubt is required.

III. Ordinance Establishing an Administrative Adjudication System

Municipal administrative adjudication systems must be established by ordinance that defines the administrative structure in detail. As has been done in other municipalities, if the Village proceeds to establish an administrative adjudication system, the implementing ordinance would amend the Village Code by adding at least one new chapter, using the detail of Division 2.1 as the template for the basic structure and then adding related Code amendments as necessary.

A preliminary outline and summary of Code provisions is attached. (Attachment 1) The outline provides all of the required components of an administrative hearing process. Those components, as prescribed by Article 2.1 are as follows:

- Establishes the administrative hearing process and defines its scope. Staff recommends that the scope be limited to parking and compliance violations, enforcement of nuisance regulations, disorderly conduct, animal control regulations, and violations of liquor regulations, including service to minors.
- Provides that the administrative adjudication procedures are not exclusive, and preserves the full scope of the Village's home rule authority.
- Requires that the administrative hearing officer be an attorney who has been licensed to practice in Illinois for at least three years and that the hearing officer successfully completes prescribed formal training before presiding at any hearings, as provided in Section 1-2.1-4 of the Municipal Code.
- Defines the powers of the hearing officer, as provided in Section 1-2.1-4 of the Municipal Code.
- Establishes procedures as provided in Section 1-2.1-5 of the Municipal Code, including methods of issuing a notice of violation, defining the content of notices, providing an opportunity to be heard, allowing for subpoena requests, and setting timetables for notices, requesting a hearing, responding to a notice of violation, making a payment, and setting a hearing date.
- Provides that the "formal and technical" rules of evidence do not apply, as provided in Section 1-2.1-6 of the Municipal Code.
- Provides that final decisions are subject to judicial review under the Administrative Review Law, as provided in Section 1-2.1-7.
- Establishes a procedure that allows non-residents to contest violations via sworn fact statements rather requiring them to appear at a hearing.
- Provides for the enforcement of judgments and the handling of default judgments, as provided in Section 1-2.1-8.

Besides amending the Village Code as outlined in Attachment 1, other Village Code amendments would include amending the authority of the Village Manager and the Chief of Police to correspond to the additional authority delineated in the administrative adjudication chapters. As explained in the next section, further amendments would be required to adjust the fine schedule, to require court appearances on some charges, and to establish administrative

costs, if the Council so chooses. These financial issues are discussed at greater length in the following sections.

IV. Fines and Alternative Enforcement

In an administrative hearing system, it is necessary to have fixed fines so that a ticket can be prepaid and so that the authority of the administrative hearing officer is clearly delineated. Because the Village's Code violations have always been heard in court, most of the fines established by the Village Code cover a range from a minimum of \$5 to a maximum of \$750 or, in some instances, \$1,000. (The \$750 fines reflect the statutory maximum for non-home rule municipalities and pre-date the Village's home rule status.)

It is therefore necessary to amend the Village Code to establish fixed fines for use in the administrative adjudication process. The range of fines would be retained for instances in which the Village would opt to pursue a violation in court.

Staff does not recommend establishing escalating fines for offenses other than those established for parking violations, which are firmly established and programmed into the parking ticket processing system. Sliding scales can be cumbersome to administer for most offenses. Therefore, rather than having a graduated or sliding scale of fines, Staff proposes addressing repeat offenders or aggravating circumstances by writing a traditional Local Ordinance citation that would require a court appearance. The prosecutor in such a case would be made aware of the previous adjudications or aggravating circumstances. Clear standards for when this approach would be used would be included in the ordinance, to avoid a broad delegation of discretion that could jeopardize the validity of the ordinance.

Staff also proposes that the Village Code provide for a mandatory appearance at an administrative hearing in certain cases, such as cases where a ticket is issued to a minor, 18 years and younger. The respondent would be instructed to appear at the hearing with a parent or guardian, thereby setting a practice that parallels Circuit Court rules and helping to ensure parents are aware of the conduct of their dependents.

A late fee must also be established for each fine category. Staff recommends applying the same time frames that are used in the current parking system. That system allows 10 days to pay a citation before a late fee is assessed. Staff is also recommending allowing 28 days to file a notice to contest the ticket. As is currently done, late fees would be suspended once a person requests a hearing, and would resume once a disposition is entered.

The Police Department is recommending establishing three primary categories of fines for violation notices issued under the new process. With some limited exceptions, the proposed categories and the corresponding fines are:

- Non-moving Traffic Offenses: \$100
- Personal Conduct Offenses: \$75
- Business Offenses: \$250

For basic comparison purposes, and with some exceptions, a traffic violator today pays \$147 for most offenses if settled by mail. If they appear in court and either plead or are found guilty, they often pay at least \$225. Likewise, a person receiving a Local Ordinance ticket is always required to appear in court and will pay the minimum \$165 unless found not guilty. Parking and Animal citations largely will remain unaffected as very few cases result in court hearings.

Staff is seeking Village Council policy direction on the basic fine structure, and will then develop a specific schedule of fines in conjunction with the Village Code amendments.

V. Administrative Services; Cost and Budget Overview

Start-up Costs. Staff is proposing to use Duncan Solution's Professional Account Management LLC (Duncan) to support the proposed administrative adjudication process. The Village has used Duncan to support parking and animal citation processing since 2004, and their services have proven to be reliable. Staff has also received favorable feedback from several communities that presently use Duncan for Administrative Adjudication.

The Police Department has obtained a written proposal from Duncan for administrative services. There are two aspects to the proposal. First, Duncan would provide the services needed to set up the administrative adjudication process, including expanding the scope of the current Auto Process system by programming in the additional offenses. It also includes setting up the overall system administration. Duncan proposes to perform this phase for a one-time charge of \$3,600 to set-up the standard Auto Process system. (Duncan also offers an enhanced Auto Process system, which may be considered in the future, after the Village has some experience with the system and the Village's new website becomes operational.)

The Police Department anticipates that the total start-up costs during the first year of an administrative adjudication process, including Duncan's proposal, would not exceed \$6,000. This amount can be absorbed in the current Police Department budget.

Ongoing Operational Costs. The second aspect of Duncan's proposal is to provide the actual ongoing services to support the process, by processing citations, scheduling hearing requests, suspending late fees, generating hearing dockets, recording final dispositions and collecting a hearing fee should the Council provide for one by Code.

Duncan proposes to charge the Village the same fee that it charges for processing parking tickets. The current fee is \$3.75 per ticket, with an annual CPU escalator, regardless of the fine amount or its final disposition, and also includes the following services, which are currently provided:

- Toll-free customer service
- Payment processing
- Sending late notices
- Providing and maintaining hardware, ticket stock and computer services

The Village also has a separate contract with Duncan for the collection of delinquent fines and judgments, whereby it retains 24% of the total amount collected once an account is turned over to collections, typically after 80 days. Those services would also apply to collections of unpaid fines resulting from an administrative adjudication.

Because the Village Attorney is part of the Village's administrative staff and is frequently involved in enforcement matters, the Village Attorney cannot serve as either the hearing officer or the prosecutor. Therefore, the administrative adjudication process will require securing additional legal services from a hearing officer and the Village Prosecutor. The Police Department estimates that both the hearing officer and Village Prosecutor would be paid approximately \$500 per month, for a combined total of \$12,000 per year.

It is important to note that these figures are estimates, and are subject to such variables as the hourly rates or retainer fees charged for the hearing officer's and Village Prosecutor's services, the frequency of hearings, the number of hours of the hearing officer's time, the number of citations issued in a year, and the number of citations that go to collection. From the outset, Staff will attempt to control these costs by seeking competitive proposals for qualified hearing officer services, and by negotiating with the Village Prosecutor.

Proposed Hearing Fee. Staff recommends that the Village attempt to operate the administrative adjudication process on a revenue neutral basis, with the costs of operating the administrative adjudication process being covered largely by users of the system and not by other Village revenues. To achieve that goal, Staff is recommending that the Council consider imposing a "Hearing Fee" as part of the administrative adjudication process. Hearing fees are similar to the "court costs" that are assessed when a defendant unsuccessfully challenges a violation in the courts.

The Police Department has estimated enforcement levels and collection rates based on a review of several recent years of such data. Staff calculates that the net revenues from the administrative adjudication system would include fines and hearing fees collected, less Village costs and revenues that would otherwise be collected in the current system (Cook County Circuit Court). The Police Department's 2009 administrative adjudication survey showed that, among the municipalities that charged a hearing fee, the fees ranged from \$25 to \$50. Making some necessary assumptions and using the recommended fine categories described in Part III, above, Staff estimates that, if a \$25 hearing fee is established, the net revenues to the Village would be approximately \$12,500 annually. The net revenue is projected at \$17,500 if a \$40 fee is established.

Without establishing a hearing fee, Staff projects that annual fines and fees would likely exceed costs by less than \$5,000. Additionally, if no hearing fee is implemented and actual experience differs significantly from estimates, the costs of an Administrative Adjudication, once established, could exceed the net fines and fees collected. Establishing a hearing fee lessens such risk.

Staff notes that the goal of the administrative hearing process is behavior modification rather than revenue enhancement and the amount of the proposed hearing fee has been set with that in mind. It should also be noted that the hearing fee would not apply to a person who pays the citation without contesting the ticket, or to a person who is found not liable by the hearing officer.

Finally, for comparison purposes, it is also worth noting that the Circuit Court of Cook County assesses a \$165 court fee in addition to any fine when a person contests a ticket there, and the Village sees only a small percentage of the fine paid, so that, even if the Village imposed a \$40 hearing fee, the total cost to a person who would pay a fine and ticket in the administrative process would be less than the total cost of contesting a ticket in court. At the same time, 100% of the amount received by the Village in the administrative process would be retained by the Village.

VI. Proposed Timetable

Staff recommends that the administrative adjudication process be implemented effective in January of 2014. The following timetable identifies target dates for completing the key tasks needed to implement the process

- | | | |
|-------------|-----------------------|-------------------------|
| Key: | VC = Village Council | PD = Police Department |
| | VM = Village Manager | FD = Finance Department |
| | VA = Village Attorney | VP = Village Prosecutor |
| | CP = Chief of Police | HO = Hearing Officer |

Target Date	Responsibility	Task
May, 2013	VC, VM, CP, VA VM, PD, VA VA	<ul style="list-style-type: none"> • Obtain policy direction on scope of jurisdiction, fines, administrative fees, collections and administrative services • Amend contract with Duncan • Draft ordinance and fine schedules
June, 2013	VA, VC VA, VM, CP VA, VM, CP	<ul style="list-style-type: none"> • Present ordinance and fine schedule for Council consideration and action • Establish rules of procedure • Prepare and issue request for qualifications for administrative hearing officer

Target Date	Responsibility	Task
July 2013	VM, VA, CP VA, VM, CP VM, PD, VA	<ul style="list-style-type: none"> • Screen and interview hearing officer candidates • Develop training programs for hearing officer and Staff • Establish retention policy for administrative hearing records
Aug. 2013	VM CP, VM VM, CP	<ul style="list-style-type: none"> • Select hearing officer • Draft budget • Create staff and public education materials
Sept. 2013	VA, PD, HO, VP VA, VP, HO VA, PD VM, CP, HO, VP	<ul style="list-style-type: none"> • Conduct hearing officer training sessions with Village Prosecutor; Conduct mock hearings with hearing officer and administrative staff • Conduct training of administrative staff • Complete outstanding training • Set hearing schedule
October – December 2013	VM, PD	<ul style="list-style-type: none"> • Public education program
January 2014	PD, HO, VP	<ul style="list-style-type: none"> • Commence hearing process

ATTACHMENTS:

- Attachment 1 Draft Outline of Ordinance Establishing an Administration Adjudication Process
- Attachment 2 Agenda Report from October 9, 2012
- Attachment 3 Minutes of October 9, 2012 Study Session

RECOMMENDATION:

Staff requests Village Council policy direction on the following issues:

- 1) What offenses should be eligible for administrative adjudication?
- 2) How should fines be structured?
- 3) Should the implementing ordinance provide for the assessment of a hearing fee? If so, at what amount?
- 4) Should the implementing ordinance provide for enforcing judgments through liens?
- 5) Should the Village contract with Duncan Solution’s Professional Account Management, LLC, for administrative services, processing and collections?
- 6) Should the target implementation date be January of 2014?

Attachment 1

Administrative Adjudication Draft Outline of Village Code Provisions

Chapter ___ General Provisions

- Section 1** **Creation** – States the source of authority and preserves the Village’s right to use other lawful methods to enforce the Village Code.
- Section 2** **Establishment and Composition of Administrative Adjudication Office** – Establishes an office of administrative adjudication within the Village’s administrative structure, under the authority of the Village Manager. Sets minimum time between issuance of a violation and the hearing date. Authorizes Chief of Police to appoint hearing room personnel from among the Police Department staff to maintain hearing room order, and perform related duties as directed by the hearing officer or administrator.
- Section 3** **Code Enforcement Administrator** - Authorizes the Village Manager to appoint an adjudication administrator to operate the system, adopt, distribute and process violation notices, establish procedures, certify copies of final determinations of liability, promulgate rules and regulations for the operation of the hearing process, compile and maintain records. Provides that administrator may be a Village employee or a contractor.
- Section 4** **Administrative Hearing Officer** – Provides for appointment by the Village Manager. States statutory qualifications (must be an attorney admitted to practice in Illinois for at least three years). Defines the powers and duties, including hearing evidence, ruling on admissibility of evidence, making determinations of liability, and imposing penalties as provided in the Code.
- Section 5** **Jurisdiction** – Defines jurisdiction based on the statutory scope (see Part II, above).
- Section 6** **Compensation of Personnel** – Provides for compensation of administrator, hearing officer and other personnel, with compensation to be determined by the Village Manager within approved budget limitations set by the Village Council.
- Section 6** **Rules and Regulations** – Requires procedural rules and regulations to be kept on file and made available for public inspection.

Chapter ___ Procedures

- Section 1** **Violation Notice; Instituting Proceedings** – Provides for issuance of notice of violation or notice of hearing; method of service on respondent; content of notices.
- Section 2** **Subpoenas** – Authorizes administrative hearing officer to issue subpoenas; defines standards for issuance; defines content of subpoenas; sets minimum response time.

- Section 3 Representation at Hearings** – Allows Village’s case to be presented by any Village employee or by an attorney designated by the Village; allows respondent to be represented by any agent or an attorney; defines requirements for appearance by agent.
- Section 4 Conduct of Hearings** – States purpose of hearings; requires testimony under oath; allows witnesses and documents to be subpoenaed; establishes burden of proof as a preponderance of the evidence; defines prima facie case.
- Section 5 Hearing Testimony** – Strict rules of evidence do not apply; allows hearsay testimony.
- Section 6 Documentary Evidence** – May be admitted into evidence without formal proof of authenticity; hearing officer determines weight of evidence.
- Section 7 Recording of Proceedings; Transcripts** – Provides for recording of hearings; requires payment for copies of recording or certified transcript.
- Section 8 Continuances** – Hearing officer has discretion to grant or deny continuances.
- Section 9 Non-Resident Procedures** – Establishes procedure for non-resident respondents to file a notarized statement of facts in lieu of appearing in person; decision to be based on facts in statement and in the notice of violation; defines method of issuing notice of determination.
- Section 10 Determination of Liability or of No Liability** – Written determination required; judgment for failure to appear; defines limited grounds for granting petition to set aside decision.
- Section 11 Final Determination** – Defines when final determination occurs.
- Section 12 Notice of Final Determination** – Requires notice to be sent to respondent.
- Section 13 Enforcement of Judgment** – Fines and costs are a debt that can be collected, reduced to a judgment or recorded as a lien, subject to defined statutory procedures; also establishes grounds for vacating judgment.
- Section 14 Compliance Bond** – Authorizes hearing officer to require a compliance bond or to obtain consent for a lien to secure payment of fines.
- Section 15 Violation of Orders** – Authorizes finding of contempt and sets fines.
- Section 16 Payment of Fines** – Defines method of payment.
- Section 17 Election of Remedies** – Preserves all available remedies in addition to administrative adjudication.
- Section 18 Administrative Adjudication Procedures Not Exclusive**
- Section 19 Other Provisions Not Limiting** – Other enforcement methods stated in the Village Code do not prohibit proceeding under administrative adjudication.
- Section 20 Judicial Review** – Provides for review under the Administrative Review Law.

ATTACHMENT 2

AGENDA REPORT

SUBJECT: Administrative Hearing Process

PREPARED BY: Patrick Kreis, Chief of Police
Katherine S. Janega, Village Attorney

REFERENCE: January 19, 2010 Council Meeting, Agenda pp. 80 – 94
May 11, 2010 Study Session, Agenda pp. 42 – 62

DATE: October 4, 2012

BACKGROUND

In 2009, the Police Department studied the potential implications of instituting an administrative hearing process as provided in Division 2.1 of Article 1 of the Illinois Municipal Code, 65 ILCS 5/1-2.1-1, *et seq.* (the “Municipal Code”). The Department’s study included surveying other communities to determine the extent to which they use administrative hearings, conducting follow-up discussions and observations in several of the responding communities, and conducting an internal survey to determine the level of interest in using administrative hearings to adjudicate violations of ordinances that are administered by other departments (*e.g.*, building codes, weeds, signs, nuisances).

The Police Department presented its information to the Village Council at the January 19, 2010, Council meeting, and sought policy direction regarding establishing an administrative hearing process for ordinances enforced by the Police Department. (See Attachment 1 for a listing of those ordinances, and Attachment 2 for the relevant portion of the January 19, 2010, Council minutes.)

The Police Department gathered additional information, which was presented at the May 11, 2010, study session and, after receiving a consensus of support from Trustees, President Tucker directed staff to take further development steps. (See Attachment 3 for the relevant portion of the May 11, 2010 minutes.)

No further action was taken, due to other matters that were given a higher priority. Given the substantial Village Council turnover in the intervening time, staff is seeking policy guidance from the Council before moving forward.

This Agenda Report outlines the legal framework for administrative hearings, discusses how the administrative hearing process can work, examines the benefits of an administrative adjudication process, and outlines steps necessary to establish an in-house administrative hearing process. In preparing the Agenda Report, staff has reviewed the municipal codes and procedures of approximately 20 different municipalities. Attachment 4 contains a table illustrating how code enforcement is handled in the eight closest comparable municipalities: Glencoe, Glenview, Highland Park, Kenilworth, Lake Forest, Northfield, Northbrook and Wilmette.

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STATUTORY AUTHORITY

Article 1, Division 2.1 of the Municipal Code applies solely to home rule municipalities. Because of its home rule status, the Village of Winnetka has the authority to pass an ordinance providing for a system of administrative adjudication for Village Code violations. (65 ILCS 5/1-2.1-1) As defined in Section 1-2.1-2 of the Municipal Code, “system of administrative adjudication” means the adjudication of any violation of a Village ordinance, but cannot extend to moving vehicle violations or to offenses that are reportable to the Secretary of State under the Illinois Vehicle Code. It also cannot extend beyond the scope of the Village’s statutory or home rule authority. (65 ILCS 5/1-2.1-2) For example, the administrative adjudication procedures can be used for parking violations and other non-moving vehicle violations such as local vehicle licensing, but cannot be used for misdemeanors and felonies.

The administrative adjudication process thus treats eligible offenses as civil violations rather than as quasi-criminal or criminal matters that require prosecution in the Circuit Court of Cook County. In place of the court system, the administrative adjudication requires establishing a “code hearing unit,” and assigning one or more hearing officers to conduct the hearings and decide the cases. (65 ILCS 5/1-2.1-4) This means that the Village Attorney would not serve as the hearing officer. However, the Village can assess costs to help defray the cost of operating the “code hearing unit.” The recovery of costs is separate and distinct from any fines or other penalties.

In addition to the administrative structure, the administrative adjudication process has several defining characteristics:

- Cases are initiated by issuing some form of written personal notice, which is typically an ordinance violation ticket or citation. The notice must include a description of the charge, the date, time and location of the hearing, the legal authority under which the hearing is being held and the penalty for failing to appear.
- Respondents are entitled to be represented by legal counsel, to present witnesses and to cross-examine opposing witnesses.
- The administrative hearing officer must be an attorney who has practiced law for at least three years and who has undergone training that is specified in the Municipal Code.
- Hearings must be scheduled “with reasonable promptness,” and the respondent must be given at least 15 days’ notice for non-emergency cases.
- The hearing officer can issue subpoenas and impose fines, subject to statutory limits, but cannot sentence anyone to incarceration.
- The formal rules of evidence do not apply. However, to be admissible, evidence must be “of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.” Evidence may also include hearsay. (65 ILCS 5/1-2.1-6)
- Proof of a violation would be established by a preponderance of evidence rather than beyond a reasonable doubt.

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- Decisions of the hearing officer are subject to judicial review under the Illinois Administrative Review Law. (65 ILCS 5/1-2.1-7)
- Fines and costs are a debt that can be collected, reduced to a judgment or recorded as a lien, subject to defined statutory procedures.

Two other statutory provisions are noteworthy, as well. First, the statutory administrative adjudication process is not exclusive and does not preclude using other methods for enforcing ordinances. (65 ILCS 5/1-2.1-3) Second, the statutory administrative adjudication process does not preempt home rule authority, so the Village could use its home rule powers to adopt other means of code enforcement. (65 ILCS 5/1-21.-10) These two provisions enable a home rule municipality to state a broad jurisdictional scope in the ordinance establishing the administrative process, while preserving the ability to use the court system for some violations. It also allows municipalities to “customize” their procedures through the exercise of their home rule powers. For example, as indicated in the comparison table (Attachment 4), Northfield has entered into an intergovernmental agreement with Glenview through which the two communities have consolidated their building code hearings. At the same time, Northfield has established its own, separate hearing process for red light camera violations.

The following section discusses the various benefits of the administrative hearing process and address the Police Department’s specific proposal for implementing an administrative hearing process.

DISCUSSION:

Administrative adjudication is likely to benefit both residents of the Village of Winnetka and the Village itself.

Benefits to residents (and non-residents) who are cited for violations.

1. Improved customer service to residents appearing for hearings.

Hearings provide an independent review and can be held at Village Hall, more easily accessible to residents and business owners than the Circuit Court of Cook County.

2. Improved fairness in fines and fees assessed for those found liable for a violation.

Many of the ordinances enforced by the Police Department do not contain established fines, so anyone cited with a violation of one of these ordinances is given a standardized Local Ordinance (LO) citation and given a “must appear” court date. The Cook County Circuit Court Judge then sets a fine amount within the range established by law if the respondent is found guilty. In addition, since 2010, Cook County has imposed a minimum mandatory court fee of \$165 for each ticket resulting in a disposition other than not guilty. Thus, a resident contesting a \$25 parking ticket faces an additional payment of at least \$165 if they are found guilty by a Judge.

In the administrative hearing process, respondents cited for a municipal ordinance violation would have the option of paying their fine without going through the hearing process, which requires the adoption of a specific fine schedule for each offense rather than a range of fines. Although the payment of a fine, whether before or after the hearing, is akin to a plea or finding of “guilty,” a respondent in the administrative process who is found to violate an ordinance is “liable,” rather than guilty, and the fine would be paid directly to the Village rather than to the Circuit Court of Cook County. While the Village can charge a hearing fee to help defray the costs of the administrative process, the fee would be established by Village Code and is likely to be substantially less than the County’s Court costs.

3. Avoiding a complex court diversion process for certain offenses.

Minors cited for certain non-traffic offenses face suspension of driving privileges if the defendant is found guilty. Currently, efforts to avoid those sanctions may require multiple court appearances and often result in no sanction at all for the minor’s acts. The only current alternative is to use peer review, which requires finding a less serious violation to bring it within the scope of that forum. An administrative hearing process can provide a meaningful, quasi-judicial adjudicative process that may be more in keeping with the seriousness of the offense.

4. Understandable, relaxed process within a formal structure.

The Village can adopt procedures that are understandable to the lay person and can instruct the hearing officer to explain the hearing process in layman’s terms. This, in turn, can make the hearing process less daunting to those who appear. This approach is consistent with the relaxed evidentiary and procedural standards that are established in the Illinois Municipal Code (“IMC”). This allows respondents to more easily comment and present evidence during the hearing, which contributes to a more customer-friendly experience.

5. Efficient adjudication of local ordinance violations.

Removing eligible Village ordinance violations from the Circuit Court of Cook County allows respondents to appear and defend against a charge without being subjected to the Court system’s bureaucracy, costs and potentially crowded dockets.

Benefits to the Village:

1. Decreased staff time for court appearances.

Under administrative adjudication, citations are *prima facie* evidence of a violation, which means that the citation itself serves as testimony that a violation occurred. (In a courtroom, the citation cannot stand on its own due to evidentiary rules barring hearsay.) Therefore, the issuing enforcement personnel, *i.e.*, police officers, community service officers and others, are not required to testify in person at hearings, which provides several key benefits for the Village. The current court-based adjudication system requires all four of the Village’s community service officers to attend court. Every officer who has written a ticket for a non-moving violation must also appear. Thus,

administrative adjudication decreases lost staff time due to court appearances. More significantly, it can be expected to reduce overtime. Although most administrative hearings assign one or two staff members to help manage the process, maintain a record of proceedings and answer community specific questions, those staff members would remain at their normal work site instead of having to travel to Skokie, which is currently part and parcel of code enforcement.

2. Eliminate staff time spent conducting Parking Ticket Review Process.

The Police Department processes over 500 of these reviews annually. These reviews are both time consuming and frustrating for both the Department and those who have received a parking ticket, because the current process limits the review solely to the technicalities of the issuance of the ticket, and not to the substantive merits. Consequently, a person who seeks a “review” under the current process, may still find it necessary to go to court to present a defense. The administrative hearing process can eliminate this step, because the adjudication itself will be done in the Village, rather than at the courthouse in Skokie.

3. Increased efficiency of adjudication.

Through an administrative hearing process, the Village can efficiently adjudicate local ordinance violations. An Administrative Hearing process allows local sensitivities to receive greater priority than they might otherwise receive in Circuit Court. For example, all violations for the Village’s handheld mobile phone ordinance issued to persons over the age of 18, which are often treated dismissively in the courts, would be eligible for a local citation and administrative hearing. This, in turn, may lead to increased compliance in a shorter period of time. This process also allows for an efficient method of dealing with infrequent hearings required by the Denver Boot ordinance.

4. Revenue from fines and costs would not be shared with Cook County.

Currently, the Village is said to receive about 45% percent of fines from the Circuit Court. The remainder of revenue from fines is allocated among Cook County and other public entities. The increase in mandatory court fees in recent years has effectively reduced this fine sharing arrangement, because judges often reduce or eliminate fines, leaving the respondent to pay the \$165 court costs, which go exclusively to Cook County. A recent analysis of traffic fines returned to the Village indicated that 21% of fines and fees collected by the Circuit Court for the month was returned to the Village.

Financial considerations

1. Initial start-up costs have not yet been defined, but likely include software implementation within the Village’s computer systems. The Police Department recently upgraded its automated citation management system, and the upgrade provides for the additional capability needed to manage functions associated with administrative hearings. The Village’s current search for a new financial software vendor also provides an opportunity to ensure selection of features to support an administrative hearing process.

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Start-up costs can be more closely estimated in the course of the upcoming budget planning.

2. Annual operating costs are ultimately dependent upon several variables, including the basic charges for the hearing officer's services, the frequency of hearings, the number of hours of the hearing officer's time, and the number of citations issued in a year.
3. The potential financial benefits of administrative adjudication also cannot be definitively quantified at this time, as they are largely dependent on the number of hearings requested by respondents. Other communities with established administrative hearing processes have found that the cost of operating the process is completely covered by the fines and fees recovered through the process.
4. Staff recommends establishing a reasonable hearing fee per administrative hearing requested for persons found liable as cited. The intent of the hearing fee is to recuperate operating costs of the administrative adjudication program, including the administrative law judge's fees. Although a recommendation cannot be made until further costs are evaluated. Hearing fees ranging from \$25 to \$50 are not uncommon.

PROPOSED VILLAGE OF WINNETKA HEARING PROCESS

Staff recommends that the administrative hearing process be initially limited to Village Code violations that are issued by the Police Department, such as parking, local licensing, sale of fireworks, leaf blowers and construction hours. (See Attachment 1.) As experience is developed, it is possible that municipal ordinance violations issued by other Village Departments may be suitable for the process. Using the statutory language in drafting the administrative adjudication ordinance will provide the flexibility to expand the scope of the hearings without frequently amending the Village Code.

Once-a-month hearing sessions will likely meet the needs of the Village, but the schedule can easily be modified if needed.

NEXT STEPS FOR PROJECTED DEVELOPMENT

Should the Village Council direct staff to proceed with implementing an administrative hearing process, the following steps would need to be taken:

- Prepare an estimated budget of projected expenses and revenues.
- Legal steps
 - Present draft ordinances to the Village Council establishing the process and setting a fine schedule.
 - Establish rules of procedure.
 - Establish policies for pursuit of fines not paid.

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- Hearing Officer
 - Draft and issue a request for qualifications and or proposals for hearing officer services.
 - Select the hearing officer.
 - Conduct staff training sessions with hearing officer.
 - Conduct mock hearings with hearing officer, possibly film for public service announcement.
 - Complete any outstanding hearing officer training and orientation activities.
- Administrative steps
 - Identify appropriate software solutions for managing the administrative hearing process
 - Implement modifications to the Citation Management system to support all ordinance violations.
 - Revise citation forms and create hearing notice forms etc.
 - Create staff and public education materials.
 - Schedule tentative hearings dates.
 - Launch public education campaign.
 - Commence hearing program.

ATTACHMENTS:

Attachment 1	List Village Ordinances enforced by the Police Department.
Attachment 2	Relevant excerpt of January 19, 2010, Council meeting minutes
Attachment 3	Relevant excerpt of May 11, 2010, Council Study Session minutes
Attachment 4	Administrative Adjudication Community Comparison Table

RECOMMENDATION:

Staff requests Village Council direction regarding implementation of an administrative adjudication program.

ATTACHMENT 3

MINUTES

WINNETKA VILLAGE COUNCIL STUDY SESSION October 9, 2012

(Approved: November 8, 2012)

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

- 1) Call to Order. President Tucker called the meeting to order at 7:30 p.m. Present: Trustees Arthur Braun, Jack Buck, Patrick Corrigan, Richard Kates, Stuart McCrary and Jennifer Spinney. Also present: Village Manager Robert Bahan, Village Attorney Katherine Janega, Police Chief Patrick Kreis, Assistant to the Village Manager Megan Pierce, and approximately 3 persons in the audience.
- 2) Discussion of Administrative Hearing Process. Police Chief Patrick Kreis offered a brief summary of the proposed administrative process, which would provide local level enforcement, review and adjudication of Ordinances enforced by the Police Department. He presented some of the perceived benefits to both the Village and residents, and said a local process is simpler and more flexible than that offered through the Circuit Court of Cook County. Chief Kreis noted that implementing an administrative hearing process does not exclude the Village from utilizing other legal avenues.

Attorney Janega stated that the Administrative Hearing procedures are defined by State Statute, and that neighboring communities were surveyed to review the scope of jurisdiction established by comparable home rule and non-home rule municipalities. She reiterated that at this time, staff is only exploring procedures to implement administrative hearings in cases of ordinance violations that fall under the Police Department's purview.

The Council discussed examples of potential local adjudication items and the benefits of local administration as related to the fine and fee structure; considered the recording and scheduling of hearings; and discussed the importance of a qualified hearing officer.

Attorney Janega and Chief Kreis further explained that a separate process would be established for non-resident violators, that the Village would need to set a fixed schedule of fines, and that surrounding communities have found that the operational costs of the process are generally covered by the fines collected. They suggested reporting to the Council, perhaps quarterly, on the status of the process once it is implemented. The Council stressed that a fair process is paramount.

The Council directed staff to proceed with drafting and to present a draft administrative hearing process, including legal requirements and structures, for Council review.

- 3) Adjournment. Trustee Spinney, seconded by Trustee Buck, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:00 p.m.

Recording Secretary