

**REPORT OF PROCEEDINGS
OF THE
REGULAR BOARD MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTHFIELD
Tuesday, May 21, 2019 - 7:00 p.m.**

OATHS OF OFFICE

Village Clerk Stacy Sigman administered the Oaths of Office to William Fowler, III, Charles Orth and Tom Whittaker who were elected to the office of Trustee on April 2, 2019.

The meeting was called to order by President Joan Frazier. The Village Clerk took the roll call.

PRESENT: Trustees Tom Roszak
Greg Lungmus
Tom Terrill

ABSENT: John Gregorio
John Goodwin
Allan Kaplan

ALSO PRESENT: Attorney Mallory Milluzzi

As provided for by public notice, the Board of Trustees of the Village of Northfield met in the Council Chambers of the Village Hall at 7:00 p.m. on Tuesday, May 21, 2019 for the Regular Board meeting. The meeting was called to order by President Joan Frazier. The Village Clerk took the roll call.

PRESENT: President Joan Frazier
Trustees Thomas Terrill
Charles Orth
Todd Fowler
Greg Lungmus
Tom Whittaker

ABSENT: John Goodwin

ALSO PRESENT: Attorney Mallory Milluzzi

APPROVAL OF CONSENT AGENDA ITEMS:

1. Approve the Report of Proceedings from the April 16, 2019 Village Board meeting.

2. Approve the Bills and Disbursements from 4/5/19 to 5/8/19:

General Fund	\$316,178.79
Motor Fuel Tax Fund	14,030.00
Longmeadow SSA Bond & Interest	4,572.23

Foreign Fire Ins. Tax Fund	2,375.53
Water and Sanitary Sewer Fund	457,903.27
Storm Sewer Improvement Fund	1,400.00
Capital & Equipment Fund	97,250.04
Bond fund Debt Service	17,695.69
2017 Go Bond Project Fund	21,740.22
2017 Bond Fund Debt Service	<u>43,993.99</u>
TOTAL	<u>\$ 977,139.76</u>

3. Approval of a motion to approve resolutions honoring Tom Roszak, Allan Kaplan and John Gregorio for their service as Trustees on the Village Board.

4. Approve the following Commission appointment:

<u>Architectural Commissioner – Term: 4 years</u>	<u>Term</u>
Joe McInerney	5-21-19 to 9-1-22

Trustee Terrill made a motion, seconded by Trustee Lungmus, to approve Consent Agenda items 1 through 4.

Upon the following roll call vote, a motion to approve Consent Agenda items 1 through 4 was approved.

AYES:	Terrill	NAYS: 0	ABSTAIN: 0	ABSENT: Goodwin
	Orth			
	Fowler			
	Lungmus			
	Whittaker			

CONSIDERATION OF A ONE MONTH EXTENSION OF THE SPECIAL USE FOR WINTRUST BANK UNTIL JUNE 17, 2019.

Trustee Lungmus made a motion, seconded by Trustee Terrill, to approve a one month extension of the Special Use for Wintrust Bank until June 17, 2019.

Community Development Director Steve Gutierrez explained that a year ago, Wintrust Bank was granted a special use in order to build a bank branch with a drive thru facility at 1852 Willow Road. The Village’s Zoning Code requires that once you are granted a special use, a building permit must be issued within one year. The bank has found some environmental issues which were unanticipated. They have been working with the owner to get those addressed. The bank, who is the lessee, feels they are getting close to resolving the issues with the owner. However, they have requested a one month extension of their special use deadline.

President Frazier asked if there is hope that the remediation problem will be resolved in one month. Director Gutierrez said it’s just the issuance of the building permit that the deadline applies to. Staff’s permit review of the plans has been completed for some time. We just can’t

issue that permit until there is an environmental remediation plan in hand. The bank indicated they are within days of being able to provide that plan.

Trustee Terrill questioned whether the ground is clean now. Director Gutierrez indicated no, there is still contaminated soil that needs to be remediated. They will need to submit a plan outlining how they will remediate the contamination. This will come from an environmental consultant. The Village's consultant will review that plan and then issue the permit. Trustee Terrill said this could take months to remediate. Director Gutierrez said that the extension only applies to the building permit. Village Manager Stacy Sigman clarified that once the building permit is issued, they have 18 months to complete the work.

John Reagan said he is in charge of corporate real estate for Wintrust Bank and has been involved in the development and approval process for this project. They are excited about the project and are disappointed in the delay. However, they have been working closely with the owner. They had to do a little bit of restructuring because of the impact of the environmental issues. Their current schedule calls for opening in February of 2020. The bank will take care of the remediation and will use JMS for this work. They are the same firm that did the work over on the Dunkin Donut's property. They are well qualified and their plan has been reviewed and approved by the proper people. The bank has been working on this for seven months which has been longer than they hoped, but they are still engaged and excited about this location.

Trustee Terrill said he is excited to get the bank built. Mr. Reagan said that after several months of deep study, they are ready to go.

Trustee Orth asked how big a tank they have and was it tank leakage or just product that they had in the cleaners. Mr. Reagan indicated it was dry cleaning fluid. It was under the foundation and wasn't detectible until after they took down the building.

Trustee Fowler asked if there is leaching to other properties. Mr. Reagan said no, they have done about 72 bores and nothing was found.

President Frazier then requested a roll call vote to approve a one month extension of the special use for Wintrust Bank until June 17, 2019.

AYES: Terrill NAYS: 0 ABSTAIN: 0 ABSENT: Goodwin
 Orth
 Fowler
 Lungmus
 Whittaker

CONSIDERATION OF A MOTION TO APPROVE AN AMENDMENT TO THE PATRICK ENGINEERING CONTRACT IN THE AMOUNT OF \$19,126 FOR ADDITIONAL SERVICES

Trustee Whittaker made a motion, seconded by Trustee Orth, to approve an amendment to the Patrick Engineering contract in the amount of \$19,126 for additional services.

VM Sigman explained that the Village entered into an Intergovernmental Agreement with Cook County about a year and a half ago for a Phase I study of Happ Road from Winnetka Road to Willow Road. During the Phase I process, plans are reviewed by the technical teams at Cook County and IDOT. Since the roadway is owned by Cook County, they are paying 100% of the cost of the study. The Village is assisting with the technical side, procurement of contractors, and overseeing the public engagement process. During Cook County's most recent review, their engineering team wants the engineer to relook at the intersection of Winnetka and Happ. There is a temporary signal there now and the plans were to install a permanent signal. Cook County thinks the proposed configuration warrants additional study to minimize the right of way. They have asked that this be added to the Phase I work. If approved, the engineer will look at various options, based on the type of traffic going through the area, and enter into a dialogue with IDOT about the right configuration. This requires a \$19,126 and that is a change order. Under the Intergovernmental Agreement, Cook County will fully reimburse us for these additional costs. Cook County will pay 100% of the Phase I study and this change order.

President Frazier then requested a roll call vote to approve an amendment to the Patrick Engineering contract in the amount of \$19,126 for additional services.

AYES: Terrill NAYS: 0 ABSTAIN: 0 ABSENT: Goodwin
 Orth
 Fowler
 Lungmus
 Whittaker

CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE IGA WITH COOK COUNTY FOR THE HAPP ROAD PHASE I STUDY

Trustee Fowler made a motion, seconded by Trustee Whittaker to approve a resolution authorizing the execution of a second amendment to the IGA with Cook County for the Happ Road Phase I study.

VM Sigman again explained that this is part two to the prior agenda item. This allows us to invoice Cook County for these additional costs.

President Frazier then requested a roll call vote to approve a resolution authorizing the execution of a second amendment to the IGA with Cook County for the Happ Road Phase I study.

AYES: Terrill NAYS: 0 ABSTAIN: 0 ABSENT: Goodwin
 Orth
 Fowler
 Lungmus
 Whittaker

PRESENTATION ON THE VILLAGE'S MS4: MUNICIPAL SEPARATOR STORM SEWER SYSTEM

President Frazier indicated that a requirement of the Village's pollutant discharge elimination system, for storm water, is to hold an annual public meeting to allow the public to provide input as to the adequacy of the program for reducing the discharge of pollutants of local waterways. She said Caitlan Burke from Gewalt-Hamilton & Associates will provide a brief overview and then will answer questions.

Ms. Burke said she is an environmental consultant that does wetland eliminations and MTDS programs, which is an IEPA's permit for storm water discharge. Every community that is on a separated sewer systems has to have this permit to discharge storm water. There are certain things that have to be done throughout the year and on an annual basis to maintain compliance with the permit. The Public Works department handles a lot of this by doing annual outfall inspections. MWRD allows you to pick priority outfalls, such as ones right on the waterways or larger size outfalls. Public Works also does streambank inspections to look for erosion. This is done to prevent pollution of the storm water. Major pollutants seen in these areas are sediment from erosion, fertilizers, coliform and chlorides from road salts. The Village is a member of the North Branch Watershed Group. They handle a lot of the compliance and water volume monitoring above and beyond what the permit requires. There are annual dues that the Village pays to be a member of that group.

Ms. Burke indicated they put together an annual report on behalf of the Village which incorporates all of the action items that have been done throughout the year. This is then submitted to the IEPA each June 1st. This presentation is an annual requirement.

PUBLIC COMMENT

Monica Bidwell, 800 Happ Road, said she felt it was important to come to the meeting tonight to talk about the Skokie Valley Trail. She said she has a mailer with a link to a petition that the neighbors have started. Her old teacher at Sunset Ridge had invited her to join the group on Facebook because she wanted to know about how they had changed the plan that they originally went with. In the mailer that was sent out, they were going to have the trail along the abandoned railroad tracks which is under power lines and then they decided, from an

engineer who looked at it, to put it along the Village's right of way, directly behind resident's houses on the east side of Happ Road. There is a nature path there now and they would be ripping out the entire path and putting it in the backyards of the residents. A lot of residents felt there was a lot of deception involved because nobody knew what's going on and then when they voiced their concerns, there were then answers to frequently asked questions that people had started to voice. The answers were filled with inaccuracies. Now they were talking about a railroad line that existed before which is the Canadian Pacific. You cannot see the ties and the rails anymore because it is under the natural path. Some of the main concerns people had talked about were that not only are you ripping out this area, there will be safety concerns being so close to the homes, and concerns for flooding and more water will run into the residents' yards. This is the last big barrier between the residents and the car dealerships and the highway. Having grown up at 800 Happ, even across the street, there is a lot of noise and light pollution. She said she is for the bike path, but not in the current form.

Kathleen Soler, 551 Edens Lane, said her family has lived in that house for her whole life. The trail is personally very important to her and she has seen it change over the years. She is very aware of the situation on the railroad tracks, which is disturbing because ComEd currently manages it, and they spray the area with herbicides, known as Roundup. In her opinion, Northfield should be taking over the management of that space by removing the railroad tracks. In the plan for the bike path, restoration was mentioned as part of the plan and it would be much more effective and useful for the existing plant community. She walked the nature trail with three ecologists, one from Peasal & Associates and two local site stewards of the Forest Preserve and all three agreed it is not the appropriate place for the pavement for a bike path. Many of the wildflowers grow directly on the sides of the nature path. Ecologically speaking, she said it is not the ideal place for pavement. She said along with the pavement there will be two feet of gravel on the sides and existing trees will have to be cleared.

President Frazier introduced Assistant to the Village Manager Melissa DeFeo who has been working on the bike path and then asked VM Sigman to give a little background on the project. VM Sigman indicated that this project is a Phase I conceptual study. Public comment is important in the Phase I study. The Board has not made any final decisions on what will or will not go forward. The Phase I study looks at all aspects of the project such as ecological, cost, construction and impacts. The bike path has been in the Village's long range Comprehensive Plan for 20 years. The 1999 plan wanted to see the bike trail connect. The Village of Glenview was the lead on this project and we have been working with a four town consortium to try to link this region and connect to the existing regional trails. There are other

alternative locations, but none are perfect. The area the Village owns, or was referred to as the nature trail, is an old railroad right of way. That was dedicated to the Village years ago. Immediately east of that is a sliver of ComEd right of way, then east of that is the Union Pacific right of way and then east of that is a much wider ComEd right of way. The hardest entity to deal with, as far as relocating the path, is Union Pacific. Union Pacific hasn't abandoned that railroad line – meaning they have not given it up. They have retained their right to reinstate it at some point in time. Every five or six years, something comes up and they think about doing something with that corridor for a regional transportation initiative. Long term, it remains unknown. In 19 years that the various towns have tried to work with Union Pacific, nobody has been able to secure their final approval. The larger ComEd right of way, which is another possible area for the path, can easily accommodate a bike path, but there are other issues and implications. There are wetlands and a series of existing leases with businesses that utilize that right of way. Which location to proceed with will be based a lot on the public comments on the Phase I plan. At the May 29th meeting from 5:00 – 7:00 p.m. in Glenview, the residents can get their concerns out on the record and then the engineers can access them and give this Board the information they need to make an educated decision on how to proceed.

VM Sigman said preliminarily, it looks like we can move the path to the ComEd right of way, but that will come at a higher cost and we would have to disrupt the three leases currently in place (Blue Pearl, Fields and Chase Bank) that they need for their parking. If the Village would like the parking to stay, we could put the path along the ComEd right of way and when you get to the parking lots, bend over to the Union Pacific right of way and then bring it back to ComEd. The reason we want to avoid the Union Pacific right of way is that it is difficult to get cooperation from Union Pacific and they want a lot of money to lease their land. Neither ComEd nor Union Pacific ever guarantees that you can keep the path on their property in perpetuity. ComEd has been good about leasing their land to municipalities but all of their leases contain kick out clauses. If there is a point in time where ComEd needs that land the path would have to go. VM Sigman said we could decide not to do a bike path at all; leave it on the Village's existing right of way; or move it to another location such as on ComEd or Union Pacific right of way.

President Frazier reiterated that there are many obstacles with any direction taken. The three new trustees have not even discussed this matter. No decisions have been made and Melissa DeFeo will continue to advise the public through social media what is being done. The next step is to attend the May 29th open house in Glenview. We will listen to the residents and will take many issues into consideration.

Ms. Kathleen Soler thanked the Board for listening to them and felt it was important to speak before the Northfield Board. She said that the Union Pacific right of way tracks have been torn up in Northfield and Northbrook. The same path goes under a similar UP right of way in Skokie which is fully paved. She doesn't understand why that justifies not putting a path there. She has seen other villages pave the paths.

Andrea Soler, 551 Edens, asked if the path in Northbrook is owned by Union Pacific. AVM DeFeo said it is on the abandoned railroad corridor. Ms. Soler then asked where the tracks will lead from. AVM DeFeo indicated that from Voltz Road going north, it is on the abandoned Canadian Pacific line. If you went south, it would continue on the Canadian Pacific, the nature trail. VM Sigman said that railroads have federal preemptions so they are not under our jurisdiction and we would have to work with UP which is based out of Omaha. We have tried many times to reach them. There is a big difference legally when they abandon a railroad line and when they just discontinue service. When they discontinue service, they keep their rights in place to be able to come and do something in the future. When tracks are abandoned, it is much easier to put a path in. When you hear about rails to trails, those are generally on abandoned tracks. She is unaware of whether in Skokie if it was abandoned or if they are leased. Union Pacific's response, a number of years ago, is that they would lease the land but with a kick out clause and for an exorbitant amount of money. That is why we would like to minimize the amount on UP's right of way. These details still need to be worked out. When UP discontinued service, they took up the tracks to sell for scrap, but left the old railroad ties. They don't maintain the area and it is a nuisance. She was told they have federal preemption and there is nothing the Village can do to force them to get rid of the ties or take care of their property.

AVM DeFeo indicated that most of the path in Skokie is on the ComEd right of way either the big one or the small one and it does cross UP to get from one to the other. She has worked closely with the engineer in Skokie who built that trail and he said the last price they got from UP was \$1 million per mile. Our engineer said that he has been trying to talk to UP for the year that we have been working on Phase I and he hasn't gotten a call back.

Andrea Soler then said do we know what happened to the trail plans because her husband and her were involved in putting a bike path on the UP line back in 2009 and never found out what happened as to why it fell through. VM Sigman said she has been here since 1998 and they have been working on it since then. Around 2009, there was a group that was studying this, but due to lack of cooperation with the UP and the conflicts of ComEd that

ultimately made the recommendation to use the old Canadian line instead. It has not moved forward due to a lack of funding.

Carol Ritchell, 811 Happ Road, said she can clearly see the trail from her kitchen window. She thanked VM Sigman for giving them the background history. She has gone through the 100 page Baxter & Woodman report. They reported the cost of leasing from ComEd, then they spoke of a 30 year lease, but they did not consider a 30 year lease to be a problem. They specifically noted sections on the UP line that would have to be torn up. She couldn't understand the distinction between which village that was in. She thanked the Board for giving them time to have this discussion. They are not disputing the trail, just the location.

President Frazier asked Ms. Ritchell if she would object if we were able to move the path eastward to some combination of ComEd and the abandoned line. Ms. Ritchell said no, she is not objecting to continuing the trail through Northfield, but most of the residents saw the newsletter and webpage which showed a picture showed the trail going under the power lines.

Monica Bidwell, said that she doesn't think people are objecting to a trail where they originally thought it was going to be. It is the proposed location. People objected when they learned it was going to go through the nature trail and would be in people's backyards.

AVM DeFeo indicated that the engineers estimated that leasing the trail from the proposed abandoned right of way and the combination of ComEd and UP would add about \$298,000. Most of the cost is the lease with the UP. VM Sigman added that another \$60,000 to \$75,000 in engineering would be needed to adjust the Phase I report. It would be roughly \$300,000 in construction and lease costs and about \$60,000 to \$75,000 in engineering costs.

Dennis Smith, 1875 Old Willow Road, said he is on the board for the Middlefork Woods Condo Association and he asked where the Village is thinking of running when you exit the trail because it goes to their northern boundary. He asked if it is back to the railroad side. AVM DeFeo said the proposed plan has the path starting at Willow Road and taking the ComEd right of way up and then shifting over near their northern border. A letter was mailed this week to his Association saying the Village is going to request an easement, onto the most northern point of their property, to do an S curve onto the abandoned railroad corridor.

Department Updates

Administration

VM Sigman reported as follows:

Work continues on the Phase I Happ Road study and expects it will be another three months to do the additional engineering work associated with that intersection. In late summer or fall, there will be a public meeting on that study. Staff has also been working on the

reconstruction of Northfield Road which is a state letting so IDOT put the bid out and we received a grant for the reconstruction and expect work to start in the next couple of weeks. During construction, Northfield Road will become northbound only from Winnetka to Willow, to ensure emergency response times.

Community Development Department & Building Department

Director Gutierrez reported as follows:

The Comprehensive Plan Steering Committee will meet tomorrow night to review the results of the subarea workshop, which was held in April. It was a well-attended workshop and many great ideas were given about the subareas. The meeting will also serve as a final check in with the Committee on the consultant's preliminary ideas before the consultant starts to draft the actual plan document. This will be done over the summer and then they will come back with a draft new Comprehensive Plan which will be vetted by the Steering Committee. The final draft will eventually go to Plan & Zoning Commission and the Board. A public open house will be held in the fall.

The Northfield Park District is planning a number of improvements at Clarkson Park. They received a grant and to build a few structures and undertake a general makeover of some of the equipment at the park, such as adding a band shell, replacing the picnic shelter, adding sidewalks, install a splash pad, and replacing the playground equipment. Various aspects of these plans will be reviewed by the Plan & Zoning Commission on June 3rd, Zoning Board of Appeals on June 5th and the Architectural Commission on June 10th. The band shell component is subject to a special use which will go through P&Z Commission, Architectural Commission and finally to the Board for final vote.

The general contractor for the pizza place at 300 Happ Road has contacted the Village for their inspection from the Health Department. That is generally the last step of the Village's permitting process before occupancy is granted. The owner has not return calls, but the general contractor said they plan on opening in mid-June. Trustee Orth asked if this was the former pizza location. Director Gutierrez said yes, but is under different ownership. He added that the Park District will be holding a series of open houses on their plans on May 18, May 22 and May 30.

Finance Department

Finance Director Noble reported as follows:

The financial report is in the packets for the month of March. The fiscal year runs May 1st through April 30th. The Finance Department is still expecting to collect some bills for services that were performed in April, but that he feels pretty good on the expense side. On the revenue

side, we are still waiting on a few items that accrued back to last year. For example, May and June sales tax numbers are accrued back into the prior fiscal year because that was when the sales tax was actually earned. We remain on track to have a substantial surplus in the General Fund next year. President Frazier asked what he considers substantial. Director Noble said that in the budget it was \$165,000 which would be more than they had budgeted.

VM Sigman added that the meetings on the Clarkson Park renovations are being held at the Clarkson Lodge on May 22nd from 6:30 to 8:00 p.m. and on May 30th from 6:30 to 8:00 p.m.

Vehicle stickers went on sale last week and it was a slow start but business has picked up this week. Currently the Village has collected about \$58,000 in revenue in just the last week. We budget a little over \$200,000 a year in vehicle sticker sales. On July 1st, they are due to be on people's cars and after that there is a 50% penalty.

Last week, the auditors were at the Village for preliminary field work going through some of the routine things. They were very complimentary of the finance staff being very organized and providing them all the information requested. They will be back to the Village of June 17th to spend a week here. The audit will then be drafted and will be available in time for the Board's review at the September Committee of the Whole meeting.

Fire-Rescue & Public Works Departments

Assistant Fire-Rescue Chief Tom Burke reported as follows:

Public Works: Two seasonal employees started last week and there will be two more coming in early June. The Garden Club will begin planting on Thursday, May 23rd and Public Works will assist them. Public Works had a surprise inspection from Illinois OSHA and the inspector was very impressed with our facility. However, we were given two citations, one was that we didn't have a current validation sticker on the lifts in the vehicle maintenance area and some cleaning needed to be done in the parts room. Both issues have been taken care of already. An employee for the company that usually does our stickers passed away. Staff also has to get back to OSHA by June 5th to give them some of our policies and training procedures.

Fire-Rescue: Since the last Board meeting, they responded to 120 calls for service and went to two out of town fires, a townhouse in Prospect Heights and a residence in Evanston. They participated in MABAS Division 3 spring training which is where 18 towns in the area trained together in Rosemont. They used a 7 or 8 story parking structure that is being taken down so they could do high rise training. They received a grant from MABAS Division 3 on radios and accountability system and on May 8, 9 and 10th training was started. The portable radios are in service on the rigs now and the accountability system is still being set up.

Police Department

Chief Lustig reported as follows:

Training was completed last week for the New Trier Graduation Party. There are a few special watches in town and they continue to monitor the traffic on Latrobe, Linden and Lockwood due to cut through traffic because of the construction. The speed monitor will stay at Frontage Road. Chief Lustig believes that the police department is making progress as far as the speeding and stop sign violations in that area. Police have been monitoring Eaton for two weeks because there were signs up and residents complained of speeders. Traffic on Willow Road is continuing to be monitored also.

They have been advertising for a new officer and are accepting applications.

Trustee Whittaker thanked the police department for having a high profile at Sunset Ridge School which gives everyone an added sense of security.

Mr. McKevit, who lives in Meadowlake, said there is a pothole on Winnetka Road and the ditches and the draining water could be undermining and eating away the asphalt and a car might hit it and stop suddenly. He understands it is a County highway, but Northfield residents drive on that road. It should have been fixed weeks ago. Trustee Orth indicated the pothole is by the three townhouses on the south side of the street and agreed it is very big and should be filled in with gravel. VM Sigman said it is the County's responsibility and she would let them know about it tomorrow. She said that the Village doesn't have authority to work in the County's Right of Way. The Village is working with the County on an intergovernmental agreement to help handle things like this in the future.

ADJOURNMENT

There being no further discussion or issues to come before the Board, Trustee Whittaker made a motion, seconded by Trustee Orth to adjourn the meeting.

Upon the following roll call vote, the motion was approved.

AYES:	Terrill	NAYS: 0	ABSTAIN: 0	ABSENT:	Goodwin
	Orth				
	Fowler				
	Lungmus				
	Whittaker				

The meeting was adjourned at 8:04 p.m.