

**MINUTES
of the
REGULAR BOARD MEETING
OF THE BOARD OF TRUSTEES
VILLAGE OF NORTHFIELD
Monday, January 20, 2009 - 7:00 p.m.**

The Board of Trustees of the Village of Northfield met in the Council Chambers of the Village Hall for the Regular Board meeting on Monday, January 20, 2009 at 7:00 p.m. The meeting was called to order by President John Birkinbine. The Village Clerk called the roll.

PRESENT:	President Trustees	John Birkinbine, Jr. John Chapin, Jr. Frank Charhut Joan Frazier Terry Gottlieb Fred Teichert
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ABSENT:	Trustee	Ted Greene
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APPROVAL OF CONSENT AGENDA ITEMS:

Trustee Gottlieb made a motion, seconded by Trustee Charhut, to approve Consent Agenda items 1 through 8.

1. Approve the Minutes of the December 1, 2008 Village Board meeting.
2. Approve the Bills and Disbursements from 11/15/08 to 1/9/09 in the amount of \$930,882.09.
3. Approve an ordinance implementing an Indemnification Agreement with Cook County to permit work by Village crews on County rights of way.
4. Approve a resolution with the State of Illinois to permit work on State highway rights of way by Village crews.
- 5A. Approve a resolution reappointing Village Manager Stacy Alberts Sigman Village Clerk for 2009.
- 5B. Approve a resolution reappointing Finance Director Steve Noble Deputy Village Clerk for 2009.
- 5C. Approve a resolution reappointing Finance Director Steve Noble Treasurer for 2009.
6. Approve an ordinance amending Chapter 8, Article IV, Section 8-64, Fee Structure, and Section 8-66, Billing, pertaining to residential waste billing.
7. Approve an ordinance amending Chapter 16, Alcohol, Section 16-6, License Fee and Number of Licenses, changing the number of Class K licenses to zero.
8. Approve a resolution amending the 401(a) qualified retirement plan.

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

AYES:	Chapin Charhut Frazier Gottlieb Teichert	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
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CONSIDERATION OF AN ORDINANCE GRANTING A SPECIAL USE TO PERMIT THE CONTINUED OPERATION OF CAFÉ BARJEN RESTAURANT LOCATED AT 540 FRONTAGE ROAD

Trustee Chapin made a motion, seconded by Trustee Gottlieb to approve an ordinance granting a Special Use to Café Barjen to permit the continued operation of the restaurant located at 540 Frontage Road subject to specific conditions.

Community Development Director Anne Kane provided that the Plan and Zoning Commission conducted a public hearing to consider a new special use for a new owner who would continue the operation of Café Barjen located in the office building at 540 Frontage Road. The new owner intends to operate the restaurant in the same way that Café Barjen was operated which means they will be open during business hours Monday through Friday. They did ask to use the kitchen facilities for catering and special events where only the cooking facilities would be used and the restaurant would not be open on weekends. The former special use includes that same provision.

Trustee Teichert noted that in the minutes of the Plan and Zoning Commission meeting it was discussed that the previous owner failed to meet the special use permit by not installing a dumpster enclosure. He asked whether this would be inspected before the new owner gets the permit to make sure they comply with the special use.

Director Kane responded that it was the office building manager's responsibility to put in the enclosure rather than a requirement of the petitioner of the special use. She noted that the deadline has been extended to May 1 to allow construction to occur in better weather. The Village is trying to remedy a situation that was not caught a few years ago.

Manager Sigman noted that Trustee Teichert is correct and that it should have been done prior to the opening of the restaurant. Because that work is separate and part of the common building area improvement it was not caught and done prior to the opening of the restaurant.

Following discussion and upon the following roll call vote, the motion was approved.

AYES:	Chapin	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
	Gottlieb			
	Charhut			
	Frazier			
	Teichert			

CONSIDERATION OF AN ORDINANCE AMENDING APPENDIX A, ZONING ORDINANCE, ARTICLE XIII, TO INCORPORATE THE VILLAGE CENTER DESIGN GUIDELINES

Trustee Charhut made a motion, seconded by Trustee Chapin to approve an ordinance amending the Municipal Code, Appendix A, Zoning Ordinance, Article XIII to incorporate the Village Center Design Guidelines to the criteria for evaluating future changes in use or redevelopment proposals in the Village Center Zoning District.

Director Kane responded that the Architectural Commission has finalized the Village Center

Design Guidelines which was a subset to the adoption last spring of the Village Center Redevelopment Plan. At the December Committee of the Whole meeting it was suggested that the Village's Zoning Ordinance be amended to reflect these guidelines as one of the criteria by which redevelopment proposals would be evaluated which can then be cited and referred to by the Plan and Zoning and Architectural Commissions in their review of plans.

Trustee Frazier asked who decides if a proposed change is in conformance with the guidelines? Second, what happens if someone comes in and they don't meet the guidelines does that mean they cannot build?

Director Kane responded that the Plan and Zoning Commission would review the findings by which they develop their recommendation. Staff often writes a recommending report including its recommendations. Then it goes to the Plan and Zoning Commission for the next step and ultimately the Village Board who then must approve the plan.

Manager Sigman noted that in the case of areas that do not go to the Plan and Zoning Commission, they would just go to the Architectural Commission.

Resident Tom Fitzgerald of Middlefork Woods asked if this impacts the gas stations that are currently vacant in the community.

Director Kane responded that the design guidelines would impact any redevelopment proposal that is brought forth for those vacant buildings/properties.

Mr. Fitzgerald then asked if there is any progress to report on those sites.

Director Kane noted that on the vacant BP site which is next to the Middlefork River, notice has been sent to the owner to demolish the building. The deadline was last week. Staff has had discussions this morning with the demolition contractor bidding on that project and is working cooperatively with the property owner to facilitate the process and get the permit issued so they can demolish the building, tear up the concrete and seed the property.

Manager Sigman noted that the owner did not apply for a permit. They were given notice that they had to tear down the building within a certain amount of time and part of that process is to secure a permit from the Village. There is also a County permit that is necessary. They have not gone through that process yet. The person handling it from BP was terminated during a series of recent layoffs a couple of weeks ago. If the Village cannot get them to move forward on it quickly, we will have to issue tickets and take them through the court system to get the demolition work done.

Director Kane responded to Mr. Fitzgerald on the second gas station site noting that the deadline had also passed for the gas station at Walnut and Willow Road that the Village is in litigation with. Because the Village is in litigation on the property, we have been having our Attorney's firm handle those negotiations. Director Kane stated that she will have to remind them that the deadline has passed. Again tickets would have to be issued and we would have to take them to court.

Mr. Fitzgerald asked if the Village would be issuing tickets.

Manager Sigman responded that we will be issuing tickets for the BP site and that she would have to talk to the Attorneys handling the litigation on the other site to find out how to bind the other.

Trustee Frazier asked what is meant when we say the Village Center Design Guidelines. Does that encompass the decorative recommendations that were made in the booklet the Board saw and the heights in the Village Center.

Director Kane responded that it is just the decorative aspects, not the building heights.

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

AYES:	Charhut Chapin Gottlieb Frazier Teichert	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
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CONSIDERATION OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2 MILLION IN ALTERNATE BONDS FOR THE 2009 ROAD RESURFACING PROGRAM

Trustee Chapin made a motion, seconded by Trustee Gottlieb to approve an ordinance authorizing the issuance of up to \$2 million in Alternate Bonds for the 2009 Roadway Resurfacing program.

Finance Director Noble stated that back in December the Capital Improvement subcommittee met and made a recommendation that the Village proceed with leveraging its motor fuel tax annual allotment by issuing bonds pledging the MFT allotment as security on the bonds. The funds would be used to repave as many Village streets as possible in 2009. The ordinance before you is the first step of several in this process. The ordinance is authorization to proceed putting the public on notice that the Village intends to issue bonds. The ordinance will be published in the local newspaper to give notice so the public has time to review the proposed funding and has notice of the public hearing which will be held at the February Board meeting. He noted that it will most likely be April before the bonds are issued.

President Birkinbine clarified with Director Noble that the amount of the bonds is up to \$2 million but we would not necessarily be spending that much. Director Noble said \$2 million is a not to exceed number. He anticipates it will most likely be about \$1.7 million given current interest rates.

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

AYES:	Charhut Chapin Gottlieb Frazier Teichert	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
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CONSIDERATION OF A RESOLUTION NOTING INTENT TO ISSUE BONDS USING MOTOR FUEL TAX FUNDS

Trustee Charhut made a motion, seconded by Trustee Teichert to approve a resolution for IDOT

noting the Village's intent to issue bonds using Motor Fuel Tax funds to retire that debt.

Director Noble added that this resolution is a requirement which the Illinois Department of Transportation places on Villages who intend to issue bonds and intend on using MFT funds to retire that debt.

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

AYES:	Charhut Chapin Gottlieb Frazier Teichert	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
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CONSIDERATION OF AN AGREEMENT WITH GEWALT HAMILTON ASSOCIATES, INC. FOR ENGINEERING SERVICES FOR THE 2009 ROADWAY RESURFACING PROGRAM IN AN AMOUNT NOT TO EXCEED \$99,500

Trustee Teichert made a motion, seconded by Trustee Frazier to approve an agreement with Gewalt Hamilton Associates, Inc. for engineering services for the 2009 Roadway Resurfacing program in an amount not to exceed \$99,500.

Director Noble stated that given the Village's intent to issue bonds to do the roadwork, the agreement is for the engineering firm to actually design the work. He noted that Gewalt Hamilton oversaw the 2008 road program and staff was very satisfied with their work and recommends approval of the attached agreement.

Trustee Gottlieb asked if staff anticipates that engineer Pat Glenn would be working on the project or whether he would be involved in some other project.

Community Development Director Kane responded that it would be done by project engineers in the Gewalt Hamilton office and overseen by Pat Glenn.

Trustee Frazier questioned whether the proposal should be incorporated into the agreement.

Attorney Duggan noted that it would not be a bad idea to say that the proposal is incorporated by reference into the agreement. He noted that could be added to the proposal. On page 2 Trustee Frazier noted where it talks about reimbursable expenses and mentions "printing, photos, travel, etc." She noted she does not like to see "etc." in contracts. Also regarding travel, she asked if that is according to Gewalt Hamilton's travel policy or the Village's reimbursement policy. It is not clear on the nature of their reimbursable expenses and she would feel more comfortable if it is more clearly defined and capped.

Attorney Duggan noted that it would be clarified before the contract is signed.

Trustee Frazier also noted that on Page 2 of the agreement, number 2 talks about "hourly payment for contingency services" – she would prefer it would say "per the agreement of the Village or by the direction of the Village."

Attorney Duggan responded that in construction contracts contingency services cannot be

performed unless signed off by the Village. They have to be specifically requested by the Village. He noted he will review this to see it is worded appropriately.

Trustee Charhut asked whether the reimbursable expenses are considered over and above the \$99,500.

Manager Sigman responded "yes."

Trustee Charhut further noted that there is no limit on it.

Manager Sigman noted that staff can cap the reimbursable expenses but said that she has never had any reimbursable expenses submitted by Gewalt Hamilton except for extra copies of items in the five or six years the Village has worked with them. She added that she does not anticipate travel, parking or anything else, unless the Village directs them to go to some extra ordinary lengths. She noted that on the Stormwater Report the Village asked for four additional copies and we were charged for them. She added she was sure they would have no problem capping the amount of reimbursable.

Trustee Charhut asked if the amount would be set at 5%.

Manager Sigman said it would not be that high, more like \$500. She will cap it at \$500 and state "unless expressing approved by the Village."

There was a question by resident Estabrooke of Mt. Pleasant who wanted to know how it was decided what roads would be worked on in 2009.

Manager Sigman noted that in 2005, the Village contracted with the engineering firm of Burns and McDonald to do a comprehensive evaluation of every public street that the Village controlled. They did soil testing, pavement assessment, and evaluated every street to determine if it was acceptable and needed no work, if it needed minor repairs, if it needed resurfacing and/or if it needed complete reconstruction. They evaluated the streets using typical civil engineering standards and came up with a matrix. The Village redid some of the streets in 2008; we did a combination of streets that needed total reconstruction and some that needed only resurfacing. It is a balance. When streets needing only resurfacing are put off, they deteriorate and may then become a total reconstruction project raising the cost. So the Village tries to get to some streets that could be done before requiring more extensive work and raise the cost. The hope is that the Village will be able to do all or most of the remaining streets that need to be done as part of the 2009 bond issue. If not, they would be looking at the remaining streets on a per unit cost basis, looking at the streets that need the most immediate attention and make the dollars go the farthest. She offered to show a map of the streets done in 2008 and those scheduled for 2009. The remaining streets those not included in 2008 or 2009) were determined by Burns and McDonald to be in an acceptable condition and not in need of any resurfacing or restructuring at this time.

Resident Estabrooke noted that in one year, their street has deteriorated and it is not on the list for 2009. She asked how they could get their street (Mt. Pleasant 1600 area) considered.

Manager Sigman responded she would need to consider the best process on that noting that the engineering study done in 2005 was fairly extensive and she is not sure the Village is able to go through another study so soon. Manager Sigman noted, however, that by letting her know about the

street that has a problem, she can get the engineer to look at it to determine what work needs to be done. She added that there may be some specific areas that due to flooding problems or other issues need to be looked at. She further added that the bond issue will not cover 100% of the streets identified now particularly those that need total reconstruction. It is a balancing act. The street noted by resident Estabrooke is Mt. Pleasant in the 1600 area.

Trustee Teichert noted that it does seem flooding affects the condition of a road.

Manager Sigman agreed and noted that in trying to evaluate the useful life of a road, it was difficult - the engineer said it depends on the soil, the hydraulics in the area and added that some roads last 20-25 years while others they have reached their prime in 10 years. In areas where there is flooding, the water disturbs the subsoil and there is more movement, more freezing and thawing.

President Birkinbine summarized the four changes and additions to the motion: 1) make the proposal part of the agreement; 2) put a cap on expenses of \$500, 3) remove the word "etc." in the language of the proposal and 4) clarify the contingent services in addition to adding a cap on costs.

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

AYES:	Charhut	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
	Chapin			
	Gottlieb			
	Frazier			
	Teichert			

CONSIDERATION TO AUTHORIZE THE VILLAGE PRESIDENT TO EXECUTE THE IDOT PRELIMINARY ENGINEERING AND CONSTRUCTION GUIDANCE AGREEMENT FOR THE 2009 ROADWAY RESURFACING PROGRAM

Trustee Chapin made a motion, seconded by Trustee Frazier to approve authorizing the Village President to execute the IDOT Preliminary Engineering and Construction Guidance Agreement for the 2009 Roadway Resurfacing Program.

Director Noble explained that Engineer Pat Glenn attaches his proposal to this agreement and sends it into IDOT. It is a document required by IDOT.

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

AYES:	Charhut	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
	Chapin			
	Gottlieb			
	Frazier			
	Teichert			

CONSIDERATION OF A RESOLUTION APPROPRIATING \$105,000 OF MOTOR FUEL TAX FUNDS FOR THE DESIGN ENGINEERING OF THE 2009 ROADWAY RESURFACING PROGRAM

Trustee Chapin made a motion, seconded by Trustee Gottlieb to approve a resolution appropriating \$105,000 of Motor Fuel Tax funds for the design/engineering of the 2009 Roadway Resurfacing Program.

Director Noble noted that this document is somewhat redundant but is called for by IDOT

indicating that the Village is appropriating funds for a specific project and in this case for the design of the project. He noted that the Village is able to do this because we came in under budget for the road construction project for 2008. Since we are in the same fiscal year, we are able to allocate the funds for the 2009 project and still stay within our original 2008-09 budget. He added that he knows that the recommendation includes a \$5500 contingency which is strictly for convenience because to amend these project documents is very difficult. He stated that staff does not anticipate going over the \$99,500 but \$5,500 was added to be on the safe side. He noted that last year's engineering costs came in \$16,000 under what was appropriated.

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

AYES:	Charhut Chapin Gottlieb Frazier Teichert	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
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CONSIDERATION OF A 7 YEAR AGREEMENT WITH WASTE MANAGEMENT NORTHWEST TO PROVIDE RESIDENTIAL AND COMMERCIAL SOLID WASTE AND RECYCLING COLLECTION AND DISPOSAL SERVICES FROM MAY 1, 2009 TO APRIL 30, 2016.

Trustee Frazier made a motion, seconded by Trustee Chapin to approve an agreement with Waste Management Northwest to provide residential and commercial solid waste and recycling collection and disposal services from May 1, 2009 to April 30, 2016.

Manager Sigman noted that the current waste and recycling contract expires May 1, 2009. She noted that staff has spent the last year and a half on how to best to move forward with waste hauling services. Staff considered negotiating with the existing vendor and going out to bid. In the end, we decided to go out for competitive proposals and see what the market was doing. One of the reasons the Village considered negotiation with the existing vendor is that we have had 13 years of service with them and they have been providing exceptional service to Northfield residents. She noted that Northfield is an unusual town to service given the size of our streets, the number of private roads, and other special services.

Manager Sigman noted that the Village received five (5) proposals from various waste haulers and Waste Management our current vendor was the lowest bidder in both residential and commercial waste hauling. A seven (7) year contract has been developed for the Board's consideration which allows additional terms should a future Board determine they want to extend it.

President Birkinbine noted that he was interested to find it also calls for Waste Management to pick up one bulk item per week not including white goods (stoves, refrigerators, washers/dryers, etc) as part of the basic service cost.

Manager Sigman also noted that staff was able to get a couple of concessions with Waste Management which include continuing to offer toter rental and purchase as an option. Because we are staying with the same vendor, residents can keep their current toters and not purchase new ones.

We are also able to continue having Waste Management pick up dead deer as part of the base service fee and not as an additional cost as proposed. In the current base price of \$12.45 (it includes a \$2.00 recycling cart rental fee) since we mandate that residents use a special recycling tote. The new proposed price of \$14.03 includes the container without an additional rental fee.

Trustee Chapin asked if the new contract requires the purchase of a recyclable toter if one does not own one today.

Manager Sigman responded that under the new contract, they will provide you with a recycling toter free of charge – it is included in the base bid price. If residents want to recycle, they are required to have the toter. If a resident wants a cart for their garbage, they can rent it from Waste Management for \$2.25 a month or purchase it. They vary from \$50 to \$60 for various toter sizes.

Manager Sigman noted that Brook Beale of SWANCC has acted as a consultant in the development of the contract and he is present if the Board has any additional questions.

Trustee Gottlieb asked for clarification on whether the cost of \$14.03 includes the use of a recycling container. If a resident already has a container, they do not get a discount.

Manager Sigman responded “no” to the discount.

Trustee Charhut stated that if he understands the Waste Management contract correctly, our current recycling containers are free and if you have a twice a week pick up it will amount to approximately a 28% increase.

Manager Sigman clarified the current basic fee for waste and recycling collection was \$10.45 plus a mandatory \$2.00 rental fee for the recycling toter or \$12.45. The new rate will be \$14.03 with the \$2.25 toter fee already included which means a 12.7% increase over the 2008 price which is substantially lower than any of the other bidding vendors.

Trustee Gottlieb asked about increases from year to year.

Manager Sigman noted increases are set by the contract and are based on the CPI. There is a base and a cap. There is a minimum 2% adjustment and a maximum 5% each May 1, based on the CPI.

Trustee Chapin asked if they still get 2% if the CPI goes below that number.

Manager Sigman responded yes, they would still get 2% (the minimum).

Trustee Charhut asked what Waste Management will charge for a 65 gallon container.

Manager Sigman noted that to rent all containers is \$2.25 and to purchase it is \$60 for the 95 gallon toters and \$50 for the 65 and 34 gallon toters.

There being no further discussion and upon the following roll call vote, the motion was approved.

AYES:	Charhut Chapin Gottlieb Frazier Teichert	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
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Board Updates

Miscellaneous

Resident John Kemper asked about repair of the bridge on Winnetka Road over the Edens where barricades are currently blocking the sidewalk.

Manager Sigman reported that the last update received from IDOT indicates that the work will take place in late February or early March 2009. It was originally scheduled to be completed in fall 2008 but there was some additional structural engineering work that the State felt needed to be done so they are planning to do more extensive repairs to the bridge than was originally anticipated. IDOT has assured her that the bridge is structurally sound and safe to leave open to traffic.

Resident Kemper also noted the number of pot holes on Winnetka Road. He also asked about reconstruction of the road by the County.

Manager Sigman responded that we can contact the County about filling the pot holes but with temperatures below freezing, often they do not hold. As far as the reconstruction of the road, Winnetka Road is planned for redesign in 2009 and hopefully funded in 2010 or 2011 depending on whether there is additional right of way needed for the reconstruction. If right of ways is needed, it will take 2010 to secure them and rebuild in 2011. If no rights of way or easements are necessary, the County has indicated they will attempt to advance fund the project into 2010. If you look at the County plan, the dollars are appropriated for 2011. All of this is subject to those dollars being available.

Resident Estabrooke also noted that East Frontage Road is in extreme disrepair.

Manager Sigman promised that the Village will contact the County to get pot holes filled along East Frontage Road as well as Winnetka Road.

Resident Gavin Blunt asked to be part of the budget process prior to the March Budget workshop which is usually too late to consider new ideas. He noted he has some innovative ideas and wants to be involved earlier in the budget process so they can be considered.

ADJOURN TO CLOSED SESSION

Trustee Chapin made a motion, seconded by Trustee Frazier to adjourn to closed session at 7:50 p.m. to discuss personnel and litigation issues.

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

AYES:	Charhut	NAYS: 0	ABSTAIN: 0	ABSENT: Greene
	Chapin			
	Gottlieb			
	Frazier			
	Teichert			

RETURN TO OPEN SESSION

ADJOURNMENT

There being no further business to come before the Board, Trustee Chapin made a motion,

seconded by Trustee Greene to adjourn the meeting at 9:58 p.m.

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

AYES: Charhut
Chapin
Gottlieb
Frazier
Teichert

NAYS: 0

ABSTAIN: 0

ABSENT: Greene