

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
March 7, 2023**

(Approved: April 3, 2023)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held at the Council Chambers on Tuesday, March 7, 2023, at 7:00 PM.

- 1) Call to Order. President Rintz called the meeting to order at 7:01 PM. Village Manager Bahan called the roll. Present: Trustees Rob Apatoff, Andy Cripe, Tina Dalman, Robert Dearborn, and Kim Handler. Absent: Trustee John Swierk. Also present: Assistant Village Manager Kristin Kazenas, Deputy Village Clerk Berina Gradjan, Village Attorney Peter Friedman, Water & Electric Director Brian Keys, Engineering Director Jim Bernahl, Interim Police Chief Brian O'Connell, and approximately 11 persons in the audience.
- 2) Pledge of Allegiance. President Rintz led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) March 14, 2023 Study Session All of the Council members present said they expect to attend.
 - b) March 21, 2023 Regular Meeting All of the Council members present said they expect to attend.
 - c) Monday, April 3, 2023 Regular Meeting All of the Council members present said they expect to attend.
- 4) Public Comment.
 - i) Ted Wynnichenko addresses Council on concerns regarding renewable energy, lakefront matters, and street ends.
- 5) Reports:
 - a) Trustees.
 - i) Trustee Dalman states that she attended the Plan Commission meeting and addresses matters related to the Comprehensive Plan.
 - ii) Trustee Cripe commends the Fire and Police Department for their service.
 - b) Attorney. None.
 - c) Manager. None.
 - d) Village President.
 - i) President Rintz addresses concerns related to a resident inquiry regarding Village action pertaining to street end access. President Rintz also indicates that he attended the preconstruction meeting related to the Cook County site and matters related to Moffat Mall signage.
- 6) Approval of the Consent Agenda.

Trustee Dalman, seconded by Trustee Apatoff, moved to approve the Consent Agenda. By voice vote, the motion carried.

7) Consent Agenda

- a) Approval of Village Council Minutes.
 - i) February 21, 2023 Regular Meeting
- b) Approval of Warrant List dated February 10, 2023 – February 23, 2023 in the amount of \$782,138.87.
- c) Ordinance No. MC-03-2023: Amending Chapter 13.08 of the Winnetka Village Code Concerning Interconnection of Renewable Energy Sources (Adoption)
- d) Ordinance No. MC-04-2023: 232 Sheridan – GFA Corner & Rear Yard Setback Variations (Adoption)
- e) Resolution No. R-30-2023: Amending Resolution No. R-117-2022 to Amend the Method of Calculating Renewable Energy Production Credits (Adoption)
- f) Resolution No. No. R-31-2023: Approving an Intergovernmental Agreement with the Winnetka Foreign Fire Insurance Board for the Provision of Administrative Services (Adoption)
- g) Resolution No. No. R-32-2023: Awarding a Contract to A. Lamp Concrete, Inc. for the Construction of Streetscape and Site Improvements for 93 Green Bay Road (Adoption)
- h) Approval of Annual Outdoor Seating Area Permits (Adoption)

Trustee Dalman, seconded by Trustee Cripe, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Cripe, Dalman, Dearborn, and Handler. Nays: None. Absent: Trustee Swierk.

8) Ordinances and Resolutions.

- a) Ordinance No. MC-04-2023: Amending the Winnetka Village Code Regarding the Class X Special Use Liquor Permit Classification (Introduction/Adoption)
Consideration of Ordinance No. MC-04-2023 is deferred to a later meeting.
- b) Resolution No. R-33-2023: Waiving Bidding and Approving Change Order No. 1 to the Contract with Brock Industrial Services, LLC for Asbestos Abatement in Boiler #8 (Adoption)

Water & Electric Director Brian Keys confirms that after repairs to Boiler #8 in August 2022, it was determined that additional tube repairs were needed requiring the removal of additional boiler casing and insulation and, as in prior work, involves asbestos abatement.

With previous satisfactory performance completed, Village staff is recommending approval of a change order with Brock Industrial Services, LLC. While the repair of Boiler #8 was not anticipated in the 2023 Electric Fund Budget, Brian Keys addresses matters related to cost, expenses, and budget information.

Council discusses alternate solutions and life expectancy.

Village Attorney Peter Friedman states that because this is a waiver of competitive bidding, it requires a super majority vote, 2/3 of the elected Trustees, excluding President Rintz.

Trustee Dalman, seconded by Trustee Cripe, moved to adopt Resolution No. R-33-2023. By roll call vote, the motion carried. Ayes: Trustee Apatoff, Cripe, Dalman, Dearborn, and Handler. Nays: None. Absent: Trustee Swierk.

- c) Resolution No. R-34-2023: Approving Change Order No. 1 to a Contract with Independent Mechanical Industries, Inc. for Tube Installation and Boiler Casing Replacement in Boiler #8 (Adoption)

Water & Electric Director Brian Keys states that after Independent Mechanical Industries, Inc. performed a pressure test after completing repairs to Boiler #8, another leak was identified in the boiler. Because the location of the leak is unidentifiable and the extent of the repair is currently unknown, the contractor must perform additional work to determine the cost of the repair.

Brian Keys addresses Council on matters related to budget, scope of work, and anticipated timing of repairs.

Trustee Apatoff, seconded by Trustee Dalman, moved to adopt Resolution No. R-34-2023. By roll call vote, the motion carried. Ayes: Trustee Apatoff, Cripe, Dalman, Dearborn, Handler, and Swierk. Nays: None. Absent: Trustee Swierk.

- d) Ordinance No. MC-02-2023: Amending Chapter 9.12 of the Winnetka Village Code Concerning Firearm Regulations (Introduction)

Village Attorney Peter Friedman addresses Council regarding proposed amendments to the Village Code including safe storage and transportation, handgun and ammunition surrender, and penalties for violating the code provisions on firearms authorized under home rule.

Trustee Dearborn addresses concerns related to language and definitions in the Village Code and suggests that Village staff communicate the Village Code amendments to the residents.

President Rintz states that further action by Council is dependent on decisions enacted on at a State level.

Trustee Dalman, seconded by Trustee Cripe, moved to introduce Ordinance No. MC-02- 2023. By voice vote, the motion carried.

- e) Ordinance No. MC-05-2023: Village Code Update – Lakefront Regulations (Introduction)

Village Attorney Peter Friedman addresses circumstances related to the Village's corporate limits, jurisdictions under State statute, language in the ordinance, application and permitting processes and regulations as well as approvals and involvement with the Army Corps of Engineers and the Illinois Department of Natural Resources.

Peter Friedman addresses permitting approval that must align with the Village Code regulations; receipt of all permits from permitting agencies, height no greater than minimally necessary, compliance with all applicable Village Codes, project scope no more than minimally necessary, no public safety hazard, no interference with public safety operations or personnel, and alteration of existing site lines no greater than minimally necessary.

In addition, the Village Code amendments address requirements regarding Village inspections, use of a Coastal Engineer, and applicant cost expenses for consultation purposes.

Council discusses pedestrian access in regards to the public trust doctrine, permitting review process through Village Engineer Jim Bernahl, matters related to health, safety, and welfare of the public, language within the Village Code, lakefront policy, property rights, concerns related to stopgaps, and construction notices to lakefront homeowners.

President Rintz emphasizes the importance of the Village Code updates to ensure that permits are properly obtained without solely relying on other governmental agencies.

Council discusses the expectations and the importance of the Village Engineer and Coastal Engineer involvement regarding the permitting process.

Public Comment.

Lakefront homeowner addresses Council on the lack of notifications and engagement with lakefront homeowners regarding this matter.

Katie Stevens addresses Council regarding public notice and concerns related to public access and Village jurisdiction.

Judy Rauh addresses the Council regarding lakefront development issues.

Ted Wynnychenko addresses Council on notices related to lakefront development.

Chuck Dowding addresses Council on concerns related to the public beaches.

Colleen Root commends Council on their efforts related to lakefront matters and the importance of implementing the proposed ordinance.

David Stevens addresses Council on concerns related to the permitting process.

Village Attorney Peter Friedman confirms the amended changes to the Village Code for lakefront regulations.

President Rintz and Village Manager Bahan suggest that Village staff can update the Village website with ongoing permits.

Trustee Dalman, seconded by Trustee Apatoff, moved to introduce Ordinance No. MC-05-2023. By voice vote, the motion carried.

9) Old Business. None.

10) New Business. None.

11) Appointments: None.

12) Closed Session: None.

13) Adjournment. President Rintz asks for call to adjourn. Trustee Apatoff, seconded by Trustee Dalman, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:02 PM.

/s/Berina Gradjan, Deputy Village Clerk
Recording Secretary