

Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
Tuesday, May 19, 2015
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) June 2, 2015 Regular Meeting
 - b) June 9, 2015 Study Session
 - c) June 16, 2015 Regular Meeting
- 4) Approval of Agenda
- 5) Consent Agenda
 - a) Approval of Village Council Minutes
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 - b) Approval of Warrant List dated May 1, 2015 to May 14, 201516
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 - b) Evaluation of Development Regulations on Stormwater Management - Part 171
- 7) Ordinances and Resolutions
 - a) Ordinance No. M-12-2015: 675 Garland Avenue, Variation for the Construction and Use of a New Single-Story Addition – Introduction.....82
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- 9) Old Business: None.
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- 11) Appointments
- 12) Reports
- 13) Executive Session
- 14) Adjournment

NOTICE

All agenda materials are available at villageofwinnetka.org (Government > Council Information > Agenda Packets & Minutes); 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: <http://winn-media.com/videos/>

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
SPECIAL MEETING
April 28, 2015**

(Approved: xx)

A record of a legally convened special meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, April 28, 2015, at 7:00 p.m.

- 1) Call to Order. President Greable called the meeting to order at 7:04 p.m. Present: Trustees Arthur Braun, Carol Fessler, Richard Kates, William Krucks, Stuart McCrary, and Marilyn Prodromos. Absent: None. Also present: Village Manager Robert Bahan, Assistant to the Village Manager Megan Pierce, Village Attorney Peter M. Friedman, Public Works Director Steve Saunders, Assistant Public Works Director Jim Bernahl, Finance Director Ed McKee and approximately 55 persons in the audience.
- 2) Pledge of Allegiance. President Greable led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) May 5, 2015 Regular Meeting. All of the Council members present indicated they expected to attend.
 - b) May 12, 2015 Study Session. All of the Council members present indicated they expected to attend.
 - c) May 19, 2015 Regular Meeting. All of the Council members present indicated they expected to attend.
- 4) Approval of the Agenda. Trustee Braun, seconded by Trustee Prodromos, moved to approve the Agenda. By voice vote, the motion carried.
- 5) Consent Agenda: None.
- 6) Stormwater.
 - a) Willow Road Stormwater Tunnel and Area Drainage Improvements – Review Point #2.

Mr. Saunders briefly reviewed the design process for the Willow Road Stormwater Tunnel and Area Drainage Improvements (STADI) project, and introduced Joe Johnson from MWH, the Village's design engineering firm.

Mr. Johnson recapped the Review Point #1 results: (i) the STADI project is viable to reduce severe flooding; (ii) the option to discharge to the west is not feasible, as there is not enough land for storage; (iii) water quality management presents a sizeable challenge; and (iv) further design tasks will lay the foundation for development of additional project details.

Mr. Johnson said the tasks completed for Review Point #2 were: (i) data collection, using surveys, geotechnical investigations and stormwater quality testing; (ii) 30% preliminary design development; (iii) preliminary water quality management plan; (iv) a preliminary opinion of probable construction costs (OPCC); and (iv) completion of preliminary permit applications.

Mr. Johnson explained that surveys and boring tests revealed a sizeable conflict with a Metropolitan Water Reclamation District (MWRD) interceptor which will require deeper tunneling than previously outlined. The water quality monitoring results show that Winnetka's water quality is generally typical of suburban locations. He reviewed possible sources of pollution, which include: fertilizers, de-icing salts, pet and wildlife waste, leakage from aging sanitary sewers and street wash-off. He noted that steps taken to improve water quality in Winnetka include the ban on coal tar-based sealants and ongoing efforts to control infiltration from the sanitary sewer system. Other measures that would help improve water quality include: public education about pet waste management and proper fertilizer use; source treatment strategies (bioswales, rain gardens, catch basin inserts); and sustainable snow/ice control.

Mr. Johnson explained that low to moderate rain events account for approximately 70% of stormwater runoff; therefore, the tunnel would only be used during large rain events. He reviewed the proposed flow control and treatment measures for the outfall structure, which is designed to be unobtrusive for the surrounding neighbors. He pointed out that currently, all of the stormwater from the east side of the Village flows to the Lake untreated; a net reduction in pollutants is predicted through implementation of the STADI improvements.

Next, Mr. Johnson reviewed the cost estimate, which are significantly higher than the 2012 estimate. The increases are due to: (i) Review Point #2 activities have provided more detailed information for cost evaluation; (ii) the greater length of deep tunnel required due to the MWRD interceptor conflict; (iii) increases in underground construction costs; and (iv) flow and treatment requirements for the outfall structure. Some cost containment strategies MWH proposed the Village could explore include: (i) reduce the design storm; (ii) increase localized storage for peak reduction; (iii) reduce the scope of the project; and (iv) phase construction activities over a longer period of time.

Finally, Mr. Johnson reviewed the permit application process, as the project will require permits from the following agencies:

- US Army Corps of Engineers
- Illinois Environmental Protection Agency (IEPA)
- Illinois Department of Natural Resources (IDNR)
- Union Pacific Railroad
- MWRD

In summary, Mr. Johnson observed that the STADI project is technically feasible; the water quality management plan must be further refined and accepted by the regulatory agencies; and estimated project costs are higher than previously anticipated.

Mr. Saunders reviewed possible next steps for Council authorization: (i) submit environmental permits; (ii) prepare further technical/financial analysis of phased implementation approach; and (iii) engage independent engineering firm to perform cost validation and value engineering. He noted that a continuation of the Review Point #2 discussion would take place at the May Study Session.

Trustee Kates said he agreed that a peer review process is warranted, and he asked how much the permit submittals would cost. Mr. Saunders estimated fees to go through the permitting process would be \$100,000 - \$125,000.

President Greable asked the audience to come forward with their questions.

Alan Femstra, Cherry Street near Berkeley Avenue. Mr. Femstra asked how many more cost overruns will occur and why the increases were not anticipated.

Mr. Saunders explained there have not been overruns, as this is a cost estimate, not a construction project; he said one of the reasons for a peer review was to see if the cost information is accurate and reliable. He added that prices are market-dependent, so updates must be made as prices increase over time.

Gwen Trindl, 800 Oak. Ms. Trindl asked what would happen if the peer review revealed further serious problems.

Mr. Saunders responded that the cost verification would provide a relatively quick read so that discussions about moving forward can be held with confidence. The value engineering portion of the review could produce different ways to achieve project goals at a more palatable cost.

Pat Balsamo, 1037 Cherry Street. Ms. Balsamo asked for a definition of a grab-sample.

Mr. Johnson explained that a grab sample is a field test which is a snapshot in time, as opposed to auto sampling captured during set intervals during a rain storm.

Barbara Aquilino, Elm Street. Ms. Aquilino asked if there is a cutoff number for the project cost and if a cost/benefit analysis has been performed relative to the project benefits.

Mr. Saunders explained that the Village's goal initially was to provide 10-year flood protection; however, after it was revealed that this level would not have abated the extreme flooding that occurred in July 2011, the Council did further study and ultimately chose a design standard of 100-year storm flood protection. He noted that the benefits have not been studied in light of the increased cost estimates.

Wally Greenough, 500 Maple Street. Mr. Greenough asked what the annual cost of replacing the outfall filters would be and why they need to be replaced so often; he also requested a comparison of the runoff quality in low and high flow events.

Mr. Johnson said the filters would be used for all low flow events on the east side of the Village, as well as for large rain events, and he estimated the annual cost at \$100,000. He explained that stormwater is typically discussed in terms of initial and subsequent flows. During dry spells material deposited on the ground builds up, and when it rains, the initial flush has high levels of pollutants, regardless of the storm's severity. In extreme rain events, after the initial flush has washed off the ground, the subsequent stormwater flows are fairly clean. He added that treating the first flush is therefore a priority in terms of stormwater quality.

Jeffrey Liss, 1364 Edgewood. Mr. Liss asked why there is such a large cost increase for the concrete pipe.

Mr. Saunders responded that staff is trying to verify that figure, as it was received from contractors and engineers.

Penny Lanphier, 250 Birch Street. Ms. Lanphier asked why there is a 33% increase in the stormwater discharge number, how the outfall structure will work, and what it will look like.

Mr. Johnson explained how the discharge analysis took annual runoff figures from the entire project area, separated the volumes based on where the discharges occur, and then balanced those numbers. The total water volume remained the same; however, the discharge locations were tweaked. Next, he offered to discuss the outfall structure with Ms. Lanphier after the meeting.

Jeff Schmit, 550 Cedar. Mr. Schmitt asked if the project design will be reconsidered since it drives the ultimate cost, and requested clarification of the contingency cost estimate.

Mr. Saunders said the design would be evaluated as part of a value engineering review and ways to reduce costs will be explored; however, the fixed costs associated with the outlet structure will not decrease, even if based on lower storm volumes. Mr. Johnson noted that the contingency is based on information from the preliminary design work that has been done so far, and the current contingency estimate includes 10% on the tunneling work and 20% on the open-cut construction.

Mary Tritely, 330 Willow. Ms. Tritely asked why the focus is on a 1% chance storm and if the Village has a cost estimate for a 10-year flood standard.

Mr. Saunders reiterated his response to Ms. Aquilino, above, adding that the 2010 cost estimate for 10-year flood protection was \$14.5 million. Mr. Johnson noted one of the challenges in Winnetka is that there is no potential to provide overland flow routes in the project area, due to the topography on the west side of the Village.

Marc Hecht, Spruce Street. Mr. Hecht asked what the high point of the cost estimate could be, if \$58 million is a mid-point, and what the worst-case cost could be.

Mr. Johnson first explained that the cost estimate is a mix of science, technology, and ability to predict the future. He said \$58 million is MWH's best estimate of what a reasonable contractor would bid for the job, and a range of 3% to 5%, more or less, was included in that estimate. In addition, different contractors will bid differently for the job, and that range is 15% less or 30% higher for the construction portion of the costs.

Mr. Saunders explained that the cost estimate tries to understand what the average contractor will bid for a project, and the spread in the bidding is included in the spread of the cost estimate. Mr. Johnson noted that there is no method to create a worst-case high cost figure; the range is the best that can be done.

King Poor, 735 Walden. Mr. Poor asked if the new cost estimate included the financing numbers; Mr. Saunders replied it did not.

Mr. Irwin Polls, environmental consultant. Mr. Polls asked: (i) if stormwater runoff from all rain storms will flow east for treatment at the tunnel outfall structure and whether all the low flow runoff will be treated; (ii) will stormwater runoff to the west go untreated to

the Skokie River; and (iii) what is the estimated annual frequency of overflows to the Lake?

Mr. Johnson explained that: (i) low-flow storm runoff will go to branch sewers, so not all the low-flow stormwater will be treated; (ii) there is no capacity at this time to clean the water that discharges to the Skokie River; and (iii) he estimated the annual frequency of overflows to the Lake at a single-digit number, but he said he needed time to calculate a more realistic estimate.

Ann Wilder, Spruce Street. Ms. Wilder asked if Winnetka has looked at stormwater measures other towns upstream and downstream are taking, and if they would affect Winnetka's plans; and she questioned using data from 2004 for the modeling, as storms have been getting more intense and are predicted to continue doing so in the future.

Mr. Johnson said he was unaware of details for stormwater projects in the vicinity; however, any local or regional upstream projects would likely impact the Winnetka Avenue Pumping Station, but not the STADI project. He agreed there is evidence of rainfall patterns changing. He explained the idea of a typical year arises out of the need for engineers to work with deterministic parameters that are hard to come by in real world practice. The IEPA did not give the Village negative feedback on the use of 2004 as a typical rainfall year. He noted the primary goal is to get a water quality management approach in place that the IEPA can approve, and take opportunities to refine it as design work proceeds,

Karen Hobbs, Senior Policy Analyst, National Resource Defense Council. Ms. Hobbs asked if there is an explanation for the high levels of mercury that were revealed in the water quality tests, and if MWH assumes the Village will not have to meet water quality standards completely.

Mr. Johnson noted that Lake Michigan water quality standards are very stringent, and the Clean Water Act does not allow any project to degrade the water quality. If the IEPA were to require all of the water at the outfall to meet current standards, the project would fail to do so. Other areas use Best Management Practices to try to remove pollutants at the source; Winnetka could provide some improvement, recognizing that the standards would not be met 100% of the time. Next, he explained that four samples were taken for mercury levels, resulting in two showing low concentrations and two showing high concentrations. He said there is a chance the atmosphere contributes to the mercury levels.

Jen McQuet, 528 Maple. Ms. McQuet asked what the cost breakdown is per household, business, and school; she posited that her household is being charged more for stormwater than it contributes and more for water than it uses. She asked why residents are not able to opt out of the stormwater utility if they don't use it and if they deem it environmentally risky.

Mr. Saunders explained that there are credit provisions, approved on a case-by-case basis, for properties that detain and manage their own stormwater, and for properties that discharge directly into the Lake that do not use the stormwater system at all.

Paul Bartlett, 1182 Cherry Street. Mr. Bartlett said flooding has gotten progressively worse over the past two decades, and he asked why a permanent solution can't be

installed at the trouble spots. He also asked if every other possibility has been exhausted, and requested that before millions are spent on the STADI Project, some temporary solutions be put in place to help the areas most impacted by flooding.

Mr. Saunders said a contract has been awarded to increase the capacity of the Ash Street pumps, and that the value engineering proposal may very well provide insight into ways to meet the Village's design goals in a much more cost effective way.

Tom Jergel, 526 Willow. Mr. Jergel asked if a formal cost/benefit analysis has been done, and how the cost compares to the benefit.

Mr. Saunders replied there has not been a cost/benefit analysis performed, partly because of the difficulty in obtaining actual flood damage figures.

Manager Bahan explained that after the 2011 storm, the Village received reports of 1,100 flooding incidents, which were mapped out to reveal the most frequently hit areas and illustrate areas of overland flow. He noted that the dollar amount of actual flooding damage is private information, and the Village only obtains information on the amount of uninsured losses.

Mr. Bernahl added that some flooding information is received in a repetitive loss report from the Federal Emergency Management Agency (FEMA).

Mr. Jergel next asked if there is any similar structure to the planned outlet at Willow Road, and if it will be noisy.

Mr. Johnson explained he would need to conduct research to find out if there are any of the size being contemplated in Winnetka, as he was not aware of one in Illinois. He said there should not be any large sounds made from the outlet, as the only mechanical devices are the pumps, which would be similar to the Ash Street pumps, which do not disturb the neighborhood.

Ann Wilder said it was her understanding that the 2011 flood damage survey had altogether 1,100 respondents, and half of those flooded.

Mr. Saunders explained the number of flooded homes was approximately 1,100. That figure was culled from three data sources: a direct survey mailed to residents; a Village count of refuse piles of obvious flood damage; and Cook County survey results.

Vickie Apatoff, Ardsley Road. Ms. Apatoff asked if MWH could review the old cost estimates from Christopher B. Burke Engineering, Ltd. (CBBEL). She requested that before any more money is committed to the STADI Project that the Village contact a community of a similar size that has done a comparable stormwater project.

King Poor asked whether the water would be safe for swimming the day the outfall deposits stormwater into the Lake.

Mr. Johnson said he is confident that with smaller events, the water would be safe; however, in an extreme storm where 100% of the water cannot be treated, it would be variable, as it is currently.

Matthew Wendt, Willow Road. Mr. Wendt asked what the annual cost of the disinfectants would be and what the potential environmental drawbacks are to the

disinfectant approach. He also asked why the Village landfill, golf course or Skokie Playfields can't be explored for use as a detention location.

Mr. Johnson responded no cost has been developed yet for the disinfectants, and that environmentally, it would be comparable to chlorinating a swimming pool; small amounts would be used that degrade very quickly. He explained that in MWH's reviews, no risk to humans or wildlife has been detected.

Mr. Saunders explained the starting point of the stormwater conversation was the volume of water that must be stored for a 100-year event significantly exceeds the available detention space in the Village. He added that excavating the landfill would be excessively expensive, and the Forest Preserve will not allow the Village to use its property for storage.

Wally Greenough asked Mr. Saunders for his best guess about the likelihood of getting all of the necessary permits approved.

Mr. Saunders said the permitting agencies have made it clear they will not specify one way or the other until permit applications have been received and reviewed. None of the agencies have dealt with a project of this type with the new water quality standards that were enacted in 2013.

The question period being exhausted, President Greable called for public comments.

Leslie Farmer, 388 Berkeley. Ms. Farmer pointed out that stormwater from east Winnetka is going into the Lake untreated every time it rains. She said taking steps to clean up a significant portion of Winnetka's stormwater runoff is a good objective; however, the cost is alarming, and she urged a focus on cost reduction measures.

Penny Lanphier suggested the Village revisit the 2011 options so they could be understood more deeply, as there was not a lot of public discussion at the time.

Gwen Trindl commented the League of Women Voters is very concerned about the number of outfalls emptying stormwater into the Lake, and called for treatment options that are not only viable, but clean as much of the runoff as possible.

Ron Gibbs, Elm Street. Mr. Gibbs recommended reducing the design storm event to 10%, and he urged the Council to hire an independent firm to outline some options the community could examine and possibly even vote upon.

King Poor said last year, 55% of Winnetkans voted against the STADI Project in a referendum, with 8 out of 10 precincts opposed. He commented if the same referendum were held with the updated cost projections, a greater majority of the public would be against the project. He urged taking time to pause and examine less costly alternatives, as the new estimated costs could threaten the financial viability of the Village.

Ann Wilder agreed with Mr. Poor, and she pressed the Council to create a comprehensive feasibility study of a different option, including Best Management Practices, buyouts of severely flooded homes, which FEMA provides grants for, and again pursuing Forest Preserve permission to use their land for detention. She noted the STADI plan does not take into account that treatment of runoff to the Skokie River will eventually be required.

John Weber, 415 Berkeley. Mr. Weber said the flooding problems are destructive, all of the Village's areas are interrelated, and he appealed to the Council not to exclude any portion of the Village in its stormwater planning.

Joan Fragen, 1230 Lindenwood Drive. Ms. Fragen pointed out that prior to the Village gaining Home Rule status, the community was advised to trust Village officials to get community approval before spending on a major project. She suggested a referendum be floated to gauge public opinion about the project and its cost. Doing so would give the Village opportunity to meet with small groups of people throughout Winnetka so they could gain understanding of the project.

President Greable called for Council discussion.

Trustee Krucks said his reply to the question about how much money the Council is willing to spend is that he is not willing to spend any more than the residents are willing to fund.

Trustee Kates criticized the CBBEL cost estimates, as they should have known about the conflict with the MWRD interceptor, and he added he was in favor of a peer review of all the engineering work to-date. He also suggested attempting to find the sources of pollutants that were revealed in the water sampling; such as the high mercury levels.

Trustee Prodromos said she looks forward to continuing the conversation, as the audience participation had been informative, and she urged the community to stay engaged.

Trustee McCrary commented that the findings of Review Point #2 were unexpected and there are a lot of questions to be answered about the path ahead. He asked the community to have faith that the Council, staff and consultants are working hard to answer the questions about where to go from here, and will do so with public input.

Trustee Fessler expressed admiration for the questions and comments from the audience, and she added she is looking forward to a continuing conversation with the community about the realities of flooding and the cost of alleviating it.

Trustee Braun said the Council needs to know what the community is thinking, and he asked residents to keep in mind the Village has a flooding problem that must be dealt with – doing nothing is not an option. He expressed support for moving forward with a peer review and completing the permit process, to find out if the STADI project is viable, or if alternative solutions must be sought.

President Greable said he supports a peer review of the engineering thus far, and is also in favor of moving ahead with the permit application process to find out what is feasible. He reminded the community the Council would continue discussion of Review Point #2 at the May 12 Study Session.

- 7) Ordinances and Resolutions. None.
- 8) Public Comment. None.
- 9) Old Business. None.
- 10) New Business. None.
- 11) Appointments. None.

12) Reports.

- a) Village President. None.
- b) Trustees. None.
- c) Attorney. None.
- d) Manager. None.

13) Executive Session. None.

14) Adjournment. Trustee Fessler, seconded by Trustee Prodromos, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 10:39 p.m.

Deputy Clerk

DRAFT

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
May 5, 2015**

(Approved: xx)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, May 5, 2015, at 7:00 p.m.

- 1) Call to Order. President Greable called the meeting to order at 7:05 p.m. Present: Trustees Arthur Braun, Carol Fessler, Richard Kates, William Krucks, Stuart McCrary, and Marilyn Prodromos. Absent: None. Also present: Village Manager Robert Bahan, Assistant to the Village Manager Megan Pierce, Village Attorney Peter M. Friedman, Director of Community Development Mike D'Onofrio, Public Works Director Steve Saunders, Director of Water & Electric Brian Keys, Fire Chief Alan Berkowsky, Chief of Police Patrick Kreis, and approximately 12 persons in the audience.
- 2) Pledge of Allegiance. President Greable led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) May 12, 2015 Study Session. All of the Council members present indicated that they expected to attend.
 - b) May 19, 2015 Regular Meeting. All of the Council members present indicated that they expected to attend.
 - c) June 2, 2015 Regular Meeting. All of the Council members present indicated that they expected to attend.
- 4) Approval of the Agenda. Trustee Braun, seconded by Trustee Fessler, moved to approve the Agenda. By voice vote, the motion carried.
- 5) Consent Agenda
 - a) Village Council Minutes.
 - i) April 14, 2015 Study Session.
 - ii) April 21, 2015 Regular Meeting.
 - b) Warrant List. Approving the Warrant List dated April 17 to 30, 2015 in the amount of \$562,157.99.
 - c) Ordinance No. M-10-2015: 1050 Spruce Street, Variations for the Construction and Use of a New Detached Garage – Adoption. An Ordinance granting variations from the minimum required front (corner) yard setback and garage regulations to permit the construction of a detached garage.
 - d) Resolution No. R-9-2015: Kenilworth Intergovernmental Agreement for Fire Prevention Services – Adoption. A Resolution approving an intergovernmental agreement to provide fire inspection and prevention services to the Village of Kenilworth.

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

- 6) Stormwater. No report.
- 7) Ordinances and Resolutions. None.
- 8) Public Comment. None.
- 9) Old Business. None.
- 10) Reports. None.
- 11) Seating of the New Village Council.

- a) Village Clerk’s Report: Election Results. Manager Bahan, serving in his role as Village Clerk, announced the results of the April 7, 2015 election in which Andrew Cripe, William Krucks and Scott Myers were elected as Village Trustees and E. Gene Greable was elected Village President.

President Greable called for a motion to take a recess so that the oaths of office could be administered – after which, the meeting would be reconvened with the newly constituted Council.

Trustee Fessler, seconded by Trustee Prodromos, moved to take a short recess. By voice vote, the motion passed. At 7:11 p.m. the Council recessed.

- b) Administration of Oath of Office to Trustees-elect Andrew Cripe, William Krucks, Scott Myers and President-elect Gene Greable. Manager Bahan administered the oaths of office to the three newly-elected Trustees and President Greable.
- c) Call the New Council to Order. President Greable called the new Council to order at 7:18 p.m. Present: Trustees Andrew Cripe, Carol Fessler, William Krucks, Stuart McCrary, Scott Myers, and Marilyn Prodromos. Absent: None. Also present: Village Manager Robert Bahan, Assistant to the Village Manager Megan Pierce, Village Attorney Peter M. Friedman, Director of Community Development Mike D’Onofrio, Public Works Director Steve Saunders, Director of Water & Electric Brian Keys, Fire Chief Alan Berkowsky, Chief of Police Patrick Kreis, and approximately 12 persons in the audience.

12) Ordinances and Resolutions.

- a) Commendation Resolutions. Before introducing the commendation resolutions, President Greable remarked on the exemplary public service performed by Trustees Kates and Braun, and thanked them for their service. The rest of the Council also thanked the outgoing Trustees and wished them well.
 - i) Resolution No. R-11-2015: Commending Trustee Richard Kates – Adoption. President Greable read aloud a Resolution commending Trustee Kates and thanking him for his service to the Village. Trustee Fessler, seconded by Trustee McCrary, moved to approve Resolution R-11-2015. By voice vote, the motion carried.

ii) Resolution No. R-12-2015: Commending Trustee Arthur Braun – Adoption. President Greable read aloud a Resolution commending Trustee Braun and thanking him for his service to the Village. Trustee Myers, seconded by Trustee Krucks, moved to approve Resolution R-12-2015. By voice vote, the motion carried.

b) Resolution No. R-13-2015: SWANCC Board Appointments – Adoption. President Greable explained that the Village is a member of the Solid Waste Agency of Northern Cook County (SWANCC), and is entitled to appoint a director and alternate director to SWANCC’s board of directors. These positions are traditionally filled by the Village President and Village Manager, respectively.

There being no comments or questions, Trustee Krucks, seconded by Trustee McCrary, moved to adopt Resolution R-13-2015. By voice vote, the motion carried

13) Public Comment. None.

14) New Business. None.

15) Appointments. None.

16) Reports.

a) Village President. President Greable called for a motion to approve the new Council organization assignments as follows:

President Pro Tem	Trustee McCrary
Warrants	Trustee Cripe
Chamber of Commerce	Trustee Prodromos
Environmental & Forestry Commission	Trustee Myers
Plan Commission	Trustee Fessler
Business Community Development Commission	Trustee Prodromos
Outreach & Engagement Program Liaison	Trustee Fessler
RED Center	Trustee Cripe
Northwest Municipal Conference (NWMC)	President Greable, Manager Bahan, Trustee McCrary
Solid Waste Agency of Northern Cook County (SWANCC)	President Greable, Manager Bahan
Landmark Preservation Commission Liaison	Trustee McCrary
Stormwater Infrastructure Liaison	Trustee Krucks
Downtown Master Plan Working Group (1)	Trustee Myers
Downtown Master Plan Working Group (2)	Trustee Krucks

Trustee Krucks, seconded by Trustee Fessler moved to approve the new Council assignments. By voice vote, the motion carried.

b) Trustees.

- i. Trustee McCrary reported on the last Environmental & Forestry meeting, and he encouraged the community to make use of the recycling bins in the business districts.
- ii. Trustee Krucks reported on the last Landmark Preservation Commission meeting.

17) Executive Session. None.

18) Adjournment. Trustee Fessler, seconded by Trustee McCrary, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 8:02 p.m.

Deputy Clerk

DRAFT



Agenda Item Executive Summary

Title: Approval of Warrant List Dated May 1 - May 14, 2015

Presenter: Robert M. Bahan, Village Manager

Agenda Date:

05/19/2015

Consent:

YES

NO

Ordinance

Resolution

Bid Authorization/Award

Policy Direction

Informational Only

Item History:

None.

Executive Summary:

The Warrant List dated May 1 - May 14, 2015 was emailed to each Village Council member.

Recommendation:

Consider approving the Warrant List dated May 1 - May 14, 2015.

Attachments:

None.



Agenda Item Executive Summary

Title: Resolution No. R-14-2015: Approving an Agreement for Interim Finance Director Services- Adoption

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 05/19/2015

Consent: YES NO

Ordinance
 Resolution
 Bid Authorization/Award
 Policy Direction
 Informational Only

Item History:

None.

Executive Summary:

The Village's long-time Finance Director, Ed McKee, will be leaving the Village in June. Due to the complex workload of the Finance Department, it was determined outside interim assistance would be required while the recruitment process continues. A recruitment for a new Finance Director began in early May, but it is unlikely a full-time replacement will be appointed until August.

Resolution No. R-14-2015 approves an agreement with GovTempUSA, LLC, who will provide the staffing assistance for an interim, three-month period, in the Finance Department. The selected individual from GovTempUSA is a retired Finance Director with approximately 40 years of municipal experience.

Recommendation:

Consider adopting Resolution No. R-14-2015, approving an agreement with GovTempUSA, LLC for services of a temporary interim finance director.

Attachments:

- 1) Resolution No. R-14-2015
- 2) Exhibit A: Employee Leasing Agreement

RESOLUTION R-14-2015

**A RESOLUTION APPROVING AN AGREEMENT WITH
GOVTEMPUSA, LLC
FOR THE PROCUREMENT OF A TEMPORARY INTERIM FINANCE DIRECTOR**

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the Village of Winnetka (“*Village*”) to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, the Village desires to obtain the services of a temporary interim finance director; and

WHEREAS, GovTempUSA, LLC (“*Contractor*”), provides temporary staffing recruitment and placement services; and

WHEREAS, the Village desires to enter into an agreement with Contractor for the placement with the Village of a temporary interim finance director (“*Agreement*”); and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to enter into the Agreement with Contractor;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL OF AGREEMENT. The Village Council hereby approves the Agreement in substantially the form attached to this Resolution as **Exhibit A** and in a final form approved by the Village Attorney.

SECTION 3: AUTHORIZATION TO EXECUTE AGREEMENT. The Village Council hereby authorizes and directs the Village Manager and the Deputy Village Clerk to execute and attest, respectively, on behalf of the Village, the final Agreement after receipt by the Village Manager of two executed copies of the final Agreement from Contractor; provided, however, that if the Village Manager does not receive two executed copies of the final Agreement from Contractor within 60 days after the date of adoption of this Resolution, then this authority to execute and seal the final Agreement will, at the option of the Village Council, be null and void.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

[SIGNATURE PAGE FOLLOWS]

May 19, 2015

R-14-2015

ADOPTED this 19th day of May, 2015, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A
AGREEMENT

EMPLOYEE LEASING AGREEMENT

THIS EMPLOYEE LEASING AGREEMENT (this "Agreement") is made this 19th day of May 2015 ("Effective Date") by and between **GOVTEMPUSA, LLC**, an Illinois limited liability company ("GovTemp"), and the **VILLAGE OF WINNETKA**, an Illinois home rule municipal corporation (the "Municipality") (GovTemp and the Municipality may be referred to herein individually as "Party" and collectively as the "Parties").

RECITALS

The Municipality desires to lease certain employees of GovTemp to assist the Municipality in its operations and GovTemp desires to lease certain of its employees to the Municipality on the terms and conditions contained herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth below, and other good and valuable considerations, the receipt and sufficiency of which are mutually acknowledged by the Parties, the Parties hereby agree as follows:

SECTION 1 SCOPE OF AGREEMENT

Section 1.01. Worksite Employee. The Municipality hereby agrees to engage the services of GovTemp to provide, and GovTemp hereby agrees to supply to the Municipality, the personnel fully identified on **Exhibit A** hereto, hereinafter the "Worksite Employee." **Exhibit A** to this Agreement shall further identify the employment position and/or assignment ("Assignment") the Worksite Employee shall fill at the Municipality and shall further identify the base compensation for each Worksite Employee, as of the effective date of this Agreement. **Exhibit A** may be amended from time to time by a replacement **Exhibit A** signed by both GovTemp and the Municipality. GovTemp shall have the sole authority to assign and/or remove the Worksite Employee, provided, however, that the Municipality may request, in writing, that GovTemp remove or reassign the Worksite Employee, such request shall not be unreasonably withheld by GovTemp. The Parties hereto understand and acknowledge that the Worksite Employee shall be subject to the Municipality's day-to-day supervision.

Section 1.02. Independent Contractor. GovTemp is and shall remain an independent contractor, and not an employee, agent, partner of, or joint venturer with, the Municipality. GovTemp shall have no authority to bind the Municipality to any commitment, contract, agreement or other obligation without the Municipality's express written consent.

SECTION 2 SERVICES AND OBLIGATIONS OF GOVTEMP AND MUNICIPALITY

Section 2.01. Payment of Wages. GovTemp shall timely pay the wages and related payroll taxes of the Worksite Employee from GovTemp's own account in accordance with federal and Illinois law and GovTemp's standard payroll practices. GovTemp shall withhold

from such wages all applicable taxes and other deductions elected by the Worksite Employee. GovTemp shall timely forward all deductions to the appropriate recipient as required by law. The Municipality hereby acknowledges that GovTemp may engage a financial entity to maintain its financing and record keeping services, which may include the payment of wages and related payroll taxes in accordance with this Section 2.01. The Municipality agrees to cooperate with any such financial entity to ensure timely payment of (i) wages and related payroll taxes pursuant to this Section 2.01, and (ii) Fees pursuant to Section 3.03.

Section 2.02. Workers' Compensation. To the extent required by applicable law, GovTemp shall maintain and administer workers' compensation, safety and health programs. GovTemp shall maintain in effect workers' compensation coverage covering all Worksite Employee and complete and file all required workers' compensation forms and reports.

Section 2.03. Employee Benefits. GovTemp shall provide to Worksite Employee those employee benefits fully identified on **Exhibit B** hereto. GovTemp may amend or terminate any of its employee benefit plans according to their terms. All employee benefits, including severance benefits for Worksite Employee will be included in Fees payable to GovTemp under Section 3.01 of this Agreement. The Municipality shall not have any obligation to provide any employee benefits or to offer participation in any employee benefit plan to the Worksite Employee.

Section 2.04. Maintenance and Retention of Payroll and Benefit Records. GovTemp shall maintain complete records of all wages and benefits paid and personnel actions taken by GovTemp in connection with the Worksite Employee, shall retain control of such records at such GovTemp location as shall be determined solely by GovTemp, and shall make such records available as required by applicable federal, state or local laws and to the Municipality upon the Municipality's reasonable request.

Section 2.05. Other Obligations of GovTemp. GovTemp shall be responsible for compliance with any federal, state and local law that may apply to its Worksite Employee(s).

Section 2.06. Direction and Control. The Parties agree and acknowledge that the Municipality has the right of direction and control over the Worksite Employee, including matters of discipline, excluding removal or reassignment, as provided for by Section 1.01. The Worksite Employee shall be supervised, directly and indirectly, and exclusively by the Municipality's supervisory and managerial employees.

Section 2.07. Obligations of the Municipality. As part of the employee leasing relationship, the Municipality hereby covenants, agrees and acknowledges:

- (a) The Municipality shall comply with OSHA and all other health and safety laws, regulations, ordinances, directives, and rules applicable to the Worksite Employee or to his or her place of work. The Municipality agrees to comply, at its expense, with the reasonable health and safety directives from GovTemp's internal and external loss control specialists, GovTemp's workers' compensation carrier, or any government agency having jurisdiction over the place of work. The Municipality shall provide and ensure use of all personal protective equipment as required by any federal, state or local law,

regulation, ordinance, directive, or rule. GovTemp and GovTemp's insurance carriers shall have the right to inspect the Municipality's premises to ensure that the Worksite Employee is not exposed to an unsafe work place. In no way shall GovTemp's rights under this paragraph affect the Municipality's obligations to the Worksite Employees under applicable law or to GovTemp under this Agreement;

(b) With respect to the Worksite Employees, the Municipality shall comply with all applicable employment-related laws and regulations, including and, without limitation, Title VII of the Civil Rights Act of 1964, as amended, (Title VII), the Americans With Disabilities Act of 1990 (ADA), the Age Discrimination in Employment Act (ADEA), the Equal Pay Act of 1963, the Civil Rights Acts of 1866 and 1871 (42 U.S.C. § 1981), the Family and Medical Leave Act of 1993, the Fair Labor Standards Act of 1938, the National Labor Relations Act, the Employee Retirement Income Security Act of 1974, the Illinois State Constitution, the Illinois Human Rights Act, and any other federal, state or local law, statute, ordinance, order, regulation, policy or decision regulating wages and the payment of wages, prohibiting employment discrimination or otherwise establishing or relating to rights of employees;

(c) The Municipality shall retain the right to exert sufficient direction and control over the Worksite Employee as is necessary to conduct the Municipality's business and operations, without which, the Municipality would be unable to conduct its business, operation or comply with any applicable licensure, regulatory or statutory requirements;

(d) The Municipality shall not have the right to remove or reassign the Worksite Employee unless mutually agreed to in writing by GovTemp and the Municipality in accordance with Section 1.01; provided, GovTemp shall not unreasonably refuse to provide such written agreement.

(e) The Municipality agrees that the Municipality shall pay no wages, salaries or other forms of direct or indirect compensation, including employee benefits, to Worksite Employee;

(f) The Municipality shall report to GovTemp any injury to the Worksite Employee of which it has knowledge within twenty-four (24) hours of acquiring such knowledge. If the Worksite Employee is injured in the course of performing services for the Municipality, the Municipality and GovTemp shall follow the procedures and practices regarding injury claims and reporting, as determined by GovTemp. The Municipality shall have no obligation to make available a light duty work assignment for the Worksite Employee; and

(g) The Municipality shall report all on-the-job illnesses, accidents and injuries of the Worksite Employee to GovTemp within twenty-four (24) hours following notification of said injury by employee or employee's representative.

**SECTION 3
FEES PAYABLE TO GOVTEMP**

Section 3.01. Fees. The Municipality hereby agrees to pay GovTemp fees for the services provided under this Agreement as follows:

(a) The base compensation as fully identified on **Exhibit A**, as amended; plus

(b) Any employee benefits GovTemp paid to the Worksite Employee as identified on **Exhibit B** hereto, including, but not limited to, salary; wages; commissions; bonuses; sick pay; workers' compensation, health and other insurance premiums; payroll, unemployment, FICA and other taxes; vacation pay; overtime pay; severance pay; monthly automobile allowances, and any other compensation or benefits payable under any applicable GovTemp pension and welfare benefit plan or federal, state or local laws covering the Worksite Employee.

Section 3.02. Increase in Fees. GovTemp may increase fees to the extent and equal to any mandated tax increases, e.g. FICA, FUTA, State Unemployment taxes when they become effective. GovTemp may also adjust employer benefit contribution amounts by providing the Municipality with a written thirty (30) day notice, provided, such changes in employer benefit contribution amounts apply broadly to all GovTemp employees.

Section 3.03. Payment Method. Following the close of each month during the term of this Agreement, GovTemp shall provide the Municipality a written invoice for the fees owed by the Municipality pursuant to this Agreement for the prior month. Within thirty (30) days following receipt of such invoice, the Municipality shall pay all invoiced amounts by check, wire transfer or electronic funds transfer to GovTemp to an account or lockbox as designated on the invoice.

**SECTION 4
INSURANCE**

Section 4.01. General and Professional Liability Insurance. The Municipality shall maintain in full force and effect at all times during the term of this Agreement a Comprehensive (or Commercial) General Liability and Professional Liability (if applicable) insurance policy or policies (the "Policies"), with minimum coverage in the amount of \$1,000,000 per occurrence, \$3,000,000 aggregate. At a minimum, the Policies shall insure against bodily injury and property damage liability caused by on-premises business operations, completed operations and/or products or professional service and non-owned automobile coverage.

Section 4.02. Certificate of Insurance. Upon request, the Municipality shall provide GovTemp with one or more Certificates of Insurance, verifying the Municipality's compliance with the provisions of Section 4.01.

Section 4.03. Automobile Liability Insurance. If the Worksite Employee drives a Municipal or personal vehicle for any reason in connection with his or her Assignment, the Municipality shall maintain in effect automobile liability insurance which shall insure the

Worksite Employee, GovTemp and the Municipality against liability for bodily injury, death and property damage.

SECTION 5 DURATION AND TERMINATION OF AGREEMENT

Section 5.01. Effective and Termination Dates. This Agreement shall become effective on May 19, 2015 and shall continue in effect until August 31, 2015, or until it is terminated in accordance with the remaining provisions of this Section 5. For the purposes of the Agreement, the date on which this Agreement expires and/or is terminated shall be referred to as the "Termination Date." At any time prior to the Termination Date, the Municipality shall have the right, but not the obligation, to renew this Agreement on a month-to-month basis for up to three additional months. The terms of this Agreement shall remain in effect during any such renewal period.

Section 5.02. Termination of Agreement for Failure to Pay Fees. If the Municipality fails to timely pay the fees required under this Agreement, GovTemp may give the Municipality notice of its intent to terminate this Agreement for such failure and if such failure is remedied within 20 days, the notice shall be of no further effect. If such failure is not remedied within the 20-day period, GovTemp shall have the right to terminate the Agreement upon expiration of such remedy period.

Section 5.03. Termination of Agreement for Material Breach. If either Party materially breaches this Agreement, the non-breaching Party shall give the breaching Party notice of its intent to terminate this Agreement for such breach and if such breach is remedied within 20 days, the notice shall be of no further effect. If such breach is not remedied within the 20-day period, the non-breaching Party shall have the right to immediately terminate the Agreement upon expiration of such remedy period. GovTemp's unreasonable failure to remove a Worksite Employee upon request of the Municipality shall constitute a material breach of GoveTemp's obligations under this Agreement.

Section 5.04. Reserved.

SECTION 6 NON-SOLICITATION

Section 6.01. Non-Solicitation. The Municipality acknowledges GovTemp's legitimate interest in protecting its business for a reasonable time following the termination of this Agreement. Accordingly, the Municipality agrees that during the term of this Agreement and for a period of two (2) years thereafter, the Municipality shall not solicit, request, entice or induce Worksite Employee to terminate his or her employment with the GovTemp, nor shall the Municipality hire Worksite Employee as an employee.

Section 6.02. Injunctive Relief. The Municipality recognizes that the rights and privileges granted by this Agreement are of a special, unique, and extraordinary character, the loss of which cannot reasonably or adequately be compensated for in damages in any action at law. Accordingly, the Municipality understands and agrees that GovTemp shall be entitled to equitable relief, including a temporary restraining order and preliminary and permanent

injunctive relief, to prevent or enjoin a breach of Section 6.01 this Agreement. The Municipality also understands and agrees that any such equitable relief shall be in addition to, and not in substitution for, any other relief to which the GovTemp may be entitled.

Section 6.03. Survival. The provision of this Section 6 shall survive any termination of this Agreement.

SECTION 7 DISCLOSURE AND INDEMNIFICATION PROVISIONS

Section 7.01. Indemnification by GovTemp. GovTemp agrees to indemnify, defend and hold the Municipality and its related entities or their agents, representatives or employees (the "Municipality Parties") harmless from and against all claims, liabilities, damages, attorney's fees, costs and expenses ("Losses") (a) arising out of GovTemp's breach of its obligations under this Agreement, (b) related to the actions or conduct of GovTemp and its related business entities, their agents, representatives, and employees (the "GovTemp Parties"), taken or not taken with respect to the Worksite Employees that relate to events or incidents occurring prior or subsequent to the term of this Agreement, and (c) arising from any act or omission on the part of GovTemp or any of the GovTemp Parties.

Section 7.02. Indemnification by the Municipality. The Municipality agrees to indemnify, defend and hold the GovTemp Parties harmless from and against all Losses (a) arising out of the Municipality's breach of its obligations under this Agreement, (b) relating to any activities or conditions associated with the Assignment, including without limitation, the Worksite Employee workers' compensation claims, and (c) arising from any act or omission on the part of the Municipality or any of the Municipality Parties. Notwithstanding the foregoing, the Municipality shall have no obligations to the GovTemp Parties under this Section with respect to Losses arising out of events or incidents occurring before or after the term of this Agreement.

Section 7.03. Indemnification Procedures. The Party that is seeking indemnity (the "Indemnified Party") from the other Party (the "Indemnifying Party") pursuant to this Section 7, shall give the Indemnifying Party prompt notice of any such claim, allow the Indemnifying Party to control the defense or settlement of such claim and cooperate with the Indemnifying Party in all matters related thereto; provided however that, prior to the Indemnifying Party assuming such defense and upon the request of the Indemnified Party, the Indemnifying Party shall demonstrate to the reasonable satisfaction of the Indemnified Party that the Indemnifying Party (a) is able to fully pay the reasonably anticipated indemnity amounts under this Section 7 and (b) takes steps satisfactory to the Indemnified Party to ensure its continued ability to pay such amounts. In the event the Indemnifying Party does not control the defense, the Indemnified Party may defend against any such claim at the Indemnifying Party's cost and expense, and the Indemnifying Party shall fully cooperate with the Indemnified Party, at no charge to the Indemnified Party, in defending such potential Loss, including, without limitation, using reasonable commercial efforts to keep the relevant Worksite Employee available. In the event the Indemnifying Party controls the defense, the Indemnified Party shall be entitled, at its own expense, to participate in, but not control, such defense. The failure to promptly notify the Indemnifying Party of any claim pursuant to this Section shall not relieve such Indemnifying Party of any indemnification

obligation that it may have to the Indemnified Party, except to the extent that the Indemnifying Party demonstrates that the defense of such action has been materially prejudiced by the Indemnified Party's failure to timely give such notice.

Section 7.04. Survival of Indemnification Provisions. The provisions of this Section 7 shall survive the expiration or other termination of this Agreement.

SECTION 8 ADDITIONAL PROVISIONS

Section 8.01. Amendments. This Agreement may be amended at any time and from time to time, but any amendment must be in writing and signed by all of the Parties to this Agreement, except for changes to the fees as set forth in Section 3.

Section 8.02. Binding Effect. This Agreement shall inure to the benefit of and be binding upon the Parties and their respective heirs, successors, representatives and assign. Neither Party may assign its rights or delegate its duties hereunder without the express written consent of the other Party, which consent shall not be unreasonably withheld.

Section 8.03. Counterpart Execution. This Agreement may be executed and delivered in any number of counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered via facsimile.

Section 8.04. Definitions. Terms and phrases defined in any part of this Agreement shall have the defined meanings wherever used throughout the Agreement. The terms "hereunder" and "herein" and similar terms used in this Agreement shall refer to this Agreement in its entirety and not merely to the section, subsection or paragraph in which the term is used.

Section 8.05. Entire Agreement. This Agreement constitutes the entire agreement between the Parties regarding GovTemp's provision of Worksite Employee to the Municipality, and contains all of the terms, conditions, covenants, stipulations, understandings and provisions agreed upon by the Parties. This Agreement supersedes and takes precedence over all proposals, memorandum agreements, tentative agreements, and oral agreements between the Parties, made prior to and including the date hereof, and not specifically identified and incorporated in writing into this Agreement. No agent or representative of either Party hereto has authority to make, and the Parties shall not be bound by or liable for, any statement, representation, promise, or agreement not specifically set forth in this Agreement.

Section 8.06. Further Assurances. Each of the Parties shall execute and deliver any and all additional papers, documents, and other assurances and shall do any and all acts and things reasonably necessary in connection with the performances of their obligations hereunder and to carry out the intent of the parties hereto.

Section 8.07. Gender. Whenever the context herein so requires, the masculine, feminine or neuter gender and the singular and plural number shall each be deemed to include the other.

Section 8.08. Notices. Notices given under this Agreement shall be in writing and shall either be served personally or delivered by certified first class U.S. Mail, postage prepaid and return receipt requested or by overnight delivery service. Notices also may effectively be given by transmittal over electronic transmitting devices such as Telex or facsimile machine if the Party to whom the notice is being sent has such a device in its office, provided that a complete copy of any notice shall be mailed in the same manner as required for a mailed notice.

Notices shall be deemed received at the earlier of actual receipt or three days from mailing date. Notices shall be directed to the Parties at their respective addresses shown below. A Party may change its address for notice by giving written notice to the other Party in accordance with this Section:

If to GovTemp:	GOVTEMPUSA, LLC 650 Dundee Road, Suite 270 Northbrook, Illinois 60062 Attention: Joellen C. Earl Telephone: 847-380-3240 Facsimile: 866-803-1500
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If to the Municipality:	Village of Winnetka 510 Green Bay Rd Winnetka, IL 60093 Attention: Robert Bahan, Village Manager Telephone: 847-716-3541 Email: rbahan@winnetka.org
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Section 8.09. Section Headings. Section and other headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

Section 8.10. Severability. If any part or condition of this Agreement is held to be void, invalid or inoperative, such shall not affect any other provision hereof, which shall continue to be effective as though such void, invalid or inoperative part, clause or condition had not been made.

Section 8.11. Waiver of Provisions. The failure by one Party to require performance by the other Party shall not be deemed to be a waiver of any such breach, nor of any subsequent breach by the other Party of any provision of this Agreement. Such waiver shall not affect the validity of this Agreement, nor prejudice either Party's rights in connection with any subsequent action. Any provision of this Agreement may be waived if, but only if, such waiver is in writing signed by the Party against whom the waiver is to be effective.

Section 8.12. Confidentiality. Each Party shall protect the confidentiality of the other's records and information and shall not disclose confidential information without the prior written consent of the other Party unless disclosure is required by law. Each Party shall reasonably cooperate with the other Party regarding any Freedom of Information Act (FOIA) request calling for production of documents related to this Agreement.

Section 8.13. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Illinois applicable to contracts made and to be performed entirely within such state, except the law of conflicts.

Section 8.14. No Third Party Beneficiary. This Agreement is for the benefit of GovTemp and the Municipality only and no other person or entity shall have any rights under this Agreement. Nothing in this Agreement, express or implied, is intended to or shall confer upon any person or entity other than GovTemp and the Municipality any right, benefit, or remedy of any nature whatsoever under or by reason of this Agreement.

[Signatures on following page]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed as of the day and year first above written.

GOVTEMPUSA, LLC,
an Illinois limited liability company

By _____
Name: Joellen Cademartori Earl
Title: President/Co-owner

MUNICIPALITY

By _____
Name: _____
Title: _____

EXHIBIT A
Worksite Employee and Base Compensation

WORKSITE EMPLOYEE: Greg Peters

POSITION/ASSIGNMENT: Interim Finance Director

POSITION TERM: May 28 – August 31, 2015

Please review Section 5 of this Agreement for the complete terms of position.

Agreement may be extended for up to three (3) months with agreement between all Parties.

BASE COMPENSATION: \$98.00 per hour. Worksite employee is anticipated to work approximately 30- 40 hours per week; provided, that the number of hours may vary and is not guaranteed. Worksite employee shall be paid for hours worked only. Any time taken off for vacations will be unpaid. Hours should be reported via email to payroll@govtempusa.com on the Monday after the prior work week. The Municipality will be invoiced every other week for hours worked.

GOVTEMPUSA, INC.:

MUNICIPALITY:

By: _____

By: _____

Date: _____

Date: _____

This Exhibit A fully replaces all Exhibits A dated prior to the date of the Company's signature above.

EXHIBIT B
Summary of Benefits

Not applicable.



Agenda Item Executive Summary

Title: Resolution No. R-15-2015: Urging Protection of Local Government Revenues - Adoption

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 05/19/2015

Consent: YES NO

- | | |
|-------------------------------------|-------------------------|
| <input type="checkbox"/> | Ordinance |
| <input checked="" 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 State of Illinois continues to struggle with balancing their budget, and the Fiscal Year 2015 budget contained reductions in local government revenues, including the motor fuel tax.

For the Fiscal Year 2016 budget, the State Legislature is considering a 50% reduction in the Local Government Distributive Fund, which would reduce revenue to Winnetka by about \$600,000. This equates to approximately four full-time employee positions, including public safety.

The Northwest Municipal Conference has suggested that municipalities consider passing a resolution to let the State know that the loss of income tax revenue will directly impact local taxpayers and the municipal services provided.

Recommendation:

Consider adoption of Resolution No. R-15-2015, urging the protection of local government revenues.

Attachments:

Resolution No. R-15-2015

RESOLUTION NO. R-15-2015

**A RESOLUTION URGING PROTECTION OF
LOCAL GOVERNMENT REVENUES**

WHEREAS, the Village of Winnetka ("Village") is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970 and, except as limited by Section 6 of Article VII of the Constitution of the State of Illinois of 1970; and

WHEREAS, pursuant to its home rule status, the Charter of the Village of Winnetka, and the Illinois Municipal Code, 65 ILCS 5/1-1-1, et seq., the Village is granted all powers necessary to carry out its legislative purposes as to the general governance of the Village and its residents, including the development and use of property, the establishment and maintenance of basic infrastructure such as streets, water systems, sanitary and stormwater sewer systems, and the provision of public safety services; and

WHEREAS, the Village of Winnetka provides vital services to our Citizens such as police and fire protection, snow removal, road maintenance and traffic safety, all of which are funded in part from shared State income taxes; and

WHEREAS, local citizens pay income taxes for operations of the State of Illinois and of their local municipalities; and

WHEREAS, the protection of all state-collected local government revenues (including the Local Government Distributive Fund, sales tax and the motor fuel tax) is tantamount for ensuring that Illinois communities have sufficient resources to provide quality public services that protect the health, safety and welfare of our residents and businesses; and

WHEREAS, despite having made a practice of managing staffing levels and controlling operating expenses, the Village has had to make even more substantial reductions in its staffing levels in past years because of limited revenue growth, including lower revenues from the State; and

WHEREAS, local government revenues, including the motor fuel tax, were reduced to balance the Fiscal Year 2015 budget; and

WHEREAS, a proposal to reduce the Local Government Distributive Fund (LGDF) by 50% in the state's Fiscal Year 2016 budget is currently under consideration, which would take away over \$66 million from the 45 members of the Northwest Municipal Conference; and

WHEREAS, a 50% reduction in the LGDF would result in service reductions or increases in local taxes and fees in order to balance our local municipal budget and still maintain critical services.

NOW, THEREFORE, be it resolved by the Council of the Village of Winnetka as follows:

SECTION 1: The Council adopts the foregoing recitals as its findings of facts, as if fully set forth herein.

SECTION 2: The Village of Winnetka strongly opposes a reduction in state-collected revenues and respectfully requests that the General Assembly and Governor maintain the current level of funding for municipalities.

SECTION 3: This Resolution is adopted 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 4: This Resolution shall take effect immediately upon its adoption.

ADOPTED this 19th day of May, 2015, by the following roll call vote of the Council of the Village of Winnetka.

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: Water Plant Circuit Breaker, Bid #015-017

Presenter: Brian Keys, Director of Water & Electric

Agenda Date: 05/19/2015

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:

The existing 480 volt Westinghouse switchgear at the Water Plant has been in operation since 1986. This vintage of switchgear is no longer in production and major electrical components are not readily available. The Village purchased a spare circuit breaker in 2013 for operational contingency. In early 2015, the original circuit breaker experienced a fault which left the device inoperable. The spare circuit breaker previously purchased was placed into operation. As a result, the Water Plant no longer has a spare.

Executive Summary:

To ensure the continued operation of the switchgear and to replenish the utilized spare in a timely manner, staff simultaneously pursued both the repair of the inoperable breaker along with the procurement of another spare circuit breaker.

Bid #015-017 was issued for the purchase of a new or refurbished circuit breaker. Bids to purchase a new or refurbished circuit breaker were opened in a public forum on March 26, 2015. The Village received bids from Wesco and Revere Electric Supply. Wesco submitted two (2) bids; refurbished breaker in the amount of \$31,176 and a new breaker for the amount of \$56,210. Revere Electric Supply submitted two (2) bids; refurbished breaker for the amount of \$75,620 and one option for a new breaker in the amount of \$148,665.

Staff has determined that the inoperable breaker can be repaired and refurbished at a lower cost than purchasing another circuit breaker. This work has been awarded under the Village Manager's purchasing authority.

As a result of determining that the inoperable breaker can be repaired, staff is not recommending the purchase of an additional circuit breaker at this time. Based on the bid (dollar) amounts, the rejection of bids requires Village Council authorization.

Recommendation:

Consider rejecting all bids received under Bid #015-017 for the purchase of a new or refurbished 480 volt circuit breaker.

Attachments:

None.



Agenda Item Executive Summary

Title: Electric Plant Roof Replacement, Bid #015-018

Presenter: Brian Keys, Director of Water & Electric

Agenda Date:

05/19/2015

Consent:

YES

NO

Ordinance

Resolution

Bid Authorization/Award

Policy Direction

Informational Only

Item History:

The Water & Electric Department requested bids (Bid #015-018) for the replacement of five sections of roofing at the Electric Plant. These sections have been in service for more than 20 years and are prone to varying levels of leaks. Repairs have been made to the roofing in the past. The fiscal year 2015 Electric Fund budget contains funding for replacement of some sections of the roof.

Executive Summary:

The bid scope includes removal of the existing gravel ballast, roofing, and flashing followed by the installation of new underlayment, rolled roofing, and flashing. Bidders were asked to bid on the five sections of roof replacement that encompassed 5,840 square feet. A diagram showing the various roof sections at the Electric Plant has been provided in Exhibit A. The bid document indicated that the Village of Winnetka reserved the right to award sections of the roof replacement based on budgetary considerations.

A bid notice was advertised in the Winnetka Talk and posted to the on-line bidding service Demand Star. Three companies submitted bids for the replacement work.

Based on the bid amounts, condition of the roof sections and budgeted funding, staff is recommending replacement of two sections. The contractor, L. Marshall Roofing and Sheet Metal Inc., submitted the lowest total bid for all five sections and the lowest bid for the two sections selected for replacement in 2015.

The FY 2015 Electric Fund account Repair & Maintenance - Buildings (account #500.40.01-570) contains \$30,000 specifically allocated for roofing work at the Electric Plant. There is an additional \$30,000 funding for building maintenance and repairs. The remaining sections of roof replacement will be proposed for consideration in future budgets.

Recommendation:

Consider authorizing the Village Manager to issue a purchase order to L. Marshall Roofing and Sheet Metal Inc. in the amount of \$30,300 for roof replacement at the Electric Plant in accordance with the terms and conditions of Bid #015-018.

Attachments:

Agenda Report dated May 13, 2015

Exhibit A - Diagram of Electric Plant roof sections

AGENDA REPORT

Subject: Electric Plant Roof Replacement, Bid #015-018

Prepared by: Brian Keys, Director Water & Electric

Date: May 13, 2015

The Water & Electric Department requested bids (Bid #015-018) for the replacement of five sections of roofing at the Electric Plant. These sections have been in service for more than 20 years and are prone to varying levels of leaks. Repairs have been made to the roofing in the past. The fiscal year 2015 Electric Fund budget contains funding for replacement of some sections of the roof.

The bid scope includes removal of the existing gravel ballast, roofing, and flashing followed by the installation of new underlayment, rolled roofing, and flashing. Bidders were asked to bid on the five sections of roof replacement that encompassed 5,840 square feet. A diagram showing the various roof sections at the Electric Plant has been provided in Exhibit A. The bid document indicated that the Village of Winnetka reserved the right to award sections of the roof replacement based on budgetary considerations.

A bid notice was advertised in the Winnetka Talk and posted to the on-line bidding service Demand Star. Three companies submitted bids for the replacement work. Results for the bid totals are shown below.

RFB#015-018 ELECTRIC PLANT ROOF REPLACEMENT BIDS						
Vendor	Section A	Section B	Section C	Section D	Section E	Total
L. Marshall Roofing & Sheetmetal Inc.	\$55,000.00	\$18,500.00	\$22,000.00	\$24,800.00	\$ 5,500.00	\$125,800.00
Malcor Roofing of IL	\$54,500.00	\$30,000.00	\$30,000.00	\$35,000.00	\$ 7,500.00	\$157,000.00
Coleman Roofing, Inc.	\$56,935.00	\$29,710.00	\$29,303.00	\$47,020.00	\$12,500.00	\$175,468.00

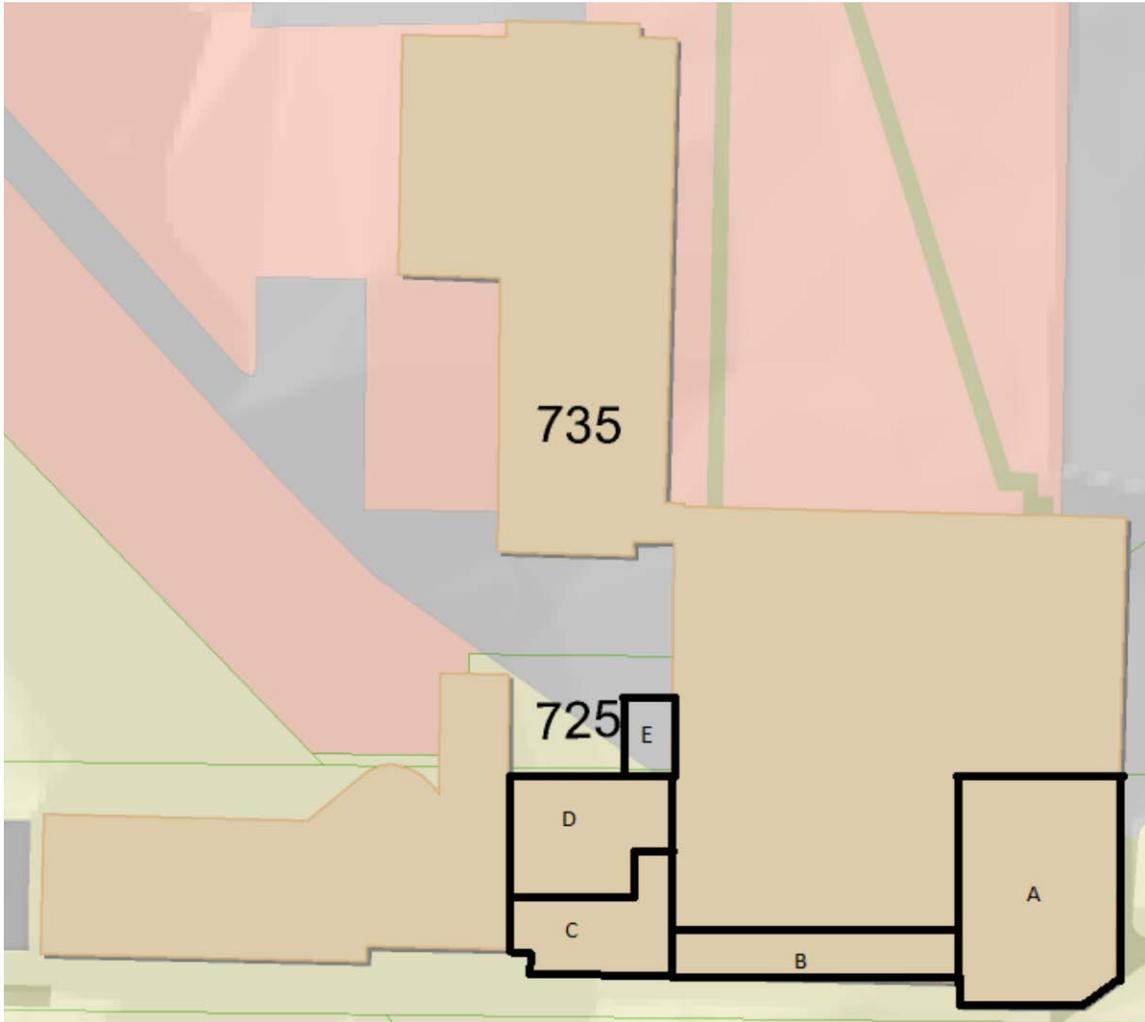
All bidders were required to provide a contract bond and the successful bidder will be required to provide a performance bond. Based on the bid amounts, condition of the roof sections and budgeted funding, staff is recommending replacement of sections D & E. The contractor, L. Marshall Roofing and Sheet Metal Inc., submitted the lowest total bid for all five sections and the lowest bid for the two sections selected for replacement in 2015. The Village has not previously utilized L. Marshall Roofing and Sheet Metal Inc. As part of the bid evaluation, L. Marshall provided project references for staff to contact. Based on positive customer reviews which included other governmental entities, staff is recommending award of the work to L. Marshall Roofing and Sheet Metal Inc.

The FY 2015 Electric Fund account *Repair & Maintenance - Buildings* (account #500.40.01-570) contains \$30,000 specifically allocated for roofing work at the Electric Plant. There is an additional \$30,000 funding for building maintenance and repairs. The remaining sections of roof replacement will be proposed for consideration in future budgets.

Recommendation:

Consider authorizing the Village Manager to issue a purchase order to L. Marshall Roofing and Sheet Metal Inc. in the amount of \$30,300 for roof replacement at the Electric Plant in accordance with the terms and conditions of Bid #015-018.

Exhibit A



Locations:

- Section A: Approximate Area: 2,420 square feet
- Section B: Approximate Area: 900 square feet
- Section C: Approximate Area: 904 square feet
- Section D: Approximate Area: 1,376 square feet
- Section E: Approximate Area: 240 square feet



Agenda Item Executive Summary

Title: State of Illinois Joint Purchase Program Equipment Replacement: PW-9

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

Agenda Date: 05/19/2015

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:

2015 - Budgeted Capital Item

Executive Summary:

The FY2015 budget contains \$90,000 in account 100-30-01-630 for the replacement of unit PW-9, a 1997 F350 service utility truck used for fleet, road services calls, parts pick up, towing, and snow removal. From time to time, the Village participates with the State of Illinois Joint Purchasing Program for vehicle replacement, which leverages the purchasing power of the State of Illinois to the benefit of smaller units of local government.

State of Illinois Contract #4017340 provides for the purchase of a replacement chassis, body, and equipment that meets the Village's needs, with unit prices for the new vehicle listed on the attachment. The cost for this new vehicle is proposed at \$84,164.

The existing unit will be taken out of service and proper disposal will be made at a later date when the new unit is in service.

Recommendation:

Consider awarding a purchase order to Bob Ridings Ford, of Taylorville, IL in the amount of \$84,164 for the purchase of a 2016 Ford F550 regular cab chassis and platform body under State of Illinois Joint Purchasing Program Contract #4017340.

Attachments:

- State of Illinois Purchase Contract

**Bob Ridings Fleet Sales
Todd Crews, Fleet Sales Mgr.
931 Springfield Rd
Taylorville IL 62568**

Ph. 217-824-2207

Email toddfleet@aol.com

Fax 217-824-4252

Tuesday, May 05, 2015

PHILLIP SOLDANO
VILLAGE OF WINNETKA
1390 WILLOW RD
WINNETKA, IL 60093

Dear Phil:

Thank you for your inquiry about our Fleet Sales Program, note this proposal is in association with our **State of Illinois contract # 4017340**. We are pleased you are again considering us for your new truck and we can order it as follows. Delivery is estimated in 120 days after your order, note THIS PROPOSAL LETTER IS NOT AN ORDER, you must issue a purchase order to confirm, **ORDERS ARE DUE BY 9-30-15, call if any questions or changes and thanks,**

1	2016 Ford F550 Regular Cab 4x4 Chassis ONLY	
	Includes All Standard Pkg Equipment	18,000 Min GVWR
	Air Conditioning Tilt Wheel	AM/FM
	BASE COST	\$29,610.00
	USE STD 60" Cab/Axle, 40 Gallon Rear Fuel Tank	
	USE 6.7 Litre Turbo Diesel V8	\$6500.00
	ADD XL Value Pkg w/Cruise Control & CD	\$575.00
	WITH SYNC Bluetooth System	\$350.00
	Power Windows/Locks/Mirrors	\$835.00
	Limited Slip Axle	\$310.00
	Snowplow Prep Pkg	\$75.00
	THB All Terrain REAR Tires	\$190.00
	Upfitter Switch Panel	Included
	Built in Factory Trailer Brake	\$195.00
	High Capacity Trailer Weight	\$325.00
	PTO Provision	NOT Ordered
	200 Amp HD Alternator	\$75.00
	Electric Shift on the Fly 4x4	\$175.00
	Factory Black Cab Steps	\$300.00
	Delivery Ship to Sauber Virgil	\$275.00
	New Municipal Lic & Title	\$155.00
	Dk Green Gem Ext, Steel Gray VINYL 40/20/40	Split Seat, Full Vinyl Floor Covering
	Subtotal	\$39,945.00
	SAUBER Equipment 9ft Service Body, Strobe Lights, V Mac Compressor, Inverter & Related	\$44,219.00
		Reference # SQ106726
	YOUR COST, P/O # Pending	\$84,164.00

TRADE IN(S) will be accepted as listed. Trades must be highway safe and have no significant mechanical or cosmetic damage unless noted on trade form.

NOTE if this outline is incorrect in any way please call me IMMEDIATELY to correct it. Please contact me with any questions and thanks for your business!

Sincerely,
Todd Crews
Fleet Sales Manager



10 North Sauber Road
Virgil, IL 60151-1000
SAUBERMFG.COM

Phone 630.365.6600

Fax 630.365.6610

Sales Quote

Sales Quote Number: SQ106726

Date: 01/13/15

Page: 1

Sell

To: Village of Winnetka
Phil Soldano
510 Green Bay Road
Winnetka, IL 60093

Shipping

To: Village of Winnetka
Phil Soldano
510 Green Bay Road
Winnetka, IL 60093

Ship Via Customer Pickup
Terms Net 30 Days
FOB Origin

Customer ID C01433
SalesPerson Chuck Herrmann

Item No.	Description	Unit	Quantity	Unit Price	Total Price
#OTV	MCB 108" M5320 Steel Service Body Bumper & Tailgate Deleted for Liftgate Install	Each	1	44,219.00	44,219.00
#OPM	Deliver To Customer	Each	1		
Z1314	LED Service Body Lighting Installed Package for 80" & Under Bodies Includes Sealed Wiring	Each	1		
Z1315	LED Upgrade to Over 80"W Adds Front & Rear Clearance Lamps Facing Forward & Rearward & 3-Lite Cluster @ Rear	Each	1		
Z1317	Mud Flap Installation	Set	1		
I1032	Route Urea Tank Fill (DEF) to Body Side	Each	1		
15642	Base/Clear Finish & Support Chromabase w/ Clear Coat	Quart	3		
R1010	Paint Labor	Hour	15		
18150	C-Tech Custom Drawer Unit - R1/R3	Each	2		
R1010	Install R1 & R3	Hour	4		
16447	Aluminum Light Bar Rack w/ 3" Channel Uprights & 4" Channel Base - 5876ST w/ Expanded Metal & w/ Center Lightbar Mount	Each	1.1		
Z1300	Install	Each	1		
17265	LED Light Bar w/ Arrow Stick 49"Lx12 1/4"Wx2"H; 3.2A w/ Controller	Each	1		
Z1428	Wire Above to Upfitters Switch w/ Wiring, Placard & Contactor as Required Wire Hot w/ Additional Labor	Each	1		
18655	Hide-A-Led Corner LED Strobe	Each	2		
14967	Amber Oval LED Strobe - Flush w/ Grommet	Each	4		
R1010	Install Amber Lighting Lightbar To Mount On Lightbar Rack Offset Over Cab Hide-a's In Headlights Ovals - (2) Rear High On Compt, (2) Fender Panels Each Side	Hour	10		
#OTV	V900120 VR70 Compressor System	Each	1		
R1010	Install Vmac	Hour	41		
18262	Filter Regulator Lubricator	Each	1		



10 North Sauber Road
Virgil, IL 60151-1000

SAUBERMFG.COM

Phone 630.365.6600

Fax 630.365.6610

Sales Quote

Sales Quote Number: SQ106726

Date: 01/13/15

Page: 2

Item No.	Description	Unit	Quantity	Unit Price	Total Price
14581	3/4" NPT Ports - 8"H x10"W x 3"D Hose Reel w/ 50' x 3/8" Air Hose Spring Retractable	Each	1		
R1010	Install/Plumb On Stand Behind Cab Load Area	Hour	3		
#OPM	Reel Hose Stand	Each	1		
11863	Quarter Turn Ball Valve - 3/8"	Each	1		
#OTV	Thieman TT15 Galvanized Liftgate Based On Standard Size Service Body/Pickup Gate Add Additional Amount if Not Within Constraints	Each	1		
Z1176	Liftgate/Crane Installation Includes 12431 Disconnect & Wiring Materials	Each	1		
R1010	Install Liftgate	Hour	10		
18637	2400 Watt Pure Sine Inverter 20A, 2200 Watt Continuous 8"H x 13.75"W x 15.75"D (1) 15A Built In Receptacle (2) Hardwire Output Circuits	Each	1		
10257	600 CCA Deep Cycle Battery	Each	2		
14764	Poly Deep Cycle Battery Box w/ Lid & Tiedown Strap - 13"Lx7.5"Wx10"D - Group 27	Each	2		
Z1179	Static Inverter Installation No Isolator - New Sauber Sold Units Only Includes: 10643 I/O Cable 15397/15398 Fues & Holder Run (+) All the Way to Chassis Battery Bank So When Chassis Battery is Disconnected All Battery Power is Removed From System	Each	1		

Total Before Tax: 44,219.00



Agenda Item Executive Summary

Title: FPCC South of Tower Road Pond Stabilization Project

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

Agenda Date: 05/19/2015

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:

As part of the Northwest Winnetka stormwater improvement, the Forest Preserve District of Cook County (FPCC) has required that the Village restore and re-grade the east bank of the pond, to reduce erosion potential on the bank, and to re-landscape District property by planting native plants to replace the turf grass currently being maintained by private property owners at that location. Improvements that are part of this project include pond stabilization, emergent/native vegetation planting, and site restoration of the existing pond south Tower Road.

Executive Summary:

To implement this requirement, the Village released for bid the "FPCC South of Tower Road Pond Stabilization" on February 9, 2015. Because the Village received a single bid, in excess of the engineer's estimate, the Council rejected bids and authorized staff to rebid the original contract for the Pond Stabilization Project. Bids were opened in a public forum on May 7, 2015; the Village received one bid from Kovilic Construction for the amount of \$342,800. This bid amount was \$18,190 lower than the Engineer's estimate and \$56,840 lower than the previous bid process. Staff had hoped that by rebidding this project and removing the language for the required IDOT pre-qualification that additional bids would be received for this project. Several contractors obtained bidding documents, but elected not to submit a bid for the project.

The Village's consultant, Christopher Burke Engineering, performed a reference check for this contractor and has determined that they are qualified and capable to complete the requirements of this contract (see attached reference checks and letter of recommendation from Christopher B. Burke Engineering, Ltd.). For this reason, and considering the favorable bid price received by Kovilic Construction for the scope of this project, staff recommends that the Council consider awarding a contract to Kovilic Construction for an amount not to exceed \$342,800.

Recommendation:

Consider awarding a contract for construction services for the FPCC South of Tower Road Pond Stabilization Project to Kovilic Construction for an amount not to exceed \$342,800.

Attachments:

- 1) Letter of recommendation from CBBEL
- 2) Reference check from CBBEL
- 3) Copy of Bid Results



CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 West Higgins Road Suite 600 Rosemont, Illinois 60018 TEL (847) 823-0500 FAX (847) 823-0520

May 8, 2015

Village of Winnetka
1390 Willow Road
Winnetka, Illinois 60093

Attention: Steve Saunders

Subject: FPCC South of Tower Road Pond Stabilization
Bid Results
(CBBEL Project No. 12-0462A)

Dear Mr. Saunders:

On Thursday, May 7th, 2015 at 10:30 a.m. bids were received and opened for the aforementioned project. One bid was received and has been summarized below.

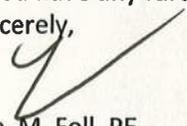
Company	Base Bid
Engineer's Estimate	\$360,990.00
Kovilic Construction	\$342,800.00

Kovilic Construction is the low bidder and their bid appears to be in order. CBBEL contacted two of Kovilic Construction's references, which stated they are qualified to perform the work. Therefore, our office recommends accepting Kovilic Construction's bid.

Attached please find a copy of the bid tabulation and reference check phone logs for your review and files.

If you have any further questions, please do not hesitate to contact me at (847) 823-0500.

Sincerely,


Lee. M. Fell, PE
Senior Project Manager

cc: James Berhahl – Village of Winnetka (w/ enclosed)
James Johnson – Village of Winnetka (w/ enclosed)

N:\WINNETKA\120462-A\Admin\L1.BidResults.Rebid.050715.doc



PHONE CONVERSATION LOG

DATE: May 8, 2015

PERSON (Contacted/Calling): Michael Hullihan

AFFILIATION: Village of Oak Brook

PHONE NUMBER: 630-368-5270

CBBEL REPRESENTATIVE: John LaPaglia

PROJECT NAME/NUMBER: FPCC South of Tower Road Pond Stabilization / 120462A

NOTES:

What was your title or role on this project?

- Public Works Director

Was the contractor the General Contractor or a Subcontractor?

- General

What was the type of work and approximate cost?

- Curb and gutter, retaining walls, lighting, concrete paving crosswalks, pavement marking, site furnishings, landscaping, earthwork/excavation, and restoration
- \$270,000

Was the job completed on time and within budget?

- Yes
- Yes

Were there any change orders? If yes, for what?

- No

Were you satisfied with the quality of work performed?

- Yes

Were they easy to work with? Would you recommend using them?

- Yes
- Yes

N:\WINNETKA\120462-A\Admin\Reference Check Phone Log 2.docx



CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520



PHONE CONVERSATION LOG

DATE: May 8, 2015

PERSON (Contacted/Calling): Lynn Ewing

AFFILIATION: Army Corps of Engineers

PHONE NUMBER: 312-860-0078

CBBEL REPRESENTATIVE: John LaPaglia

PROJECT NAME/NUMBER: FPCC South of Tower Road Pond Stabilization / 120462A

NOTES:

What was your title or role on this project?

- Controlling Office Representative

Was the contractor the General Contractor or a Subcontractor?

- General

What was the type of work and approximate cost?

- Dam spillway removal, clearing and grubbing, mechanical dredging, landscape restoration, tree removal
- \$500,000

Was the job completed on time and within budget?

- Yes
- Yes

Were there any change orders? If yes, for what?

- Yes – to facilitate a reduction in quantities from the amount bid

Were you satisfied with the quality of work performed?

- Yes

Were they easy to work with? Would you recommend using them?

- Yes
- Yes

N:\WINNETKA\120462-AAAdmin\Reference Check Phone Log 1.docx



CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520

Christopher B. Burke Engineering Ltd.
 9575 West Higgins Road, Suite 600
 Rosemont, Illinois 60018
 CBBEL Project No. 12-0462A
 Date: 5/7/2015

VILLAGE OF WINNETKA
 BID TAB
 FPCC SOUTH OF TOWER ROAD POND STABILIZATION

ITEM NUMBER	ITEM	UNIT	QUANTITY	ENGINEER'S ESTIMATE		KOVILIC CONSTRUCTION	
				UNIT PRICE	COST	UNIT PRICE	COST
20100210	TREE REMOVAL (OVER 15 UNITS DIAMETER)	UNIT	500	\$ 60.00	\$ 30,000.00	\$ 25.00	\$ 12,500.00
20101700	SUPPLEMENTAL WATERING	UNIT	30	\$ 50.00	\$ 1,500.00	\$ 150.00	\$ 4,500.00
20200100	EARTH EXCAVATION	CU YD	922	\$ 40.00	\$ 36,880.00	\$ 50.00	\$ 46,100.00
21101615	TOPSOIL, FURNISH AND PLACE, 4"	SQ YD	14,800	\$ 5.00	\$ 74,000.00	\$ 6.00	\$ 88,800.00
*25000115	SEEDING, CLASS 1B	SQ YD	1,330	\$ 2.00	\$ 2,660.00	\$ 2.00	\$ 2,660.00
*25003312	SEEDING, CLASS 4A	SQ YD	14,678	\$ 2.00	\$ 29,356.00	\$ 2.00	\$ 29,356.00
*25003314	SEEDING, CLASS 4B	SQ YD	2,084	\$ 2.00	\$ 4,168.00	\$ 2.00	\$ 4,168.00
*25100630	EROSION CONTROL BLANKET	SQ YD	14,800	\$ 5.00	\$ 74,000.00	\$ 2.00	\$ 29,600.00
28000400	PERIMETER EROSION BARRIER	FOOT	950	\$ 5.00	\$ 4,750.00	\$ 5.00	\$ 4,750.00
70106800	CHANGEABLE MESSAGE SIGN	MONTH	1	\$ 2,000.00	\$ 2,000.00	\$ 1,500.00	\$ 1,500.00
A2006416	TREE, QUERCUS ALBA (WHITE OAK), 2" CALIPER, BALLED AND BURLAPPED	EACH	8	\$ 450.00	\$ 3,600.00	\$ 500.00	\$ 4,000.00
A2006516	TREE, QUERCUS BICOLOR (SWAMP WHITE OAK), 2" CALIPER, BALLED AND BURLAPPED	EACH	5	\$ 400.00	\$ 2,000.00	\$ 500.00	\$ 2,500.00
*X7010216	TRAFFIC CONTROL AND PROTECTION, SPECIAL	L. SUM	1	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00
*Z0013797	STABILIZED CONSTRUCTION ENTRANCE	SQ YD	1,350	\$ 15.00	\$ 20,250.00	\$ 18.00	\$ 24,300.00
*Z0013798	CONSTRUCTION LAYOUT	L. SUM	1	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00
*NA	AS-BUILT DRAWINGS	L. SUM	1	\$ 5,000.00	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00
*NA	COIR FIBER LOG	FOOT	720	\$ 30.00	\$ 21,600.00	\$ 25.00	\$ 18,000.00
*NA	EMERGENT LIVE PLANTS	SQ FT	2,160	\$ 5.00	\$ 10,800.00	\$ 7.00	\$ 15,120.00
*NA	SHORT GRASS BUFFER (SPECIAL)	SQ YD	4,173	\$ 2.00	\$ 8,346.00	\$ 2.00	\$ 8,346.00
*NA	SILT CURTAIN	FOOT	840	\$ 12.00	\$ 10,080.00	\$ 40.00	\$ 33,600.00
				TOTAL =	\$ 360,990.00	TOTAL =	\$ 342,800.00

*INDICATES SPECIAL PROVISION



Agenda Item Executive Summary

Title: Purchase of Sidewalk Tractor - M-B MSV-115 HP

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

Agenda Date: 05/19/2015

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:

FY 2015 Budget Item: Replacement of existing snow removal equipment

Executive Summary:

The Village is in need of replacing one of its aging multi-service sidewalk tractors. This multiuse tractor performs activities that include snow removal on public sidewalks, leaf loading, landfill maintenance activities, sweeping, and is a backup power source for the storm water pumps. The current tractor is approximately 16-years old, is considered past its useful life, is experiencing rust issues, and has had a reduction in power. The Village's standard replacement practice for this piece of equipment is a 15-year replacement schedule.

When replacing equipment, staff generally investigates various cost savings alternatives, including governmental joint-purchasing opportunities. The current National Joint Purchasing Agreements (NJPA) contract does contain the specific snow tractor, M-B-MSV3, that the village has used in the past and would recommend to replace the aged snow tractor. The purchase rate through this contract is \$129,355.20, which does not include a trade in of the older piece of equipment.

Staff also evaluated various other manufacturers such a Holder C992 and a MacLean MV2. However, each of these units priced higher than the recommended M-B-MSV3 tractor, and they meet fewer of the Village's specifications and requirements.

The NJPA-specified dealer for this piece of equipment was R.N.O.W., Inc. of West Allis, WI. Staff spoke directly with R.N.O.W., Inc. and was able to negotiate a lower price, which included a favorable \$18,000 trade in for the older tractor, which was not available through the NJPA Contract.

The replacement of this tractor is included in the Village's 2015 budget, Account No. 100.30.01.625. The proposed purchase price for a demonstrator M-B-MSV3 APF-50 unit, with 35 hours, is \$107,834, including the trade in of the existing tractor. Due to the favorable direct purchase price the new tractor will be purchased below the budgeted value of \$150,000 offering a cost savings to the village of \$42,166. For this reason staff is recommending that the Village purchase directly from R.N.O.W., Inc., to include the trade in of the older snow tractor, for a price not to exceed \$107,834.

Recommendation:

Consider the purchase of a new M-B-MSV APF-50 Fixed V-Plow, Snow Tractor, including the trade in of the villages older sidewalk tractor, for a price not to exceed \$107,834.

Attachments:

1. Proposal from R.N.O.W., Inc.
2. Copy of NJPA Contract
3. Photo of new tractor



R.N.O.W., Inc.
8636R West National Avenue
West Allis, WI 53227

QUOTATION

Quote Number: e2015-1477
 Quote Date: Mar 10, 2015
 Page: 1

Voice: 414-541-5700
 Fax: 414-543-9797

Quoted To:

VILLAGE OF WINNETKA
 ACCOUNTS PAYABLE - JUDY KRAUSE
 510 GREEN BAY ROAD
 WINNETKA, IL 60093
 USA

Accepted By: _____

Sign above to accept quotation and place order

Customer Fax: 847-501-2680

Customer ID	Good Thru	Payment Terms	Sales Rep
WINNETKA	4/9/15	DUE ON DELIVERY	JAS

Quantity	Item	Description	Unit Price	Amount
1.00	M-B MSV	M-B MSV- 115 HP Tier 3 Diesel Engine, Wheel Motor Based Ground Drive, 31 GPM Load Sensing Hyd Flow, Standard Front 540 RPM PTO. CAT 1 CAT2, two point hitch.	90,848.00	90,848.00
1.00		-----		
1.00		- REAR HYDRAULICS	1,438.00	1,438.00
1.00		-----		
1.00		- WHEEL WEIGHTS	920.00	920.00
1.00		-----		
1.00		- WEIGHT TRANSFER SYSTEM		
1.00		-----		
1.00		- HYDRAULIC BRAKE RELEASE	482.00	482.00
4.00		-----		
4.00		- TRACTOR TIRES AND RIMS INSTALLED	588.00	2,352.00
4.00	M-B MSV 0007	SPARE SUMMER TURF RIM & TIRE (TIRE 33/16LL500, 10 PLY)	651.25	2,605.00
1.00	M-B MSV H2-SB 50	Hydraulic Fan and Hydraulic Dual Auger Snow Blower - 50" Cutting Width with reversing valve (new demo unit)	8,609.00	8,609.00

Thank you for the opportunity to quote

SUBMITTED BY _____

Steven D. Krall
President

Subtotal	Continued
Sales Tax	Continued
Freight	
TOTAL	Continued



R.N.O.W., Inc.
8636R West National Avenue
West Allis, WI 53227

QUOTATION

Quote Number: e2015-1477
 Quote Date: Mar 10, 2015
 Page: 2

Voice: 414-541-5700
 Fax: 414-543-9797

Quoted To:

VILLAGE OF WINNETKA
 ACCOUNTS PAYABLE - JUDY KRAUSE
 510 GREEN BAY ROAD
 WINNETKA, IL 60093
 USA

Accepted By: _____

Sign above to accept quotation and place order

Customer Fax: 847-501-2680

Customer ID	Good Thru	Payment Terms	Sales Rep
WINNETKA	4/9/15	DUE ON DELIVERY	JAS

Quantity	Item	Description	Unit Price	Amount
1.00	M-B MSV APF-50	50" FIXED V-PLOW WITH REPLACEABLE CUTTING EDGE	4,750.00	4,750.00
1.00	M-B MSV APA-00004	60" STRAIGHT BLADE ANGLING PLOW	3,907.00	3,907.00
1.00	M-B TFF-MB-75C	75" FLAIL MOWER PTO DRIVEN	9,383.00	9,383.00
1.00	M-B MSV 0006	SPARE WINTER RIM & TIRE	540.00	540.00
1.00	TRADE IN	TRADE IN - HOLDER UNIT AND ATTACHMENTS	18,000.00	-18,000.00

Thank you for the opportunity to quote

SUBMITTED BY _____

Steven D. Krall
President

Subtotal	107,834.00
Sales Tax	
Freight	
TOTAL	107,834.00



MB Companies, Inc.

M-B Companies, Inc.
 P.O. Box 200
 New Holstein, WI 53061-0200
 Phone: 1-800-558-5800
 Fax: 920-898-4588
 www.m-bco.com

Quotation

Quote Number: 12594

Page: 1 of 2

Date: 2/17/2015

Expires: 3/19/2015

Quote To:

Quick Quote

Sales Person: Cardinal, Daniel

dcardinal@m-bco.com

QUOTE PREPARED FOR:

VILLAGE OF WINNETKA
 1390 WILLOW RD
 WINNETKA, IL 60093

Date: 2/17/2015 Ship Via: TermsDesc Wire

PLEASE NOTE ON PO: NJPA CUSTOMER MEMBER NUMBER
 AND
 THIS PURCHASE ORDER IS ISSUED PURSUANT TO NJPA CONTRACT #113012-MBC

FREIGHT IS NOT INCLUDED

Base Currency.

Line	Part Number	Description	Quantity	Unit Price	Disc %	Net Price
1	TBD	BASE MSV GEN 3 PER NJPA CONTRACT REAR HYDRAULICS - 4 GPM TO REAR OF MSV (VOP-100289) ENGINE BLOCK HEATER - 110 VOLT (VOP-100250) BATTERY DISCONNECT (VOP-100356) LOADER LUGGED TIRES (VOP-100278)	1.00	\$97,450.00		\$97,450.00
2	VOP-100244	OPTION, WHEEL WEIGHTS, MSV	1.00	\$920.00		\$920.00
3	VOP-100247	OPTION, TIRE & RIM KIT, LITE FOOT, OTR, TURF, MSV	1.00	\$2,605.44		\$2,605.44
4	VOP-100299	OPTION, SPARE, TIRE/RIM ASSY, R4, OTR, MSV, LEFT	1.00	\$540.96		\$540.96



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Quotation

Quote Number: 12594

Page: 2 of 2

Date: 2/17/2015
Expires: 3/19/2015

Line	Part Number	Description	Quantity	Unit Price	Disc %	Net Price
5	ASB-00074	MA/50/M/AH/2/H/H/M/MSV3, HYDRAULIC DEFLECTOR, HYD QUICK DISCONNECTS, DUAL AUGER, MECHANICAL DRIVE	1.00	\$8,609.85		\$8,609.85
6	APV-00003	(qc) FV/50/M/M/ MSV MOUNT	1.00	\$4,750.95		\$4,750.95
7	APA-00004	(qc) AS/60/M/M/ MSV MOUNT	1.00	\$3,907.35		\$3,907.35
8	AMM-00008	MOW/75/F/M/MSV FLAIL MOWER, 75" FRONT MOUNT, INCLUDES HITCH (MANUAL 905-162953)	1.00	\$9,383.15		\$9,383.15
9	430-97385	OPTION, REVERSING DUAL AUGERS, PTO BLOWER, 50" (SERVICE INSTALL ONLY)	1.00	\$1,187.50		\$1,187.50

Quote Total: **\$129,355.20**





Agenda Item Executive Summary

Title: 2015 Bulk Salt Purchase

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

Agenda Date: 05/19/2015

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:

Annual consideration for the direct purchase of bulk rock salt.

Executive Summary:

Based on the volatility of the costs for rock salt in the standard IDOT CMS contract, as well as the mandatory obligation to accept unknown bid numbers, staff pursued conversations with our current provider, alternative suppliers, and also evaluated current purchasing trends. This detailed information is included in the attached purchase memo.

After evaluating the information, staff believes at this time the current provider, Morton Salt, is providing the Village with the most reasonable price at the proposed \$73.00 a ton. It is believed that purchasing directly from Morton Salt with an agreement that excludes the state minimum and maximum purchase amounts affords the Village flexibility to address unknown weather conditions. Morton Salt has worked well with the Public Works staff and has also accommodated the Village's request for delivery of material. For these reasons staff would recommend approving the contract with Morton Salt for a value not to exceed \$73,000.

As in previous years, due to the timing of the Village's fiscal calendar the recommendation to award would precede the approval of the 2016 budget.

Recommendation:

Staff recommends awarding an individual contract to Morton Salt for a value of \$73,000, for purchase of 1,000 tons of rock salt at \$73.00 per ton.

Attachments:

Agenda Report
Morton Salt Proposal

Agenda Report

Subject: **Proposed Salt Purchase Program, 2015-2016**

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

Date: May 12, 2015

The following memo will outline the proposed salt purchasing program for the remainder of this fiscal year and into the summer of 2016. In addition, this memo will also summarize all of the current outstanding purchasing agreements for this fiscal term.

Current Purchasing Agreements

Presently, the Village is contractually obligated to purchase salt from two separate IDOT Central Management Services (CMS) contracts. The first contract was a renewal contract from the previous fiscal year with an agreed to price of \$51.69 per ton. This agreement is classified as an 80/120 agreement with a requested amount of 1440 tons. The maximum purchase commitment of 120% for this agreement would be 1728 tons; the entire purchase amount of 1728 tons has been ordered and received.

The second contract with CMS was for an additional supplemental purchase of 400 tons. No bid prices were returned for the initial bid request, at which time CMS issued a second request which returned a price of \$134.10 per ton. The supplier of this supplemental salt was also the Village's current salt provider, Morton Salt. Since the bid numbers for this bid request far exceeded the Village's expectations for the cost per ton, staff negotiated with Morton Salt to meet a general minimum purchase of 40 tons at the proposed \$134.10 (40 tons x \$134.10 = \$5,364). Since the Village met this minimum purchase amount, Morton Salt was amenable to releasing the Village from its remaining purchase obligation.

As part of the Village's direct negotiations with the current supplier, Morton Salt has agreed at this time to sell the Village an additional 400 tons of salt at the current rate of \$51.69 (400 x \$51.69 = \$20,676). The Village has approximately 400 tons of salt in the salt dome. Adding the proposed additional salt purchase of 400 tons to the required purchase outlined above (40 tons) would allow the Village a stockpile of approximately 840 tons of salt for the beginning of the next winter season.

Future Purchase Agreements

The Village has begun to receive requests for participation in future bulk rock salt purchases from various groups such as Glenview Joint Purchasing Group, Lake County Purchasing, and

IDOT CMS. Based on the volume of salt that the Village currently has in the dome, combined with the proposed purchases, it is suggested that the Village move forward as outlined below.

Due to the overwhelming interest in purchasing salt from the Lake County option, the current Lake County supplier has limited the purchase option to only those entities within Lake County. Initially many of the collar communities outside of Lake County chose to forego the joint purchasing option and instead pursue a direct purchase from Lake County's supplier. After the change proposed by the supplier, the Joint Purchasing group is once again considering moving forward with developing a separate joint bid. Staff has indicated interest in this approach to the joint purchasing group; however, no specific timetable has been set for a future bid date.

Staff did consider participating in the State CMS procurement process; however, due to the mandated purchase requirements for a future unknown bid price, it was felt that choosing this option is not wise at this time.

An additional option was to initiate a separate negotiation with our current provider, Morton Salt, to see if perhaps an easier and more economical arrangement could be made. A one-year contract purchase price of \$73.00 has been proposed for a future purchase of 1000 tons. A benefit of this direct agreement is that unlike the previous CMS purchase agreements, there is no mandated minimum or maximum purchase amount. Taking into account the recommended purchases for this fiscal year, the new total volume of salt that will be in the dome, and the flexibility of this proposed agreement, the Village should be in a good position for the next fiscal year.

To ensure the proposed pricing from Morton Salt was competitive with the current market, staff contacted a few communities with similar individual contracts. One of the closer communities, the City of Evanston, currently has a multi-year contract (6-years) with Morton Salt. Evanston's Public Works staff indicated they renegotiate with Morton Salt on an annual basis, similar to what Winnetka staff is proposing. The City of Evanston has already renegotiated their contract for this year at a purchase price of \$84.50 per ton. They noted that Morton Salt has provided them flexibility in their contractual obligation depending on the actual need for material, more or less depending on the season. Another community with a similar contractual arrangement is the City of Niles, which also just recently completed renegotiations with their supplier, Central Salt, for a price of \$78.37 per ton. Like the City of Evanston, the City of Niles renegotiates their salt purchase pricing on an annual basis. We anticipate that the probability of receiving similar bid pricing in the \$82 dollar range would begin to exceed our future budget amount and offer no flexibility for a more severe winter season.

As in previous years, due to the timing of the Village's fiscal calendar the recommendation to award would precede the approval of the 2016 budget.



REVISED

Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

April 1, 2015

Dear Sir/Madam

Morton Salt, Inc. is pleased to offer you the following bulk deicing salt pricing for the season 15/16.

Description	Valid From	Valid To			Min Order
Bulk Safe-T-Salt	JUL 1, 2015	APR 30, 2016	Delivered	MS STANDARD DUMP TRUCK	20 TON
	MORTON CALUMET STOCKPILE		1000 TON	73.00 USD per TON	

Delivered prices are based upon full truckload quantities specific to the delivery address shown below.

Any applicable taxes are extra.

Terms are net 30 days.

Pricing is in effect through APR 30, 2016 for the tonnage shown. This tonnage is an estimate of your winter season salt needs.

Do you wish to change the tonnage commitment? Yes___ No___

New commitment is: _____TON

Reason for tonnage change: _____

Please review your account information and advise if any changes are required.

Delivery Address:

1390 Willow Road
Winnetka, IL 60093
Morton #3656223

Purchases must begin by December 31st.

To place an order, please contact our Customer Service Department:

Phone: 855-665-4540

Fax: 630-861-2735

Email: buyroadsalt@mortonsalt.com

Our offices are open from 7:30am to 4:30pm

For your convenience, MasterCard, VISA and American Express are accepted.

To confirm and accept this quotation, please sign the acceptance and return via mail (address below), email, or fax within 10 days of the date shown above.

Morton Salt Customer Service

Return by mail

123 N Wacker Dr

Chicago IL 60606

Fax: 312-807-2669

Email: bids@mortonsalt.com

To confirm and accept this quotation, please sign the acceptance and return via email or fax, by May 1, 2015.

Acceptance:

I accept the Morton Salt, Inc. price for the 15/16 period.

Approved by: _____ Date: _____

This is your confirmation; No further acknowledgement will be sent.

We trust this quotation meets your approval and that we will have the privilege of supplying your bulk deicing salt needs this coming winter season.

Sincerely,

Morton Salt, Inc.

Terms and Conditions

1. All orders are subject to the conditions set forth hereon, and no agreement or other understanding in any way modifying or supplementing these conditions shall be binding upon Seller unless made in writing and signed by an authorized executive of Seller.
2. This price quotation does not include sales, use, or any other taxes, which will be added to the price, if applicable.
3. Terms of payment are net thirty (30) days (subject to Credit Department approval). The Seller reserves the right to charge a one and a half percent (1 ½%) per month service charge on amounts outstanding more than thirty (30) days from the date of the invoice, effective as of the thirty-first day from the date of invoice.
4. Effort will be made to effect shipment as soon as possible after an order is received but Seller shall not be responsible for any delay or failure to deliver caused wholly or in part by any cause not resulting from negligence on the part of Seller, including without limitation, fire, flood, accident, strike, labor trouble, civil commotion, acts of terrorism, war, demands, requests or requirements of governmental authority, failure in production equipment, product availability, inability to obtain fuel, power, raw materials or shipping capacity or acts of God, including snow, ice or other weather related problems. Transportation surcharges may be applied in the event of significant cost increases in transportation beyond the reasonable control of the Seller.
5. All claims of shortages in quantities delivered, quality or delivery of material other than ordered must be made in writing by Buyer within seven (7) days of receipt of shipment and supported by satisfactory evidence. Buyer, by acceptance of the material covered by this transaction, assumes all risk and responsibility incident to the handling and use of said material and for the results obtained through use of said material, and shall indemnify and hold Seller harmless of and from any and all claims with respect thereto.
6. Seller warrants the material sold hereunder is suitable for ice control only. Seller's liability is limited to providing additional material to the extent any material is shown to be otherwise than as warranted, and Seller shall be in no event liable otherwise or for indirect or consequential damages. THIS WARRANTY IS EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES, INCLUDING BUT NOT LIMITED TO, ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.
7. The SELLER reserves the right upon notice to BUYER to condition any future shipments (including those previously ordered or in transit) upon SELLER'S receipt of cash, certified or cashier's check in the amount of the invoice prices of such shipments and inclusive of all freight.
8. Delivered prices are based upon full truckload. Shipments are made in dump trucks carrying 20-25 tons and normally delivered within 5 days. Exceptions to truck minimums; in Michigan-50 ton minimum (or single trailer 25 ton minimum); Utah-40 ton minimum (or single trailer 25 ton minimum or tri-axle truck 18 ton minimum); Ohio pile delivery-200 ton minimum; 10 ton minimum per truck pick-up where offered and available. Please give at least 24 hour notice prior to pick-up.
9. Estimated tonnage for existing customers is a weighted average calculation of purchases from Morton Salt in the last five (5) years. Customer requests above the estimated tonnage are subject to product availability and pricing changes. Increases in any of Seller's transportation and warehousing costs, and extraordinary increases in Seller's costs of production, including without limitation, in its costs of energy or package materials, may be passed along to Buyer upon advance notice to cover the increased costs to Seller.
10. Should fuel costs rise to a level requiring carriers to implement a fuel surcharge, the surcharge amount will be additional, and will be shown as a separate line item on the invoice. If implemented, fuel surcharge amounts may vary weekly, and are based on the fuel cost averages published at www.eia.doe.gov, and will be eliminated when fuel prices warrant.



Agenda Item Executive Summary

Title: FEMA Community Rating System (CRS) Class 6 Rating Award

Presenter: James Bernahl, Assistant Director of Public Works and Engineering

Agenda Date: 05/19/2015

Consent: YES NO

- Ordinance
- Resolution
- Bid Authorization/Award
- Policy Direction
- Informational Only

Item History:

In March of 2012, the Village Council authorized staff to make a formal application, on behalf of the Village of Winnetka, to participate in the Federal Emergency Management Agency (FEMA) Community Rating System (CRS) program. The National Flood Insurance Program (NFIP) Community Rating System (CRS) recognizes community efforts beyond FEMA minimum standards by reducing flood insurance premiums for the community's property owners. To participate in the CRS, a community can choose to undertake some or all of 18 public information and floodplain management activities designed to reduce a community's susceptibility to flooding. The CRS program rewards communities for their efforts by providing their Special Flood Hazard Area (SFHA) and Non-SFHA flood policy holders with premium discounts based upon the community's Rate Class achievement.

Executive Summary:

Following the Village's initial application to join the CRS Program in 2012, Village Staff worked closely with officials from both FEMA and the Insurance Services Office, Inc. (ISO), who are the administrative component of the National Flood Insurance Program's Community Rating System, to provide the necessary documentation, perform the necessary studies, and implement the necessary programs to qualify for entry into the CRS program.

The CRS program provides a graduated premium discount program for each Rate Class. Special Flood Hazard Area (SFHA) flood insurance policy holders within the community can experience a 5% discount for each increase in Rate Class. There are 10 Rate Classes. Rate Class 10 would receive 0% discount in flood policy premiums, while Rate Class 1 would receive the maximum of 45% discount on their SFHA policy premiums, less additional non-policy fees associated with their premiums, as applied by FEMA. For Non-Special Flood Hazard Area flood policy holders, the discount percentage maximizes at 10%.

On December 18, 2014, FEMA and the ISO recommended that, as the Village of Winnetka had obtained a total of 2008 credit points that we enter into the CRS program with a Class 6 Rating. (See attached letter). On May 1, 2015, the Village of Winnetka received the official plaque awarding the Village a CRS Class 6 designation. By entering the program at this class the residents will receive a reduction in their insurance premiums up to 20% from their current rate, less additional non-policy fees associated with their premiums, as applied by FEMA.

Reviews of the Village's CRS program will be performed by FEMA/ISO on an annual basis. Village Staff must commit the same level of time and effort to the program in order to remain in good standing, and staff will continue to seek opportunities to improve the Village's Rate Class, for the duration of the Village's participation in the CRS program.

Recommendation:

Recognition and acceptance of the Village of Winnetka's CRS Class 6 rating award.

Attachments:

1. Agenda Report
2. NFIP/CRS Verification Report for Class 6 Rating

Agenda Report

Subject: Federal Emergency Management Agency
Community Rating System (CRS) - Class 6 Rating Award

Prepared By: James Bernahl, Assistant Director of Public Works and Engineering

Date: May 11, 2015

Community Rating System (CRS)

The National Flood Insurance Program (NFIP) Community Rating System (CRS) recognizes community efforts beyond those minimum standards by reducing flood insurance premiums for the community's property owners. The CRS is similar to – but separate from – the private insurance industry's programs that grade communities on the effectiveness of their fire suppression and building code enforcement. CRS discounts on flood insurance premiums range from 5% up to 45%, depending upon the Community's Rate Class. Those discounts provide an incentive for new flood protection activities that can help save lives and property in the event of a flood.

To participate in the CRS, a community can choose to undertake some or all of 18 public information and floodplain management activities designed to reduce a community's susceptibility to flooding. These measures are described below:

- Elevation Certificates. Maintain Federal Emergency Management Agency (FEMA) elevation certificates for new construction in the floodplain. At a minimum, a community must maintain certificates for buildings built after the date of its CRS application.
- Map Information Service. Provide Flood Insurance Rate Map (FIRM) information to people who inquire, and publicize this service.
- Outreach Projects. Send information about the flood hazard, flood insurance, flood protection measures, and/or the natural and beneficial functions of floodplains to flood-prone residents or all residents of a community.
- Hazard Disclosure. Ensure that real estate agents advise potential purchasers of flood-prone property about the flood hazard. Regulations require notice of the hazard.
- Flood Protection Information. The public library and/or community's website maintains references on flood insurance and flood protection.
- Flood Protection Assistance. Give inquiring property owners technical advice on how to protect their buildings from flooding, and publicize this service.
- Additional Flood Data. Develop new flood elevations, floodway delineations, wave heights, or other regulatory flood hazard data for an area not mapped in detail by the flood insurance study. Have a more restrictive mapping standard.
- Open Space Preservation. Guarantee that currently vacant floodplain parcels will be kept free from development.

- Maintain Higher Regulatory Standards. Examples include: Require freeboard. Require soil tests or engineered foundations. Require compensatory storage. Zone the floodplain for minimum lot sizes of 1 acre or larger. Require coastal construction standards in AE Zones. Have regulations tailored to protect critical facilities or areas subject to special flood hazards (for example, alluvial fans, ice jams, subsidence, or coastal erosion).
- Flood Data Maintenance. Keep flood and property data on computer records. Use better base maps. Maintain elevation reference marks.
- Stormwater Management. Regulate new development throughout the watershed to ensure that post-development runoff is no worse than pre-development runoff. Regulate new construction to minimize soil erosion and protect or improve water quality.
- Floodplain Management Planning. Prepare, adopt, implement, and update a comprehensive flood hazard mitigation plan using a standard planning process. This is a minimum requirement for all repetitive loss communities.
- Acquisition and Relocation. Acquire and/or relocate flood-prone buildings so that they are out of the floodplain.
- Flood Protection. Protection of existing floodplain development by flood-proofing, elevation, or minor structural projects.
- Drainage System Maintenance. Conduct periodic inspections of all storm sewers, channels and retention basins, and remove debris as needed.
- Flood Warning Program. Provide early flood warnings to the public, and have a detailed flood response plan keyed to flood crest predictions.
- Levee Safety. Maintain existing levees not otherwise credited in the flood insurance rating system that provide some flood protection.
- Dam Safety. (All communities in a state with an approved dam safety program receive some credit.)

Background and Progress

In March of 2012, the Village Council authorized staff to make a formal application, on behalf of the Village of Winnetka, to participate in the CRS program. Staff worked closely with officials from both FEMA and the Insurance Services Office, Inc. (ISO), who are the administrative component of the CRS, to provide the necessary documentation, perform the necessary studies, and implement the necessary procedures to qualify for entry into the CRS program.

In a letter from NFIP/CRS, dated December 18, 2014, FEMA and the ISO recommended that, as the Village of Winnetka had obtained a total of 2008 credit points that we enter into the CRS program with a Class 6 Rating. On May 1, 2015, the Village of Winnetka received the official plaque awarding the Village a CRS Class 6 designation.

Premium discounts are calculated based on the following:

Rate Class	Discount		Credit Points Required
	SFHA*	Non-SFHA**	
1	45%	10%	4,500 +
2	40%	10%	4,000 – 4,499
3	35%	10%	3,500 – 3,999
4	30%	10%	3,000 – 3,499
5	25%	10%	2,500 – 2,999
6	20%	10%	2,000 – 2,499
7	15%	5%	1,500 – 1,999
8	10%	5%	1,000 – 1,499
9	5%	5%	500 – 999
10	0%	0%	0 – 499

* Special Flood Hazard Area

** Preferred Risk Policies are available only in B, C, and X Zones for properties that are shown to have a minimal risk of flood damage. The Preferred Risk Policy does not receive premium rate credits under the CRS because it already has a lower premium than other policies. Although they are in SFHA's, Zones AR and A99 are limited to a 5% discount. Premium reductions are subject to change.

The Illinois Department of Natural Resources has indicated that policy holders will start receiving the discount at the time that they renew their policies. As a Rate Class 6, Winnetka SFHA flood policy holders will receive a 20% discount on their premiums, less additional non-policy fees that are applied by FEMA. These non-policy fees are not eligible for the discount. For non-SFHA flood policy holders, their premiums will be discounted the maximum 10%, less the noted non-policy fees applied by FEMA.

At present, there are approximately 755 properties within the Village that are in or immediately adjacent to the SFHA, and of those properties, there are 248 active flood insurance policies. There are also an additional 110 flood insurance policies being held outside of the SFHA. The total premium being paid within the SFHA is \$658,270; and \$74,987 in premiums outside of the SFHA.

Now that the Village is officially a part of the CRS program, annual reviews by FEMA/ISO will occur. However, during each interval period, the Village has the opportunity to develop and enhance our programs and public data availability so that the Village's class rating may rise, accordingly, which will provide additional savings to the residents of Winnetka. The Village should be mindful that the development of our various storm water and flood management programs, policies and projects, as well as the provision of information, data and other outreach programs to the public will need to be formatted to comply with the CRS requirements to receive credit, and will necessitate the effort and support of the Village, as a whole. Village Staff had made great strides to get us to this point, and there is the potential for further CRS class advancement, resulting in additional savings for the residents of the Village of Winnetka.

Recommendation:

Recognition and acceptance of the Village of Winnetka's CRS Class 6 rating award.



COMMUNITY
RATING
SYSTEM

VERIFICATION
REPORT

Village of Winnetka, IL

Verified Class 6

NFIP Number: 170176

New Application

Date of Verification Visit: October 2, 2013

This Verification Report is provided to explain the recommendations of Insurance Services Office, Inc. (ISO) to DHS/FEMA concerning credits under the Community Rating System (CRS) for the above named community.

A total of 2008 credit points are verified which results in a recommendation that the community improve from a CRS Class 10 to a CRS Class 6. The community has met the Class 6 prerequisite with a Building Code Effectiveness Grading Schedule (BCEGS) Classification of 5/5. The following is a summary of our findings with the total credit points for each activity noted in parenthesis:

Activity 310 – Elevation Certificates: The Public Works Department maintains elevation certificates for new and substantially improved buildings. Copies of elevation certificates are made available upon request. Elevation Certificates are also kept for post-FIRM buildings. (39 points)

Activity 320 – Map Information Service: Credit is provided for furnishing inquirers with basic flood zone information from the community's latest Flood Insurance Rate Map (FIRM). Credit is also provided for the community furnishing additional FIRM information, information about problems not shown on the FIRM, and historical flood information. The service is publicized annually and records are maintained. (90 points)

Activity 330 – Outreach Projects: Credit is provided for an informational outreach project which is a flood hazard protection brochure placed at Village Hall and targeted outreach projects that include a mailing to all floodplain residents and repetitive loss areas. These projects are disseminated annually. (65 points)

Activity 340 – Hazard Disclosure: Credit is provided for state regulations requiring disclosure of flood hazards. Real estate agents provide a brochure advising prospective buyers about insurance and checking property flood hazards. (28 points)

Activity 350 – Flood Protection Information: Documents relating to floodplain management are available in the reference section of the Winnetka-Northfield Public Library. Credit is also provided for floodplain information displayed on the community's website. (76 points)

Activity 360 – Flood Protection Assistance: Credit is provided for offering one-on-one advice regarding property protection and making site visits before providing advice. (55 points)

Activity 370 – Flood Insurance Promotion: Credit is provided for assessing the community's current level of flood insurance coverage and assessing shortcomings. (15 points)

Activity 410 – Floodplain Mapping: Credit is provided for conducting and adopting flood studies for areas not included on the FIRMs and that exceed minimum mapping standards. Credit is also provided for a cooperating technical partnership agreement with FEMA. (38 points)

Activity 420 – Open Space Preservation: Credit is provided for preserving approximately 32 percent of the Special Flood Hazard Area (SFHA) as open space and preserving open space land in a natural state. (488 points)

Activity 430 – Higher Regulatory Standards: Credit is provided for enforcing regulations that require development limitations, freeboard for new and substantial improvement construction, foundation protection, local drainage protection. Credit is also provided for the enforcement of building codes, a BCEGS Classification of 5/5, state mandated regulatory standards, and regulations administration. (345 points)

Activity 440 – Flood Data Maintenance: Credit is provided for maintaining and using digitized maps in the day to day management of the floodplain. Credit is also provided for establishing and maintaining a system of benchmarks and maintaining copies of all previous FIRMs. (170 points)

Activity 450 – Stormwater Management: The community enforces regulations for stormwater management, soil and erosion control, and water quality. (184 points)

Section 502 – Repetitive Loss Category: Based on the updates made to the NFIP Report of Repetitive Losses as of July 31, 2013, the Village of Winnetka, IL has 18 repetitive loss properties and is a Category C community for CRS purposes. The community is required to submit either a Repetitive Loss Area Analysis or Floodplain Management Plan. (No credit points are applicable to this section)

Activity 510 – Floodplain Management Planning: Credit is provided for the adoption and implementation of a Repetitive Loss Area Analysis (RLAA). A progress report must be submitted on an annual basis. An update to the RLAA will be due by October 1, 2019. (140 points)

Activity 540 – Drainage System Maintenance: All of the community's drainage system is inspected regularly throughout the year and maintenance is performed as needed. Credit is also provided for listing problem sites that are inspected more frequently. The community enforces a regulation prohibiting dumping in the drainage system and annually publicizes the regulation. (275 points)

Activity 710 – County Growth Adjustment: All credit in the 400 series is multiplied by the growth rate of the county to account for growth pressures. The growth rate for Cook County is 1.02.

Attached is the Community Calculations Worksheet that lists the verified credit points for the Community Rating System.

CEO Name / Address:

Gene Greable
President, Winnetka
501 Green Bay Road
Winnetka, Illinois 60093

CRS Coordinator Name / Address:

Susan Chen
Assistant Village Engineer
1390 Willow Road
Winnetka, Illinois 60093
(847) 716-3532

Date Report Prepared: December 18, 2014

Community : Village of Winnetka, IL

NFIP Number : 170176

720 COMMUNITY CREDIT CALCULATIONS (New Application):

CALCULATION SECTION :

Verified Activity Calculations:	Credit
c310 39	39
c320 90	90
c330 65	65
c340 28	28
c350 76	76
c360 55	55
c370 15	15
c410 37 x CGA 1.02 =	38
c420 478 x CGA 1.02 =	488
c430 338 x CGA 1.02 =	345
c440 167 x CGA 1.02 =	170
c450 180 x CGA 1.02 =	184
c510 140	140
c520	
c530	
c540 275	275
c610	
c620	
c630	

Community Classification Calculation:

cT = total of above	cT = <u>2008</u>
Community Classification (from Table 110-1):	Class = <u>6</u>

CEO Name/Address:

Gene Greable
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 501 Green Bay Road
 Winnetka, Illinois 60093

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 1390 Willow Road
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Date Report Prepared: December 18, 2014

AW-720



Agenda Item Executive Summary

Title: Evaluation of Development Regulations on Stormwater Management - Part 1

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

Agenda Date: 05/19/2015

Consent: YES NO

- Ordinance
- Resolution
- Bid Authorization/Award
- Policy Direction
- Informational Only

Item History:

Based on recommendations in the Village's Stormwater Master Plan, the Village Council has requested that staff evaluate the Village's zoning regulations to determine if there are areas where the zoning requirements encourage or create adverse stormwater impacts. Four potential regulatory conditions with stormwater implications were identified: 1) the maximum allowable impermeable surface that can be constructed on a lot; 2) provisions in the current Zoning Ordinance that encourage construction of detached rear garages; 3) how different types of impermeable and semi-permeable surfaces are classified in the Zoning Ordinance and stormwater management regulations, and; 4) whether construction of extra-deep (18-20 foot) basements produces adverse stormwater issues. The Village's recent (2014) citizen survey also indicated that the Village would be studying development requirements for new home construction to control stormwater runoff, and 90% of respondents either strongly or somewhat supported evaluating and implementing additional stormwater requirements for new home construction.

Executive Summary:

This report covers items 3 and 4, treatment of impermeable and semi-permeable surfaces, and the effect of deep basements. The remaining two items are also being evaluated by staff, and it is anticipated that recommendations on these items will be presented for Council discussion in the next couple of months.

The Village's Zoning Ordinance and its stormwater regulations both have provisions that rely on measurement of impermeable surfaces, those surfaces that prevent rainwater from penetrating and soaking into the ground. There are, however, some differences between the Zoning Ordinance and the regulations in how certain surfaces such as pavers and compacted gravel are classified. Staff researched this issue and recommends that pavers and gravel be consistently treated for both zoning and stormwater purposes, and that consideration be given on how to encourage the use of engineered permeable pavement systems.

Another items identified for review is whether the construction of excessively deep basements, those deeper than the typical 8- to 10-foot basement, poses a flooding risk to neighboring properties by interruption or displacement of groundwater. In most cases, these deeper basements are constructed as a matter of convenience to property owners for the purpose of "sport-courts", home theaters, or other amenities. Staff has investigated the likely implications of these deeper basements for typical Winnetka conditions using soil boring data. Based on soil boring data, the location of the low permeability clay strata layers, and current water table depths it is concluded that the incremental basement depth associated with deeper basements does not cause a significant interruption or displacement of groundwater and would not impact neighboring properties. The Village's Engineering Design Guidelines should be amended to require that sump pump discharge volumes be included in stormwater management calculations.

Recommendation:

1. Consider directing staff to evaluate and prepare potential changes to the Zoning Ordinance in order to classify standard paver installations and gravel pavements as impermeable surfaces. Should the Council determine to consider changes to the Zoning Ordinance, consider which board or commission should hold the necessary public hearing for amendments. Provide policy direction.
2. Consider directing staff to prepare a modification to the Engineering Design Guidelines to require that sump pump discharge volumes be included in stormwater management calculations.

Attachments:

Agenda Report
Village Code Section 17.72.040

Agenda Report

Subject: **Evaluation of Impacts on Stormwater Management of Semi-permeable Surfaces and Deep Basements**

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

Date: May 15, 2015

Based on recommendations in the Village's Stormwater Master Plan, the Village Council has requested that staff evaluate the Village's zoning regulations to determine if there are areas where the zoning requirements encourage or create adverse stormwater impacts. Four potential regulatory conditions with stormwater implications were identified: 1) the maximum allowable impermeable surface that can be constructed on a lot; 2) provisions in the current Zoning Ordinance that encourage construction of detached rear garages; 3) how different types of impermeable and semi-permeable surfaces are classified in the Zoning Ordinance and stormwater management regulations, and; 4) whether construction of extra-deep (18-20 foot) basements produces adverse stormwater issues.

The Village's recent (2014) citizen survey also indicated that the Village would be studying development requirements for new home construction to control stormwater runoff, and 90% of respondents either strongly or somewhat supported evaluating and implementing additional stormwater requirements for new home construction.

This report covers items 3 and 4, treatment of impermeable and semi-permeable surfaces, and the effect of deep basements. The remaining two items are also being evaluated by staff, and it is anticipated that recommendations on these items will be presented for Council discussion in the next couple of months.

Evaluation of Impermeable Surface Classifications

The Village's Zoning Ordinance and its Stormwater Utility both have provisions that rely on measurement of impermeable surfaces, those surfaces that prevent rainwater from penetrating and soaking into the ground. The Zoning Ordinance limits the amount of impermeable surfaces that can be constructed on a property, and the Stormwater Utility measures impermeable surfaces as part of the fee calculation for the utility bill. There are, however, some differences between the Zoning Ordinance and the Stormwater Utility in how certain surfaces are classified.

There is agreement on the classification of typical impermeable surfaces such as roofs, concrete or asphalt driveways, sidewalks, and patios, pool decks, tennis courts, and the like. These types of surfaces are classified as 100% impermeable for the purpose of both zoning calculations and the stormwater regulations. Similarly, there is agreement on non-paved surfaces such as vegetated areas and lawns, open-slatted wood decks with only dirt beneath, and widely spaced flagstone surfaces with open joints, and un-compacted gravel

surfaces such as garden paths. Those types of surfaces are counted as completely permeable for the purpose of both zoning and stormwater calculations.

Some surfaces, however, are treated differently between for the purpose of zoning and stormwater calculations. The Zoning Ordinance defines impermeable surfaces as:

“surfaces which do not allow water to drain, seep, filter or pass through into the ground below. Such surfaces shall include, but are not limited to, buildings, other structures, driveways, sidewalks, walkways, patios, tennis courts, swimming pools and other similar surfaces; except that such surfaces shall not include any such continuous surface having an area of less than sixteen (16) square feet, and except that only eighty (80) percent of an area covered with brick, stone or concrete pavers shall be considered to be an impermeable surface.”

Under this definition, gravel surfaces are not considered to be impermeable by the Zoning Ordinance.

Clay/Concrete Pavers

Standard concrete or clay dry-set pavers, with minimal joint spacing, are treated as 100% impermeable for the purpose of stormwater calculations. However, the Zoning Ordinance specifies that paver surfaces are treated as 80% impermeable, for the purpose of lot-coverage calculations. This provision was adopted as an incentive for people to use materials other than asphalt or concrete for impermeable areas, primarily for aesthetic reasons.

Typical paver installation consists of the excavation of the existing ground to a specified depth, the compaction of existing organic material, the placement of a specified thickness of finer aggregate (typically CA-6 limestone), topped with a thin layer of sand which acts as a compression bedding for the pavers. The compaction of the existing organic material and the limestone provides a more rigid solid base on which to place the pavers. The placement of the sand layer provides a cushion and flexible base which allows for minor displacement caused from vehicles. However, the compaction of the organic and limestone material in conjunction with the minimal spacing between standard pavers, typically less than a ¼ of an inch, makes the water infiltration rate very low.

As a result, many governmental organizations consider this material and installation technique to act as an impermeable surface when considering retention or infiltration credits. For example, the Metropolitan Water Reclamation District’s countywide Watershed Management Ordinance (WMO) specifies that traditional paved surfaces (concrete and asphalt) and typical concrete and clay paver installations are treated as being equally impermeable. Lake County and DuPage County ordinances do likewise.

In addition, staff spoke with representatives from UniLock, one of the larger paver manufacturers and installers in the region, and their design team confirmed the infiltration rates as consistent with the approach taken by government organizations that these surfaces behave like an impervious material.

Gravel/Decorative Stone

Compacted gravel surfaces, such as gravel driveways or parking areas, are also treated as 100% impermeable for purposes of stormwater calculations, however they are not counted as impermeable surface for the purpose of zoning lot coverage calculations.

Standard limestone or colored gravel offers both an aesthetic and easily maintainable material. Many of the gravel materials recommended for this application do maintain a specific amount of finer aggregates which provide an adhesion of the larger aggregate stones, making it easier to drive on and maintain. Although the use of this material does provide various benefits, it is considered by most organizations to be an impervious material due to the fine aggregates in the mix. For example, compacted gravel surfaces are treated the same as pavement by the WMO for the purpose of calculating stormwater runoff.

Designed Permeable Pavement Systems

Porous concrete and bituminous materials have provided an additional approach to water quality and infiltration management. These systems are designed to provide a specific rate of infiltration through the pavement structure into an underdrain collection system, consisting primarily of larger aggregate and rigid piping. Manufacturers of these kinds of systems have specific quantified infiltration rates depending on the variations in the mix, and these rates would be considered in the overall rate of runoff from a property. Not only do pervious pavement systems offer improved overall infiltration, there is also an increased water quality benefit of the reduction of solid materials typical in standard runoff.

Installation begins with the design of a storm water collection system placed under the pavement, including the utilization of larger aggregates to allow for the water to infiltrate through to the collection system. In addition to the installation of the collection system the spacing between the pavers, or in the case of permeable concrete or asphalt, between the stone matrix, becomes more pronounced; typically between a ½ to 1-inch. The variation in the spacing and the size aggregate in the sub base design allows for the determination of a specific infiltration rate for which to consider detention/retention credits. Compared to traditional pavements, the cost for installation and required maintenance can be considerably higher, although the long term water quality and stormwater management benefits may offset these higher costs.

These systems are most frequently used in commercial developments, due to the increased costs for the material and installation, however they are becoming increasingly popular for residential applications. One of the difficulties of utilizing this material is the maintenance that is required to ensure the maximum infiltration rates, and the frequency of the maintenance. Maintenance activities would include vacuuming of the surface to remove loose impediments and flushing/rodding of the underdrain system. If this maintenance is not performed regularly, these installations lose their permeability and behave like traditional pavements.

For the purpose of calculating stormwater runoff, the WMO classifies permeable pavements systems as more permeable than standard pavements, but less permeable than vegetated areas.

Conclusions

Staff has surveyed several local municipalities and determined that most organizations follow standards developed by larger county-wide stormwater ordinances (e.g. MWRD-WMO, Lake County WDO). Many organizations have chosen to simply adopt these county ordinances instead of developing their own specific standards. For example, the Village of Winnetka's Engineering Guidelines reflect the relative permeability values for these surfaces that are contained in the MWRD's WMO, which the Village adopted by reference in 2014 when the ordinance was created.

These regulations, however, also interface with the zoning ordinance, which places maximum limits on the amount of impermeable surfaces that can be constructed. While staff is still evaluating the overall maximum limits set in the Zoning Ordinance, consideration should be given to the fact that by treating pavers and compacted gravel as less than 100% impermeable, more of these surfaces can be constructed on a lot, even though research shows that standard paver installations and compacted gravel behave in a very similar manner to traditional pavement.

It is staff's recommendation that strong consideration be given to classifying standard paver products installed without designed joint spacing and a designed underdrain collection system as an impermeable surface area, for both zoning and stormwater purposes, in order to minimize the overall amount of impermeable surfaces being constructed. Similarly, staff recommends that consideration likewise be given to classifying compacted gravel driveways and parking areas as an impermeable surface area, for both zoning and stormwater calculation purposes.

In conjunction, consideration should also be given to encourage the installation of more robust engineered designed pervious pavement systems with an appropriate storm water collection system. One way to do this would be to consider whether to modify the current appeal provision in the stormwater utility to allow a reduction in the impermeable surface calculation for engineered permeable pavement systems, using the specific permeability factors designed for each system.

Amendment Process

It is important to note that changing the way that zoning provisions are calculated does have consequences, primarily in the form of a potential increase in future zoning variations. For example, a project that was legally constructed using a paver area that was calculated at 80% for the impermeable calculation, may become non-conforming if pavers were to be counted as 100% impermeable. Due to the complexity of gathering data specific to paver driveways and gravel driveways, staff has not completed an analysis of how many non-conformities might be created by such a change.

Section 17.72.040 of the Village Code (see **Attachment #1**) provides a defined process under which the Zoning Ordinance may be amended. Broadly, the process requires a general public notice, notice to all property owners affected by a change, and a public hearing before “some commission, board or committee designated by the Village Council, which shall report its findings and recommendations to the Village Council.”

If the Council is inclined to consider modifying the Zoning Ordinance definition of Impermeable Surfaces, the Council should consider which board or commission should hold the required hearing, the timing of the hearing, and the process of providing the required notification of the hearing.

It should be noted that the forthcoming part 2 of this evaluation, pertaining to overall impermeable surface limits and the effect of detached garages, will likely also result in possible changes to the Zoning Ordinance, so it may be beneficial to consider a combined process of amendments.

Evaluation of Deep Basements

One of the items identified by the Village Council is whether the construction of excessively deep basements, those deeper than the typical 8- to 10-foot basement, poses a flooding risk to neighboring properties by interruption or displacement of groundwater. In most cases, these deeper basements are constructed as a matter of convenience to property owners for the purpose of “sport-courts”, home theaters, or other amenities. Staff has investigated the likely implications of these deeper basements for typical Winnetka conditions.

Existing Typical Subsurface Conditions

The Village and Park District have recently completed a number of soil borings for the Willow Road Stormwater Tunnel and Area Drainage Improvement project and the Skokie Playfield improvements, respectively, and staff has evaluated the reports from these soil borings to ascertain soil composition, and also to identify typical groundwater levels. Some general conclusions can be drawn. First, in general, the top three to five feet of the soil profile is composed of organic soil, loose silty or clayey soil, or fill. These layers tend to be moist and groundwater levels fluctuate seasonally within this layer. The source of groundwater in this layer is primarily precipitation – rainwater and/or snowmelt. These upper soil strata are underlain by a layer of stiff to very stiff gray or brown clay, with very low permeability, extending to well below the depth of even the deepest basement. The presence of a higher permeability layer above a lower permeability layer creates what is known as a perched water condition, where groundwater may be present in shallow zones, while the underlying soils are fairly dry.

Second, some of the borings identified a relatively narrow (2 to 3-foot thick) “seam” of saturated, higher permeability soils, at a varying depth. In some borings, this layer is as shallow as 5-6 feet; in others it is as deep as 18-20 feet. In still other borings, it is not present at all. When present, this seam is sandwiched between low-permeability clay strata that inhibit water in this seam from moving vertically, either upward or downward.

As a result of these factors, the groundwater elevation is generally a very shallow, perched layer, confined to the top 5 to 10 feet of the soil profile. The depth to groundwater varies seasonally, but the depth to the bottom of the groundwater strata is strictly limited by the depth to the low permeability clay layer. Soil borings generally confirm that once an excavation reaches the underlying clay layer, the soil is dry.

Effect of Basement Construction

A typical basement involves excavation to a depth of 8 to 10 feet below ground surface. This excavation would be followed by construction of footings, construction of the foundation walls, and the basement floor. At this depth, the bottom of the excavation is typically in the underlying low-permeability clay layer, below the perched groundwater level.

For most homes with deeper basements, the foundation excavation can be 10 feet (or more) deeper than for a standard basement. However, this incremental excavation depth takes place within the dry, low-permeability clay layer. As a result, construction of the incremental basement depth generally takes place in an area that is isolated from the perched groundwater and does not have an incremental impact on groundwater levels. This is illustrated in Figure 1, below.

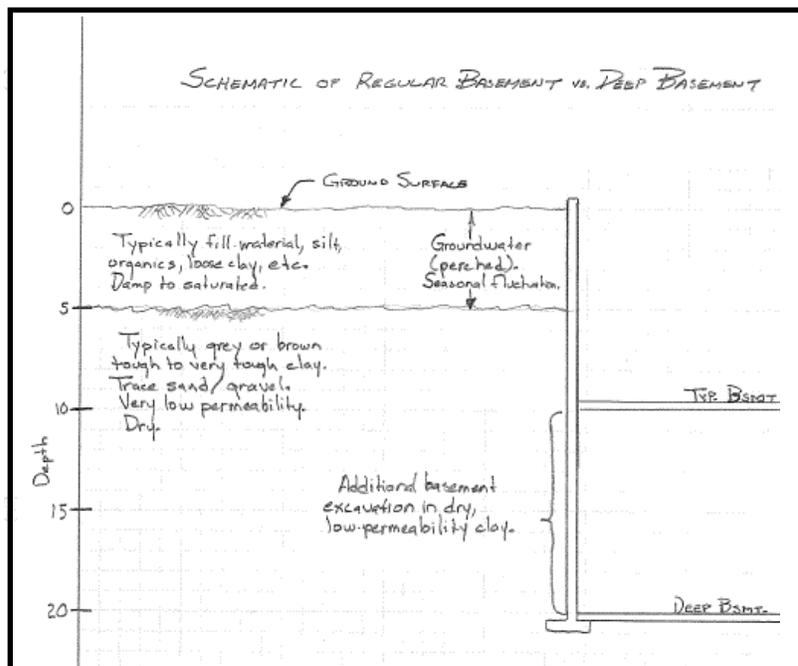


Figure 1

Homes with standard basements typically require the inclusion of a foundation drainage system which encompasses a sump pit, a sump pump, and a discharge pipe. For homes with deeper foundation these foundation collection systems are designed to accommodate the depth of the basement and the anticipated volume of water based on the depth of the basement. Because Winnetka's side-yard requirements and relatively dense development patterns can result in houses being fairly close to property lines, sump pump discharges

are usually routed through the required stormwater detention/restrictor system, ultimately to the storm sewer system, so that discharge runoff does not flow onto neighboring properties. Consideration should be given to modifying the Village's Engineering Design Guidelines to require that sump pump discharge volumes be included in stormwater management calculations.

Homes with foundations within known floodplain limits must be constructed to follow Federal Emergency Management Agency guidelines for flood resistant construction. This includes installation of a low permeability clay layer around and no more than 10-feet from the outside of the foundation. This prohibits the infiltration of ground water from the various layers into the excavated foundation limits and reduces the amount being pumped or discharged to a local storm sewer. This requirement ensures that the existing public storm sewer system is not over-burdened by excessive ground water being pumped directly into it. It should be noted that while technically permitted, the ability of a person to construct a home with a basement within floodplain limits is severely limited by the MWRD's recent WMO.

Conclusions

Based on soil boring data, the location of the low permeability clay strata layers, and current water table depths it is concluded that the incremental basement depth associated with deeper basements does not cause a significant interruption or displacement of groundwater and would not impact neighboring properties. As a result, no additional zoning restrictions on this type of construction are recommended at this time. The Village's Engineering Design Guidelines should be amended to require that sump pump discharge volumes be included in stormwater management calculations

Recommendation:

1. Consider directing staff to evaluate and prepare potential changes to the Zoning Ordinance in order to classify standard paver installations and gravel pavements as impermeable surfaces. Should the Council determine to consider changes to the Zoning Ordinance, consider which board or commission should hold the necessary public hearing for amendments. Provide policy direction.
2. Consider directing staff to prepare a modification to the Engineering Design Guidelines to require that sump pump discharge volumes be included in stormwater management calculations.

Attachments:

1. Village Code Section 17.72.040

Winnetka, IL Village Code

Section 17.72.040 Amendments.

A. Intent. The provisions, regulations and districts contained within this title may be amended from time to time by ordinance, but no such amendment shall be made without a hearing before some commission, board or committee designated by the Village Council, which shall report its findings and recommendations to the Village Council.

B. Application for Amendment.

1. Who May File. Amendments may be proposed in writing by the Village Council, the Plan Commission, the Zoning Board of Appeals, the Village Manager or any person having a proprietary interest in the property or properties for which an amendment is proposed.

2. Filing and Contents of Application. An application for amendment shall be filed with the Zoning Administrator in such standard form as shall be prescribed by the Zoning Administrator.

3. Fees. The application shall be accompanied by applicable fees, which shall not be refundable. The fees shall be set from time to time by resolution of the Village Council.

C. Hearing on Application. Within sixty (60) days of receipt of an application for amendment, the commission, board or committee designated by the Village Council shall hold a hearing on such application.

D. Notice of Hearing.

1. Publication of Notice. Notice shall be given of the time and place of the hearing, not more than thirty (30) nor less than fifteen (15) days before the hearing, by publishing a notice at least once in one or more newspapers published in the Village, or, if no newspaper is published in the Village, then in one or more newspapers with a general circulation within the Village.

2. Notice to Affected Property Owners. In cases where the proposed amendment involves a change in zoning classification of particular property and such amendment is initiated by the Village Council, the Plan Commission, the Zoning Board of Appeals or the Village Manager, notice shall be served upon the owner or owners of property which are the subject of the proposed amendment in person or by certified mail within ten (10) days after the filing of the application.

3. Mailed Notice. In cases where the proposed amendment involves a change in zoning classification of particular property, the Zoning Administrator shall prepare a list of the names and addresses of all persons to whom the latest general real estate tax bills were sent for all property situated within two hundred fifty (250) feet of the property which is the subject of the proposed amendment. Written notice of the time and place of the public hearing shall be sent to each person whose name appears on the list prepared by the Zoning Administrator, at the address shown on such list. The Zoning Administrator shall send such written notice by first class mail, postage prepaid, not less than ten (10) days prior to the date of such public hearing. The failure of any person to receive the written notice issued pursuant to this paragraph shall not affect the jurisdiction of any body authorized to conduct a hearing or otherwise consider the application for

special use. Nor shall the failure of any person to receive such written notice invalidate, impair or otherwise affect the subsequent grant or denial of any amendment granted following such public hearing.

E. Written Protest.

1. Filing of Protest. The owners of properties that will be subject to the proposed zoning amendment, as well as the owners of properties immediately adjacent to, across any alley from, or directly opposite to the property or properties that are the subject of the zoning amendment application, may file a written protest objecting to the proposed amendment. The written protest shall be directed to the Village Council and shall be submitted on forms provided by the Village and shall be signed and acknowledged, in accordance with the definitions provided in Sections 17.04.030(A)(3.5) and 17.04.030(S)(4.5) of this title. The written protest shall be submitted no later than 5:00 p.m. on the date of the first meeting of the Village Council at which the proposed amendment is on the agenda for consideration; provided, that the filing of a written protest after the close of the Board of Appeals hearing on the proposed amendment shall not create a right either to reopen the evidentiary record or to remand the application to the Board for further evidentiary proceedings.

2. Effect of Written Protest. In the event twenty (20) percent of the owners of property described in the foregoing paragraph 1 have submitted a written protest as provided therein, the granting of a zoning amendment by the Village Council shall require the favorable vote of four (4) Trustees.

F. Findings of Fact and Recommendations. Within sixty (60) days after the close of the hearing on a proposed amendment, the commission, board or committee, as the case may be, shall make written findings of fact and submit them together with its recommendation to the Village Council. In cases where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the commission, board or committee, as the case may be, shall make findings based upon evidence presented to it in each specific case with respect to the following matters:

1. Existing uses of property within the general area of the property in question and their relationship to one another;

2. The zoning classification of property within the general area of the property in question and their relationship to one another;

3. The suitability of the property in question for the uses permitted under the existing zoning classification;

4. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was placed in its present zoning classification;

5. Where applicable, the length of time the property in question has been vacant as zoned;

6. That there are changed or changing conditions in the applicable area of the amendment, or in the Village generally, that make the proposed amendment reasonably necessary to the promotion of the public health, safety or general welfare.

In cases where the amendment is proposed by a person other than a Village Board or official and the purpose and effect of the proposed amendment is to change the zoning

classification of particular property, then the commission, board or committee, as the case may be, shall not recommend the adoption of a proposed amendment except with respect to a particular development plan submitted by the applicant as a part of the application for amendment. Such development plan shall be reviewed by the Plan Commission with respect to its consistency with the Village Comprehensive Plan, and by the Village Design Review Board with respect to whether it would issue a certificate of appropriateness for the proposed project. The findings of each with respect to these particular questions shall be presented at the required hearing.

The commission, board or committee, as the case may be, shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of a private applicant.

G. Action by the Village Council.

1. Upon receipt of a written report and recommendation on a proposed zoning amendment from the commission, board or committee, as the case may be, the Village Council shall place such report and recommendation on its agenda within thirty (30) days. The Village Council shall approve, reject, amend, modify or return the application for amendment to the commission, board or committee, as the case may be, for further study.

2. In cases in which the requisite number of protests have been submitted in accordance with Section 17.72.040 of this chapter, the proposed amendment shall not be passed except by a favorable vote of four (4) Village Trustees.

3. If an application for a proposed amendment is not acted upon finally by the Village Council within sixty (60) days of the time of receipt of the commission, board or committee findings and recommendation, as the case may be, it shall be deemed to have been denied unless an additional and specific period of time is granted by the Village Council with the consent of the applicant.

4. In approving a particular amendment, the Village Council may apply such conditions, requirements or restrictions including adherence to a particular development plan, as, in its opinion, is necessary to protect or enhance the public health, safety or welfare.

H. Amendment Deemed Null and Void. In any case where the amendment is proposed by a person other than a Village Board or official and the purpose and effect of the amendment is to change the zoning classification of particular property, and where no development has taken place within one and one-half years from the date on which such amendment was granted by the Village Council, or where development of the particular property is inconsistent with the conditions, requirements or restrictions upon which the amendment was granted, then such amendment shall become null and void and the particular property shall revert to its prior zoning classification.

(Prior code § 22.19)

(MC-6-2005, Amended, 09/20/2005; MC-9-2010, Amended, 01/4/2011)



Agenda Item Executive Summary

Title: Ordinance No. M-12-2015: 675 Garland Avenue, Variation for the Construction and Use of a New Single-Story Addition- Introduction

Presenter: Michael D'Onofrio, Director of Community Development

Agenda Date: 05/19/2015

- Ordinance
- Resolution
- Bid Authorization/Award
- Policy Direction
- Informational Only

Consent: YES NO

Item History:

None

Executive Summary:

The request is for a variation from Section 17.30.040 [Maximum Building Size] of the Winnetka Zoning Ordinance to permit a one-story addition that would result in a gross floor area (GFA) of 4,181.33 s.f., whereas a maximum of 3,737.26 s.f. is permitted, a variation of 444.07 s.f. (11.88%).

The variation is being requested in order to expand and convert the existing breakfast room and rear entry into a family room and mudroom. The addition would measure 6 ft. by 22.7 ft., adding approximately 136 s.f. of GFA. It should be noted the existing residence (4,045.13 s.f.) exceeds the maximum permitted GFA by 307.87 s.f.

The Zoning Board of Appeals (ZBA) considered the application at its meeting April 13, 2015. The petitioners' original request, as identified within Attachment D, also included a screened porch addition. After considering the comments of the ZBA, the petitioners agreed to eliminate the proposed screened porch addition in order to move forward with the family room and mudroom addition. Therefore, the six voting members present voted unanimously to recommend approval of the variation request for the family room and mudroom.

Recommendation:

Consider introduction of Ordinance No. M-12-2015, granting a variation from the maximum permitted building size to permit the construction of a one-story family room and mudroom addition.

Attachments:

- Agenda Report
- Attachment A: Zoning Matrix
- Attachment B: Ordinance No. M-12-2015
- Attachment C: GIS Aerial Map
- Attachment D: Variation Application

AGENDA REPORT

TO: Village Council

PREPARED BY: Michael D'Onofrio, Director of Community Development

SUBJECT: 675 Garland Ave., Ord. M-12-2015
(1) Maximum Building Size

DATE: May 6, 2015

Ordinance M-12-2015 grants a variation from Section 17.30.040 [Maximum Building Size] of the Winnetka Zoning Ordinance to permit a one-story addition that would result in a gross floor area of 4,181.33 s.f., whereas a maximum of 3,737.26 s.f. is permitted, a variation of 444.07 s.f. (11.88%).

The variation is being requested in order to expand and convert the existing breakfast room and rear entry into a family room and mudroom. The addition would measure 6 ft. by 22.7 ft., adding approximately 136 s.f. of gross floor area (GFA). It should be noted the existing residence (4,045.13 s.f.) exceeds the maximum permitted GFA by 307.87 s.f.

With the exception of the GFA, the proposed addition complies with the zoning ordinance as represented on the attached zoning matrix (Attachment A).

The property is located on the north side of Garland Ave. between Forest St. and Church Rd. in the R-5 Single Family Residential District.

The residence was built in 1928. Subsequent building permits were issued in 1928 to build a garage, in 1985 for interior remodeling on the second floor, in 1992 to construct a one-story addition and to remodel the kitchen, and in 1999 for remodeling. The petitioners acquired the property in 2011.

There is one previous zoning variation for this property. In November 2002 the Village Council adopted Ordinance M-37-2002 granting variations for GFA and roofed lot coverage to allow a family room addition. The approved addition was never built.

Recommendation of Advisory Board

The Zoning Board of Appeals (ZBA) considered the application at its meeting April 13, 2015. The petitioners' original request, as identified within Attachment D, also included a screened porch addition. After considering the comments of the ZBA, the petitioners agreed to eliminate the proposed screened porch addition in order to move forward with the family room and mudroom addition. Therefore, the six voting members present voted unanimously to recommend approval of the variation request for the family room and mudroom.

Recommendation

Consider introduction of Ord. M-12-2015, granting a variation from the maximum permitted building size to permit the construction of a one-story family room and mudroom addition.

Attachments

- Attachment A: Zoning Matrix
- Attachment B: Ordinance M-12-2015
- Attachment C: GIS Aerial Map
- Attachment D: Variation Application

ATTACHMENT A

ZONING MATRIX
(Revised 05.06.2015)

ADDRESS: 675 Garland
CASE NO: 15-11-V2
ZONING: R-5

ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	8,400 SF	9,611.3 SF	N/A	N/A	OK
Min. Average Lot Width	60 FT	72.52 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	2,595.05 SF (1)	2,058.53 SF	128.56 SF	2,187.09 SF	OK
Max. Gross Floor Area	3,737.26 SF (1)	4,045.13 SF	136.2 SF	4,181.33 SF	444.07 SF (11.88%) VARIATION
Max. Impermeable Lot Coverage	4,805.65 SF (1)	4,408 SF	269.93 SF	4,677.93 SF	OK
Min. Front Yard (Garland/South)	35.47 FT	36.24 FT	N/A	N/A	OK
Min. Side Yard	7.25 FT	10.78 FT	N/A	N/A	OK
Min. Total Side Yards	18.13 FT	21.57 FT	<i>21.57 FT</i>	N/A	OK
Min. Rear Yard (North)	19.88 FT	51.43 FT	46.3 FT	N/A	OK

NOTES: (1) Based on lot area of 9,611.3 s.f.

ATTACHMENT B

ORDINANCE NO. M-12-2015

**AN ORDINANCE GRANTING A VARIATION
FROM THE WINNETKA ZONING ORDINANCE
FOR THE CONSTRUCTION AND USE OF A NEW SINGLE-STORY ADDITION
WITHIN THE R-5 SINGLE FAMILY ZONING DISTRICT
(675 Garland Avenue)**

WHEREAS, Jeffrey P. Devron and Jane G. Devron ("*Applicant*"), are the record title owners of that certain parcel of real property commonly known as 675 Garland Avenue in Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("*Subject Property*"); and

WHEREAS, the Subject Property is improved with a single-family residence ("*Building*"); and

WHEREAS, the Applicant desires to construct on the Subject Property a new one-story addition to the Building ("*Proposed Improvement*"); and

WHEREAS, the Subject Property is located within the R-5 Single Family Residential District of the Village ("*R-5 District*"); and

WHEREAS, pursuant to Section 17.30.040 of the Winnetka Zoning Ordinance ("*Zoning Ordinance*") in order to construct the Proposed Improvement on the Subject Property within the R-5 District, the gross floor area of the Building after construction of the Proposed Improvement must not exceed 3,737.26 square feet; and

WHEREAS, the Applicant desires to construct the Proposed Improvement on the Subject Property so that the gross floor area of the Building will be 4,181.33 square feet, in violation of Section 17.30.040 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for a variation from Section 17.30.040 of the Zoning Ordinance to permit the construction of the Proposed Improvement on the Subject Property, resulting in a gross floor area of the Building of 4,181.33 square feet ("*Variation*"); and

WHEREAS, on April 13, 2015, after due notice thereof, the Zoning Board of Appeals ("*ZBA*") conducted a public hearing on the Variation and, by the unanimous vote of the six members then present, recommended that the Council of the Village of Winnetka ("*Village Council*") approve the Variation; and

WHEREAS, pursuant to Chapter 17.60 of the Zoning Ordinance, the ZBA heard evidence and made certain findings in support of recommending approval of the Variation, which findings are set forth in the ZBA public hearing minutes attached to and, by this reference, made a part of this Ordinance as **Exhibit B**; and

WHEREAS, pursuant to Section 17.60.050 of the Zoning Ordinance, the Village Council has determined that: (i) the Variation is in harmony with the general purpose and intent of the Zoning Ordinance and is in accordance with general or specific rules set forth in Chapter 17.60 of the Zoning Ordinance; and (ii) there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions or regulations of the Zoning Ordinance from which the Variation has been sought; and

WHEREAS, the Village Council has determined that approval of the Variation for the construction of the Proposed Improvement on the Subject Property within the R-5 District is in the best interest of the Village and its residents;

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this section as the findings of the Village Council, as if fully set forth herein.

SECTION 2: APPROVAL OF VARIATION. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, the Variation from Section 17.30.040 of the Zoning Ordinance to permit the construction of the Proposed Improvement on the Subject Property within the R-5 District so that the gross floor area of the Building will be 4,181.33 square feet, where a gross floor area of not more than 3,737.26 square feet is otherwise permitted, is hereby granted, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 3: CONDITIONS. The Variation granted by Section 2 of this Ordinance is subject to, and contingent upon, compliance by the Applicant with the following conditions:

- A. **Commencement of Construction.** The Applicant must commence the construction of the Proposed Improvement no later than 12 months after the effective date of this Ordinance.
- B. **Compliance with Regulations.** Except to the extent specifically provided otherwise in this Ordinance, the development, use, and maintenance of the Proposed Improvement and the Subject Property must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.
- C. **Reimbursement of Village Costs.** In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check. Further, the Applicant must pay upon demand

all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.

- D. Compliance with Plans. The development, use, and maintenance of the Proposed Improvement on the Subject Property must be in strict accordance with the following documents and plans, except for minor changes and site work approved by the Director of Community Development or the Director of Public Works (within their respective permitting authority) in accordance with all applicable Village codes, ordinances, and standards: the plans titled “Devron Residence,” prepared by A. Biondi Architects, consisting of five sheets, and with a latest revision date of February 25, 2015, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit C**.

SECTION 4: RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 5: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the approvals granted in Section 2 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the approvals granted in Section 2 of this Ordinance unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6: AMENDMENTS. Any amendment to this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance for amending or granting variations.

SECTION 7: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8: EFFECTIVE DATE.

- A. This Ordinance will be effective only upon the occurrence of all of the following events:

1. Passage by the Village Council in the manner required by law;
2. Publication in pamphlet form in the manner required by law; and
3. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent in the form of **Exhibit D** attached to and, by this reference, made a part of this Ordinance to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 8.A.3 of this Ordinance within 60 days after the date of passage of this Ordinance by the Village Council, the Village Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED this ____ day of _____, 2015, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2015.

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 _____, 2015.

Introduced: May 19, 2015

Passed and Approved: _____, 2015

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

Lot 3 (except the East 130 feet) in Lydia D. Sutter's Subdivision that part of Block 4 lying West of a line 435.55 feet East of and parallel with the center line of Forest Street in John C. Garland's Addition to Winnetka being a subdivision of the North 120 acres of the Southwest $\frac{1}{4}$ of Section 21, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as: 675 Garland Avenue, Winnetka, Illinois.

PIN: 05-21-310-014-0000.

EXHIBIT B

PUBLIC HEARING MINUTES OF THE ZBA

**WINNETKA ZONING BOARD OF APPEALS
EXCERPT OF MINUTES
APRIL 13, 2015**

Zoning Board Members Present:

Joni Johnson, Chairperson
Chris Blum
Andrew Cripe
Mary Hickey
Carl Lane
Scott Myers

Zoning Board Members Absent:

Jim McCoy

Village Staff:

Michael D’Onofrio, Director of Community
Development
Ann Klaassen, Planning Assistant

Agenda Items:

Case No. 15-11-V2:

675 Garland Avenue
Jeffrey Devron and Jane Devron
Variations by Ordinance
1. Maximum Building Size

675 Garland Avenue, Case No. 15-11-V2, Jeffrey and Jane Devron, Variation by Ordinance - Maximum Building Size

Mr. D’Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Jeffrey and Jane Devron concerning a variation by Ordinance from Section 17.30.040 [Maximum Building Size] to permit one story additions that would result in a gross floor area of 4,445.18 square feet whereas a maximum of 3,737.26 square feet is permitted, a variation of 707.92 square feet.

Jeff Devron introduced himself and his wife, Jane Devron, to the Board as the property owners of 675 Garland. He informed the Board that they have lived in the home for three years after moving to Winnetka from the city. Mr. Devron stated that they have three children, two of whom attend Crow Island School. He also stated that they really enjoy living in Winnetka.

Mr. Devron then stated that when they purchased the home, the previous owners shared with them the plans they had approved which would change the lower level and allow for more of the family type of space which he indicated had always been in their mind when they made the decision on this particular home that at some point in the future, that would be part of what they would like to do. He then stated that after a few years and settling into the home and the neighborhood, they decided to consult with Angelo Biondi to begin looking at options. Mr. Devron informed the Board that they wanted to move to something which would be less intrusive than what the previous owners shared with them and which was approved which would have been a big block in the middle of the backyard connecting

two areas. He then stated that they came up with a design that Mr. Biondi would walk the Board through and that they look forward to hearing the Board's questions and discussing the request.

Angelo Biondi of A. Biondi Architects introduced himself to the Board and stated that he would walk the Board through the existing drawings and then on to the proposed design. He described the home as a two story, red brick Colonial home and that there is a garage in the back of the property as well as a large patio which is in some need of repair or removal. Mr. Biondi informed the Board that the previous owners had done a small breakfast room bump out in the back and a small back entry in the early 1990's. He then stated that the property has a fence which is set in approximately 2½ feet and that the adjacent neighbor also enjoyed the applicants' property. Mr. Biondi also referred to the existing basement.

Mr. Biondi then stated that on the first floor, it consisted of a front entry hall, dining room, kitchen with the breakfast room bump out, a long formal living room and a converted sun porch and narrow cabinetry. He noted that they are not proposing to do anything on the second and third floors and that those floors contain the bathroom and bedroom areas.

Mr. Biondi then referred the Board to the proposed site plan. He commented that the biggest problem with the home is the fact that it does not have a family room and that in today's standards, most people expect to have a family room in a home they purchase. Mr. Biondi informed the Board that the applicants are proposing to bump the existing breakfast room out approximately 6 feet and to convert that space into a small family room and forego the breakfast room. He also stated that as part of the project, they planned to remodel the kitchen and that the large island in the kitchen would serve as their everyday dining table. Mr. Biondi stated that they are also proposing to build a screened porch on the other end of the home which he described as an abandoned corner of the yard above what is now impermeable surface.

Mr. Biondi then identified the proposed floor plan which would contain a small but usable family room, a backyard and kitchen design and a new mudroom on the back entry which would open up onto a smaller terrace than which currently existed and which would connect onto the screened porch area.

Mr. Biondi informed the Board that the previous owners had proposed the project in which they were looking to infill an area he identified for the Board in a manner similar to what they are showing and stretched out across the face of the living room which would have blocked all of the light into the living room with a family room extension. He indicated that they did not feel that would have been very sympathetic to the existing home, it would have been big and bulky and that it would not have functioned very well since the family room would have been located away from the kitchen. Mr. Biondi stated that the applicants felt that the family room should be in the proposed location and to have a visual connection to the kitchen.

Mr. Biondi informed the Board that for family room purposes currently, the applicants have to go to the basement which is susceptible to moisture problems, sanitary issues and that it is not very conducive to family life.

Mr. Biondi then identified the front elevation of the home for the Board and stated that it would not be affected and that you would barely be able to see a portion of the screened back porch in the back and that there is a very large tree and landscaping which would make the screened porch invisible from the front elevation. He then stated that on the driveway side of the property, they would be extending the existing breakfast room with compatible materials, similar windows, brick detail, etc. Mr. Biondi stated that with regard to the rear, west and side elevations, he identified the bay window and the family area in the rear as well as the new mudroom entry. He identified the French doors in the existing living room and the screened porch on the side. Mr. Biondi informed the Board that all of the work they would be doing would be all one story or an extension of the existing one story spaces and identified the site view of the screened porch.

Mr. Biondi went on to state that with regard to the existing home and many homes in Winnetka, it is legal nonconforming and exceeded the amount of allowable square footage by a significant amount. He indicated that anything done to the home would require a variation. Mr. Biondi stated that in connection with the previous owners' additions, when calculated correctly on a percentage basis, was for a 13.4% variance granted and that they are looking for 18.8%. He then stated that as many of them know, enjoying yard space in the summertime is difficult because of bugs which is the reason for the proposed screened porch and that the applicants would like to

enjoy the outdoor space in the evenings. Mr. Biondi added that it would not be year-round space and that it only related to the sun porch.

Mr. Biondi then stated that the reason for the screened porch from the end of the home is to comply with Winnetka's articulation ordinance and that the original design was flush with the home. He identified those as the major points involved in the request.

Mrs. Devron stated that one of the reasons that they wanted it to work versus doing one big addition is that they wanted to soften the impact on the home by only doing a small bump out onto the kitchen and then having a screened porch versus a big addition on the back of the home. She informed the Board that they did run both plans by their neighbors on both sides and informed the Board that they are both very supportive of their plans. Mrs. Devron referred to the screened in porch and the dead end corner which they have to do something with since there is cracked concrete currently and described it as a nice dead space and that they cannot plant anything there. She also stated that this would not only make the backyard more appealing to them, but to their neighbors on the west as well.

Mr. Biondi informed the Board that the home sat on the market for quite a while before the applicants purchased it and indicated that one of the major reasons the home was on the market for a long time was the lack of a family room and lack of a well-designed and usable kitchen. He also stated that many people are discouraged from buying a home and having to do work to it which was not the case with the applicants especially since the previous owners shared with them an approved plan. Mr. Biondi stated that they have the plans available with them if the Board is interested in seeing it.

Chairperson Johnson asked if the proposed screened porch would include a fireplace.

Mr. Biondi confirmed that is correct.

Chairperson Johnson asked if they considered taking the sunroom for which they currently do not have any use and turning it into a screened porch.

Mrs. Devron responded that they could and that it had windows on all sides of it and referred to the fact that it would change the look of the home from the front. She commented that she would not like for it to look like a screened porch was added onto the home. Mrs. Devron then stated that the proposed design would keep the look of the home exactly the same.

Chairperson Johnson stated that there used to be a screened porch on the home when the home was first built and that alternative would restore the home to its original condition. She then stated that she didn't have a problem with the family room, kitchen and mudroom and the argument with regard to hardship and reasonable return. Chairperson Johnson stated that they have never had a case where someone stated that they needed a screened porch to protect themselves from bugs which would be true for every home. She stated that the applicants are asking for a GFA variation and that they would be bumping up against the impermeable allowance where they could still have 128 square feet and referred to it being approved by the Village Council. Chairperson Johnson then stated that she would be more in favor of them bumping out the kitchen, family room and breakfast room area and making that usable as opposed to a screened porch. She stated that they can also take the existing sunporch and convert it. Chairperson Johnson then referred to the other argument made by the applicants in connection with the concrete and that it can be taken out. She stated that she is having trouble with the screened porch and that she did not see how not having a screened porch is a hardship or if that is reasonable return or very unique circumstances. Chairperson Johnson referred to whether this home and every other home would need to have a screened porch. She also referred to the fact that it had a fireplace. Chairperson Johnson stated that a lot of people have fireplaces outside which did not require a variance and asked the applicants to address that.

Mr. Myers stated that in the request, it stated 270 square feet of impermeable surface would be added. He then asked how much of that amount would come from the family room and mudroom addition versus the screened porch.

Mr. Biondi stated that he did not have that figure and informed the Board that they are not adding impermeable surface.

Mr. Myers indicated that his rough calculations show that there is only 132 square feet of impermeable surface being added by the mudroom and family room and estimated its size to be 22 feet long and 6 feet deep. He then stated that he would be inclined to agree with Chairperson Johnson's comments especially since they would be taking the screened porch and adding more impermeable surface to it.

Chairperson Johnson confirmed that they would not be adding it and would not be taking it away. She then stated that they would be covering one impermeable surface with another one which related to the concrete patio. Chairperson Johnson stated that there could be grass there.

Mr. Biondi confirmed that they are asking for more square footage than the previous owners and that the previous owners asked for 507 square feet for a variance and that the applicants are asking for 701 square feet.

Mr. Blum stated that the prior approval expired.

Mr. Biondi confirmed that is correct.

Chairperson Johnson then stated that she understood the plans not to cover the French doors to the living room and whether the applicants could put a porch there.

Mr. Biondi responded that it would be facing the street. He then stated that it would not be windowless, but would be covering the French doors and that the applicants wanted the French doors to open to an exterior space which is preferable.

Chairperson Johnson asked if there were any other comments.

Mrs. Devron stated that if they were to add the extension onto the living room, if you were to look at it from the neighbor's view behind them or to the side, it would be similar to adding a big box onto the middle of the home. She then stated that they were hoping to do a small bump out on the kitchen and because there is an inset area where they want to put the screened porch, there would be a quasi-living space there. Mrs. Devron also stated that they are attempting to balance it and get more usable living space without having a big addition. She referred to the two sets of doors leading into the formal living room.

Chairperson Johnson asked the Board members if anyone felt that the applicants would have a hardship in not having a screened porch.

Mr. Cripe referred to the corner and the fact that they would not get natural sunlight and referred to the proximity of the property next door. He asked the applicants if part of their thinking was that they were attempting to create a little more privacy.

Mrs. Devron confirmed that is correct.

Mr. Cripe stated that was the sense he got when looking at the request.

Chairperson Johnson asked if they could address the area with landscaping.

Mr. Biondi responded that there is a fence that divided the property with that of the neighbor which is located 2½ feet onto the applicants' property and that the majority of the screened porch would be located right at the fence with very little connection to the backyard. He then stated that they felt that by pulling it out further away from the home would improve the connection to the backyard and the interaction of the spaces.

Mr. Cripe referred to the layout of the applicants' property and the neighbor's property and referred to it as being similar to a fishbowl. He commented that it appeared as though the home is surrounded by a big yard which he stated is the hardship.

Mr. Lane referred the Board to an overview of the two homes and that it looked like a home next to a home.

Mr. Cripe also stated that it is similar to instances where they talk about how far homes project into the front yard and the fact that this related to the rear yard and that they have rules which regulate front yard setbacks that take into account that same issue. He then referred to the extension done on the neighbor's home projected back quite a bit.

Mr. Blum asked if it is approximately equal to the breakfast room.

Mrs. Devron responded that it is not.

Chairperson Johnson referred to the fact that the applicants are getting a 400 square foot bonus for having the garage in the backyard. She then stated that she did not know if the neighbors next door are the same neighbors and who were in favor of the previous plans.

Mrs. Devron informed the Board that they are different neighbors.

Ms. Hickey suggested that another way to look at the proposal is that it would allow for a lot of light versus a flat structure in the backyard. She then stated that with regard to the screened porch, it would be interesting to see it relative to where the screened porch is. Ms. Hickey stated that to her, the screened porch would become an extension of the terrace and described it as outdoor space.

Mrs. Devron informed the Board that they would rather make it more indoor space but that they are attempting to be sensitive to the requirements.

A Board Member asked when did it become indoor space.

Ms. Hickey asked if they could put up windows and make it into a year-round space.

Mr. D'Onofrio informed the Board that from a zoning perspective, if it is roofed, he then referred to a three season room.

Mr. Blum then asked the applicants if they considered a gazebo. He then referred to it as being an accessory structure and whether it counted.

Ms. Klaassen stated that an accessory structure would be permitted if it is open, but a screened gazebo would be included in the GFA.

Chairperson Johnson stated that it raised the issue as to whether a future owner could put in windows and that it would become a true space to be used year-round. She then stated that they are entering uncharted territory with regard to private view from neighbors.

Mr. Lane referred to Mr. Cripe's comments and stated that by building something there, they would be getting closer to the neighbors from which they are trying to get privacy from. He stated that the result would be having windows closer to their home.

Mr. Myers stated that he struggled and that he agreed with Chairperson Johnson's point in that you need a screened in porch for reasonable return. He stated that on the other hand, the applicants are saying that they need a family room and mudroom for which the Board has said is a standard on the North Shore and the fact that they want it bigger. Mr. Myers stated that if the Board is willing to approve more square footage for GFA as long as it related to the family room or mudroom, why are they saying that they would not be willing to approve GFA for the screened porch.

Chairperson Johnson stated that they would be setting a precedent and referred to a case where the basement counted toward GFA in connection with a mudroom request. She stated that applicants wanted to put in a fireplace and that the Board denied the request whereas in this case, the applicants are stating that they would prefer to have a screened in porch. Chairperson Johnson stated that they would be setting a precedent in that it is not a family room or mudroom or an expanded kitchen. She then stated that the proposal for the kitchen is very small. Chairperson

Johnson indicated that she understood that it would make things better for the applicants and that she would be amenable to switching the GFA area to that for the variance if they could do it in a way which would be sensible and appropriate. She stated that they have to think about every other home in Winnetka and that every other homeowner could make the same argument in requesting a screened porch with privacy from the neighbors.

Mr. Lane commented that to him, the porch is a non-starter and that he did not see how they could ever approve it and that he would consider, while the Board was focused on the issue of a little extra GFA to build a family room and to have a mudroom, to some extent, there is a fairly large existing entryway for the closet and that they would not be giving them a mudroom in this situation since they already have one. He stated that the standard is not that is a humongous one. Mr. Lane then stated that on the other hand, they could take the existing breakfast room and turn it into a family room if they wanted to and have the existing sun porch on the side. He stated that if you are up to the allowable amount and if the home is a certain size, you cannot get everything. Mr. Lane then stated that he understood the fact that the existing breakfast room may be a little small for a family room, he commented that they have enough space for a mudroom and that the existing sun porch added value to the home which other homes do not have and that they use that space for something else.

Mr. Blum stated that from his perspective, it may not be so dangerous with regard to precedent setting and he stated that with the screened porch showing a family room space, they would at least have a family room and that they do have a living room and that the applicants used the basement as well. He indicated that he did not know if there is a hardship by not having a couple season use in the screened porch. Mr. Blum stated that Mr. Lane's point is well taken in that while it is small, he referred to another case in which the Board approved a mud room of that size. Mr. Blum stated that he would ask questions that they talk a little bit about how they use the living room.

Mrs. Devron responded that it is very alienated from where they live which is in the kitchen and that they have small children. She then stated that the children can play in the formal living room and that they have to walk through the home in an "S" pattern to get there from the kitchen. Mrs. Devron informed the Board that there is no line of sight for the children in the living room. She described it as a detached and pretty room, but that it is not functional for the purposes of a family room. Mrs. Devron stated that the whole point was to create a small family room within the kitchen so that it is attached. She indicated that she understood the Board's comments in that they should go for a bigger family room but that they were attempting to be sensitive to the integrity of the home and that they wanted to make it look like it was all part of the original home. Mrs. Devron stated that they bought the home knowing that it was an old home which they like and that they purchased the home with the understanding that they could create some sort of family room space. She also stated that they were not attempting to create some sort of precedent for a screened porch and suggested that they come up with a compromise.

Mr. Blum asked Mrs. Devron if the family room was the driver of the request.

Mrs. Devron confirmed that is correct and stated that they want to have more family gathering space which is not so chopped up. She stated that the goal was also to connect it to the kitchen so that they would have some extra family room space in the form of a screened porch.

Mr. Blum then asked if they considered removing the wall between the dining room and kitchen to have an open area.

Mrs. Devron indicated that they probably could and referred the Board to the age of the home and stated that they did not want to do that to the home.

Mr. Cripe asked if they considered having a trellis type of structure and whether it would match the existing footprint. He also asked if they would not need additional square footage for that.

Chairperson Johnson asked if a pergola would be required to conform to the setbacks.

Ms. Hickey asked the applicants what if they were to come back with a smaller screened porch.

Chairperson Johnson indicated that she is having trouble with the abstract concept and that they would be adding useful family space. She stated that they would still have to walk out of the home to get into it. Chairperson

Johnson stated that she has been in the home and described the addition of the family room and mudroom as achieving and that they are not getting the full benefit of a family room which did not mean that they should not be upheld to the same standard and that they would not be achieving the same thing. She then referred to the intent to enclose it at some point and that it is problematic. Chairperson Johnson stated that the Board cannot design the project and that she understood why the other project might not make sense. She then stated that she can either call the matter in for discussion or the applicants can have the architect come up with some other ideas. Chairperson Johnson stated that personally, she did not think it related to the size of the porch and that if they wanted to do a pergola, they could do that and have an outdoor fire pit for which they did not need a variance. She reiterated that she is having problems with the concept of the outdoor screened porch. Chairperson Johnson asked the Board members if there were any other comments.

Mr. Cripe complimented the applicants on the thought they put into the request and commented that it is a beautiful home. He also stated that he liked the applicants' thinking and that he wished that people thought like that more often in the Village. Mr. Cripe then stated that he could see the basis for the request and that the flexibility of the zoning appeal process should allow sensitivity. He commented that he is sick of seeing big boxes put onto the backs of homes and that if it were driven by the decision of the Board, he commented that is a shame. Mr. Cripe stated that he applauded what the applicants have done and suggested it be scaled back a little. He also stated that he struggled with the concept of setting a screened porch precedent and that he did not necessarily agree with those terms and how it reflected a balance. Mr. Cripe indicated that it is not an outrageous request and also commented that it is relevant and that the applicants bought the home with that goal and stated that candidly, he would make that a stronger argument in that the square footage they are asking for now is on par with what was approved before. He then stated that the Board should follow its own precedent and commented that unfortunately, the applicants' request is a little over what was previously asked for. Mr. Cripe stated that is certainly a factor which had merit.

Chairperson Johnson also referred to the fact that the applicants are getting the 400 square foot bonus as well as the fact that they are dealing with fact that the backyard is very small and that they would be adding to the home even though they would just be replacing a patio with another impermeable structure.

Mr. Myers stated that he agreed with Mr. Cripe's comments and that he liked the design. He stated that he struggled more with the issue of precedent and that there are lot of people who are neighbors who are very close together. Mr. Myers indicated that they might be justified with regard to privacy and that they would be heading down a path where you get a screened porch and then people winterize it. He stated that he is also sympathetic in that the applicants have got limited family room and kitchen space and that if the applicants were to ask for a continuance and came back with a design which gave them a little bit more there, he would be sympathetic to that.

Mr. Blum also stated that he appreciated the design and commented that it made sense. He then stated that because of what happened, they could use that space for the screened porch and commented that the flow is very nice, whether it is covered not. Mr. Blum then stated that as far as going back and talking about potentially needing a little more space, he indicated that he did not know how much space they had, especially with regard to the driveway.

Mr. Biondi stated that is the issue they have and that they cannot project out that much further without making other space unusable. He then stated that the fact that they had the screened porch on the other side attempted to balance it and make it nice and symmetrical. Mr. Biondi stated that as to whether they could expand it further to the west, he agreed that they could but that it may not do a lot for them.

Mr. Blum stated that he had a hard time in general when the home is over the GFA requirements, especially to begin with and trying to find something which would work within the footprint. He agreed that the plan was well thought out.

Mr. Lane referred back to the points he made earlier and stated that if they were to come back to the Board, he did not know if he would suggest more space and that he would suggest that this plan without a screened porch, they could do something rather considerable. He then stated that unfortunately, the Board's standards do not talk about design and that they sometimes struggle with that concept. Mr. Lane stated that typically, the Board would say that someone needs a family room or mudroom and referred to those things being balanced against the fact that they

have a very large living room. He added that they also have a very large sun porch and a basement which was used as a family room. Mr. Lane then referred to the applicants coming back to the Board with a change in the design.

Mr. Cripe asked if the applicants would need a side yard setback with a pergola.

Mr. Biondi noted that there are no side yard setback variances being requested at this point and that it represented the same basic footprint.

Ms. Hickey indicated that she understood the argument with regard to precedent and the hesitation in connection with the screened porch. She stated that she also thought that it was the Board's task to consider each home individually and commented that it is very difficult not to consider the design of the home. Ms. Hickey then commented that the applicants' proposal represented a very nice balance and would give them access to more space and entice the entire space to be used better. She informed the Board that she has been in the situation with small children running around and that it is very difficult to try to manage family. Ms. Hickey indicated that it may be a young family home. She suggested that the applicants come back with a smaller screened porch and stated that while she valued Mr. Cripe's comments, if they were to come back asking for 506 square feet which had already been approved. She reiterated that she has been in the same situation as the applicants. Ms. Hickey then referred to Mr. Blum's comments and stated that the applicants did not want to lose the dining room where they would be spending more time as a family.

Chairperson Johnson commented that all of the comments are good comments and added that to see how they solve the family room issue by having a screened porch which is not even contiguous to the home. She indicated that she did not think it is relevant and referred to the design element, she stated that she cannot see how it is going to drive the entire discussion with regard to hardship and unique circumstances. Chairperson Johnson then asked the applicants if they want to come back before the Board with a different proposal. She stated that there would be a different configuration of Board members when the applicants came back to the May meeting and that at this point, she indicated that the applicants would get approval of the proposed addition to the kitchen and referred to the comments made with regard to the screened porch. Chairperson Johnson noted that the Board is a recommending body to the Village Council.

Mr. Biondi informed the Board that if a smaller screened porch is amenable, they have some proposals that they could share with the Board now rather than coming back.

Mr. Myers stated that it is his sense that there are four Board members here who are not convinced with regard to anything on the screened porch and that there are two Board members who are comfortable with a screened porch of some size.

Chairperson Johnson noted that there is one Board member who is not present. She asked the applicants if all of the other proposals included a screened porch.

Mr. Biondi informed the Board that they have some versions of the screened porch that are slightly smaller than what is shown on the drawings.

Chairperson Johnson referred back to her previous suggestion of taking the sunroom that the applicants stated that they did not use anyway and making that into indoor space which did not require a variance and make that into a screened porch. She stated that they have that space there which used to be a screened porch and that they now want to build a screened porch which is out of compliance. Chairperson Johnson indicated that she did not know if she confused the applicants.

Mr. Biondi stated that the applicants needed a moment to consider that alternative.

After conferring with the applicants, Mr. Biondi asked if the options were to put the existing plans to a vote sans the screened porch or to come back with another design and ask for a continuance.

Chairperson Johnson stated that the applicants could also have the Board vote on the screened porch and still go to the Village Council with a negative recommendation and with a positive recommendation on the kitchen addition.

Mr. Biondi asked if the applicants could get approval on the kitchen addition sans the screened porch.

Chairperson Johnson confirmed that is correct. She then asked the applicants if they would like to withdraw the screened porch from the request and for the rest of the proposal to remain as is.

Mr. Biondi confirmed that is correct. He informed the Board that the only direction for the family room to make sense is go to toward the garage which would really impact the garage. Mr. Biondi also stated that going westward across the living room did not improve the family room at all and would result in a bigger mudroom. He commented that the mudroom right now is adequate.

Chairperson Johnson noted that the Board would go ahead with the vote on the expansion of the family room/kitchen area.

Mr. Myers asked given the fact that the applicants submitted a variance request including a screened porch, did the Board have to take a vote on the screened porch as well or are the applicants able to verbally retract that portion from the request.

Mr. D'Onofrio confirmed that the applicants can verbally agree to withdraw that portion of the request.

Chairperson Johnson then asked for a motion.

Mr. Myers moved that the Board recommend approval of the variance request for the additions defined for the family room and the mudroom, given that the property in question cannot yield a reasonable return in that homes on the North Shore are expected to have an adequate family room and mudroom along with a usable kitchen. He stated that the plight of the applicants' is due to unique circumstances given the current layout of the home which restricted sight lines in any other rooms to possibly be considered a family room. Mr. Myers stated that the variance will not alter the character of the locality and would not adversely affect the supply of light and air to adjacent properties. He stated that the request would not increase the hazard from fire or damages to any other property and that it would not adversely affect the taxable value of land in the Village. Mr. Myers stated that congestion would not increase and that the public health, safety, comfort, morals and welfare of the Village would not be impaired.

The motion was seconded by Mr. Cripe. A vote was taken and the motion was unanimously passed, 6 to 0.

AYES: Blum, Cripe, Hickey, Johnson, Lane, Myers
NAYS: None

FINDINGS OF THE ZONING BOARD OF APPEALS

1. The requested variation in within the final jurisdiction if the Village Council.
2. The requested variation is in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is compatible, in general, with the character of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.
3. There are practical difficulties or a particular hardship which prevents strict application of Section 17.30.040 [Maximum Building Size] of the Winnetka Zoning Ordinance which is related to the use or the construction or alteration of buildings or structures.

The evidence in the judgment of the Zoning Board of Appeals has established:

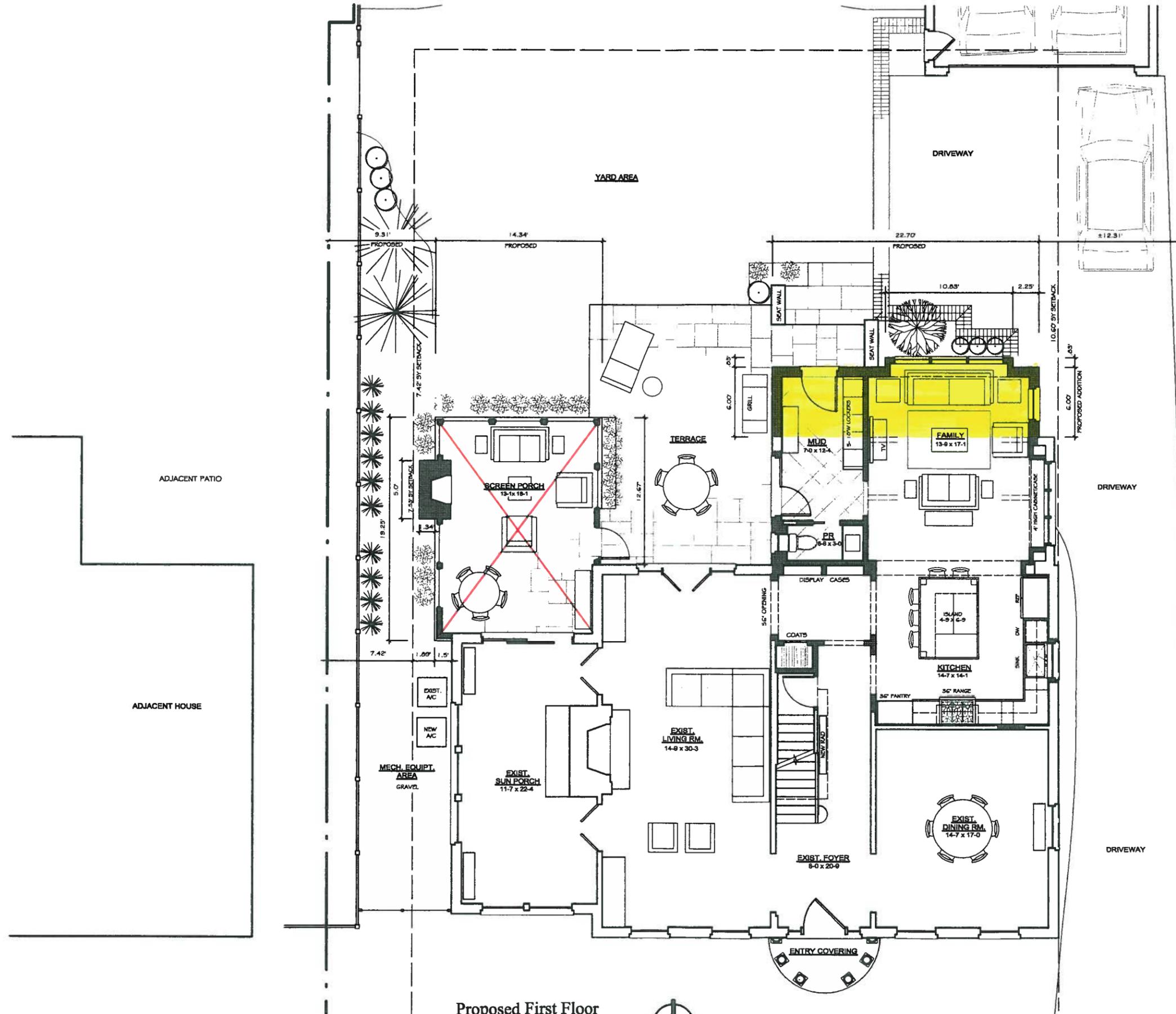
1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone. The existing residence does not have a family room and homes on the North Shore are expected to have an adequate family room, and mudroom, along with a useable kitchen. The proposed addition would provide a family room adjacent to the kitchen.

2. The plight of the owners is due to unique circumstances. Such circumstances must be associated with the characteristics of the property in question, rather being related to the occupants. The current layout of the residence restricts sight lines into any other existing rooms that could possibly be considered a family room.
3. The variation, if granted, will not alter the essential character of the locality. The proposed improvements are consistent with similar improvements on other surrounding properties and are consistent with the single family character of the neighborhood.
4. An adequate supply of light and air to the adjacent property will not be impaired. The proposed addition is one-story and complies with the required setbacks.
5. The hazard from fire and other damages to the property will not be increased as the proposed improvements shall comply with building code standards, including fire and life safety requirements.
6. The taxable value of land and buildings throughout the Village will not diminish. The proposed construction is generally an improvement to the property.
7. The congestion in the public streets will not increase. The structure will continue to be used as a single-family residence.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not otherwise be impaired.

EXHIBIT C

PLANS

(SEE ATTACHED EXHIBIT C)



Proposed First Floor

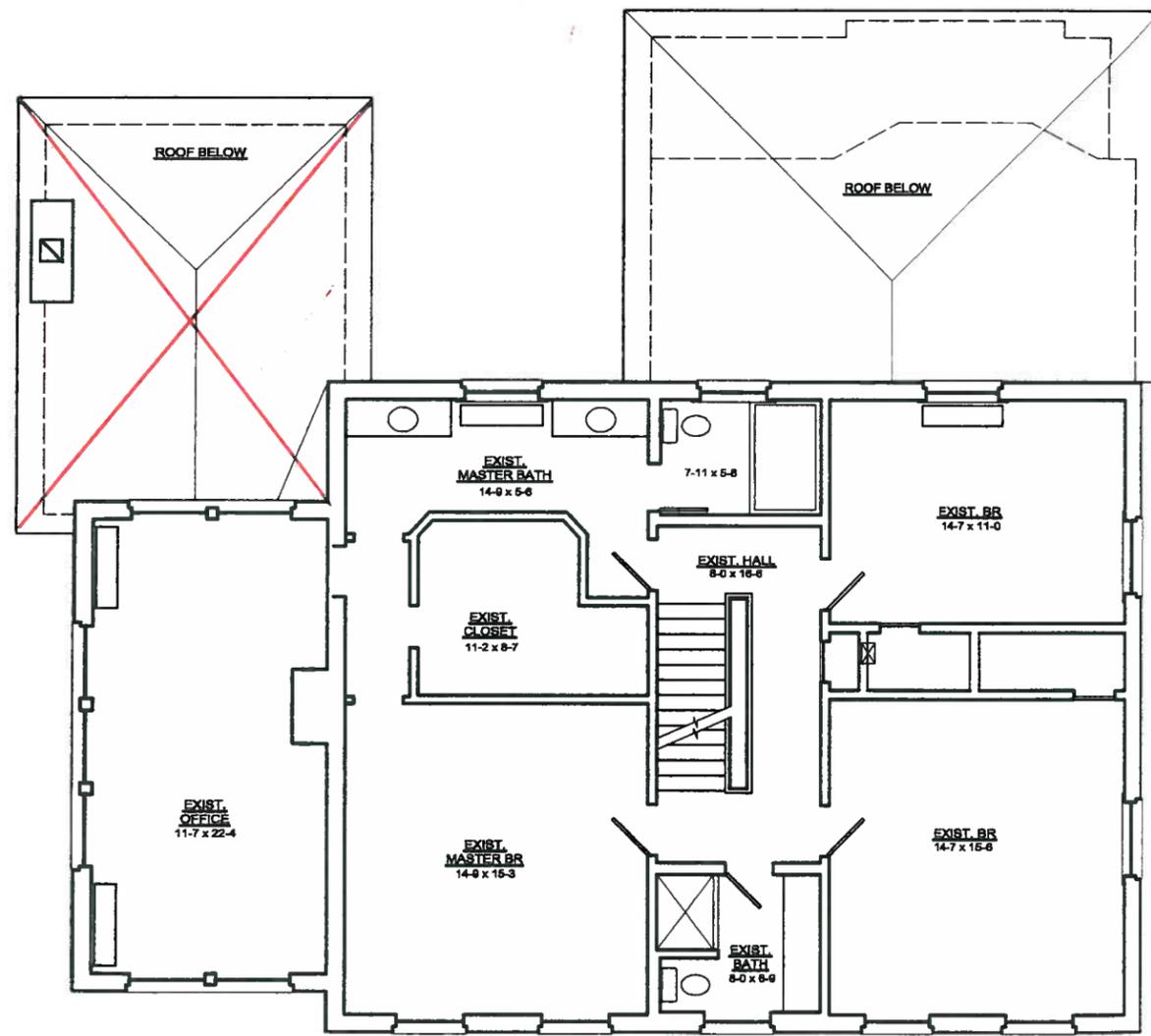
A. Biondi ARCHITECTS
1016 Commercial Avenue | Tallahassee, Florida 32301-1000

ZBA Submittal 02.25.15

Devron Residence

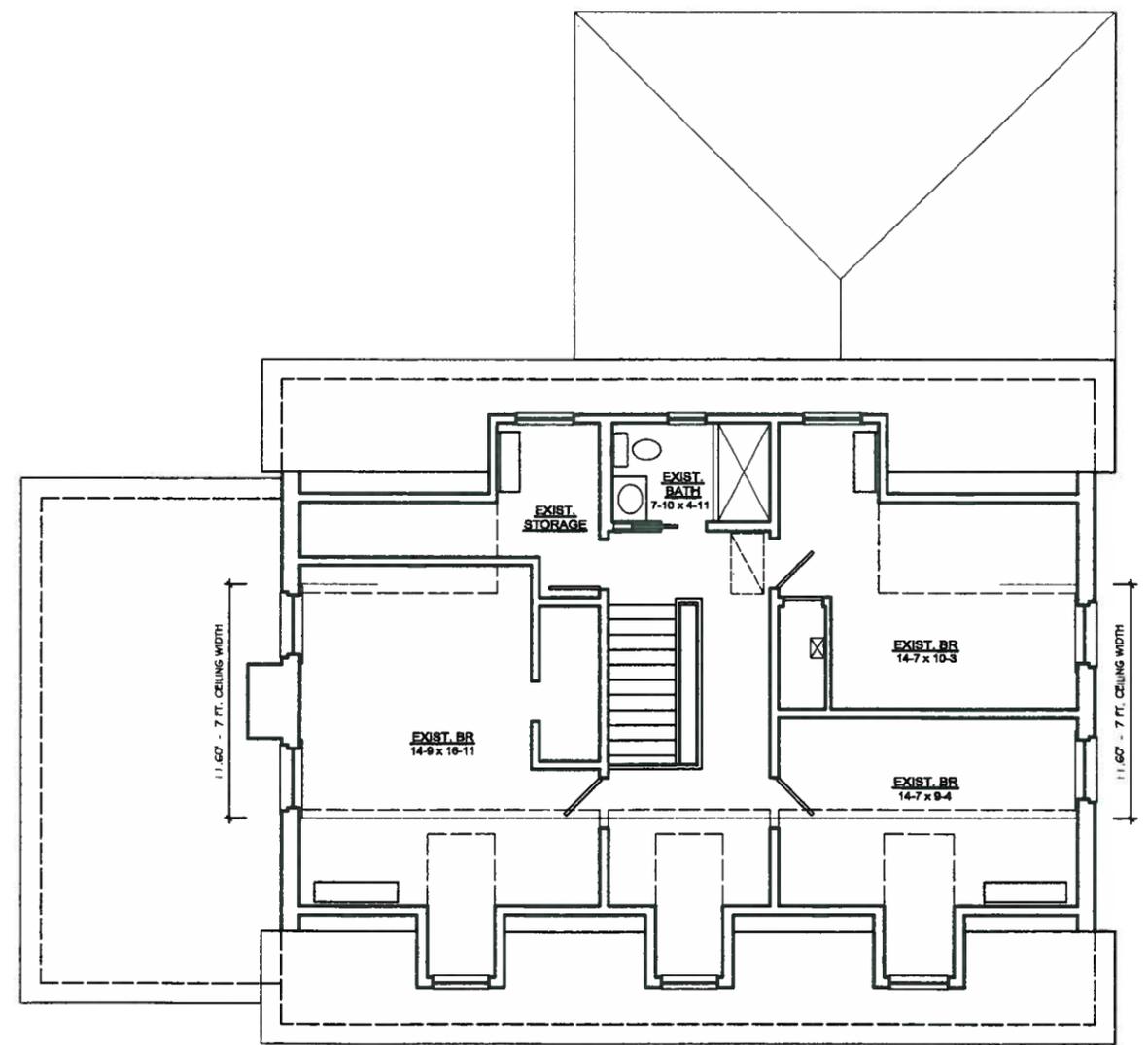
SHEET NO. ZBA.C

JOB NO. 2



No Changes Proposed

Existing Second Floor



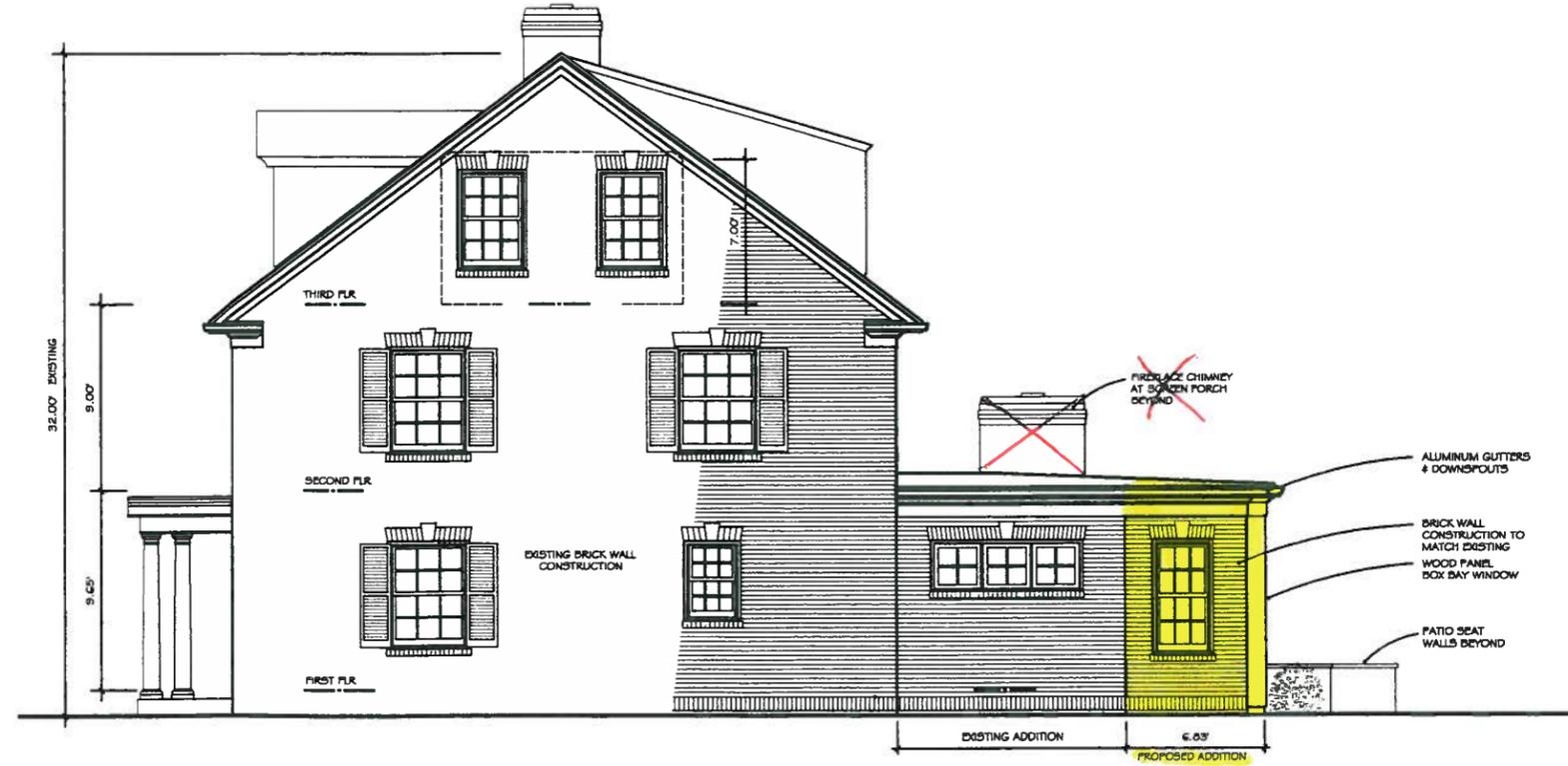
No Changes Proposed

Existing Third Floor





Proposed South Elevation



Proposed East Elevation





Proposed North Elevation



Proposed West Elevation



EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Winnetka, Illinois ("*Village*"):

WHEREAS, Jeffrey P. Devron and Jane G. Devron ("*Applicant*") are the record title owners of the property commonly known as 675 Garland Avenue in the Village ("*Subject Property*")

WHEREAS, the Applicant desires to construct on the Subject Property a new one-story addition to an existing single-family residence; and

WHEREAS, Ordinance No. M-12-2015, adopted by the Village Council on _____, 2015 ("*Ordinance*"), grants a variation from the provisions of the Winnetka Zoning Ordinance to the Applicant to permit the construction of the one-story addition on the Subject Property so that the single-family residence will have a gross floor area of 4,181.33 square feet, where a gross floor area of not more than 3,737.26 square feet is otherwise permitted; and

WHEREAS, Section 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant has filed, within 60 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant does hereby unconditionally agree to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's grant of the variation for the Subject Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.
4. The Applicant does hereby agree to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting the variation for the Subject Property.

5. The Applicant hereby agrees to pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out-of-pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employees of the Village.

Dated: _____, 2015

ATTEST: **JEFFREY P. DEVRON**

By: _____ By: _____
Its: _____ Its: _____

ATTEST: **JANE G. DEVRON**

By: _____ By: _____
Its: _____ Its: _____

ATTACHMENT C





ATTACHMENT D

CASE NO. 15-11-V2
VA-2015-087
\$400

APPLICATION FOR VARIATION
WINNETKA ZONING BOARD OF APPEALS

Owner Information:

Name: JEFFREY AND JANE DEYRON

Property Address: 675 GARLAND AVE.

Home and Work Telephone Number: [REDACTED]

Fax and E-mail: [REDACTED]

Architect Information: Name, Address, Telephone, Fax & E-mail:

A. BIONDI ARCHITECTS ANGELO L. BIONDI, AIA

1815 SPRUCE AVE 847-780-4315

HIGHLAND PARK, IL 60035 angelo@abiondiarchitects.com

Attorney Information: Name, Address, Telephone, Fax & E-mail:

N/A

Date Property Acquired by Owner: AUGUST 2011

Nature of Any Restrictions on Property: N/A

Explanation of Variation Requested: FLOOR AREA VARIANCE.

(Attach separate sheet if necessary) SEE ATTACHED LETTER.

OFFICE USE ONLY

Variation Requested Under Ordinance Section(s):

Staff Contact: Date:

STANDARDS FOR GRANTING OF ZONING VARIATIONS

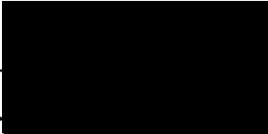
Applications must provide evidence and explain in detail the manner wherein the strict application of the provisions of the zoning regulations would result in a clearly demonstrated practical difficulty or particular hardship. In demonstrating the existence of a particular difficulty or a particular hardship, please direct your comments and evidence to each of the following items:

1. The property in question can not yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
2. The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.
3. The variation, if granted, will not alter the essential character of the locality.
4. An adequate supply of light and air to the adjacent property will not be impaired.
5. The hazard from fire and other damages to the property will not be increased.
6. The taxable value of the land and buildings throughout the Village will not diminish.
7. The congestion in the public street will not increase.
8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

For your convenience, you will find attached examples of general findings, for and against the granting of a variation, which have been made by the Zoning Board of Appeals and Village Council in prior cases.

NOTE: The Zoning Board of Appeals or the Village Council, depending on which body has final jurisdiction, must make a finding that a practical difficulty or a particular hardship exists in order to grant a variation request.

Property Owner's Signature:



Date:

2/28/15

(Proof of Ownership is required)

Variations, if granted, require initiation of construction activity within 12 months of final approval. Consider your ability to commence construction within this 12 month time period to avoid lapse of approvals.



Village of Winnetka
Zoning Board of Appeals
510 Green Bay Road
Winnetka, Illinois 60093

Re: 675 Garland Ave.
Floor Area Zoning Variance

Dear Board Members,

As Owners of the single family residence at 675 Garland Avenue we respectfully submit our project, with requested zoning variance, for your review and consideration. We purchased our home in late 2011 after a lengthy search among several North Shore communities. We chose Winnetka for many reasons and look forward to raising our family here. When we purchased our home it had been neglected for many years and was in need of a lot of attention. We immediately began making some upgrades such as window replacement, painting, new carpeting, repairs, etc. to make the home more livable for our young and expanding family. We knew that at some point after our life was settled we would have to focus on more long term improvements if this was going to be our permanent home. We understood, because of our limited lot size, any expansion we might consider would have to be well thought out and minimal in size so as not to significantly impact our yard space or our neighbors. We feel that through careful thought and some difficult compromises we have reached a reasonable design that complements our existing house, is respectful of our neighbors, is consistent with other homes in the area and will allow us to raise our family here for many years to come.

Variance Requested

1. We propose to exceed the Allowable Gross Floor Area (GFA) "Pre FAR Building" of 3737.26 square feet by 701.70 square feet for a Total GFA of 4438.96 square feet. Only 398.45 square feet is proposed new area. We propose this increase in order to expand and convert our existing breakfast area and rear entry into a small Family Room and new Mud Room and to construct a new Screened Porch. The proposed project is compliant with all other Village of Winnetka zoning regulations.

Note: A similar GFA Variance Request, submitted by a previous owner in 2002, was granted to this property by the Zoning Board of Appeals. That design work was not well conceived and fortunately never implemented.

Existing Conditions

The existing house currently exceeds the Allowable GFA by 318.94 square feet so any expansion of the existing footprint, no matter how small, would require a floor area variance.

The house has no informal gathering space on the first floor that is conducive for family relaxation or entertaining as a family or with friends. No traditional "family room". Only an isolated formal living room and small converted sun porch exist and that is not compatible with

modern living patterns.

An awkward kitchen remodeling and breakfast room addition, built over 20 years ago, is poorly designed, inefficient and not compliant with today's building codes.

The house has a very small rear entry with insufficient storage which is a safety hazard. Tripping over shoes and backpacks has become a daily occurrence and will worsen as the children get older and require more "things" on a daily basis.

The existing patio is dilapidated and in need of replacement. At one time a screened structure did exist as evidenced by the damaged masonry and still present anchors decorating the exterior walls of the house.

Proposed Improvements

Family Room/Mud Room

We propose to expand the existing breakfast room/entry northward for a distance of 6 ft. in order to create a small but usable Family Room so that our family has a space to spend time together and with friends that's centrally located to the major activity center of our home – the Kitchen.

In order to achieve this we made the difficult decision to forego a traditional eating area and will remodel the kitchen to include a large island with stools for eating meals. Included in this proposed expansion and also along existing wall lines we will create a more functional and safer Mud Room to accommodate the belongings of our family of five.

Screen Porch

Our family enjoys spending our free summer hours enjoying our backyard whether it's the children practicing their latest sports skills or family and friends gathering for an outdoor barbeque. Most of this precious down-time occurs in the evenings after dusk when mosquitoes are at their worst or late summer days when bees are most aggressive. A screen porch would allow us to enjoy our backyard and be protected when necessary.

Explanation Addressing Standards For Granting Of Zoning Variances

Numbered to correspond to Village Zoning Application

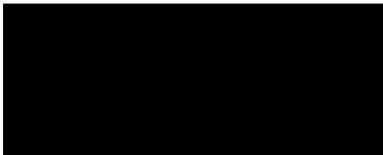
1. Certainly a house of this quality and value in a desirable community such as Winnetka should provide the kind of amenities to support the way today's families live and what future owners might look for when searching for a new home. Our home was originally built long ago and requires upgrading to meet today's standards and to maintain its value as well as the value of surrounding properties.
2. Our house was designed and built for family lifestyles of a bygone era and well before the implementation of current zoning ordinances. As a result our house contains square footage, approximately 580 square feet, of minimal use to our family and not found in current home designs being built in Winnetka for this size property such as our sun porch and second floor office. These were probably sleeping porches at one time and designed for life before the days of central air conditioning. This is space that we feel is penalizing us and space that we furnish only because it's there and not because it's useful or conducive to family living.
3. The improvements we propose are consistent with similar improvements on other surrounding properties and are consistent with the single family character of the neighborhood. A similar variance was previously granted for this property and surely to similar properties in the surrounding area as well.
4. The improvements we propose are one story elements that will have no impact on light and air to adjacent properties. The proposed Family Room improvement is a

modest extension of an existing one story addition. The proposed Screen Porch will be mostly tucked into a side corner of our property and built over existing patio area.

5. The improvements we propose do not increase the hazard of fire or any other damage to our property or adjacent properties and all new construction will be code compliant.
6. The improvements we propose will not have any diminishing effect on the taxable value of Village land or buildings and can only have a positive impact on the taxable value of our home and adjacent properties.
7. The improvements we propose will not generate an additional street congestion as we are not creating the need for additional cars or traffic.
8. The improvements we propose will not have a negative impact on or impair any aspect of health, safety, comfort, morals and welfare for any Village inhabitants and specifically our immediate neighborhood.

We hope that you will find our proposed additions to be well thought out, sensitively designed and that the requested zoning relief is reasonable and minor. We appreciate your consideration and look forward to answering any questions you may have.

Sincerely,



Jeffrey and Jane Devron
675 Garland Avenue
Winnetka, Illinois

PROFESSIONALS ASSOCIATED SURVEY, INC.

PROFESSIONAL DESIGN FIRM NO. 184-003023

7100 N. TRIPP AVENUE
LINCOLNWOOD, ILLINOIS 60712
www.professionalsassociated.com

TEL: (847) 675-3000
FAX: (847) 675-2167
e-mail: pa@professionalsassociated.com

PLAT OF SURVEY

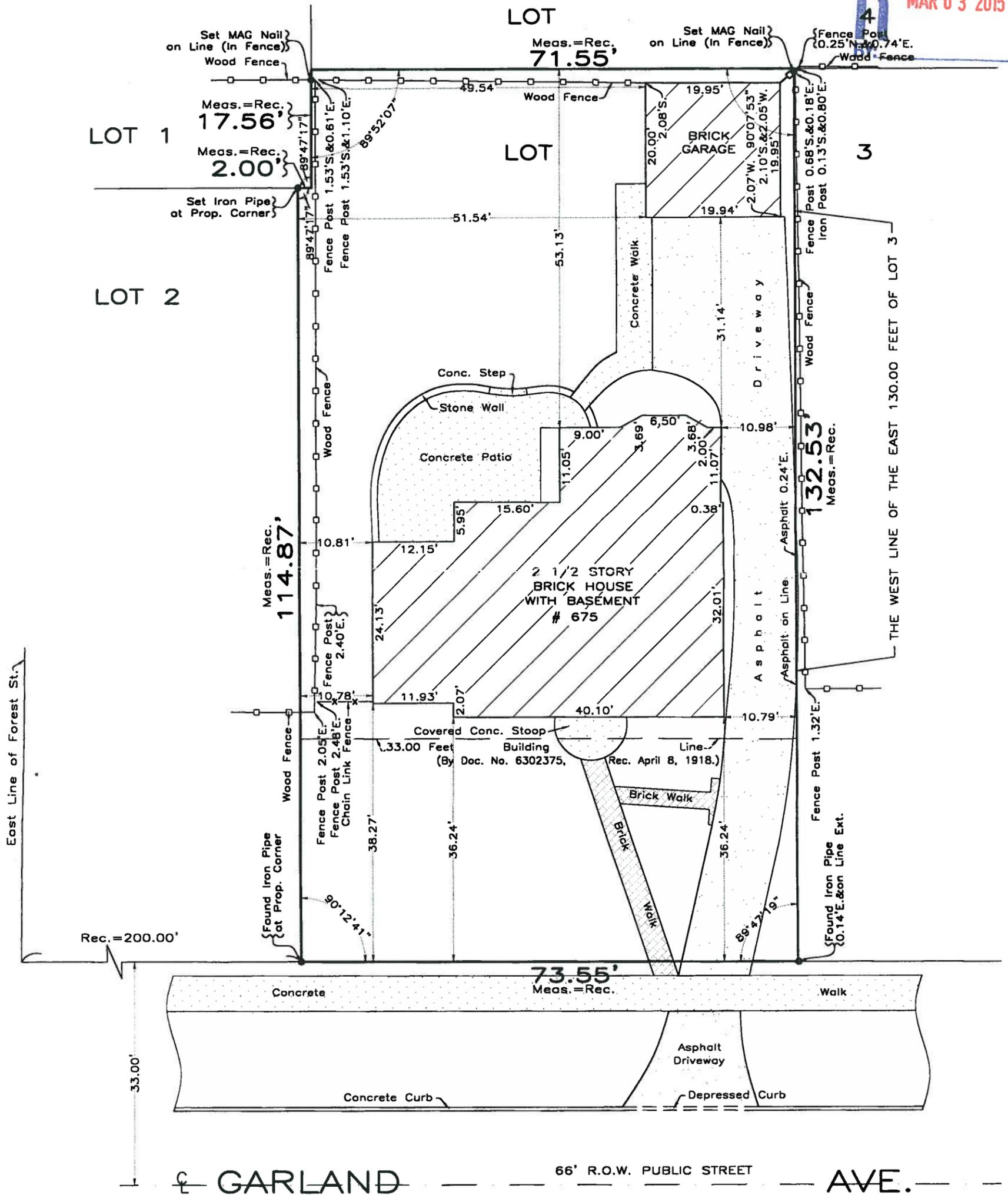
OF



LOT 3 (EXCEPT THE EAST 130 FEET) IN LYDIA D. SUTTERS SUBDIVISION THAT PART OF BLOCK 4 LYING WEST OF A LINE 435.55 FEET EAST OF AND PARALLEL WITH THE CENTER LINE OF FOREST STREET IN JOHN C. GARLANDS ADDITION TO WINNETKA BEING A SUBDIVISION OF THE NORTH 120 ACRES OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LAND TOTAL AREA: 9,611.30 SQ. FT. = 0.221 ACRE.

COMMONLY KNOWN AS: 675 GARLAND AVENUE, WINNETKA, ILLINOIS.



REVISED: FEBRUARY 12, 2015.
(MEASUREMENT OF PERIMETER OF THE HOUSE)

THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREON DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY SHOULD BE COMPARED WITH THE TITLE OR DEED. DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

Order No. 11-83929

Scale: 1 inch = 16 feet.

Date of Field Work: August 1, 2011.

Ordered by: William J. Hielscher, LTD.
Attorney at Law



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

THIS SURVEY HAS BEEN ORDERED FOR SURFACE DIMENSIONS ONLY, NOT FOR ELEVATIONS. THIS IS NOT AN ALTA SURVEY.

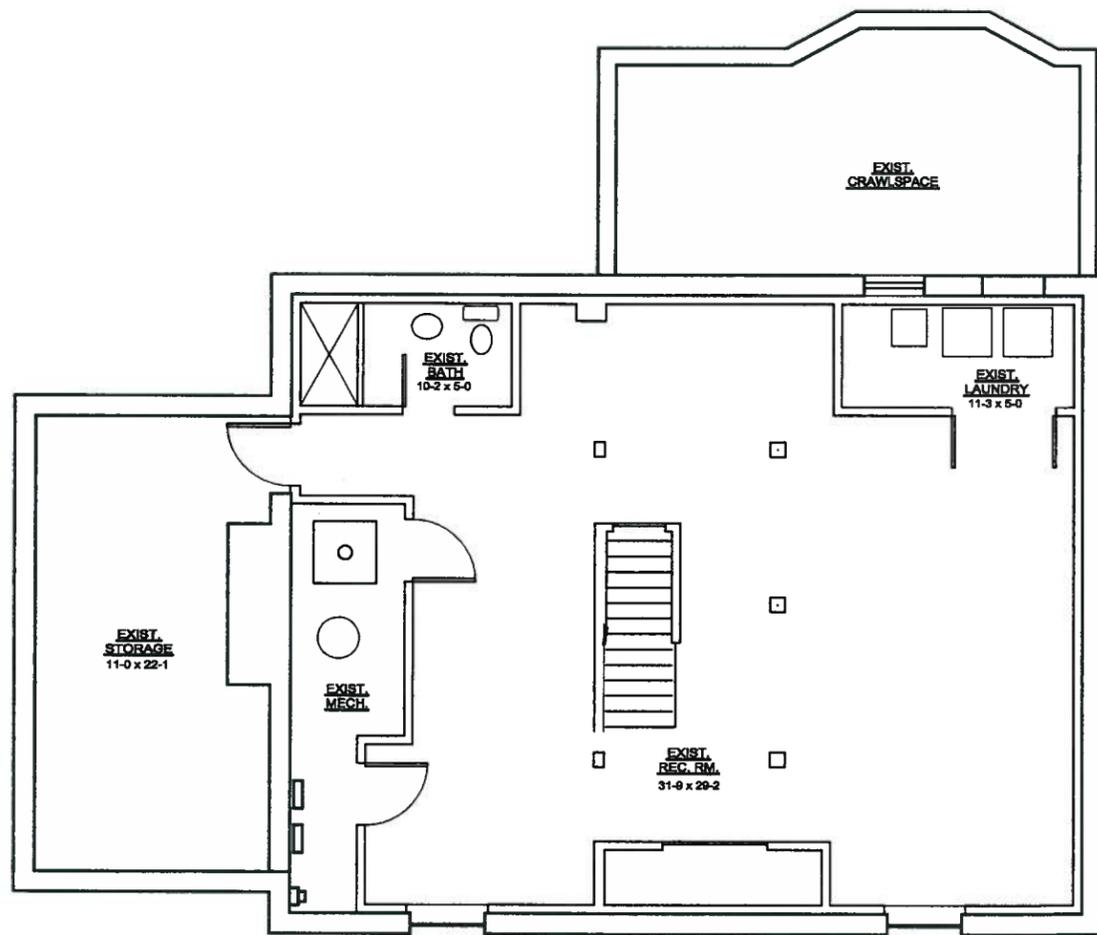
COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

State of Illinois
County of Cook

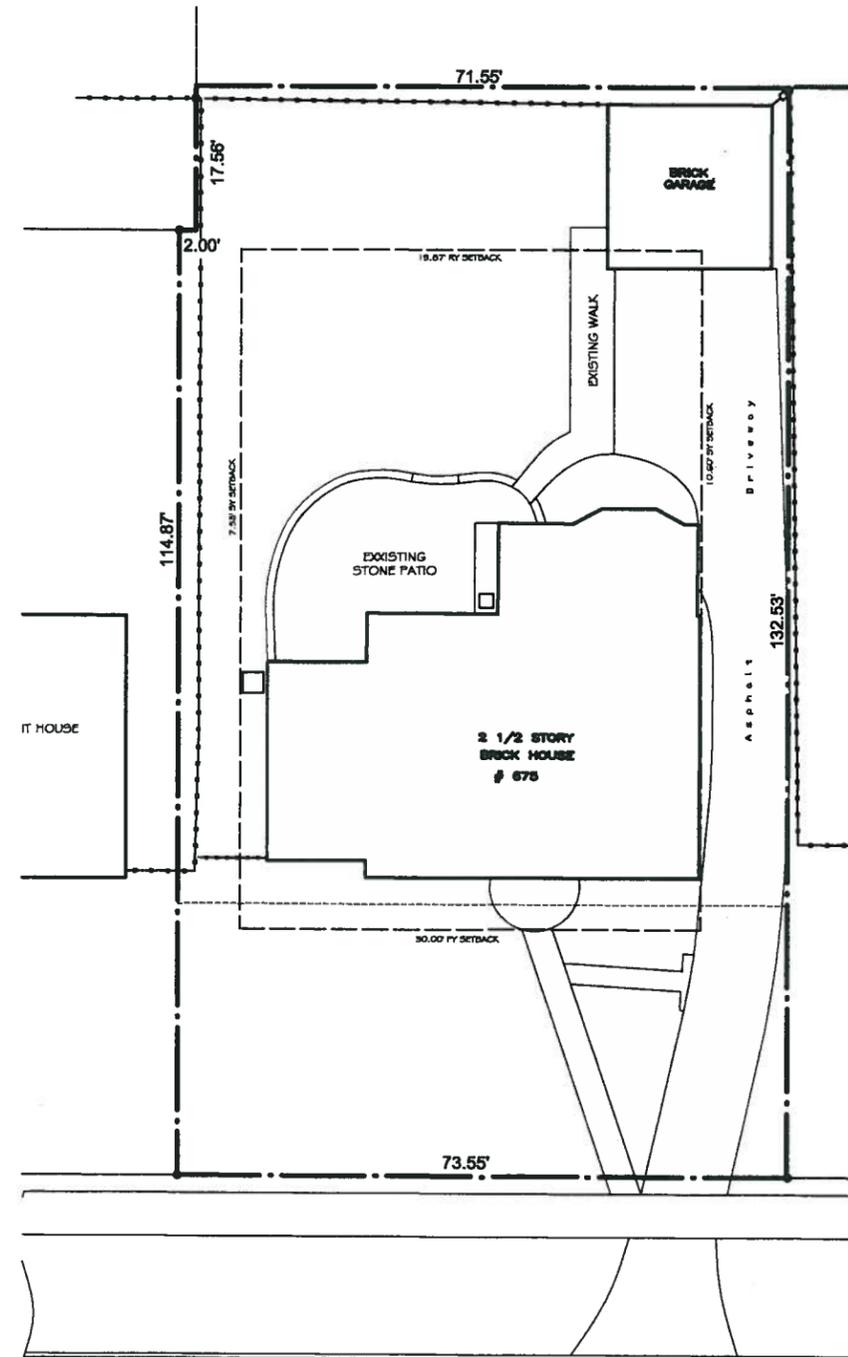
We, PROFESSIONALS ASSOCIATED SURVEY INC., do hereby certify that we have surveyed the above described property and that, to the best of our knowledge, the plat hereon drawn is an accurate representation of said survey.

Date: February 12, 2015
Hylton E. Donaldson

IL. PROF. LAND SURVEYOR - LICENSE EXP. DATE NOV. 30, 2016.
Drawn By: ZZ



Existing Basement



GARLAND AVE.

Existing Site Plan



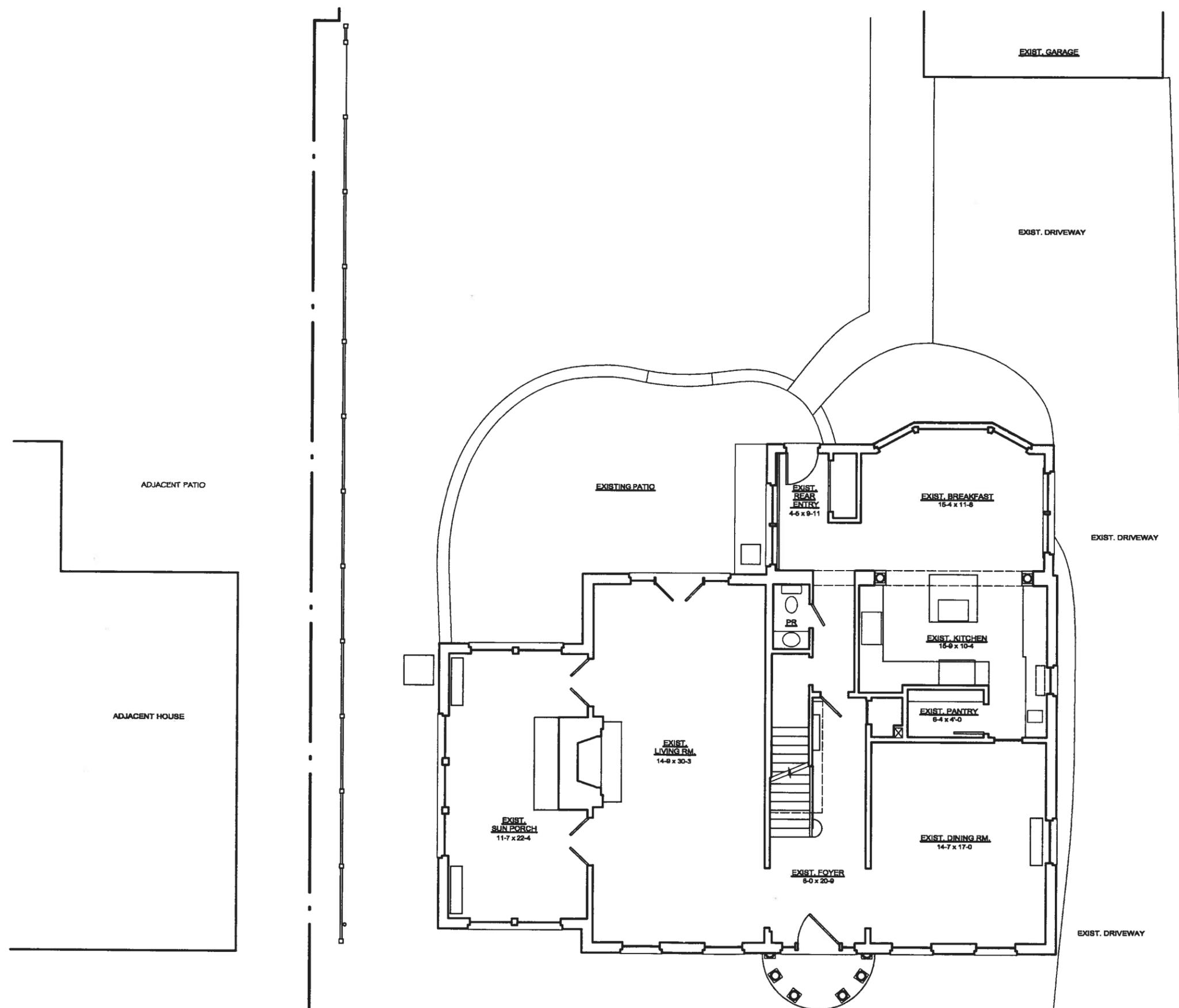
A. Biondi
ARCHITECTS
1815 Spruce Ave | Highland Park, Illinois 60035

ZBA Submittal 02.25.15

Devron Residence
675 Garland Ave. Winnetka, Illinois 60093

SHEET NO.
EX.01

JOB NO. 2014



Existing First Floor



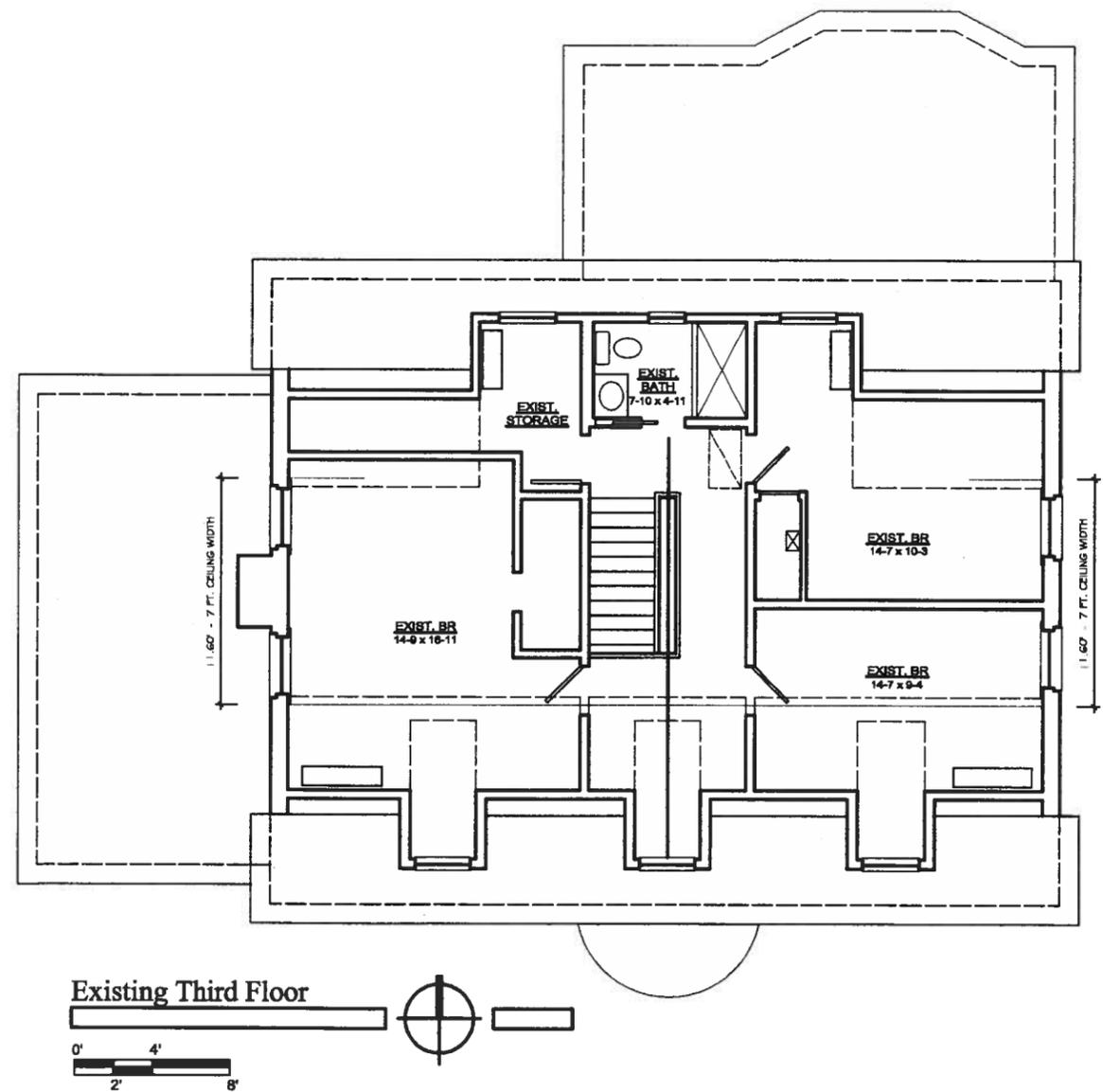
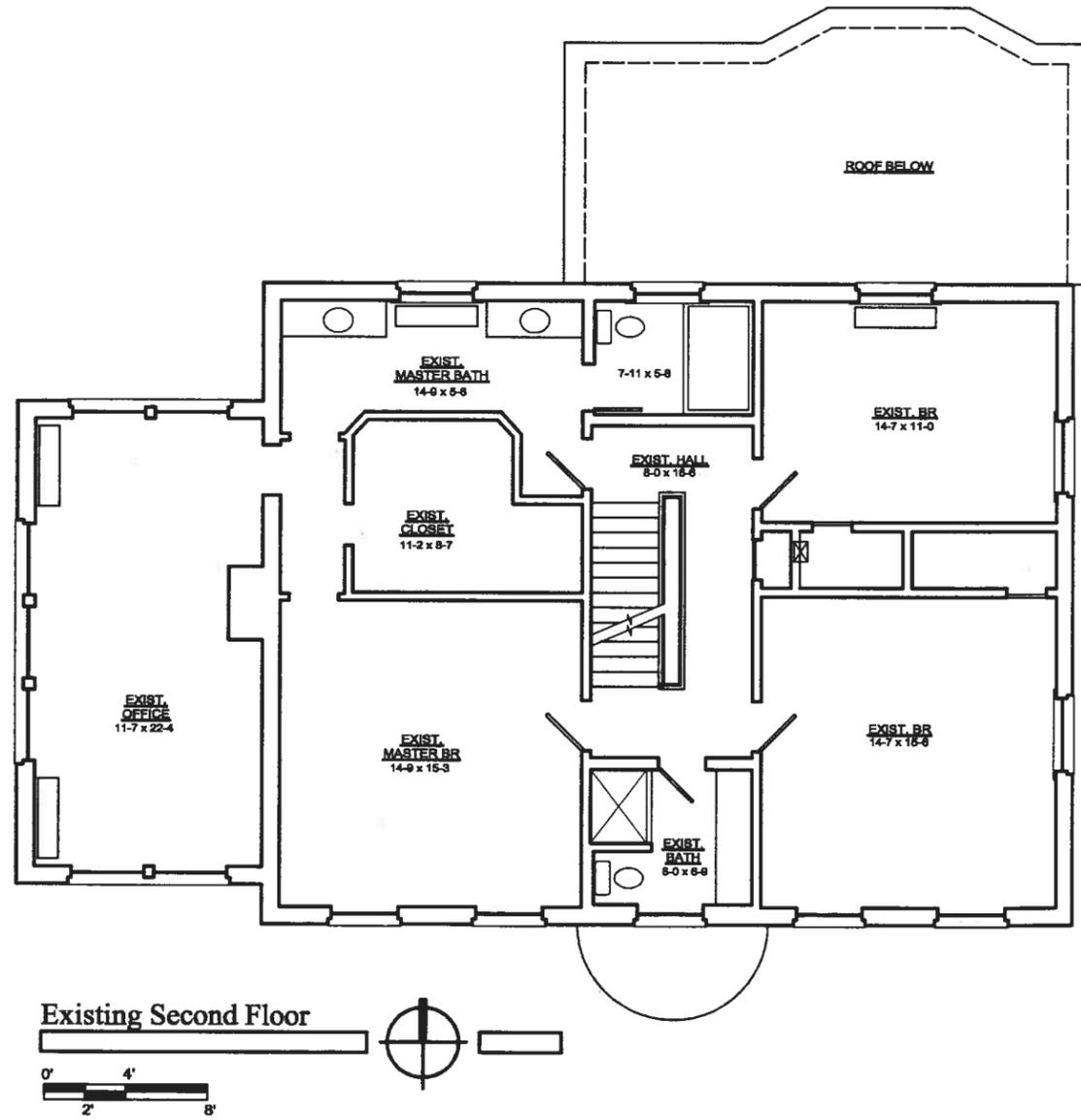
A. Biondi
ARCHITECTS
1815 Spruce Ave | Highland Park, Illinois 60015

ZBA Submittal 02.26.15

Devron Residence
675 Garland Ave Winnetka Illinois 60093

SHEET NO.
EX.02

JOB NO. 20

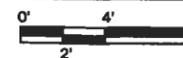




Existing South Elevation

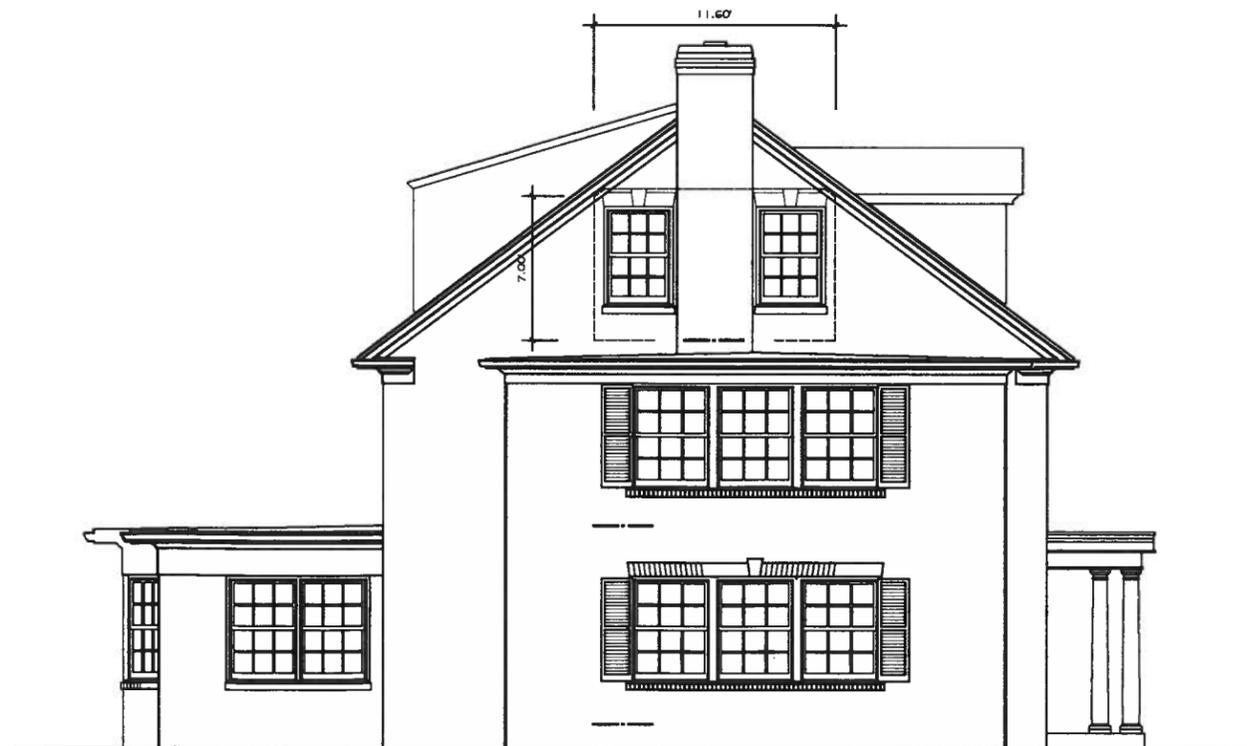
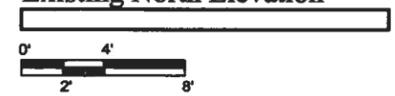


Existing East Elevation

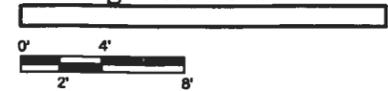




Existing North Elevation



Existing West Elevation





Agenda Item Executive Summary

Title: Starbucks Liquor License Application and Potential New Liquor License Class

Presenter: Robert Bahan, Village Manager, and Peter Friedman, Village Attorney

Agenda Date: 05/19/2015

Consent: YES NO

Ordinance
 Resolution
 Bid Authorization/Award
 Policy Direction
 Informational Only

Item History:

None.

Executive Summary:

Starbucks has submitted an application to the Village for a liquor license to serve wine and beer on afternoons and evenings. Starbucks' proposal is not permitted by the Village's current liquor control regulations. The Village Code's definition of "restaurant" in the liquor control regulations does not include establishments similar to Starbucks. None of the existing liquor license classes applies to Starbucks, which therefore is prohibited from selling alcoholic beverages. If the Council desires to permit Starbucks to serve wine and beer in some fashion, the liquor control regulations must be amended.

As a starting point for discussion, the Village Attorney prepared draft proposed amendments that would define "coffee shop" and establish a new license class permitting coffee shops to sell wine and beer in the afternoon and evenings, subject to certain restrictions. If the Council desires to permit coffee shops to sell wine and beer, the Village Attorney will revise the potential amendments based on the specific direction of the Council regarding appropriate restrictions and conditions. The revised amendments would be presented to the Council in ordinance form for further consideration. Separately, a liquor license would need to be approved for Starbucks by resolution.

Recommendation:

Provide direction to the Village Manager and the Village Attorney regarding: (1) whether the Council desires to amend the liquor control regulations to permit the sale of wine and beer by coffee shops; and (2) if yes, appropriate restrictions and conditions on the sale of wine and beer by coffee shops.

Attachments:

- 1) Memo re: Starbucks Liquor License
- 2) Draft potential amendments to the liquor control regulations
- 3) Starbucks Evenings Program overview

**VILLAGE OF WINNETKA
INTEROFFICE MEMORANDUM**

TO: Winnetka Village Council
Robert Bahan, Village Manager

FROM: Patrick Kreis, Chief of Police

RE: Liquor Control Regulations – Starbucks Liquor Application

DATE: May 13, 2015

In April 2015, Starbucks submitted a liquor license application to the Village for consideration. Upon review of the application, staff determined existing Village Liquor Control Regulations prohibited the issuing of a license because no license classification currently exists for such an establishment.

Starbucks is requesting to sell individual servings of beer and individual servings and bottles of wine. Generally, Starbucks proposes to serve beer and wine from 4:00 p.m. until 9:00 p.m., although the attached program overview reflects extended hours employed in other locations. Starbucks also plans to sell certain food items to complement service of beer and wine.

The application was reviewed during a meeting between the Village Manager, the Village Attorney and Chief of Police. As a result, additional information was gathered by the police department pertinent to the application for the Council's consideration. Additionally, the Village Attorney prepared potential draft amendments to the liquor control regulations that would permit Starbucks and similar establishments to serve wine and beer, subject to certain restrictions and conditions. These potential amendments are intended to be a starting point for discussion only.

The first issue for the Council is to decide whether to allow for liquor service in such an establishment. Should the Council desire to amend the liquor control regulations and permit Starbucks to serve wine and beer, direction is needed regarding appropriate restrictions and conditions for the service of wine and beer by Starbucks and similar establishments.

To facilitate discussion, the potential amendments would create a new definition for "coffee shops," which could obtain a new class of liquor license permitting the sale of wine and beer in the afternoon and evening. The potential amendments include restrictions and conditions on the sale of wine and beer that are intended to address possible concerns about the service of alcohol by coffee shops, including, without limitation: (1) exposure of minors to alcoholic beverages; (2) protection of public health and safety; (3) maintenance of an appropriate environment for people of all ages; and (4) behavior that could disturb neighbors in the community.

Some communities have permitted the sale of single servings of wine, but not bottle service. The potential amendments permit bottle service but can be amended to prohibit bottle service if the Council desires.

Another matter for discussion relates to service of alcohol in the outdoor seating area. In 2014, the Village Council amended the Village Code to eliminate the requirement that separate “riders” to liquor licenses be approved by the Council to authorize the service of alcohol on public sidewalks. Now, sidewalk service is an option under certain license classes that the Council may consider at the same time as it considers the issuance of a liquor license. The potential amendments to the Code would make sidewalk service an option under the potential license class for coffee shops.

Currently, all of the establishments that are authorized to serve liquor on public sidewalks use a table-service model. Starbucks’ model of service is counter service. One issue of concern may be the ability of a counter-service establishment to adequately supervise a sidewalk seating area, as required by Code. If the Council creates a license class for coffee shops, it may be appropriate to consider: (1) whether sidewalk wine and beer service should be an option for coffee shops; and (2) if yes, conditions requiring the coffee shop to take certain precautions to prevent the consumption of wine and beer on the sidewalk if a coffee shop obtains a liquor license but does not seek or obtain authority for sidewalk service.

It should be noted that the potential amendments could further limit the hours of service for wine and beer to be more restrictive than Starbucks’ proposal. More limited hours may address potential concerns regarding the service of wine and beer during times when unattended minors are present in the establishment. Anticipating the question of unattended minors to be of relevance, the police department conducted a head count of Starbucks customers appearing to be under the age of twenty-one. On eighteen different days, between April 7th and May 7th 2015, Officers counted minors present during the 4:00 P.M. hour, the 5:00 P.M. hour and the 6:00 P.M. hour. The average number of patrons who appeared to be under the age of twenty-one were:

<u>Time</u>	<u>Average Number of Unattended Minors</u>
4:00 P.M.	Thirteen
5:00 P.M.	Five
6:00 P.M.	Four

A review of police records during the last three years found no police responses to the establishment that would cause concern regarding the business’s fitness for a liquor license.

Starbucks was issued a license for the service of wine and beer at a location in Evanston in late 2013. A check with the Evanston Police Department determined no police problems have arisen since service of beer and wine began at that location.

Potential Amendments to the Village Liquor Control Regulations

(Chapter 5.09 of the Village Code)

Amend Section 5.09.010 to add the following definition:

“Coffee shop” means a place of business that: (a) is licensed under Chapter 5.24 of this code; (b) opens to the public for business each day not later than 7:00 a.m. and remains open to the public for business continuously for not less than 10 hours; (c) has a total floor area not greater than ___ square feet; and (d) is engaged in the primary business of the sale, over a counter located at the point of sale where customers place orders, of: (i) coffee, tea, coffee-based beverages, tea-based beverages, and other beverages prepared on the premises for consumption on or off the premises where served; and (ii) food items, including baked goods, sandwiches, and salads, primarily prepared off premises for consumption on or off the premises where served.

Amend Section 5.09.100 to add a new Section 5.09.100.P:

P. Class F Licenses. Class F licenses authorize the retail sale of solely wine and beer at a coffee shop, solely for consumption on the premises where sold, subject to and in accordance with the following conditions and restrictions:

1. The sale of wine and beer at any time before 4:00 p.m. and after 9:00 p.m. is prohibited.
2. Wine must be either: (a) sold and served in single servings and in reusable glassware or plasticware; or (b) sold by the bottle and consumed from single-serving glassware or plasticware. Beer must be sold and served in single servings and in reusable glassware or plasticware. Packaged sales are prohibited.
3. Wine and beer must be ordered by patrons at, and sold and served over, the counter of the coffee shop at the point of sale.
4. Each and every patron who desires to consume wine (including, without limitation, a portion of wine sold by the bottle) or beer must: (a) be physically present at the counter during the point-of-sale transaction during which the wine or beer is purchased; and (b) present a form of valid photographic identification issued by a state government or the United States government. For the purpose of this Section 5.09.100.P, “point-of-sale transaction” means each instance when a patron or group of patrons purchase food and beverages at the counter, whether or not the purchases are processed or documented as a single transaction by the coffee shop.
5. All single-serving sales must comply with the following requirements:
 - a. The number of servings of wine or beer sold and served during each point-of-sale transaction may not exceed the number of patrons who are

physically present at the counter during the transaction and who have presented identification in accordance with Section 5.09.100.P.4 of this Code.

- b. The sale and service of a serving of wine or beer to a patron or group of patrons for consumption by a patron other than the patrons who are physically present at the counter during the point-of-sale transaction and who have presented identification in accordance with Section 5.09.100.P.4 of this code is prohibited.
 - c. Each and every single serving of wine or beer, other than the first two servings of wine or beer, or a combination of wine and beer, sold to each customer must be accompanied by food. For the purpose of this Section 5.09.100.P, “food” means baked goods, sandwiches, salads, prepared snacks, and similar items. “Food” does not mean candy, mints, gum, and similar items.
6. All sales of bottles of wine must comply with the following requirements:
- a. Each bottle of wine must be purchased for consumption by not less than two patrons.
 - b. The sale of more than one bottle of wine during each point-of-sale transaction is prohibited.
 - c. The sale of a bottle of wine for consumption, in whole or in part, by any patron or patrons who are not physically present at the counter during the point-of-sale transaction and who have not presented identification in accordance with Section 5.09.100.P.4 of this Code is prohibited.
 - d. Each bottle of wine purchased must be accompanied by food.
7. All employees of a coffee shop licensed pursuant to this Section 5.09.100.P who are on duty during the hours when wine or beer may be served pursuant to the license must have completed state BASSET training.
8. Class F licenses may include the sale and service of wine and beer on public sidewalk seating areas, as provided in Section 5.09.105 of this code. If the Village Council approves service on public sidewalks or other public property, the approved service area must be supervised at all times by a coffee shop employee who is not less than 21 years of age. This employee must: (a) promptly bus and dispose of servings of wine and beer left unconsumed or partially consumed in the authorized service area; and (b) assure that any unconsumed or partially-consumed servings of wine or beer within the authorized service area are not consumed by persons other than the patrons who were physically present at the counter during the point-of-sale transaction during which the wine or beer was purchased and who presented identification in accordance with Section 5.09.100.P.4.

STARBUCKS EVENINGS

Program Overview

- › Starbucks Evenings overview
- › Sample Starbucks Evenings menu
- › Operational details

STARBUCKS EVENINGS OVERVIEW

Why Starbucks Evenings?

- › Evenings solves a customer need for a casual place to relax and connect with coffee, tea, savory food and wine
- › The program fills a community need by providing a place for groups to gather

History and Future of Evenings

- › Starbucks Evenings first launched in 2010 in Seattle, WA and is now in 30 stores in 5 core markets (Seattle, Portland, Chicago, Southern California and Atlanta)
- › The program is no longer a test and we plan to expand Evenings to select stores in the US over the next several years

Customer Experience

- › Starbucks Evenings stores are a familiar and inviting place with an expanded food and beverage menu that is more appropriate for the post 4 pm occasion without a bar atmosphere
- › Evenings provides our customers:



STARBUCKS EVENINGS OVERVIEW

What changes about my store?

- › Evenings stores will still offer the same handcrafted coffee beverages and food as other Starbucks stores in the same casual and comfortable environment
- › In addition to adding an expanded food menu appropriate for the evening and wine and beer – the store will be designed to meet community needs (community table, soft seating, etc.)



The criteria for an Evenings store

- › Not every store in the area will serve wine and beer – we are looking at select stores in the right neighborhoods that also fit our design and space requirement

Sales expectation for Evenings

- › We expect wine and beer to make up 1 – 2% (8 – 12 units sold per day) of a stores total sales

SAMPLE STARBUCKS EVENINGS MENU

- › The Evenings food menu is designed around small plates and desserts
- › The wine list caters to a broad range of wine consumers, with an emphasis on the more sophisticated. Every glass of wine and beer comes with complementary pepitas



STARBUCKS *Evenings*

Menu

SMALL PLATES

Blue Brie & Apricot Preserves Plate

\$6.95 CAL 450

Grilled Vegetable Plate with

Lemon Aioli Sauce \$5.95 CAL 270

Parmesan-Crusted Chicken Skewers with

Honey-Dijon Sauce* \$4.95 CAL 340

Bacon-Wrapped Dates with Balsamic Glaze

\$4.95 CAL 270

Truffle Mac & Cheese \$5.95 CAL 490

Chicken Sausage & Mushroom Flatbread

\$6.95 CAL 310

Artichoke & Goat Cheese Flatbread

\$6.95 CAL 310

Truffle Popcorn* \$2.45 CAL 150

* Contains milk

DESSERTS

Double Chocolate Brownie Bites

\$3.45 CAL 410

Chocolate Truffles

Espresso, Champagne, Raspberry

TRIO \$4.45 CAL 370

SINGLE \$1.75 CAL 100-150

WINES AVAILABLE BY THE GLASS AND BOTTLE

SPARKLING

Prosecco, Villa Sandi "il Fresco," Italy \$10 (split)

WHITE

Pinot Grigio, Santa Cristina, Italy \$9 / \$32

Sauvignon Blanc, Villa Maria,
New Zealand \$8 / \$28

Chardonnay, Ferrari-Carano,
Sonoma County \$10 / \$35

SPARKLING ROSÉ

Brachetto, Rosa Regale, Italy \$9 (split)

RED

Pinot Noir, Sanford Flor de Campo,
Santa Barbara \$10 / \$35

Malbec, Alamos, Argentina \$7 / \$25

Chianti Classico Riserva DOCG, Ruffino
Riserva Ducale, Tuscany, Italy \$12 / \$45

Cabernet Sauvignon, Markham, Napa \$15 / \$50

CRAFT BEER \$5-\$6

Ask your barista about the current beer selection.



OPERATIONAL DETAILS

Training

- › Starbucks has implemented a comprehensive wine and beer training program for store partners and field management teams which covers all jurisdictional serving requirements and also serving wine and beer responsibly
- › Strict operational routines have been put in place to ensure proper identification and sale of wine and beer occur
- › Store partners will be well-trained in handling disruptive situations and emergencies

Service model

- › All orders will still be placed at the POS and given to the customer at the hand-off plane – similar to any beverage order at Starbucks
- › This allows for total control of the transfer of alcohol from partner to customer, ensuring that the order is given to the correct person
- › Wine and beer will be served in glass ware and will not be served for to go purposes

Age requirement

- › All partners who work in stores that serve wine and beer will be at least 21 years of age

Hours of operation

- › Wine & beer will be served after 2pm on weekdays, and after 12 noon on weekends. Service will continue until the store closes, typically at 10pm during the week and 11pm on weekends (or in accordance with community wishes)