

**Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
Tuesday, October 20, 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) October 27, 2015 Budget Meeting
 - b) October 29, 2015 Budget Meeting
 - c) November 3, 2015 Regular Meeting
 - d) November 10, 2015 Study Session
- 4) Approval of Agenda
- 5) Consent Agenda
 - a) Approval of Village Council Minutes
 - i) October 6, 2015 Regular Meeting..... 3
 - b) Approval of Warrant List dated October 2-15, 2015.....8
 - c) Resolution No. R-31-2015: Re-Subdivision of 220 DeWindt Road & 1040 Sunset Road – Adoption9
 - d) Resolution No. R-32-2015: Appointing Village Treasurer – Adoption33
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- 6) Stormwater Monthly Summary Report.....40
- 7) Ordinances and Resolutions
 - a) Resolution No. R-27-2015: Granting an Appeal Pursuant to Section 15.16.090 of the Village Code – Adoption49
- 8) Public Comment
- 9) Old Business: None
- 10) New Business

- a) 2015 Preservation Awards Presentation64
- b) Phase I Engineering Services – Oak and Cherry Street Bridge Rehabilitation Project67
- 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
REGULAR MEETING
October 6, 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, October 6, 2015, at 7:00 p.m.

- 1) Call to Order. President Greable called the meeting to order at 7:00 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, Public Works Director Steve Saunders, Director of Community Development Mike D'Onofrio, and approximately 16 persons in the audience.
- 2) Pledge of Allegiance. President Greable led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) October 13, 2015 Study Session. All of the Council members present indicated that they expected to attend.
 - b) October 19, 2015 Budget Meeting. All of the Council members present indicated that they expected to attend.
 - c) October 20, 2015 Regular Meeting. All of the Council members present indicated that they expected to attend.
 - d) October 29, 2015 Budget Meeting. All of the Council members present indicated that they expected to attend.
- 4) Approval of the Agenda. Trustee McCrary, seconded by Trustee Fessler, moved to approve the Agenda. By voice vote, the motion carried.
- 5) Consent Agenda
 - a) Village Council Minutes.
 - i) September 8, 2015 Study Session.
 - ii) September 15, 2015 Regular Meeting.
 - b) Warrant List. Approving the Warrant List dated September 11 to October 1, 2015 in the amount of \$3,005,287.02.
 - c) Resolution No. R-30-2015: Approving Plat of Easement for Relocation of Private Road Serving Five (5) Properties at 929 through 941 Tower Road – Adoption. A Resolution approving a plat of easement for the Subject Properties.
 - d) 2015 Dutch Elm Disease Treatment Program. An item authorizing the payment of \$28,343.25 to Sunrise Tree Care for treatment of Dutch Elm disease.

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

6) Stormwater.

- a) Resolution No. R-28-2015: Approving an Agreement with Strand Associates, Inc., for Engineering Services – Adoption. Mr. Saunders explained that in September, the Council authorized Staff to negotiate a contract with Strand Associates to complete a stormwater management evaluation for southern and western Winnetka. He noted the project also includes identification of creative and feasible stormwater improvements for western and southwestern Winnetka. The proposed agreement stipulates itemized deliverables for each stage of the project, including:
 - b) Re-calibrate and update previous stormwater modeling in western areas, to better verify current conditions and gauge feasibility of potential stormwater projects.
 - c) Evaluate the feasibility of previously recommended non-Tunnel stormwater improvements, and update cost estimates.
 - d) Identify and develop possible new stormwater improvements, including the combination of traditional and emerging infrastructure; evaluation of protection levels; and assessment of potential project phasing.
 - e) Conduct a public participation program to facilitate a comprehensive community discussion of stormwater solutions with the goal of developing consensus around potential solutions.

Mr. Saunders said the project is scheduled for completion by April, 2016, for a fee of \$256,050.

Responding to a question about studying other areas of concern, Mr. Saunders recommended doing so after this project is completed, possibly using Christopher B. Burke Engineering, Ltd. (CBBEL) to update its previous calculations. He noted that several of these neighborhoods, Areas G, F and N, will be incorporated into the current project, as their watersheds impact the area being studied.

Several Trustees stressed that the Council does not intend to forget other areas of the Village, and solutions for the other study areas will be sought at a future date.

Trustee Myers also called for additional community meetings, perhaps facilitated by the Council and Village staff. Mr. Saunders explained that the end point of this project will mark the beginning of a public process for discussion of the recommended solutions to achieve a community-wide agreement on a solution.

Mr. Saunders confirmed that project tasks are tied to the fee schedule, so costs can be monitored. In addition, weekly and monthly progress reports will be submitted during the project.

President Greable pointed out that future areas of study need to include the Cherry Street Outlet and Tunnel Underpass areas, since the Village's Stormwater Master Plan recommends also addressing these regions.

President Greable next called for public comment.

Tim Foley, 165 DeWindt. Mr. Foley strongly urged the Council to confirm with Strand that its cost projections are as accurate as possible before going to the public, as the lesson learned from the STADI project was very painful and wasted a lot of time.

The Trustees were in agreement with Mr. Foley's comments; and after a final brief discussion in which the Council committed to as many additional public meetings as may be required, a consensus was reached to approve the agreement with Strand.

Trustee Krucks, seconded by Trustee Fessler, moved to adopt Resolution No. R-28-2015. By roll call vote, the motion carried. Ayes: Trustees Cripe, Fessler, Krucks, McCrary, Myers and Prodromos. Nays: None. Absent: None.

7) Ordinances and Resolutions.

- a) Resolution No. R-29-2015: Approving First Amendment to License Agreement – Adoption. Attorney Friedman explained that Village-owned property at 80 Green Bay Road has been leased to Fields Auto Group for many years. Pursuant to a change in Fields' operations, formal amendment to the licensing agreement is required to continue allowing a small encroachment onto a Village alley.

Trustee McCrary, seconded by Trustee Myers, moved to adopt Resolution No. R-29-2015. By roll call vote, the motion carried. Ayes: Trustees Cripe, Fessler, Krucks, McCrary, Myers and Prodromos. Nays: None. Absent: None.

8) Public Comment.

Dan Velker, attorney for homeowners of 941 Tower Road. Mr. Velker stated his objection to the adoption of Resolution R-30-2015 (Item 5(c) on the Consent Agenda). He claimed the adopted plan does not comport with the terms of the settlement agreement approved by the Illinois Supreme Court, and he asked the Village Attorney to review the matter.

Phil Couri, attorney for a homeowner in the subject subdivision. Mr. Couri stated litigation about the subject easement included the Illinois Circuit, Appellate and Supreme Courts; and the approved plat of easement matched the settlement agreement ratified by the other residents and the courts.

Attorney Friedman explained that the parties are involved in a private dispute, and the plat that has just been approved by the Council complies with all Village regulations. The Village received confirmation that the Supreme Court ruled on the matter, as well as written certification from the other property owners in the subdivision that the subject plat complies with the settlement agreement and two court orders. He concluded that the Village has no obligation in this matter beyond ensuring Code compliance.

Trustee McCrary said he did not feel the item should have been on the consent agenda.

Attorney Friedman noted that the Village did not receive notice that anyone would be attending to protest the easement or give a presentation; however, if such notice had been provided, the matter would have been withdrawn from the consent agenda.

9) Old Business. None.

10) New Business. None.

11) Appointments.

- a) Trustee Myers, seconded by Trustee Krucks, moved to appoint David Varca to a full term to the Environmental & Forestry Commission, effective immediately. By voice vote, the motion carried.
- b) Trustee Cripe, seconded by Trustee Krucks, moved to appoint Kathleen Kumer to complete the term of Jim McCoy on the Zoning Board of Appeals, effective immediately. By voice vote, the motion carried.
- c) Trustee Krucks, seconded by Trustee Fessler, moved to appoint Mamie Case to a full term on the Plan Commission effective immediately. By voice vote, the motion carried.
- d) Trustee Fessler, seconded by Trustee McCrary, moved to appoint Paul Weaver to a full term on the Landmark Preservation Commission, effective immediately. By voice vote, the motion carried.
- e) Trustee Krucks, seconded by Trustee McCrary, moved to appoint Brian Wolf to complete the term of Susan Curry on the Landmark Preservation Commission, effective immediately. By voice vote, the motion carried.
- f) Trustee Fessler, seconded by Trustee McCrary, moved to re-appoint Laura Good to another full term on the Landmark Preservation Commission, effective immediately. By voice vote, the motion carried.
- g) Trustee McCrary, seconded by Trustee Krucks, moved to re-appoint Anne Grubb to another full term on the Landmark Preservation Commission effective immediately. By voice vote, the motion carried.
- h) Trustee Krucks, seconded by Trustee Prodromos, moved to re-appoint Beth Ann Papoutsis to another full term on the Landmark Preservation Commission, effective immediately. By voice vote, the motion carried.
- i) Trustee Fessler, seconded by Trustee Krucks, moved to re-appoint Mark Fuller to another full term on the Fire Pension Board, effective immediately. By voice vote, the motion carried.
- j) Trustee Myers, seconded by Trustee Krucks, moved to re-appoint John O'Malley to another full term on the Police Pension Board effective immediately. By voice vote, the motion carried.
- k) Trustee Prodromos, seconded by Trustee Krucks, moved to re-appoint Brooke Kelly to another full term on the Design Review Board, effective immediately. By voice vote, the motion carried.

12) Reports.

- a) Village President. None.
- b) Trustees.
 - i) Trustee McCrary reported on the last Landmark Preservation Commission meeting.
 - ii) Trustee Fessler thanked the residents of the Village for stepping forward to serve on Boards and Commissions. She reported on the last Rotary Club meeting, where a redevelopment project in Northbrook was discussed. Finally, she reported that at the last Plan Commission meeting the One Winnetka project was approved, subject to conditions.
- c) Attorney. None.
- d) Manager. Manager Bahan invited the community to the Police & Fire Open House on October 10.

13) Executive Session. None.

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

Deputy Clerk



Agenda Item Executive Summary

Title: Approval of Warrant List Dated October 2 - 15, 2015

Presenter: Robert M. Bahan, Village Manager

Agenda Date:

10/20/2015

Consent:

YES

NO

Ordinance

Resolution

Bid Authorization/Award

Policy Direction

Informational Only

Item History:

None.

Executive Summary:

The Warrant List dated October 2 - 15, 2015 was emailed to each Village Council member.

Recommendation:

Consider approving the Warrant List dated October 2 - 15, 2015.

Attachments:

None.



Agenda Item Executive Summary

Title: Resolution No. R-31-2015: Re-Subdivision of 220 DeWindt Road & 1040 Sunset Road (Adoption)

Presenter: Brian Norkus, Assistant Director of Community Development

Agenda Date: 10/20/2015

Consent: YES NO

Ordinance
 Resolution
 Bid Authorization/Award
 Policy Direction
 Informational Only

Item History:

None.

Executive Summary:

The proposed resubdivision proposes the reconfiguration of three (3) existing lots, with the owners proposing to eliminate an existing vacant 60' wide buildable lot, with the vacant lot proposed to be divided equally between the two properties on either side, at 220 DeWindt Road and 1040 Sunset Road.

The proposed resubdivision would bring the parcel at 1040 Sunset into conformity with zoning requirements for minimum lot area. In addition, by eliminating the existing vacant lot, the proposal would eliminate a buildable lot which is nonconforming with both the minimum lot area of 24,000 square feet, and the minimum lot width of 100 feet.

On September 30, 2015 the Plan Commission voted unanimously to recommend approval of the proposed subdivision subject the grant of utility easements requested by the Water & Electric Department and Public Works Department.

The applicant has revised the plat to incorporate the requested easements, depicted in the final plat (Attachment D).

Recommendation:

Consider adoption of Resolution No. R-31-2015, which would grant approval of the proposed DeWindt-Sunset Subdivision of 220 DeWindt and 1040 Sunset Road, as modified to incorporate conditions recommended by the Plan Commission.

Attachments:

Agenda Report

Attachment A: Resolution No. R-31-2015

Attachment B: Excerpt of September 30, 2015 Plan Commission Minutes (draft)

Attachment C: Subdivision application

Attachment D: Revised Final Plat of Subdivision

Attachment E: Written communications received

AGENDA REPORT

Subject: Resolution R-31-2015: Dewindt-Sunset Subdivision of 220 Dewindt Road & 1040 Sunset Road

Prepared by: Brian Norkus, Assistant Director of Community Development

Date: October 9, 2015

Description of proposed resubdivision

The attached resubdivision request proposes the reconfiguration of three (3) existing lots shown in *Figure 1*, with the owners proposing to eliminate the existing middle lot by dividing it equally between the two properties on either side at 220 DeWindt and 1040 Sunset (as shown in *Figure 2*).

The applicants who reside at **220 DeWindt** also own an adjacent vacant buildable lot measuring 10,525 square feet, and have come to an agreement with the adjacent owner at 1040 Sunset to divide the vacant 60' wide lot in half.

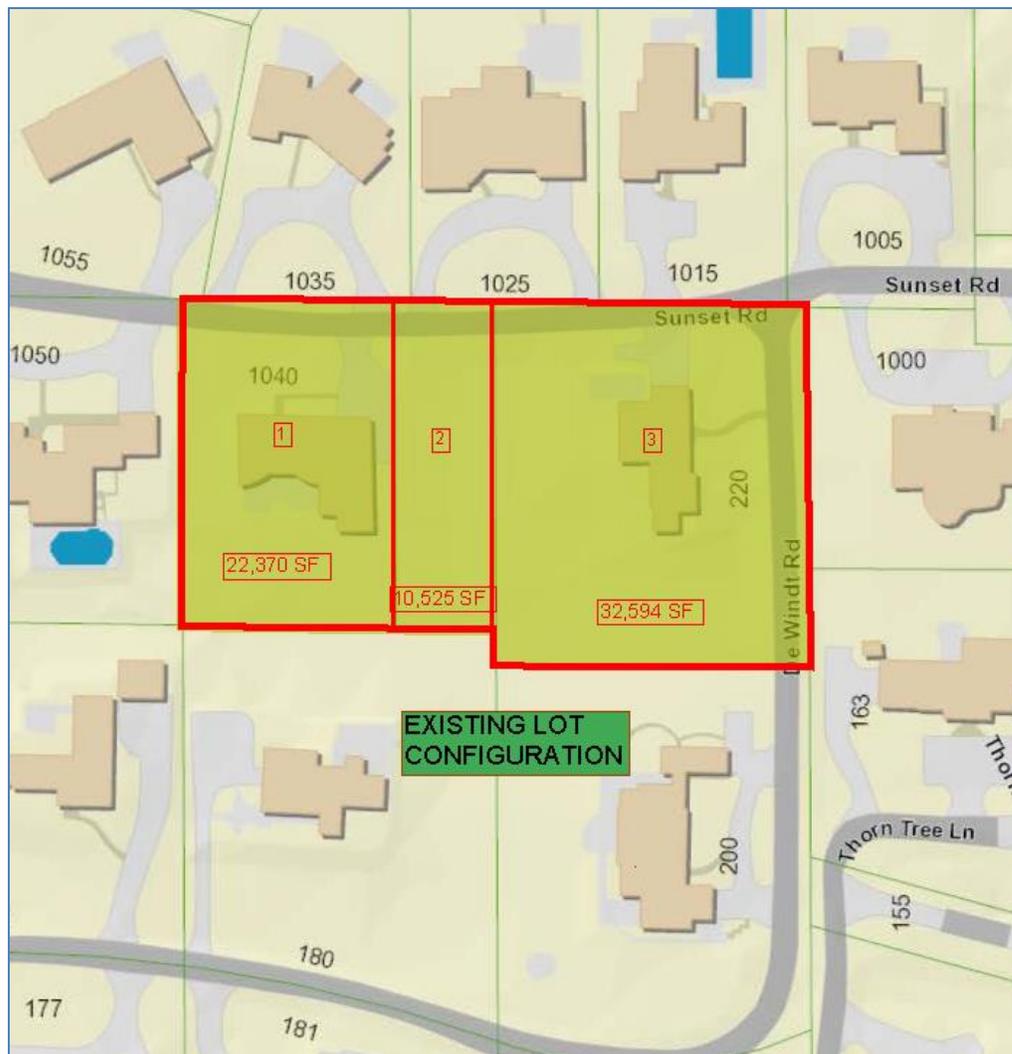


Figure 1 - existing lot areas

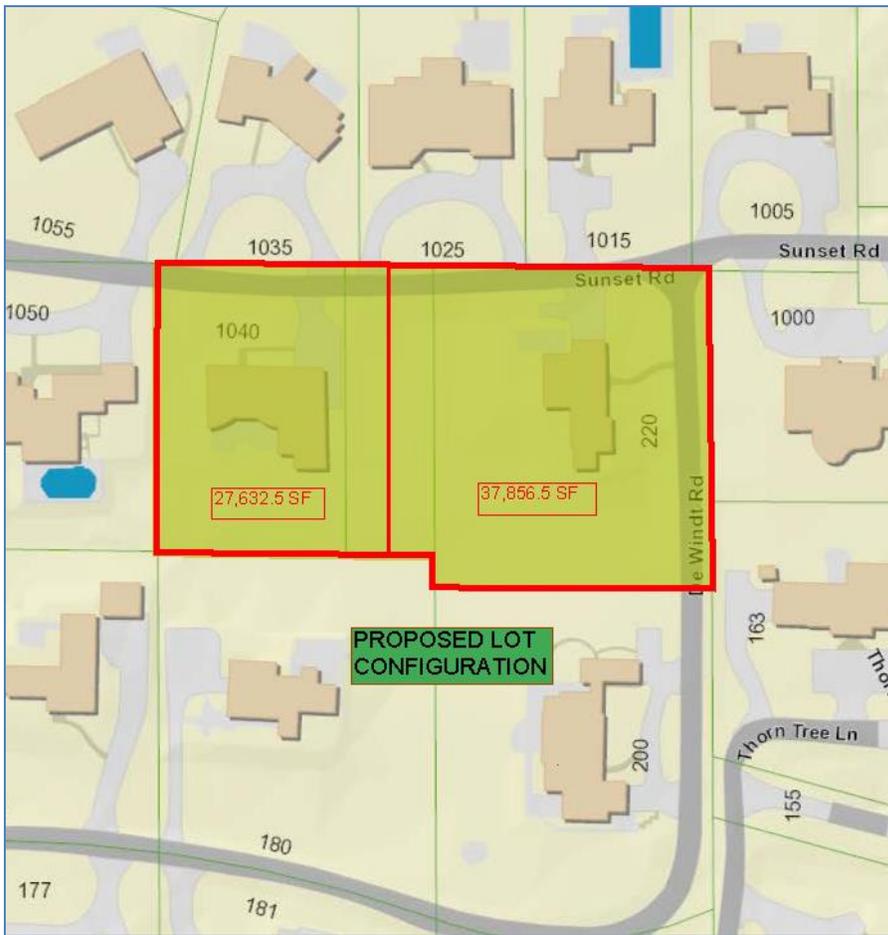


Figure 2 - proposed lot areas

The subject parcels are located in the **R-2 Single Family Residential zoning district**, which is one of five (5) different single family residential zoning classifications in the Village. A comparison of the Village’s five different residential zoning classifications (*Table 1*) shows the hierarchy of zoning standards throughout the Village’s residential neighborhoods.

Existing zoning nonconformities eliminated - It is noteworthy that two of the existing three lots are nonconforming with the Zoning Ordinance’s minimum lot size requirements – the existing west lot (22,370 sf) is slightly smaller than the minimum lot area of 24,000 s.f., while the vacant center lot has an area of 10,525 s.f., substantially nonconforming with the R2 District’s minimum lot area. In addition, the center lot width of 60 feet is nonconforming with the minimum lot width of 100 feet.

		<i>R-2</i> (“small estate” character)	<i>R-3</i> (“moderately intense suburban character”)	<i>R-4</i> (“relatively intense suburban character”)	<i>R-5</i> (“relatively intense suburban character”)
Minimum Lot area	48,000 s.f.	24,000 s.f.	16,000 s.f.	12,600 s.f.	8,400 s.f.
Minimum Lot width	150 ft.	100 ft.	75 ft.	60 ft.	60 ft.
Minimum Front setback	50 ft.	50 ft.	40 ft.	30 ft.	30 ft.
Minimum Rear setback	50 ft.	25 ft.	25 ft.	25 ft.	25 ft.

Table 1 – hierarchy of single-family residential (R) zoning standards

Compliance with Zoning Standards

All subdivisions are evaluated at the time of application to assure compliance with basic minimum quantitative measures including minimum lot area, lot width. As indicated previously, the proposed subdivision will eliminate existing zoning nonconforming lot areas and lot width; the subdivision is fully compliant with other zoning standards including lot coverage and gross floor area standards.

Village subdivision regulations also contemplate circumstances where a property to be resubdivided may have one or more *existing zoning nonconformities*. In the event a property being divided has such legal existing zoning nonconformities, the Plan Commission is to consider whether such nonconformity, in the context of the proposed subdivision, would result in any material increased adverse impact upon the public health, safety or welfare.

Section 16.12.010 D.4. (Minimum Land Subdivision Standards). Where a lot is already improved with buildings or structures, the plan shall show whether the dimensions and locations of such improvements comply with the use, intensity of use of lot (including impermeable surface requirements), setback, side yard, rear yard and other bulk requirements of the Zoning Ordinance then in effect. *“If a prior legal nonconformity, or a previously granted variation, with respect to any such requirements exists, the Plan Commission shall determine whether such nonconformity or previously granted variation, in the context of the proposed subdivision, would result in a material increased adverse impact upon the public health, safety or welfare. If such a determination is made, the Plan Commission may deny the plan for land subdivision.”*

The property proposed to be divided includes three (3) such *existing* zoning nonconformities, highlighted in Table 2; and described as follows:

- Lot depth - East Lot: The proposed east lot currently measures, and will continue to measure, 195.76' in depth, nonconforming with the Zoning Ordinance's minimum lot depth of 200';
- Lot depth – West Lot: The proposed west lot currently measures, and will continue to measure, 175.41' in depth, nonconforming with the Zoning Ordinance's minimum lot depth of 200';
- Existing setbacks – East Lot: The existing residence at 220 DeWindt is currently nonconforming with respect to front yard setback requirements, which requires a minimum front yard of 50 feet to be observed from both the north and east roadway easement (45.38' and 29.89' currently observed from the east and north roadway easement, respectively).

Table 2 – zoning compliance table

ZONING ORDINANCE LOT AREA REQUIREMENTS		East Lot (corner lot)	West Lot (interior lot)
Minimum Lot size <i>(exclusive of area dedicated to private road easement)</i>	24,000 sq. ft. minimum for <u>interior</u> lot 25,200 sq. ft. minimum for <u>corner</u> lot	37,856 s.f. <i>(COMPLIES)</i>	27,632 s.f. <i>(COMPLIES)</i>
Minimum Average Lot Width	100 feet for interior lot 115 feet for corner lot	193 ft. <i>(COMPLIES)</i>	157.53 ft. <i>(COMPLIES)</i>
Minimum Lot Depth <i>(exclusive of area dedicated to private road easement)</i>	200 feet	195.76 ft. (Existing nonconformity)	175.41 feet (Existing nonconformity)

**SETBACK AND YARD
AREA
REQUIREMENTS -
(EAST LOT)**

Minimum front setback <i>(north)</i>	50 feet	29.89 feet (Existing nonconformity)
Minimum corner setback <i>(east)</i>	50 feet	45.38 feet (Existing nonconformity)
Minimum side yard <i>(west)</i>	12 feet	105 feet <i>(COMPLIES)</i>
Minimum Rear Yard <i>(south)</i>	25 feet	78.62 feet <i>(COMPLIES)</i>

**SETBACK AND YARD
AREA
REQUIREMENTS -
(WEST LOT)**

Minimum front setback <i>(west)</i>	50 feet	50.83 feet <i>(COMPLIES)</i>
Minimum rear yard <i>(east)</i>	25 feet	57.55 feet <i>(COMPLIES)</i>
Side Yard Requirements		
* Minimum	12 feet	35.76 feet <i>(COMPLIES)</i>
* Total	47.20 feet	107 feet <i>(COMPLIES)</i>

Village Engineering review and recommendation

In order to assure the efficient provision of electric service, water service, sanitary sewers and storm sewers, the proposed subdivision has been reviewed by the *Village Water and Electric Department* and *Public Works Department*. Staff has requested the owners grant additional utility easements and/or extension of existing easements.

Requested easements include; (1) extension of an existing storm sewer easement across the north 15' of the east lot; (2) increase in width from 5' to 20' for an existing storm sewer running north to south across the east lot; and (3) provision of new electric utility easements along the southerly 5 feet of both lots.

Plan Commission recommendation

The Plan Commission considered the resubdivision at its meeting on September 30, 2015. Minutes to that meeting are included as *Attachment B*.

With respect to existing zoning nonconformities, the Plan Commission concluded that there would be no material increased adverse impact arising from the subdivision.

Accordingly, the Plan Commission voted unanimously to (a) find no material adverse impact relating to existing zoning nonconformities, and to (b) recommend approval of the requested subdivision, subject to the provision of utility easements requested by the Village Public Works Department and Water and Electric Department.

Council Consideration and Action

The applicant has revised the final Plat of Subdivision to incorporate the requested utility easements (*Attachment D*) recommended by the Plan Commission.

In light of the Plan Commission's favorable recommendation, the attached Resolution R-31-2015 has been drafted to grant the requested resubdivision.

Recommendation

Consider adoption of Resolution R-31-2015, which would grant approval of the proposed DeWindt-Sunset Subdivision of 220 DeWindt and 1040 Sunset Road, as modified to incorporate conditions recommended by the Plan Commission.

Attachments

Attachment A: Resolution R-31-2015

Attachment B: Excerpt of September 30, 2015 Plan Commission Minutes (draft)

Attachment C: Subdivision application

Attachment D: Revised Final Plat of Subdivision

Attachment E: Written communications received

RESOLUTION NO. R-31-2015

**A RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION
(220 DEWINDT ROAD AND 1040 SUNSET ROAD)**

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, Michael K. Murtaugh and Paula F. Murtaugh (the “*Murtaughs*”) are the record title owners of the property commonly known as 220 DeWindt Road in the Village (“*DeWindt Property*”) and legally described in **Exhibit A** attached to and, by this reference, made a part of this Resolution; and

WHEREAS, Carson Veach and Katherine Veach (the “*Veaches*”) are the record title owners of the property commonly known as 1040 Sunset Road in the Village (“*Sunset Property*”) and legally described in **Exhibit B** attached to and, by this reference, made a part of this Resolution; and

WHEREAS, the DeWindt Property and the Sunset Property are located within the R-2 Single-Family Residential Zoning District (“*R-2 District*”); and

WHEREAS, the DeWindt Property consists of two lots of record depicted as Lots 2 and 3 on **Exhibit C** attached to and, by this reference, made a part of this Resolution;

WHEREAS, the Sunset Property consists of a single lot of record depicted as Lot 1 on Exhibit C attached to this Resolution; and

WHEREAS, Lot 1 is located adjacent to, and immediately to the west of, Lot 2, and Lot 3 is located adjacent to, and immediately to the east of, Lot 2; and

WHEREAS, Lot 1 and Lot 3 are each improved with a single-family residence; and

WHEREAS, on August 21, 2015, the Murtaughs and the Veaches (collectively, the “*Applicant*”) submitted an application to the Village for a proposed final plat of subdivision (“*Final Plat*”), which is attached to and, by this reference, made a part of this Resolution as **Exhibit D**; and

WHEREAS, the Final Plat proposes to divide Lot 2 into two equal portions and to consolidate the west portion of Lot 2 into Lot 1 and the east portion of Lot 2 into Lot 3, creating two proposed adjoining lots of record (“*Subdivided Lots*”); and

WHEREAS, pursuant to Sections 17.30.010 and 17.30.050 of the Winnetka Zoning Ordinance, properties located within the R-2 District must have a lot depth of not less than 200 feet and a front yard setback of not less than 50 feet; and

WHEREAS, currently: (i) the DeWindt Property has a legal nonconforming lot depth of 196.76 feet; (ii) the DeWindt Property has legal nonconforming front yard setbacks of 45.38 feet measured from the east property line and 29.89 feet measured from the north property line; and

(iii) the Sunset Property has a legal nonconforming lot depth of 175.41 feet (collectively, the “*Legal Nonconformities*”); and

WHEREAS, on September 30, 2015, after due notice thereof, the Winnetka Plan Commission held a public hearing on the proposed Final Plat; and

WHEREAS, pursuant to Section 16.12.010.D.4 of the Winnetka Village Code, as amended (“*Village Code*”), the Plan Commission determined that the Legal Nonconformities, in the context of the proposed subdivision, would not result in a material increased adverse impact upon the public health, safety, or welfare; and

WHEREAS, on September 30, 2015, the Plan Commission voted unanimously by the eleven members present, to recommend that the Village Council approve the Final Plat, subject to the grant of certain utility easements to the Village by the Applicant (“*Utility Easements*”); and

WHEREAS, the Final Plat depicts and grants to the Village the Utility Easements; and

WHEREAS, the Village Council has determined that it is in the best interest of the Village to approve the Final Plat, subject to and in strict accordance with the terms and conditions of this Resolution;

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

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

SECTION 2: APPROVAL OF FINAL PLAT. Pursuant to Section 16.08.010 of the Village Code, the Village Council hereby approves the Final Plat and the division and consolidation of Lot 2 into Lots 1 and 3 to create the two Subdivided Lots as depicted on, and in strict accordance with, the Final Plat.

SECTION 3: EXECUTION OF FINAL PLAT. The Village Council hereby authorizes and directs the Village President, the Water and Electric Director, the Community Development Director, the Village Engineer, and the Village Collector to execute, and the Village Clerk to attest, on behalf of the Village, the Final Plat.

SECTION 4: RECORDATION OF FINAL PLAT. Upon execution of the Final Plat as provided in Section 3 of this Resolution, the Village Clerk is hereby directed to cause the Final Plat to be recorded in the office of the Cook County Recorder of Deeds.

SECTION 5: EFFECTIVE DATE. This Resolution will be in full force and effect from and after its passage and approval according to law.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 20th day of October, 2015, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF DEWINDT PROPERTY

The north 215.76 feet of Lot 2 in Daughaday Acres, being a Subdivision of the north half of the southeast quarter of the southwest quarter (except the east 100 feet thereof) and the southwest quarter of the southeast quarter of the southwest quarter of Section 20, Township 42 North, Range 13, East of the Third Principal Meridian, all in Winnetka, Illinois, according to the plat thereof recorded in the Office of the Recorder of Deeds of Cook County, Illinois, December 4, 1926, as Document Number 9485587 in Book 236 of Plats, Page 30.

Commonly known as 220 DeWindt Road, Winnetka, Illinois.

Also,

The east 60 feet of the north 195.41 feet of Lot 3 in Daughaday Acres, being a Subdivision of the north half of the southeast quarter of the southwest quarter (except the east 100 feet thereof) and the southwest quarter of the southeast quarter of the southwest quarter of Section 20, Township 42 North, Range 13, East of the Third Principal Meridian, all in Winnetka, Illinois, according to the plat thereof recorded in the Office of the Recorder of Deeds of Cook County, Illinois, December 4, 1926, as Document Number 9485587 in Book 236 of Plats, Page 30.

EXHIBIT B

LEGAL DESCRIPTION OF SUNSET PROPERTY

The north 195.41 feet (except the east 60 feet thereof) of Lot 3 in Daughaday Acres, a Subdivision of the north half of the southeast quarter of the southwest quarter (except the east 100 feet) and the southwest quarter of the southeast quarter of the southwest quarter of Section 20, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County Illinois.

Commonly known as 1040 Sunset Road, Winnetka, Illinois.

EXHIBIT C

DEPICTION OF EXISTING LOTS OF RECORD

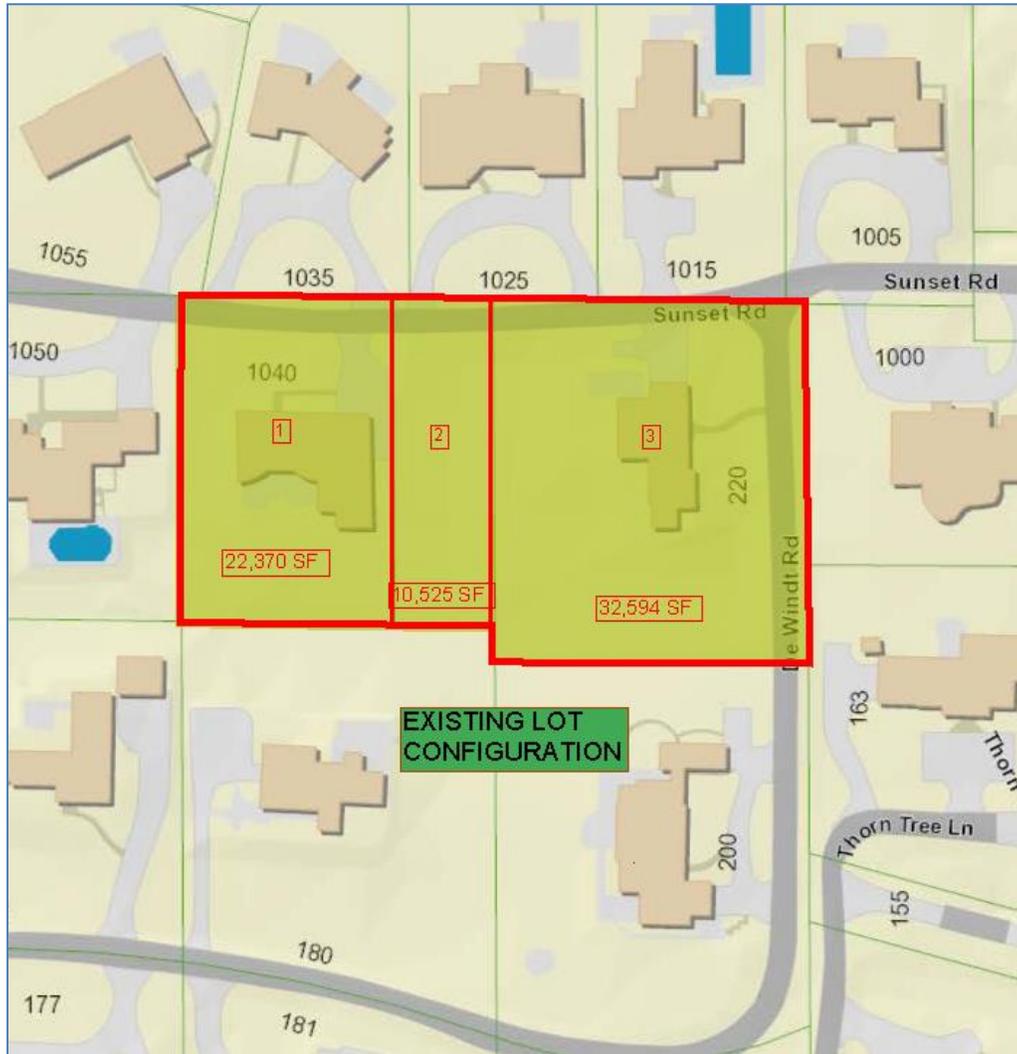


EXHIBIT D
FINAL PLAT

**WINNETKA PLAN COMMISSION
SEPTEMBER 30, MEETING MINUTES**

Members Present:

Tina Dalman, Chairperson
Caryn Rosen Adelman
Jan Bawden
Dana Fattore Crumley
Paul Dunn
John Golan
Louise Holland
Keta McCarthy
Jeanne Morette
John Thomas

Non-voting Members Present:

Carol Fessler
Chris Blum

Members Absent:

Jack Coladarci

Village Attorney:

Peter Friedman

Village Staff:

Michael D'Onofrio, Director of Community
Development
Brian Norkus, Assistant Director of Community
Development

* * *

**Case #15-22-SD: Consideration of Proposed DeWindt-Sunset Subdivision
at 220 DeWindt Road and 1040 Sunset Road**

Chairperson Dalman stated that the request related to a resubdivision or replat of 220 DeWindt and 1040 Sunset. She then asked Mr. Norkus to walk the Commission through the request.

Mr. Norkus informed the Commission that the applicants are proposing to eliminate the existing vacant lot 60-foot wide which lies between the homes at 1040 Sunset and 220 DeWindt. He stated that the lot is proposed to be divided equally between the two lots flanking either side, referring to the illustration included in the agenda materials.

Mr. Norkus stated that the subject parcels are located in the R-2 zoning district, which is second largest zoning classification that the Village has in the residential areas, which requires a minimum lot area of 24,000 square feet. He added that it is noteworthy that the center lot proposed to be eliminated is substantially nonconforming in that it measured 10,525 square feet.

Mr. Norkus stated that because both proposed lots are larger than current lot sizes, the proposed

subdivision is conforming to minimum lot area and lot width requirements.

Mr. Norkus explained that the subject properties have four legal zoning nonconformities which currently exist, and will continue to exist. He noted that both of the proposed two lots are currently nonconforming and will continue to be nonconforming with regard to the minimum lot depth of 200 feet, measured north to south. Mr. Norkus noted that the existing residence on DeWindt is nonconforming with regard to both the front and corner setbacks. He noted that all of the nonconformities are existing legal nonconformities.

Mr. Norkus stated that the reason that the nonconformities are relevant to the Plan Commission's consideration is that the Subdivision Code contemplates such situations, and requires the Plan Commission to consider that and make a finding with regard in the context of the subdivision as to whether those existing nonconformities create a material increased adverse impact.

Mr. Norkus stated that the lot depths are an existing nonconformity and that there is no remedy short of reorienting the two lots east-west instead of north-south. He stated that if the Commission finds that there is no material increased adverse impact related to the existence of the zoning nonconformities, Village staff has requested that any approval of the subdivision be conditioned on the grant of utility easements described in detail in the materials.

Chairperson Dalman stated that for clarification, the finding of any material increased adverse impact is based on the proposed subdivision.

Mr. Norkus confirmed that is correct.

Chairperson Dalman indicated that there might be an application for the redevelopment of one of the properties that they saw and referred to an architect's zoning calculations.

Mr. Norkus clarified that an architect was hired by the applicants to prepare zoning calculations of the existing residence which is required as part of the subdivision application requirements.

Ms. Adelman asked if the property which is vacant is part of the 220 DeWindt property but is a separate parcel.

Mr. Norkus informed the Commission that the owner of 220 DeWindt also owns the separate vacant parcel which has its own Tax ID number and is considered a legal nonconforming buildable lot due to the fact that it has never been combined with the larger property to the east.

Ms. Adelman then asked if they are selling part of it to Sunset. She also asked if there is any way of knowing if the Sunset property owners would tear down the home or does that matter.

Chairperson Dalman stated that the Commission should look at whether there would be a material increased adverse impact resulting from existing zoning nonconformities. She noted that the property at 220 DeWindt appears to be listed for sale.

Ms. McCarthy referred to the utility easement and storm water easement and whether it would be

affected by the change of ownership or redevelopment. She questioned whether, if the property is redeveloped or homes enlarged, would there be an issue with the utility and storm water easements as it relates to the stormwater runoff or detention.

Chairperson Dalman questioned whether, in the event of redevelopment of either lot, if an applicant for redevelopment would need to request approval due to the existing nonconforming lot depth.

Mr. Norkus responded that approval of the subdivision would allow either lot to be redeveloped, similar to other lots in the Village, by conforming to zoning, building and engineering requirements. He stated that as part of the permit process any addition or redevelopment proposal would have to address storm water runoff and detention requirements. He then stated that in connection with the standards for storm water control and the Village regulations with any expansion or addition to a home, the applicant would need to demonstrate that there would be no increase in the rate of water runoff from the property compared to its current condition.

Mr. Golan informed the Commission that in living in the area, this home receives water from other properties and didn't feel that there would be an issue with regard to the stormwater runoff issue.

Ms. Fessler informed the Commission that there are a series of recommendations scheduled coming before the Village Council which are intended to address standards of development for new construction.

Mr. Thomas asked if there is any relevance to the Commission that the 220 DeWindt owners are selling the property.

Chairperson Dalman stated that she felt that wasn't particularly relevant from the earlier discussion. She asked if the applicants have agreed to the easements.

Mr. Norkus responded that the applicants are aware of what easements are being requested and noted that he has not received any communication from the applicants expressing any concern.

Dave Schrauth introduced himself to the Commission as an attorney with a Winnetka practice and representing Mr. Murtaugh, who is one of the applicants and who owns 220 DeWindt. Mr. Schrauth stated that he had some questions and that Mr. Norkus made an important point, first that the vacant lot is owned by Mr. Murtaugh and that it has always been a separate, vacant parcel which was never consolidated with 220 DeWindt and that it does have the same owner.

Mr. Schrauth then referred to Mr. Norkus' point with regard to the vacant lot being a legal nonconforming lot and that in theory, it is a buildable lot. He stated that if they were to do the math, it represented an approximate 36 foot x 120 foot building pad. Mr. Schrauth indicated that he is not sure that a builder would take that on and whether it is economically feasible. He informed the Commission that he has seen a home in Deerfield which he described as a wedge which barely fits into a smaller space than this and that it happens.

Mr. Schrauth then stated that the proposal here is to eliminate the vacant lot and enhance the two

lots beside it. He informed the Commission that the Murtaughs' lot is for sale and that there is nothing to preclude a future owner from building on that space. Mr. Schrauth stated that they would be confined to all of the local building codes and the drainage ordinance in place. He stated that there would be a major expansion of the easement which is the north-south easement for storm water drainage and that there is currently a 5 foot easement on the boarder of 220 DeWindt just inside of the western border which would be expanded to 20 feet. Mr. Schrauth stated that the substantial increase would allow access to large construction vehicles which would need access for storm water drainage.

Mr. Schrauth informed the Commission that this area is subject to lots of flooding issues and that many parts of it are in the flood plain. He stated that all of those protections that the Village has in place are in place with regard to future construction. Mr. Schrauth then stated that the issue today is whether the subdivision itself and the expansion of the two lots would have any material negative public health or safety impact and that the answer is respectfully no. He noted that they are not proposing any improvements with regard to the subdivision and that many times, there are not only plans to divide or expand but plans to build. Mr. Schrauth informed the Commission that is not the intention of the Veachs' at 1040 Sunset or the Murtaughs and that they are not trying to hide the fact that the property is for sale and that they do not know what future owners would do. He stated that future owners would have a significant lot volume on which they would be able to build.

Mr. Schrauth then stated that any drainage issues which come up would be sufficiently protected by the code. He described the proposal as straightforward in terms of what is being done and that there would be a 50-50 split of the vacant lot which would be added to each property. Mr. Schrauth also stated that they would be fully compliant with the subdivision criteria and in particular, would satisfy the last piece with regard to any nonconformity having no negative impact to the public health, safety, etc. He added that it is fairly evident that there would be no negative impact and that any negative impact from development is not being proposed now. Mr. Schrauth asked the Commission if they had any questions.

Chairperson Dalman also asked the Commission if they had any questions.

Ms. Adelman asked for clarification of the zoning of each property.

Mr. Schrauth responded that they are both in the R-2 zoning district.

Chairperson Dalman asked if there were any other questions. No additional questions were raised by the Commission at this time. She then asked if there were any questions from the audience. No questions were raised by the audience at this time. Chairperson Dalman then closed the public hearing portion of the request and there would be discussion by the Commission.

Chairperson Dalman then stated that as long as the applicant accepts the easements as proposed by the Village, it would be a beneficial proposal for the Village. She also stated that now, the Murtaughs own two lots and that they could theoretically develop a supersized home. Chairperson Dalman stated that the easements are for potential storm water improvements in the future and that those issues are contingent on the nonconformity mitigating those factors.

Chairperson Dalman again asked if there were any comments. No comments were made by the Commission at this time. She asked if the Commission is to make a recommendation to the Village Council.

Chairperson Dalman then moved that the Plan Commission find no material adverse impact arising the proposed subdivision due to the existing zoning nonconformities discussed, and further moved that the Commission recommend approval of the subdivision subject to the grant of utility easements outlined in the staff report. The motion was seconded. A vote was taken and the motion was unanimously passed.

AYES: Adelman, Bawden, Crumley, Dalman, Dunn, Golan, Holland, McCarthy, Morette, Thomas, Blum
NAYS: None
NON-VOTING: Fessler

* * *

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Antionette Johnson

Attachment C -
Subdivision Application

CASE NO. 15-22-SD

APPLICATION FOR LAND SUBDIVISION
WINNETKA PLAN COMMISSION

Owner Information: Name, Address, Telephone, Fax & Email

Michael K Mortaugh and Paula F Mortaugh 220 DeWalt Rd.
Corson Veach and Katherine Veach, 1040 Sunset Rd, Winnetka IL

Surveyor Information: Name, Address, Telephone, Fax & Email

Geodetic Survey, LTD, 1121 Depot St. Glenview, IL
60025 Tel (847) 904-7690 Fax (847) 904-7691 info@gsurvey.net

Architect Information: Name, Address, Telephone, Fax & Email

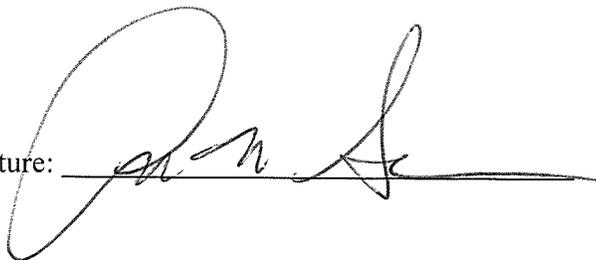
Healy M Rice 934 Elmwood Ave Winnetka,
IL 60091 Tel (847) 853-0824, Fax (847) 853-0132
healyrice@comcast.net

Attorney Information: Name, Address, Telephone, Fax & Email

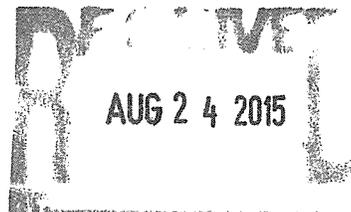
David Schwartz 833 Elm St #205 Winnetka IL
(847) 446-3100 ext 2, (847) 784-0229 fax, ds@winnetkalaw@aol.com

Date Property Acquired by Owner 1985

Note: This application must be accompanied by a written narrative summary of the proposed subdivision together with associated improvements.

Signature: 

Date: 8/21/2015



Village of Winnetka
Plan Commission
510 Green Bay Rd.
Winnetka, IL 60093

RE: DeWindt Sunset Subdivision Application

Dear Commission Members:

The Applicants, Murtaugh and Veach, own neighboring R2 zoned properties at 220 DeWindt Rd. and 1040 Sunset Rd, respectively. The two properties are separated presently by a vacant lot owned by the Murtaughs (owners of 220 DeWindt Rd.) whose dimensions are 60 ft. by 195.41 ft (vacant lot dimensions). The vacant lot has no improvements upon it and has never been consolidated with 220 DeWindt or any other Winnetka property. The home at 220 DeWindt was built in or about 1936 and the then owners of 220 DeWindt acquired the vacant lot in 1948. The Murtaughs purchased 220 DeWindt and the vacant lot in 1985.

The Veach home at 1040 Sunset Rd. was built in or about 1952 and has been owned and occupied by the Veaches since 1995.

The vacant lot is considerably undersized for R2 zoning and the purpose of the subdivision is to consolidate the land from the vacant lot to enhance both 220 DeWindt and 1040 Sunset by extending their respective boundaries.

The Applicants propose that 30 feet each of the vacant lot (30 feet from Front Yard on Sunset to Back Yard) be consolidated into the existing lots for 220 DeWindt and 1040 Sunset, expanding each property by 30 feet from North to South and removing the vacant lot as its own parcel. The existing square footage of the vacant lot, 11,724.60 feet, would be equally added to 220 DeWindt and 1040 Sunset such that the proposed lots would be expanded as shown in the final Plat of Subdivision with the following approximate final lot square footage:

<u>Existing Lots</u>	<u>Added</u>	<u>As Proposed Final Lots</u>
Vacant Lot, 11,724.60 sq ft	(11,724.6)	removed
220 DeWindt, 40,455 sq ft	+5,862.3	46,317.3 sq ft
1040 Sunset, 24,916 sq ft	+5,862.3	30778.3 sq ft

With the exception of an existing legal nonconformity in the Front/Corner Yard Setback with respect to 220 DeWindt, the subdivision proposes two lots fully conforming to the Village Zoning and Subdivision Code. The Front/Corner Yard Setback nonconformity for 220 DeWindt is neither increased nor expanded by the proposed subdivision and would have no materially adverse impact upon the public health, safety or welfare. *See Section 16.12.010 D4.*

The Applicants propose no improvements to the lands in the proposed subdivision at this time and any future proposed improvements would of course be assessed in the light of then current zoning and building codes. The Applicants have submitted their subdivision plan fully compliant with the minimum standards set out in Section 16.12.010 et. Seq. of the Subdivision Ordinance. There is no change to the existing street systems or blocks accessing 220 DeWindt and 1040 Sunset and no detrimental impact to the neighbors or general public. The undersized vacant lot will be removed in order to enhance the lots at 220 DeWindt and 1040 Sunset. The existing utility easement for storm water sewer running South to North on the present Western boundary of 220 DeWindt protects the storm water system from future improvements and any future proposed construction over said easement would require that the storm sewer be moved to the new proposed subdivision's Western boundary for 220 DeWindt.

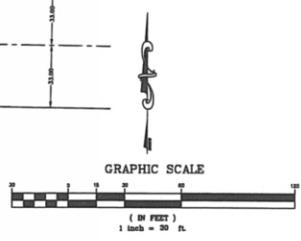
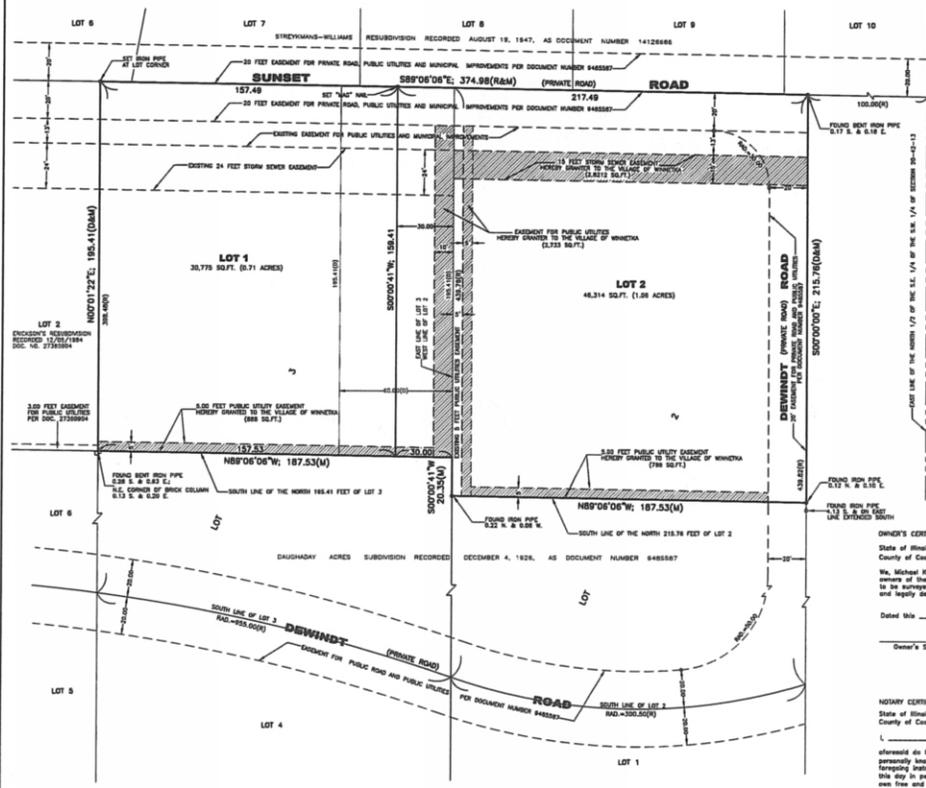
There is no detrimental impact to the neighborhood, to the Village of Winnetka or to the general public resulting from the proposed subdivision.

Respectfully submitted,

David M. Schrauth

FINAL PLAT OF DeWINDT-SUNSET SUBDIVISION

BEING A SUBDIVISION IN THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



This plat submitted for recording by:
Name: VILLAGE OF WINNETKA
Address: 310 GREEN BAY ROAD
City: WINNETKA
State: ILLINOIS Zip: 60093

PERMANENT INDEX NUMBER: 05-20-318-030-000
PERMANENT INDEX NUMBER: 05-20-318-037-000

TAX BILL RECIPIENT:
MICHAEL K. AND PAULA F. MURTAUGH
225 SUNSET ROAD
WINNETKA, ILLINOIS 60093

OWNER'S CERTIFICATE:
State of Illinois) s.s.
County of Cook)
We, Michael K. Murtaugh and Paula F. Murtaugh, do hereby certify that we are the owners of the property described herein and that we have caused the said property to be surveyed and reestablished as shown herein on the DeWINDT-Sunset Subdivision and legally described on the plat of the same name.
Dated this _____ day of _____, A.D. 20____

NOTARY CERTIFICATE:
State of Illinois) s.s.
County of Cook)
I, _____ a Notary Public in and for said County in the State of Illinois do hereby certify that personally known to me to be the same persons whose names are subscribed to the foregoing instrument as owners of the property described herein, appeared before me this day in person and acknowledged that they signed and delivered this plat as their own free and voluntary act for the uses and purposes therein set forth.
Given under my hand and notarial seal this _____ day of _____, A.D. 20____

MORTGAGE CERTIFICATE:
State of Illinois) s.s.
County of Cook)
This is to certify that _____ a Notary Public in and for said County in the State of Illinois do hereby certify that as mortgagee under the provisions of that certain mortgage and assignments of rents dated _____ recorded in the public records of _____ County, Illinois, on _____ of _____, A.D. 20____, in the mortgage of the property described on the plat of subdivision and does hereby consent to and acknowledge and admit said plat.
Dated this _____ day of _____, A.D. 20____

NOTARY CERTIFICATE:
State of Illinois) s.s.
County of Cook)
I, _____ a Notary Public in and for said County in the State of Illinois do hereby certify that personally known to me to be the same persons whose names are subscribed to the foregoing instrument as owners of the property described herein, appeared before me this day in person and acknowledged that they signed and delivered this plat as their own free and voluntary act for the uses and purposes therein set forth.
Given under my hand and notarial seal this _____ day of _____, A.D. 20____

MORTGAGE CERTIFICATE:
State of Illinois) s.s.
County of Cook)
This is to certify that _____ a Notary Public in and for said County in the State of Illinois do hereby certify that as mortgagee under the provisions of that certain mortgage and assignments of rents dated _____ recorded in the public records of _____ County, Illinois, on _____ of _____, A.D. 20____, in the mortgage of the property described on the plat of subdivision and does hereby consent to and acknowledge and admit said plat.
Dated this _____ day of _____, A.D. 20____

NOTARY CERTIFICATE:
State of Illinois) s.s.
County of Cook)
I, _____ a Notary Public in and for said County in the State of Illinois do hereby certify that personally known to me to be the same persons whose names are subscribed to the foregoing instrument as owners of the property described herein, appeared before me this day in person and acknowledged that they signed and delivered this plat as their own free and voluntary act for the uses and purposes therein set forth.
Given under my hand and notarial seal this _____ day of _____, A.D. 20____

SURVEYOR'S CERTIFICATE:
State of Illinois) s.s.
County of Cook)
I, Thomas B. Kuhn an Illinois licensed land surveyor do hereby certify that I have surveyed and established the following described property:
The north 1/2 of the east 1/2 of Section 20, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois, as shown on the plat of subdivision and does hereby consent to and acknowledge and admit said plat.
The north 1/2 of the east 1/2 of Section 20, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois, as shown on the plat of subdivision and does hereby consent to and acknowledge and admit said plat.
The north 1/2 of the east 1/2 of Section 20, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois, as shown on the plat of subdivision and does hereby consent to and acknowledge and admit said plat.
All dimensions are in feet and decimal parts thereof.
I further certify that the property shown herein is located in a special flood hazard area, designated as Zone VE (Very High Flood Hazard Area) by the Federal Emergency Management Agency, as shown on the Flood Insurance Rate Map (FIRM) for the Village of Winnetka, Illinois, Community Number 170178, Map 233 of 832, Panel No. 1703100231 A, effective date August 16, 2006.

NOTARY CERTIFICATE:
State of Illinois) s.s.
County of Cook)
I further certify that the property shown herein is situated within the corporate limits of the Village of Winnetka, Illinois.
Dated this 2nd day of October, 2015, _____
Notary Public

Public Utility Easement
An easement is hereby granted to the Village of Winnetka for public utilities, in, upon, along, over and under these parts of the lots indicated on this plat and marked "utility easement", to install, construct, lay, maintain, operate, relocate, renew and remove necessary equipment for public utility purposes, together with the right of ingress to and egress from the easement, and the right to trim and remove such trees, bushes, shrubs and landscaping, as may be reasonably required incidental to the installation and maintenance of utility facilities. The easement may be used for gas lines, electric, telegraph, telephone, and other purposes that do not interfere with the use of the easement, but no permanent buildings or structures shall be placed on the easement except for the roadway that lies within the easement for ingress and egress, and driveway and sidewalk surfaces.

OWNER'S CERTIFICATE:
State of Illinois) s.s.
County of Cook)
We, Carson P. Veash and Katherine B. Parler, do hereby certify that we are the owners of the property described herein and that we have caused the said property to be surveyed and reestablished as shown herein on the DeWINDT-Sunset Subdivision and legally described on the plat of the same name.
Dated this _____ day of _____, A.D. 20____

NOTARY CERTIFICATE:
State of Illinois) s.s.
County of Cook)
I, _____ a Notary Public in and for said County in the State of Illinois do hereby certify that personally known to me to be the same persons whose names are subscribed to the foregoing instrument as owners of the property described herein, appeared before me this day in person and acknowledged that they signed and delivered this plat as their own free and voluntary act for the uses and purposes therein set forth.
Given under my hand and notarial seal this _____ day of _____, A.D. 20____

MORTGAGE CERTIFICATE:
State of Illinois) s.s.
County of Cook)
This is to certify that _____ a Notary Public in and for said County in the State of Illinois do hereby certify that as mortgagee under the provisions of that certain mortgage and assignments of rents dated _____ recorded in the public records of _____ County, Illinois, on _____ of _____, A.D. 20____, in the mortgage of the property described on the plat of subdivision and does hereby consent to and acknowledge and admit said plat.
Dated this _____ day of _____, A.D. 20____

NOTARY CERTIFICATE:
State of Illinois) s.s.
County of Cook)
I, _____ a Notary Public in and for said County in the State of Illinois do hereby certify that personally known to me to be the same persons whose names are subscribed to the foregoing instrument as owners of the property described herein, appeared before me this day in person and acknowledged that they signed and delivered this plat as their own free and voluntary act for the uses and purposes therein set forth.
Given under my hand and notarial seal this _____ day of _____, A.D. 20____

State of Illinois) s.s.
County of Cook)
Approved this _____ day of _____, 20____, by the VILLAGE PRESIDENT AND BOARD OF TRUSTEES of the Village of Winnetka, Cook County, Illinois.

Village President

Village Clerk

State of Illinois) s.s.
County of Cook)
Approved this _____ day of _____, 20____, by the DIRECTOR OF THE WATER AND ELECTRIC DEPARTMENT of the Village of Winnetka, Cook County, Illinois.

Water and Electric Director

State of Illinois) s.s.
County of Cook)
Approved this _____ day of _____, 20____, by the DIRECTOR OF THE COMMUNITY DEVELOPMENT DEPARTMENT of the Village of Winnetka, Cook County, Illinois.

Community Development Director

State of Illinois) s.s.
County of Cook)
Approved this _____ day of _____, 20____, by the VILLAGE ENGINEER of the Village of Winnetka, Cook County, Illinois.

Village Engineer

State of Illinois) s.s.
County of Cook)
I, _____ Village Collector of the Village of Winnetka, Illinois, do hereby certify that there are no delinquent or unpaid current or delinquent special assessments, or any delinquent installments thereon that have been apportioned against the tract of land indicated in this plat of subdivision.
Dated this _____ day of _____, 20____

Village Collector

GEODETIC SURVEY, LTD.
PROFESSIONAL DESIGN FIRM NO. 184-003942
1121 DEPOT STREET, GLENVIEW ILL. 60025
TEL. (847) 904-7890; FAX (847) 904-7891

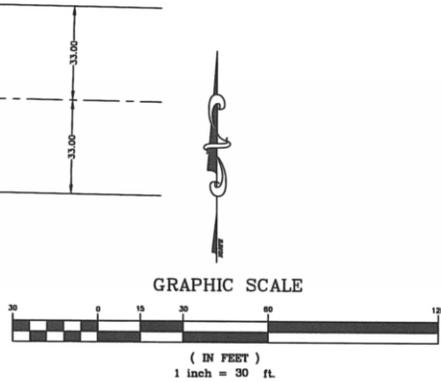
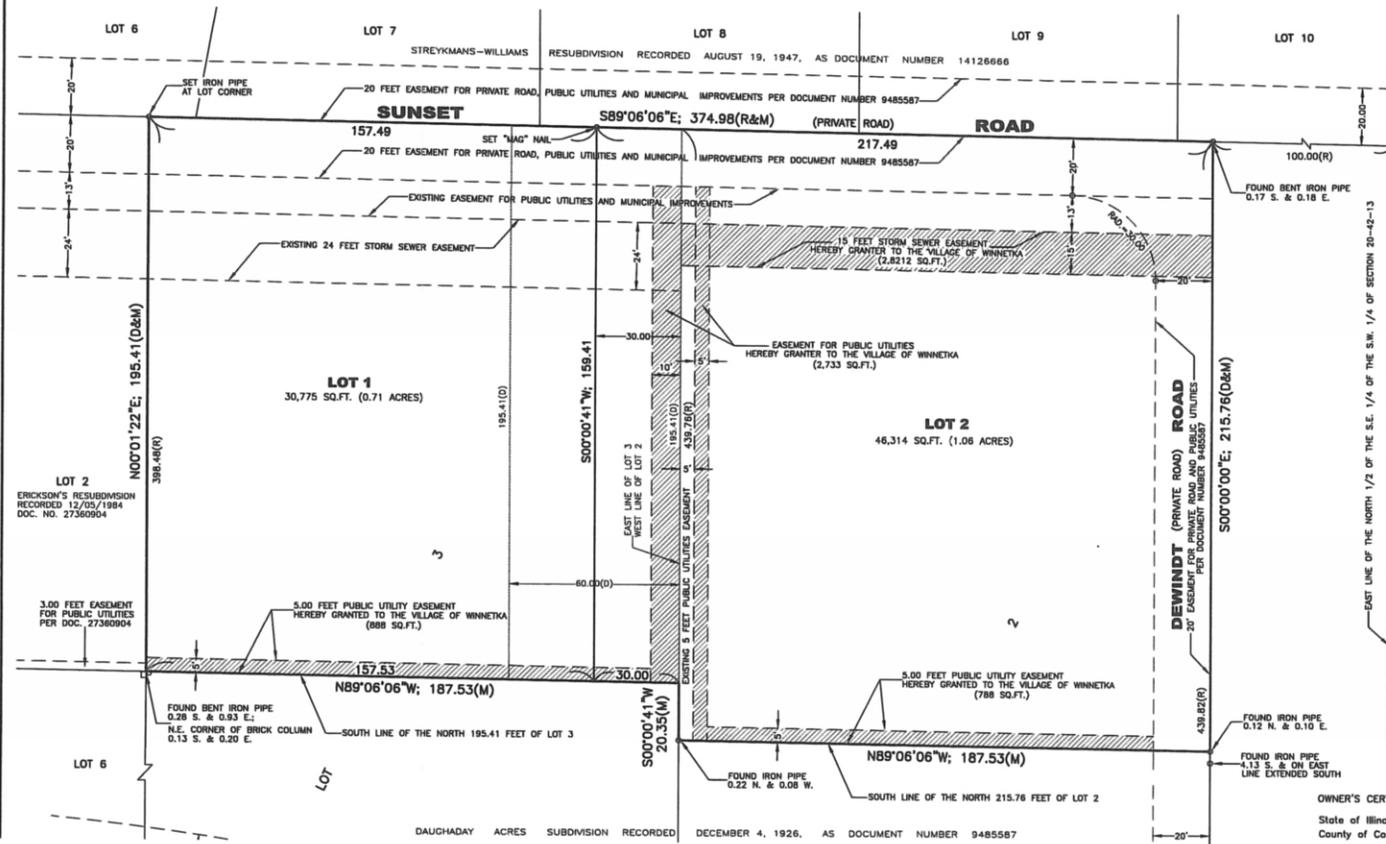
REVISIONS	DATE
PER VILLAGE COMMISSION	10/02/2015

FILE NO. 13-298-5
DATE: 07/16/2015



DeWINDT-SUNSET SUBDIVISION

BEING A SUBDIVISION IN THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



This plot submitted for recording by:
 Name: VILLAGE OF WINNETKA
 Address: 510 GREEN BAY ROAD
 City: WINNETKA
 State: ILLINOIS Zip 60093

PERMANENT INDEX NUMBER: 05-20-318-025-0000
 PERMANENT INDEX NUMBER: 05-20-318-037-0000
 TAX BILL RECIPIENT:
 MICHAEL K. AND PAULA F. MURTAGH
 220 DeWINDT ROAD
 WINNETKA, ILLINOIS 60093

OWNER'S CERTIFICATE:
 State of Illinois } s.s.
 County of Cook }

DAUGHADAY ACRES SUBDIVISION RECORDED DECEMBER 4, 1926, AS DOCUMENT NUMBER 9485587

From: [W. Craig Fowler](#)
To: [Brian Norkus](#)
Cc: [Christy S. Fowler](#) [REDACTED]
Subject: Case No. 15-22-SD -- DeWindt/Sunset Subdivision at 220 DeWindt Road and 1040 Sunset Road, Winnetka, Illinois
Date: Wednesday, September 23, 2015 2:54:47 PM

Brian:

My wife, Christy, and I are in receipt of the Notice from the Winnetka Plan Commission regarding the above-referenced matter. On behalf of both Christy and myself, I write to confirm our support for the requested re-subdivision. We do not plan to attend the meeting on September 30th (or any subsequent meetings), but we do want the Commission (and the Village Council) to be aware that we are in favor of this action.

Please contact me with any questions. Thank you again for your time this afternoon providing me with additional background on this matter.

Craig Fowler

W. Craig Fowler
O'Rourke, Hogan, Fowler & Dwyer, LLC
Suite 2900
10 South LaSalle Street
Chicago, Illinois 60603

[REDACTED] - Direct Dial
[REDACTED] -- Facsimile
[REDACTED] -- Cell
[REDACTED]

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Agenda Item Executive Summary

Title: Resolution No. R-32-2015: Appointing Village Treasurer (Adoption)

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 10/20/2015

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:

Section 2.20.010 (A) of the Village Code specifies the following:

"The Council shall appoint a Village Treasurer, who shall hold office for the term of two years from and after the first Tuesday in the month of April of the year in which the Village President is elected and until a successor has been appointed and qualified."

Resolution No. R-32-2015 appoints Finance Director Timothy J. Sloth to serve as Village Treasurer.

Recommendation:

Consider adoption of Resolution No. R-32-2015, appointing Timothy J. Sloth as Village Treasurer.

Attachments:

1. Resolution No. R-32-2015

**A RESOLUTION
APPOINTING TIMOTHY SLOTH
AS VILLAGE TREASURER**

WHEREAS, Section 2.20.010 of the Winnetka Village Code authorizes the Village Council to appoint a Village Treasurer for a term of two years from and after the first Tuesday in the month of April of the year in which the Village President is elected, and until a successor has been appointed and qualified; and

WHEREAS, the Village Council has determined that it is in the best interest of the Village to appoint the Village's Finance Director, Timothy J. Sloth, to serve as the Village Treasurer;

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: APPOINTMENT OF VILLAGE TREASURER. The Village Council hereby appoints Finance Director Timothy J. Sloth to serve as Treasurer for the Village of Winnetka effective October 20, 2015, and until a successor has been appointed by the Village Council.

SECTION 3: EFFECTIVE DATE. This Resolution will be in full force and effect from and after its passage and approval according to law.

ADOPTED this 20th day of October, 2015, pursuant to the following roll call vote:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: Purchase of Police Patrol Vehicle

Presenter: Patrick Kreis, Chief of Police

Agenda Date: 10/20/2015

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

Consent: YES NO

Item History:

The Police Department is equipped with a fleet of vehicles manufactured by both Chrysler / Dodge and Ford Motor Companies. The vehicles purchased for patrol use are typically designed with special police package options to increase their suitability and reliability. The typical lifespan of these vehicles is 85,000 police duty miles.

Executive Summary:

The department maintains a mixed-fleet of marked patrol vehicles rather than just one type of vehicle. A mixed-fleet enables more flexibility and safeguards against manufacturing disruptions and recalls.

For this replacement, the department is seeking to purchase a 2016 Dodge Charger Police Sedan. This latest version is equipped with all wheel drive capability and other features making it particularly well suited as a police patrol vehicle. The all wheel drive feature will improve handling in inclement weather and alleviate the need of seasonally installing special snow tires which is the current practice on these vehicles.

The new vehicle will replace a 2010 Dodge Charger Police Sedan.

The Dodge Charger Police Sedan is available through the Suburban Purchasing Cooperative specified to the needs of the department for \$26,258.00. This amount is within the current year's budget.

Recommendation:

Consider approving purchase of a 2016 Dodge Charger Police Sedan for \$26,258.00.

Attachments:

- Northwest Municipal Conference, Suburban Purchasing Agreement Award Letter
- Purchase Request Memorandum



A Joint Purchasing Program For Local Government Agencies

August 25, 2015

Napleton Fleet Group
Ms. Kristen N. Hrones
Manager
1 E. Oak Hill Drive, Suite 100
Westmont, IL 60559

Dear Ms. Hrones,

This letter is to inform you that the Suburban Purchasing Cooperative's Governing Board has approved the award of SPC Contract #149 for the 2016 Dodge Charger Police Pursuit Vehicle Plus Option Packages and Other Options to Napleton Fleet Group, Westmont, IL based on your response being found to be in compliance with all bid specification requirements. Napleton Fleet Group has been a responsive and responsible SPC vendor for the past four years.

With acceptance of this contract, Napleton Fleet Group, Westmont, IL agrees to all terms and conditions set forth in the specifications contained within the Request for Proposals to which you responded.

Napleton Fleet Group, Westmont, IL will handle all billing. Each vehicle purchased will be assessed a \$100.00 administrative fee per vehicle which shall be paid directly by the vendor to the SPC on a quarterly basis.

The SPC looks forward to another productive year working with Napleton Fleet Group, Westmont, IL. Please sign and date this agreement below, retaining copies for your files and returning the original to my attention. The duration of the contract is August 26, 2015 through August 25, 2016. The SPC reserves the right to extend this contract for up to (3) three additional one-year terms upon mutual agreement of the both the vendor and the SPC on a negotiated basis.

Sincerely,

Ellen Dayan, CPPB
Program Manager for Purchasing
Northwest Municipal Conference

08/25/2015

Name: Ellen Dayan
Northwest Municipal Conference

Date

Name: Kristen N. Hrones
Napleton Fleet

Date

*DuPage Mayors &
Managers Conference*
1220 Oak Brook Road
Oak Brook, IL 60523
Suzette Quintell
Phone: (630) 571-0480
Fax: (630) 571-0484

*Northwest Municipal
Conference*
1600 East Golf Rd., Suite 0700
Des Plaines, IL 60016
Ellen Dayan, CPPB
Phone: (847) 296-9200
Fax: (847) 296-9207

*South Suburban Mayors
And Managers Association*
1904 West 174th Street
East Hazel Crest, IL 60429
Ed Paesel
Phone: (708) 206-1155
Fax: (708) 206-1133

*Will County
Governmental League*
3180 Theodore Street, Suite 101
Joliet, IL 60435
Cherie Belom
Phone: (815) 729-3535
Fax: (815) 729-3536

WINNETKA POLICE DEPARTMENT

MEMORANDUM

October 14, 2015

To: Chief Patrick Kreis #400

From: Sgt. Karl Larson #407

Subject: Purchase of 2015 Dodge Charger Police Sedan

It is my recommendation to purchase a 2015 Dodge Charger AWD Police Sedan to replace a 2010 Dodge Charger Police Sedan. The vehicle can be purchased from Napleton Fleet Group through the Suburban Purchasing Cooperative Contract. The following is a cost and option break down:

Base vehicle contract price including factory destination charge and delivery to the village	\$22,303.00
V8 Engine with AWD Package	\$2,057.00
Front Overhead Reading/Map light	\$67.00
Park Sense Rear Park Assist System	\$312.00
Heated Exterior Mirrors	\$53.00
Fleet Key-Alike (plus extra fobs)	\$125.00
Black Left Spot Lamp	\$187.00
Patrol Package Wiring Prep	\$1,024.00
Municipal Police Plates	\$130.00
Total	<hr/> \$26,258.00


Sgt. Karl Larson #407



Agenda Item Executive Summary

Title: Change Order, Xtivity Solutions, LLC

Presenter: Brian Keys, Director of Water & Electric

Agenda Date: 10/20/2015

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

Consent: YES NO

Item History:

- October 15, 2013 Village Council Meeting, pp. 180-183
- October 14, 2014 Village Council Meeting, Police Department Budget Hearing
- December 16, 2014 Village Council Meeting, pp. 270-296

Executive Summary:

In 2014, the Police Department proposed expansion of the public safety video security system. At the December 16, 2014 Village Council meeting, the Village Manager was authorized to enter into an agreement with Xtivity Solutions, LLC in an amount of \$142,971 with a additional contingency allowance of \$15,000. The Police Department has completed installation of the expanded system and is finalizing configuration of the system with the vendor. Although final billing is not complete, the project is expected to expend most of the contingency authorized, requiring additional council authorization for this request.

Expansion of the video system included the installation of three additional cameras at the Water Plant and Electric Plant. The original security plan also included transitioning three existing cameras onto the new video security system. The three older cameras were originally installed under a project funded by Cook County, however, the Police Department did not have access to the system. At the present, two of the older cameras at the plants are not functioning and need to be replaced. Due to the vintage of the third camera, it has been determined that it cannot be transferred onto the new system.

After consultation with the Police Chief, Patrick Kreis, staff is recommending utilizing Xtivity Solutions to replace the cameras and connect them to the system rather than contracting with another security system provider that is not familiar with the existing system. Staff requested a proposal from Xtivity Solutions to replace the three cameras and connect them to the new public safety security system (reference attachment). The vendor has indicated that the required material (cameras, mounting, software license) and labor will cost \$6,100. Replacement of these cameras was not included in the contractor's original scope of work. Staff is requesting approval to issue a Change Order to Xtivity Solutions, LLC for \$6,100.

The Water & Electric Department is proposing to fund the work from the account allocated for the Repair & Maintenance of Buildings (#500.40.01-570).

Recommendation:

Consider authorizing the Village Manager to issue a Change Order to Xtivity Solutions, LLC in the amount \$6,100 for the replacement of three cameras at the Water & Electric Plants.

Attachments:

Xtivity Solutions, LLC quote dated September 10, 2015

Xtivity Solutions LLC

655 W. Grand Avenue, Suite 300
 Elmhurst, Illinois 60126
 Phone: (630) 832-5400
 Fax: (630) 832-5404



QUOTE

DATE	9/10/15
QUOTE #	19878
Invoice #	19878
Valid Until:	10/10/15

Customer:

Winnetka Public Works (Power Plant)
 Brian Keys
 1390 Willow Rd
 Winnetka, IL 60093
 847-716-3568

DESCRIPTION	AMOUNT
Xtivity will provide and install three Samsung outdoor rated cameras replacing existing cameras. The camera in back of building will be reinstalled on building and new wire will be run to switch. 180 degree camera will replace the PTZ camera.	
Equipment:	
Qty 2 - Samsung Cameras (Outdoor, High Definition, 3 Mega Pixel, Vandal resistant, Infra-Red Dome cameras)	\$1,900.00
Qty 1 - Arecont 180 degree High Definition Outdoor rated 8 Mega Pixel IP Camera	\$2,140.00
Qty 3 - Camera Licenses	\$420.00
Qty 3 - Camera Mounts	\$345.00
Hardware: Cabling, Conduit, Couplers, Connectors etc.	\$295.00
Installation, Configuration and Testing and Tuning onto your System (\$125 per hour 2 Men)	\$1,000.00

<p>TERMS AND CONDITIONS</p> <p>3. Fax or mail original signed price quote to our address above <i>Customer Acceptance (Please Sign Below):</i></p> <p>X _____ Print Name:</p>
--

Subtotal	\$6,100.00
Tax Due	
Shipping	\$0.00
TOTAL DUE	\$6,100.00

If you have any questions regarding this price quote, please contact us immediately
 Terry Crowley - tcrowley@xtivitysolutions.com

Thank you for your business



Agenda Item Executive Summary

Title: Stormwater Monthly Summary Report

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

Agenda Date: 10/20/2015

Consent: YES NO

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

Item History:

Monthly Report

Executive Summary:

The Village Council has placed a standing item in its regular meeting agenda for updates on the Village's progress towards providing relief from stormwater and sewer flooding. This monthly report brings together status, cost, and schedule information, for each separate stormwater project, in one place. The report consists of three documents, explained below:

Summary Agenda Report

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

Program Budget (Attachment #1)

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

Program Organization Chart (Attachment #2)

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

Recommendation:

1. Informational Report

Attachments:

Project Summary Report

1. Program Budget
2. Program Organization Chart

Agenda Report

Subject: Stormwater Update – October 2015

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

Date: October 9, 2015

Active Projects

NW Winnetka (Greenwood/Forest Glen)

Activity Summary The construction contract was awarded to A Lamp, in the amount of \$6,117,230, on November 6, 2014. Storm sewer construction started in March, and A Lamp has completed construction on Tower Road, Grove Street, Edgewood Lane, and Greenwood Avenue, and these roads are completely open to traffic. Storm sewer and utility work is underway in the Forest Glen neighborhood. The project continues to be on schedule for completion in October.

Construction has been completed on the \$342,800 contract for restoration and erosion control on the east side of the Forest Preserve pond south of Tower Road. This work was required by the Forest Preserve as a condition of receiving approval to improve the stormwater discharge to their pond.

Budget Summary The Metropolitan Water Reclamation District (MWRD) is funding \$2,000,000 of this project. The total net cost estimate for the project, including engineering, pond restoration, and MWRD reimbursement, is now \$4,822,640. The Village has expended \$5,192,651 to date and submitted MWRD reimbursement requests for \$1,500,000. \$500,000 in reimbursements have been received to date.

6-Month Look Ahead The project team will:

1. Complete the project

Non-STADI Alternative Evaluation

Activity Summary

On October 6, 2015, the Village contracted with Strand Associates for engineering services to re-visit the feasibility and cost estimates of the previously reviewed and dismissed separate, non-STADI options, which have not been updated since 2011. The scope also includes a re-evaluation the Village's western drainage basins for creative, cost-effective non-STADI improvements for storms ranging from the 10-year to the 100-year event, taking into account the Village's flood-control goals and objectives. The scope contains a holistic approach to this project, to include consideration of grey and green infrastructure approaches, conveyance, detention, retention, infiltration, property buyout or individual protection retrofit programs, and a host of other traditional and

emerging stormwater management technologies. The contract contains an April 2016 completion date.

Budget Summary Strand Associates' contract fee for this work is \$256,050.

6-Month Look Ahead The project team will:

1. Undertake the evaluation
2. Provide regular progress updates to the Council and community

Sanitary Sewer Evaluation

Activity Summary The Village has awarded contracts for sewer lining and manhole lining to address sanitary sewer deficiencies identified during the evaluation. Construction is complete.

Budget Summary The Village has expended \$428,276.

6-Month Look Ahead The project team will:

1. Close the contracts

Public Outreach

Activity Summary Staff continues to provide E-Winnetka and website updates on the multiple projects in the stormwater management program.

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

6-Month Look Ahead The project team will continue to update the website. Additional outreach and engagement activities are associated with the Non-STADI alternative study that will incorporate public and other stakeholder input. Strand Associates has budgeted for six public engagement meetings, to occur throughout the project, to communicate progress, receive public comments and discuss proposed alternatives as they are developed. Staff will use e-Winnetka, the Winnetka Report, and the website to communicate as the alternative study progresses.

Ravine/Sheridan Road Improvements

Activity Summary IDOT is planning pavement and drainage improvements for the area. The project has been bid, and a contract award is pending. Construction is expected in late 2015.

Budget Summary This project is funded in its entirety by IDOT.

6-Month Look Ahead The project team will:

1. Monitor IDOT activities
2. Update the Council as needed

Completed Projects

Ash Street Pump Station

Construction has been completed except for final contract closeout and the station is operational. The Village has expended \$262,826.

Willow Road Stormwater Tunnel and Area Drainage Improvements (STADI)

After reviewing the most recent project cost estimate of \$81.3 million, and discussing possible options for going forward, the Council concurred that no further work should be undertaken on the STADI project at this time. Rather, the Village should focus on identifying and evaluating other non-STADI alternatives to provide significant stormwater flood relief to STADI project areas. The Village has expended \$926,376 to date including the 2012 feasibility study.

Stormwater Master Plan (SMP)

The Council adopted the plan at its April 17, 2014 meeting. The Village expended \$100,932 on this project.

Spruce Outlet (Lloyd)

The project is complete and operational and the Village expended \$296,299.

Spruce Outlet (Tower)

The project is complete and operational. The Village expended \$1,269,716.

Winnetka Avenue Pump Station

Construction of the Pump Station is complete and the station is operational and the Village expended \$1,071,706.

Stormwater Utility Implementation

The utility was implemented effective July 1 and the project team is responding to resident inquiries as needed. MFSG's contract for staffing the customer support line ended, and Public Works staff has taken the lead in phone and email communications. The Village has expended \$179,516.

A summary budget document showing planned and actual expenditures, and an organization showing all of the planned, ongoing, and completed projects, are attached.

Recommendation:

1. Informational report.

Attachments:

1. Program Budget
2. Program Organization Chart

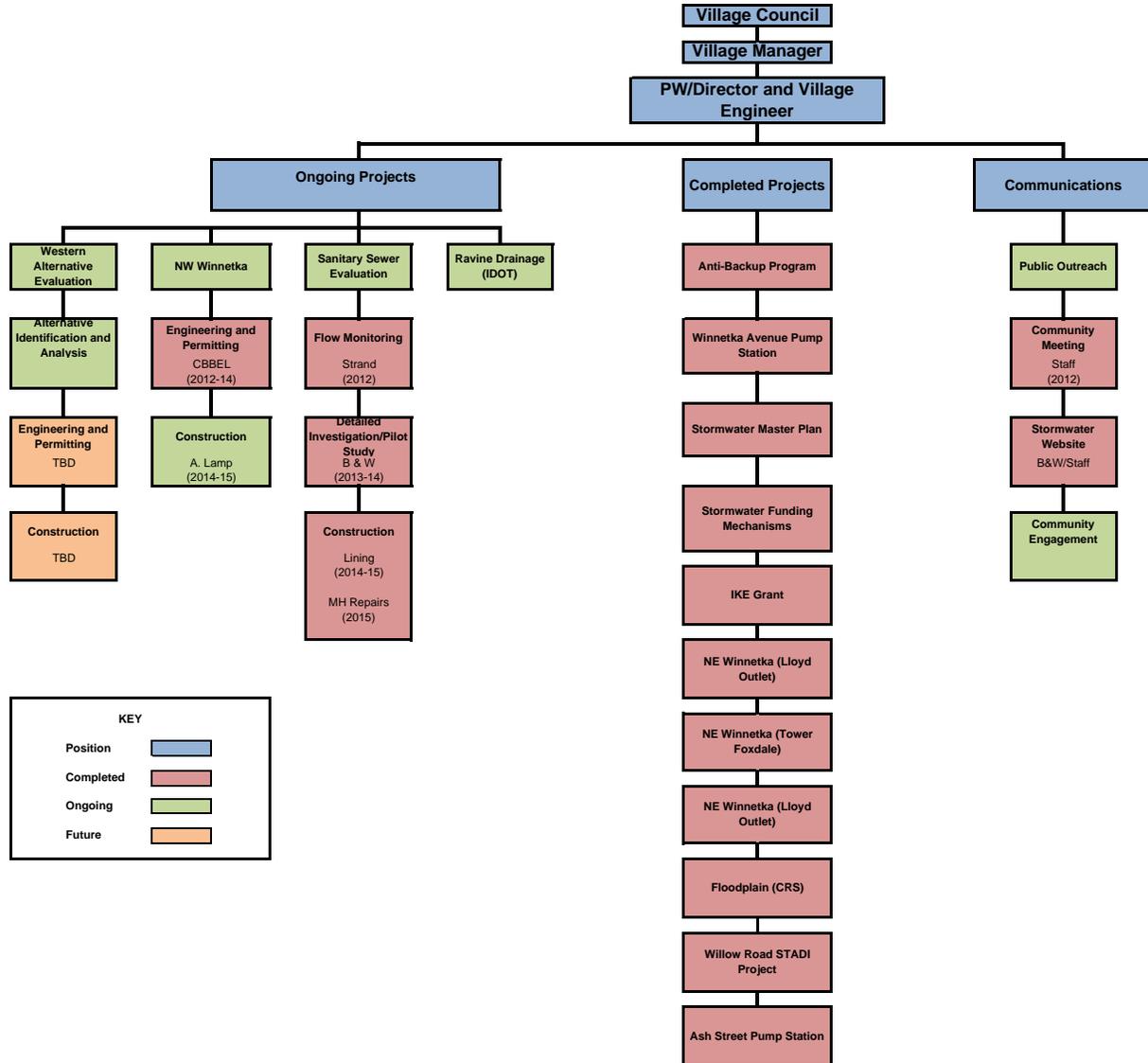
**ATTACHMENT #1
PROGRAM BUDGET**

Village of Winnetka
Stormwater Management Program Budget

Project	Initial Estimated Project Costs (2011)	Estimated Program Costs August 2013	Current Estimated Project Costs	Council Authorized	Spent	Comments
Stormwater Fund						
58,75,640.601						
Completed Projects	\$ 2,719,754	\$ 2,827,025	\$ 2,918,169	\$ 2,918,169	\$ 2,918,169	
Winnetka Avenue Pump Station	\$ 750,000	\$ 1,002,300	\$ 1,071,706	\$ 1,071,706	\$ 1,071,706	Complete. Initial cost estimate \$750k from 2009 study.
Tower Road/Old Green Bay	\$ 1,394,244	\$ 1,162,853	\$ 1,269,716	\$ 1,269,716	\$ 1,269,716	Complete
Lloyd Park/Spruce Street Outlet	\$ 475,510	\$ 398,786	\$ 296,299	\$ 296,299	\$ 296,299	Complete
Stormwater Utility Study/Implementation	\$ 50,000	\$ 161,866	\$ 179,516	\$ 179,516	\$ 179,516	Complete - includes customer support services
Stormwater Master Plan	\$ 50,000	\$ 101,220	\$ 100,932	\$ 100,932	\$ 100,932	Complete
NW Winnetka Greenwood/Forest Glen	\$ 2,880,887	\$ 4,266,924	\$ 4,822,640	\$ 4,822,640	\$ 4,692,651	Added Forest Glen area, FPD pond restoration, and complete roadway reconstruction to project.
Design Engineering			\$ 226,874	\$ 226,874	\$ 226,874	Complete
Sewer Construction			\$ 6,117,230	\$ 6,117,230	\$ 4,698,620	Payments to date
Pond Engineering			\$ 19,686	\$ 19,686	\$ 19,686	Additional design required for FPD pond work. Complete
Pond Construction			\$ 342,800	\$ 342,800	\$ 155,894	Payments to date
Construction Observation/Engineering			\$ 116,050	\$ 116,050	\$ 91,577	Payments to date
MWRD Phase II Stormwater Funding			\$ (2,000,000)	\$ (2,000,000)	\$ (500,000)	Reimbursement from MWRD. Three reimbursements requests (\$1,500,000) have been submitted.
Ash Street Pump Station	\$ -	\$ -	\$ 267,226	\$ 267,226	\$ 262,826	
Design Engineering			\$ 7,676	\$ 7,676	\$ 7,676	Complete
Construction			\$ 259,550	\$ 259,550	\$ 255,150	Payments to date
Construction Observation/Engineering			\$ -	\$ -	\$ -	Performed In-house
Willow Rd STADI	\$ 32,498,697	\$ 34,369,048	\$ 926,421	\$ 926,421	\$ 926,376	Project suspended effective 9/1/2015.
Feasibility Study			\$ 37,750	\$ 37,750	\$ 37,705	
Permitting and Design			\$ 888,671	\$ 888,671	\$ 888,671	Contract closed effective 9/1/2015
Construction			\$ -	\$ -	\$ -	
Construction Observation/Engineering			\$ -	\$ -	\$ -	
Materials Testing			\$ -	\$ -	\$ -	
Project Management			\$ -	\$ -	\$ -	
Non-STADI Alternatives	\$ -	\$ -	\$ 256,050	\$ 256,050	\$ -	
Identification and Evaluation of Alternatives			\$ 256,050	\$ 256,050	\$ -	Contract awarded October 6, 2015
Permitting and Design			\$ -	\$ -	\$ -	
Construction			\$ -	\$ -	\$ -	
Construction Observation/Engineering			\$ -	\$ -	\$ -	
Project Management			\$ -	\$ -	\$ -	
STADI Cost Evaluation and Value Engineering	\$ -	\$ -	\$ 33,708	\$ 33,708	\$ 33,708	Cost estimate complete. Value engineering not authorized.
Total Stormwater Program Costs	\$ 38,099,338	\$ 41,462,997	\$ 9,224,214	\$ 9,224,214	\$ 8,833,730	
Sanitary Sewer Fund						
54,70,640.201						
Sanitary Sewer Studies/Engineering	\$ 150,000	\$ 150,000	\$ 187,247	\$ 187,247	\$ 184,008	Complete. Includes initial system evaluation, smoke and dyed-water testing, and engineering
System I & I repairs	\$ 1,000,000	\$ 1,000,000	\$ 960,000	\$ 443,135	\$ 360,748	Council awarded manhole and sewer lining contracts in 2014, construction complete except for punch list
Total Sanitary Sewer Costs	\$ 1,150,000	\$ 1,150,000	\$ 1,147,247	\$ 630,382	\$ 544,756	

ATTACHMENT #2
PROGRAM ORGANIZATION CHART

Village of Winnetka
 Stormwater Management Program
 Organizational Chart



KEY	
Position	
Completed	
Ongoing	
Future	



Agenda Item Executive Summary

Title: Resolution No. R-27-2015: Granting an Appeal Pursuant to Section 15.16.090 of the Village Code (Adoption)

Presenter: Alan Berkowsky, Fire Chief

Agenda Date: 10/20/2015

Consent: YES NO

Ordinance
 Resolution
 Bid Authorization/Award
 Policy Direction
 Informational Only

Item History:

The owner of 574 Lincoln has addressed Village Council on several occasions seeking relief from the sprinkler requirements that have been policy since 1977. In August 2010, the Village Council held a formal appeal process for 574 Lincoln when the owner wanted to change the use of the building but did not want to install a sprinkler system. The appeal was denied.

Executive Summary:

On October 6, Mr. Glenn Weaver, the owner of 574 Lincoln Avenue, requested relief from the sprinkler requirements for a 30-day temporary use of his building. The request would trigger the sprinkler requirements due to it being a change of use from the previous occupant. The request was denied, and the owner is now appealing to the Village Council for a waiver of the sprinkler requirements for this "pop-up" store.

Recommendation:

Provide policy direction pursuant to the appeal by Mr. Weaver for 574 Lincoln and consider adoption of Resolution No. R-27-2015.

Attachments:

- 1) Berkowsky Memo dated October 15, 2015
- 2) Resolution No. R-27-2015: Granting an Appeal Pursuant to Section 15.16.090 of the Village Code
- 3) "Findings of Fact" from the August 2010 Appeal Process
- 3) Copy of Lease for Temporary Use

AGENDA REPORT

TO: VILLAGE COUNCIL
FROM: ALAN BERKOWSKY, FIRE CHIEF
DATE: OCTOBER 15, 2015
SUBJECT: 574 LINCOLN – SPRINKLER REQUIREMENTS

Last week, Mr. Weaver presented a request (to Community Development) to permit a temporary “pop-up” store in his building located at 574 Lincoln Avenue. Because the request was a change of use from the previous occupancy (business to mercantile), it triggers the existing sprinkler requirements.

Staff from Community Development and Fire met on Monday, October 12th to discuss the request and review any Code implications. After careful review of the applicable codes and ordinances, it was determined that there were no provisions that allow the Fire Chief to provide temporary relief from the sprinkler requirements.

As Council is aware, Mr. Weaver has appeared several times over the last eight years requesting relief from the sprinkler requirements. In 2010, Council conducted a formal appeal process. Mr. Weaver’s appeal was denied. A copy of the “Findings of Facts” from the August 2010 appeal process is attached.

Mr. Weaver’s most recent request was denied due to a lack of provisions for a temporary change-of-use as well as the consistent application of the Ordinance. However, Village Council has the authority to waive the requirement. Attached is a Resolution prepared by the Village Attorney that would approve the temporary use should Council decide to grant the request.

On-Going Policy Direction

Based on Council feedback, Staff continues to evaluate alternatives to the current policy. If desired, Staff can bring this matter back to the Village Council in early 2016 for policy direction, or alternatively, the Council could consider fire sprinkler policy changes once the Downtown Master Plan has been completed.

Recommendation

Staff is seeking policy direction from Village Council pursuant to the appeal by Mr. Weaver and consideration of adoption of Resolution R-27-2015.

RESOLUTION NO. R-27-2015

**A RESOLUTION GRANTING AN APPEAL
PURSUANT TO SECTION 15.16.090 OF THE VILLAGE CODE**

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, Glenn H. Weaver ("**Owner**") owns the property commonly known as 574 Lincoln Avenue in the Village ("**Property**"); and

WHEREAS, pursuant to Section 15.16.050.A.2 of the Winnetka Village Code ("**Village Code**"), all buildings used for mercantile and business occupancies, among others, must be equipped with automatic fire extinguishing systems installed in accordance with the standards set forth in the 2010 edition of the National Fire Protection Association Publication 13 ("**Sprinkler Requirement**"); and

WHEREAS, Section 15.16.050.A.3 of the Village Code provides that the Sprinkler Requirement does not apply to a building if the current use or occupancy of the building: (i) is the same as the use or occupancy of the building on February 15, 1977; (ii) has continued without change or, if there has been a change, the change does not increase the hazard to life or property; and (iii) does not constitute a distinct hazard to life or property as determined by the Fire Chief ("**Sprinkler Exception**"); and

WHEREAS, the Property is improved with a building ("**Building**") that has been used for business occupancies on or before February 15, 1977 to the present ("**Existing Occupancy**"); and

WHEREAS, pursuant to the Sprinkler Exception, the Owner has not installed fire extinguishing systems within the Building as otherwise required by the Sprinkler Requirement; and

WHEREAS, the Owner desires to lease a portion of the Building to Republic Clothing Company for a term commencing on October 30, 2015, and ending on November 30, 2015, for the operation of a temporary retail establishment ("**Proposed Temporary Occupancy**"); and

WHEREAS, on October 6th, 2015, the Owner submitted an application to the Village for a certificate of occupancy for the Proposed Temporary Occupancy ("**Certificate of Occupancy**"); and

WHEREAS, the Certificate of Occupancy was denied ("**Denial**") because the Fire Chief determined that: (i) the Proposed Temporary Occupancy is not the same use or occupancy of the Building as the Existing Occupancy and therefore the Sprinkler Exception does not apply; and (ii) the Certificate of Occupancy may not be issued for the Proposed Temporary Occupancy unless and until fire extinguishing systems are installed within the Building in accordance with the Sprinkler Requirement; and

WHEREAS, Section 15.16.090 of the Village Code permits a person to appeal to the Village Council from: (i) a decision of the Fire Chief disapproving or denying an application for

a permit; or (ii) an order of the Fire Chief requiring any fire prevention or safety-to-life measures to be taken; and

WHEREAS, pursuant to Section 15.16.090 of the Village Code, the Village Council may, in the exercise of its discretion, uphold, reverse, or modify a decision or order of the Fire Chief; and

WHEREAS, the Owner appealed the Denial to the Village Council pursuant to Section 15.16.090 of the Village Code; and

WHEREAS, on October 20, 2015, the Village Council heard and considered testimony from the Fire Chief and the Owner, considered the provisions of Section 15.16.050 of the Village Code, and deliberated on the Owner's appeal; and

WHEREAS, the Village Council has found and determined that: (i) the Sprinkler Exception applies to the Proposed Temporary Occupancy of the Building because, for the purpose of the Sprinkler Exception, the Proposed Temporary Occupancy of the Building is not a change in the Existing Occupancy of the Building; and (ii) the Certificate of Occupancy may be issued for the Proposed Temporary Occupancy of the Building without the prior installation of fire extinguishing systems within the Building in accordance with the Sprinkler Requirement; and

WHEREAS, the Village Council has determined to grant the Owner's appeal of the Denial, subject to, and in accordance with, the provisions of this Resolution;

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

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

SECTION 2: FINDINGS. Subject to and contingent upon the conditions, restrictions, and limitations set forth in Section 5 of this Resolution, the Village Council hereby finds:

- A. The Building has been used for business occupancies as a commercial office since on or before February 15, 1977.
- B. The Proposed Temporary Occupancy of the Building is not a change in the Existing Occupancy of the Building for the purpose of the applicability of the Sprinkler Exception set forth in Section 15.16.050.A.3 of the Village Code.
- C. The Sprinkler Exception applies to the Proposed Temporary Occupancy of the Building.
- D. The Owner is not required to install fire extinguishing systems within the Building in accordance with the Sprinkler Requirement set forth in Section 15.16.050.A.2 of the Village Code prior to the issuance of a Certificate of Occupancy for the Proposed Temporary Occupancy of the Building.

SECTION 3: DECISION. Subject to and contingent upon the conditions, restrictions, and limitations set forth in Section 5 of this Resolution, and pursuant to the discretion granted to

the Council by Section 15.16.090.B of the Village Code, the Village Council hereby grants the Owner's appeal of the Denial.

SECTION 4: CERTIFICATE OF OCCUPANCY. Subject to and contingent upon the conditions, restrictions, and limitations set forth in Section 5 of this Resolution, the Village Council hereby authorizes and directs the Village Manager or his designee to issue the Certificate of Occupancy for the Proposed Temporary Occupancy of the Building.

SECTION 5: RESTRICTIONS AND LIMITATIONS. The findings, decision, and direction of the Village Council set forth in Sections 2, 3, and 4 of this Resolution are subject to, and contingent upon, the following conditions, restrictions, and limitations:

- A. The Certificate of Occupancy for the Proposed Temporary Occupancy will terminate on November 30, 2015.
- B. The Proposed Temporary Occupancy of the Building must terminate on or before November 30, 2015. If it does not, the Building will be immediately subject to the Sprinkler Requirement set forth in Section 15.16.050.A.2 of the Village Code.
- C. If the Building becomes subject to the Sprinkler Requirement, the Owner must install fire extinguishing systems within the Building in accordance with the Sprinkler Requirement before a certificate of occupancy may be issued for any use or occupancy of the Building. If the Owner fails to install fire extinguishing systems within the Building in accordance with the Sprinkler Requirement, the Owner will be guilty of an offense pursuant to Section 15.16.100 of the Village Code and subject to the penalties provided in Section 1.08.010 of the Village Code and all of the remedies available to the Village at law or in equity.
- D. This Resolution and the Certificate of Occupancy do not authorize any uses or occupancies of the Property or the Building, or any parts thereof, other than the Proposed Temporary Occupancy of the Building in accordance with the provisions of this Resolution. All proposed uses and occupancies of the Building or the Property other than the Proposed Temporary Occupancy must comply with all applicable provisions of the Village Code, including, without limitation, Section 15.16.050 of the Village Code, as administered by Village staff within the scope of their respective authority granted by the provisions of the Village Code.
- E. The findings, decision, and direction of the Village Council set forth in Sections 2, 3, and 4 of this Resolution are limited to the specific facts and circumstances of the Proposed Temporary Occupancy and the Owner's appeal of the Denial. This Resolution has no precedential value or effect. Pursuant to Section 15.16.090.B of the Village Code, the Village Council hereby reserves the right to decide any future appeals made pursuant to Section 15.16.090 in the Village Council's sole and absolute discretion.
- F. The Owner must execute and deliver to the Village Clerk the agreement and consent attached to this Resolution as **Exhibit A ("Consent")**.

SECTION 6: EFFECTIVE DATE. This Resolution will be in full force and effect from and after:

- A. Passage and approval of this Resolution according to law; and
- B. The receipt by the Village Clerk of a copy of the Consent executed by the Owner.

ADOPTED this 20th day of October, 2015, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

EXHIBIT A

AGREEMENT AND CONSENT

To: The Village of Winnetka, Illinois

I, Glenn H. Weaver, hereby agree and covenant as follows:

- 1. I own the property commonly known as 574 Lincoln Avenue, Winnetka, Illinois, which is improved with a commercial building (“***Building***”).
- 2. On October 20, 2015, the Council of the Village of Winnetka adopted Resolution R-27-2015, which permitted me to lease a portion of the Building to Republic Clothing Company for a term commencing on October 30, 2015, and ending on November 30, 2015, without first installing fire extinguishing systems in accordance with Section 15.16.050A.2 of the Winnetka Village Code.
- 3. As a condition precedent of the relief granted pursuant to Resolution R-27-2015, I hereby unconditionally agree to, accept, consent to, and agree to abide by all of the terms, provisions, conditions, restrictions, and limitations set forth in Resolution R-27-2015, including, without limitation, the provisions of Section 5 of Resolution R-27-2015.

GLENN H. WEAVER

SUBSCRIBED and SWORN to
before me this _____ day of
_____, 2015.

Notary Public

BEFORE THE WINNETKA VILLAGE COUNCIL

Appeal of Glenn H. Weaver, Petitioner)
)
 From decisions of)
 Winnetka Fire Chief Scott T. Smith and)
 Deputy Fire Chief Steve Laureys,)
 Respondents,)
 requiring the installation of an)
 automated fire suppression system)
 at 574 Lincoln Avenue)

COPY

**FINDINGS, CONCLUSIONS AND ORDER
 OF THE WINNETKA VILLAGE COUNCIL
 ON THE APPEAL OF GLENN H. WEAVER**

The Council of the Village of Winnetka ("Village Council"), having reviewed and considered the record in the above referenced matter, including the documents submitted by Petitioner Glenn H. Weaver and Respondent Winnetka Fire Chief Scott T. Smith, and having heard and considered the presentations and arguments made by Petitioner and Respondent, and being otherwise fully advised, enters the following Findings, Conclusions and Order:

I. FINDINGS OF FACT

A. Jurisdiction and Parties

1. This is an appeal to the Village Council pursuant to Section 15.16.090 Winnetka Village Code ("WVC").
2. Petitioner Glenn H. Weaver ("Petitioner") owns the property commonly known as 574 Lincoln Avenue in the Village of Winnetka ("Subject Property").
3. Respondent Fire Chief Scott T. Smith ("Fire Chief") is the Fire Chief of the Village of Winnetka Fire Department.
4. Deputy Chief Steve Laureys ("Deputy Chief") is the Deputy Chief of the Village of Winnetka Fire Department.
5. On June 28, 2010, Petitioner submitted a request to appear before the Village Council on and appeal regarding WVC §15.16.050 as it pertains to a possible change of use in the building on the Subject Property ("Building").
6. Petitioner previously raised the same sprinkler issue in 2007 and 2008 after being informed by the Fire Chief and Deputy Chief (collectively "Respondents") that the proposed change of use on the first floor of the Building from offices to retail or restaurant would require the installation of an automated fire suppression system (also known as a sprinkler system) pursuant to WVC §15.16.050.

Appeal of Glenn H. Weaver
 Council Findings
 Page 2 of 5
 August 3, 2010

7. Petitioner's prior requests to overturn Respondents' decisions were unsuccessful, and he has neither equipped the Building with sprinklers nor leased the space to another tenant.

8. Although WVC §15.16.090 requires an appeal to be brought within 30 days from the date of the decision or order being appealed, the Village Council treats this matter as a proper appeal because the status quo has not changed and Petitioner is seeking a determination prior to making changes in his building.

B. Procedural Background

9. The Village Council heard the appeal at its regular Council meeting on Tuesday, July 20, 2010, at the close of which it took the matter under advisement.

10. The record consists of the following documents, which were included at pages 107 through 116 of the Village Council Agenda for the regular Council meeting held on July 20, 2010, in the agenda materials :

- a. July 16, 2010 Agenda Report from the Fire Chief, with the following attachments:
 - i. December 4, 2008, letter from Village President Edmund C. Woodbury ("Village President") to Petitioner.
 - ii. Copy of September 16, 2008, e-mail from the Fire Chief to Village Manager Doug Williams ("Village Manager").
 - iii. September 16, 2008, Memorandum from the Fire Chief to the Village Manager.
 - iv. August 7, 2007, Memorandum from the Fire Chief to the Village Manager, including list of "Existing buildings that required sprinkler systems installed due to a change of use."
 - v. Copy of Section 15.16.050 of the Winnetka Village Code.
- b. June 28, 2010, letter from Petitioner to the Village Manager.
- c. October 14, 2008, letter from Petitioner to the Village President.
- d. June 30, 2010, letter to Petitioner from Interim Village Manager Liz Rosenthal.

C. Factual Record

11. The Building has two stories and a lower level and has been occupied with business occupancies since the 1970's.

12. The Building is not equipped with a sprinkler system.

13. Until approximately 2007, the Building was protected only with a very basic fire heat detection system and sound alarms that were installed in the 1970's.

Appeal of Glenn H. Weaver
Council Findings
Page 3 of 5
August 3, 2010

14. In September, 2006, in the course of a change in tenants on the second floor, Petitioner was advised by the Deputy Chief that his alarm system no longer met current code and Americans with Disabilities Act ("ADA") requirements.

15. Petitioner discovered that, due to its age, his existing alarm system could not accommodate the new devices, causing him to change from heat detectors to smoke detectors as well as to install the approved pull stations and horn strobe required for ADA compliance, at a cost of \$21,000.

16. A short time later, in response to a request from Petitioner about changing the type of occupancies in the Building from offices to mercantile occupancies, the Deputy Chief informed Petitioner that such a change would require a sprinkler system.

17. The Deputy Chief also provided Petitioner with a list of possible business occupancies that would not require the installation of a sprinkler system.

18. Petitioner wants to bring in a mercantile occupancy, which he says had occupied the first floor at one time for 35 years and will generate sales tax revenues.

19. Petitioner estimates the cost of a sprinkler system at \$92,543, plus another \$10,000 to bring a new water line to the Building.

20. Petitioner contends that the sprinkler requirement has a very negative effect on himself and businesses and that the Village Council should do what it can to support businesses.

21. Petitioner does not argue that the requirement has been improperly applied, but that it shouldn't be applied because of the "exorbitant costs" and negative impacts on himself and businesses.

22. Petitioner urges the Council to allow smoke detectors rather than sprinkler systems

23. It is the opinion of the Fire Chief that, for purposes of administering WVC Chapter 15.16, the currently vacant first floor of the Building has been a business occupancy and that the proposed change to a mercantile use triggers the requirement of WVC §15.16.050 that sprinklers be installed.

24. The Fire Chief has consistently followed the established practice of evaluating each individual tenant space according to its own use group.

25. The Fire Chief related experiences with fires in the Village and expressed his opinion about the hazards to property and persons that are created when mercantile spaces do not have sprinklers.

26. Although Petitioner disagrees with the Fire Chief's conclusions, the sole basis for Petitioner's appeal is his objection to the cost of installing a sprinkler system in the Building and his belief that it interferes with business development in the Village.

27. Petitioner has not presented any other evidence in support of his appeal.

Appeal of Glenn H. Weaver
Council Findings
Page 4 of 5
August 3, 2010

II. STATEMENT OF ISSUES

30. Whether the proposed change in the occupancy of the first floor of the Building from office to mercantile is a change in use or occupancy that triggers the automated fire suppression system requirement of WVC §15.16.050.

31. Whether the cost of installing a sprinkler system is relevant to the issue of compliance.

III. DISCUSSION AND CONCLUSIONS

32. WVC §15.16.050 (B) requires the installation of sprinkler systems in all buildings used for one or more of the occupancies listed in that subsection.

33. WVC §15.16.050 (C) carves out an exception where the use or occupancy: (1) is the same as it was prior to February 15, 1977; (2) has continued without change or, if there has been a change, the change does not increase the hazard to life or property; and (3) does not constitute a distinct hazard to life or property as determined by the Fire Chief.

34. The Fire Chief's interpretation of WVC §15.16.050 as requiring the installation of a sprinkler system when there is a change in use or occupancy within an occupancy unit of a Building, even if the overall use of the building does not change, is consistent with the plain language of WVC §15.16.050 and has been consistently applied by the Fire Chief.

35. Petitioner does not point to any claimed error in the Fire Chief's decision, but instead seeks an overall policy change rather than the correction of an alleged error in the application of WVC §15.16.050.

36. Petitioner's assertions that installing sprinklers in the Building would cost in excess of \$100,000 is not relevant to determining the validity of the Fire Department's determination that the Building must be sprinklered if the Petitioner brings in a mercantile occupancy or some use or occupancy other than the established business occupancies.

a. The exceptions to the sprinkler requirement do not include an exception based on the cost of compliance.

b. The cost of compliance is relevant, if at all, only in a request for a modification of regulations under WVC §15.16.080, which requires the establishment of "practical difficulties" in carrying out the strict provisions of WVC Chapter 15.16.

37. Petitioner seeks an overall policy change rather than the correction of an alleged error in the application of WVC §15.16.050.

38. Based on all of the foregoing, the Village Council finds that, to the extent that Petitioner's request seeks a modification of the regulations under WVC §15.16.080, Petitioner has not established that he has incurred practical difficulties in complying.

39. The Village Council finds that a desire to avoid the expense of installing sprinklers does not outweigh the life safety protection policy that underpins the sprinkler requirements in WVC §15.16.050.

Appeal of Glenn H. Weaver
Council Findings
Page 5 of 5
August 3, 2010

V. ULTIMATE CONCLUSION AND ORDER

40. Based on all of the foregoing, the Village Council finds that the Fire Chief and Deputy Fire Chief did not err in determining that the proposed change in the first floor of the Building from a business occupancy to a mercantile occupancy triggers the automated fire suppression system requirement of WVC §15.16.050.

41. Based on all of the foregoing, the Village Council finds that the Petitioner has not established that he is entitled to the exception to the sprinkler mandate provided in WVC §15.16.050 (C).

42. Based on all of the foregoing, the Village Council finds that, to the extent that Petitioner's request seeks a modification of the regulations under WVC §15.16.080, Petitioner has not established that is entitled to such relief.

FOR ALL OF THE ABOVE AND FOREGOING REASONS, it is hereby ordered that the decisions of the Fire Chief and Deputy Fire Chief finding that the proposed change in use of the first floor from a business occupancy to a mercantile occupancy triggers automated fire suppression system requirement of WVC §15.16.050 are affirmed.

ADOPTED AND ENTERED this 3rd day of August, 2010, by the following roll call vote of the Council of the Village of Winnetka.

AYES:	<u>Trustees Greable, Johnson, Pedian, Poor, Rintz, and Spinney</u>
NAYS:	<u>None</u>
ABSENT	<u>None</u>

Signed:


Jessica Ober
 Village President

Attest:


Gerald A. Rucinski
 Village Clerk

Commercial Lease

This Lease is made on October 6, 2015, between Glenn H. Weaver,
 Landlord, of 574 Lincoln Avenue, City of
Winnetka, State of Illinois 60093, and
Republic Clothing Company, Tenant, of 574 Lincoln Avenue,
 City of Winnetka, State of Illinois 60093.

1. The Landlord agrees to rent to the Tenant and the Tenant agrees to rent from the Landlord the following property: The entire First Floor of the building at 574 Lincoln Ave., Winnetka, Ill. 60093, plus Basement space. Total of first floor and basement space is approximately 2,300 rentable square feet.
2. The rental payments will be \$ 4,500.00 plus Utilities of \$200.00 per month and will be payable by the Tenant to the Landlord on the 30th day of each month, beginning on October 29, 2015. If any rental payment is not paid within five (5) days of its due date, the Tenant agrees to pay an additional late charge of 5% (five percent) of the rental payment due.
3. The term of this Lease will be from October 30, 2015, until November 30, 2015. ~~If Tenant is in full compliance with all of the terms of this Lease at the expiration of this term, Tenant shall have the option to renew this Lease for an additional term of _____, with all terms and conditions of this Lease remaining the same, except that the rent shall be \$ _____. If the Tenant remains as tenant after the expiration of this Lease with the consent of the Landlord but without signing a new lease, a month-to-month tenancy will be created with the same terms and conditions as this Lease, except that such new tenancy may be terminated by ninety (90) days written notice from either the Tenant or the Landlord, and that the rent shall be \$ _____.~~
4. The Tenant has paid the Landlord a security deposit of \$ 500.00. This security deposit will be held as security for the repair of any damages to the property by the Tenant. This deposit will be returned to the Tenant within ten (10) days of the termination of this Lease, minus any amounts needed to repair the property, but without interest.
5. The Tenant has paid the Landlord an additional month's rent in the amount of \$ ZERO. ~~This rent deposit will be held as security for the payment of rent by the Tenant. This rent payment deposit will be returned to the Tenant within ten (10) days of the termination of this Lease, minus any rent still due upon termination, but without interest.~~

6. The Tenant agrees to use the property only for the purpose of carrying on the following lawful business:

Product Selling - Line of Cashmere consisting of Sweaters, Scarves, Wrap's, Hats, Gloves.

7. The Landlord agrees that the Tenant may install the following equipment and fixtures for the purpose of operating the Tenant's business and that such equipment and fixtures shall remain the property of the Tenant:

8. The Tenant has inspected the property and has found it satisfactory for its intended purposes. The Landlord shall be responsible for the repair and upkeep of the exterior of the property, including the roof, exterior walls, parking areas, landscaping, and building foundation. The Tenant shall be responsible for the repair and upkeep of the interior of the property, including all electrical, mechanical, plumbing, heating, cooling, or any other system or equipment on the property. Tenant agrees to maintain the interior of the property and the surrounding outside area in a clean, safe, and sanitary manner and not to make any alterations to the property without the Landlord's written consent. At the termination of this Lease, the Tenant agrees to leave the property in the same condition as when it was received, except for normal wear and tear. Tenant also agrees to comply with all rules, laws, regulations, and ordinances affecting the property or the business activities of the Tenant.

9. The Tenant agrees to obtain and pay for all necessary utilities for the property. of \$200.00 per month

10. The Tenant agrees not to sub-let the property or assign this Lease without the Landlord's written consent, which shall not be unreasonably withheld. Tenant agrees to allow the Landlord reasonable access to the property for inspection and repair. Landlord agrees to enter the property only after notifying the Tenant in advance, except in an emergency.

11. If the Tenant fails to pay the rent on time or violates any other terms of this Lease, the Landlord will provide written notice of the violation or default, allowing 5 days to correct the violation or default. If the violation or default is not completely corrected within the time prescribed, the Landlord will have the right to terminate this Lease with 3 days notice and in accordance with state law. Upon termination of this Lease, the Tenant agrees to surrender possession of the property. The Landlord will also have the right to re-enter the property and take possession of it, remove Tenant and any equipment or possessions of Tenant, and to take advantage of any other legal remedies available.

12. The Landlord agrees to carry fire and casualty insurance on the property, but shall have no liability for the operation of the Tenant's business. The Tenant agrees not to do anything that will increase the Landlord's insurance premiums and, further agrees to indemnify and hold the Landlord harmless from any liability or damage, whether caused by Tenant's operations or otherwise. The Tenant agrees to carry and pay all premiums for casualty insurance on any equipment or fixtures that Tenant installs at the property. In addition, the Tenant agrees to carry business liability insurance, including bodily injury and property damage coverage, covering all Tenant's business operations in the amount of \$ 500,000 with the Landlord named as a co-insured party. Tenant agrees to furnish Landlord copies of the insurance policies and to not cancel the policies without notifying the Landlord in advance. Tenant agrees to provide Landlord with a Certificate of Insurance which indicates that Landlord is a co-insured party and that Landlord shall be provided with a minimum of ten (10) days written notice prior to cancellation or change of coverage.



Agenda Item Executive Summary

Title: 2015 Preservation Awards Presentation

Presenter: Louise Holland, Chairperson of Landmark Preservation Commission

Agenda Date:

10/20/2015

Consent:

YES

NO

Ordinance

Resolution

Bid Authorization/Award

Policy Direction

Informational Only

Item History:

None.

Executive Summary:

Every spring the Landmark Preservation Commission accepts nominations for the annual Preservation Awards program and conducts an award presentation at a Village Council meeting in the fall. The Preservation Awards program seeks to honor those construction projects in the village that have helped preserve the history and character of the village. There are three award categories: restoration, rehabilitation, and new construction. Of the seven (7) award winners this year, two (2) are restoration projects, four (4) are rehabilitation projects and one(1) is for new construction. Private, commercial, and public properties are eligible. Nominations may be submitted by anyone, but do require the property owner's consent. To qualify, the project must have been completed within the past five (5) years. Only exterior projects are eligible.

Recommendation:

Informational only. No action to be taken.

Attachments:

1) Agenda Report

AGENDA REPORT

TO: Village Council
PREPARED BY: Ann Klaassen, Planning Assistant
DATE: October 13, 2015
SUBJECT: 2015 Winnetka Preservation Awards

Every spring the Landmark Preservation Commission accepts nominations for the annual Preservation Awards program and conducts an award presentation at a Village Council meeting in the fall. The Preservation Awards program seeks to honor those construction projects in the village that have helped preserve the history and character of the village. There are three award categories: restoration, rehabilitation, and new construction. Of the seven (7) award winners this year, two (2) are restoration projects, four (4) are rehabilitation projects and one is for new construction. Private, commercial, and public properties are eligible. Nominations may be submitted by anyone, but do require the property owner's consent. To qualify, the project must have been completed within the past five (5) years. Only exterior projects are eligible.

This year the following seven (7) properties are to be presented with awards:

1045 Sheridan Road (Restoration)
Owners: Bob Scales and Mary Keefe
Designer: Tom Ferguson, Tom Ferguson Interiors, Chicago
Architect: Cheron Stern, Chicago
General Contractor: Peter Construction, Kenilworth
Landscape Designer: Miquel Vara

965 Spruce Street (Restoration)
Owners: Jim and Jill Vent
Designer and General Contractor: Michael Freiburger, Newlook Development, Wilmette

577 Ash Street (Rehabilitation)
Owners: Chris Barbin and Lori Csaszar
Designer: Laura Bergquist, lk Interiors, Glenview
Architect: Neal Gerdes, AKL Architectural Services, Lake Villa
Builder: Paulson Builders, Libertyville

510 Poplar St. (Rehabilitation)
Owners: Ethan and Christine Holland
Architect: Healy Rice, Healy M. Rice Architecture, Wilmette

827 Prospect Avenue (Rehabilitation)
Owners: Eric and Emily Walker
Architect: Neal Gerdes, AKL Architectural Services, Lake Villa

1000 Vernon Avenue (Rehabilitation)

Owners: Pete and Jenny Rosenstein

Designer and General Contractor: Michael Freiburger, Newlook Development,
Wilmette

627 Sheridan Road (New Construction)

Owners: Clyde McGregor and LeAnn Pope

Architect: Liederbach & Graham Architects, Chicago

Recommendation:

Informational only. No action to be taken.



Agenda Item Executive Summary

Title: Phase I Engineering Services – Oak and Cherry Street Bridge Rehabilitation Project

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

Agenda Date: 10/20/2015

Consent: YES NO

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

Item History:

Both the Oak Street and Cherry Street Bridges have steel beams and reinforced concrete bridge decks. In 1997, the bridge decks were rehabilitated with a microsilica concrete overlay. In August, 2014, a small portion of that concrete overlay on the Oak Street bridge deck delaminated from the reinforced concrete bridge deck. In 2010, a similar event happened on the Cherry Street Bridge, prompting a localized concrete patch to be performed in 2012. Both deck overlays are experiencing similar stages of delamination, as the overlay is approaching the end of its 20-year design life.

Executive Summary:

The Village has solicited qualification-based proposals for design engineering services for rehabilitation of these bridges. Design services consist of Phase I and Phase II engineering. Phase I engineering is preliminary engineering, consisting of an environmental survey, a Federal-Aid Project Report, preliminary plans/cost estimates, and similar items. Phase II engineering is the preparation of detailed construction plans, specifications, and bid documents.

The Village received thirteen responses, from qualified engineering firms. While each consultant had relevant firm and personnel experience and qualifications, staff believed that Baxter & Woodman provided the best proposal focusing on alternative structural solutions, as well as funding sources. For these reasons, staff believes that Baxter & Woodman will provided the best level of service to meet the Village's needs. Baxter & Woodman has proposed a fee for Phase I Engineering of \$170,000 for both bridges. The Village has proposed \$310,000 of Motor Fuel Tax funds in the FY 2016 budget for the local share of Phase I design services, so the proposed value falls well within the proposed budget amount.

The current sufficiency ratings for both bridges fall below 80, which makes both bridges eligible for Federal funding through the Surface Transportation Program – Bridges. This program covers 80% of eligible project expenses, including design and construction. The Village is anticipating having the Oak Street Bridge reconstructed first in fiscal year 2017, followed by the Cherry Street Bridge in fiscal year 2018.

Recommendation:

Consider awarding a contract to Baxter & Woodman for Phase I Engineering Services for both the Oak Street Bridge and the Cherry Street Bridge, for an amount not to exceed \$170,000, substantially in the form attached subject to possible IDOT revision.

Attachments:

- Agenda Report
- Federal Funding Letter October 2, 2015
- DRAFT Preliminary Engineering Services Agreement

Agenda Report

Subject: **Phase I Engineering Services – Oak and Cherry Street Bridge Rehabilitation Project**

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

Date: October 14, 2015

Both the Oak Street and Cherry Street Bridges have steel beams and reinforced concrete bridge decks. In 1997, the bridge decks were rehabilitated with a microsilica concrete overlay. In August, 2014, a small portion of that concrete overlay on the Oak Street bridge deck delaminated from the reinforced concrete bridge deck. In 2010, a similar event happened on the Cherry Street Bridge, prompting a localized concrete patch to be performed in 2012. Both deck overlays are experiencing similar stages of delamination, as the overlay is approaching the end of its 20-year design life. The Village has solicited qualification-based proposals for design engineering services for rehabilitation of these bridges. Design services consist of Phase I and Phase II engineering. Phase I engineering is preliminary engineering, consisting of an environmental survey, a Federal-Aid Project Report, preliminary plans/cost estimates, and similar items. Phase II engineering is the preparation of detailed construction plans, specifications, and bid documents.

The Village received thirteen responses, from qualified engineering firms. The RFP documents state that the Village will evaluate each proposal based upon the following factors:

1. Relevant company experience and qualifications (30% of rating);
2. Relevant project personnel experience and qualifications (35% of rating);
3. Proposed labor hours/fees (25% of rating);
4. Other Factors (10% of rating).

The Village's engineering staff reviewed all 13 proposals and rated each firm's proposal based upon the four review factors. While each consultant had relevant firm and personnel experience and qualifications, what set the highest rated RFP's apart from the rest of the submittals was consideration of both alternative structural solutions, as well as alternate funding sources. Staff independently agreed on the top 4 ranked proposals, at which time staff opened and reviewed their fee proposals, which were provided in separate, sealed envelopes.

The original anticipated scope of work consisted of patching and a new deck overlay for each bridge. However, after examining the structures, both of the top two firms offered alternative proposals recommending complete removal and replacement of the deck and superstructure of the bridge instead of the proposed rehabilitation of the decking, and pursuing Federal funding assistance for the work. After discussing these alternates, staff determined that it was appropriate to modify the proposed scope of service to pursue federal funding for the purpose of removing and replacing the superstructure of the bridge instead of the proposed rehabilitation of the

decking. In order to effectively compare the top two proposals, staff directed both Baxter & Woodman and Alfred Benesch to provide revised fee proposals outlining all fees associated with the direct response to the RFP, and also outlining potential fees for pursuing these alternative structural solutions that both firms proposed. Proposed fees are shown in the following table:

Engineering Firm	RFQ Review Ranking	Initial Phase I/II Proposal \$	Phase I/II Negotiated Proposal \$
Baxter & Woodman	1	\$175,000	Phase I: \$170,000 Phase II: \$140,000 Total: \$310,000
Alfred Benesch & Company	2	\$180,000	Phase I: \$108,056 Phase II: \$226,043 Total: \$334,099
Strand Associates*	3	\$52,548	Not a finalist
V3 Companies	4	\$281,292	Not a finalist

*Fee did not match project scope

After reviewing these final cost proposals, staff determined that the fee proposal submitted by Baxter and Woodman best fits the approach desired by the Village, for a Phase I fee of \$170,000.

Funding

The current sufficiency ratings for both bridges fall below 80, which makes both bridges eligible for Federal funding through the Surface Transportation Program – Bridges. This program covers 80% of eligible project expenses, including design and construction.

Following discussions with IDOT, the Village received a letter from IDOT authorizing the Village to proceed with selecting a qualified consultant (see **Attachment 1**), and that IDOT would be allocating funds for Phase I for these project in their FY 2016 program. The Village’s commitment is to fund the remaining 20% of the Phase I cost. IDOT has also indicated that the funding for Phase II Plan Preparation and Phase III Construction and Construction Engineering will be contingent upon the availability of funds in future fiscal years. The proposed funding levels for this future work are shown as follows:

Cherry Street (SN: 016-8256)

Phase	Amount	% Fund Allocation
Phase I Engineering	\$100,000	80% STP-Br
Phase II Engineering	\$100,000	STP-Br TBD
Phase III Engineering	\$120,000	STP-Br TBD
Construction	\$1,200,000	STP-Br TBD

Oak Street (SN: 016-8257)

Phase	Amount	% Fund Allocation
Phase I Engineering	\$100,000	80% STP-Br
Phase II Engineering	\$150,000	STP-Br TBD
Phase III Engineering	\$150,000	STP-Br TBD
Construction	\$1,500,000	STP-Br TBD

After consultant selection, the Village must submit a Draft Preliminary Engineering Services Agreement for Federal Participation for the Phase I studies to IDOT (see **Attachment #2**). This draft agreement authorizes Baxter and Woodman to complete Phase I Engineering only. However, Baxter and Woodman may not proceed with Phase I work until IDOT approves the agreement, which is anticipated to take three to four months. The Village has proposed \$310,000 of Motor Fuel Tax funds in the FY 2016 budget for the local share of Phase I design services, so the proposed value falls well within the proposed budget amount.

Recommended action:

Consider awarding a contract to Baxter & Woodman for Phase I Engineering Services for both the Oak Street Bridge and the Cherry Street Bridge, for an amount not to exceed \$170,000, substantially in the form attached subject to possible IDOT revision.

Attachments:

1. Federal Funding Letter October 2, 2015
2. DRAFT Preliminary Engineering Services Agreement



Illinois Department of Transportation

Division of Highways/Region One / District One
201 West Center Court/Schaumburg, Illinois 60196-1096

LOCAL ROADS AND STREETS

MAP 21: Surface Transportation Bridge Program

Village of Winnetka

Locations: Cherry Street over Union Pacific Railroad

Oak Street over Union Pacific Railroad

Section Nos.: TBD

Existing Structure Nos.: 016-8256 and 016-8257

Cook County

October 2, 2015

Mr. James J. Bernahl, P.E., CFM
Assistant Director of Public Works

Village of Winnetka

1390 Willow Road

Winnetka, IL 60093

Dear Mr. Bernahl:

We reviewed the September 22, 2015 letter requesting MAP 21, Surface Transportation Bridge Program (STP-Br) Funding for the following structures in the Village of Winnetka:

Location	Structure No.	Sufficiency Rating	Last Inspection Date	Eligible For
Cherry St.	016-8256	78.9	7/5/2012	Rehabilitation
Oak St.	016-8257	76.9	7/5/2012	Rehabilitation

The Village may proceed to advertise for and select a qualified consultant in accordance with the Procurement Procedures of the Department's Bureau of Local Roads and Streets Manual.

After selection of a consultant, please submit for our review a Draft Preliminary Engineering Services Agreement for Federal Participation (BLR 05610) for the Phase I Studies – Location and Design Report along with a Project Program Information Form (D1 PI0004). Please note that both documents are available via the Department's website as follows:

Document	Web Address
Preliminary Engineering Services Agreement for Federal Participation (BLR 05610)	http://www.dot.il.gov/blr/blrforms.html
Project Programming Information Form (D1 PI0004)	http://www.dot.il.gov/R1utilities/region1forms.html

We will fund Phase I for these projects in our FY 2016 Program which began July 1, 2015. When STP-Br Funds become available, the Village will be responsible for providing the twenty percent (20%) match.

The funding for Phase II Plan Preparation and Phase III Construction and Construction Engineering will be contingent upon the availability of funds in future fiscal years.

Additionally, as described above the funding levels will be based on the Village's request as noted in the letter. The total amount for each phase by structure is:

Cherry Street (SN: 016-8256)

Phase	Amount	% Fund Allocation
Phase I Engineering	\$100,000	80% STP-Br
Phase II Engineering	\$100,000	STP-Br TBD
Phase III Engineering	\$120,000	STP-Br TBD
Construction	\$1,200,000	STP-Br TBD

Oak Street (SN: 016-8257)

Phase	Amount	% Fund Allocation
Phase I Engineering	\$100,000	80% STP-Br
Phase II Engineering	\$150,000	STP-Br TBD
Phase III Engineering	\$150,000	STP-Br TBD
Construction	\$1,500,000	STP-Br TBD

If you have any questions or need additional information, please contact Charles Riddle, Program and Office Engineer, at (847) 705-4406 or via e-mail at Charles.Riddle@illinois.gov.

Very truly yours,

John A. Fortmann, P.E.
Deputy Director of Highways,
Region One Engineer

By: 
Christopher J. Holt, P.E.
Bureau Chief of Local Roads and Streets

cc: Brian Pigeon, NWMC
Steve Saunders, P.E., Director of Public Works, Winnetka
Susan Chen, P.E., CFM, Assistant Village Engineer, Winnetka

Local Agency	 Illinois Department of Transportation Preliminary Engineering Services Agreement For Federal Participation	C O N S U L T A N T	Consultant Baxter & Woodman, Inc.
Village of Winnetka			Address 8678 Ridgefield Rd
County Cook			City Crystal Lake
Section			State IL
Project No.			Zip Code 60012
Job No.			Contact Name/Phone/E-mail Address Matt Washkowiak 815.459.1260 mwashkowiak@baxterwoodman.com
Contact Name/Phone/E-mail Address James Bernahl, PE, CFM 847.716.3261 ibernahl@winnetka.org			

THIS AGREEMENT is made and entered into this _____ day of _____, _____ between the above Local Agency (LA) and Consultant (ENGINEER) and covers certain professional engineering services in connection with the PROJECT. Federal-aid funds allotted to the LA by the state of Illinois under the general supervision of the Illinois Department of Transportation (STATE) will be used entirely or in part to finance engineering services as described under AGREEMENT PROVISIONS.

Project Description

Name 1)Cherry St, 2) Oak St Route Off System Length 0.04 mi Structure No. 016-8256/0168257

Termini 1) Over Union Pacific Railroad, 0.45 miles west of Sheridan Rd, 2) Over Union Pacific Railroad, 0.43 mile west of Sheridan Rd

Description Phase I (Preliminary Engineering) for superstructure replacement of the Cherry St and Oak St bridges over the Union Pacific Railroad. The Phase I includes evaluation of the existing structures, environmental review, preliminary design, and agency/public coordination. Engineers project number 150754.30.

Agreement Provisions

I. THE ENGINEER AGREES,

1. To perform or be responsible for the performance, in accordance with STATE approved design standards and policies, of engineering services for the LA for the proposed improvement herein described.
2. To attend any and all meetings and visit the site of the proposed improvement at any reasonable time when requested by representatives of the LA or STATE.
3. To complete the services herein described within 365 calendar days from the date of the Notice to Proceed from the LA, excluding from consideration periods of delay caused by circumstances beyond the control of the ENGINEER.
4. The classifications of the employees used in the work should be consistent with the employee classifications and estimated man-hours shown in EXHIBIT A. If higher-salaried personnel of the firm, including the Principal Engineer, perform services that are indicated in Exhibit A to be performed by lesser-salaried personnel, the wage rate billed for such services shall be commensurate with the payroll rate for the work performed.
5. That the ENGINEER is qualified technically and is entirely conversant with the design standards and policies applicable for the PROJECT; and that the ENGINEER has sufficient properly trained, organized and experienced personnel to perform the services enumerated herein.
6. That the ENGINEER shall be responsible for the accuracy of the work and shall promptly make necessary revisions or corrections resulting from the ENGINEER's errors, omissions or negligent acts without additional compensation. Acceptance of work by the STATE will not relieve the ENGINEER of the responsibility to make subsequent correction of any such errors or omissions or for clarification of any ambiguities.
7. That all plans and other documents furnished by the ENGINEER pursuant to this AGREEMENT will be endorsed by the ENGINEER and will affix the ENGINEER's professional seal when such seal is required by law. Plans for structures to be built as a part of the improvement will be prepared under the supervision of a registered structural engineer and will affix structural engineer seal when such seal is required by law. It will be the ENGINEER's responsibility to affix the proper seal as required by the Bureau of Local Roads and Streets manual published by the STATE.
8. That the ENGINEER will comply with applicable federal statutes, state of Illinois statutes, and local laws or ordinances of the LA.

9. The undersigned certifies neither the ENGINEER nor I have:
- employed or retained for commission, percentage, brokerage, contingent fee or other considerations, any firm or person (other than a bona fide employee working solely for me or the above ENGINEER) to solicit or secure this AGREEMENT,
 - agreed, as an express or implied condition for obtaining this AGREEMENT, to employ or retain the services of any firm or person in connection with carrying out the AGREEMENT or
 - paid, or agreed to pay any firm, organization or person (other than a bona fide employee working solely for me or the above ENGINEER) any fee, contribution, donation or consideration of any kind for, or in connection with, procuring or carrying out the AGREEMENT.
 - are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency,
 - have not within a three-year period preceding the AGREEMENT been convicted of or had a civil judgment rendered against them for commission of fraud or criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property,
 - are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (e) and
 - have not within a three-year period preceding this AGREEMENT had one or more public transactions (Federal, State or local) terminated for cause or default.
10. To pay its subconsultants for satisfactory performance no later than 30 days from receipt of each payment from the LA.
11. To submit all invoices to the LA within one year of the completion of the work called for in this AGREEMENT or any subsequent Amendment or Supplement.
12. To submit BLR 05613, Engineering Payment Report, to the STATE upon completion of the project (Exhibit B).
13. Scope of Services to be provided by the ENGINEER:
- Make such detailed surveys as are necessary for the planning and design of the PROJECT.
 - Make stream and flood plain hydraulic surveys and gather both existing bridge upstream and downstream high water data and flood flow histories.
 - Prepare applications for U.S. Army Corps of Engineers Permit, Illinois Department of Natural Resources Office of Water Resources Permit and Illinois Environmental Protection Agency Section 404 Water Quality Certification.
 - Design and/or approve cofferdams and superstructure shop drawings.
 - Prepare Bridge Condition Report and Preliminary Bridge Design and Hydraulic Report, (including economic analysis of bridge or culvert types and high water effects on roadway overflows and bridge approaches).
 - Prepare the necessary environmental and planning documents including the Project Development Report, Environmental Class of Action Determination or Environmental Assessment, State Clearinghouse, Substate Clearinghouse and all necessary environmental clearances.
 - Make such soil surveys or subsurface investigations including borings and soil profiles as may be required to furnish sufficient data for the design of the proposed improvement. Such investigations to be made in accordance with the current Standard Specifications for Road and Bridge Construction, Bureau of Local Roads and Streets Administrative Policies, Federal-Aid Procedures for Local Highway Improvements or any other applicable requirements of the STATE.
 - Analyze and evaluate the soil surveys and structure borings to determine the roadway structural design and bridge foundation.
 - Prepare preliminary roadway and drainage structure plans and meet with representatives of the LA and STATE at the site of the improvement for review of plans prior to the establishment of final vertical and horizontal alignment, location and size of drainage structures, and compliance with applicable design requirements and policies.
 - Make or cause to be made such traffic studies and counts and special intersection studies as may be required to furnish sufficient data for the design of the proposed improvement.
 - Complete the general and detailed plans, special provisions and estimate of cost. Contract plans shall be prepared in accordance with the guidelines contained in the Bureau of Local Roads and Streets manual. The special provisions and detailed estimate of cost shall be furnished in quadruplicate.
 - Furnish the LA with survey and drafts in quadruplicate all necessary right-of-way dedications, construction easements and borrow pit and channel change agreements including prints of the corresponding plats and staking as required.

II. THE LA AGREES,

1. To furnish the ENGINEER all presently available survey data and information
2. To pay the ENGINEER as compensation for all services rendered in accordance with this AGREEMENT, on the basis of the following compensation formulas:

Cost Plus Fixed Fee CPFF = 14.5%[DL + R(DL) + OH(DL) + IHDC], or
 CPFF = 14.5%[DL + R(DL) + 1.4(DL) + IHDC], or
 CPFF = 14.5%[(2.3 + R)DL + IHDC]

Where: DL = Direct Labor
 IHDC = In House Direct Costs
 OH = Consultant Firm's Actual Overhead Factor
 R = Complexity Factor

Specific Rate (Pay per element)

Lump Sum _____

3. To pay the ENGINEER using one of the following methods as required by 49 CFR part 26 and 605 ILCS 5/5-409:

With Retainage

- a) **For the first 50% of completed work**, and upon receipt of monthly invoices from the ENGINEER and the approval thereof by the LA, monthly payments for the work performed shall be due and payable to the ENGINEER, such payments to be equal to 90% of the value of the partially completed work minus all previous partial payments made to the ENGINEER.
- b) **After 50% of the work is completed**, and upon receipt of monthly invoices from the ENGINEER and the approval thereof by the LA, monthly payments covering work performed shall be due and payable to the ENGINEER, such payments to be equal to 95% of the value of the partially completed work minus all previous partial payments made to the ENGINEER.
- c) **Final Payment** – Upon approval of the work by the LA but not later than 60 days after the work is completed and reports have been made and accepted by the LA and the STATE, a sum of money equal to the basic fee as determined in this AGREEMENT less the total of the amounts of partial payments previously paid to the ENGINEER shall be due and payable to the ENGINEER.

Without Retainage

- a) **For progressive payments** – Upon receipt of monthly invoices from the ENGINEER and the approval thereof by the LA, monthly payments for the work performed shall be due and payable to the ENGINEER, such payments to be equal to the value of the partially completed work minus all previous partial payments made to the ENGINEER.
- b) **Final Payment** – Upon approval of the work by the LA but not later than 60 days after the work is completed and reports have been made and accepted by the LA and STATE, a sum o money equal to the basic fee as determined in this AGREEMENT less the total of the amounts of partial payments previously paid to the ENGINEER shall be due and payable to the ENGINEER.

4. The recipient shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31U.S.C. 3801 et seq.).

III. IT IS MUTALLY AGREED,

1. That no work shall be commenced by the ENGINEER prior to issuance by the LA of a written Notice to Proceed.
2. That tracings, plans, specifications, estimates, maps and other documents prepared by the ENGINEER in accordance with this AGREEMENT shall be delivered to and become the property of the LA and that basic survey notes, sketches, charts and other data prepared or obtained in accordance with this AGREEMENT shall be made available, upon request, to the LA or to the STATE, without restriction or limitation as to their use.

3. That all reports, plans, estimates and special provisions furnished by the ENGINEER shall be in accordance with the current Standard Specifications for Road and Bridge Construction, Bureau of Local Roads and Streets Administrative Policies, Federal-Aid Procedures for Local Highway Improvements or any other applicable requirements of the STATE, it being understood that all such furnished documents shall be approved by the LA and the STATE before final acceptance. During the performance of the engineering services herein provided for, the ENGINEER shall be responsible for any loss or damage to the documents herein enumerated while they are in the ENGINEER's possession and any such loss or damage shall be restored at the ENGINEER's expense.
4. That none of the services to be furnished by the ENGINEER shall be sublet, assigned or transferred to any other party or parties without written consent of the LA. The consent to sublet, assign or otherwise transfer any portion of the services to be furnished by the ENGINEER shall not be construed to relieve the ENGINEER of any responsibility for the fulfillment of this agreement.
5. To maintain, for a minimum of 3 years after the completion of the contract, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the contract; the contract and all books, records and supporting documents related to the contract shall be available for review and audit by the Auditor General and the STATE; and to provide full access to all relevant materials. Failure to maintain the books, records and supporting documents required by this section shall establish a presumption in favor of the STATE for the recovery of any funds paid by the STATE under the contract for which adequate books, records and supporting documentation are not available to support their purported disbursement.
6. The payment by the LA in accordance with numbered paragraph 3 of Section II will be considered payment in full for all services rendered in accordance with this AGREEMENT whether or not they be actually enumerated in this AGREEMENT.
7. That the ENGINEER shall be responsible for any and all damages to property or persons arising out of an error, omission and/or negligent act in the prosecution of the ENGINEER's work and shall indemnify and save harmless the LA, the STATE, and their officers, agents and employees from all suits, claims, actions or damages of any nature whatsoever resulting there from. These indemnities shall not be limited by the listing of any insurance policy.
8. This AGREEMENT may be terminated by the LA upon giving notice in writing to the ENGINEER at the ENGINEER's last known post office address. Upon such termination, the ENGINEER shall cause to be delivered to the LA all drawings, plats, surveys, reports, permits, agreements, soils and foundation analysis, provisions, specifications, partial and completed estimates and data, if any from soil survey and subsurface investigation with the understanding that all such material becomes the property of the LA. The LA will be responsible for reimbursement of all eligible expenses to date of the written notice of termination.
9. This certification is required by the Drug Free Workplace Act (30ILCS 580). The Drug Free Workplace Act requires that no grantee or contractor shall receive a grant or be considered for the purpose of being awarded a contract for the procurement of any property or service from the State unless that grantee or contractor will provide a drug free workplace. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract or grant payments, termination of a contract or grant and debarment of the contracting or grant opportunities with the State for at least one (1) year but no more than five (5) years.

For the purpose of this certification, "grantee" or "contractor" means a corporation, partnership or other entity with twenty-five (25) or more employees at the time of issuing the grant, or a department, division or other unit thereof, directly responsible for the specific performance under a contract or grant of \$5,000 or more from the State, as defined in the Act.

The contractor/grantee certifies and agrees that it will provide a drug free workplace by:

- a. Publishing a statement:
 - (1) Notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including cannabis, is prohibited in the grantee's or contractor's workplace.
 - (2) Specifying the actions that will be taken against employees for violations of such prohibition.
 - (3) Notifying the employee that, as a condition of employment on such contract or grant, the employee will:
 - (a) abide by the terms of the statement; and
 - (b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- b. Establishing a drug free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's or contractor's policy of maintaining a drug free workplace;
 - (3) Any available drug counseling, rehabilitation and employee assistance program; and
 - (4) The penalties that may be imposed upon an employee for drug violations.
- c. Providing a copy of the statement required by subparagraph (a) to each employee engaged in the performance of the contract or grant and to post the statement in a prominent place in the workplace.
- d. Notifying the contracting or granting agency within ten (10) days after receiving notice under part (B) of paragraph (3) of subsection (a) above from an employee or otherwise receiving actual notice of such conviction.
- e. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by,
- f. Assisting employees in selecting a course of action in the event drug counseling, treatment and rehabilitation is required and indicating that a trained referral team is in place.
- g. Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act.

10. The ENGINEER or subconsultant shall not discriminate on the basis of race, color, national origin or sex in the performance of this AGREEMENT. The ENGINEER shall carry out applicable requirements of 49 CFR part 26 in the administration of DOT assisted contracts. Failure by the ENGINEER to carry out these requirements is a material breach of this AGREEMENT, which may result in the termination of this AGREEMENT or such other remedy as the LA deems appropriate.

Agreement Summary

Prime Consultant:	TIN Number	Agreement Amount
Baxter & Woodman, Inc.	36-2845242	\$166,000.00
Sub-Consultants:	TIN Number	Agreement Amount
Soil and Material Consultants, Inc.	36-3094075	\$4,000.00
Sub-Consultant Total:		\$4,000.00
Prime Consultant Total:		\$166,000
Total for all Work:		\$170,000.00

Executed by the LA:

Village of Winnetka

(Municipality/Township/County)

ATTEST:

By: _____

By: _____

Village Clerk

Title: Village Manager

(SEAL)

Executed by the ENGINEER:

ATTEST:

Baxter & Woodman, Inc.
8678 Ridgefield Road
Crystal Lake, IL 60012

By: _____

By: _____

Title: Deputy Secretary

Title: _____

**PAYROLL ESCALATION TABLE
FIXED RAISES**

FIRM NAME Baxter & Woodman, Inc.
PRIME/SUPPLEMENT PRIME

DATE 10/14/15
PTB NO. N/A

CONTRACT TERM 12 MONTHS
START DATE 1/1/2016
RAISE DATE 1/1/2017

OVERHEAD RATE 153.00%
COMPLEXITY FACTOR
% OF RAISE 2.00%

ESCALATION PER YEAR

1/1/2016 - 1/1/2017

$\frac{12}{12}$

= 100.00%
= 1.0000

The total escalation for this project would be:

0.00%

AVERAGE HOURLY PROJECT RATES

FIRM Baxter & Woodman, Inc.
PSB N/A
PRIME/SUPPLEMENT PRIME

DATE 10/14/15

SHEET 1 OF 2

PAYROLL CLASSIFICATION	AVG HOURLY RATES	TOTAL PROJECT RATES			Early Coordination			Topographic Survey			Alternative Analysis			Preliminary Design			Env Coordination & Permits		
		Hours	% Part.	Wgt'd Avg	Hours	% Part.	Wgt'd Avg	Hours	% Part.	Wgt'd Avg	Hours	% Part.	Wgt'd Avg	Hours	% Part.	Wgt'd Avg	Hours	% Part.	Wgt'd Avg
Principal	70.00	0																	
Sr. Engineer IV	60.51	134	11.22%	6.79									120	17.39%	10.52				
Sr. Engineer III	50.66	150	12.56%	6.36	20	33.33%	16.89				50	83.33%	42.22				20	18.18%	9.21
Sr. Engineer II	46.23	200	16.75%	7.74	20	33.33%	15.41						60	8.70%	4.02	80	72.73%	33.62	
Sr. Engineer I	40.17	190	15.91%	6.39									150	21.74%	8.73				
Engineer III	37.05	0																	
Engineer II	28.88	120	10.05%	2.90									120	17.39%	5.02				
Engineer I	24.90	100	8.38%	2.09	20	33.33%	8.30						80	11.59%	2.89				
Sr Geologist I	45.00	0																	
Engineer Tech V	49.83	0																	
Engineer Tech IV	42.40	0																	
Engineer Tech III	37.01	70	5.86%	2.17				60	75.00%	27.76									
Engineer Tech II	29.65	0																	
Engineer Tech I	15.56	0																	
Cadd Tech IV	41.89	80	6.70%	2.81									80	11.59%	4.86				
Cadd Tech III	36.80	130	10.89%	4.01							10	16.67%	6.13	80	11.59%	4.27	10	9.09%	3.35
Cadd Tech II	31.46	0																	
Cadd Tech I	25.49	20	1.68%	0.43				20	25.00%	6.37									
Clerical I	25.12	0																	
		0																	
		0																	
		0																	
		0																	
		0																	
		0																	
		0																	
TOTALS		1194	100%	\$41.69	60	100.00%	\$40.60	80	100%	\$34.13	60	100%	\$48.35	690	100%	\$40.31	110	100%	\$46.18

PAYROLL RATES

FIRM NAME	<u>Baxter & Woodman, Inc.</u>	<u>10/14/15</u>
PRIME/SUPPLEMENT	<u>PRIME</u>	
PSB NO.	<u>N/A</u>	

ESCALATION FACTOR 0.00%

CLASSIFICATION	CURRENT RATE	CALCULATED RATE
Principal	\$69.84	\$69.84
Sr. Engineer IV	\$60.51	\$60.51
Sr. Engineer III	\$50.66	\$50.66
Sr. Engineer II	\$46.23	\$46.23
Sr. Engineer I	\$40.17	\$40.17
Engineer III	\$37.05	\$37.05
Engineer II	\$28.88	\$28.88
Engineer I	\$24.90	\$24.90
Sr Geologist I	\$45.00	\$45.00
Engineer Tech V	\$49.83	\$49.83
Engineer Tech IV	\$42.40	\$42.40
Engineer Tech III	\$37.01	\$37.01
Engineer Tech II	\$29.65	\$29.65
Engineer Tech I	\$15.56	\$15.56
Cadd Tech IV	\$41.89	\$41.89
Cadd Tech III	\$36.80	\$36.80
Cadd Tech II	\$31.46	\$31.46
Cadd Tech I	\$25.49	\$25.49
Clerical I	\$25.12	\$25.12
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00

**CHERRY AND OAK STREET BRIDGE IMPROVEMENTS
PHASE I ENGINEERING SERVICES
VILLAGE OF WINNETKA**

**EXHIBIT C
SCOPE OF SERVICES**

LOCATION:

This project is located on the Cherry St bridge over the Union Pacific Railroad (S.N. 016-8256) and on the Oak St bridge over the Union Pacific Railroad (S.N. 016-8257), in the Village of Winnetka.

PROJECT UNDERSTANDING:

The Cherry St and Oak St structures are 4-span steel beam bridges over the Union Pacific Railroad. Both structures are in need of repair due to their deteriorating condition and substandard geometrics.

Cherry St and Oak Street are classified as local streets and provide access to local traffic crossing the Union Pacific Railroad. Oak St also provides pedestrian stairway access to the Metra station below.

This project involves Phase I Engineering and Environmental Studies for the rehabilitation of the structures. Baxter and Woodman will perform structural calculations necessary to provide a recommended scope of work to extend the service life of the structure. Likely scope items include bridge superstructure replacement, approach slab replacement, and Metra stairway reconfiguration.

This project will follow federal project development procedures to ensure eligibility for federal funding after completion of the Phase I Study. The project will be coordinated with IDOT's Bureau of Local Roads and Streets and the Federal Highway Administration for reviews and Phase I Design Approval. It is anticipated that this project will be processed as a Categorical Exclusion, Group II.

SCOPE OF SERVICES:

1. EARLY COORDINATION

- *Manage Project:* Plan, schedule, and control the activities that must be performed to complete the project including budget, schedule, and scope. Coordinate with Village and project team to ensure the goals of the project are achieved. Prepare and submit monthly invoices, coordinate invoices from sub-consultants, and provide regular updates to the Village.
- *Data Collection:* Obtain, review and evaluate the following information provided by the Village for use in design:
 - Utility Atlases
 - Existing Roadway and Structure Plans with Inspection Reports
 - GIS Shape files surrounding the project limits
 - Aerial Photography
 - Maintenance and flooding records

- Crash Data (5 years)
- ROW, GIS and property data
- *Utilities:* Contact J.U.L.I.E. for potentially impacted utility companies. Initiate utility coordination by contacting utility companies that have facilities along the project limits and requesting utility atlas maps. Plot locations and sizes of existing utilities in electronic drawings.

2. TOPOGRAPHIC SURVEY

- *Topographic Survey:* Perform topographic survey within the project limits and at 50-foot intervals including driveways and cross streets. The limits of the survey at Cherry St will be from Green Bay Rd (excluding the intersection) to 200 feet west of Maple St. The limits of the survey at Oak St will be from Green Bay Rd (excluding the intersection) to Lincoln Ave (including the intersection). Cross section width shall be taken 10' feet outside the estimated proposed right-of-way and utility corridor. The surveys will also include the Union Pacific Railroad including tracks, piers, and stairway leading to the Metra station. State plane coordinates and NAVD 88 will be used for horizontal and vertical controls.
- *Railroad Flaggers:* Railroad flaggers will be required when the topographic survey is performed within 25 feet of the railroad tracks. It is assumed that railroad flagging services will be needed for one day.
- *Terrain Model:* Download and develop digital terrain model for use in design and plan preparation.
- *Right of Way:* Utilize available tax parcel information to establish an approximate right-of-way. Conduct research at the County Recorder to obtain recorded documents for determining the limits of existing right of way and easements.

3. ALTERNATIVE ANALYSIS

- *Alternative Geometric Development:* Analyze alternative alignments, configurations, and geometrics to establish a preferred structure alternative. Compile alternatives and summarize findings of the analysis with recommendations. A maximum of 2 alternatives per bridge (4 total) will be developed further for evaluation.

4. PRELIMINARY DESIGN

- *Bridge Condition Report:* Prepare a Bridge Condition Report in accordance with IDOT guidelines. Describe the physical condition of the existing bridge, construction/repair history, and field inspection and evaluation results. Address all known significant structural, geometric, and hydraulic deficiencies associated with the structure. Develop and document a proposed scope of work for the structure. Evaluate potential scope of work alternatives. Determine the most cost-effective alternative for restoring the bridge to a structurally adequate and functionally serviceable condition. Present recommendations to the Village and IDOT for review and approval.
- *Preliminary Structure Design:* Prepare TS&L drawings according to IDOT Bridge Manual Section 2.3, AASHTO LRFD Bridge Design Specifications, and BLRS Chapter 4 for the proposed structure.

Determine the extent of structural repairs needed to support the deck overlay and remove the load posting from the bridge. Prepare structural calculations to demonstrate that proposed repairs will restore the original load-carrying capacity of the structure. Submit structural calculations with exhibits showing typical repair details to IDOT Bridge Office for review and concurrence.

- *ROW Analysis:* ROW is not anticipated for this project with work to be performed under existing agreement with the Village and Union Pacific.
- *Plan and Profile:* Identify design constraints including clear zone, obstructions, drainage limitations, and potential design exceptions. Plan and profile sheets will include improvement limits, stations and offset callouts, define paving limits, label construction limit locations and right of way breaks, utility adjustments, and guardrail locations. No intersection improvements or intersection design studies are included in this work.
- *Typical Sections:* Prepare typical sections for the existing and proposed improvements, showing dimensions for roadway surfaces, bases, subbases, subgrade treatments, curb and gutter, guardrail, ditches, backslopes, and right of way.
- *Conceptual Barrier Warrant Investigation:* Analyze the need for a roadside barrier based on environmental conditions, calculated clear zone, horizontal geometry, cross section slopes, design ADT volumes, and design speed limit. Conceptually lay out the limits of required guardrail, and other roadside barrier. The limits will be used to assist with impacts to adjacent properties, floodplain fill, structure types, and cost estimating. Final barrier warrant analysis will be completed during Phase II.
- *Conceptual Lighting Investigation:* Conceptually lay out lighting for the purpose of generating a lighting cost estimate, Final lighting design will be completed during Phase II.
- *Geotechnical Investigation:* Existing pavement materials will be cored approximately 50 feet from each abutment to determine pavement material types and thicknesses.
- *Estimate of Cost and Schedule:* Develop preliminary cost estimates for the improvement and anticipated schedule for construction.

5. ENVIRONMENTAL COORDINATION AND PERMITS

- *Preliminary Bridge Design and Hydraulic Report (PBDHR):* Hydraulic Data section of PBDHR form will not be completed because it is not required by IDOT for this project. All proposed work is anticipated to be above the 100-yr flood elevation.
- *Environmental Survey:* Prepare the Environmental Survey Request Form and related exhibits. Submit to IDOT to determine potential environmental impacts. Biological, Archeological, and Historical surveys will be performed by the State. Wetlands are not anticipated. The special waste assessment will be performed by Baxter & Woodman as described below.

6. PRELIMINARY ENVIRONMENTAL SITE ASSESSMENT (PESA)

- *Historical Records Review:* Review and document historical data sources for the project area, including aerial photographs, topographic maps, fire insurance maps, County resources, and other readily available development data.
- *Environmental Regulatory Records Review:* A computer search of Federal, State, Tribal, and local government agency records will be performed to determine if the Site or adjacent properties are included within the selected regulatory databases. Based on the results of this query, the Site and its surrounding properties shall be evaluated for recognized environmental concerns (REC). Queries shall be performed, but not be limited to, the following regulatory databases:
 - National Priority List (NPL) of Hazardous Waste Sites;
 - Hazardous Waste Treatment, Storage, Disposal Facilities (TSDF);
 - Underground Storage Tank or Leaking Underground Storage Tank Locations (UST/LUST);
 - Sanitary Landfill and Solid Waste Sites (SL/SWS);
 - State Hazardous Waste Sites (SHWS);
 - CERCLIS sites
 - Small and Large Quantity Hazardous Waste Generators (RCRIS-SQG/LGG)
 - RCRA
- *Report Preparation:* Based on Environmental Screening results and site visit, prepare a PESA using the processes described in *A Manual for Conducting Preliminary Environmental Site Assessments for Illinois Department of Transportation Infrastructure Projects*, Second edition, January 2012.
 - Prepare a letter report summarizing the activities and results of the assessment. The report will include pertinent documentation to support the screening results of the assessment. It will also provide a summary of conclusions from the limited information collected.

7. RAILROAD COORDINATION

- *Coordination:* Coordinate with Union Pacific Railroad, Metra and the Illinois Commerce Commission (ICC) to obtain the necessary items required for Project Development Report approval. Permits from Union Pacific and hearings with the ICC will be completed during Phase II.

8. MEETINGS AND PUBLIC INVOLVEMENT

- *Meetings:* The following meetings are anticipated for this project:
 - Village (2 total) (Kickoff, Alternative)
 - IDOT Kickoff Meeting: (1)
 - IDOT/FHWA Coordination Meeting: (1)
- *Public Meeting:* One public open house meeting is anticipated for this project.

9. PROJECT DEVELOPMENT REPORT

- *Phase I Documentation:* Prepare a Local Project Development Report for Group II Categorical Exclusion and submit the report to IDOT-BLRS and the Federal Highway Administration for review and approval. Pre-final and Final submittals are anticipated. Maintain an updated PPI form and funding application with CMAP and Council of Mayors if necessary.

- *Traffic Forecasting:* Coordinate with the Village and Chicago Metropolitan Agency for Planning (CMAP) for concurrence on 2040 traffic projections.
- *Accident Analysis:* Obtain accident data from the Village and compile for review. Complete an accident diagram for the study area in the last 5 years and summarize findings. Complete an accident analysis to evaluate the frequency, severity, and recommended countermeasures.
- *QA/QC:* Perform in-house peer and milestone reviews by senior staff during project initiation, conceptual review, preliminary and final submittals. Provide ongoing reviews of permitting and utility coordination efforts. Conduct milestone reviews of subconsultants and provide feedback throughout the progress of work.
- *Deliverables:* The following is a list of anticipated final deliverables to the Village for this project:
 - *Electronic Record of Design files including Project Development Report content, Environmental Reports, Estimates, Exhibits, and related electronic submittals (pdf or as appropriate). Baxter & Woodman utilizes an electronic filing system in lieu of paper copies.*

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