MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
February 6, 2024

(Approved: March 5, 2024)

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, February 6, 2024, at 7:00 PM.

1) Call to Order. President Rintz called the meeting to order at 7:00 PM. Village Manager Rob Bahan called the roll. Present: Trustees Kirk Albinson, Rob Apatoff, Robert Dearborn, Kim Handler, and Bridget Orsic. Absent: Trustee Tina Dalman. Also present: Assistant Village Manager Kristin Kazenas, Deputy Village Clerk Berina Gradjan, Village Attorney Peter Friedman, Village Attorney Courtney Willits, Community Development Director David Schoon, Engineering Director Jim Bernahl, Finance Director Tim Sloth, and approximately 45 persons in the audience.

2) Pledge of Allegiance. Trustee Handler led the group in the Pledge of Allegiance.

3) Quorum.

   a) February 13, 2024 Study Session All of the Council members present said they expect to attend.

   b) February 20, 2024 Regular Meeting All of the Council members present said they expect to attend.

4) Public Comment.

   i. Ted Wynnychenko addresses Council regarding private construction along the lakefront.

   ii. Katie Stevens addresses Council regarding Cook County dog fence ordinances, Park District plans regarding Centennial and Elder, and financial matters related to donations accepted by the Park District.

5) Reports.

   a) Trustees. No report.

   b) Attorney. No report.

   c) Manager. No report.

   d) Village President. No report.

6) Establishment of the Consent Agenda.

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

7) Approval of the Consent Agenda

   a) Approval of Village Council Minutes

      i. January 9, 2024 Regular Meeting

      ii. January 16, 2024 Study Session

b) Approval of Warrant List Dated January 12, 2024 – January 25, 2024 in the amount of $1,403,884.18.

c) Resolution No. R-5-2024: Approving a Contact with Power Line Supply Company for the Purchase of 600 Volt Underground Cable (Adoption)

d) Resolution No. R-9-2024: Rejecting all Bids, Waiving Bidding Requirements, and Awarding a Contract to Resco for Four 75 KVA Pad Mount Transformers (Adoption)

e) Resolution No. R-10-2024: Waiving Bidding Requirements and Awarding a Contract to Currie Motors Commercial Center for the Purchase of a Police Vehicle (Adoption)

f) Resolution No. R-11-2024: Approving a Contract with American Underground Inc. for Sanitary Sewer Inspection Services (Adoption)

g) Resolution No. R-12-2024: Approving a First Contract Extension with Hoerr Construction, Inc. for Sewer Relining Work (Adoption)

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

8) Ordinances and Resolutions.

a) Ordinance No. M-17-2024: Granting a Variation from the Winnetka Zoning Ordinance to Allow the Construction of a Pickleball Court for Existing Residence Within the R-2 Single Family Residential District (889 Sheridan Road) (Adoption)

At the January 23rd meeting, Council advised the applicant to further consider an alternate location for the pickleball court. Community Development Director David Schoon presents the proposed revised plans submitted by the applicant.

Council commends the relocation of the pickleball court.

Trustee Dearborn, seconded by Trustee Apatoff, moved to adopt Ordinance No. M-17-2024. By roll call vote, the motion carried. Ayes: Trustees Albinson, Apatoff, Dearborn, Handler, and Orsic. Nays: None. Absent: Trustee Dalman.

b) Ordinance No. MC-1-2024: Amending the Winnetka Zoning Ordinance to Establish Bluff Regulations for Development in the Steep Slope Area Along Lake Michigan (Adoption)

Community Development Director David Schoon presents the proposed steep slope Ordinance reflecting Council's directed revisions at the January 23rd meeting regarding clarification of bluff conditions, clarification of the Engineering Director's authority, memorializing authorized waivers, clarification of expanded scope of authorized variations, addressing concerns regarding existing structures becoming non-conforming, consideration of changes to setback requirements for boathouses. In addition, Council considers changes to the proposed Ordinance relating to shelf and backfilling of retaining walls within the steep slope zone and slope transition area as well as exceptional engineering.

Public Comment

Steve Juliussan addresses Council regarding consideration of enhancements to the Ordinance based on science.

Mark Karasik, Baker & McKenzie Law Firm, addresses Council regarding concerns on the adoption of the ordinance and matters related to the preservation of the bluff. Mr.

Karasik states that if the Ordinance is adopted, “We will see you in court.”

Vijay Kotte addresses Council regarding the impacts and implications of the ordinance to homeowners along the lakefront.

Laurie Petersen commends Council for its interest in the community and preserving the community.

Louise Holland addresses matters related to the history of zoning changes and historic preservation and commends the effort to enhance the Ordinance.

Irene Smith addresses Council regarding the history and preservation of the bluff and shoreline.

John Root commends Council on matters related to jurisdiction on the lakefront and the importance of preserving the shoreline.

Jane Irwin addresses Council regarding property value concerns.

King Poor commends Council for their implementation of the Ordinance to protect the bluff and property owner rights.

Andy Cripe asks Council to further consider the language of the ordinance and engagement with the lakefront property owners.

Susie Schrieber addresses Council on the protection of the shorelines.

Katie Stevens addresses Council regarding the history of the bluffs and property owner rights.

David Stevens addresses Council regarding rules and regulations that will provide protection for the bluff.

Ted Wynnychenko addresses Council regarding public and private use of the lakefront and matters related to zoning regulations.

Bill Jackson addresses Council regarding the impact of property value and compensation matters due to implications of adopting the ordinance.

Mandy Day expresses concerns regarding the implications of the adoption of the Ordinance, impacts on property value and permitting, and urges Council to reconsider adoption of the Ordinance.

Steve Fussel addresses Council regarding the implications on lakefront homeowners as a result of the adoption of the Ordinance and the financial responsibility of those homeowners.

Mike Hara addresses Council regarding property value and property construction.

David Venkus addresses Council regarding protection of the bluff and property value.

Council discusses matters related to shelf and backfilling of retaining walls, protection and restoration regulations related to the bluff and existing structures, and requests for variances.

Trustee Orsic addresses comments regarding lakefront property sales, emphasizes the importance of enhancing lakefront rules and regulations, and states the historic context of concerns related to the bluff with previous Village Councils.

Council members emphasize the importance of their involvement with lakefront homeowners, deliberations, various discussions, and amendments to the Ordinance in order to enhance protection of the bluffs along the lakefront and protect homeowner rights.

President Rintz addresses members of the public regarding the improved regulations of the proposed Ordinance and emphasizes consideration of discussions amongst lakefront homeowners and Village Trustees.

Trustee Dearborn commends the work of the Council regarding all matters along the lakefront and states from his standpoint that the Village will defend itself against any litigation.

Trustee Albinson emphasizes the value of the preservation of bluffs and benefits of the adoption of the Ordinance.

Village Attorney Peter Friedman reads various additional revisions to the Ordinance for Council consideration.

Trustee Handler, seconded by Trustee Dearborn, moved to adopt Ordinance No. MC-1-2024 with the proposed revisions identified by the Village Attorney. By roll call vote, the motion carried. Ayes: Trustees Albinson, Apatoff, Dearborn, Handler, and Orsic. Nays: None. Absent: Trustee Dalman.

c) <u>Resolution No. R-6-2024: Establishing the Fees for the Processing of Lakefront Construction Permit Applications and Steep Slope Regulations Permit Applications (Adoption)</u>

Council reviews the establishment of fees for processing of lakefront construction permit applications and steep slope regulation permit applications.

Trustee Handler, seconded by Trustee Dearborn, moved to adopt Resolution No. R-6-2024. By roll call vote, the motion carried. Ayes: Trustees Albinson, Apatoff, Dearborn, Handler, and Orsic. Nays: None. Absent: Trustee Dalman.

d) <u>Resolution No. R-7-2024: Approving an Agreement with Di Meo Brothers, Inc. for Construction Services for the Crow Island Stormwater Storage and Conveyance Project (Adoption)</u>

Engineering Director Jim Bernahl provides historic information regarding the Crow Island Stormwater Storage and Conveyance Project and advises Council that the phases of the project will consist of underground storage installation, earthwork and grading, box storm sewer installation, watermain installation, and restoration.

Mr. Bernahl presents Council with an exhibit incorporating the areas impacted by the construction. Additionally, Mr. Bernahl presents the contractors, original and modified bid totals, and cost saving reductions by removing items from the contract.

Finance Director Tim Sloth provides information related to project costs, funding, and grants.

Council discusses cash balance, grant impacts, and cost reductions.

Trustee Apatoff, seconded by Trustee Handler, moved to adopt Resolution No. R-7-2024. By roll call vote, the motion carried. Ayes: Trustees Albinson, Apatoff, Dearborn, Handler, and Orsic. Nays: None. Absent: Trustee Dalman.

e) Resolution No. R-8-2024: Waiving Competitive Bidding and Awarding a Contract to Christy Webber Landscapes for Landscaping Services (Adoption)

As part of the Crow Island Stormwater Storage and Conveyance Project, the Village has made a commitment to remove and rebuild the landscape berm.

Engineering Director Jim Bernahl presents the proposed landscaping plans, plantings, species. Additionally, Mr. Bernahl advises Council of project costs and matters related to bidding.

President Rintz commends the landscape plans and project costs.

Because Council is waiving competitive bidding, this requires a two-thirds vote.

Trustee Apatoff, seconded by Trustee Orsic, moved to adopt Resolution No. R-8-2024. By roll call vote, the motion carried. Ayes: Trustees Albinson, Apatoff, Dearborn, Handler, and Orsic. Nays: None. Absent: Trustee Dalman.

9) Old Business. None.

10) New Business. None.

11) Appointments: None.

12) Closed Session: None.

13) Adjournment. President Rintz asks for motion to adjourn. Trustee Dearborn, seconded by Trustee Apatoff, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:47 PM.

/s/ Berina Gradjan, Deputy Village Clerk

Recording Secretary