



Agenda Item Executive Summary

Title: Resolution No. R-58-2019: Intergovernmental Agreement with New Trier High School (Adoption) and Execution of Letter of Understanding (Motion)

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

Agenda Date: 06/18/19

- Ordinance
- Resolution
- Bid Authorization/Award
- Policy Direction
- Informational Only

Consent: YES NO

Item History:

On June 10, 2019, after an extended period of negotiations with the Village, the New Trier High School District 203 Board of Education (NTHS) approved an Intergovernmental Agreement (IGA) with the Village of Winnetka that would permit construction of underground stormwater storage beneath Duke Childs Field, as part of the Village overall flood risk reduction strategy. The IGA also provides zoning approval for NTHS to construct improved athletic facilities on Duke Childs Field, including an additional softball field, additional parking, and an improved maintenance and support facility.

Executive Summary:

In 2016, Strand Associates presented a stormwater vision for western and southwestern portions of Winnetka to the Village Council. The stormwater vision consisted of an engineered stormwater management wetland on property owned by the Forest Preserve District of Cook County (FPDCC); above and below-ground stormwater storage in open land controlled by other local governmental bodies; and a network of larger conveyance pipes. The Village Council found the overall concept worth pursuing, and directed Strand and Village staff to begin negotiating with the FPDCC. These negotiations culminated in August, 2017, with a Memorandum of Understanding (MOU) outlining the conditions that would enable the Village to develop Forest Preserve property for a stormwater management wetland. A key condition of the MOU was the requirement that the Village obtain approval, in the form of IGA's from other local government agencies for construction of stormwater storage projects on other open lands within the Village.

After Council approval of the MOU, the Village began discussions with NTHS regarding stormwater storage on Duke Childs Field. Village staff, NTHS, and Strand looked at several below-grade options to provide portions of the storage necessary in the greater Duke Childs Field/Skokie Playfield property. Concurrently, NTHS recognized the potential opportunity to upgrade their facilities in conjunction with the expected construction disruption. NTHS has for many years sought solutions to flooding, to replace inadequate changing and bathroom facilities, to improve parking, to reduce issues related to errant baseballs and to facilitate gender equity between softball and baseball. Over the ensuing 12 months, NTHS and the Village developed and evaluated a number of concepts that would accommodate the necessary stormwater improvements as well as modernize the existing athletic complex, finally identifying a cost-effective solutions that provides necessary Village stormwater relief and improves drainage and functionality of a key NTHS athletic complex.

The stormwater improvement consists of 14.2 acre-feet of underground stormwater storage under the lacrosse/soccer fields. The project would also allow the construction NTHS' proposed improvements. The stormwater storage project will not impact use of the existing baseball or softball fields and will ultimately improve playability by virtue of the new underground storage vaults. The stormwater improvement will also allow NTHS to abandon the discharge outlet to the Skokie River that is ineffective in draining the field even after relatively minor rain events. The Village improvements also provide the necessary compensatory storage to satisfy the regulatory requirements associated with the increase in impervious surfaces created by NTHS' field improvements.

Under NTHS' field improvements, the site will be reconfigured to have two baseball and two softball fields, with baseball fields remaining in their existing locations and a new softball field constructed in the northeast corner. The varsity baseball field will be constructed with an artificial turf infield and the entire varsity softball field will be turf. Netting will be installed to prevent spectators at events and balls from hitting cars in the parking lot and passing the field while traveling along Willow Road. The existing access road off of Hibbard Avenue will be repaved and additional parking will be added at that location, with costs shared by the Village and the District. The service building, which is a converted picnic pavilion with inadequate changing and bathroom facilities will be replaced with a new structure. Batting cages will also be installed adjacent to the structure.

Executive Summary (continued):

The proposed IGA for the Duke Childs property will become the new document governing the relationship between the Village and the District regarding the property. The agreement was negotiated over the course of the past year and both parties have made fair and reasonable compromises that will benefit both our respective and shared constituencies. The Village will be allowed to install an underground storm water detention system and water quality improvements on the eastern portion of the property. In turn, the District will benefit from a significant reduction in flooding on the property that will provide protection for a 50-year storm, have proposed District improvements approved by the Village outside the traditional zoning process while saving approximately \$2.5M in associated storm water detention costs that would have otherwise been required for these improvements. The IGA also replaces the Covenants of Sale placed on the property when it was sold to the District from the Village in 1979, while retaining key open space and utility access provisions negotiated during the original land transfer.

The Village will provide the necessary zoning relief for the project via a Zoning Ordinance text amendment allowing the project to be considered by the Village Council for final approval without going through the typical Special Use/Variation/Design Review process, and a Resolution approving the necessary zoning/design review approvals of the field, parking, and building components of NTHS' improvements.

In addition to the IGA, Zoning Ordinance text amendment, and Zoning Approval Resolution, the parties have negotiated a Letter of Understanding regarding the disposition of the existing Declaration of Covenants, should the Village not proceed with constructing the stormwater improvements contemplated by the IGA. In that Letter, the Village and NTHS agree that they will use good faith and best efforts to negotiate a new easement agreement that a) terminates the Declaration of Covenants; b) maintains the concept of open space for the property; c) contemplates, among other things, the presently constructed Village and District improvements existing on Duke Childs Field; and d) encourages collaboration on alternative storm water mitigation solutions.

Recommendation:

1. Consider adoption of Resolution No. R-58-2019, approving and Intergovernmental Agreement regarding stormwater improvements at Duke Childs Field between the Board of Education of New Trier Township High School District 203 and the Village of Winnetka.
2. Consider authorizing the Village President to execute a "Letter of Understanding Regarding Declaration of Covenants and IGA Easement Agreement" between the Board of Education of New Trier Township High School District 203 and the Village of Winnetka.

Attachments:

- 1) Resolution No. R-58-2019- Intergovernmental Agreement
-Exhibits A - P (due to file size, these Exhibits are available for download on Village website at: <https://www.villageofwinnetka.org/residents/stormwater-management/>)
- 2) Letter of Understanding regarding Declaration of Covenants

RESOLUTION NO. R-58-2019

**A RESOLUTION APPROVING AN
INTERGOVERNMENTAL COOPERATION AGREEMENT
REGARDING STORMWATER IMPROVEMENTS AT DUKE CHILDS FIELD
BETWEEN THE BOARD OF EDUCATION OF NEW TRIER TOWNSHIP HIGH
SCHOOL DISTRICT NO. 203 AND
THE VILLAGE OF WINNETKA**

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 has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village and the Forest Preserve District of Cook County ("*District*") have entered into an August 2, 2017 Memorandum of Understanding ("*MOU*") to formalize their cooperation on a project to provide stormwater relief to western and southwestern portions of the Village; and

WHEREAS, in addition to the part of the stormwater project to be constructed on District property north of Winnetka Avenue and west of Hibbard Road, the Village has determined that the remaining stormwater storage, conveyance, and water quality improvements for the Village stormwater project necessary to provide flood relief ("*Village Stormwater Improvements*") must be constructed, in part, on existing open spaces currently owned by New Trier Township High School District No. 203 ("*School District*") and known as the Duke Childs Field at the northwest corner of Willow Road and Hibbard Road in the Village ("*Property*"); and

WHEREAS, the School District has for some time desired to reconfigure the athletic fields on the Property and add other related improvements ("*Field Improvements*"); and

WHEREAS, the need for and construction of the Village Stormwater Improvements provides a once in a generation opportunity to create significant stormwater relief to the Village as well as to the School District for the Property and the ability of the School District to provide the Field Improvements in a cost-effective and expedited manner; and

WHEREAS, the Village and the School District desire to enter into an intergovernmental cooperation agreement ("*IGA*") in order to comply with the MOU and to ensure a level of cooperation and coordination necessary to maximize flood relief for impacted homes and property and to enhance the facilities on the School District Property; and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to enter into the IGA with the School District; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth in this Section.

SECTION 2: APPROVAL OF IGA. The Village Council hereby approves, pursuant to the Village's home rule powers, the IGA in substantially the form attached to this Resolution as **Exhibit A**, and in a final form to be approved by the Village Attorney.

SECTION 3: AUTHORIZATION TO EXECUTE IGA. The Village Council hereby authorizes and directs, pursuant to the Village's home rule powers, the Village President and the Village Clerk to execute and seal, on behalf of the Village, the final IGA between the Village and the School District.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this ____ day of____, 2019, pursuant to the following roll call vote:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk