

Rescheduled Regular Meeting  
**WINNETKA VILLAGE COUNCIL**  
510 Green Bay Road  
Winnetka, Illinois 60093  
Tuesday, April 26, 2011  
7:30 p.m.

Emails regarding any agenda item are welcomed. Please email [LRosenthal@winnetka.org](mailto:LRosenthal@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 to the Flag
- 3) Quorum
  - a) May 3, 2011, Regular Meeting
  - b) May 10, 2011, Study Session
- 4) Approval of Agenda
- 5) Consent Agenda
  - a) Village Council Minutes
    - i) March 1, 2011, Regular Council Meeting .....3
    - ii) March 8, 2011, Special Council Meeting .....7
    - iii) March 8, 2011, Study Session .....9
    - iv) March 22, 2011, Regular Council Meeting .....11
    - v) April 7, 2011, Regular Council Meeting .....18
  - b) Warrant Lists Nos. 1697 and 1698 .....25
  - c) Resolution No.R-15-2011 - Authorizing the Release of Executive Session Minutes and the Destruction of Verbatim Recordings .....26
  - d) Bid #011-009: Electrical Line Clearance (Tree Trimming) .....31
  - e) One Year Extension of Yard Waste Composting Contract with Thelen Sand & Gravel .....33
  - f) Extension of Bid # 10-001: Parkway Tree Planting .....34
  - g) Resolution No. R-17-2011 – Opposing the Reduction of State Collected Revenues Due Municipalities - Adoption.....35
- 6) Ordinances and Resolutions
  - a) Special Service Areas #4 and #5: Pavement and Stormwater Improvements – Public Alleys.....38
    - i) Ordinance No. M-2-2011 – SSA #4: Alley Paving – Adoption .....44

- ii) Ordinance No. M-3-2011 – SSA #5: Alley Paving – Adoption .....52
  - b) Ordinance No. MC-3-2011 – Amending Village Code as it Pertains to Certain Boards and Commissions – Adoption .....60
- 7) Public Comment and Questions
- 8) Old Business
- 9) New Business
  - a) Village Hall Renovation and Restoration – Interior Bids.....96
  - b) Request from The Wine Shop for Amendments to the E-2 Liquor License Classification ..... 129
- 10) Reports
- 11) Appointments
- 12) Executive Session
- 13) Adjournment

**NOTICE**

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

Videos of the Regular Village Council meetings are televised on Channel 10, Mondays, Wednesdays, and Fridays at 7:00 p.m. Videos of the meeting may also be viewed on the Internet via a link on the Village’s web site: [www.villageofwinnetka.org](http://www.villageofwinnetka.org).

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Liz Rosenthal, at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3540; T.D.D. (847) 501-6041).

**MINUTES  
WINNETKA VILLAGE COUNCIL  
REGULAR MEETING  
March 1, 2011**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, March 1, 2011, at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:38 p.m. Present: Trustees Gene Greable, Bill Johnson, Linda Pedian, King Poor and Chris Rintz. Trustee Jeni Spinney arrived at 7:55PM. Absent: None. Also present: Village Manager Robert Bahan, Village Attorney Katherine Janega, Finance Director Ed McKee, Director of Water & Electric Brian Keys, and 6 persons in the audience.
  - 2) Pledge of Allegiance. President Tucker led the group in the Pledge of Allegiance.
  - 3) Quorum.
    - a) March 22, 2011, Rescheduled Regular Meeting. All of the Council members present indicated that they expected to attend.
    - b) April 7, 2011, Regular Meeting (Thursday). All of the Council members present indicated that they expected to attend.
    - c) April 12, 2011, Study Session. All of the Council members present indicated that they expected to attend.
    - d) April 26, 2011 Rescheduled Regular Meeting. All of the Council members present indicated that they expected to attend.
  - 4) Approval of the Agenda. Trustee Johnson, seconded by Trustee Pedian, moved to approve the Agenda. By roll call vote the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Rintz, Pedian, and Greable. Nays: None. Absent: None.
  - 5) Consent Agenda
    - a) Village Council Minutes. None.
    - b) Warrant Lists Nos. 1691 and 1692. Approving Warrant List No. 1691 in the amount of \$876,496.82, and Warrant List No. 1692 in the amount of \$599,543.54.
    - c) Lead Service Replacements: Change Order, Biagi Plumbing. Authorizes the Village Manager to execute a change order in the amount of \$32,000 with Biagi Plumbing for the replacement of lead water services through March 31, 2011.

Resolution R-11-2011: State Highway Repair Work. Provides performance security as required by the State of Illinois for Highway Permits, for calendar years 2011 and 2012.
- Trustee Johnson, seconded by Trustee Pedian, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Rintz, Pedian, and Greable. Nays: None. Absent: None.

6) Ordinances and Resolutions.

a) Public Hearing: 2011-12 Village Budget. President Tucker opened the public hearing at 7:42 p.m.

i) Resolution R-3-2011: 2011-12 Village Budget – Introduction. Mr. McKee listed these major projects contained in the proposed 2011-12 Budget:

- A stormwater study for the entire Village, so the Council can devise a drainage plan
- Improve pumping capacity at the Winnetka Ave. pump station
- \$1.2 million road repair work throughout the Village
- Intersection improvements at Green Bay and Winnetka Aves.
- Village Hall interior renovation
- Installation of an oxidation catalyst system on the diesel engines at the power plant
- Electric distribution system improvements
- Replacement of the Lloyd Park water main
- Update the Village’s web site
- Conduct a community survey

Mr. McKee explained that a typical Village homeowner would see an approximately 2.1%, or \$125, increase in the cost of municipal services and a 1.4% increase in their existing property tax, or about \$37. He noted that the increases are necessary for capital improvements, not increased operating costs. He stressed that residents have seen the Village portion of their property tax bill decline from 17% to 13% of their total tax bill over the past 12 years.

Trustee Greable suggested putting out a statement from all of the Village’s taxing bodies outlining their costs; and Trustee Pedian suggested putting additional information on the website to help residents research budget facts.

Trustee Spinney arrived at 7:55 p.m.

Trustee Johnson emphasized that the tax increase is very small and the water and electric charges are still slightly lower than market rate.

Richard Kates, 1326 Tower, asked: (i) how long the water rate has been increasing at 8% per year; (ii) if decreasing the assumption on rates of return for the pensions would have an adverse impact on the pension funds in light of recent retirements.

Mr. McKee responded that this is the third year of 8% increases in the water rate and that it was planned to be done in increments to fund Water Plant capital improvements, and not operating costs, which are actually in decline next year.

Mr. McKee then explained that the actuary for the pension funds will look at the demographics and then make recommendations about funding from the standpoint of the recent retirements. He added that the Village has the lowest assumptions on return of any municipality he knows of, which makes the funding ratio appear less than it would if higher assumptions were used.

President Tucker closed the public hearing at 8:02 p.m.

Trustee Johnson, seconded by Trustee Spinney, moved to introduce Resolution R-3-2011. By voice vote, the motion carried.

- b) Updated Fee & Rate Resolutions. President Tucker announced that the first four rate resolutions would be introduced together and would be up for adoption at the last Council Meeting in March, and that the three remaining fee resolutions don't require introduction but are on the agenda for review before being up for adoption at the last March meeting.

Mr. McKee referred the Council to his agenda report for a summary of substantive changes.

- i) Resolution R-4-2011: Water Rates – Introduction.
- ii) Resolution R-5-2011: Electric Rates – Introduction.
- iii) Resolution R-6-2011: Sewer Rates – Introduction.
- iv) Resolution R-7-2011: Refuse Rates – Introduction.

There being no questions or comments, Trustee Poor, seconded by Trustee Spinney, moved to introduce Resolutions R-4-2011 through R-7-2011. By voice vote, the motion carried.

- v) Resolution R-8-2011: General Permit & License Fees. (Review)
- vi) Resolution R-9-2011: Building, Zoning & Construction Fees. (Review)
- vii) Resolution R-10-2011: Fire Service Fees. (Review)

Mr. McKee noted that Resolutions R-8-2011, R-9-2011 and R-10-2011 do not require introduction and were being presented for review only. There were no further comments or questions about the fee resolutions.

- 7) Public Comment and Questions. Mr. Kates commended the Village for publicizing efforts to get SB 1927 and SB 3388 (coal gasification bills) vetoed, as the legislation would raise gas rates considerably for North Shore Gas customers, and he added that the public should be very pleased with the Village's efforts.

8) Old Business. None.

9) New Business. None.

10) Reports

- a) Village President. President Tucker reported that the NWMC Legislative Days begin on March 15<sup>th</sup>, and the Council Meeting has been rescheduled to March 22<sup>nd</sup> so some of the Council members and Manager Bahan could travel to Springfield to meet with legislators and advocate on behalf of the community and the region. She encouraged residents to visit the Village's website to view the NWMC's legislative agenda

President Tucker announced that Affordable Housing is scheduled to be discussed at the Council's April Study Session, and noted that some facts on the issue are available on the Village's website. She asked residents to review this information, as there are a lot of rumors being disseminated in the community.

b) Trustees.

i) Trustee Pedian thanked staff who cleared the snow and kept the Village safe and passable after the February 1<sup>st</sup> blizzard, noting that a luncheon had been held the prior day to honor Village employees for their hard work and dedication.

c) Attorney. None.

d) Manager. Manager Bahan reported that Senator Dick Durbin has informed the Village that it will receive a \$10,000 grant to replace trees lost to the Emerald Ash Borer.

11) Appointments. None.

12) Executive Session. Trustee Pedian moved to adjourn into Executive Session to discuss the appointment, employment or compensation of specific employees, collective bargaining matters, and pending and probable litigation, pursuant to Sections 2(c)(1), 2(c)(2) and 2(c)(11) respectively, of the Illinois Open Meetings Act. Trustee Spinney seconded the motion. By roll call vote, the motion carried. Ayes: Trustees Greable, Johnson, Pedian, Poor, Rintz and Spinney. Nays: None. Absent: None. The Council adjourned into Executive Session at 8:15 p.m.

The Council reconvened into Regular Session at 9:25 p.m. Present: President Tucker, Trustees Greable, Johnson, Pedian, Poor, Rintz and Spinney. Absent: None. Also present: Village Manager Rob Bahan and Village Attorney Katherine Janega.

13) Adjournment. Trustee Rintz, seconded by Trustee Spinney, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Greable, Johnson, Pedian, Poor, Rintz and Spinney. Nays: None. Absent: None. The meeting adjourned at 9:26 p.m.

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Recording Secretary

**MINUTES  
WINNETKA VILLAGE COUNCIL  
SPECIAL MEETING  
March 8, 2011**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, March 8, 2011, at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:32 p.m. Present: Trustees Gene Greable, Bill Johnson, Linda Pedian, King Poor, and Chris Rintz. Absent: Trustee Jennifer Spinney. Also present: Village Manager Robert Bahan, Village Attorney Katherine Janega, Director of Water & Electric Brian Keys and approximately four persons in the audience.
- 2) Pledge of Allegiance. President Tucker led the group in the Pledge of Allegiance.
- 3) Quorum.
  - a) March 22, 2011. President Tucker noted that this meeting is rescheduled from March 15<sup>th</sup>. All of the Council members present indicated that they expected to attend.
  - b) April 7, 2011. President Tucker noted that this meeting is rescheduled from April 5<sup>th</sup>, Election Day. All of the Council members present indicated that they expected to attend.
- 4) Approval of the Agenda. Trustee Johnson, seconded by Trustee Pedian, moved to approve the Agenda. By roll call vote. the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Rintz, Pedian, and Greable. Nays: None. Absent: None.
- 5) Public Comment and Questions. Richard Kates, 1326 Tower Road, inquired about the Village's pension funding assumptions, noting that while Winnetka's assumed investment return of 6.25% appears to be lower than the assumptions used by our neighbors; and asserted that the Village's historical return is 4.3%. He also asked about the recent advertisements being distributed in the Village by competing electric companies.

Both President Tucker and Trustee Greable commented that the Village funds its pension funds as required in accordance with generally accepted actuarial and accounting assumptions.

Brian Keys responded to the second issue saying that customers within the corporate limits of the Village are required to take electric service from the Village and noted that a message to that effect has been placed on the Village's website.

Attorney Janega added that competitors do not have the right to enter this market as competition was only opened up to regulated utilities, not municipal utilities.

Sandy Berger, 650 Ardsley, Former Trustee and current Chair of the Caucus Village Platform Committee, solicited ideas from the Council on ways to educate the community about coming issues, saying that the committee wants to ask good, relevant questions in the next questionnaire.

- 6) New Business.

- a) Low Lift Pump #3 Repairs, Water Plant. Mr. Keys reviewed the request for authorization to repair and reinstall one of the low lift pumps at the Water Plant that is used to move raw water from the wet well building to the Plant for treatment.

Trustee Rintz, seconded by Trustee Johnson, moved to authorize the Village Manager to issue a purchase order to Layne Western in an amount not to exceed \$23,820, for the repair and re-installation of low lift pump #3, for a total project cost of \$30,394. By roll call vote, the motion carried. Ayes: Trustees Greable, Johnson, Pedian, Poor, and Rintz. Nays: None. Absent: Trustee Spinney.

- 7) Adjournment. Trustee Johnson, seconded by Trustee Pedian, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Greable, Johnson, Pedian, Poor, and Rintz. Nays: None. Absent: Trustee Spinney. The meeting adjourned at 7:50 p.m.

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Recording Secretary

**MINUTES**  
**WINNETKA VILLAGE COUNCIL STUDY SESSION**

**March 8, 2011**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka which was held immediately following the Special Council Meeting in the Village Hall Council Chambers on Tuesday, March 8, 2011.

- 1) Call to Order. President Tucker called the meeting to order at 7:54 p.m. Present: Trustees Gene Greable, Bill Johnson, Linda Pedian, King Poor, and Chris Rintz. Absent: Trustee Jennifer Spinney. Also in attendance: Village Manager Robert Bahan, Village Attorney Katherine Janega, Finance Director Ed McKee, Director of Public Works Steve Saunders and Director of Water & Electric Brian Keys and approximately four persons in the audience.
- 2) Policy Direction: Village Report Card on Long-Term Budget/Cost Containment Measures. President Tucker thanked Mr. McKee for checking back in with the Council on cost containment efforts.

Mr. McKee summarized some of the highlights in the Agenda Report. He reviewed the goals for FY 2011-12 budget strategy and gave a status update on each, noting that staff takes cost containment very seriously, which is why the Village portion of the property tax bill is declining as is head count.

Trustee Pedian commented that many Village fees have been flat for many years, and Trustee Greable remarked that the Village has done an excellent job containing costs and keeping revenue requirements at a reasonable level.

Sandy Berger, 650 Ardsley Road, thanked the Council and staff, noting that the Village should be proud of its efforts, which should serve as an example for other taxing bodies to come up with similar reports.

Arthur Braun, 850 Bell Lane, and Richard Kates, 1326 Tower Rd. added their compliments to the Village and Staff.

Trustee Rintz added his compliments, saying that as evidenced by the new budget, the Village's department heads save money on a daily basis by working together to make things work more efficiently.

President Tucker pointed out that all of the taxing bodies are governed by elected, volunteer boards, and one should not be compared to the others because their missions are very different. She urged residents to understand the differences in the missions and budgets of all of their governmental bodies.

Mr. Saunders and Mr. Keys then presented an overview of the major capital expenditures for the next two to five years for their respective departments and responded to questions from the Council and the audience.

- 3) Policy Direction: Restructuring Boards and Commissions. Attorney Janega provided a brief history of this item, focusing on the Environmental & Forestry Commission, the Plan Commission, and the Business Community Development Commission, which all perform advisory planning functions rather than being application driven. She then reviewed the

Structural Comparison of Boards and Commissions and Comparison of Powers and Duties of Boards and Commissions as provided as attachments to the Agenda Report. A lengthy discussion ensued regarding the questions set forth in the Agenda Report requiring consideration in determining whether and to what extent structural amendments to the boards and commissions are warranted. At the conclusion of the discussion, the Village Attorney was directed to draft an ordinance that would (i) increase communication between the Council and lower boards, (ii) restructure the Plan Commission by adding an EFC representative, reduce the size to 10 members eliminating representatives from other taxing bodies and making the Village Trustee a non-voting member, (iii) eliminate the Plan Commission representative to the EFC, and (iv) make the Trustee representative to the BCDC a non-voting member.

- 4) Executive Session. No Executive Session was held.
- 5) Adjournment. Trustee Poor, seconded by Trustee Rintz, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Greable, Johnson, Pedian, Poor, and Rintz. Nays: None. Absent: Trustee Spinney. The meeting adjourned at 10:30 p.m.

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Recording Secretary

**MINUTES  
WINNETKA VILLAGE COUNCIL  
RESCHEDULED REGULAR MEETING  
March 22, 2011**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, March 22, 2011, at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:37 p.m. Present: Trustees Gene Greable, Bill Johnson, Linda Pedian, King Poor, and Jennifer Spinney. Absent: Trustee Chris Rintz. Also present: Village Manager Robert Bahan, Village Attorney Katherine Janega Finance Director Ed McKee, Interim Police Chief Pat Kreis, and approximately 7 persons in the audience.
- 2) Pledge of Allegiance. President Tucker led the group in the Pledge of Allegiance.
- 3) Quorum.
  - a) Thursday, April 7, 2011, Rescheduled Regular Meeting. All of the Council members present indicated that they expected to attend.
  - b) April 12, 2011, Study Session. All of the Council members present indicated that they expected to attend.
  - c) Tuesday, April 26, 2011, Rescheduled Regular Meeting. All of the Council members present indicated that they expected to attend.
- 4) Approval of the Agenda. Trustee Johnson, seconded by Trustee Pedian, moved to approve the Agenda. By roll call vote. the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Pedian, and Greable. Nays: None. Absent: Trustee Rintz.
- 5) Consent Agenda
  - a) Village Council Minutes.
    - i) February 8, 2011, Special Meeting.
    - ii) February 8, 2011, Budget Meeting.
    - iii) February 15, 2011, Regular Meeting.
    - iv) February 15, 2011, Budget Meeting.
    - v) February 22, 2011, Special Meeting.
  - b) Warrant Lists Nos. 1693 and 1694. Approving Warrant List No. 1693 in the amount of \$1,468,145.13, and Warrant List No. 1694 in the amount of \$599,258.10.

Trustee Johnson commented that the Warrant List contains a bill for \$2,800 for legal fees in conjunction with the appeal of election petitions, and that the total spent so far on the appeal is approximately \$15,000.
  - c) GIS Service Provider Agreement with Municipal GIS Partners. Authorizes an agreement for GIS services with Municipal GIS Partners, Inc., for a fee based on the hourly rates set forth in the contract, not to exceed \$53,110.00.

- d) Undisputed Annual Sidewalk Café & Liquor Service Renewals. Approves the annual Outdoor Seating Permits and Sidewalk Restaurant Liquor License Riders.

Trustee Poor, seconded by Trustee Johnson, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Pedian, and Greable. Nays: None. Absent: Trustee Rintz.

6) Ordinances and Resolutions.

- a) Resolution R-3-2011: 2011-12 Village Budget -- Adoption. President Tucker announced that the budget had been reviewed at five meetings and thanked the Council for their input and due diligence and thanked Village staff for containing costs to keep the budget from increasing over last year.

Trustee Greable said the Village had disseminated a considerable amount of information about this year's budget and he recognized the contributions of the Village Manager, Finance Director, Village Attorney and department heads in pulling it all together. He said he felt that the reserves are strong and he noted that a lot of communities do not have cash in the bank for contingencies.

Liam Erst, 983 Vine and Boy Scout Troop 10, asked how much money the Village has in cash reserves.

Mr. McKee said the Village has approximately \$19.3 million in the general fund.

Richard Kates, 1326 Tower, said he thought there was over \$21 million in cash reserves. He asked why an 8% increase in water fees was necessary when the Village could pay for the Water Plant improvements out of the cash reserves. He asked how much cash would be generated overall from the water plant increases and what the target amount needed to be raised is.

Mr. McKee said that it is good accounting practice to run each individual fund separately, and that using rates apportions the cost of Water Plant improvements among all users. He noted that Winnetka's water rate is still less than the average of comparable municipalities in the area but concluded that it is a policy issue for the Council to decide how the plant improvements are paid for.

Trustee Greable pointed out that Chapter 13 of the budget lays out year by year what the operations for the funds are, shows the rate increases in a separate line item and lays out the capital expenditures.

Trustee Poor added that the utility funds are separated and viewed as enterprise funds, and that there is a lot of thought and analysis and sound economic principles used to create the system.

Trustee Greable, seconded by Trustee Spinney, moved to approve Resolution R-3-2011 setting the Budget for 2011-12. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Pedian, and Greable. Nays: None. Absent: Trustee Rintz.

- b) Updated Fee & Rate Resolutions:

- i) Resolution No. R-4-2011: Water Rates – Adoption

Trustee Johnson, seconded by Trustee Spinney, moved to approve Resolution R-4-2011, setting the water rates. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Pedian, and Greable. Nays: None. Absent: Trustee Rintz.

ii) Resolution No. R-5-2011: Electric Rates – Adoption

Trustee Pedian, seconded by Trustee Johnson, moved to approve Resolution R-5-2011, setting the electric rates. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Pedian, and Greable. Nays: None. Absent: Trustee Rintz.

iii) Resolution No. R-6-2011: Sewer Rates – Adoption

Trustee Johnson, seconded by Trustee Spinney, moved to approve Resolution R-6-2011, setting the sewer rates. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Pedian, and Greable. Nays: None. Absent: Trustee Rintz.

iv) Resolution No. R-7-2011: Refuse Rates – Adoption

Trustee Poor, seconded by Trustee Pedian, moved to approve Resolution R-7-2011, setting the refuse rates. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Pedian, and Greable. Nays: None. Absent: Trustee Rintz.

v) Resolution No. R-8-2011: General Permit & License Fees – Adoption

Trustee Johnson, seconded by Trustee Spinney, moved to approve Resolution R-8-2011, setting the general permit and license fees. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Pedian, and Greable. Nays: None. Absent: Trustee Rintz.

vi) Resolution No. R-9-2011: Building, Zoning & Construction Fees – Adoption

Trustee Johnson, seconded by Trustee Spinney, moved to approve Resolution R-9-2011, setting the building, zoning and construction fees. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Pedian, and Greable. Nays: None. Absent: Trustee Rintz.

vii) Resolution No. R-10-2011: Fire Service Fees – Adoption.

Trustee Pedian, seconded by Trustee Johnson, moved to approve Resolution R-10-2011, setting the fire service fees. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Pedian, and Greable. Nays: None. Absent: Trustee Rintz.

c) Ordinance MC-3-2011: Amending Village Code as it Pertains to Certain Boards and Commissions – Introduction. Attorney Janega reported that she had created a draft Ordinance based on discussions from three meetings and direction given by the Council, beginning with a recital stating the overall purpose.

Attorney Janega explained that the focus of the Ordinance was on three advisory boards (Environmental & Forestry, Business Community Development Commission and Plan

Commission) that do not have application-driven procedures that other bodies, such as the ZBA, do. She reported that some of the language being used in this draft may be used to tweak language dealing with all the boards and commissions in Title 3. She cautioned that her intent is to get the wishes of the Council in the ordinance, and not to put words in their mouths for them; therefore, this draft is preliminary and should be viewed strictly in that light.

Attorney Janega reviewed the revisions and additions to Chapter 3.02, "General Provisions," that she had made in light of previous Council discussions about purchasing power, staff support and delegate member issues. Next she reviewed the amendments to Chapter 3.04, "Powers and Duties," which were made in an attempt to streamline the provisions and to make clear the subordinate role the Boards and Commissions have in relation to the Village Council.

President Tucker then opened up the floor for questions from the Council.

Trustee Poor said the Council's discussions on this issue have helped him gain an appreciation to be mindful of the committees focusing on areas the Council has decided it doesn't want to explore. He noted that more communication and periodic meetings with the chairs of the committees will be helpful, and he suggested a revision to Section 3.04.050 to help convey a sense of two-way communication between the committees and the Council.

Trustee Johnson suggested that the Trustee Report section of the agenda be used to update the Council about the activities of committees, and he also proposed codifying that a property owner or business owner must be a member of the BCDC.

Attorney Janega said she was not sure that the Trustee Report would always function as a good way to communicate what the committees are working on, and she recommended leaving the language open for the sake of flexibility and to invite mutual conversation.

Trustee Pedian cautioned that requiring a property owner to be on the BCDC could be problematic since many owners do not reside in Winnetka.

President Tucker agreed that leaving the language as it is in the draft ordinance will encourage membership by a building owner but not require it, leaving room for flexibility.

Trustee Spinney said she had seen frustration expressed at the BCDC meetings that the Council isn't supportive of their efforts and she said it must be clear the communication channels are open both ways between committees and the Council.

Trustee Greable suggested paring down redundancies in Chapter 3.04 and asked for a process to be set forth in Section 3.04.050 with regard to reporting requirements to the Council. He also asked if term limits should be addressed.

Trustee Pedian said a good time to have presentations from the boards and commissions would be in the summer, well in advance of the budget process so that suggestions can be incorporated into the budget if need be.

Attorney said linking committee reports to the budget process is a good idea, and Manager Bahan agreed that the Council could consider accommodating a committee with such a request.

President Tucker requested that Attorney Janega revise the draft amendments to incorporate the Council's comments.

Trustee Poor, seconded by Trustee Johnson, moved to introduce Ordinance MC-3-2011. By voice vote, the motion carried.

- 7) Public Comment and Questions. Mr. Kates commented that he could not find what he was looking for under Tab 14, and he asked what is being done with the Winter & Co. report on Voluntary Design Guidelines. President Tucker said Trustee Rintz is the Council Liaison on Residential Design Guidelines Committee and the question can be addressed at a meeting when Trustee Rintz is present.
- 8) Old Business. None.
- 9) New Business.

- a) Consulting Agreement: Consolidated Dispatch. Interim Chief Kreis reported that the Villages of Kenilworth, Northfield and Winnetka have been exploring the feasibility of combining police dispatch services, in an effort to find economies of scale over the long-term. He explained that the two key reasons for combining the dispatch function are enhancement of public safety and cost savings, as the number of staff would be reduced and there would be sharing of costs to maintain and upgrade the equipment.

He said a consultant is being requested because the three communities involved need an expert, independent voice to guide them and dig deeply into the issues. He reviewed the bid process and asked for permission for Winnetka to take the lead in engaging the consultant, and he added that the Northfield and Kenilworth town boards have already approved in sharing the cost of the project. He said the information provided by the consultant will help the three villages to make informed decisions such as how much the system will cost, how long it will take to implement, where will it be hosted and what equipment can be salvaged from the existing dispatch centers.

Mr. Kates said the proposal is a good one and will accomplish something that residents very much want.

After a short Council discussion and question period, Trustee Pedian, seconded by Trustee Poor, moved to authorize Staff to enter into a contract with Elert & Associates for a combined dispatch study in an amount not to exceed \$51,975, using the cost allocation formula contained in the Agenda Report.

- b) Utility Billing Dispute. Kaveh Mirani, 1022 Dinsmore Rd. and owner of Mirani's Restaurant, 727 Elm, asked the Council to consider his argument, contained in his letter of March 15<sup>th</sup>, that the late payment penalties added to his utility bill exceeds the amount that is allowable under the Village Code.

Mr. McKee said the Village Code provides that a late penalty of 5% is collected from the user and is added to the prior balance if this proper. He added that a survey of neighboring communities revealed that they all assess a 10% late charge and calculate the penalty in the same way as the Village of Winnetka.

Mr. McKee stated that assessing late fees and working with customers who are late paying their utility bills is his preferred way of dealing with the issue, as opposed to shutting off their water service, and he works hard to avoid doing so.

Attorney Janega clarified that Chapters 13.04, 13.08 and 13.12 all deal with utility bill payments and penalties and that the Village Code states that the overdue amount is subject to the penalty each time the bill is issued.

Manager Bahan said he offered a reduction in the assessed penalties which was refused by Mr. Mirani.

During the Council discussion, it was pointed out that all forms of credit are compounded as standard practice and the Village is generous to work with customers to create a payment plan. The Trustees also pointed out that they have to be fair and treat all customers across the board in the same manner.

Trustee Pedian, seconded by Trustee Johnson, moved to authorize the issuance of a Sidewalk Liquor Rider and Outdoor Seating Permit for Mirani's Restaurant, conditioned upon receipt of the outstanding late penalties from Mr. Mirani. By roll call vote, the motion carried. Trustees Poor, Johnson, Spinney, Pedian, and Greable. Nays: None. Absent: Trustee Rintz.

10) Reports

- a) Village President. President Tucker reported that the Village had a great presence at the Northwest Municipal Conference (NWMC) Municipal Days, as Trustees Pedian, Spinney and Johnson accompanied her and Manager Bahan on the trip. She announced that she had recently attended a meeting of the Great Lakes & St. Lawrence Cities Initiative where clean water, invasive species and bluff and beach erosion were discussed. She said the prayers and thoughts of Winnetkans are with the citizens of Japan in the wake of the earthquake and tsunami there.
- b) Trustees.
  - i) Trustee Greable reported on the last meeting of the Winnetka Chamber, where plans for the merger with Northfield and the May 4<sup>th</sup> luncheon were discussed. He also reported that the Historical Society is working on its "Home Alone" house celebration on June 4<sup>th</sup>.
  - ii) Trustee Spinney reported that the Library Board discussed asbestos at their last meeting and added that the Board currently has three applicants for the vacant Trustee position.
  - iii) Trustee Johnson reported on the recent NWMC Legislative Days in Springfield, noting that it is a daunting task to be heard by state legislators.
  - iv) Trustee Pedian also reported on her experience at the NWMC Legislative Days in Springfield, commenting that the number of bills being proposed is astounding, that it is probably impossible for legislators to be well versed on every issue, and that the state's finances are in dire straits.
  - v) Trustee Poor reported that the new utility bill has been rolled out showing historical comparison of consumption, in the hopes that residents will be more aware of conservation efforts.

- c) Attorney. Village Attorney Janega reported that she will again be writing the chapter on Utility Systems for the Illinois Institute of Continuing Legal Education's Municipal Law Handbook.
- d) Manager. Manager Bahan said a comparison of the way things are done in Winnetka vs. the way they are done in Springfield reveals that the Village takes a long-term view and assumes a stewardship role, whereas in Springfield political expediency rules the day. He said residents should feel proud of how the Village has been managed over the years.

11) Appointments.

- a) President Tucker suggested the appointment of John Golan to the Plan Commission for a full term, to replace Mark Kurensky, effective immediately. Trustee Greable, seconded by Trustee Pedian, moved to so appoint Dr. Golan. By voice vote, the motion carried.
- b) President Tucker next suggested the appointment of Jim McCoy to the Zoning Board of Appeals, to complete the term of Hal Franke, effective immediately. Trustee Pedian, seconded by Trustee Spinney, moved to so appoint Mr. McCoy. By voice vote, the motion carried.
- c) President Tucker also suggested the appointment of John O'Malley to another full term on the Police Pension Board, effective immediately. Trustee Poor, seconded by Trustee Spinney, moved to so appoint Mr. O'Malley. By voice vote, the motion carried.

12) Executive Session. Trustee Johnson moved to adjourn into Executive Session to discuss Pending and Probable Litigation and Personnel Matters, pursuant to Sections 2(c)(11) and 2(c)(1), respectively, of the Illinois Open Meetings Act. Trustee Spinney seconded the motion. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Spinney, Pedian, and Greable. Nays: None. Absent: Trustee Rintz. The Council adjourned into Executive Session at 10:13 p.m.

The Council reconvened into Regular Session at 10:34 p.m. Present: President Tucker, Trustees Greable, Johnson, Pedian, Poor, and Spinney. Absent: Trustee Rintz. Also present: Village Manager Rob Bahan and Village Attorney Katherine Janega.

13) Adjournment. Trustee Johnson, seconded by Trustee Poor, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Greable, Johnson, Pedian, Poor, and Spinney. Nays: None. Absent: Trustee Rintz. The meeting adjourned at 10:35 p.m.

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Recording Secretary

**MINUTES**  
**WINNETKA VILLAGE COUNCIL**  
**RESCHEDULED REGULAR MEETING**  
**April 7, 2011**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Thursday, April 7, 2011, at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:45 p.m. Present: Trustees Gene Greable, Bill Johnson, Linda Pedian, King Poor, Chris Rintz and Jennifer Spinney. Absent: None. Also present: Village Manager Robert Bahan, Village Attorney Katherine Janega, Community Development Director Mike D'Onofrio, Public Works Director Steven Saunders, Water & Electric Director Brian Keys, Fire Chief Alan Berkowsky and approximately 14 persons in the audience.
- 2) Pledge of Allegiance. President Tucker led the group in the Pledge of Allegiance.
- 3) Quorum.
  - a) April 12, 2011, Study Session. All of the Council members present indicated that they expected to attend.
  - b) Tuesday, April 26, 2011, Rescheduled Regular Meeting. All of the Council members present indicated that they expected to attend.
- 4) Approval of the Agenda. Trustee Johnson seconded by Trustee Rintz moved to approve the Agenda. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Pedian, Rintz, Spinney, and Greable. Nays: None. Absent: None.
- 5) Consent Agenda
  - a) Village Council Minutes.
    - i) February 22, 2011, Budget Meeting.
    - ii) March 1, 2011, Regular Meeting.
  - b) Warrant Lists Nos. 1695 and 1696. Approves Warrant List No. 1695 in the amount of \$538,241.64 and Warrant List No. 1696 in the amount of \$464,519.44
  - c) Bid Number #11-007: Cable Bid. Awards bid number 11-007 jointly to the Okonite Company for the purchase of primary cable in an amount not to exceed \$340,248 and to Westco for the purchase of secondary cable in an amount not to exceed \$111,395.
  - d) Water Plant Intake, Video Inspection and Stone Work. Authorizes Village Manager to issue a purchase order to Edward E. Gillen Company in the amount of 468,000, in accordance with the terms and conditions of Bid #011-004.
  - e) Parkway Tree Trimming, Removal, and Maintenance. Awards tree trimming and maintenance contracts to Nels Johnson Tree Experts for parkway tree trimming and removal, and to Landscape Concepts Management for emergency time and material work at the unit rates contained in the bid proposals.

- f) Resolution No. R-12-2011 – Additional Easement: CBI Subdivision – Adoption.  
Approves the dedication of a utility easement at CBI Subdivision, 630 Pine Lane.
- g) Resolution No. R-13-2011 – Approving and Establishing the Fire Chief’s Salary – Adoption. Establishes salary for Fire Chief, Alan Berkowsky, who was sworn in on April 4<sup>th</sup>.
- h) Resolution No. R-14-2011 – Cook County Data Sharing Agreement – Adoption.  
Authorizes the execution of an intergovernmental agreement allowing the Village to access Cook County’s digital GIS information.

Trustee Poor seconded by Trustee Johnson moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Poor, Johnson, Pedian, Rintz, Spinney, and Greable. Nays: None. Absent: None.

6) Ordinances and Resolutions.

- a) Ordinance MC-3-2011 – Amending Village Code as it pertains to certain Boards and Commissions – Adoption.

Village Attorney Janega reviewed the proposed amendments to restructure the Plan Commission, BCDC and EFC, modify their respective powers and duties and provide for increased communication between the three advisory bodies and the Village Council. The amendments also confirm the Council as the Village’s policy-making body and provide for more efficient use of Village staff.

Ms. Janega directed the Council’s attention to e-mails received from Terry Dason, Cicely Michalak, Penny Lanphier and Chuck Dowding. Ms. Dason’s and Ms. Michalak’s e-mails concern the executive director’s membership in the BCDC and the consolidation of Northfield with the Winnetka Chamber of Commerce, which has yet to take place. Ms. Lanphier expressed concerns about removing a ZBA representative from the Plan Commission. Ms. Janega noted that other Plan Commission members and the Village professional planning staff had also perceived this as a negative. Mr. Dowding of the EFC had requested that the committee’s strategic plan be incorporated into the ordinance.

Ms. Janega agreed with President Tucker’s observation that the EFC strategic plan was already included in the environmental stewardship section of the ordinance. She added that putting in too many details can limit the subordinate body’s abilities and it is better to have a general statement so that nothing is off the table and the Council can decide the appropriate direction. She said there is still some specificity in the ordinance, but the statement is now more comparable to what is in place for the BCDC.

Trustee Poor requested that the matter be tabled for now in order to involve the members of the EFC in the process, consider the EFC’s strategic plan and give the members more time for discussion with the benefit of the Village Attorney’s time and attention.

President Tucker said that, although she appreciates Trustee Poor’s suggestion, she would prefer that the Council provide direction for an enabling ordinance that could be amended in the future should it be necessary. She asked for comments from the audience.

Penny Lanphier, 250 Birch, strongly urged the Council to step back and table the portion of the ordinance that removes the ZBA representative from the Plan Commission and to consider the Plan Commission’s broad mission as a land use planning body for all

governmental bodies in Winnetka. She has found from her service on the Village and school boards that intergovernmental cooperation is very helpful because other entities are made aware of Village planning and the Village is made aware of the interests of the other entities. In her experience, it is valuable to have the other boards understand how land use planning works and how the Plan Commission goes about doing the business of the Village and their input is invaluable. She thought there is a responsibility to the schools, parks, and library as well; for instance, the schools have a direct interest because of population, sidewalk planning, traffic conditions, parking, etc. Ms. Lanphier also asked for a discussion on whether or not the Plan Commission is currently meeting its mission and if not, why.

Terry Dason, 1436 Scott, Executive Director of the Chamber of Commerce, thought it vital for the Director to be on the BCDC because of the information and business concerns to share in both Winnetka and Northfield. In response to questions from President Tucker and Trustee Greable, Ms. Dason said that a Northfield resident who is director would have all the businesses interests at heart. She could not think of an instance where there could be a conflict of interest.

Richard Kates, 1326 Tower Road, opined that the problem with a Northfield resident on the BCDC is that the commission is designed to promote Winnetka interests, that Northfield would be a competitive interest, and that it doesn't serve the Village's purpose to have someone from Northfield sitting on the BCDC because the information could be used by Northfield to compete with Winnetka.

Becky Hurley, 1027 Spruce, said that the Plan Commission encompasses many interests and enjoys having the perspective of the schools, parks, and library members whose wisdom has been very helpful. She noted that the specialized knowledge of the members of the Zoning Board has also been helpful to the Plan Commission.

The Trustees discussed:

- two-way dialogues between boards and the Council and also between boards and commissions to improve communication;
- whether or not the residency of the Chamber executive director as member of the BCDC is a factor in the best representation of Winnetka businesses;
- representatives from other boards as voting members;
- the unique cross-pollination of boards that brings in other perspectives and supports current efforts toward intergovernmental cooperation;
- the number of members on the Plan Commission;
- orientations for new members to learn the purpose and function of boards and commissions within village government.

Attorney Janega was of the opinion that it was preferable to have the boards and commissions communicate their ideas to the Council before proceeding with their plans so that time is not wasted on projects that do not have the Council's approval.

Ms. Janega explained that the amendments could be refined so that the Executive Director of the Chamber of Commerce would be first choice as a representative to the

BCDC, but if not a resident, another member of the Chamber board could be designated. She also explained that when the BCDC was created, the perspective of building and business owners who don't necessarily live in the Village was thought to be important and reminded the Council that they have discretion in using their appointment power.

Ms. Janega suggested that representative members of other bodies appointed to the Plan Commission could be voting members, except when a vote is required on the primary body that the member represents so that the Plan Commission has the advantage of their input. She also suggested that the at-large members could be reduced to 5 or 4 to reinstate representative members of the ZBA and DRB.

Ms. Janega agreed with the Trustees that formal orientations for all boards and commissions are helpful and has done this in the past as time permits.

Attorney Janega advised finishing the ordinance before the end of this Council's legislative session, as tabling would restart the discussion with the new council. She noted that the practice is to finish pending business before a new council is seated.

President Tucker determined that a consensus was reached as follows:

- the ordinance would not be tabled;
- residency is not necessary for the Chamber of Commerce representative to the BCDC;
- Plan Commission membership should include representatives from the ZBA, schools, parks and library, with limited voting, but the DRB would not have a representative member;
- Attorney Janega will meet with EFC representatives before adoption of the ordinance;
- Orientations will be done for newly appointed board or commission members.

President Tucker directed Attorney Janega to further amend the ordinance to reflect the Council's discussion for the next meeting.

b) Special Service Areas #4 and #5: Pavement and Stormwater Improvements – Public Alleys:

i) Ordinance No. M-2-2011 – SSA #4: Alley Paving – Introduction.

Public Works Director Steve Saunders explained that the alleys bounded by Elm-Oak-Locust-Rosewood and Elm-Oak-Rosewood-Glendale have been unpaved since the neighborhoods were originally developed, are in poor condition and in need of paving. The Village's policy for improving alleys is that the Village pays 75% of the cost with the remaining 25% funded by the adjacent property owners. The property owners' share can be paid with cash in a lump sum provided there is unanimous consent. Since unanimous consent has not been obtained, the only other way to pay for the project according to Illinois law is to create a special service area which distributes the cost back to the property owner according to the equalized assessed value of the property. The paving project will be financed over 5 years and annual assessments would be from \$188 to \$618. The Village would maintain the alleys

after paving is completed. Mr. Saunders said that the property owners would also benefit from improved stormwater drainage once the improvements were completed.

In response to the Trustees' questions, Attorney Janega explained that statutory financing methods apply to home rule communities and do not allow for financing other than that which is in the statute, so suggestions for splitting the cost evenly without unanimous consent of the homeowners, or charging a nominal fee to property owners who don't have access to the alley, is not possible. She said the Village would advance the funds initially and would be repaid over 5 years in various amounts through the property owners' tax bills according to the special service area requirements. She added that this would be a permanent benefit for the property owners and believes it is the best method possible under the law.

Mr. Saunders explained that the amount would appear on the property owner's tax bill twice a year and could be different from year to year, depending on whether or not the property assessment changes, since it is calculated using the equalized assessed value of the property.

Adrienne Sassaman, 1005 Oak, stated that she has a special circumstance in that her property borders the alley, but there is no access and there will be no benefit for her. She is interested in contributing but because there is no unanimous agreement, her share is larger than other homeowners who use the alley. It was her opinion that the neighbors who are on the alley should pay more.

John McCormick, 1035 Oak, stated his preference for a lump sum payment rather than through his taxes.

Trustee Pedian suggested that the Village pay the entire cost of paving the alleys since there is the greater project of stormwater drainage in the future.

President Tucker replied that the Council's discussion to set policy a year ago was extensive and that this is not a public street. She asked if the Council wanted to re-open this issue.

Trustee Greable stated that what had been presented was fair and would like to proceed with the special service area. He added that he looks forward to the public hearing when the concerns of all the property owners will be heard.

Trustees Rintz and Poor also gave their support for the alley improvements, citing improved property value and the special service area as the best solution to address a block-wide problem as equitably as possible without everyone's agreement.

Trustee Rintz, seconded by Trustee Greable moved to introduce Ordinance No. M-2-2011. By voice vote, the motion carried.

Trustee Greable, seconded by Trustee Rintz moved to set the public hearing for the proposed Special Service Area #4 for Tuesday, June 7, 2011 at 7:30 p.m. in the Winnetka Village Hall Council Chambers. By voice vote, the motion carried.

ii) Ordinance No. M-3-2011 – SSA #5: Alley Paving – Introduction.

Trustee Greable, seconded by Trustee Rintz, moved to introduce Ordinance No. M-3-2011. By voice vote, the motion carried.

Trustee Poor, seconded by Trustee Rintz, moved to set the public hearing for the proposed Special Service Area #5 for Tuesday, June 7, 2011 at 7:30 p.m. in the Winnetka Village Hall Council Chambers. By voice vote, the motion carried.

- 7) Public Comment and Questions. Surrosh Shakir, 545 Chestnut apt. 301, requested that the Council consider a building maintenance program because of problems with her apartment that her landlord will not correct, such as animals burrowed in the ceiling, ceiling leaks, toilet leaks and \$400 electric bills due to an incorrectly installed electrical heating system. She is working with an attorney, but hoped the Council would do something to assist her.

Village Attorney Janega explained that there is no property maintenance code, which is necessary for the Village to take action.

Community Development Director D'Onofrio added that that his office has given information to Ms. Shakir previously and is involved as much as possible. He explained that the maintenance code that was drafted some years ago for commercial properties was not passed and did include residential properties.

President Tucker suggested that the Council may want to consider something that would help in this type of matter.

In response to Trustee Poor's question, Ms. Shakir identified the landlord as Rental Management Company, formerly Beal Properties, 2320 N. Damen Ave., Chicago. The only contact names she had were John, the building engineer, or Barb. She added that it has been difficult to make contact with anyone there.

Trustee Greable encouraged Ms. Shakir to work through her attorney.

- 8) Old Business. None.

- 9) New Business. None

- 10) Reports

- a) Village President. President Tucker reported on the NWMC legislative days and that she continues to monitor bills in the General Assembly. She said there is information on the Village's website about the local government distributive fund and asked the public to contact their representatives on bills that affect them. Mrs. Tucker announced that she and the Village Manager are initiating a strategic planning and goal process for the Village Council and have engaged Fontana Management Company to assist them in developing a two to three-year planning process and also into the future.

Manager Bahan added that the process will begin now but will carry on into the next Council who will be setting goals and objectives. He thought it would be a productive exercise.

President Tucker concluded her report by announcing that the Spring Winnetka Report has been delivered to Winnetka homes and businesses and contains an article about affordable housing. She said she has also received positive calls from residents about this year's 2.7% budget reduction.

- 11) Appointments.

- a) President Tucker suggested the appointment of Bill Krucks to the Zoning Board of Appeals for a full term, to replace Litt Clark, effective immediately. Trustee Pedian seconded by Trustee Rintz moved to so appoint Mr. Krucks. By voice vote, the motion carried.
- 12) Executive Session. Trustee Greable moved to adjourn into Executive Session to discuss Pending and Probable Litigation, Appointment, employment or compensation of specific employees and collective bargaining, pursuant to Sections 2(c)(11), 2(c)(1) and 2(c)(2), respectively, of the Illinois Open Meetings Act. Trustee Johnson seconded the motion. By roll call vote, the motion carried. Ayes: Trustees Poor, Pedian, Johnson, Rintz, Spinney, and Greable. Nays: None. Absent: None. The Council adjourned into Executive Session at 10:21 p.m.

The Council reconvened into Regular Session at 10:46 p.m. Present: President Tucker, Trustees Greable, Pedian, Johnson, Rintz, Poor, and Spinney. Absent: None. Also present: Village Manager Rob Bahan and Village Attorney Katherine Janega.

- 13) Adjournment. Trustee Pedian, seconded by Trustee Greable, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Greable, Pedian, Johnson, Poor, Rintz, and Spinney. Nays: None. Absent: None. The meeting adjourned at 10:47 p.m.

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Deputy Clerk

## AGENDA REPORT

SUBJECT:           **Warrant Lists Nos. 1697 and 1698**

PREPARED BY:     Robert Bahan, Village Manager

DATE:              April 22, 2011

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Warrants Lists Nos. 1697 and 1698 are enclosed in each Council member's packet.

**Recommendation:** Consider approving Warrants Lists Nos. 1697 and 1698.

## AGENDA REPORT

**Subject:**                   **Resolution R-15-2011**  
**Authorizing the Release of Executive Session Minutes and the**  
**Destruction of Verbatim Recordings**

Prepared By:               Mary Ivins

Date:                        April 18, 2011

Pursuant to the Open Meetings Act, the Village Council is required to examine and approve minutes of Executive Sessions and to release Executive Session minutes that no longer require confidentiality.

The Open Meetings Act also requires the Village Council to record its executive sessions and retain those verbatim recordings for 18 months, after which they may be destroyed, provided meeting minutes have been approved and the destruction of the recordings is approved as well. As with the minutes, the availability of the verbatim recordings for disclosure to the public requires specific authorization or consent to disclosure.

Resolution R-15-2011 has been prepared for the Council's consideration and covers the release of Executive Session minutes that are no longer required for confidentiality through April 12, 2011. The resolution also authorizes the destruction of audio recordings of executive sessions from April 14, 2009 through August 11, 2009.

Please note that the resolution indicates the need to retain the confidentiality of 10 sets of minutes due to continuing litigation matters. In addition, the resolution specifically states that the Council is not authorizing or consenting to the public disclosure of the verbatim recordings of its executive sessions.

**Recommendation:**

1. Consider adoption of Resolution No. R-15-2011, releasing Executive Session minutes no longer required for reasons of confidentiality and permitting the destruction of the audio recordings of closed meetings from April 14, 2009 through August 11, 2009.

**A RESOLUTION  
DETERMINING THAT THE MINUTES OF CERTAIN CLOSED MEETINGS  
OF THE COUNCIL OF THE VILLAGE OF WINNETKA  
NO LONGER ARE REQUIRED TO BE KEPT CONFIDENTIAL  
AND  
AUTHORIZING THE DESTRUCTION OF  
VERBATIM AUDIO RECORDINGS OF CLOSED MEETINGS SESSIONS**

**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**, the Council of the Village of Winnetka (the "Village Council") is a public body, as defined in Section 1.02 of the Illinois Open Meetings Act; and

**WHEREAS**, Section 2.06(d) of the Open Meetings Act requires the Village Council to periodically determine and report as to whether the need for confidentiality still exists as to the minutes of the closed sessions of the Council; and

**WHEREAS**, the Village Council has examined the minutes of closed sessions held from November 4, 2010 through April 12, 2011 and

**WHEREAS**, the Village Council has determined that, with the exception of the closed sessions held on the dates set forth in Section 3 of this Resolution, the minutes of all closed sessions of the Council held through April 12, 2011 no longer require confidential treatment and should be made available for public inspection; and

**WHEREAS**, effective January 1, 2004, Section 2.06(c) of the Open Meetings Act requires public bodies to make a verbatim audio or video record of their closed meetings and to retain those tapes for eighteen (18) months; and

**WHEREAS**, as required by Section 2.06(c) of the Open Meetings Act, the Village Council makes and retains audio recordings of all of its closed meetings; and

**WHEREAS**, pursuant Section 2.06(e) of the Open Meetings Act, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding, other than one brought to enforce the Open Meetings Act, unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or unless the public body consents to the disclosure of the verbatim recording; and

**WHEREAS**, Section 2.06(c) of the Open Meetings Act permits public bodies to destroy the verbatim record of closed meetings without notification to or the approval of a Records Commission or the State Archivist not less than eighteen (18) months after the completion of the meeting recorded, but only after the governmental body approves the destruction of a particular recording and approves the written minutes of the closed meeting; and

**WHEREAS**, the Winnetka Village Council has approved written minutes for each of the closed meetings or closed portions of meetings set forth in Sections 2 and 3 of this Resolution; and

**WHEREAS**, at least eighteen (18) months have passed since the completion of the closed meetings or closed portions of meetings set forth in Section 4 of this Resolution; and

**WHEREAS**, pursuant to Section 2.06 of the Open Meetings Act, the Village Council may order the destruction of the verbatim record even if it continues to withhold the approved written minutes of the closed session until some later period of time; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of Winnetka as follows:

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

**SECTION 2:** The Council of the Village hereby publicly discloses the approval of minutes of all closed session meetings or closed session portions of meetings occurring on or before April 12, 2011; and

**SECTION 3:** The Council of the Village of Winnetka find and determine that a need for confidentiality still exists as to the minutes of the following closed session meetings of the Village Council:

November 4, 2010	February 8, 2011
November 16, 2010	March 1, 2011
January 4, 2011	March 22, 2011
January 11, 2011	April 7, 2011
January 18, 2011	April 12, 2011

**SECTION 4:** The Council of the Village of Winnetka hereby orders the destruction of the verbatim audio recordings of the following full meetings or portions of meetings:

April 14, 2009	June 16, 2009
April 21, 2009	July 7, 2009
April 28, 2009	July 21, 2009
June 2, 2009	August 11, 2009

**SECTION 5:** Notwithstanding the approval of minutes of closed meetings or closed portions of meetings of the Council of the Village of Winnetka, and notwithstanding the release for public disclosure of the minutes of certain closed meetings or portions of closed meetings, nothing in this Resolution shall be construed as either: (a) a determination that any of the verbatim recordings of closed sessions of the Council of the Village of Winnetka no longer requires confidential treatment, or (b) the consent of the Council of the Village of Winnetka to the disclosure of such verbatim recordings.

**SECTION 6:** This Resolution shall take effect immediately upon its adoption.

**ADOPTED** this 26th day of April, 2011, pursuant to the following roll call vote:

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

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

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

Signed:

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

Countersigned:

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

## AGENDA REPORT

**Subject:** Electrical Line Clearance (Tree Trimming)

**Prepared by:** Brian Keys, Director Water & Electric

**Ref:** February 15, 2011 Budget Meeting

**Date:** April 21, 2011

Village of Winnetka Bid #011-009 was issued for parkway tree trimming, tree removal and power line clearance. Periodic trimming of the overhead electric lines is required to maintain adequate clearance. Funding for line clearance is budgeted by the Water & Electric Department. At the April 7<sup>th</sup>, Council Meeting, the Public Works Department presented recommendations for the parkway trimming and tree removals.

The bid notice was advertised in the Winnetka Talk and sent to six contractors. A line clearance crew typically consists of a crew leader, two trimmers, and a ground man. Contractors were requested to provide rates for each classification of worker and the equipment used on an hourly basis. Rates were also requested for two additional years with annual renewals at the discretion of the Village. Exhibit A contains the unit prices for labor and equipment as bid by each company for FYE2012. These are summarized as follows:

### Crew Rates for Utility Line Clearance – Normal Working Hours

	<b>Asplundh Tree Expert Co.</b>	<b>Nels J. Johnson Tree Experts Inc.</b>	<b>Trees “R” Us Inc.</b>	<b>Winkler’s Tree &amp; Landscaping</b>
<b>FYE 2012</b>	\$149.78	\$173.00	\$186.00	\$240.00

Staff is recommending award of the project to the lowest qualified bid, Asplundh Tree Expert Company. Asplundh has not previously participated in the Village’s line clearance work. In 2007, the Village used Asplundh for time and material work on an as needed basis. At that time, the assigned crew required oversight by the Village Forester to maintain the expected productivity. Water & Electric staff along with the Village Forester has met with representatives of Asplundh to review expectations regarding safety, productivity, and customer expectations. They are currently performing line clearance work for ComEd, Naperville, Geneva, and Batavia. Each of these organizations has expressed satisfaction with their performance.

The FYE2012 budget (account #50-43-540-210) contains \$120,000 for line clearance work.

### **Recommendation:**

Consider authorizing the Village Manager to issue a purchase order to Asplundh Tree Expert Co. in an amount not to exceed \$120,000 in accordance with the terms and conditions of Bid #011-009.

**EXHIBIT A**

**Bid #011-009**

**Utility Line Clearance - Unit Prices for Normal Work Day**

	<b>Asplundh Tree Expert Co.</b>	<b>Nels J. Johnson Tree Experts Inc.</b>	<b>Trees "R" Us Inc.</b>	<b>Winkler's Tree and Landscaping</b>
<b>Personnel:</b>				
<i>Crew Leader</i>	\$44.06	\$45.00	\$40.00	\$60.00
<i>Trimmer</i>	\$37.36	\$44.00	\$38.00	\$60.00
<i>Apprentice Trimmer</i>	\$35.26	\$40.00	\$31.00	\$60.00
<i>Groundman</i>	\$31.00	\$40.00	\$32.00	\$60.00
<i>General Foreman</i>	\$44.06	\$45.00	\$45.00	\$60.00
<i>Crew Composition as noted by vendor:</i>	1 Crew Leader, 2 Trimmers & 1 Groundman	1 Crew Leader, 2 Trimmers & 1 Groundman	1 Crew Leader, 1 Trimmer, 1 Appr. Trimmer, 1 Groundman and 1 Foreman	1 Crew Leader, 2 Trimmers & 1 Groundman
<i>Unit Cost per Crew:</i>	\$149.78	\$173.00	\$186.00	\$240.00

	<b>Asplundh Tree Expert Co.</b>	<b>Nels J. Johnson Tree Experts Inc.</b>	<b>Trees "R" Us Inc.</b>	<b>Winkler's Tree and Landscaping</b>
<b>Equipment:</b>				
<i>Pick up Truck</i>	\$9.00	\$10.00	\$25.00	\$10.00
<i>Trim Truck with 2 power saws</i>	\$9.61	\$12.00	\$35.00	\$20.00
<i>Chipper</i>	\$4.50	\$12.00	\$25.00	\$10.00
<i>Aerial Device with hydraulic tools and 1 gas power saw</i>	\$15.50	\$15.00	\$55.00	\$20.00
<i>Extra power saw</i>	N/C	N/C	\$5.00	\$1.00

Note: Trees "R" Us utilizes five man crew.

**Bid #011-009**

**Utility Line Clearance - Unit Prices for Emergency Hours**

	<b>Asplundh Tree Expert Co.</b>	<b>Nels J. Johnson Tree Experts Inc.</b>	<b>Trees "R" Us Inc.</b>	<b>Winkler's Tree and Landscaping</b>
<b>Personnel:</b>				
<i>Crew Leader</i>	\$63.45	\$75.00	\$95.00	\$80.00
<i>Trimmer</i>	\$53.80	\$65.00	\$95.00	\$80.00
<i>Apprentice Trimmer</i>	\$50.70	\$60.00	\$95.00	\$80.00
<i>Groundman</i>	\$44.64	\$55.00	\$95.00	\$80.00
<i>General Foreman</i>	\$63.45	\$75.00	\$95.00	\$80.00
<i>Crew Composition as noted by vendor:</i>	1 Crew Leader, 2 Trimmers & 1 Groundman	1 Crew Leader, 2 Trimmers & 1 Groundman	1 Crew Leader, 1 Trimmer, 1 Appr. Trimmer, 1 Groundman and 1 Foreman	1 Crew Leader, 2 Trimmers & 1 Groundman
<i>Unit Cost per Crew:</i>	\$215.69	\$260.00	\$475.00	\$320.00

	<b>Asplundh Tree Expert Co.</b>	<b>Nels J. Johnson Tree Experts Inc.</b>	<b>Trees "R" Us Inc.</b>	<b>Winkler's Tree and Landscaping</b>
<b>Equipment:</b>				
<i>Pick up Truck</i>	\$9.00	\$10.00	\$50.00	\$10.00
<i>Trim Truck with 2 power saws</i>	\$9.61	\$12.00	\$65.00	\$20.00
<i>Chipper</i>	\$4.50	\$12.00	\$45.00	\$10.00
<i>Aerial Device with hydraulic tools and 1 gas power saw</i>	\$15.50	\$15.00	\$85.00	\$20.00
<i>Extra power saw</i>	N/C	N/C	\$10.00	\$1.00

## Agenda Report

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

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

Date:                         April 21, 2011

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

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

The operation has gone extremely smoothly over the life of the contract, and Thelen wishes to extend the contract for an additional year. Staff has been very pleased with the operation and also wishes to extend the contract. Thelen has agreed to hold their prices at the 2010 contract rate of \$7.00 per cubic yard.

The contract rates over the life of the contract follow:

<b>Year</b>	<b>Rate</b>
2006	\$6.94
2007	\$7.00
2008	\$7.00
2009	\$7.00
2010	\$7.00
2011 (proposed)	\$7.00

**Recommendation:**

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

## **Agenda Report**

**Subject:**                   **Tree Planting**

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

Date:                         March 31, 2011

Ref:                         April 6, 2010 Village Council Meeting – Consent Agenda

On April 6, 2010 the Village Council, pursuant to public bidding awarded tree planting contracts to four vendors, St. Aubin Nursery, Arthur Weiler Nursery, Fox Ridge Nursery, and Goodmark Nursery, in the aggregate of \$34,744. The bidding documents provided for a possible one-year extension of prices for each vendor with the approval of both parties. Village staff is very satisfied with these vendors' performance of this contract, and all four vendors have agreed to hold current prices.

Due to recent and anticipated future increases in fuel and labor costs, and tightening supply at tree nurseries, Village staff is of the opinion that it would be advantageous to continue with current contractual prices and recommends extending these contracts for an additional year. The Village anticipates a slightly different number and mix of tree species being planted this year, so the aggregate of the four purchase orders, based upon bid unit prices per tree species, is anticipated to be \$39,502.

**Recommendation:**

Consider extending tree planting contractual unit pricing from Bid 10-010, Parkway Tree Planting, for an additional year, with St. Aubin Nursery, Arthur Weiler Nursery, Fox Ridge Nursery, and Goodmark Nursery, in the aggregate amount off \$39,502.

## AGENDA REPORT

**TO:** Village Council  
**PREPARED BY:** Ed McKee, Finance Director  
**DATE:** April 21, 2011  
**SUBJECT:** **RESOLUTION NO. R-17-2011 - OPPOSING REDUCTION  
OF STATE COLLECTED REVENUES DUE  
MUNICIPALITIES**

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The State of Illinois continues to struggle with balancing their budget. One proposal they are considering would reduce income tax revenue to the Village of Winnetka by about \$290,000. The 2012 Village Budget estimated \$931,000 of income tax revenue, so the proposed reduction would result in a 31% decline.

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

**Recommendation:** Consider adoption of Resolution No. R-17-2011.

**A RESOLUTION  
OPPOSING REDUCTIONS OF  
STATE COLLECTED REVENUES DUE MUNICIPALITIES**

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

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

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

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

**WHEREAS**, since the inception of the State income tax in 1969, municipalities have received, relied upon and provided services with those revenues to their local taxpaying citizens; and

**WHEREAS**, municipalities have already experienced a reduction in income tax revenues from the State; and

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

**WHEREAS**, although the recent income tax increase provided new revenues to the State of Illinois while NONE OF THE INCREASE WAS ALLOCATED TO MUNICIPALITIES; and

**WHEREAS**, the State, through its Legislature and Governor, is contemplating further reductions to municipal revenues; and

**WHEREAS**, one proposal under discussion would take away \$300,000,000 of State-collected income tax from municipalities, reducing their revenues by \$23.40 per capita; and

**WHEREAS**, the loss of \$23.40 per capita for the Village of Winnetka translates into a loss of \$290,000, or several employees to keep our annual budget in balance; and

**WHEREAS**, if the State further reduces the payment of income tax revenues to municipalities, the Village of Winnetka will need to reduce services further or increase local taxes and fees in order to balance our local municipal budget and still maintain critical services.

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

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

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

**SECTION 3:** This Resolution is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

**SECTION 4:** This Resolution shall take effect immediately upon its adoption.

**ADOPTED** this 26th day of April, 2011, pursuant to the following roll call vote:

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

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

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

Signed:

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

Countersigned:

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

## Agenda Report

**Subject: Ordinance M-2-2011 – Establishing Special Service Area No. 4, Providing for Pavement and Stormwater Improvements to the Public Alley bounded by Elm-Oak-Locust-Rosewood**

**Ordinance M-3-2011 – Establishing Special Service Area No. 5, Providing for Pavement and Stormwater Improvements to the Public Alley bounded by Elm-Oak-Rosewood-Glendale**

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

Date: April 21, 2011

Ref: **April 7, 2011 Council Meeting**

### **Background**

There are 1.9 miles of public alleys in the Village of Winnetka, which serve both commercial and residential properties. This includes four unpaved gravel alleys, having a total length of 0.34 miles (1,800 feet, or 17.9%). These four alleys have been unpaved since the neighborhoods in which they are located were originally developed. It appears to have been common practice when the Village was developed that in residential areas, the streets were paved, but the alleys were not.

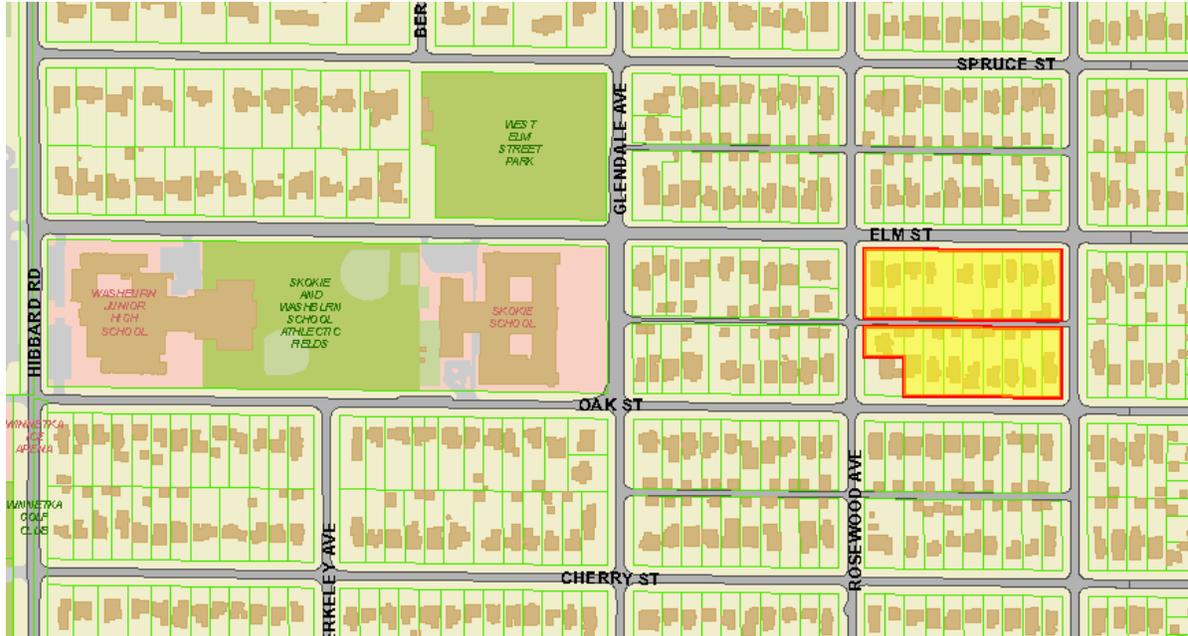
Over the years, many of the alleys in the Village, particularly those in the area bounded by Pine Street and Willow Road west of the downtown area, have been paved in concrete. For at least 40 years – and probably longer – the Village’s policy for improving these alleys has been that the Village pays 15% of the cost to initially pave an alley, and the adjacent residents pay 85% of the cost of the alley construction. Once an alley has been paved, the Village has always assumed the cost of maintenance and repairs.

The Village Council modified this policy at its April 20, 2010 meeting, to increase the Village’s share in alley paving projects to 75%, with the remaining 25% to be funded by adjacent property owners. This is more reflective of how the few other municipalities in the area with gravel alleys fund improvement projects. Subsequent to this policy modification, staff contacted and has been working with residents adjacent to the four unpaved alleys.

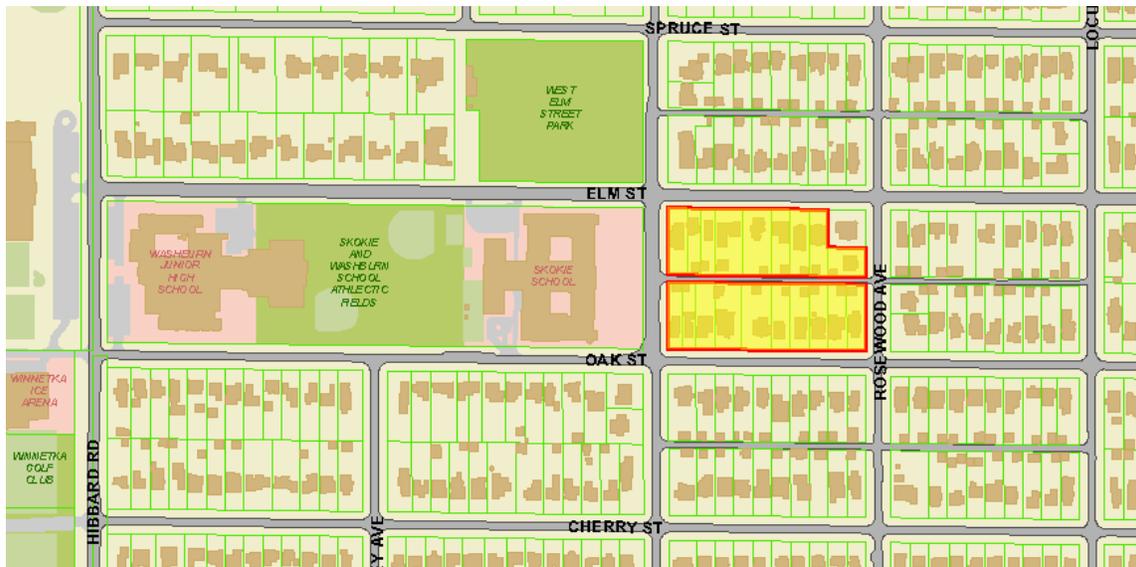
A majority of the homeowners of 18 properties adjacent to the alley bounded by Elm Street, Oak Street, Locust Street and Rosewood Avenue have expressed an interest in paving the alley, although this interest is not unanimous. A majority of the homeowners of 19 properties adjacent to the alley bounded by Elm Street, Oak Street, Rosewood Avenue, and Glendale Avenue have also expressed an interest in paving their alley, although their interest also is not unanimous.

**Agenda Report**  
**M-2-2011 and M-3-2011**  
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The highlighted area in the following map shows the Elm – Oak – Locust – Rosewood block and the parcels abutting the alley:



The highlighted area in the following map shows the Elm – Oak – Rosewood – Glendale block and the parcels abutting the alley:



**Project Description and Cost**

The proposed project for each of the two new special service areas consists of excavating the existing gravel alley to re-establish its original grade, installing stormwater drainage, including possible connection points to facilitate connections from the adjacent properties, and constructing a 16-foot wide, 9-inch thick concrete alley within the 20-foot alley right-of-way.

Staff's estimate of the costs for constructing these improvements in the Elm – Oak – Locust – Rosewood alley is \$118,400. These costs would be paid through the establishment of Special Service Area No. 4.

Staff's estimate of the costs for constructing these improvements in the Elm – Oak – Rosewood – Glendale is \$129,000. These costs would be paid through the establishment of Special Service Area No. 5.

**Special Service Areas**

Since the property owners' interest in proceeding with the two paving projects is not unanimous, the only option available for securing the 25% private funding required by Council policy is to establish a Special Service Area (SSA) for each project. An SSA is a very commonly used means for municipalities to finance public improvements. Under this method of financing, the cost of a public improvement may be assessed to the property tax bills of those properties benefiting from the improvement. SSA revenues can be used to pay principal and interest for alternate revenue bonds that would fund the public improvement.

The process for establishing a Special Service Area requires several steps, summarized as follows:

1. An ordinance proposing the Special Service Area must be introduced, and a public hearing date set.
2. Public notice must be provided for the hearing, both in published form, and by direct mail to property owners within the proposed Special Service Area
3. A public hearing must be held on the proposed Special Service Area.
4. After the conclusion of the public hearing, a 60-day waiting period takes place, during which objections to the Special Service Area may be filed, in the form of a petition objecting to the establishment of the Special Service Area, signed by at least 51% of the electors and 51% of the property owners within the proposed Special Service Area.
5. After the 60-day waiting period, and if no objections have been filed, the Council may adopt the ordinance establishing the Special Service Area

**Agenda Report**  
**M-2-2011 and M-3-2011**

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**Special Service Area No. 4: Elm – Oak – Locust – Rosewood**

Ordinance M-2-2011 proposes establishing Special Service Area No. 4 to fund the 25% homeowners' share of the proposed improvements to the Elm – Oak – Locust – Rosewood alley. The proposed boundaries of Special Service Area No. 4, shown on Exhibit C of Ordinance M-2-2011, contain all 18 properties that abut the alley. The proposed Special Service Area No. 4 provides for the costs of the project to be financed over a 5-year period at an interest rate not to exceed 5.00% per annum. The amount to be financed is not to exceed 125% of the engineer's estimate of the estimated project cost, or \$148,000.

Ordinance M-2-2011 sets the time and place of the public hearing for 7:30 p.m. on June 7, 2011, in the Council Chambers at the Winnetka Village Hall, and was introduced on April 7, 2011.

**Special Service Area No. 5: Elm – Oak – Rosewood – Glendale**

Ordinance M-3-2011 proposes establishing Special Service Area No. 5 to fund the 25% homeowners' share of the proposed improvements to the Elm – Oak – Rosewood – Glendale alley. The proposed boundaries of Special Service Area No. 5, shown on Exhibit C of Ordinance M-3-2011, contain all 19 properties that abut that alley. The proposed Special Service Area No. 5 provides for the costs of the project to be financed over a 5-year period at an interest rate not to exceed 5.00% per annum. The amount to be financed is not to exceed 125% of the engineer's estimate of the estimated project cost, or \$161,250.

As with the ordinance for SSA No. 4, Ordinance M-3-2011 sets the time and place of the public hearing on SSA No. 5 for 7:30 p.m. on June 7, 2011, in the Council Chambers at the Winnetka Village Hall, and was also introduced on April 7, 2011.

**Budget**

The total estimated cost of the project for SSA No. 4 is estimated to be \$118,400, with the Village's share being 75% or \$88,800. The total estimated cost of the project for SSA No. 5 is estimated to be \$129,000, with the Village's share being 75% or \$88,800.

Although these two projects are not separately identified in the FY 2011-2012 budget, it was anticipated in the budget process that they would be funded from Capital Account 10-30-640-139 (Street Rehabilitation), which account contains \$1,100,000.

**Schedule**

A preliminary schedule of activities for Special Service Areas Nos. 4 and 5 is shown in Attachment 1. Under this proposed schedule, construction would start in September and be complete by the end of the year.

**Recommendation:**

1. Consider adoption of Ordinance M-2-2011 establishing Special Service Area No. 4, providing for pavement and stormwater improvements to the alley bounded by Elm Street, Oak Street, Locust Street, and Rosewood Avenue.
2. Consider setting 7:30pm on Tuesday, June 7, 2011, in the Winnetka Village Council Chambers as the time and place for the public hearing for proposed Special Service Area No. 4.
3. Consider adoption of Ordinance M-3-2011 establishing Special Service Area No. 5, providing for pavement and stormwater improvements to the alley bounded by Elm Street, Oak Street, Rosewood Avenue, and Glendale Avenue.
4. Consider setting 7:30pm on Tuesday, June 7, 2011, in the Winnetka Village Council Chambers as the time and place for the public hearing for proposed Special Service Area No. 5.

**SPECIAL SERVICE AREAS Nos. 4 AND 5  
PROCEDURAL OUTLINE**

**CONSTRUCT CONCRETE ALLEYS IN BLOCKS BOUNDED BY:  
OAK-ELM-LOCUST-ROSEWOOD (SSA No. 4)  
and  
OAK-ELM-ROSEWOOD-GLENDALE (SSA No.5)**

<b>Step</b>	<b>Description</b>	<b>Proposed Date</b>
Introduce SSA Ordinance	Village Council to consider introducing an ordinance that proposes Special Service Areas Nos. 4 and 5 and sets a public hearing date of June 7, 2011.	April 7, 2011
Adopt SSA Ordinance	Village Council to consider adoption of an ordinance that proposes SSA Nos. 4 and 5 and sets a public hearing date of June 7, 2011.	April 26, 2011
Publish and Mail Legal Notice	A legal notice describing the special service area and noticing the public hearing must be published in a local newspaper of general circulation, and mailed to all property owners in the proposed SSAs.	May 5, 2011
Public Hearing	At least one public hearing must be held to discuss the creation of the SSA, including the proposed geographic area, budget, services, and tax levy.	June 7, 2011
60-day Waiting Period	State law prescribes a period of 60 days after the close of the public hearing during which time opponents are allowed to submit petitions in opposition to the ordinance. If an opposing petition is submitted to the Village Clerk within 60 days, AND carries the signatures of at least 51% or registered voters in the proposed SSA AND at least 51% of property owners of record in the proposed SSA, the SSA is defeated and cannot be resubmitted for two years.	June 8, 2011 through August 6, 2011
Introduce Ordinance Establishing SSA	Village Council to consider introducing an ordinance that establishes Special Service Areas Nos. 4 and 5.	August 16, 2011
Adopt Ordinance Establishing SSA	Village Council to consider adopting an ordinance that establishes Special Service Areas Nos. 4 and 5.	September 6, 2011
Award Bids	Village Council to consider awarding construction bids for SSA Nos. 4 and 5.	September 6, 2011
Construction	Construct proposed improvements.	Mid-September to mid-November, 2011

**AN ORDINANCE  
PROPOSING THE ESTABLISHMENT OF THE  
VILLAGE OF WINNETKA SPECIAL SERVICE AREA NO. 4 IN  
THE VILLAGE OF WINNETKA  
AND PROVIDING FOR A PUBLIC HEARING  
AND OTHER PROCEDURES IN CONNECTION THEREWITH**

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

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the public health, safety and welfare of its citizens; and

**WHEREAS**, it is in the public interest that a special service area (the “Winnetka Special Service Area No. 4) be established in the territory described in Exhibit B, which is attached to and made a part of this Ordinance (the “Territory”), which Territory is depicted on the map in Exhibit C, which is attached to and made a part of this Ordinance; and

**WHEREAS**, the Territory is a single family residential area consisting of the properties bounded by Elm Street, Oak Street, Locust Street, and Rosewood Avenue, which Territory constitutes a compact and contiguous residential territory; and

**WHEREAS**, the owners of the properties in the Territory have requested that the corporate authorities give consideration to the establishment of a special service area in order to provide for the construction of a storm sewer, a new concrete alley, and the construction of related appurtenances to the Area; and

**WHEREAS**, the public services proposed to be provided to Winnetka Special Service Area No. 4 (the “Services”) will supplement services currently or customarily provided by the Village to the Territory, in particular in connection with the alley and storm drainage infrastructure, in that the proposed Winnetka Special Service Area No. 4 is intended to improve stormwater drainage to the Territory and to construct a new concrete public alley to Village standards; and

**WHEREAS**, the Services proposed to be provided in Winnetka Special Service Area No. 4 are unique and in addition to the general municipal services provided to the Village as a whole and will be for the common interests and specific benefit of the Territory; and

**WHEREAS**, financing in an amount not to exceed \$148,000 and secured by the full faith and credit of the Territory is proposed to be provided for the purpose of paying the cost of providing the Services (“Financing”); and

**WHEREAS**, the Financing will be amortized over a period of not to exceed 5 years from the issuance thereof and shall bear interest at a rate or rates not to exceed five per cent (5%) per annum or the maximum rate then permitted by law; and

**WHEREAS**, the Financing is to be retired by the levy of a direct annual tax, sufficient to pay the interest and principal on the Financing as the same comes due, upon all taxable property within the Territory for a period of not to exceed 5 years, and the tax levied for the retirement of the Financing shall be unlimited as to the rate or amount in addition to all other taxes permitted by law; and

**WHEREAS**, it is in the public interest of the Village that a special service area (the “Winnetka Special Service Area No. 4”) be established in the Territory and the services to be provided to the Territory be paid for by the issuance of the Financing and the related levy of a special tax against all property located within the Territory; and

**WHEREAS**, the corporate authorities, having given consideration to the proposal, deem it advisable to initiate proceedings under the applicable laws of the State of Illinois in connection with such proposal; and

**WHEREAS**, Article VII, Section 6(i) of the Illinois Constitution provides, in pertinent part, that "the General Assembly may not deny or limit the power of home rule units ... to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services."

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

**SECTION 1:** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby incorporated into this Ordinance by reference as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

**SECTION 2:** The Village proposes the establishment of Winnetka Special Service Area No. 4 for the purpose of providing the Services within the Territory and the issuance of the Financing, together with the levy to pay therefor. Winnetka Special Service Area No. 4, if established, shall terminate not later than the 5<sup>th</sup> anniversary of the date of its establishment, unless prior to such date the Village enacts an ordinance extending the duration of the proposed Winnetka Special Service Area No. 4.

**SECTION 3:** A public hearing shall be held on June 7, 2011, at the Winnetka Village Hall, 510 Green Bay Road, Winnetka, Illinois, to consider the creation of Winnetka Special Service Area No. 4 for the Territory.

**SECTION 4:** At the public hearing, consideration will be given to borrowing an amount not to exceed \$148,000.00 (125% of the engineer's estimate of project costs), (the "Financing"). The proceeds of the Financing shall be used to pay part of the cost of the proposed Winnetka Special Service Area No. 4. The Financing is to be retired over a period not to exceed 5 years and are to bear interest at a rate not to exceed 5.00% per annum. The Financing, if issued, shall be retired by the levy of a direct tax on all taxable real property within the Territory to discharge the principal as it matures and the interest thereon, and said tax shall be in addition to all other taxes presently levied by any taxing district within the Territory.

**SECTION 5:** The notice of public hearing ("Notice") shall be published at least once not less than 15 days prior to the public hearing in the Winnetka Talk, a newspaper in general circulation in the Village. In addition, notice by mailing shall be given by depositing the Notice in the United States mail, addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the proposed Winnetka Special Service Area No. 4. The Notice shall be mailed not less than ten (10) days prior to the time set for the public hearing. In the event taxes for the last preceding year were not paid, the Notice shall be sent to the person last listed on the tax rolls prior to that year as the owner of such property. The notice shall be in substantially the form as set forth in Exhibit A, which is attached to and made a part of this Ordinance.

**SECTION 6:** Every section and provision of this Ordinance shall be separable, and the invalidity of any portion of this Ordinance shall not affect the validity of any other portion of this Ordinance

**SECTION 7:** This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

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

**PASSED** this 26<sup>th</sup> day of April, 2011, pursuant to the following roll call vote:

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

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

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

**APPROVED** this 26<sup>th</sup> day of April, 2011.

Signed:

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

Countersigned:

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

Introduced: April 7, 2011

Posted: April 8, 2011

Passed and Approved: April 26, 2011

Posted:

**Exhibit A**

**NOTICE OF PUBLIC HEARING  
VILLAGE OF WINNETKA  
PROPOSED SPECIAL SERVICE AREA NUMBER 4  
Elm-Oak-Locust-Rosewood Alley Improvements**

**NOTICE IS HEREBY GIVEN** that on June 7, 2011, at 7:30 p.m. in the Winnetka Village Hall, 510 Green Bay Road, Winnetka, Illinois, a public hearing will be held by the Village of Winnetka (“Village”) to consider forming a special service area (the “Winnetka Special Service Area No. 4”) consisting of the real property known by the property index numbers and the approximate common street addresses described below (hereinafter collectively referred to as the “Territory”):

<b>P.I.N.</b>	<b>STREET ADDRESS</b>
05-20-110-001	1050 Elm
05-20-110-002	1044 Elm
05-20-110-003	1040 Elm
05-20-110-024	1036 Elm
05-20-110-022	1026 Elm
05-20-110-008	1020 Elm
05-20-110-009	1016 Elm
05-20-110-010	1010 Elm
05-20-110-011	1004 Elm
05-20-110-026	511 Rosewood
05-20-110-014	1041 Oak
05-20-110-015	1037 Oak
05-20-110-016	1035 Oak
05-20-110-017	1031 Oak
05-20-110-018	1025 Oak
05-20-110-019	1015 Oak
05-20-110-020	1011 Oak
05-20-110-021	1005 Oak

Winnetka Special Service Area No. 4 is to be established to provide certain public services (the “Services”) to the Territory that will supplement the services currently or customarily provided by the Village to the Territory, in particular the for the construction of a storm sewer, a new concrete alley, and the furnishing of all necessary labor and materials in connection therewith, and any other similar types of amenities and improvements that shall be compatible with the proposed improved plan for the Territory. The proposed Winnetka Special Service Area No. 4 is intended to improve stormwater drainage to the Territory and construct a new concrete alley to Village standards. The Services proposed to be provided in Winnetka Special Service Area No. 4 are unique and in addition to the general municipal services provided to the Village as a whole and will be for the common interests and specific benefit of the Territory.

At the hearing, consideration shall also be given to financing an amount not to exceed \$148,000.00 (125% of the engineer's estimate of project costs), (the "Financing"). The proceeds of the Financing shall be used to pay part of the costs of the proposed Winnetka Special Service Area No. 4. The Financing is to be retired over a period not to exceed 5 years and are to bear interest at a rate not to exceed 5.00% per annum or the maximum rate permitted by law. The Financing, if issued, shall be retired by the levy of a direct tax on all taxable real property within the Territory for a maximum period of 5 years, to discharge the principal as it matures and the interest thereon, and said tax shall be in addition to all other taxes presently levied by any taxing district within the Territory.

All interested persons affected by the formation of the Winnetka Special Service Area No. 4, including, but not limited to, all persons owning taxable real property located within the Territory, will be given an opportunity to be heard regarding the formation and the boundaries of the proposed Winnetka Special Service Area No. 4, and will be given an opportunity to file objections to the formation of Winnetka Special Service Area No. 4, the issuance of Financing, and the related levy of taxes affecting the Winnetka Special Service Area No. 4.

The public hearing may be adjourned by the Village to another date without further notice other than a motion to be entered upon the minutes of its meeting fixing the time and place of its adjournment.

If a petition signed by at least 51 % of the electors residing within the Territory and by at least 51% of the owners of record of the land included within the Territory is filed with the Village Clerk within 60 days following the final adjournment of the public hearing objecting to the establishment of the proposed Winnetka Special Service Area No. 4, the enlargement thereof, the levy or imposition of a tax or the issuance of the Bonds for the provision of the Services to the Area, or to a proposed increase in the tax rate, then the proposed Winnetka Special Service Area No. 4 may not be created or enlarged, nor the tax levied or imposed, nor the rate increased, and the Financing may not be issued.

Dated this 5<sup>th</sup> day of May, 2011.

---

Robert M. Bahan, Village Clerk  
Village of Winnetka, Cook County, Illinois

**Exhibit B**

**PROPOSED WINNETKA SPECIAL SERVICE AREA NO. 4**  
**Elm-Oak-Locust-Rosewood Alley Improvements**

**Legal Description.**

That portion of land in Section 20, Township 42 North, Range 13 East of the third Principal Meridian, in the Village of Winnetka, Cook County, Illinois, described as follows: Lots 1, 2, 3, 4, 5, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19 20, and the east ½ of Lot 6, in Block 5 of Groveland Addition to Winnetka;

and

Lot 1 in Fox’s Consolidation of Lot 7 and the West ½ of Lot 6 in Block 5 of the Groveland Addition to Winnetka in Section 20, Township 42 North, Range 13 East of the third principal meridian, in the Village of Winnetka, Cook County, Illinois;

and

Lot 1 of the Myefski, Cook, & Cummins I Subdivision, a Resubdivision of Lots 11 and 12 in Block 5 of the Groveland Addition to Winnetka in Section 20, Township 42 North, Range 13 East of the third principal meridian, in the Village of Winnetka, Cook County, Illinois.

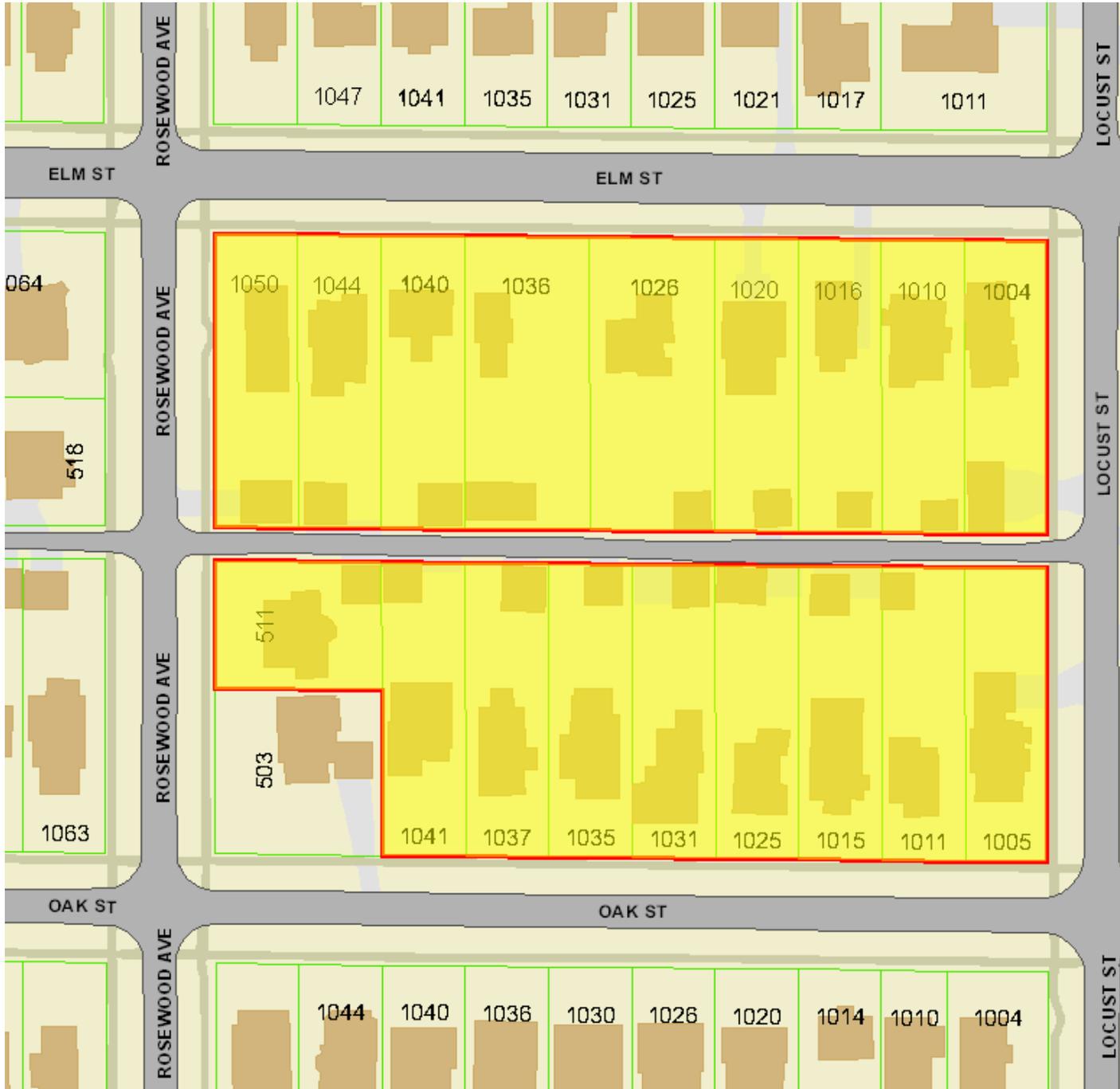
**Common Description.**

Said territory is bounded by Elm Street on the north, Oak Street on the south, Locust Street on the east, and Rosewood Avenue on the west, and consists of eighteen (18) properties which have the following common addresses:

<b>P.I.N.</b>	<b>STREET ADDRESS</b>
05-20-110-001	1050 Elm
05-20-110-002	1044 Elm
05-20-110-003	1040 Elm
05-20-110-024	1036 Elm
05-20-110-022	1026 Elm
05-20-110-008	1020 Elm
05-20-110-009	1016 Elm
05-20-110-010	1010 Elm
05-20-110-011	1004 Elm
05-20-110-026	511 Rosewood
05-20-110-014	1041 Oak
05-20-110-015	1037 Oak
05-20-110-016	1035 Oak
05-20-110-017	1031 Oak
05-20-110-018	1025 Oak
05-20-110-019	1015 Oak
05-20-110-020	1011 Oak
05-20-110-021	1005 Oak

# EXHIBIT C

## Project Location Map



**AN ORDINANCE  
PROPOSING THE ESTABLISHMENT OF THE  
VILLAGE OF WINNETKA SPECIAL SERVICE AREA NO. 5 IN  
THE VILLAGE OF WINNETKA  
AND PROVIDING FOR A PUBLIC HEARING  
AND OTHER PROCEDURES IN CONNECTION THEREWITH**

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

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the public health, safety and welfare of its citizens; and

**WHEREAS**, it is in the public interest that a special service area (the “Winnetka Special Service Area No. 5) be established in the territory described in Exhibit B, which is attached to and made a part of this Ordinance (the “Territory”), which Territory is depicted on the map in Exhibit C, which is attached to and made a part of this Ordinance; and

**WHEREAS**, the Territory is a single family residential area consisting of the properties bounded by Elm Street, Oak Street, Glendale Avenue, and Rosewood Avenue, which Territory constitutes a compact and contiguous residential territory; and

**WHEREAS**, the owners of the properties in the Territory have requested that the corporate authorities give consideration to the establishment of a special service area in order to provide for the construction of a storm sewer, a new concrete alley, and the construction of related appurtenances to the Area; and

**WHEREAS**, the public services proposed to be provided to Winnetka Special Service Area No. 5 (the “Services”) will supplement services currently or customarily provided by the Village to the Territory, in particular in connection with the alley and storm drainage infrastructure, in that the proposed Winnetka Special Service Area No. 5 is intended to improve stormwater drainage to the Territory and to construct a new concrete public alley to Village standards; and

**WHEREAS**, the Services proposed to be provided in Winnetka Special Service Area No. 4 are unique and in addition to the general municipal services provided to the Village as a whole and will be for the common interests and specific benefit of the Territory; and

**WHEREAS**, financing in an amount not to exceed \$161,250 and secured by the full faith and credit of the Territory is proposed to be provided for the purpose of paying the cost of providing the Services (“Financing”); and

**WHEREAS**, the Financing will be amortized over a period of not to exceed 5 years from the issuance thereof and shall bear interest at a rate or rates not to exceed five per cent (5%) per annum or the maximum rate then permitted by law; and

**WHEREAS**, the Financing is to be retired by the levy of a direct annual tax, sufficient to pay the interest and principal on the Financing as the same comes due, upon all taxable property within the Territory for a period of not to exceed 5 years, and the tax levied for the retirement of the Financing shall be unlimited as to the rate or amount in addition to all other taxes permitted by law; and

**WHEREAS**, it is in the public interest of the Village that a special service area (the “Winnetka Special Service Area No. 5”) be established in the Territory and the services to be provided to the Territory be paid for by the issuance of the Financing and the related levy of a special tax against all property located within the Territory; and

**WHEREAS**, the corporate authorities, having given consideration to the proposal, deem it advisable to initiate proceedings under the applicable laws of the State of Illinois in connection with such proposal; and

**WHEREAS**, Article VII, Section 6(i) of the Illinois Constitution provides, in pertinent part, that "the General Assembly may not deny or limit the power of home rule units ... to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services."

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

**SECTION 1:** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby incorporated into this Ordinance by reference as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

**SECTION 2:** The Village proposes the establishment of Winnetka Special Service Area No. 5 for the purpose of providing the Services within the Territory and the issuance of the Financing, together with the levy to pay therefor. Winnetka Special Service Area No. 5, if established, shall terminate not later than the 5<sup>th</sup> anniversary of the date of its establishment, unless prior to such date the Village enacts an ordinance extending the duration of the proposed Winnetka Special Service Area No. 5.

**SECTION 3:** A public hearing shall be held on May 3, 2011, at the Winnetka Village Hall, 510 Green Bay Road, Winnetka, Illinois, to consider the creation of Winnetka Special Service Area No. 4 for the Territory.

**SECTION 4:** At the public hearing, consideration will be given to borrowing an amount not to exceed \$161,250.00 (125% of the engineer's estimate of project costs), (the "Financing"). The proceeds of the Financing shall be used to pay part of the cost of the proposed Winnetka Special Service Area No. 5. The Financing is to be retired over a period not to exceed 5 years and are to bear interest at a rate not to exceed 5.00% per annum. The Financing, if issued, shall be retired by the levy of a direct tax on all taxable real property within the Territory to discharge the principal as it matures and the interest thereon, and said tax shall be in addition to all other taxes presently levied by any taxing district within the Territory.

**SECTION 5:** The notice of public hearing ("Notice") shall be published at least once not less than 15 days prior to the public hearing in the Winnetka Talk, a newspaper in general circulation in the Village. In addition, notice by mailing shall be given by depositing the Notice in the United States mail, addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the proposed Winnetka Special Service Area No. 5. The Notice shall be mailed not less than ten (10) days prior to the time set for the public hearing. In the event taxes for the last preceding year were not paid, the Notice shall be sent to the person last listed on the tax rolls prior to that year as the owner of such property. The notice shall be in substantially the form as set forth in Exhibit A, which is attached to and made a part of this Ordinance.

**SECTION 6:** Every section and provision of this Ordinance shall be separable, and the invalidity of any portion of this Ordinance shall not affect the validity of any other portion of this Ordinance

**SECTION 7:** This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

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

**PASSED** this 26<sup>th</sup> day of April, 2011, pursuant to the following roll call vote:

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

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

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

**APPROVED** this 26<sup>th</sup> day of April, 2011.

Signed:

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

Countersigned:

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

Introduced: April 7, 2011

Posted: April 8, 2011

Passed and Approved: April 26, 2011

Posted:

**Exhibit A**

**NOTICE OF PUBLIC HEARING  
VILLAGE OF WINNETKA  
PROPOSED SPECIAL SERVICE AREA NUMBER 5  
Elm-Oak-Glendale-Rosewood Alley Improvements**

**NOTICE IS HEREBY GIVEN** that on June 7, 2011, at 7:30 p.m. in the Winnetka Village Hall, 510 Green Bay Road, Winnetka, Illinois, a public hearing will be held by the Village of Winnetka (“Village”) to consider forming a special service area (the “Winnetka Special Service Area No. 4”) consisting of the real property known by the property index numbers and the approximate common street addresses described below (hereinafter collectively referred to as the “Territory”):

<b>P.I.N.</b>	<b>STREET ADDRESS</b>
05-20-109-001	1110 Elm
05-20-109-002	1108 Elm
05-20-109-003	1106 Elm
05-20-109-025	1096 Elm
05-20-109-027	1086 Elm
05-20-109-007	1082 Elm
05-20-109-008	1078 Elm
05-20-109-009	1072 Elm
05-20-109-024	518 Rosewood
05-20-109-013	1111 Oak
05-20-109-014	1107 Oak
05-20-109-015	1101 Oak
05-20-109-028	1097 Oak
05-20-109-017	1087 Oak
05-20-109-018	1083 Oak
05-20-109-019	1077 Oak
05-20-109-020	1073 Oak
05-20-109-021	1067 Oak
05-20-109-022	1063 Oak

Winnetka Special Service Area No. 5 is to be established to provide certain public services (the “Services”) to the Territory that will supplement the services currently or customarily provided by the Village to the Territory, in particular the for the construction of a storm sewer, a new concrete alley, and the furnishing of all necessary labor and materials in connection therewith, and any other similar types of amenities and improvements that shall be compatible with the proposed improved plan for the Territory. The proposed Winnetka Special Service Area No. 5 is intended to improve stormwater drainage to the Territory and construct a new concrete alley to Village standards. The Services proposed to be provided in Winnetka Special Service Area No. 5 are unique and in addition to the general municipal services provided to the Village as a whole and will be for the common interests and specific benefit of the Territory.

At the hearing, consideration shall also be given to financing an amount not to exceed \$161,250.00 (125% of the engineer's estimate of project costs), (the "Financing"). The proceeds of the Financing shall be used to pay part of the costs of the proposed Winnetka Special Service Area No. 5. The Financing is to be retired over a period not to exceed 5 years and are to bear interest at a rate not to exceed 5.00% per annum or the maximum rate permitted by law. The Financing, if issued, shall be retired by the levy of a direct tax on all taxable real property within the Territory for a maximum period of 5 years, to discharge the principal as it matures and the interest thereon, and said tax shall be in addition to all other taxes presently levied by any taxing district within the Territory.

All interested persons affected by the formation of the Winnetka Special Service Area No. 5, including, but not limited to, all persons owning taxable real property located within the Territory, will be given an opportunity to be heard regarding the formation and the boundaries of the proposed Winnetka Special Service Area No. 5, and will be given an opportunity to file objections to the formation of Winnetka Special Service Area No. 5, the issuance of Financing, and the related levy of taxes affecting the Winnetka Special Service Area No. 5.

The public hearing may be adjourned by the Village to another date without further notice other than a motion to be entered upon the minutes of its meeting fixing the time and place of its adjournment.

If a petition signed by at least 51 % of the electors residing within the Territory and by at least 51% of the owners of record of the land included within the Territory is filed with the Village Clerk within 60 days following the final adjournment of the public hearing objecting to the establishment of the proposed Winnetka Special Service Area No. 5, the enlargement thereof, the levy or imposition of a tax or the issuance of the Bonds for the provision of the Services to the Area, or to a proposed increase in the tax rate, then the proposed Winnetka Special Service Area No. 5 may not be created or enlarged, nor the tax levied or imposed, nor the rate increased, and the Financing may not be issued.

Dated this 5th day of May, 2011.

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Robert M. Bahan, Village Clerk  
Village of Winnetka, Cook County, Illinois

**Exhibit B**

**PROPOSED WINNETKA SPECIAL SERVICE AREA NO. 5**  
**Elm-Oak-Locust-Rosewood Alley Improvements**

**Legal Description.**

Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19 and 20, in Block 6 of Groveland Addition to Winnetka in Section 20, Township 42 North, Range 13 East of the third Principal Meridian, in the Village of Winnetka, Cook County, Illinois;

and

The east 30 feet of Lot 14, in Block 6 of Groveland Addition to Winnetka in Section 20, Township 42 North, Range 13 East of the third Principal Meridian, in the Village of Winnetka, Cook County, Illinois;

and

The south 77 feet of Lots 1 and 2 in Block 6 of Groveland Addition to Winnetka in Section 20, Township 42 North, Range 13 East of the third Principal Meridian, in the Village of Winnetka, Cook County, Illinois;

and

Lot 1 of Cross' Consolidation of all of Lot 13 and Lot 14 except the east 30 feet thereof in Block 6 of the Groveland Addition to Winnetka; all Section 20, Township 42 North, Range 13 East of the third Principal Meridian, in the Village of Winnetka, Cook County, Illinois.

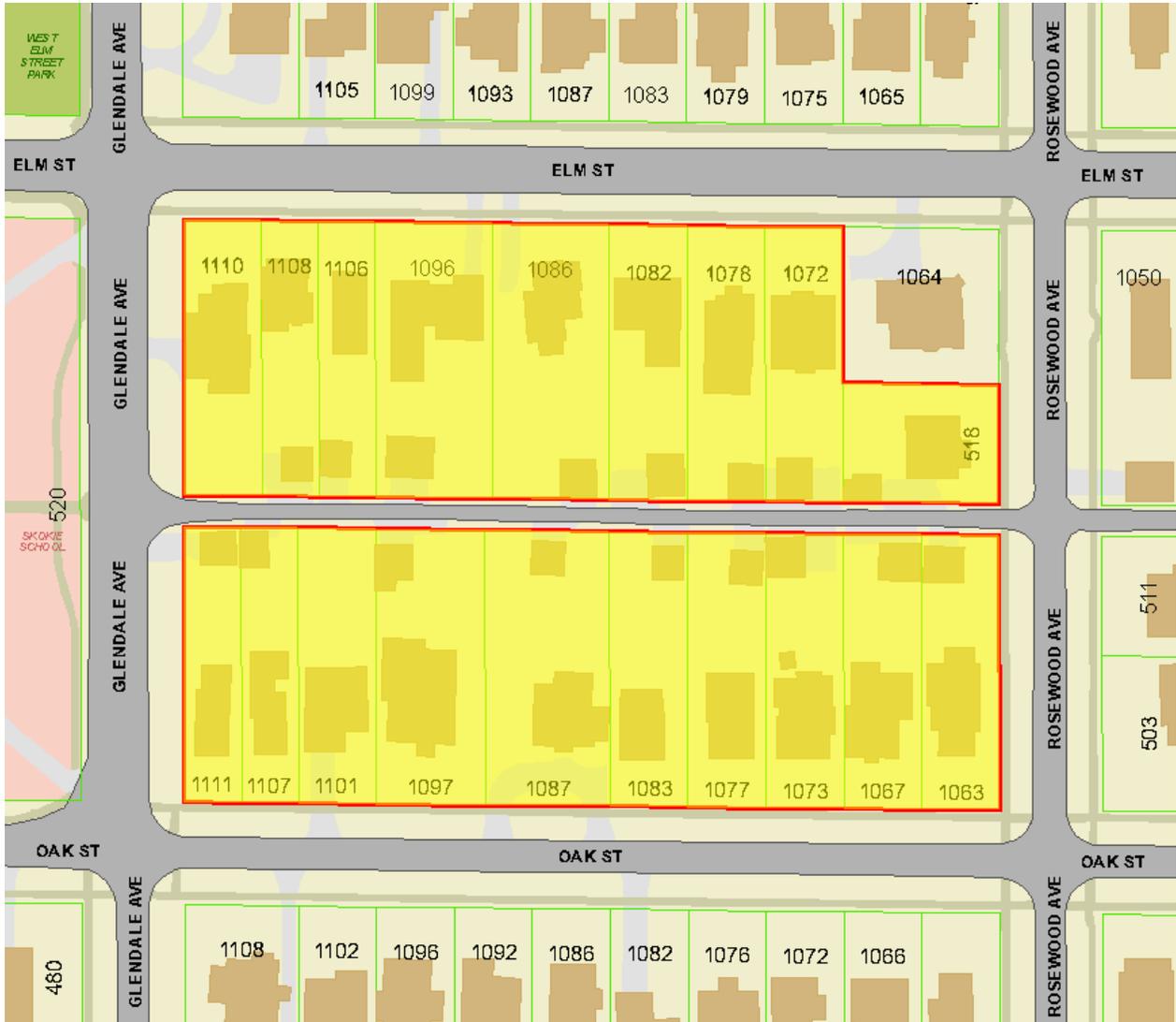
**Common Description.**

Said territory is bounded by Elm Street on the north, Oak Street on the south, Glendale Avenue on the west, and Rosewood Avenue on the east, and consists of nineteen (19) properties which have the following common addresses:

<b>P.I.N.</b>	<b>STREET ADDRESS</b>
05-20-109-001	1110 Elm
05-20-109-002	1108 Elm
05-20-109-003	1106 Elm
05-20-109-025	1096 Elm
05-20-109-027	1086 Elm
05-20-109-007	1082 Elm
05-20-109-008	1078 Elm
05-20-109-009	1072 Elm
05-20-109-024	518 Rosewood
05-20-109-013	1111 Oak
05-20-109-014	1107 Oak
05-20-109-015	1101 Oak
05-20-109-028	1097 Oak
05-20-109-017	1087 Oak
05-20-109-018	1083 Oak
05-20-109-019	1077 Oak
05-20-109-020	1073 Oak
05-20-109-021	1067 Oak
05-20-109-022	1063 Oak

# EXHIBIT C

## Project Location Map



## AGENDA REPORT

**SUBJECT:** MC-3-2011 – Amending Title 3 of the Village Code as It Pertains to the Membership, Powers and Duties of Certain Boards and Commissions

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

**REFERENCE:** March 22, 2011 Council Meeting, pp. 125 – 154  
April 7, 2011 Council Meeting, pp. 47 - 79

**DATE:** April 22, 2011

Ordinance MC-3-2011 was introduced at the Village Council’s March 22, 2011, meeting, following discussions over the course of several months. In general, MC-3-2011 would (i) restructure the Plan Commission, the Business Community Development Commission and the Environmental and Forestry Commission, (ii) modify the powers and duties of those three bodies, (iii) provide for increased communication between those three advisory bodies and the Village Council, and (iv) make other amendments to Title 3 of the Village Code to confirm the Council’s role as the Village’s policy making body and provide for more efficient use of the Village’s professional and clerical staff.

At its April 7, 2011, meeting, the Council discussed a revised draft that reflected further policy direction given at the March 22<sup>nd</sup> meeting. After receiving public comment and holding an extensive discussion of the revised draft, the Council gave the following additional policy direction:

- Return the total number of members on the Plan Commission to 13.
- Restore Plan Commission membership for representatives of the Zoning Board of Appeals, Park District Board, Board of Education of District No. 36 and the Winnetka-Northfield Library Board.
- Prohibit the representatives of the Village Council and Zoning Board of Appeals on the Plan Commission from voting on any matter before the Plan Commission that will also come before the representative member’s body for a vote.
- Reduce the number of at-large members on the Plan Commission from 6 to 5.
- Require that the Chamber of Commerce representative to the Business Community Development Commission (“BCDC”) be a resident of the Village.
- Use parallel terminology in stating the powers and duties of the Environmental and Forestry Commission (“EFC”) and the BCDC.

In addition, the Village Council directed the Village Attorney to meet with representatives of the EFC prior to the next Council meeting to explain the draft ordinance and to

discuss the EFC's concerns. Pursuant to that directive, the Village Attorney met with EFC Chairperson Debbie Ross and EFC Member Charles Dowding on Wednesday, April 20<sup>th</sup>, at which time we discussed not only the matters directed. In addition to discussing the matters directed by the Village Council, the three of us discussed a "Consensus Draft" of certain provisions that the EFC had considered at its April 13<sup>th</sup> meeting. A copy of that draft follows this Agenda Report.

The EFC representatives view the EFC's work as having three facets: (i) exploring issues with Village staff, (ii) taking independent initiatives, and (iii) making recommendations. In the course of the discussion, it became clear that the EFC is concerned that the use of the phrase "after consultation and coordination with the Village Council" in regard to their powers and duties is too restrictive and can be seen as required prior Council approval for any topic the EFC might want to discuss. The EFC representatives gave examples of some initiatives that they might not be able to pursue if they were required to obtain Council approval beforehand, *i.e.*, facilitating a student-initiated "environmental challenge" between a Winnetka school and a school in another community, participating in "Go Green Winnetka," or initiating studies on sustainability issues. They also noted that the EFC's members receive a continuous flow of information and expressed concern that, as currently drafted, the ordinance could hamper their ability to serve as an effective conduit for information on environmental and sustainability.

The EFC representatives also expressed concerns about the omission of references to "sustainability" in the draft, particularly in the context of the Comprehensive Plan. In addition, they questioned why the powers and duties of the EFC did not include specific provisions drawn from their strategic plan, as proposed in their "Consensus Draft."

The discussion with the EFC representatives also covered the rationale for having a more general statement of powers and duties rather than codifying provisions of their strategic plan, which could have the unintended consequence of requiring a Code amendment for the EFC to change its strategic plan. At the end of the meeting with the EFC representatives, the Village Attorney agreed that more specific references to "sustainability" were warranted, particularly in regard to the Comprehensive Plan and that she would draft amendatory language to address that issue. She also agreed to continue to evaluate the use of the phrase "after consultation and coordination with the Village Council" and to search for alternative language that would address both the Council's and the EFC's concerns. The Village Attorney also stressed that she expected the Council to enact the ordinance before the new Council is seated, and also considered the amended structure to be a work in progress that would be monitored by the Council as it has more direct interaction with the EFC and the Council's other subordinate advisory bodies.

Pursuant to the discussion with the EFC representatives, the following additional amendments have been made to Ordinance MC-3-2011:

- The phrase "In consultation and coordination" with the Village Council has been inserted in brackets as alternative to the phrase "After consultation and coordination," wherever that phrase is used in the Ordinance, in regard to both the EFC and the BCDC.

- References to “sustainability” have been inserted in Subsections B (Environmental Stewardship) and C (Technical Assistance and Information services) of Section 3.04.050. The first reference to “sustainability” is followed by a definition of that term. (See Section 3.04.050.B.1) That definition is taken from the Deerfield Village Code, which uses and defines that term, in the context of stating the mission and purpose of Deerfield’s Sustainability Commission. There are no other examples of this text in the area.
- In Paragraph 2 of Section 3.04.050.C, which pertains to the role of the EFC vis-à-vis the Comprehensive Plan, the power and duty to recommend changes to the Comprehensive Plan has been expanded to include environmental and sustainability issues in addition to the chapter on trees.
- The liaison role of the EFC has been amended to include regional agencies, in light of the regional nature of many environmental issues.

Finally, several other technical amendments have been made, to provide additional legislative history and to improve consistency in the structure of the provisions governing the three commissions addressed by the Ordinance. Two version of the revised draft of Ordinance MC-3-2011 are attached, following the EFC materials. The first is a red-lined draft that indicates the differences between the current Code provisions and the latest revised draft. The second is a “clean” draft that accepts all changes and retains alternate provisions. Both versions contain yellow highlighting to indicate all of the changes to the draft of Ordinance MC-3-2011 since the last Council meeting.

**Recommendation:**

- 1) Consider further amending Ordinance MC-3-2011, as indicated in the agenda materials.
- 2) Consider adopting Ordinance MC-3-2011 as amended

**Kathy Janega**

---

**From:** Charles Dowding [REDACTED]  
**Sent:** Wednesday, April 13, 2011 11:17 PM  
**To:** Jessica Tucker; Kathy Janega  
**Cc:** Debbie Ross; Steve Auth  
**Subject:** EFC Consensus redraft of 3.04.050 B & C  
**Attachments:** EFC consensus redraft of 3.04.050 B & C.docx

Dear President Tucker and Council Janega:

The attached is the Winnetka Environmental and Forestry Commission's consensus version of the proposed amendments to Chapter 3.04.050 B & C. Changes from the version previously submitted are as follows:

- 1) strike
- 2) ~~Village professional staff, and public . . . . . measurable, data based~~
- 2) add (in green)

- B.2.e) any other sustainability, environmental, or energy matters
- C.1) Village's tree population and preserve publicly accessible
- C.2) Village's tree population and preserve publicly accessible.

While the commission recognizes that it does not write code, it appreciates the opportunity to provide input to the Village Council. These recommendations are based upon the EFC's strategic plan that was vetted and approved by the Village Council.

I was asked by Chair Ross to interact with you regarding this matter, and am happy to do so.

On a related matter, the 7 April packet is not on the Village web site as I write, or at least I could only find the March 22 packet.

Regards

Chuck Dowding

WE'VE CHANGED OUR DOMAIN NAME: PLEASE CHANGE YOUR EMAIL ADDRESS BOOK TO



Charles H Dowding  
Professor of Civil & Environmental Engineering  
Northwestern University  
Evanston IL 60208



<http://www.civil.northwestern.edu/people/faculty.html>

## B. Environment Stewardship

1. To act in an advisory capacity to advise the Village Council on matters relating to sustainability, the protection of the environment, and the conservation of energy, and the preservation, conservation, enhancement and protection of the quality of the Village's natural resources, including issues related to pollution and recycling;

2. After consultation and coordination with the Village Council, ~~Village professional staff, and public to make measurable, data-based~~ recommendations to the Village Council regarding the

- a) improvement of municipal and private energy stewardship by the Village's residents and businesses, including strategies for energy conservation, reduced energy consumption and access to renewable energy sources,
- b) adoption of sustainable construction strategies for public, private and neighborhood development and redevelopment,
- c) preservation and enhancement of the forest canopy and publicly accessible open and green space,
- d) reduction of water and air pollution, water consumption, and solid waste,
- e) any other energy or environmental matters

## C. Technical Assistance and Information Services

In consultation and coordination with the Village Council and Village professional staff, to

- 1) assist in disseminating information about sustainability, protection of the environment, conservation of energy, improvement of the Village's tree population and preserve publicly accessible green and open space;
- 2) work in consultation and cooperation with the Plan Commission in the Plan Commission's review and updating of the Comprehensive Plan on matters pertaining to sustainability, protection of the environment, conservation of energy, improvement of the Village's tree population and preserve publicly accessible green and open space (, including updating Chapter XIV, "Street Tree Planting")and
- 3) act as a liaison between the Village and other local and regional governmental, public and private agencies, such as the Winnetka Park District, area schools, GreatLakes Commission and Chicago Wilderness, for the purpose of obtaining information on matters related to the foregoing powers and duties of the Commission.

**ORDINANCE NO. MC-3-2011**

**AN ORDINANCE  
AMENDING TITLE 3 OF THE WINNETKA VILLAGE CODE  
AS IT PERTAINS TO THE MEMBERSHIP, POWERS AND DUTIES  
OF CERTAIN BOARDS AND COMMISSIONS**

**WHEREAS**, Title 3 of the Winnetka Village Code, “Boards and Commissions,” establishes several subordinate boards and commissions, defines the scope of their authority and charges them with advising the Council of the Village of Winnetka (“Village Council”) on various matters lying within the scope of their authority; and

**WHEREAS**, at study sessions in November of 2010 and January and March of 2011, and at regular Village Council meetings in March and April of 2011, the Village Council has considered various issues pertaining to the Village Council’s advisory boards and commissions, including the structure, membership and authority of the boards and commissions, and improving communications between the boards and commissions and the Village Council; and

**WHEREAS**, the Village Council has determined that certain provisions of Title 3 should be amended so as to (i) preserve and enhance the Village Council’s role as the policy making body of the Village of Winnetka, (ii) clarify the role of the advisory boards and commissions in assisting in developing Village policy, and (iii) make the most efficient use of the Village Council, the interest and expertise of the advisory boards and commissions, and of the Village staff that provides professional assistance and clerical support to the Village Council and its subordinate bodies; and

**WHEREAS**, the Village of Winnetka (“Village”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and, except as limited by that provision, has the authority to exercise any power and perform any function pertaining to the government and affairs of the Village, including the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, the Village Council finds that establishing subordinate boards and commissions, and defining their structure and membership, as well as their powers and duties, are matters pertaining to the government and affairs of the Village; and

**WHEREAS**, the Village Council finds and determines that it is in the best interests of the general health, safety and welfare of the Village of Winnetka that provisions of Title 3 of the

Winnetka Village Code pertaining to certain boards, commissions and committees, be amended as provided herein.

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

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

**SECTION 2:** Chapter 3.02, of Title 3 of the Winnetka Village Code, titled “Meetings of Boards, Commission and Committees,” is hereby retitled “General Provisions” and is amended to provide as follows:

## Chapter 3.02

### **GENERAL PROVISIONS**

#### **MEETINGS OF BOARDS, COMMISSIONS AND COMMITTEES**

##### **Sections:**

**3.02.010 Open Meetings**

**3.02.020 Meeting Attendance**

**3.02.030 Limitation on Powers and Authority**

**3.02.040 Professional Staff Support**

**3.02.050 Applicability**

##### **Section 3.02.010 Open Meetings**

It is the policy of the Village of Winnetka that all meetings of all boards, commissions and committees ~~Boards, Commissions and Committees~~ of the Village, and all committees and subcommittees thereof, of such ~~Boards, Commissions and Committees~~, shall be held in accordance with the provisions of the Illinois Open Meetings Act.

(MC-8-2007, Added, 06/05/2007)

##### **Section 3.02.020 Meeting Attendance**

A. Attendance in Person. It is the policy of the Village of Winnetka that the members of all boards, commissions and committees ~~Boards, Commissions and Committees~~ of the Village, and all committees and subcommittees thereof, of such ~~Boards, Commissions and Committees~~, shall attend meetings of their respective bodies in person, notwithstanding any statutes of the State of Illinois permitting attendance by some means other than physical presence at the location of the meeting.

B. Rules Governing Attendance. No board, commission or committee ~~Board, Commission or Committee~~ of the Village, nor any committee or subcommittee of thereof, ~~such Board, Commission or Committee,~~ shall have the power or discretion to establish

rules permitting any of their members to attend meetings by any means other than by their physical presence, unless the Village Council has specifically granted such power and discretion ~~is specifically enumerated~~ in the enumerated powers set forth in the chapter of this Title pertaining to ~~of such board, commission or committee or committee or subcommittee thereof.~~ ~~Board, Commission or Committee set forth in this Title.~~

(MC-8-2007, Added, 06/05/2007)

### **Section 3.02.030 Limitation of Powers and Authority**

A. No board, commission or committee of the Village, and no committee or subcommittee thereof, shall have the power or authority to advertise for bids, to request proposals for work, to enter into a contract, to purchase any goods or services, or to encumber or expend Village funds unless one of the following conditions exists:

1. the Village Council has specifically granted such power and discretion in the enumerated powers set forth in the chapter of this Title pertaining to such board, commission or committee or committee or subcommittee thereof;

2. the Village Council has specifically granted such power or authority in an open meeting of the Village Council; or

3. the board or commission is created pursuant to State law and such power either has been granted pursuant to statute or is necessary to the performance of such board's or commission's statutory duties.

B. No board, commission or committee of the Village, and no committee or subcommittee thereof shall have the power or authority to create other committees or subcommittees to assist such board, commission or committee in the performance of its work, unless directed by the Village Council or, if time is of the essence, by the Village President, subject to ratification by the Village Council at its next meeting.

C. Notwithstanding the foregoing, any board, commission, or committee of the Village, and any committee or subcommittee thereof, may request additional power or authority from the Village Council at any time, provided such request is for a specific purpose related to the duties of requesting body.

### **Section 3.02.040 Staff Liaisons**

The Village Manager shall have the authority and discretion to assign such Village staff as is necessary to provide professional and technical assistance, to provide clerical support, and to serve as a liaison between the Village administration and each board, commission or committee established pursuant to this Title 3 of the Village Code.

**Section 3.02.050 Applicability**

A. The provisions of this Chapter shall apply to all boards and commissions established pursuant to this Title 3 of the Village Code, to all boards and commissions of the Village established by State law and to all standing committees and ad hoc committees established by the Village Council. The provisions of this Chapter shall also apply to all committees and subcommittees of any of the foregoing, whether such committee or subcommittee is established by such board or commission or by State law, this Code, or other act of the Village Council.

**SECTION 3:** Chapter 3.04 of Title 3 of the Winnetka Village Code, titled “Environmental and Forestry Commission,” is hereby amended to provide as follows:

**Chapter 3.04**

**ENVIRONMENTAL AND FORESTRY COMMISSION**

**Sections:**

- 3.04.010 Creation; Members; Compensation**
- 3.04.020 Officers**
- 3.04.030 Vacancies**
- 3.04.040 Meetings; Vote; Quorum**
- 3.04.050 Powers and Duties**

**Section 3.04.010 Creation; Members; Compensation**

A. Creation of Commission. There is created an Environmental and Forestry Commission, which shall have such powers and perform such duties as provided in this chapter.

B. Members; Appointment. The Commission shall consist of seven voting members, ~~and one or more student members, and one Village Trustee, who shall serve as an ex officio member. All members of the Commission all of whom~~ shall be appointed by the Village President, with the advice and consent of the Trustees, ~~plus two ex officio members who shall be appointed as provided in subsection D, below.~~

C. Appointed Members; Qualifications; Term of Office.

1. Qualifications. The seven voting members of the Commission shall be residents of the Village. ~~In addition, one of the appointed voting members shall be a member of the Plan Commission.~~ Each student member shall be a high school junior or senior, or an undergraduate college student, who either resides in or attends school in the Village. All members of the Commission shall have experience, training or a demonstrable interest in such areas as environmental science, forestry, ecology, energy conservation, tree preservation, education, pollution control, engineering, science and public health.

2. Term of Office. Subject to the additional limitations set forth in the following paragraph 3, each appointed member other than the student appointee(s) shall serve for a term of three years and until a successor is appointed and qualified. The terms of the appointed members shall be staggered so that the term of two appointed members expire in one year, the term of two other appointed members expire the following year and the term of the remaining three appointed members expire the next following year. No appointed member other than the student appointee shall serve more than two full terms consecutively.

3. Term of ~~Representative-Ex Officio~~ Members. ~~The Plan Commission representative and any other members of the Commission who are representatives of another board or commission (the "representative members")~~ The Village Trustee who serves as an ex officio member; shall not serve on the ~~Environmental and Forestry Commission beyond the termination of their-his or her service in the office of Trustee, whether the Trustee's service in office has terminated~~ respective memberships on the Plan Commission or other board or commission, whether by due to the expiration of ~~that the Trustee's~~ term, ~~by~~ resignation or ~~by~~ some other cause.

4. Student Member(s). The student member(s) shall be appointed in September of each year and shall serve through the month of August of the following year, and until a successor is appointed and qualified. Any student member may serve consecutive terms, without limitation, provided the student continues to meet the qualifications for appointment. For purposes of this section, if a student who is appointed while he or she is enrolled as a full time student in high school or college, the student's enrollment shall be presumed to continue through the summer immediately following the academic year of appointment, regardless of whether the student enrolls for summer studies or has graduated.

~~D. Ex Officio Members. One ex officio member of the Commission shall be a Village Trustee and shall be designated by the Village President. One ex officio member shall be a member of the Winnetka Park District Board and shall be designated by that Board, according to its own procedures.~~

~~D. E.~~ No Compensation. All members of the Commission shall serve without compensation for those services.

(MC-14-2009, Amended, 11/17/2009; MC-8-2009, Amended, 09/01/2009; MC-3-2008, Amended, 06/03/2008; MC-4-2005, Amended, 09/06/2005)

### **Section 3.04.020 Officers**

A. Chairperson. The Village President shall designate one of the members of the Commission to serve as Chairperson of the Commission. The Chairperson shall hold that office until the Village President designates another member to be Chairperson or until the Chairperson is no longer a member of the Commission, whichever is later.

B. Secretary. The Village Manager shall appoint one or more employees of the Public Works Department and/or Water and Electric Department to serve as Secretary to the Commission.

(MC-3-2008, Amended, 06/03/2008; MC-4-2005, Amended, 09/06/2005)

### **Section 3.04.030 Vacancies**

Any vacancy on the Commission occurring shall be filled for the remainder of the former member's unexpired term in the same manner as provided for in the original appointment of a member.

(MC-3-2008, Amended, 06/03/2008; MC-4-2005, Amended, 09/06/2005)

### **Section 3.04.040 Meetings; Vote; Quorum**

A. Meetings. Meetings of the Commission shall be held once each month or at the call of the Chair. All meetings shall be open to the public and shall be conducted in accordance with the Open Meetings Act and Chapter 3.02 of this code. The Commission shall keep minutes of its proceedings and shall keep records of all other official actions.

(MC-8-2007, Amended, 06/05/2007)

B. Vote. The student member(s) and the ~~two~~ ex officio members of the Commission shall not be entitled to vote. All other members of the Commission shall be voting members.

C. Quorum. A majority of the voting members of the Commission shall constitute a quorum.

(MC-14-2009, Amended, 11/17/2009; MC-3-2008, Amended, 06/03/2008)

### **Section 3.04.050 Powers and Duties**

The Commission shall have the following powers and duties:

#### A. Urban Forestry.

1. To act in an advisory capacity to advise the Village Council on matters relating to urban forestry, including the enhancement and preservation of trees in the Village, and methods to mitigate threats to trees in the Village such as Dutch elm disease and the emerald ash borer;

2. After consultation and coordination [Alternate: In consultation and coordination] with the Village Council and Village professional staff, to make recommendations to the Village Council regarding amendments to the provisions of Tree Preservation Code, Chapter 15.28 of this code;

3. To apply annually for Tree City U.S.A. designation or other awards and incentives recognizing the Village or any portion of the Village for its trees or forestry;

3. To provide advice and mediation in disputes concerning the maintenance or removal of trees in the Village when requested by all parties to a dispute;

4. To determine, at the request of the Director of Public Works, whether an application for a permit to remove a tree under Section 15.28.040 (B)(6) meets the requirement of that subsection that the removal of the tree will avoid or alleviate an economic hardship or hardship of another nature on the property or residence; and

5. To hear and decide appeals from the action of the Director of Public Works denying a permit to remove a tree pursuant to Section 15.28.040 of this Village code, in accordance with the procedures set out in Section 15.28.090.

B. Environmental Stewardship

1. To act in an advisory capacity to advise the Village Council on matters relating to:

(a) sustainability, meaning the use of resources so that they do not become depleted or permanently damaged and requiring the balancing of environmental, economic and social demands;

(b) the protection of the environment;

(c) and the conservation of energy; and

(d) the preservation, conservation, enhancement and protection of the quality of the Village's natural resources, including issues related to pollution and recycling;

2. After consultation and coordination [Alternate: In consultation and coordination] with the Village Council, to make recommendations to the Village Council regarding the improvement of private energy stewardship by the Village's residents and businesses [Alternate: Energy stewardship within the Village], including strategies for energy conservation, reduced energy consumption and access to renewable energy sources; and

3. After consultation and coordination [Alternate: In consultation and coordination] with the Village Council and Village professional staff, to make recommendations to the Village Council regarding the adoption of "green" building strategies for public and private development and redevelopment, such as the *Leadership in Energy and Environmental Design Program* developed by the U.S. Green Building Council.

~~C. To advise the Village Council on possible amendments to this Village code regarding environmental and forestry matters;~~

~~D. To develop and recommend policy concerning the selection, planting, maintenance and removal of trees on Village owned property;~~

~~E. To consider and determine the propriety of removing trees on Village owned property, except during emergencies or when a tree poses an immediate threat to the public health, safety or welfare;~~

~~— F. To assist the Village and its officials in developing and recommending policies relating to the protection of the environment and the protection, maintenance and improvement of the Village's tree population, including recommendations pertaining to the Tree Preservation Code set forth in Chapter 15.28 of this Village code;~~

C. Technical Assistance and Information Services

~~1. G. To assist In consultation and coordination with the Village Council and Village professional staff, to assist ~~its officials~~ in disseminating information about protection of the environment, the conservation of energy, and the protection, maintenance and improvement of the Village's tree population;~~

~~2. To work in consultation and cooperation with the Plan Commission in the Plan Commission's review and updating of the Comprehensive Plan on matters pertaining to the protection of the environment, and to make recommendations to the Plan Commission for amendments to the Comprehensive Plan pertaining to:~~

~~a. sustainability, as defined in Section 3.04.050B.1.a, above; and~~

~~b. the protection, maintenance and improvement of the Village's tree population, including updating Chapter XIV, "Street Tree Planting," of the Winnetka Comprehensive Plan; and~~

~~3. After consultation and coordination [Alternate: In consultation and coordination] with the Village Council and Village professional staff, to act as a liaison between the Village and other local and regional governmental, public and private agencies, such as the Winnetka Park District, area schools, Great Lakes Commission and Chicago Wilderness, for the purpose of obtaining information on matters related to the foregoing powers and duties of the Commission.~~

~~— H. To apply annually for Tree City U.S.A. designation or other awards and incentives recognizing the Village or any portion of the Village for its trees or forestry;~~

~~— I. To review and make recommendations to Village staff on all Village plans for streets, utility, and other public improvement projects that impact public trees;~~

~~— J. To provide advice and mediation in disputes concerning the maintenance or removal of trees in the Village when requested by all parties to a dispute;~~

~~— K. To assist the Plan Commission in reviewing and updating the Comprehensive Plan on matters pertaining to the protection of the environment and the protection, maintenance and improvement of the Village's tree population, including updating Chapter XIV, "Street Tree Planting," of the Winnetka Comprehensive Plan;~~

~~— L. To determine, at the request of the Director of Public Works, whether an application for a permit to remove a tree under Section 15.28.040 (B)(6) meets the requirement of that subsection that the removal of the tree will avoid or alleviate an economic hardship or hardship of another nature on the property or residence;~~

~~—M. To hear and decide appeals from the action of the Director of Public Works denying a permit to remove a tree pursuant to Section 15.28.040 of this Village code, in accordance with the procedures set out in Section 15.28.090;~~

~~(Ord. MC 228 99 § 4 (part), 1999; prior code § 6.09)~~

~~—N. To engage in such other activities, studies and educational programs related to environmental protection, energy conservation, tree preservation and urban forestry as may be requested by the Village President or the Village Council from time to time;~~

~~—O. To make recommendations to the Village Council on programs and methods for increasing public awareness of environmental and energy issues;~~

~~—P. To make policy recommendations to the Village Council to preserve, conserve, enhance and protect the quality of our land, air and water, including issues related to pollution and recycling;~~

~~—Q. To make policy recommendations to improve public and private energy stewardship within the Village, including strategies for energy conservation, reduced energy consumption, the development of renewable energy sources;~~

~~—R. To make policy recommendations regarding the adoption of “green” building strategies for public and private development and redevelopment, such as the *Leadership in Energy and Environmental Design Program* developed by the U.S. Green Building Council; and~~

~~—S. To act as a liaison between the Village and other local governmental, public and private agencies, such as the Winnetka Park District, area schools, Great Lakes Commission and Chicago Wilderness to learn how they deal with matters of interest to the Environmental and Forestry Commission and to share information pertaining to those matters.~~

D. To report to the Village Council from time to time on the work of the Commission, including but not limited to (i) presenting a report to the Village Council in an open session of the Village Council at least once each calendar year, and (ii) submitting such other and additional reports as the Village Council, in the exercise of its discretion and authority, may direct from time to time; and

E. To perform such other duties and responsibilities as directed by the Village Council or as otherwise required by ordinance or statute.

(MC-3-2008, Amended, 06/03/2008)

**SECTION 4:** Chapter 3.08 of Title 3 of the Winnetka Village Code, titled “Plan Commission,” is hereby amended to provide as follows:

## Chapter 3.08

### PLAN COMMISSION

#### Sections:

- 3.08.010 Commission Created; Terms; Compensation**
- 3.08.020 Qualification and Appointment of Members**
- 3.08.030 Officers**
- 3.08.040 Vacancies**
- 3.08.050 Meetings; Quorum**
- 3.08.060 Powers and Duties**

#### **Section 3.08.010 Commission Created; Terms; Compensation**

A. Creation. There is created a Plan Commission for the Village, consisting of thirteen appointed members.

B. Terms. Each member of the Plan Commission shall be appointed for a term of three years and until a successor has been appointed.

C. Compensation. Members of the Plan Commission shall serve without compensation, except that the Village Council may provide a salary for the Secretary if the Secretary is not a member of the Commission or an employee of the Village.

(MC-8-2005, Amended, 12/20/2005)

#### **Section 3.08.020 Qualification and Appointment of Members**

A. Qualification of Members. In addition to being residents of the Village, the members of the Plan Commission shall have the following qualifications:

1. One member shall be a Village Trustee, who shall serve as an ex officio member of the Commission and shall not be a voting member.

2. One member shall be a member of the Zoning Board of Appeals created by Chapter 3.44 of this Code, provided, that the member of the Zoning Board of Appeals shall not vote on any zoning application that comes before the Plan Commission if the same matter is also required to be considered by the Zoning Board of Appeals, as provided in Title 17 of this Code.

~~3. One member shall be a member of the Design Review Board created by Chapter 3.12 of this Code.~~

3. One member shall be a member of the Business Community Development Commission created by Chapter 3.22 of this Code.

4. One member shall be a member of the Environmental and Forestry Commission created by Chapter 3.04 of this Code.

5. 4.—One member shall be a member of the Landmark Preservation Commission created by Chapter 3.40 of this Code.

6. 5.—One member shall be a member of the Board of Park Commissioners of the Winnetka Park District.

7. 6.—One member shall be a member of the Board of Education of Winnetka Elementary School District No. 36.

8. 7.—One member shall be a member of the Board of Trustees of the Winnetka-Northfield Public Library District.

9. 8.—The remaining ~~six~~five members shall be appointed from among the residents of the Village. ~~Subject to the Village President's sole discretion, the six resident members may include one member of the Business Community Development Commission and one member of the Environmental and Forestry Commission.~~

#### B. Appointment.

~~1. Each of the Plan Commission members from the Winnetka Park District, School District No. 36 and Winnetka-Northfield Public Library District shall be residents of the Village and shall be nominated by resolution of their respective governing board. A certified copy of the nominating resolution shall be filed with the Village Clerk.~~

~~2. Except as provided in the foregoing paragraph 1, all All members of the Plan Commission shall be appointed by the Village President, with the advice and consent of the Village Trustees.~~

(MC-8-2009, Amended, 09/01/2009; MC-8-2005, Amended, 12/20/2005)

### **Section 3.08.030 Officers**

A. Chairperson. The Village President shall designate one of the members of the Plan Commission to serve as Chairperson of the Commission ~~and shall hold that office until a successor is appointed and qualified.~~ The Chairperson shall hold that office until the Village President designates another member to be Chairperson, or until the Chairperson is no longer a member of the Commission, whichever is later.

B. The Director of Community Development shall designate one or more employees of the Department of Community Development to serve as Secretary to the Commission.

C. The Plan Commission may elect from among its members such other officers as it ~~desires~~ deems necessary to facilitate the Plan Commission's performance of its duties.

(MC-8-2005, Amended, 12/20/2005)

### **Section 3.08.040 Vacancies**

Any vacancy on the Plan Commission shall be filled for the remainder of the term of the member whose position has become vacant, in the same manner as for an original appointment.

(MC-8-2005, Amended, 12/20/2005)

### **Section 3.08.050 Meetings; Quorum**

A. Meetings. Meetings of the Plan Commission shall be held once each month or at the call of the Chairperson. All meetings shall be open to the public and conducted in accordance with the Open Meetings Act and Chapter 3.02 of this code. The Plan Commission shall keep minutes of its proceedings and record the vote of each member on every question.

B. Quorum. A majority of the voting members of the Plan Commission shall constitute a quorum for the conduct of business and the holding of any hearing.

(MC-8-2007, Amended, 06/05/2007, Subsection A; MC-8-2005, Amended, 12/20/2005)

### **Section 3.08.060 Powers and Duties**

A. The Plan Commission shall have the following powers and duties:

1. To prepare and recommend to the Council a Comprehensive Plan for the present and future development or redevelopment of the Village;

2. To assist the officials of the Village charged with the direction of projects for improvements embraced within the official plan, to further the making of such improvements, and generally to promote the realization of the official plan;

3. To conduct an annual review of Appendix 6 of the Comprehensive Plan and to prepare and recommend submit proposals to the Council and to the Board of Local Improvements plans for specific improvements enumerated therein; in pursuance of the official plan;

4. To prepare and recommend to the Council changes from time to time in the official Comprehensive Plan from time to time;

5. To consider and make recommendations to the Council on applications for land subdivisions as provided in Title 16 of this Code;

6. To consider and make recommendations to the Council on applications for special use permits, wireless telecommunications facilities and planned developments, as provided in Title 17 of this Code;

7. To adopt rules of procedure not inconsistent with this section;

8. To report to the Village Council from time to time on the work of the Commissions, including but not limited to (i) presenting a report to the Village Council in

an open session of the Village Council at least once each calendar year, and (ii) submitting such other and additional reports as the Village Council, in the exercise of its discretion and authority, may direct from time to time; and

9. To perform such other duties and responsibilities as directed by the Village Council or as otherwise required by ordinance or statute, ~~and~~

~~9. To exercise such additional powers as may be granted by ordinance or statute.~~

(Ord. MC-228-99 § 4 (part), 1999; prior code § 6.02)

(MC-8-2005, Amended, 12/20/2005)

**SECTION 5:** Chapter 3.22 of Title 3 of the Winnetka Village Code, titled “Business Community Development Commission,” is hereby amended to provide as follows:

## Chapter 3.22

### BUSINESS COMMUNITY DEVELOPMENT COMMISSION

#### Sections:

- 3.22.010 Commission Created; Terms; Compensation.**
- 3.22.020 Appointment and Qualifications of Members.**
- 3.22.030 Officers.**
- 3.22.040 Vacancies.**
- 3.22.050 Meetings; Quorum.**
- 3.22.060 ~~Scope of~~ Powers and Duties.**

#### Section 3.22.010 Commission Created; Terms; Compensation.

A. Commission Created. There is created a Business Community Development Commission for the Village, consisting of nine appointed members, two of which shall be non-voting, ex officio members. ~~plus the Director of Community Development, who shall be a non-voting, ex officio member of the Commission.~~

B. Terms. Of the members first appointed to the commission, three shall serve for terms of three years, three shall serve for terms of two years, and three shall serve for terms of one year. Thereafter, each succeeding member of the Commission shall be appointed for a term of three years. Members shall continue to serve after the expiration of their terms until a successor has been appointed and qualified.

C. Compensation. Members of the Business Community Development Commission shall serve without compensation.

### Section 3.22.020 Appointment and Qualifications of Members.

A. Appointment. All members of the Business Community Development Commission shall be appointed by the Village President, with the advice and consent of the Village Trustees.

B. Qualifications of Members. The members of the Business Community Development Commission shall be appointed on the basis of experience, expertise or interest in retail development, urban design and planning, retail business operations, commercial real estate, or retail marketing. In addition, the members shall have the following qualifications:

1. One member shall be a Village Trustee, who shall serve as an ex officio member of the Commission and shall not be a voting member.

2. One member shall be the Director of Community Development, who shall serve as an ex officio member of the Commission and shall not be a voting member. ~~One member shall be a member of the Winnetka Plan Commission.~~

3. One member shall be a resident of the Village who is also either the Executive Director of the Winnetka-~~Northfield~~ Chamber of Commerce or a member of the board of directors of the Chamber of Commerce.

3. [Alternate: One member shall be the Executive Director of the Winnetka Chamber of Commerce until the Winnetka Chamber of Commerce becomes a part of the Winnetka-Northfield Chamber of Commerce. Thereafter, one member of the Commission shall be the Executive Director of Winnetka-Northfield Chamber of Commerce; provided, that if said Executive Director is not a resident of the Village of Winnetka, then the Village President shall designate a member of the board of said Chamber of Commerce who is also a resident of the Village to represent said Chamber of Commerce on the Commission.]

4. One member shall be a resident and consumer.

5. Of the voting members other than the ~~Village Trustee, the Plan Commission representatives and the Executive Director representative~~ of the Chamber of Commerce, no more than three shall own or operate a retail business in the Village.

6. All other members shall either reside in the Village, or shall own commercial property in one of the Village's commercial zoning districts.

### Section 3.22.030 Officers.

A. Chairperson. The Village President shall designate one of the members of the Commission to serve as Chairperson of the Commission. The Chairperson shall hold that office until the Village President designates another member to be Chairperson, or until the Chairperson is no longer a member of the Commission, whichever is later.

B. The Director of Community Development shall designate one or more employees of the Department of Community Development to serve as Secretary to the Commission.

#### **Section 3.22.040 Vacancies.**

Any vacancy on the Commission shall be filled for the unexpired term of the member whose position has become vacant, in the same manner as for an original appointment.

#### **Section 3.22.050 Meetings; Quorum**

Meetings of the Business Community Development Commission shall be held once each month or at the call of the Chairperson. All meetings shall be open to the public and shall be conducted in accordance with the Open Meetings Act and Chapter 3.02 of this code. The Business Community Development Commission shall keep minutes of its proceedings and record the vote of each member on every question. A majority of the nine appointed seven voting members of the Business Community Development Commission shall constitute a quorum for the conduct of business. ~~The Director of Community Development shall not be counted in determining a quorum.~~

(MC-8-2007, Amended, 06/05/2007; MC-3-2004, Added, 04/06/2004)

#### **Section 3.22.060 ~~Scope of Powers and Duties.~~**

~~A. General Statement of Powers and Duties.~~ The Business Community Development Commission shall have the following powers and duties:

A. To act in an advisory capacity to the Village Council on matters relating to business and economic development opportunities within the Village's commercial zoning districts, including identifying services and professional resources available to the Village for business and economic development.

B. 1.—After consultation and coordination [Alternate: In consultation and coordination] with the Village Council, to ~~To~~ collect information and report to the Village Council on opportunities for business and investment in the Village's commercial zoning districts;

C. 2.—After consultation and coordination [Alternate: In consultation and coordination] with the Village Council, to ~~To~~ perform studies and make recommendations to the Village Council concerning business development in the Village, including but not limited to helping existing businesses grow, encouraging new businesses to be started and attracting businesses from outside the Village;

D. 3.—To identify grants and other financial resources available to the Village for business and economic development and, subject to the prior approval of the Village Council, to apply for such grants or financial resources;

~~4. To identify services and professional resources available to the Village for business and economic development and, subject to the prior approval of the Village Council, to retain services or otherwise acquire such resources;~~

~~5. To adopt rules of procedure not inconsistent with this chapter; and~~

E. 6.—To perform such other duties pertaining to the development and improvement of the Village's business districts as the Village Council, in the exercise of its discretion, may direct from time to time;

F. 7.—To report to the Village Council from time to time on the work of the Commissions, including (i) presenting a report to the Village Council in an open session of the Village Council at least once each calendar year, and (ii) submitting such other and additional reports as the Village Council, in the exercise of its discretion and authority, may direct from time to time; and

G. To perform such other duties and responsibilities as directed by the Village Council or as otherwise required by ordinance or statute.~~To exercise such additional powers as may be granted by ordinance or statute.~~

~~B. Limitations on Powers. The Commission shall not be authorized to expend funds of the Village or to contract in its name or in the name of the Village without the prior authorization of the Village Council.~~

(MC-8-2007, Amended, 06/05/2007, Paragraph 5 of Subsection A; MC-3-2004, Added, 04/06/2004)

**SECTION 7:** This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

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

**PASSED** this \_\_\_ day of \_\_\_\_\_, 2011, pursuant to the following roll call vote:

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

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

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

**APPROVED** this \_\_\_ day of \_\_\_\_\_, 2011.

Signed:

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

Countersigned:

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Village Clerk

Introduced: March 22, 2011

Posted: March 23, 2011

Passed and Approved:

Posted:

**ORDINANCE NO. MC-3-2011**

**AN ORDINANCE  
AMENDING TITLE 3 OF THE WINNETKA VILLAGE CODE  
AS IT PERTAINS TO THE MEMBERSHIP, POWERS AND DUTIES  
OF CERTAIN BOARDS AND COMMISSIONS**

**WHEREAS**, Title 3 of the Winnetka Village Code, “Boards and Commissions,” establishes several subordinate boards and commissions, defines the scope of their authority and charges them with advising the Council of the Village of Winnetka (“Village Council”) on various matters lying within the scope of their authority; and

**WHEREAS**, at study sessions in November of 2010 and January and March of 2011, and at regular Village Council meetings in March and April of 2011, the Village Council has considered various issues pertaining to the Village Council’s advisory boards and commissions, including the structure, membership and authority of the boards and commissions, and improving communications between the boards and commissions and the Village Council; and

**WHEREAS**, the Village Council has determined that certain provisions of Title 3 should be amended so as to (i) preserve and enhance the Village Council’s role as the policy making body of the Village of Winnetka, (ii) clarify the role of the advisory boards and commissions in assisting in developing Village policy, and (iii) make the most efficient use of the Village Council, the interest and expertise of the advisory boards and commissions, and of the Village staff that provides professional assistance and clerical support to the Village Council and its subordinate bodies; and

**WHEREAS**, the Village of Winnetka (“Village”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and, except as limited by that provision, has the authority to exercise any power and perform any function pertaining to the government and affairs of the Village, including the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, the Village Council finds that establishing subordinate boards and commissions, and defining their structure and membership, as well as their powers and duties, are matters pertaining to the government and affairs of the Village; and

**WHEREAS**, the Village Council finds and determines that it is in the best interests of the general health, safety and welfare of the Village of Winnetka that provisions of Title 3 of the

Winnetka Village Code pertaining to certain boards, commissions and committees, be amended as provided herein.

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

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

**SECTION 2:** Chapter 3.02, of Title 3 of the Winnetka Village Code, titled “Meetings of Boards, Commission and Committees,” is hereby retitled “General Provisions” and is amended to provide as follows:

## **Chapter 3.02**

### **GENERAL PROVISIONS**

#### **Sections:**

- 3.02.010 Open Meetings**
- 3.02.020 Meeting Attendance**
- 3.02.030 Limitation on Powers and Authority**
- 3.02.040 Professional Staff Support**
- 3.02.050 Applicability**

#### **Section 3.02.010 Open Meetings**

It is the policy of the Village of Winnetka that all meetings of all boards, commissions and committees of the Village, and all committees and subcommittees thereof, shall be held in accordance with the provisions of the Illinois Open Meetings Act.

(MC-8-2007, Added, 06/05/2007)

#### **Section 3.02.020 Meeting Attendance**

A. Attendance in Person. It is the policy of the Village of Winnetka that the members of all boards, commissions and committees of the Village, and all committees and subcommittees thereof, shall attend meetings of their respective bodies in person, notwithstanding any statutes of the State of Illinois permitting attendance by some means other than physical presence at the location of the meeting.

B. Rules Governing Attendance. No board, commission or committee of the Village, nor any committee or subcommittee thereof, shall have the power or discretion to establish rules permitting any of their members to attend meetings by any means other than by their physical presence, unless the Village Council has specifically granted such power and discretion in the enumerated powers set forth in the chapter of this Title

pertaining to such board, commission or committee or committee or subcommittee thereof.

(MC-8-2007, Added, 06/05/2007)

### **Section 3.02.030 Limitation of Powers and Authority**

A. No board, commission or committee of the Village, and no committee or subcommittee thereof, shall have the power or authority to advertise for bids, to request proposals for work, to enter into a contract, to purchase any goods or services, or to encumber or expend Village funds unless one of the following conditions exists:

1. the Village Council has specifically granted such power and discretion in the enumerated powers set forth in the chapter of this Title pertaining to such board, commission or committee or committee or subcommittee thereof;

2. the Village Council has specifically granted such power or authority in an open meeting of the Village Council; or

3. the board or commission is created pursuant to State law and such power either has been granted pursuant to statute or is necessary to the performance of such board's or commission's statutory duties.

B. No board, commission or committee of the Village, and no committee or subcommittee thereof shall have the power or authority to create other committees or subcommittees to assist such board, commission or committee in the performance of its work, unless directed by the Village Council or, if time is of the essence, by the Village President, subject to ratification by the Village Council at its next meeting.

C. Notwithstanding the foregoing, any board, commission, or committee of the Village, and any committee or subcommittee thereof, may request additional power or authority from the Village Council at any time, provided such request is for a specific purpose related to the duties of requesting body.

### **Section 3.02.040 Staff Liaisons**

The Village Manager shall have the authority and discretion to assign such Village staff as is necessary to provide professional and technical assistance, to provide clerical support, and to serve as a liaison between the Village administration and each board, commission or committee established pursuant to this Title 3 of the Village Code.

### **Section 3.02.050 Applicability**

A. The provisions of this Chapter shall apply to all boards and commissions established pursuant to this Title 3 of the Village Code, to all boards and commissions of the Village established by State law and to all standing committees and ad hoc committees established by the Village Council. The provisions of this Chapter shall also apply to all committees and subcommittees of any of the foregoing, whether such

committee or subcommittee is established by such board or commission or by State law, this Code, or other act of the Village Council.

**SECTION 3:** Chapter 3.04 of Title 3 of the Winnetka Village Code, titled “Environmental and Forestry Commission,” is hereby amended to provide as follows:

### **Chapter 3.04**

#### **ENVIRONMENTAL AND FORESTRY COMMISSION**

##### **Sections:**

**3.04.010 Creation; Members; Compensation**

**3.04.020 Officers**

**3.04.030 Vacancies**

**3.04.040 Meetings; Vote; Quorum**

**3.04.050 Powers and Duties**

##### **Section 3.04.010 Creation; Members; Compensation**

A. Creation of Commission. There is created an Environmental and Forestry Commission, which shall have such powers and perform such duties as provided in this chapter.

B. Members; Appointment. The Commission shall consist of seven voting members, one or more student members, and one Village Trustee, who shall serve as an ex officio member. All members of the Commission shall be appointed by the Village President, with the advice and consent of the Trustees.

C. Appointed Members; Qualifications; Term of Office.

1. Qualifications. The seven voting members of the Commission shall be residents of the Village. Each student member shall be a high school junior or senior, or an undergraduate college student, who either resides in or attends school in the Village. All members of the Commission shall have experience, training or a demonstrable interest in such areas as environmental science, forestry, ecology, energy conservation, tree preservation, education, pollution control, engineering, science and public health.

2. Term of Office. Subject to the additional limitations set forth in the following paragraph 3, each appointed member other than the student appointee(s) shall serve for a term of three years and until a successor is appointed and qualified. The terms of the appointed members shall be staggered so that the term of two appointed members expire in one year, the term of two other appointed members expire the following year and the term of the remaining three appointed members expire the next following year. No appointed member other than the student appointee shall serve more than two full terms consecutively.

3. Term of Ex Officio Member. The Village Trustee who serves as an ex officio member shall not serve on the Commission beyond the termination of his or her service in the office of Trustee, whether the Trustee's service in office has terminated due to the expiration of the Trustee's term, resignation or some other cause.

4. Student Member(s). The student member(s) shall be appointed in September of each year and shall serve through the month of August of the following year, and until a successor is appointed and qualified. Any student member may serve consecutive terms, without limitation, provided the student continues to meet the qualifications for appointment. For purposes of this section, if a student who is appointed while he or she is enrolled as a full time student in high school or college, the student's enrollment shall be presumed to continue through the summer immediately following the academic year of appointment, regardless of whether the student enrolls for summer studies or has graduated.

D. No Compensation. All members of the Commission shall serve without compensation for those services.

(MC-14-2009, Amended, 11/17/2009; MC-8-2009, Amended, 09/01/2009; MC-3-2008, Amended, 06/03/2008; MC-4-2005, Amended, 09/06/2005)

### **Section 3.04.020 Officers**

A. Chairperson. The Village President shall designate one of the members of the Commission to serve as Chairperson of the Commission. The Chairperson shall hold that office until the Village President designates another member to be Chairperson or until the Chairperson is no longer a member of the Commission, whichever is later.

B. Secretary. The Village Manager shall appoint one or more employees of the Public Works Department and/or Water and Electric Department to serve as Secretary to the Commission.

(MC-3-2008, Amended, 06/03/2008; MC-4-2005, Amended, 09/06/2005)

### **Section 3.04.030 Vacancies**

Any vacancy on the Commission shall be filled for the remainder of the former member's unexpired term in the same manner as provided for in the original appointment of a member.

(MC-3-2008, Amended, 06/03/2008; MC-4-2005, Amended, 09/06/2005)

### **Section 3.04.040 Meetings; Vote; Quorum**

A. Meetings. Meetings of the Commission shall be held once each month or at the call of the Chair. All meetings shall be open to the public and shall be conducted in accordance with the Open Meetings Act and Chapter 3.02 of this code. The Commission shall keep minutes of its proceedings and shall keep records of all other official actions.

(MC-8-2007, Amended, 06/05/2007)

B. Vote. The student member(s) and the ex officio member of the Commission shall not be entitled to vote. All other members of the Commission shall be voting members.

C. Quorum. A majority of the voting members of the Commission shall constitute a quorum.

(MC-14-2009, Amended, 11/17/2009; MC-3-2008, Amended, 06/03/2008)

### **Section 3.04.050 Powers and Duties**

The Commission shall have the following powers and duties:

#### **A. Urban Forestry.**

1. To act in an advisory capacity to the Village Council on matters relating to urban forestry, including the enhancement and preservation of trees in the Village, and methods to mitigate threats to trees in the Village such as Dutch elm disease and the emerald ash borer;

2. After consultation and coordination [Alternate: In consultation and coordination] with the Village Council and Village professional staff, to make recommendations to the Village Council regarding amendments to the provisions of Tree Preservation Code, Chapter 15.28 of this code;

3. To apply annually for Tree City U.S.A. designation or other awards and incentives recognizing the Village or any portion of the Village for its trees or forestry;

3. To provide advice and mediation in disputes concerning the maintenance or removal of trees in the Village when requested by all parties to a dispute;

4. To determine, at the request of the Director of Public Works, whether an application for a permit to remove a tree under Section 15.28.040 (B)(6) meets the requirement of that subsection that the removal of the tree will avoid or alleviate an economic hardship or hardship of another nature on the property or residence; and

5. To hear and decide appeals from the action of the Director of Public Works denying a permit to remove a tree pursuant to Section 15.28.040 of this Village code, in accordance with the procedures set out in Section 15.28.090.

#### **B. Environmental Stewardship**

1. To act in an advisory capacity to the Village Council on matters relating to:

(a) sustainability, meaning the use of resources so that they do not become depleted or permanently damaged and requiring the balancing of environmental, economic and social demands;

(b) protection of the environment;

(c) conservation of energy; and

(d) the preservation, conservation, enhancement and protection of the quality of the Village's natural resources, including issues related to pollution and recycling;

2. After consultation and coordination [Alternate: In consultation and coordination] with the Village Council, to make recommendations to the Village Council regarding the improvement of private energy stewardship by the Village's residents and businesses [Alternate: Energy stewardship within the Village], including strategies for energy conservation, reduced energy consumption and access to renewable energy sources; and

3. After consultation and coordination [Alternate: In consultation and coordination] with the Village Council and Village professional staff, to make recommendations to the Village Council regarding the adoption of "green" building strategies for public and private development and redevelopment, such as the *Leadership in Energy and Environmental Design Program* developed by the U.S. Green Building Council.

### C. Technical Assistance and Information Services

1. In consultation and coordination with the Village Council and Village professional staff, to assist in disseminating information about protection of the environment, the conservation of energy, and the protection, maintenance and improvement of the Village's tree population;

2. To work in consultation and cooperation with the Plan Commission in the Plan Commission's review and updating of the Comprehensive Plan on matters pertaining to the protection of the environment, and to make recommendations to the Plan Commission for amendments to the Comprehensive Plan pertaining to:

a. sustainability, as defined in Section 3.04.050B.1.a, above; and

b. the protection, maintenance and improvement of the Village's tree population, including updating Chapter XIV, "Street Tree Planting," of the Winnetka Comprehensive Plan; and

3. After consultation and coordination [Alternate: In consultation and coordination] with the Village Council and Village professional staff, to act as a liaison between the Village and other local and regional governmental, public and private agencies, such as the Winnetka Park District, area schools, Great Lakes Commission and Chicago Wilderness, for the purpose of obtaining information on matters related to the foregoing powers and duties of the Commission.

D. To report to the Village Council from time to time on the work of the Commission, including but not limited to (i) presenting a report to the Village Council in an open session of the Village Council at least once each calendar year, and (ii) submitting such other and additional reports as the Village Council, in the exercise of its discretion and authority, may direct from time to time; and

E. To perform such other duties and responsibilities as directed by the Village Council or as otherwise required by ordinance or statute.

(MC-3-2008, Amended, 06/03/2008)

**SECTION 4:** Chapter 3.08 of Title 3 of the Winnetka Village Code, titled “Plan Commission,” is hereby amended to provide as follows:

### **Chapter 3.08**

#### **PLAN COMMISSION**

**Sections:**

- 3.08.010 Commission Created; Terms; Compensation**
- 3.08.020 Qualification and Appointment of Members**
- 3.08.030 Officers**
- 3.08.040 Vacancies**
- 3.08.050 Meetings; Quorum**
- 3.08.060 Powers and Duties**

**Section 3.08.010 Commission Created; Terms; Compensation**

A. Creation. There is created a Plan Commission for the Village, consisting of thirteen appointed members.

B. Terms. Each member of the Plan Commission shall be appointed for a term of three years and until a successor has been appointed.

C. Compensation. Members of the Plan Commission shall serve without compensation, except that the Village Council may provide a salary for the Secretary if the Secretary is not a member of the Commission or an employee of the Village.

(MC-8-2005, Amended, 12/20/2005)

**Section 3.08.020 Qualification and Appointment of Members**

A. Qualification of Members. In addition to being residents of the Village, the members of the Plan Commission shall have the following qualifications:

1. One member shall be a Village Trustee, who shall serve as an ex officio member of the Commission and shall not be a voting member.

2. One member shall be a member of the Zoning Board of Appeals created by Chapter 3.44 of this Code, provided, that the member of the Zoning Board of Appeals shall not vote on any zoning application that comes before the Plan Commission if the

same matter is also required to be considered by the Zoning Board of Appeals, as provided in Title 17 of this Code.

3. One member shall be a member of the Business Community Development Commission created by Chapter 3.22 of this Code.

4. One member shall be a member of the Environmental and Forestry Commission created by Chapter 3.04 of this Code.

5. One member shall be a member of the Landmark Preservation Commission created by Chapter 3.40 of this Code.

6. One member shall be a member of the Board of Park Commissioners of the Winnetka Park District.

7. One member shall be a member of the Board of Education of Winnetka Elementary School District No. 36.

8. One member shall be a member of the Board of Trustees of the Winnetka-Northfield Public Library District.

9. The remaining five members shall be appointed from among the residents of the Village.

B. Appointment. All members of the Plan Commission shall be appointed by the Village President, with the advice and consent of the Village Trustees.

(MC-8-2009, Amended, 09/01/2009; MC-8-2005, Amended, 12/20/2005)

### **Section 3.08.030 Officers**

A. Chairperson. The Village President shall designate one of the members of the Plan Commission to serve as Chairperson of the Commission. The Chairperson shall hold that office until the Village President designates another member to be Chairperson, or until the Chairperson is no longer a member of the Commission, whichever is later.

B. The Director of Community Development shall designate one or more employees of the Department of Community Development to serve as Secretary to the Commission.

C. The Plan Commission may elect from among its members such other officers as it deems necessary to facilitate the Plan Commission's performance of its duties.

(MC-8-2005, Amended, 12/20/2005)

### **Section 3.08.040 Vacancies**

Any vacancy on the Plan Commission shall be filled for the remainder of the term of the member whose position has become vacant, in the same manner as for an original appointment.

(MC-8-2005, Amended, 12/20/2005)

### **Section 3.08.050 Meetings; Quorum**

A. Meetings. Meetings of the Plan Commission shall be held once each month or at the call of the Chairperson. All meetings shall be open to the public and conducted in accordance with the Open Meetings Act and Chapter 3.02 of this code. The Plan Commission shall keep minutes of its proceedings and record the vote of each member on every question.

B. Quorum. A majority of the voting members of the Plan Commission shall constitute a quorum for the conduct of business and the holding of any hearing.

(MC-8-2007, Amended, 06/05/2007, Subsection A; MC-8-2005, Amended, 12/20/2005)

### **Section 3.08.060 Powers and Duties**

A. The Plan Commission shall have the following powers and duties:

1. To prepare and recommend to the Council a Comprehensive Plan for the present and future development or redevelopment of the Village;

2. To assist the officials of the Village charged with the direction of projects for improvements embraced within the official plan, to further the making of such improvements, and generally to promote the realization of the official plan;

3. To conduct an annual review of Appendix 6 of the Comprehensive Plan and to submit proposals to the Council and to the Board of Local Improvements for specific improvements enumerated therein;

4. To prepare and recommend to the Council changes in the official Comprehensive Plan from time to time;

5. To consider and make recommendations to the Council on applications for land subdivisions as provided in Title 16 of this Code;

6. To consider and make recommendations to the Council on applications for special use permits, wireless telecommunications facilities and planned developments, as provided in Title 17 of this Code;

7. To adopt rules of procedure not inconsistent with this section;

8. To report to the Village Council from time to time on the work of the Commissions, including but not limited to (i) presenting a report to the Village Council in an open session of the Village Council at least once each calendar year, and (ii) submitting such other and additional reports as the Village Council, in the exercise of its discretion and authority, may direct from time to time; and

9. To perform such other duties and responsibilities as directed by the Village Council or as otherwise required by ordinance or statute.

(Ord. MC-228-99 § 4 (part), 1999: prior code § 6.02)

(MC-8-2005, Amended, 12/20/2005)

**SECTION 5:** Chapter 3.22 of Title 3 of the Winnetka Village Code, titled “Business Community Development Commission,” is hereby amended to provide as follows:

## **Chapter 3.22**

### **BUSINESS COMMUNITY DEVELOPMENT COMMISSION**

#### **Sections:**

- 3.22.010 Commission Created; Terms; Compensation.**
- 3.22.020 Appointment and Qualifications of Members.**
- 3.22.030 Officers.**
- 3.22.040 Vacancies.**
- 3.22.050 Meetings; Quorum.**
- 3.22.060 Powers and Duties.**

#### **Section 3.22.010 Commission Created; Terms; Compensation.**

A. Commission Created. There is created a Business Community Development Commission for the Village, consisting of nine appointed members, two of which shall be non-voting, ex officio members.

B. Terms. Of the members first appointed to the commission, three shall serve for terms of three years, three shall serve for terms of two years, and three shall serve for terms of one year. Thereafter, each succeeding member of the Commission shall be appointed for a term of three years. Members shall continue to serve after the expiration of their terms until a successor has been appointed and qualified.

C. Compensation. Members of the Business Community Development Commission shall serve without compensation.

#### **Section 3.22.020 Appointment and Qualifications of Members.**

A. Appointment. All members of the Business Community Development Commission shall be appointed by the Village President, with the advice and consent of the Village Trustees.

B. Qualifications of Members. The members of the Business Community Development Commission shall be appointed on the basis of experience, expertise or interest in retail development, urban design and planning, retail business operations, commercial real estate, or retail marketing. In addition, the members shall have the following qualifications:

1. One member shall be a Village Trustee, who shall serve as an ex officio member of the Commission and shall not be a voting member.

2. One member shall be the Director of Community Development, who shall serve as an ex officio member of the Commission and shall not be a voting member.

3. One member shall be a resident of the Village who is also either the Executive Director of the Winnetka-Northfield Chamber of Commerce or a member of the board of directors of the Chamber of Commerce.

3. [Alternate: One member shall be the Executive Director of the Winnetka Chamber of Commerce until the Winnetka Chamber of Commerce becomes a part of the Winnetka-Northfield Chamber of Commerce. Thereafter, one member of the Commission shall be the Executive Director of Winnetka-Northfield Chamber of Commerce; provided, that if said Executive Director is not a resident of the Village of Winnetka, then the Village President shall designate a member of the board of said Chamber of Commerce who is also a resident of the Village to represent said Chamber of Commerce on the Commission.]

4. One member shall be a resident and consumer.

5. Of the voting members other than the representative of the Chamber of Commerce, no more than three shall own or operate a retail business in the Village.

6. All other members shall either reside in the Village, or shall own commercial property in one of the Village's commercial zoning districts.

### **Section 3.22.030 Officers.**

A. Chairperson. The Village President shall designate one of the members of the Commission to serve as Chairperson of the Commission. The Chairperson shall hold that office until the Village President designates another member to be Chairperson, or until the Chairperson is no longer a member of the Commission, whichever is later.

B. The Director of Community Development shall designate one or more employees of the Department of Community Development to serve as Secretary to the Commission.

### **Section 3.22.040 Vacancies.**

Any vacancy on the Commission shall be filled for the unexpired term of the member whose position has become vacant, in the same manner as for an original appointment.

### **Section 3.22.050 Meetings; Quorum**

Meetings of the Business Community Development Commission shall be held once each month or at the call of the Chairperson. All meetings shall be open to the public and shall be conducted in accordance with the Open Meetings Act and Chapter 3.02 of this

code. The Business Community Development Commission shall keep minutes of its proceedings and record the vote of each member on every question. A majority of the seven voting members of the Business Community Development Commission shall constitute a quorum for the conduct of business.

(MC-8-2007, Amended, 06/05/2007; MC-3-2004, Added, 04/06/2004)

**Section 3.22.060 Powers and Duties.**

The Business Community Development Commission shall have the following powers and duties:

A. To act in an advisory capacity to the Village Council on matters relating to business and economic development opportunities within the Village's commercial zoning districts, including identifying services and professional resources available to the Village for business and economic development.

B. After consultation and coordination [Alternate: In consultation and coordination] with the Village Council, to collect information and report to the Village Council on opportunities for business and investment in the Village's commercial zoning districts;

C. After consultation and coordination [Alternate: In consultation and coordination] with the Village Council, to perform studies and make recommendations to the Village Council concerning business development in the Village, including but not limited to helping existing businesses grow, encouraging new businesses to be started and attracting businesses from outside the Village;

D. To identify grants and other financial resources available to the Village for business and economic development and, subject to the prior approval of the Village Council, to apply for such grants or financial resources;

;

E. To perform such other duties pertaining to the development and improvement of the Village's business districts as the Village Council, in the exercise of its discretion, may direct from time to time;

F. To report to the Village Council from time to time on the work of the Commissions, including (i) presenting a report to the Village Council in an open session of the Village Council at least once each calendar year, and (ii) submitting such other and additional reports as the Village Council, in the exercise of its discretion and authority, may direct from time to time; and

G. To perform such other duties and responsibilities as directed by the Village Council or as otherwise required by ordinance or statute.

(MC-8-2007, Amended, 06/05/2007, Paragraph 5 of Subsection A; MC-3-2004, Added, 04/06/2004)

**SECTION 7:** This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

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

**PASSED** this \_\_\_ day of \_\_\_\_\_, 2011, pursuant to the following roll call vote:

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

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

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

**APPROVED** this \_\_\_ day of \_\_\_\_\_, 2011.

Signed:

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

Countersigned:

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

Introduced: March 22, 2011

Posted: March 23, 2011

Passed and Approved:

Posted:

## Agenda Report

**Subject:** Village Hall Renovation and Restoration – Interior Bids

**Prepared By:** Steven M. Saunders, Director of Public Works/Village Engineer  
Michael D’Onofrio, Director of Community Development  
Ad Hoc Village Hall Technical Committee

**Date:** April 21, 2011

**Bid Results.** On April 5, 2011, the Village received sealed competitive bids for the proposed interior renovation and restoration of the Winnetka Village Hall. Bids were received from 4 contractors. The bid documents were structured to allow for significant flexibility and thus contained several alternates and unit prices, however, the total scope of work was bid as a lump sum base bid. A bid tabulation and the bid forms are attached, and summary results are shown below:

<b>Contractor</b>	<b>Construction Cost<sup>1</sup></b>	<b>Total Project Cost<sup>2</sup></b>
D.T.S. Enterprises	\$2,193,000	\$4,127,743
Simpson Construction	\$2,250,000	\$4,190,443
R. Rudnick & Co.	\$2,744,000	\$4,733,843
Camosy Construction Co.	\$3,280,000*	\$5,323,443

\*As submitted. Bid contains \$400,000 math error. **Corrected bid is \$3,680,000.**

Total project costs are arrived at by adding a 10% construction contingency to deal with unforeseen conditions, and items such as furniture purchases, LEED commissioning costs, architect’s fees, and the like. It should be stressed that the 10% construction contingency is under the Village’s control, to allow the Village flexibility to respond to unforeseen conditions. This figure should be considered as part of the Village’s project budget for management purposes, but should never appear as part of the Contractor’s contractual budget.

**Detailed Bid Analysis.** Staff has evaluated the bids submitted by the two lowest bidders, DTS Enterprises and Simpson Construction. These evaluations include references, financial and bonding capacity, pricing breakouts, unit prices, alternates, and schedules. Staff has identified some concerns with the lowest bidder’s capability to complete this project. For instance, the largest project previously performed by DTS Enterprises was a \$625,000 contract with Elgin Community College. Their \$2,193,000 bid for the Village Hall work is 3.5 times the size of their largest project completed. The Elgin Community College contract was awarded with an April, 2010 deadline, which the contractor did not meet. Further, the Village’s prequalification form requested financial statements be

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<sup>1</sup> **Construction Cost** consists of the contractor’s base bid, plus bonding costs.

<sup>2</sup> **Project Cost** consists of the **Construction Cost**, plus a 10% construction contingency, plus furnishings, fixtures and equipment (\$264,344), design fees (\$300,000), and L.E.E.D. commissioning (\$47,600). **Project Cost** represents an “All-In” number for the project.

submitted, and none were included. A preliminary financial statement made available after the bid indicates very little direct labor expense, meaning that a significant amount of work in 2010 was apparently subcontracted as opposed to self-performed. All of this indicates that while DTS was able to obtain a bid bond from a reputable bonding company for this work, there are questions about their ability to satisfactorily undertake a project of this magnitude and public visibility.

The second low bidder, Simpson Construction, has a well-established track record of completing public construction projects of a similar magnitude, including successful performance as the prime contractor on the 1995 Winnetka Public Safety Building project.

**Comparison with Previous Bids.** In May, 2010, the Village solicited bids for a single, unified renovation for the Village Hall. The scope of this project included all of the interior renovations contained in these current bids, plus masonry and roofing improvements. After a thorough review of those bids by staff and the Ad-Hoc Technical Committee, the Village re-bid and awarded separate contracts for roofing and masonry repairs in fall, 2010, and re-solicited bids for the interior renovations. The following table shows a comparison of the April 2011 bids, plus the roofing and masonry contracts, to the bids received in May, 2010, and illustrates that the strategy of re-bidding the project as three separate contracts has yielded a reduction of construction cost by over \$326,000.

April 5, 2011 Base Bid (Simpson)	\$2,250,000
Plus Masonry Contract	\$632,654
Plus Roofing Contract	\$347,800
<b>Total Construction Cost</b>	<b>\$3,230,454</b>
May 20, 2010 Base Bid (low bid)	\$3,557,000
<b>Reduction</b>	<b>\$326,546</b>

**Comparison with Previous Cost Estimates.** The Village has received several cost estimates of increasing level of detail as planning for the Village Hall renovation has advanced from needs analysis to conceptual planning to construction. Initial estimates were prepared in 2007 by YAS Architects as part of the needs analysis and feasibility study. These estimates reflected inflation of construction costs associated with the passage of time and included current (2007) estimates, and estimates out to 2022 in five-year intervals. In December of 2009, Holabird & Root, the project architect, prepared a detailed cost estimate based on 95% complete construction documents. These estimates are summarized as follows, and are detailed in the attached sheet.

<b>Estimate Type</b>	<b>Construction Cost</b>	<b>Project Cost</b>
October 2007 Needs Analysis – 2007 dollars	\$2,889,993	\$3,446,337
October 2007 Needs Analysis – 2012 dollars	\$3,701,208	\$4,247,552
December 2009 Pre-Bid Estimate	\$3,066,750	\$4,044,769
<b>May 2010 Construction Bids</b>	<b>\$3,557,000</b>	<b>\$4,506,644</b>
<b>April 2011 Construction Bids*</b>	<b>\$3,230,454</b>	<b>\$4,190,443</b>

\* Plus fall 2010 masonry and roofing contracts

Comparing the April 2011 low bid with two estimates – the 2009 pre-bid estimate and the 2007 needs analysis using 2012 dollars – it is apparent that the recently received low bid results in a project cost that lies *between these two estimates*. It appears, therefore, that the construction market, represented by actual bid responses, and the pre-project estimates have coalesced to determine an appropriate actual value of the proposed renovations.

**Alternate Bid Items.** The bid documents were structured to solicit alternate pricing for several items to identify specific costs for those items. The alternates are summarized below:

<b>Alternate Item</b>	<b>DTS Enterprises</b>	<b>Simpson Construction</b>	<b>Comments</b>
#1 – Delete LEED Documentation	(\$10,000)	(\$6,600)	Identifies the cost to the contractor to complete necessary documentation for LEED certification. <b>Not recommended by staff and Ad Hoc Technical Committee (see LEED discussion, below).</b>
#2 – Provide LCD monitors in Council dais in lieu of under-counter monitors	\$8,900	\$3,400	Replaces proposed recessed in-counter monitors with LCD flat screen monitors. <b>Not recommended by staff and Technical Committee.</b>
#3 – Provide motorized shades in Council Chambers	\$9,800	\$18,000	Allows for better control of interior lighting from dais rather than individually raising and lowering shades. <b>Not recommended by staff and Technical Committee.</b>
#4 – Clean & restore existing woodwork in Council Chamber	\$23,300	\$25,200	Provides for cleaning, restoration, and finish protection of existing woodwork. <b>Recommended by staff and Technical Committee.</b>
#5 – Clean & restore existing woodwork in 2 <sup>nd</sup> floor hallway	\$16,200	\$17,500	Provides for cleaning, restoration, and finish protection of existing woodwork. <b>Recommended by staff and Technical Committee.</b>
#6 – Clean & restore existing woodwork in 1 <sup>st</sup> floor lobby and stairway	\$25,400	\$27,500	Provides for cleaning, restoration, and finish protection of existing woodwork. <b>Recommended by staff and</b>

			<b>Technical Committee.</b>
#7 – Provide new acoustic ceiling tiles in lieu of replacements	\$11,000	\$2,300	Provides for replacement ceiling tiles in areas where HVAC/sprinkler improvements are being completed. <b>Recommended by staff and Technical Committee.</b>

**LEED Certification.** LEED is an internationally-recognized green building certification system, providing third-party verification that a building or community was designed and built using strategies aimed at improving performance across all the metrics that matter most: energy savings, water efficiency, CO<sub>2</sub> emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts. The Council has determined a desire to construct the proposed renovations in a way that incorporates LEED principles, and the bid documents were prepared so as to implement this direction.

The Village Council also directed staff to structure the bid documents in such a way that any additional costs associated with documenting the LEED construction could be identified. Alternate #1 identifies the contractors’ costs associated with documenting the proposed construction so that compliance with LEED certification requirements can be verified. The two lowest bidders identified these costs in Alternate #1 as \$10,000 and \$6,600, respectively.

Documentation only represents one piece of the LEED certification cost. The second piece consists of commissioning, a process that verifies that the building systems were built and actually function as designed. Third-party commissioning not only assures that LEED buildings are constructed as intended, but it also closes the loop between design intent and project performance, guaranteeing that the building performs the way the owner has specified, regardless of the LEED level achieved. Thus, LEED commissioning can be considered not as an optional add-on, but rather as an integral part of the process of constructing a building that would function as a LEED-certified building, whether it achieves a certain rating or not. Staff has solicited fee proposals for commissioning services and the lowest proposal was submitted by Primera Engineering for \$47,600, plus a reimbursable budget of \$500, for a total of \$48,100.

Thus, the total cost for LEED documentation and commissioning can be stated to be \$54,700. This cost would represent approximately 1.3% of the estimated total project cost of \$4.19 million, and is considerably less than the \$150,000 initially estimated by the project architect.

An additional consideration is the possibility of receiving funding through the Illinois Clean Energy Foundation to offset up to \$40,000 of the costs associated with project commissioning. It is questionable whether the project will be able to obtain the requisite 50 points to achieve LEED Silver certification, the minimum threshold to obtain this

offset. Staff is submitting an application for this offset, but it will not be known whether the Village will receive this funding two to four months. The LEED certification decision should therefore be made with the assumption that this \$40,000 offset will not be available.

**Technical Committee Recommendations.** The Ad Hoc Technical Committee and Village staff has evaluated the bids, and recommend the following:

1. **Bid Award.** While the low bid of \$2,193,000 was submitted by DTS Enterprises, there are doubts as to whether this firm can perform a project of this magnitude. Their largest previous contract was \$625,000, and they only self-performed 20% of the work on that project. That project, performed in 2010, was also delivered 3 months late. The second low bid, submitted by Simpson Construction, was \$57,000 higher, at \$2,250,000, however Simpson is a well-known contractor with a proven long-term track record, including being the prime contractor for the Winnetka Public Safety Building project in 1995. Using Simpson's bid, the estimated total construction cost (including roofing and masonry work) is \$3,230,454, which is in line with prior construction cost estimates and is over \$326,000 less than the previously-solicited single bids. Staff and the Technical Committee recommend awarding a contract for the Village Hall Interior Restoration and Renovation to Simpson Construction, of Bellwood, IL, for \$2,250,000.
2. **Alternate Bid Items.** The bid documents included seven alternate prices to identify the costs associated with specific items, as detailed above. Staff and the Technical Committee recommend accepting Alternates 4, 5, and 6, which consist of cleaning and restoring the existing woodwork in the Council Chamber, the 2<sup>nd</sup> floor common areas, and the 1<sup>st</sup> floor lobby and stairways. Simpson Construction provided prices of \$25,200, \$17,500, and \$27,500, respectively for woodwork restoration in these three areas. Staff and the Technical Committee also recommend awarding Alternate 7, which provides for replacement ceiling tiles in the office areas to be affected by sprinkler and HVAC system installation, rather than reusing the existing ceiling tiles, which are over 25 years old. Simpson Construction has provided a price of \$2,300 for this work.
3. **LEED Certification and Commissioning.** The Village Council has determined that the Village Hall renovations should be constructed using sustainable building systems and construction methods that contribute to LEED certification and that are considered as current state-of-the practice construction. Council opinion diverged on whether to expend additional funds on achieving LEED certification, given the architect's initial estimate of \$150,000 as the cost of documentation required by the Contractor, and additional commissioning fees for obtaining LEED Certification. Alternate #1 consists of a deduct from the contract associated with the contractor not having to perform the additional recordkeeping and documentation associated with LEED certification. Simpson Construction has provided a deduct of \$6,600 should the Village decide not to pursue LEED certification. Staff has solicited proposals for providing independent 3<sup>rd</sup> party commissioning services for purposes of LEED certification. The low proposal,

submitted by Primera Engineering, was \$48,100, resulting in a total cost associated with LEED certification of \$54,700, or 1.3% of the project cost. The Village is in the process of submitting an application to the Illinois Clean Energy Foundation for reimbursement of up to \$40,000 towards 3<sup>rd</sup> party LEED commissioning costs, which would reduce the incremental cost of LEED certification to \$14,700, although it should be noted that this funding is a competitive grant, and contingent upon the project achieving LEED Silver certification. The Technical Committee recommends pursuing LEED certification for the project.

**Recommendation:**

1. Consider awarding a contract to Simpson Construction of Bellwood, IL for interior restoration and renovation to the Village Hall, for an amount of \$2,250,000 pursuant to their bid proposal.
2. Consider accepting the following alternate bid items contained in the bid proposal submitted by Simpson Construction:
  - Alternate #4 for cleaning and restoration of the woodwork in the Council Chamber, for \$25,200;
  - Alternate #5 for cleaning and restoration of woodwork in the 2<sup>nd</sup> floor lobby, for \$17,500;
  - Alternate #6 for cleaning and restoration of woodwork in the 1<sup>st</sup> floor lobby and stairways, for \$27,500; and
  - Alternate #7 for replacing ceiling tiles in the Community Development and Village Manager's offices, for \$2,300.
3. Consider awarding a contract to Primera Engineering for independent third party commissioning for an amount not to exceed \$48,100, pursuant to their proposal for providing commissioning services.

# **BID TABULATION**

**Village Hall Interior Renovation and Modernization**  
**Tabulation of Bids - As submitted**  
**April 5, 2011**

	D.T.S. Enterprises Northfield, IL	Simpson Construction Bellwood, IL	R. Rudnick Wheeling, IL	Camosy Construction Zion, IL	Average
<b><u>1.1 Base Bid</u></b>					
Base Bid	\$ 2,193,000.00	\$ 2,250,000.00	\$ 2,724,400.00	\$ 3,280,000.00	\$ 2,611,850.00
<b><u>1.2 Breakdowns</u></b>					
Gen'l. Conditions, OH & P	\$ 230,000.00	\$ 248,000.00	\$ 450,000.00	\$ 441,395.00	\$ 342,348.75
P,L, & M Bonds	\$ 23,000.00	\$ 30,800.00	\$ 20,000.00	\$ 23,443.00	\$ 24,310.75
Window Restoration	\$ 180,000.00	\$ 270,000.00	\$ 250,000.00	\$ -	\$ 175,000.00
Area Well Extension	\$ 75,000.00	\$ 74,000.00	\$ 50,000.00	\$ 464,900.00	\$ 165,975.00
Remaining Exterior	\$ 25,000.00	\$ 31,000.00	\$ 30,000.00	\$ 65,174.00	\$ 37,793.50
General Work	\$ 617,000.00	\$ 545,400.00	\$ 716,400.00	\$ 443,332.00	\$ 580,533.00
Mechanical Work	\$ 725,000.00	\$ 660,000.00	\$ 864,000.00	\$ 890,040.00	\$ 784,760.00
Plumbing Work	\$ 105,000.00	\$ 100,800.00	\$ 65,000.00	\$ 881,200.00	\$ 288,000.00
Electrical Work	\$ 108,000.00	\$ 185,000.00	\$ 174,000.00	\$ 365,000.00	\$ 208,000.00
A/V Work	\$ 105,000.00	\$ 105,000.00	\$ 125,000.00	\$ 105,516.00	\$ 110,129.00
TOTAL COST	\$ 2,193,000.00	\$ 2,250,000.00	\$ 2,744,400.00	\$ 3,680,000.00	\$ 2,716,850.00
(Check)	\$ -	\$ -	\$ 20,000.00	\$ 400,000.00	\$ 105,000.00
<b><u>1.3 Unit Prices</u></b>					
#1: Plaster Repair, per s.f.	\$ 47.50	\$ 14.00	\$ 16.50	\$ 16.50	\$ 23.63
<b><u>1.7 Performance and Labor and Material Payment Bond</u></b>					
P,L, & M Bonds	\$ 23,000.00	\$ 30,000.00	\$ 20,000.00	\$ 23,443.00	\$ 24,110.75
<b><u>1.8 Builders Risk Property Insurance</u></b>					
Builders Risk Property Insurance	\$ 3,000.00	\$ 3,700.00	\$ 4,000.00	\$ 2,870.00	\$ 3,392.50
<b><u>1.9 Alternate Work</u></b>					
Alternate #1: Delete LEED Documentation	\$ (10,000.00)	\$ (6,600.00)	\$ (5,000.00)	\$ (82,000.00)	\$ (25,900.00)
Alternate #2: Provide LCD Monitors in lieu of undercounter monitors	\$ 8,900.00	\$ 3,400.00	\$ 3,000.00	\$ 7,700.00	\$ 5,750.00
Alternate #3: Provide motorized shades	\$ 9,800.00	\$ 18,000.00	\$ 19,000.00	\$ 17,500.00	\$ 16,075.00
Alternate #4: Clean & Restore existing woodwork in Council Chamber	\$ 23,300.00	\$ 25,200.00	\$ 26,000.00	\$ 24,800.00	\$ 24,825.00
Alternate #5: Clean & Restore existing woodwork in 2nd floor hall	\$ 16,200.00	\$ 17,500.00	\$ 18,000.00	\$ 17,400.00	\$ 17,275.00
Alternate #6: Clean & Restore existing woodwork in 1st floor lobby & stair	\$ 25,400.00	\$ 27,500.00	\$ 28,000.00	\$ 27,000.00	\$ 26,975.00
Alternate #7: New Accoustic Ceiling	\$ 11,000.00	\$ 2,310.00	\$ 16,000.00	\$ 7,700.00	\$ 9,252.50
TOTAL ALTERNATES	\$ 84,600.00	\$ 87,310.00	\$ 105,000.00	\$ 20,100.00	\$ 74,252.50
<b><u>1.15 Completion Time</u></b>					
Completion Date, calendar days	350	170	275	365	290
	May, 2012				

# **BID RESPONSES**

SECTION 00 4100 - BID FORMS

Project: Winnetka Village Hall Renovation and Restoration

Bid submitted by:

**DTS ENTERPRISES, INC**  
400 Central Ave. Suite 250  
Northfield, IL 60093

To: Village of Winnetka

1.1 BASE BID

- A. The undersigned, having inspected the construction site and familiarized himself with conditions affecting the cost of the Work and its performance and having carefully examined and fully understood the Contract Documents, hereby affirms and agrees to enter into a contract to provide all labor, material, equipment, and services, including overhead and profit to completely perform all Work described in the Contract Documents, including all addenda issued thereto, for the LUMP SUM (Base Bid) of

Two Million One Hundred Ninety Three <sup>00</sup>/<sub>100</sub>  
DOLLARS (\$ 2,193,000.- )

1.2 BREAKDOWN

- A. The undersigned proposes the following breakdown of the base bid sum for the Owner's information only. Total shall equal the LUMP SUM (Base Bid).

Contract Requirements Total, Including General Conditions, Overhead & Profit	\$ <u>230,000.-</u>
Performance, Labor & Material Payment bonds	\$ <u>23,000.-</u>
Exterior Work	
Window Repair	\$ <u>180,000.-</u>
Area well extension	\$ <u>75,000.-</u>
remaining exterior work	\$ <u>25,000.-</u>
General Work	\$ <u>617,000.-</u>
Mechanical Work	\$ <u>725,000.-</u>
Plumbing Work	\$ <u>105,000</u>
Electrical Work	\$ <u>108,000</u>
Audio-Visual Work	\$ <u>105,000</u>
<b>TOTAL COST</b>	\$ <u>2,193,000.-</u>

1.3 UNIT PRICES

	Description	Unit	Price
Unit Price No. 1:	Plaster repair	per sq. ft.	\$ <u>47.50</u>

1.4 BID TERM

- A. The undersigned agrees that the sums stated herein shall be good and shall not be withdrawn for a period of sixty (60) calendar days after the bid due time and date.

1.5 BID DEPOSIT

- A. The undersigned agrees that the bid deposit in the amount of: 5% of the LUMP SUM (Base Bid)

One Hundred Fifteen Thousand  
 Dollars (\$ 115,000.-) enclosed

herewith, payable to the Owner, is the measure of liquidated damages, not as penalty, which the Owner will sustain and that the proceeds therefrom will become the property of the Owner if for any reason the undersigned:

1. Withdraws his bid after opening of the bids and prior to the time a formal written agreement evidencing the Contract has been signed and delivered to the Owner and, if required, a satisfactory Performance Bond and Labor and Material Payment Bond has been furnished, whether or not the undersigned at the time of such withdrawal has been designated as the successful bidder, or
  2. Upon written notification of the award of Contract to him he fails to properly sign and deliver to the Owner the written agreement formally evidencing the Contract within ten (10) days after the written agreement has been mailed to the undersigned for such execution.
- B. The undersigned further agrees that the Owner shall have the right to retain the bid deposit for a period of sixty (60) days from the date of opening of the bids if the undersigned is one of the 3 lowest bidders and for a period of ten (10) days from the date of opening of the proposals if the undersigned is not one of the 3 lowest bidders. At the expiration of such time, the bid deposit shall be returned to the undersigned unless said bid deposit has become the property of the Owner as liquidated damages, not as penalty, for one of the reasons stipulated above.

1.6 BONDS

- A. Within seven (7) calendar days of receipt of written notice of acceptance of this bid, the undersigned agrees to execute the specified formal contract and deliver the required bonds.

1.7 PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:

- A. The amount for the performance and labor and material payment bond is not included in the base bid price. The Undersigned states the cost of the Performance and Labor and Material Payment Bond, in the amount of 100% of the contract by an approved surety company licensed to do business in the State of Illinois, and listed in the Federal Register will be

Twenty Three Thousand 00/100  
 DOLLARS (\$ 23,000.-)

1.8 BUILDERS RISK PROPERTY INSURANCE

- A. The amount for the Builders Risk Property Insurance is not included in the base bid price. The Undersigned states the cost of the Builders Risk, "All Risk" Insurance Policy, by an approved insurance company licensed to do business in the State of Illinois, and listed in the Federal Register will be

Three Thousand 00/100  
DOLLARS (\$ 3,000.- )

- B. The name of the insurance company is.

Cincinnati Insurance Co.

1.9 ALTERNATE WORK

- A. The undersigned proposes the following sums as additions to or deductions from the base bid sum for alternates described in Division 1 Section "Alternates". The Owner reserves the right to accept or reject alternatives as deemed to be in his best interest.
- B. The Undersigned proposes to completely perform the Alternate Work items described in the Division 1 Section "Alternates", for the following resulting net additions or deductions to the Lump Sum Base Bid including adjustments in the Work of all trades as may be necessary because of additions, deductions, or substitutions

Alternate #1: Delete LEED certification documentation.

Add \$ - Deduct \$ 10,000

Alternate #2: Provide LCD monitors in lieu of undercounter mounted monitors.

Add \$ 8,900.- Deduct \$ -

Alternate #3: Provide motorized shades in lieu of manual at Council Chamber.

Add \$ 9,800.- Deduct \$ -

Alternate #4: Clean & restore existing woodwork in Council Chambers

Add \$ 23,300 Deduct \$ -

Alternate #5: Clean & restore existing woodwork in 2nd floor hallway

Add \$ 16,200 Deduct \$ -

Alternate #6: Clean & restore existing woodwork in 1st floor lobby & open stairwells

Add \$ 25,400 Deduct \$ -

Alternate #7: Provide new acoustical ceiling tile at Community Development (Rooms 104, 105, 108 & 109) and Village Manager's Offices (Rooms 202, 203, 205A, 205B, 207 & 208) in lieu of reinstalling the existing ceiling tile.

Add \$ 11,000 Deduct \$ -

1.10 REINSTATEMENT OF ALTERNATE WORK

- A. The Undersigned agrees that the Owner has the right to reinstate any Alternate Work not incorporated into the Contract, at the bid price named herein before, if the Owner so notifies the Contractor within thirty (30) calendar days after signing the Contract.

1.11 ADDENDA

- A. The Undersigned acknowledges receipt of the following addenda and has included said addenda in the bid:  
 Addendum No. 1 Dated 3/29/2011  
 Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_  
 Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_  
 Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_  
 Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_

1.12 CONSTRUCTION PROGRESS SCHEDULE

- A. The Undersigned hereby agrees that if awarded the Contract a Bar Chart Construction Progress Schedule will be submitted within ten (10) calendar days following notification of Contract award, which shall indicate the number of employees and man hours anticipated for total operation.

1.13 PREVAILING WAGE

- A. All Bidders must comply with the following: Contractor shall not pay less than the prevailing rates of wages to all laborers, workmen and mechanics performing work under this contract, and shall comply with the requirements of the Illinois Wages of Employees on Public Works Act (820 ILCS 130/1-12) and as adopted by the Village of Winnetka on a yearly basis.

1.14 COMPLIANCE AFFIDAVIT

- A. The undersigned certifies that the Bid is made in good faith without fraud, collusion, or connection of any kind with any other Bidder, that he is competing in his own interest and in his own behalf without connection with or obligation to any undisclosed person, and has made his own examination and estimates and therefore presents this Bid.

1.15 COMPLETION TIME

- A. The Undersigned hereby affirms and states that, if awarded the Contract for said Work, Work shall commence on award of contract, after receiving Notice to Proceed and undersigned shall completely perform the entire Contract on or before the number of calendar days designated below, based on working regular time in strict accordance with the Contract terms and conditions.

Completion time in calendar days: 350 days

- B. The Undersigned hereby affirms and states that, if awarded the Contract for said Work, Work shall commence on award of contract, after receiving Notice to Proceed and undersigned shall completely perform the entire Contract by:

Completion Date: May 2012

1.16 CONTRACT PROVISIONS

- A. By submitting this Bid the Undersigned agrees that, if this Bid is accepted within forty-five (45) days after bid opening, the bidder will be liable to the Owner for damages the Owner may suffer by failure of the Undersigned to enter forthwith into a Contract and deliver the necessary bonds together with required insurances and other documents within seven (7) calendar days after notice of Contract award.

- B. Bids will be considered firm for a period of sixty (60) days from the date of opening.
- C. Bidder agrees to hold Owner, Project Manager, Architect, employees or agents free and harmless of, from and against, all liability, loss damage, expense or claims of any nature whatsoever arising out of the conduct of the bidder, its employees, or agents under the terms of this agreement.
- D. Bidders are not required to provide costs for permits and fees associated with this work. Permit and fees will be paid directly by the Owner.
- E. This agreement constitutes the entire understanding between the parties with respect to the subject matter of this agreement, and supersedes any and all prior understandings and agreement either written or oral. Any amendments must be made in writing and signed by both parties.

1.17 SIGNATURES

A. (If An Individual)

Date \_\_\_\_\_, 2011.  
 Signature of Bidder \_\_\_\_\_ (SEAL)  
 Business Address \_\_\_\_\_

B. (If A Partnership)

Date \_\_\_\_\_, 2011.  
 Firm Name \_\_\_\_\_ (SEAL)  
 By \_\_\_\_\_ (SEAL)  
 Business Address \_\_\_\_\_

Name and Addresses of all Members of the Firm

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

C. (If A Corporation)

Date April 5, 2011  
 Corporate Name DTS Enterprises, Inc.  
 By [Signature]  
 Title Peter Kis - President  
 Business Address 400 Central Ave. suite 250  
Northfield, IL. 60093

CORPORATE SEAL

President [Signature]  
 Vice President \_\_\_\_\_  
 Secretary \_\_\_\_\_  
 Treasurer \_\_\_\_\_

ATTEST:

[Signature]  
 SECRETARY

END OF SECTION 00 4100

SECTION 00 4100 - BID FORMS

Project: Winnetka Village Hall Renovation and Restoration

Bid submitted by:

Simpson Construction Co.

701 25th Ave., Bellwood, IL 60104

To: Village of Winnetka

1.1 BASE BID

- A. The undersigned, having inspected the construction site and familiarized himself with conditions affecting the cost of the Work and its performance and having carefully examined and fully understood the Contract Documents, hereby affirms and agrees to enter into a contract to provide all labor, material, equipment, and services, including overhead and profit to completely perform all Work described in the Contract Documents, including all addenda issued thereto, for the LUMP SUM (Base Bid) of

TWO MILLION TWO HUNDRED FIFTY THOUSAND  
DOLLARS (\$ 2,250,000 )

1.2 BREAKDOWN

- A. The undersigned proposes the following breakdown of the base bid sum for the Owner's information only. Total shall equal the LUMP SUM (Base Bid).

Contract Requirements Total, Including General Conditions, Overhead & Profit	\$ <u>248,000</u>
Performance, Labor & Material Payment bonds	\$ <u>30,800</u>
Exterior Work	
Window Repair	\$ <u>270,000</u>
Area well extension	\$ <u>74,000</u>
remaining exterior work	\$ <u>31,000</u>
General Work	\$ <u>545,400</u>
Mechanical Work	\$ <u>660,000</u>
Plumbing Work	\$ <u>100,800</u>
Electrical Work	\$ <u>185,000</u>
Audio-Visual Work	\$ <u>105,000</u>
<b>TOTAL COST</b>	\$ <u>2,250,000</u>

1.3 UNIT PRICES

	Description	Unit	Price
Unit Price No. 1:	Plaster repair	per sq. ft.	\$ 14 <sup>-</sup>

1.4 BID TERM

- A. The undersigned agrees that the sums stated herein shall be good and shall not be withdrawn for a period of sixty (60) calendar days after the bid due time and date.

1.5 BID DEPOSIT

- A. The undersigned agrees that the bid deposit in the amount of: 5% of the LUMP SUM (Base Bid)  
 5% Bid Bond

\_\_\_\_\_ Dollars (\$) enclosed herewith, payable to the Owner, is the measure of liquidated damages, not as penalty, which the Owner will sustain and that the proceeds therefrom will become the property of the Owner if for any reason the undersigned:

1. Withdraws his bid after opening of the bids and prior to the time a formal written agreement evidencing the Contract has been signed and delivered to the Owner and, if required, a satisfactory Performance Bond and Labor and Material Payment Bond has been furnished, whether or not the undersigned at the time of such withdrawal has been designated as the successful bidder, or
2. Upon written notification of the award of Contract to him he fails to properly sign and deliver to the Owner the written agreement formally evidencing the Contract within ten (10) days after the written agreement has been mailed to the undersigned for such execution.

- B. The undersigned further agrees that the Owner shall have the right to retain the bid deposit for a period of sixty (60) days from the date of opening of the bids if the undersigned is one of the 3 lowest bidders and for a period of ten (10) days from the date of opening of the proposals if the undersigned is not one of the 3 lowest bidders. At the expiration of such time, the bid deposit shall be returned to the undersigned unless said bid deposit has become the property of the Owner as liquidated damages, not as penalty, for one of the reasons stipulated above.

1.6 BONDS

- A. Within seven (7) calendar days of receipt of written notice of acceptance of this bid, the undersigned agrees to execute the specified formal contract and deliver the required bonds.

1.7 PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:

- A. The amount for the performance and labor and material payment bond is not included in the base bid price. The Undersigned states the cost of the Performance and Labor and Material Payment Bond, in the amount of 100% of the contract by an approved surety company licensed to do business in the State of Illinois, and listed in the Federal Register will be

THIRTY THOUSAND EIGHT HUNDRED  
DOLLARS (\$ 30,800<sup>-</sup>)

1.8 BUILDERS RISK PROPERTY INSURANCE

- A. The amount for the Builders Risk Property Insurance is not included in the base bid price. The Undersigned states the cost of the Builders Risk, "All Risk" Insurance Policy, by an approved insurance company licensed to do business in the State of Illinois, and listed in the Federal Register will be

THREE THOUSAND SEVEN HUNDRED  
DOLLARS (\$ 3,700)

- B. The name of the insurance company is.  
The Hartford

1.9 ALTERNATE WORK

- A. The undersigned proposes the following sums as additions to or deductions from the base bid sum for alternates described in Division 1 Section "Alternates". The Owner reserves the right to accept or reject alternatives as deemed to be in his best interest.
- B. The Undersigned proposes to completely perform the Alternate Work items described in the Division 1 Section "Alternates", for the following resulting net additions or deductions to the Lump Sum Base Bid including adjustments in the Work of all trades as may be necessary because of additions, deductions, or substitutions

Alternate #1: Delete LEED certification documentation.

Add \$                      Deduct \$ 6,600

Alternate #2: Provide LCD monitors in lieu of undercounter mounted monitors.

Add \$ 3,400 Deduct \$                     

Alternate #3: Provide motorized shades in lieu of manual at Council Chamber.

Add \$ 18,000 Deduct \$                     

Alternate #4: Clean & restore existing woodwork in Council Chambers

Add \$ 25,200 Deduct \$                     

Alternate #5: Clean & restore existing woodwork in 2nd floor hallway

Add \$ 17,500 Deduct \$                     

Alternate #6: Clean & restore existing woodwork in 1st floor lobby & open stairwells

Add \$ 27,500 Deduct \$                     

Alternate #7: Provide new acoustical ceiling tile at Community Development (Rooms 104, 105, 108 & 109) and Village Manager's Offices (Rooms 202, 203, 205A, 205B, 207 & 208) in lieu of reinstalling the existing ceiling tile.

Add \$ 2,310 Deduct \$

1.10 REINSTATEMENT OF ALTERNATE WORK

- A. The Undersigned agrees that the Owner has the right to reinstate any Alternate Work not incorporated into the Contract, at the bid price named herein before, if the Owner so notifies the Contractor within thirty (30) calendar days after signing the Contract.

1.11 ADDENDA

- A. The Undersigned acknowledges receipt of the following addenda and has included said addenda in the bid:  
Addendum No. 1 Dated 3/29/11  
Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_  
Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_  
Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_  
Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_

1.12 CONSTRUCTION PROGRESS SCHEDULE

- A. The Undersigned hereby agrees that if awarded the Contract a Bar Chart Construction Progress Schedule will be submitted within ten (10) calendar days following notification of Contract award, which shall indicate the number of employees and man hours anticipated for total operation.

1.13 PREVAILING WAGE

- A. All Bidders must comply with the following: Contractor shall not pay less than the prevailing rates of wages to all laborers, workmen and mechanics performing work under this contract, and shall comply with the requirements of the Illinois Wages of Employees on Public Works Act (820 ILCS 130/1-12) and as adopted by the Village of Winnetka on a yearly basis.

1.14 COMPLIANCE AFFIDAVIT

- A. The undersigned certifies that the Bid is made in good faith without fraud, collusion, or connection of any kind with any other Bidder, that he is competing in his own interest and in his own behalf without connection with or obligation to any undisclosed person, and has made his own examination and estimates and therefore presents this Bid.

1.15 COMPLETION TIME

- A. The Undersigned hereby affirms and states that, if awarded the Contract for said Work, Work shall commence on award of contract, after receiving Notice to Proceed and undersigned shall completely perform the entire Contract on or before the number of calendar days designated below, based on working regular time in strict accordance with the Contract terms and conditions.

Completion time in calendar days: 170

- B. The Undersigned hereby affirms and states that, if awarded the Contract for said Work, Work shall commence on award of contract, after receiving Notice to Proceed and undersigned shall completely perform the entire Contract by:

Completion Date: 170 CALENDAR DAYS AFTER N.T.P.

1.16 CONTRACT PROVISIONS

- A. By submitting this Bid the Undersigned agrees that, if this Bid is accepted within forty-five (45) days after bid opening, the bidder will be liable to the Owner for damages the Owner may suffer by failure of the Undersigned to enter forthwith into a Contract and deliver the necessary bonds together with required insurances and other documents within seven (7) calendar days after notice of Contract award.

- B. Bids will be considered firm for a period of sixty (60) days from the date of opening.
- C. Bidder agrees to hold Owner, Project Manager, Architect, employees or agents free and harmless of, from and against, all liability, loss damage, expense or claims of any nature whatsoever arising out of the conduct of the bidder, its employees, or agents under the terms of this agreement.
- D. Bidders are not required to provide costs for permits and fees associated with this work. Permit and fees will be paid directly by the Owner.
- E. This agreement constitutes the entire understanding between the parties with respect to the subject matter of this agreement, and supersedes any and all prior understandings and agreement either written or oral. Any amendments must be made in writing and signed by both parties.

1.17 SIGNATURES

A. (If An Individual) N/A

Date \_\_\_\_\_, 2011.  
Signature of Bidder \_\_\_\_\_ (SEAL)  
Business Address \_\_\_\_\_

B. (If A Partnership) N/A

Date \_\_\_\_\_, 2011.  
Firm Name \_\_\_\_\_ (SEAL)  
By \_\_\_\_\_ (SEAL)  
Business Address \_\_\_\_\_

Name and Addresses of all Members of the Firm

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. (If A Corporation)

Date April 5, \_\_\_\_\_, 2011  
Corporate Name Simpson Construction Co.  
By Robert E. Hansen  
Title President  
Business Address 701 25th Ave.  
Bellwood, IL 60104

CORPORATE SEAL

President Robert E. Hansen  
Vice President \_\_\_\_\_  
Secretary Mitchell Hansen  
Treasurer Mitchell Hansen

ATTEST:

Mitchell Hansen  
SECRETARY

END OF SECTION 00 4100

SECTION 00 4100 - BID FORMS

Project: Winnetka Village Hall Renovation and Restoration

Bid submitted by:

R. Rudnick & Co.

1040 South Milwaukee Avenue Wheeling, Illinois 60090

To: Village of Winnetka

1.1 BASE BID

- A. The undersigned, having inspected the construction site and familiarized himself with conditions affecting the cost of the Work and its performance and having carefully examined and fully understood the Contract Documents, hereby affirms and agrees to enter into a contract to provide all labor, material, equipment, and services, including overhead and profit to completely perform all Work described in the Contract Documents, including all addenda issued thereto, for the LUMP SUM (Base Bid) of

Two million seven hundred twenty four thousand four hundred  
7 no, 00, DOLLARS (\$ 2,724,400 )

1.2 BREAKDOWN

- A. The undersigned proposes the following breakdown of the base bid sum for the Owner's information only. Total shall equal the LUMP SUM (Base Bid).

Contract Requirements Total, Including General Conditions, Overhead & Profit	\$ <u>450,000<sup>00</sup></u>
Performance, Labor & Material Payment bonds	\$ <u>See 1.7 pg. 2</u>
Exterior Work Window Repair	\$ <u>250,000<sup>00</sup></u>
Area well extension	\$ <u>50,000<sup>00</sup></u>
remaining exterior work	\$ <u>30,000<sup>00</sup></u>
General Work	\$ <u>716,400<sup>00</sup></u>
Mechanical Work	\$ <u>864,000<sup>00</sup></u>
Plumbing Work	\$ <u>65,000<sup>00</sup></u>
Electrical Work	\$ <u>174,000<sup>00</sup></u>
Audio-Visual Work	\$ <u>125,000<sup>00</sup></u>
<b>TOTAL COST</b>	\$ <u>2,724,400<sup>00</sup></u>

1.3 UNIT PRICES

	Description	Unit	Price
Unit Price No. 1:	Plaster repair	per sq. ft.	\$ <u>16<sup>50</sup></u>

1.4 BID TERM

- A. The undersigned agrees that the sums stated herein shall be good and shall not be withdrawn for a period of sixty (60) calendar days after the bid due time and date.

1.5 BID DEPOSIT

- A. The undersigned agrees that the bid deposit in the amount of: 5% of the LUMP SUM (Base Bid) A Bid Bond in the Amount of Five Percent of the Bid is attached Dollars (\$ 5%) enclosed herewith, payable to the Owner, is the measure of liquidated damages, not as penalty, which the Owner will sustain and that the proceeds therefrom will become the property of the Owner if for any reason the undersigned:
1. Withdraws his bid after opening of the bids and prior to the time a formal written agreement evidencing the Contract has been signed and delivered to the Owner and, if required, a satisfactory Performance Bond and Labor and Material Payment Bond has been furnished, whether or not the undersigned at the time of such withdrawal has been designated as the successful bidder, or
  2. Upon written notification of the award of Contract to him he fails to properly sign and deliver to the Owner the written agreement formally evidencing the Contract within ten (10) days after the written agreement has been mailed to the undersigned for such execution.
- B. The undersigned further agrees that the Owner shall have the right to retain the bid deposit for a period of sixty (60) days from the date of opening of the bids if the undersigned is one of the 3 lowest bidders and for a period of ten (10) days from the date of opening of the proposals if the undersigned is not one of the 3 lowest bidders. At the expiration of such time, the bid deposit shall be returned to the undersigned unless said bid deposit has become the property of the Owner as liquidated damages, not as penalty, for one of the reasons stipulated above.

1.6 BONDS

- A. Within seven (7) calendar days of receipt of written notice of acceptance of this bid, the undersigned agrees to execute the specified formal contract and deliver the required bonds.

1.7 PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:

- A. The amount for the performance and labor and material payment bond is not included in the base bid price. The Undersigned states the cost of the Performance and Labor and Material Payment Bond, in the amount of 100% of the contract by an approved surety company licensed to do business in the State of Illinois, and listed in the Federal Register will be Twenty Thousand = 20/100.  
DOLLARS (\$ 20,000<sup>00</sup>)

1.8 BUILDERS RISK PROPERTY INSURANCE

- A. The amount for the Builders Risk Property Insurance is not included in the base bid price. The Undersigned states the cost of the Builders Risk, "All Risk" Insurance Policy, by an approved insurance company licensed to do business in the State of Illinois, and listed in the Federal Register will be

Four thousand & no/100.  
DOLLARS (\$ 4,000<sup>00</sup>)

- B. The name of the insurance company is.  
Westfield Insurance

1.9 ALTERNATE WORK

- A. The undersigned proposes the following sums as additions to or deductions from the base bid sum for alternates described in Division 1 Section "Alternates". The Owner reserves the right to accept or reject alternatives as deemed to be in his best interest.
- B. The Undersigned proposes to completely perform the Alternate Work items described in the Division 1 Section "Alternates", for the following resulting net additions or deductions to the Lump Sum Base Bid including adjustments in the Work of all trades as may be necessary because of additions, deductions, or substitutions

Alternate #1: Delete LEED certification documentation.

Add \$ — Deduct \$ 5,000<sup>00</sup>

Alternate #2: Provide LCD monitors in lieu of undercounter mounted monitors.

Add \$ 3,000<sup>00</sup> Deduct \$ —

Alternate #3: Provide motorized shades in lieu of manual at Council Chamber.

Add \$ 19,000<sup>00</sup> Deduct \$ —

Alternate #4: Clean & restore existing woodwork in Council Chambers

Add \$ 26,000<sup>00</sup> Deduct \$ —

Alternate #5: Clean & restore existing woodwork in 2nd floor hallway

Add \$ 18,000<sup>00</sup> Deduct \$ —

Alternate #6: Clean & restore existing woodwork in 1st floor lobby & open stairwells

Add \$ 28,000<sup>00</sup> Deduct \$ —

Alternate #7: Provide new acoustical ceiling tile at Community Development (Rooms 104, 105, 108 & 109) and Village Manager's Offices (Rooms 202, 203, 205A, 205B, 207 & 208) in lieu of reinstalling the existing ceiling tile.

Add \$ 16,000<sup>00</sup> Deduct \$ —

1.10 REINSTATEMENT OF ALTERNATE WORK

- A. The Undersigned agrees that the Owner has the right to reinstate any Alternate Work not incorporated into the Contract, at the bid price named herein before, if the Owner so notifies the Contractor within thirty (30) calendar days after signing the Contract.

1.11 ADDENDA

- A. The Undersigned acknowledges receipt of the following addenda and has included said addenda in the bid:  
Addendum No. One (1) Dated March 29, 2011  
Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_  
Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_  
Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_  
Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_

1.12 CONSTRUCTION PROGRESS SCHEDULE

- A. The Undersigned hereby agrees that if awarded the Contract a Bar Chart Construction Progress Schedule will be submitted within ten (10) calendar days following notification of Contract award, which shall indicate the number of employees and man hours anticipated for total operation.

1.13 PREVAILING WAGE

- A. All Bidders must comply with the following: Contractor shall not pay less than the prevailing rates of wages to all laborers, workmen and mechanics performing work under this contract, and shall comply with the requirements of the Illinois Wages of Employees on Public Works Act (820 ILCS 130/1-12) and as adopted by the Village of Winnetka on a yearly basis.

1.14 COMPLIANCE AFFIDAVIT

- A. The undersigned certifies that the Bid is made in good faith without fraud, collusion, or connection of any kind with any other Bidder, that he is competing in his own interest and in his own behalf without connection with or obligation to any undisclosed person, and has made his own examination and estimates and therefore presents this Bid.

1.15 COMPLETION TIME

- A. The Undersigned hereby affirms and states that, if awarded the Contract for said Work, Work shall commence on award of contract, after receiving Notice to Proceed and undersigned shall completely perform the entire Contract on or before the number of calendar days designated below, based on working regular time in strict accordance with the Contract terms and conditions.

Completion time in calendar days: 275 calendar days

- B. The Undersigned hereby affirms and states that, if awarded the Contract for said Work, Work shall commence on award of contract, after receiving Notice to Proceed and undersigned shall completely perform the entire Contract by:

Completion Date: 275 calendar days

1.16 CONTRACT PROVISIONS

- A. By submitting this Bid the Undersigned agrees that, if this Bid is accepted within forty-five (45) days after bid opening, the bidder will be liable to the Owner for damages the Owner may suffer by failure of the Undersigned to enter forthwith into a Contract and deliver the necessary bonds together with required insurances and other documents within seven (7) calendar days after notice of Contract award.

- B. Bids will be considered firm for a period of sixty (60) days from the date of opening.
- C. Bidder agrees to hold Owner, Project Manager, Architect, employees or agents free and harmless of, from and against, all liability, loss damage, expense or claims of any nature whatsoever arising out of the conduct of the bidder, its employees, or agents under the terms of this agreement.
- D. Bidders are not required to provide costs for permits and fees associated with this work. Permit and fees will be paid directly by the Owner.
- E. This agreement constitutes the entire understanding between the parties with respect to the subject matter of this agreement, and supersedes any and all prior understandings and agreement either written or oral. Any amendments must be made in writing and signed by both parties.

1.17 SIGNATURES

A. (If An Individual)

Date \_\_\_\_\_, 2011.  
 Signature of Bidder \_\_\_\_\_ (SEAL)  
 Business Address \_\_\_\_\_

B. (If A Partnership)

Date \_\_\_\_\_, 2011.  
 Firm Name \_\_\_\_\_ (SEAL)  
 By \_\_\_\_\_ (SEAL)  
 Business Address \_\_\_\_\_

Name and Addresses of all Members of the Firm

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

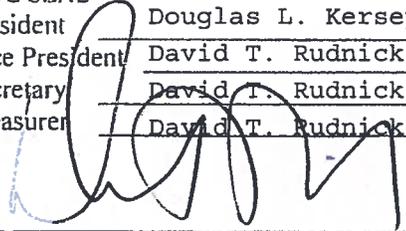
C. (If A Corporation)

Date April 5, 2011  
 Corporate Name R. Rudnick & Co.  
 By \_\_\_\_\_  
 Title Douglas L. Kersey, President  
 Business Address 1040 South Milwaukee Avenue  
Wheeling, Illinois 60090

CORPORATE SEAL

President Douglas L. Kersey  
 Vice President David T. Rudnick  
 Secretary David T. Rudnick  
 Treasurer David T. Rudnick

ATTEST:

  
 \_\_\_\_\_  
 SECRETARY David T. Rudnick, Secretary

END OF SECTION 00 4100

SECTION 00 4100 - BID FORMS

Project: Winnetka Village Hall Renovation and Restoration

Bid submitted by:

Camosy Incorporated

To: Village of Winnetka

1.1 BASE BID

- A. The undersigned, having inspected the construction site and familiarized himself with conditions affecting the cost of the Work and its performance and having carefully examined and fully understood the Contract Documents, hereby affirms and agrees to enter into a contract to provide all labor, material, equipment, and services, including overhead and profit to completely perform all Work described in the Contract Documents, including all addenda issued thereto, for the LUMP SUM (Base Bid) of

THREE MILLION, TWO HUNDRED  
EIGHTY THOUSAND DOLLARS (\$ 3,280,000.00)

1.2 BREAKDOWN

- A. The undersigned proposes the following breakdown of the base bid sum for the Owner's information only. Total shall equal the LUMP SUM (Base Bid).

Contract Requirements Total, Including General Conditions, Overhead & Profit	\$ <u>441,395.00</u>
Performance, Labor & Material Payment bonds	\$ <u>23,443.00</u>
Exterior Work	\$ _____
Window Repair	\$ _____
Area well extension	\$ <u>464,900.00</u>
remaining exterior work	\$ <u>65,174.00</u>
General Work	\$ <u>43,332.00</u>
Mechanical Work	\$ <u>890,946.00</u>
Plumbing Work	\$ <u>881,200.00</u>
Electrical Work	\$ <u>365,000.00</u>
Audio-Visual Work	\$ <u>105,566.00</u>
TOTAL COST	\$ <u>3,280,000.00</u>

1.3 UNIT PRICES

	Description	Unit	Price
Unit Price No. 1:	Plaster repair	per sq. ft.	\$ <u>16.50</u>

1.4 BID TERM

- A. The undersigned agrees that the sums stated herein shall be good and shall not be withdrawn for a period of sixty (60) calendar days after the bid due time and date.

1.5 BID DEPOSIT

- A. The undersigned agrees that the bid deposit in the amount of: 5% of the LUMP SUM (Base Bid)  
5% of Base Bid

\_\_\_\_\_ Dollars (\$) enclosed herewith, payable to the Owner, is the measure of liquidated damages, not as penalty, which the Owner will sustain and that the proceeds therefrom will become the property of the Owner if for any reason the undersigned:

1. Withdraws his bid after opening of the bids and prior to the time a formal written agreement evidencing the Contract has been signed and delivered to the Owner and, if required, a satisfactory Performance Bond and Labor and Material Payment Bond has been furnished, whether or not the undersigned at the time of such withdrawal has been designated as the successful bidder, or
2. Upon written notification of the award of Contract to him he fails to properly sign and deliver to the Owner the written agreement formally evidencing the Contract within ten (10) days after the written agreement has been mailed to the undersigned for such execution.

- B. The undersigned further agrees that the Owner shall have the right to retain the bid deposit for a period of sixty (60) days from the date of opening of the bids if the undersigned is one of the 3 lowest bidders and for a period of ten (10) days from the date of opening of the proposals if the undersigned is not one of the 3 lowest bidders. At the expiration of such time, the bid deposit shall be returned to the undersigned unless said bid deposit has become the property of the Owner as liquidated damages, not as penalty, for one of the reasons stipulated above.

1.6 BONDS

- A. Within seven (7) calendar days of receipt of written notice of acceptance of this bid, the undersigned agrees to execute the specified formal contract and deliver the required bonds.

1.7 PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:

- A. The amount for the performance and labor and material payment bond is not included in the base bid price. The Undersigned states the cost of the Performance and Labor and Material Payment Bond, in the amount of 100% of the contract by an approved surety company licensed to do business in the State of Illinois, and listed in the Federal Register will be

\_\_\_\_\_ DOLLARS (\$ 23,443.<sup>00</sup> )

1.8 BUILDERS RISK PROPERTY INSURANCE

- A. The amount for the Builders Risk Property Insurance is not included in the base bid price. The Undersigned states the cost of the Builders Risk, "All Risk" Insurance Policy, by an approved insurance company licensed to do business in the State of Illinois, and listed in the Federal Register will be

\_\_\_\_\_ DOLLARS (\$ 2,870.00 )

- B. The name of the insurance company is.

Liberty Mutual Insurance Company

1.9 ALTERNATE WORK

- A. The undersigned proposes the following sums as additions to or deductions from the base bid sum for alternates described in Division 1 Section "Alternates". The Owner reserves the right to accept or reject alternatives as deemed to be in his best interest.
- B. The Undersigned proposes to completely perform the Alternate Work items described in the Division 1 Section "Alternates", for the following resulting net additions or deductions to the Lump Sum Base Bid including adjustments in the Work of all trades as may be necessary because of additions, deductions, or substitutions

Alternate #1: Delete LEED certification documentation.

Add \$ \_\_\_\_\_ Deduct \$ 82,000.00

Alternate #2: Provide LCD monitors in lieu of undercounter mounted monitors.

Add \$ 7,700.00 Deduct \$ \_\_\_\_\_

Alternate #3: Provide motorized shades in lieu of manual at Council Chamber.

Add \$ 17,500.00 Deduct \$ \_\_\_\_\_

Alternate #4: Clean & restore existing woodwork in Council Chambers

Add \$ 24,800.00 Deduct \$ \_\_\_\_\_

Alternate #5: Clean & restore existing woodwork in 2nd floor hallway

Add \$ 17,400.00 Deduct \$ \_\_\_\_\_

Alternate #6: Clean & restore existing woodwork in 1st floor lobby & open stairwells

Add \$ 27,000.00 Deduct \$ \_\_\_\_\_

Alternate #7: Provide new acoustical ceiling tile at Community Development (Rooms 104, 105, 108 & 109) and Village Manager's Offices (Rooms 202, 203, 205A, 205B, 207 & 208) in lieu of reinstalling the existing ceiling tile.

Add \$ 7,700.00 Deduct \$ \_\_\_\_\_

1.10 REINSTATEMENT OF ALTERNATE WORK

- A. The Undersigned agrees that the Owner has the right to reinstate any Alternate Work not incorporated into the Contract, at the bid price named herein before, if the Owner so notifies the Contractor within thirty (30) calendar days after signing the Contract.

1.11 ADDENDA

- A. The Undersigned acknowledges receipt of the following addenda and has included said addenda in the bid:  
Addendum No. 1 Dated 3/29/2011  
Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_  
Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_  
Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_  
Addendum No. \_\_\_\_\_ Dated \_\_\_\_\_

1.12 CONSTRUCTION PROGRESS SCHEDULE

- A. The Undersigned hereby agrees that if awarded the Contract a Bar Chart Construction Progress Schedule will be submitted within ten (10) calendar days following notification of Contract award, which shall indicate the number of employees and man hours anticipated for total operation.

1.13 PREVAILING WAGE

- A. All Bidders must comply with the following: Contractor shall not pay less than the prevailing rates of wages to all laborers, workmen and mechanics performing work under this contract, and shall comply with the requirements of the Illinois Wages of Employees on Public Works Act (820 ILCS 130/1-12) and as adopted by the Village of Winnetka on a yearly basis.

1.14 COMPLIANCE AFFIDAVIT

- A. The undersigned certifies that the Bid is made in good faith without fraud, collusion, or connection of any kind with any other Bidder, that he is competing in his own interest and in his own behalf without connection with or obligation to any undisclosed person, and has made his own examination and estimates and therefore presents this Bid.

1.15 COMPLETION TIME

- A. The Undersigned hereby affirms and states that, if awarded the Contract for said Work, Work shall commence on award of contract, after receiving Notice to Proceed and undersigned shall completely perform the entire Contract on or before the number of calendar days designated below, based on working regular time in strict accordance with the Contract terms and conditions.

Completion time in calendar days: 365 Days

- B. The Undersigned hereby affirms and states that, if awarded the Contract for said Work, Work shall commence on award of contract, after receiving Notice to Proceed and undersigned shall completely perform the entire Contract by:

Completion Date: May 1, 2012

1.16 CONTRACT PROVISIONS

- A. By submitting this Bid the Undersigned agrees that, if this Bid is accepted within forty-five (45) days after bid opening, the bidder will be liable to the Owner for damages the Owner may suffer by failure of the Undersigned to enter forthwith into a Contract and deliver the necessary bonds together with required insurances and other documents within seven (7) calendar days after notice of Contract award.

- B. Bids will be considered firm for a period of sixty (60) days from the date of opening.
- C. Bidder agrees to hold Owner, Project Manager, Architect, employees or agents free and harmless of, from and against, all liability, loss damage, expense or claims of any nature whatsoever arising out of the conduct of the bidder, its employees, or agents under the terms of this agreement.
- D. Bidders are not required to provide costs for permits and fees associated with this work. Permit and fees will be paid directly by the Owner.
- E. This agreement constitutes the entire understanding between the parties with respect to the subject matter of this agreement, and supersedes any and all prior understandings and agreement either written or oral. Any amendments must be made in writing and signed by both parties.

1.17 SIGNATURES

A. (If An Individual) **NOT APPLICABLE**  
 Date \_\_\_\_\_, 2011.  
 Signature of Bidder \_\_\_\_\_ (SEAL)  
 Business Address \_\_\_\_\_

B. (If A Partnership) **NOT APPLICABLE**  
 Date \_\_\_\_\_, 2011.  
 Firm Name \_\_\_\_\_ (SEAL)  
 By \_\_\_\_\_ (SEAL)  
 Business Address \_\_\_\_\_

Name and Addresses of all Members of the Firm  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

C. (If A Corporation)  
 Date April 5th, 2011  
 Corporate Name Camosy Incorporated  
 By *John P. Camosy*  
 Title John P. Camosy, President and CEO  
 Business Address 43451 N. US Hwy 41, Zion, IL 60099-9455

CORPORATE SEAL  
 President John P. Camosy, President and CEO  
 Vice President Todd R. Peyron, Todd Knop, Tim Drewry, Robert Nikolai, Vice President(s)  
 Secretary Raymond J. Camosy, Secretary  
 Treasurer John P. Camosy, Treasurer

ATTEST:  
 \_\_\_\_\_  
 SECRETARY Raymond J. Camosy, Secretary

END OF SECTION 00 4100

BID FORMS

00 4100 - 5

# **COST ESTIMATE COMPARISON**

WINNETKA VILLAGE HALL PROJECT COST ESTIMATES

2007 Numbers adjusted to 2012

	Needs Analysis (2007 Cost) Prepared October 2007	Needs Analysis (2012 Cost) Prepared October 2007	Bidding Estimate Prepared December 2009	Construction Bids Received May 2010	Construction Bids Received April 2011	Notes
Base Construction Cost	\$ 2,899,993	\$ 3,701,208	\$ 3,066,750	\$ 3,557,000	\$ 2,193,000	Base construction costs, Gen'l Conditions, OH & Profit
Masonry Construction	\$ -	\$ -	\$ -	\$ -	\$ 632,654	Separate contract awarded fall 2010
Roofing Construction	\$ -	\$ -	\$ -	\$ -	\$ 347,800	Separate contract awarded fall 2010
<b>TOTAL EST. CONSTRUCTION COST</b>	<b>\$ 2,899,993</b>	<b>\$ 3,701,208</b>	<b>\$ 3,066,750</b>	<b>\$ 3,557,000</b>	<b>\$ 3,173,454</b>	
Construction Contingency 10%	\$ -	① 3,701,208	\$ 3,373,425	\$ 3,912,700	\$ 3,490,799	Under owner control - for unforeseen conditions
Furniture (Finance and Council Room)	\$ 124,144	\$ 124,144	\$ 124,144	\$ 124,144	\$ 124,144	Allowances not included in needs analysis
Computer Room Equip. Relocation	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	Allowances not included in needs analysis
Council Room AV Equipment	\$ 125,200	\$ 125,200	\$ 125,200	\$ 125,200	\$ 125,200	Allowances not included in needs analysis
Design Fees	\$ 282,000	\$ 282,000	\$ 282,000	\$ 282,000	\$ 300,000	Not in needs analysis. Possible additional fees for separate bidding/re-bidding
Temporary Office Space	\$ -	\$ -	\$ -	\$ -	\$ 25,000	Cost not identified in architectural estimates
L.E.E.D. Commissioning	\$ -	\$ -	\$ 125,000	\$ 47,600	\$ 47,600	Commissioning fee, may receive \$40k offset from Illinois Clean Energy
<b>TOTAL EST. PROJECT COST</b>	<b>\$ 3,446,337</b>	<b>\$ 4,247,552</b>	<b>\$ 4,044,769</b>	<b>\$ 4,506,644</b>	<b>\$ 4,127,743</b>	

Notes

Prepared by YAS Architects. Includes 15% design contingency and 10% construction contingency. Using 2007 dollars. Did not include allowances for furniture, fixtures, & equipment (FFE), architectural fees, temporary office space, or L.E.E.D. commissioning.	Prepared by YAS Architects. Includes 15% design contingency and 10% construction contingency. Using 2012 dollars. Did not include allowances for FFE, architectural fees, temporary office space, or L.E.E.D. commissioning.	Detailed estimate prepared by Holabird and Root pre-bidding. Includes estimates for FFE, architect's contractual fees, and L.E.E.D. construction.	Includes L.E.E.D. construction and commissioning costs, estimates for FFE, architect's contractual fees, and L.E.E.D. construction.	Includes L.E.E.D. construction and commissioning costs, estimates for FFE, architect's contractual fees, and L.E.E.D. construction. Includes temporary office space costs.
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① 2007 NEEDS ANALYSIS (ADJ. TO 2012 DOLLARS) INCL. 10% CONTINGENCY \$ 3,701,208

② 2009 PRE-BID COST ESTIMATE + 10% CONTINGENCY \$ 3,373,425

\$ 3,490,799 APRIL 2011 BIDS, PLUS ROOF & MASONRY, PLUS 10% CONTINGENCY ③

**COST ESTIMATES FROM**  
**2007 NEEDS ANALYSIS**

**Village of Winnetka**  
**MODERNIZATION & RESTORATION PLAN**

Opinions for Probable Construction Costs  
 Mechanical work as a lump sum

Yas Architecture, LLC.

<b>Project</b>	<b>2007</b>	<b>2012</b>	<b>2017</b>	<b>2022</b>
Finance Department	\$439,544	\$560,981.90	\$715,970.86	\$913,780.41
Council Chamber	\$312,424	\$398,740.99	\$508,905.77	\$649,507.06
Lobby	\$33,957	\$43,338.69	\$55,312.37	\$70,594.16
Basement Lockers, Exercise Room	\$153,538	\$195,957.72	\$250,097.22	\$319,194.47
Exterior and Window Restoration	\$863,700	\$1,102,324.39	\$1,406,876.29	\$1,795,570.27
Mechanical Reconstruction	\$1,096,830	\$1,399,863.91	\$1,786,620.49	\$2,280,230.80
<b>Construction Total</b>	<b>\$2,899,993</b>	<b>\$3,701,208</b>	<b>\$4,723,783</b>	<b>\$6,028,877</b>

Notes:

Based on information provided by Construction Resource & Management  
 All numbers include 15% design contingency and 10% construction contingency  
 All numbers include 15% contractor's overhead and profit.  
 Escalation figured at 5% per year.

## AGENDA REPORT

**SUBJECT:** Request from The Wine Shop for Amendments to the E-2 Liquor License Classification

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

**DATE:** April 22, 2011

The owners of The Wine Shop have submitted a request for amendments to the E-2 liquor license to allow them to serve wine and beer with food at outdoor seating., and to expand the permitted business hours so they can open earlier and remain open later. Their detailed request is set out in the attached letter to the Village President.

The Wine Shop holds a Class E-2 Liquor License, which is governed by Section 5.09.100.K of the Village Code. The Wine Shop is a “specialty beverage store”<sup>1</sup> under the Liquor Ordinance, and its E-2 license allows the retail sale of “fine wines,” premium “imported beer” and “domestic craft beer” in their original packaging, subject to several conditions. The E-2 license also allows the service of those same types of beverages for consumption on the premises at tastings or with food that is prepared off-site and served using non-disposable dishes, glassware and utensils. Conditions are imposed for all services allowed under the E-2 license.

The “E” category of licenses was created to address the unique characteristics of businesses that did not fit neatly into the more conventional license classifications for food establishments. Class E and E-1 licenses are available for “limited food products stores,” with the former allowed to sell bottled wines and the latter allowed to sell bottled wine and specialty beer. As noted above, Class E-2 licenses are available for “specialty beverage stores.”

All “E” category licenses are subject to the same hours, *i.e.*, between 11:00 a.m. and 10:00 p.m. on Fridays and Saturdays, and from 11:00 a.m. and 8 p.m. the other days of the week. As a Class E-2 licensee, The Wine Shop may also remain open until 9:00 p.m. during the week for classes and tasting events. Only the Class E-1 license is eligible for a sidewalk service rider.

Granting The Wine Shop’s request would thus require an amendment to the Liquor Control Ordinance (Chapter 5.09), as well as a resolution authorizing use of the public sidewalk for outdoor service.

For the Council’s reference, relevant excerpts of Sections 5.09.100 and 5.09.250 of Chapter 5.09 are attached following the letter to the Village President.

### **Recommendation:**

Provide policy direction.

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<sup>1</sup> All terms shown in quotation marks in this Agenda report are defined in Section 5.09.010 of the Village Code.

Jessica Tucker  
Village President  
510 Green Bay Rd  
Winnetka, IL 60093

March 16, 2011

Ms. Tucker,

The Winnetka Wine Shop is excited to celebrate our one year anniversary this month. We would like to first take the opportunity to thank you and the Village Council for such great support when we originally came before you in late 2009 with the request to create the E-2 license. It has been a great year for us; we have received wonderful community support and continue to strive to be a strong and vibrant member of the Village of Winnetka business community.

We have learned a great deal in our first year and have two requests that will help us as we create a sustainable business. We greatly appreciate your time and consideration in further review of our request.

Our first request is to add the ability for the E 2 license to apply for the sidewalk liquor license. When we first created the E-2 license November 2009 the Village requested we revisit this after the shop had been operating for a year. Being able to offer outdoor seating to our customers during the warmer months would be beneficial to our shop as well as to the residents. Last summer we lost business when people would come in and want to sit outside for a meal and a glass of wine which we could not offer. These customers left and went to elsewhere to enjoy the great weather. Given the size of our shop there would not be more than two to three tables and just as required for inside glass service, a glass of wine or beer is always just a compliment to a meal. With warmer weather fast approaching people are already starting to look forward to spending more time outside and we hope to offer outdoor seating just as many other food and drink business do.

Our second request is a change in the hours of operations. Currently in the license our hours are 11am-10pm on Friday and Saturday and 11am -8pm all other days of the week. We request the ability to open at 9am Monday to Saturday. We have had numerous requests from our customers to be open earlier than 11am on Saturdays. Many people have already completed errands by 11am especially if they have an afternoon event, child's sports event or any number of obligations. It is not unusual for businesses that sell alcohol to be open at 9am, even within Winnetka. An example of regular hours:

Su 12-5, M-Fr 11am-8, Sa 9.30am-8pm.

Holidays: (Nov-Dec) Su 11am-5pm, M-Fr 9.30am-8pm, Sa 9am-8pm.

Our continued focus is as a wine shop, to sell bottles of wine people take home and enjoy. The requests we are making; addition of outdoor seating during the summer and to open earlier will simply help us enhance our community presence. They are more services we can offer our customers and reasons to get them in the

habit of coming to The Winnetka Wine Shop and that translates into more sales and the continued success of a local business.

Again, we thank the council and community for their support and we believe with these additions The Winnetka Wine Shop will continue to grow into a successful local business.

Thank you for your time and consideration,  
Emily Link and Jean Sheridan  
Co-Owners  
The Winnetka Wine Shop  
726 Elm St  
Winnetka IL 60093

## Excerpts of Relevant Provisions of Chapter 5.09

### Section 5.09.100 Classification of Licenses

**A. Class A Licenses.** Class A licenses authorize the retail sale and service of alcoholic beverages by restaurants, but only when such sales and service are incidental and complementary to the sale and service of complete meals for consumption only on the premises where sold, which incidental and complementary sales and service may include the occasional service of alcoholic beverages alone or with less than a full meal, subject to the provisions of Section 5.09.205 of this Chapter.

**B. Class A-1 Licenses.** Class A-1 licenses authorize the retail sale and service of alcoholic beverages by restaurants, but only when such sales and service are incidental and complementary to the sale and service of complete meals served in multiple courses for consumption only on the premises where sold, which incidental and complementary sales and service may include the service of food or liquor at a counter, bar or waiting area, subject to the conditions set forth in this subsection. Subject to the provisions of Section 5.09.205 of this Chapter, such incidental and complementary sales and service of alcoholic beverages may include the occasional sale and service of alcoholic beverages alone or with less than a full meal.

1. Except as provided in section 5.09.205 of this Chapter, the counter, bar or waiting area shall be restricted to patrons who have been seated by the restaurant's host or hostess.

2. (Repealed.)

3. (Repealed.)

4. (Repealed.)

5. The percentage of the total space available to patrons that is allocated to any lounge or waiting area in which a bar, counter or shelf or any substitute for such bar, counter or shelf will be located, shall not exceed ten (10) percent of the total space of the premises accessible to patrons.

\* \* \*

**D. Class B Licenses.** Class B licenses authorize the sale of package liquor in a full-service grocery store. A Class B license shall authorize the licensee to use no more than ten (10) percent of the total floor space of the full-service grocery store for the display and sale of alcoholic liquor in the original package.

\* \* \*

**I. Class E Licenses.** Class E licenses authorize the retail sale of wine only, by a limited food products store, subject to all of the following conditions:

1. The wine must be sold in its original package, for consumption only off the premises where sold, and not for consumption on the premises where sold.

2. The sale of the wine must be incidental and complementary to the sale of food for consumption off the premises. It is unlawful for any holder of a Class E license to

render a bill for sale of wine in its original package which does not include a charge for food to be consumed off the premises.

3. All wine sold under a Class E license shall be paid for and delivered to the purchaser only on the premises of the limited food products store operated by the licensee.

4. No more than ten (10) percent of the floor space of the limited food products store used by the licensee for the display and sale of merchandise may be used for the display and sale of wine. The remainder of such floor space shall be for the display and sale of other merchandise.

5. A limited food products store may be operated in the same premises as a specialty restaurant, provided the food sales and display area is separate from the meal service area.

**J. Class E-1 Licenses.** Class E-1 licenses authorize the retail sale of beer or wine by a limited food products store, subject to all of the following conditions:

1. (Reserved.)

2. The beer or wine must be sold in its original package.

3. The sale of the beer or wine must be incidental and complementary to the sale of food for consumption on or off the premises. Subject to the provisions of Section 5.09.205 of this Chapter, such incidental and complementary sales may include the occasional sale of wine in its original package without the sale of food.

3. All beer or wine sold under a Class E-1 license shall be paid for and delivered to the purchaser only on the premises of the limited food products store operated by the licensee.

4. No more than ten (10) percent of the floor space of the limited food products store used by the licensee for the display and sale of merchandise may be used for the display and sale of wine. The remainder of such floor space shall be for the display and sale of other merchandise, except that the display of beer for sale is prohibited.

**K. Class E-2 Licenses.** Class E-2 licenses authorize the retail sale of fine wines, premium imported beer and domestic craft beer at a specialty beverage store, subject to the following conditions:

1. Except as provided in paragraphs 2 through 5 of this subsection, the wine must be sold in its original package, for consumption only off the premises where sold,

2. The limited tasting of small quantities of varieties of fine wine, imported beer, and domestic craft beer shall be permitted on the licensed premises, subject to the following conditions:

a. The tasting shall be provided at a counter identified and used solely for that purpose.

b. The licensee may charge a fee for such tastings; provided, that the fee shall be applied to the contemporaneous purchase of a fine wine, imported beer or domestic craft beer.

c. All tasting samples shall be served in winery tasting glasses.

d. No more than four tasting samples shall be served to any person, regardless of the type or types of beverages sampled.

e. No signage on the premises shall advertise the availability of samples.

3. The tasting of varieties of fine wine, imported beer, and domestic craft beer shall be permitted at private events, subject to the following conditions:

a. The event must require advance registration, which shall include a fixed-price registration fee.

b. The store must be closed to the general public during the event.

c. The event must be for the purpose of providing instruction pertaining to the production, qualities, selection and use of fine wines, imported beers or domestic craft beers.

d. The class or event must have a written agenda or curriculum.

e. The class or event must end by 9:00 p.m.

4. The retail display area devoted to the sale of beer shall not exceed 10% of the total retail display area.

5. In addition, a Class E-2 licensee shall be permitted to serve fine wine, imported beer and domestic craft beer for immediate consumption on the licensed premises, subject to the following conditions:

a. Such service must be incidental and complementary to the concurrent service of meals sold for consumption on the premises by patrons seated at tables.

b. The meals may be pre-packaged meals that are prepared off-premises.

c. The meals shall be served using non-disposable dishes, glassware and utensils.

d. The meals shall not be served at a bar or counter.

e. The table seating area must be separated from the retail area of the license premises by a rail or similar means to segregate it from the retail area of the license premises, but shall not be located in a separate room.

f. The table seating area must not exceed 30% of the total interior area of licensed premises open to patrons, not including restrooms.

6. No tobacco product of any kind shall be sold or offered for sale on the licensed premises.

7. The areas of the licensed premises shall not be more than two thousand, five hundred (2,500) square feet, excluding storage areas not accessible to customers.

8. The hours of operation of the licensed business shall be limited to 11:00 a.m. to 10:00 p.m. on Friday and Saturday and 11:00 a.m. to 8 p.m. on all other days of the week; provided, that this limitation shall not apply to events authorized by paragraph 3 of this subsection K.

**L. Packaged Meal Rider License.** Packaged meal rider licenses authorize the retail sale, by a Class A or Class A-1 licensee, of beer and wine in the original package, for consumption only off the premises where sold, and not for consumption on the premises, subject to the following conditions:

1. Such sale of wine or beer shall be incidental and complementary to the sale of a complete meal prepared on the licensed premises for consumption off the licensed premises.

2. It is unlawful for any holder of a packaged meal rider license to render a bill for the sale of wine or beer in its original package which does not include a charge for a complete meal.

3. All wine and beer sold under a packaged meal rider license shall be paid for and delivered to the purchaser only on the premises of the restaurant operated by the licensee.

4. There shall be no display of wine or beer offered for sale under a packaged meal rider license, except to the extent that wine or beer is displayed as part of the normal operations of the restaurant for which the Class A or Class A-1 license was issued.

**M. Sidewalk Restaurant Rider License.** Sidewalk restaurant rider licenses authorize **Class A, Class A-1 or Class E-1** licensees to sell and serve beer or wine at retail for consumption by customers seated at tables at a permitted sidewalk restaurant located on the public sidewalk adjacent to the premises for which the Class-A, Class A-1 or Class E-1 license was issued, subject to the following conditions:

1. The sale and service of the beer or wine must be incidental and complementary to the sale and service of complete meals for consumption only at a table in the area defined in the license.

2. Except as provided in section 5.09.205 of this Chapter, it is unlawful for any holder of a sidewalk restaurant rider license to render a bill for the sale of wine or beer that does not include a charge for a complete meal.

3. The sale, service and consumption of the beer or wine at the sidewalk restaurant shall cease no later than the hour specified in Section 5.09.250.A of this Chapter unless the Village Council specifies an earlier time in an ordinance adopted at the time it authorizes the license.

4. The area for service shall be contiguous to the premises for which the Class A, Class A-1 or Class E-1 license is issued, shall be defined in the application and specified in the license, and shall be separated from the pedestrian areas of the public sidewalk by fencing, planters or such other device as may be specified by the Local Liquor Commissioner in the license.

5. The licensee shall indemnify and hold harmless the Village, its officers and employees from any and all costs arising from claims for personal injury or property damage resulting in any way from the licensee's use of the public way, whether the claim, injury or damages arise from an incident on the licensed premises or on the adjacent portion of the public way that remains open for public use.

6. The licensee shall maintain dram shop insurance in an amount specified by statute or ordinance, or by rule of the State Liquor Control Commission or the Local Liquor Commissioner, but in no event shall the amount of dram shop insurance be less than \$1,000,000.

7. The licensee shall maintain general liability insurance coverage of at least \$2 million, with excess liability coverage of at least an additional \$2 million, with the Village named as additional insured. The certificate of insurance shall be in a form acceptable to the Village.

8. The licensed premises shall be supervised at all times by an employee of the restaurant who is at least 21 years old.

9. The term of any sidewalk restaurant rider license shall begin no earlier than April 1 of any year and shall end no later than November 30 of the same year, except that no service shall be allowed under any such license when weather conditions necessitate the removal of snow or other debris from the public sidewalks.

10. Every sidewalk restaurant rider license issued pursuant to this subsection shall expire on December 1 of the year it is issued and shall not be subject to renewal. Any Class A, Class A-1 or Class E-1 licensee who operates a permitted sidewalk restaurant may apply for a new sidewalk restaurant rider license to which the rider is attached, provided that the application for the sidewalk restaurant rider license shall be de novo each year, and being granted a sidewalk restaurant rider license in any year shall not be deemed to create a right or expectation of renewal or reissuance of the sidewalk restaurant rider license for the following or any subsequent year.

11. Any licensee who violates any provision of a sidewalk restaurant rider may be disqualified from receiving a sidewalk restaurant rider for any location in the Village for a period of up to 5 years.

12. The Local Liquor Commissioner, in the exercise of his or her discretion, shall have the authority to impose such other conditions for the issuance of a sidewalk restaurant rider license as he or she may deem reasonably necessary.

\* \* \*

**Section 5.09.250 Hours of service.**

A. The sale and service of alcoholic beverages by a restaurant or specialty restaurant under a **Class A or Class A-1** license, and the consumption of alcoholic beverages under such licenses, shall be permitted only between the hours of 11:00 a.m. and 11:00 p.m. each day of the week, unless the license specifically limits the days or hours of such sales and service. No restaurant or specialty restaurant authorized to serve alcoholic beverages under a Class A or Class A-1 license shall remain open after twelve midnight, except under the following circumstances:

1. Patrons may be allowed to remain within the premises after twelve midnight to complete a meal that was served prior to 11:30 p.m., provided: that no additional patrons shall be admitted, that no additional food or beverages of any kind shall be served to anyone after twelve midnight, and that all patrons shall leave the premises no later than 12:30 a.m.

2. Such restaurants may remain open to the public until two a.m. on January 1st, provided that all sales and service of food and alcoholic beverages shall cease at 1:00 a.m. on January 1st and no additional patrons shall be admitted after that time.

B. The sale and service of beer or wine under a **sidewalk restaurant rider license**, and the consumption of beer or wine under such license, shall be permitted only between the hours of 11:00 a.m. and 9:00 p.m. Sundays through Thursdays and 11:00 a.m. and 10:00 p.m. on Fridays and Saturdays.

C. The sale of alcoholic liquor by a **full-service grocery store** under a Class B license shall be permitted only between the hours of 7:00 a.m. and 10:00 p.m. each day of the week.

E. The sale or service of beer or wine under a **Class E, Class E-1 or Class E-2** license shall be permitted only during the regular business hours of such store; provided that the service of fine wine, imported beer or domestic craft beer with food shall be limited to the hours between 11:00 a.m. and 8:00 p.m.

F. Any establishment that serves alcoholic beverages without the service of food shall cease such service and remove all partially consumed alcoholic beverages and all serving containers for such beverages at least 30 minutes before the establishment is required to cease all liquor service under the terms of its liquor license.

\* \* \*

H. All liquor licensees shall cease the sale and service of alcoholic beverages and shall remove all partially consumed alcoholic beverages and serving containers for such beverages by the times required for their respective license classifications, as provided in this Section 5.09.250. (Prior code § 35.25)