

Regular Meeting  
**WINNETKA VILLAGE COUNCIL**  
**Police Department**  
**410 Green Bay Road**  
Winnetka, Illinois 60093  
August 16, 2011  
7:30 p.m.

Emails regarding any agenda item are welcomed. Please email [LRosenthal@winnetka.org](mailto:LRosenthal@winnetka.org), and your email will be relayed to the Council members. Emails for the Tuesday Council meeting must be received by Monday at 4 p.m. Any email may be subject to disclosure under the Freedom of Information Act.

**AGENDA**

- 1) Call to Order
- 2) Pledge of Allegiance to the Flag
- 3) Quorum
  - a) September 6, 2011, Regular Meeting
  - b) September 13, 2011, Study Session
- 4) Approval of Agenda
- 5) Consent Agenda
  - a) Village Council Minutes.
    - i) July 19, 2011, Regular Meeting.....3
    - b) Warrant Lists Nos. 1713 and 1714 .....8
- 6) Village Auditor: Comprehensive Annual Financial Report (CAFR) (distributed separately)
- 7) Ordinances and Resolutions
  - a) Ordinance No. M-13-2011 – Establishing Special Service Area No. 4, Providing for Pavement and Stormwater Improvements to the Public Alley bounded by Elm-Oak-Locust-Rosewood - Introduction .....9
  - b) Ordinance No. M-14-2011 – Establishing Special Service Area No. 5, Providing for Pavement and Stormwater Improvements to the Public Alley bounded by Elm-Oak-Rosewood-Glendale – Introduction .....23
  - c) Ordinance No. M-12-2011 – Zoning Variation: 314 Woodland – Introduction.....34
- 8) Public Comment and Questions
- 9) Old Business
  - a) Stormwater Update:
    - i) Evaluation of Backflow Prevention Reimbursement Program.....86
    - ii) Stormwater Improvement Financing Options: Stormwater Utility .....94
    - iii) Proposed Timeline – Stormwater Management Activities .....129

- 10) New Business
  - a) Request to Place Flags on Village Green.....132
- 11) Reports
- 12) Appointments
- 13) Executive Session
- 14) Adjournment

**NOTICE**

All agenda materials are available at [villageofwinnetka.org](http://villageofwinnetka.org) (*Council > Current Agenda*), the Reference Desk at the Winnetka Library, or in the Manager’s Office at Village Hall (2<sup>nd</sup> floor).

Videos of the Regular Village Council meetings are televised on Channel 10, M-W-F-Sa-Su at 7:00PM, and on Channel 18 M-F-Su at 7:00AM or 7:00PM. Videos of meetings may also be viewed on a link at the Village’s web site: [villageofwinnetka.org](http://villageofwinnetka.org)

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Liz Rosenthal, at 510 Green Bay Road, Winnetka, Illinois 60093, 847.716.3540; T.D.D. 847.501.6041.

**MINUTES  
WINNETKA VILLAGE COUNCIL  
REGULAR MEETING  
July 19, 2011**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, July 19, 2011, at 7:30 p.m.

- 1) Call to Order. President Tucker called the meeting to order at 7:33 p.m. Present: Trustees Arthur Braun, Gene Greable, Bill Johnson, Richard Kates, Chris Rintz and Jennifer Spinney, who arrived at 7:40 p.m. Absent: None. Also present: Village Manager Robert Bahan, Village Attorney Katherine Janega, Director of Community Development Mike D'Onofrio, Finance Director Ed McKee, Public Works Director Steve Saunders and approximately 20 persons in the audience.
- 2) Pledge of Allegiance. President Tucker led the group in the Pledge of Allegiance.
- 3) Quorum.
  - a) August 2, 2011, Regular Meeting. All of the Council members present indicated that they expected to attend.
  - b) August 9, 2011, Study Session. **(Cancelled)**
  - c) August 16, 2011, Regular Meeting. All of the Council members present, with the exception of Trustee Kates, indicated that they expected to attend.
- 4) Approval of the Agenda. Trustee Johnson, seconded by Trustee Greable, moved to approve the Agenda. By roll call vote, the motion carried. Ayes: Trustees Braun, Greable, Kates, Johnson, and Rintz. Nays: None. Absent: Trustee Spinney.
- 5) Consent Agenda
  - a) Village Council Minutes.
    - i) June 7, 2011, Regular Meeting.
    - ii) June 14, 2011, Study Session.
  - b) Warrant Lists Nos. 1709 and 1710. Approving Warrant List No. 1709 in the amount of \$1,292,872.02, and Warrant List No. 1710 in the amount of \$285,058.25.
  - c) Resolution R-26-2011: Approving and Establishing the Police Chief's Salary. This Resolution sets and approves the salary for the new Police Chief, Patrick Kreis.
  - d) Change Order: 2011 Street Rehabilitation Contract. Authorizes Change Order #1 to the 2011 Street Rehabilitation Program in the amount of \$179,252, taking advantage of favorable contract prices, to add additional streets in need of resurfacing to this year's contract.

Trustee Johnson, seconded by Trustee Kates, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Braun, Greable, Kates, Johnson, Rintz. Nays: None. Absent: Trustee Spinney.

6) Ordinances and Resolutions.

- a) Ordinance M-11-2011: Zoning Variation – 718 Hibbard -- Introduction. Mr. D’Onofrio reviewed this request for gross floor area (GFA) and front and side yard setback variations, as well as a variation to allow an accessory building to be closer to the street line than the principal building. He said the variations are being requested to allow replacing the current front-loading, four-car garage with a smaller, side-loading three-car garage, that will conform in height and be moved closer to the side yard in order to provide a more balanced view of the house as seen from the street.

Mr. D’Onofrio explained that the GFA variation request is necessary because the 2002 zoning amendments caused a legal, nonconforming GFA, but noted that the proposed work would reduce both the GFA and the roofed lot coverage.

Trustee Spinney arrived at 7:40 p.m.

Mr. D’Onofrio briefly reviewed the zoning amendments enacted after the home’s construction, and added that the ZBA has voted 5-0 to recommend approval of the requested variations.

The applicant’s architect, Scott Renken, reviewed the proposal and expressed hope that the new, relocated garage would maximize the aesthetics for the homeowners and neighbors. He explained that alternative locations were not possible because of the irregular shape of the property, and noted that the height, overall square footage and impermeable surface are all being reduced.

James Bender, of Vantage Design, which owns the property, reported that the neighbor to the south of the Subject Property opposes the variation, and that he has tried to make the view from the south as pleasing as possible.

The Council had a lengthy discussion with Mr. Bender about trying to reach a compromise with the neighbor to the south, either by using landscaping to screen the new garage, moving the proposed new garage further to the north, or adding architectural elements to the south wall to improve the view of that elevation.

In answer to a question about reasonable return, Mr. Bender explained that the house is infamous in Winnetka for the size and location of the garage, that the home has been vacant for years, and will be very difficult to sell as is. He added that the south side of the property was chosen because the north side yard abuts the side yard of the neighbors to the north and would have a more negative effect on their light and air.

The Council encouraged Mr. Bender to reach a compromise with the neighbors who object to the variation.

Suzanne Timble, 1296 Hackberry, expressed a concern with safety if the variance for a 3-foot setback is granted.

Vickie Woodward, 1277 Hackberry, agreed that all of the neighbors would love for the existing four-car garage to be demolished, expressed concern for her property values and asked for a guarantee that there would be a landscaped screen planted to shield the garage from view from the south side. She also read a letter from her neighbors Mr. & Mrs. Randle, at 1295 Hackberry, objecting to the side yard setback variation.

Ken Harris, 711 Hibbard, said his property faces the Subject Property, described it as an eyesore, and added that he supports the variations.

Attorney Janega outlined the Council's options: (i) defer the matter entirely so the neighbors and property owner can try to reach an agreement; (ii) introduce the Ordinance, give the parties time to negotiate and then incorporate the outcome into the final Ordinance at adoption; or (iii) remand the matter to the ZBA for a further hearing. She said any solution that includes a new zoning variation will trigger a new notice and hearing before the ZBA.

After discussing modifying the request to make the proposal more palatable to Ms. Woodward, the Council reached a consensus reached to defer introduction of the Ordinance until the August 2<sup>nd</sup> Council Meeting, and if a solution has been worked out by then, introduction could be waived so the Ordinance would be adopted at that time.

Trustee Rintz stated that any agreement for a landscaped screen must be accompanied by a specific landscaping plan developed by a landscape architect. Mr. Bender agreed.

- b) Ordinance MC-7-2011: Commercial & Mixed Use Property Maintenance Code – Introduction. As a commercial property owner, Trustee Braun recused himself from the discussion and stepped down from the Council dais.

Attorney Janega noted that this ordinance is not a single-family residential property maintenance code, gave a history of the issue from 2006 onward, and explained that the proposed draft Ordinance for the Council's consideration addresses only commercial district mixed use properties.

Attorney Janega reviewed the provisions contained in the draft ordinance and explained that the policy questions for the Council to consider include: (i) whether to adopt a property maintenance code (PMC); (ii) whether a PMC would apply to mixed uses or only to the residential uses in the commercial district; and (iii) whether to adopt the model IPMC by reference.

The Council inquired about various provisions in the draft ordinance, including whether common areas of condominium building should be covered under the PMC, after which the public was invited to comment.

Mr. James Sayegh, Winnetka Galleria, said he favored applying the code only to residential apartments, and not to commercial spaces.

Ms. Cicely Michalak, 351 Ridge and Chair of the BCDC, applauded the Council for taking the time to consider a PMC, and said she hoped progress would continue to be made towards adopting the ordinance.

After a thorough discussion, the Council generally agreed to proceed with the process of adopting a commercial and mixed-use property maintenance code, and directed staff to (i) to remove any provisions affecting condominiums, (ii) revise the definition of scope and intent regarding how owners and tenants would be dealt with, (iii) confirm dates with regard to heating supply to tenants, and (iv) keep the issue of unintended consequences in mind.

President Tucker said there was a consensus to move forward, but that the issues and points raised in the evening's discussion need to be incorporated.

Attorney Janega reiterated the Council's directive, and added that, because the PMC has been represented to the community as one that will not apply to single family residential uses, she would not include residential rental properties that were single family homes or coach houses, unless the Council explicitly requests otherwise.

7) Public Comment and Questions. Mr. Ted Wynnychenko, 1215 Elm, commented that he did not think his recent appeal before the ZBA was fair and he requested another hearing. Attorney Janega explained that he needs to contact the ZBA to request a re-hearing.

8) Old Business.

a) Cost/Benefit Analysis, Flood Risk Reduction Projects. Mr. Saunders presented the proposal from Christopher B. Burke Engineering Ltd., to perform a cost-benefit analysis of the recommendations presented at the July 12 study session. He reported that the purpose of the proposed cost benefit project is to give the Council more concrete information with which to make decisions on which stormwater projects to include in a long-term plan, and how best to prioritize them. He said the information will be valuable when the time comes for community discussion about a flood risk reduction program. He noted that the timing of projects also needs to be examined in light of how they intersect with other community projects; e.g., the Park District's planned improvements for the Skokie Playfields.

The Council discussed the cost/benefit project, with Trustee Kates expressing skepticism about the economic consequences of flooding that only impacts traffic flow, such as in the ravine area.

Mr. Burke explained that the methodology used by CBBEL is generally accepted and developed primarily by FEMA, and is often used to rank flood control or reduction projects. He added that the Metropolitan Water Reclamation District went through a similar process with its detail watershed plans for the Chicago River.

Trustee Braun expressed concern that homes in the Village have a decreased assessed value, which will skew the results of the cost/benefit analysis.

Trustee Kates also expressed concern about information being made public that would affect the real estate market in Winnetka.

Further discussion ensued, and Trustee Rintz requested that President Tucker call the question.

President Tucker asked for a motion to authorize CBBEL to perform the proposed cost-benefit analysis.

Trustee Greable, seconded by Trustee Spinney, moved to authorize Christopher B. Burke Engineering, Ltd. to perform a Cost Benefit Analysis of the proposed improvement projects identified in the 2009 and 2011 Flood Risk Reduction Assessment Reports in an amount not to exceed \$14, 800. By roll call vote, the motion carried. Ayes: Trustees Rintz, Spinney, Greable and President Tucker. Nays: Trustees Johnson, Kates and Braun. Absent: None.

9) New Business.

- a) Strategic Goals and Objectives. Due to the lateness of the hour this item was postponed for discussion at a future meeting.

10) Reports

- a) Village President. President Tucker congratulated Winnetka's new Police Chief, Patrick Kreis.
- b) Trustees.
  - i) Trustee Greable reported that he had a discussion with the Village's accountant, Ron Amen, who assured the Council that Mr. McKee and his staff are doing an excellent job and he has no concerns with respect to the Village's accounts. He also reported that he attended the NWMC Banquet on July 6<sup>th</sup> and the Chamber of Commerce meeting on July 12<sup>th</sup>.
  - ii) Trustee Rintz reported that, in his role as Chair of the Village Hall Technical Committee, he had inspected the Village Hall construction last Friday, and that most of the interior demolition is finished and the reconstruction should begin shortly.
  - iii) Trustee Kates reported that the Police Pension Board would be meeting Thursday morning.
- c) Attorney. None.
- d) Manager. None.

11) Appointments. None.

12) Executive Session. Trustee Braun moved to adjourn into Executive Session to discuss Pending and Probable Litigation, pursuant to Section 2(c)(11) of the Illinois Open Meetings Act. Trustee Johnson seconded the motion. By roll call vote, the motion carried. Ayes: Trustees Braun, Greable, Kates, Johnson, Rintz and Spinney. Nays: None. Absent: None. The Council adjourned into Executive Session at 11:26 p.m.

The Council reconvened into Regular Session at 11:35 p.m. Present: President Tucker, Trustees Braun, Greable, Kates, Johnson, Rintz and Spinney. Nays: None. Absent: None. Also present: Village Manager Rob Bahan and Village Attorney Katherine Janega.

13) Adjournment. Trustee Spinney, seconded by Trustee Rintz, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Braun, Greable, Kates, Johnson, Rintz and Spinney. Nays: None. Absent: None. The meeting adjourned at 11:36 p.m.

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Recording Secretary

## AGENDA REPORT

SUBJECT:           **Warrant Lists Nos. 1713 and 1714**

PREPARED BY:     Robert Bahan, Village Manager

DATE:              August 12, 2011

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Warrants Lists Nos. 1713 and 1714 are enclosed in each Council member's packet.

**Recommendation:** Consider approving Warrants Lists Nos. 1713 and 1714.

## **Agenda Report**

**Subject: Ordinance M-13-2011 – Establishing Special Service Area No. 4, Providing for Pavement and Stormwater Improvements to the Public Alley bounded by Elm-Oak-Locust-Rosewood**

**Ordinance M-14-2011 – Establishing Special Service Area No. 5, Providing for Pavement and Stormwater Improvements to the Public Alley bounded by Elm-Oak-Rosewood-Glendale**

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

Date: August 10, 2011

Ref.: April 20, 2010 Regular Council Meeting  
May 18, 2010 Regular Council Meeting  
June 7, 2011 Regular Council Meeting  
June 21, 2011 Regular Council Meeting

### **Background**

There are 1.9 miles of public alleys in the Village of Winnetka, which serve both commercial and residential properties. This includes four unpaved gravel alleys, having a total length of 0.34 miles (1,800 feet, or 17.9%). These four alleys have been unpaved since the neighborhoods in which they are located were originally developed. It appears to have been common practice when the Village was developed that in residential areas, the streets were paved, but the alleys were not.

Over the years, many of the alleys in the Village, particularly those in the area bounded by Pine Street and Willow Road west of the downtown area, have been paved in concrete. For at least 40 years – and probably longer – the Village’s policy for improving these alleys has been that the Village pays 15% of the cost to initially pave an alley, and the adjacent residents pay 85% of the cost of the alley construction. Once an alley has been paved, the Village has always assumed the cost of maintenance and repairs.

The Village Council modified this policy at its April 20, 2010 meeting, to increase the Village’s share in alley paving projects to 75%, with the remaining 25% to be funded by adjacent property owners. This is more reflective of how the few other municipalities in the area with gravel alleys fund improvement projects. Subsequent to this policy modification, staff has been working with residents adjacent to two of the four unpaved alleys to complete paving and drainage improvements.

### **Special Service Areas**

Since the property owners’ interest in proceeding with the two paving projects is not unanimous, the only option available for securing the 25% private funding required by

Council policy is to establish a Special Service Area (SSA) for each project. An SSA is a very commonly used means for municipalities to finance public improvements. Under this method of financing, the cost of a public improvement may be assessed to the property tax bills of those properties benefiting from the improvement. SSA revenues can be used to pay principal and interest for alternate revenue bonds that would fund the public improvement.

The process for establishing a Special Service Area requires several steps, summarized as follows:

1. An ordinance proposing the Special Service Area must be introduced, and a public hearing date set.
2. Public notice must be provided for the hearing, both in published form, and by direct mail to property owners within the proposed Special Service Area
3. A public hearing must be held on the proposed Special Service Area.
4. After the conclusion of the public hearing, a 60-day waiting period takes place, during which objections to the Special Service Area may be filed, in the form of a petition objecting to the establishment of the Special Service Area, signed by at least 51% of the electors and 51% of the property owners within the proposed Special Service Area.
5. After the 60-day waiting period, and if no objections have been filed, the Council may adopt the ordinance establishing the Special Service Area

The Village has completed each of these steps, and the 60-day waiting period expired August 7, 2011, with no objections having been filed.

### **Project Description**

The proposed project for each of the two new special service areas consists of excavating the existing gravel alley to re-establish its original grade, installing stormwater drainage, including possible connection points to facilitate connections from the adjacent properties, and constructing a 16-foot wide, 9-inch thick concrete alley within the 20-foot alley right-of-way. Staff's estimate of the costs for constructing these improvements in the Elm – Oak – Locust – Rosewood alley is \$118,400. These costs would be paid through the establishment of Special Service Area No. 4. Staff's estimate of the costs for constructing these improvements in the Elm – Oak – Rosewood – Glendale is \$129,000. These costs would be paid through the establishment of Special Service Area No. 5.

### **Special Service Area No. 4: Elm – Oak – Locust – Rosewood**

Ordinance M-13-2011 establishes Special Service Area No. 4 to fund the 25% homeowners' share of the proposed improvements to the Elm – Oak – Locust – Rosewood alley. The proposed boundaries of Special Service Area No. 4, shown on Exhibit B of Ordinance M-13-2011, contain 15 properties that abut the alley and that have garage access. Three properties, 1004 Elm, 1005 Oak, and 1050 Elm, are excluded from Special Service Area No. 4 as they do not have garage access to the alley. Each of

these property owners has agreed to contribute a reduced amount to the project, 50% of the calculated assessment for the Special Service Area. The proposed Special Service Area No. 4 provides for the costs of the project to be financed over a 5-year period at an interest rate not to exceed 5.00% per annum. The amount to be financed is not to exceed 25% of the estimated project cost, times 125%, or \$37,000.

### **Special Service Area No. 5: Elm – Oak – Rosewood – Glendale**

Ordinance M-14-2011 establishes Special Service Area No. 5 to fund the 25% homeowners' share of the proposed improvements to the Elm – Oak – Locust – Rosewood alley. The proposed boundaries of Special Service Area No. 5, shown on Exhibit B of Ordinance M-14-2011, contain 17 properties that abut the alley and that have garage access. Two properties, 1110 Elm and 1111 Oak, are excluded from Special Service Area No. 4 as they do not have garage access to the alley. Each of these property owners has agreed to contribute a reduced amount to the project, 50% of the calculated assessment for the Special Service Area. The proposed Special Service Area No. 5 provides for the costs of the project to be financed over a 5-year period at an interest rate not to exceed 5.00% per annum. The amount to be financed is not to exceed 25% of the estimated project cost, times 125%, or \$40,312.50.

### **Budget**

The total estimated cost of the project for SSA No. 4 is estimated to be \$118,400, with the Village's share being 75% or \$88,800. The total estimated cost of the project for SSA No. 5 is estimated to be \$129,000, with the Village's share being 75% or \$88,800.

Although these two projects are not separately identified in the FY 2011-2012 budget, it was anticipated in the budget process that they would be funded from Capital Account 10-30-640-139 (Street Rehabilitation), which account contains \$1,100,000. Staff is seeking bids for these projects and anticipates providing the Council with a contract award recommendation at the September 6, 2011 Council meeting.

### **Recommendation:**

1. Consider introduction of Ordinance M-13-2011 establishing Special Service Area No. 4, providing for pavement and stormwater improvements to the alley bounded by Elm Street, Oak Street, Locust Street, and Rosewood Avenue.
2. Consider introduction of Ordinance M-14-2011 establishing Special Service Area No. 5, providing for pavement and stormwater improvements to the alley bounded by Elm Street, Oak Street, Rosewood Avenue, and Glendale Avenue.

### **Attachments:**

1. Ordinance M-13-2011
2. Ordinance M-14-2011
3. Minutes of June 7, 2011 Council Meeting (Public Hearing)

**ORDINANCE NO. M-13-2011**

**AN ORDINANCE  
ESTABLISHING WINNETKA SPECIAL SERVICE AREA NO. 4  
IN THE VILLAGE OF WINNETKA, ILLINOIS  
(Locust-Rosewood-Elm-Oak Alley Improvements)**

**WHEREAS**, the Village of Winnetka (“Village”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the public health, safety and welfare of its citizens; and

**WHEREAS**, it is in the public interest that the area described in Exhibit A and depicted on the map in Exhibit B (“Territory”), which exhibits are attached to and made a part of this Ordinance, be established as Winnetka Special Service Area No. 4 for the purposes set forth herein; and

**WHEREAS**, the Territory is a single family residential area consisting of properties bounded by Elm Street, Oak Street, Locust Street, and Rosewood Avenue, and constitutes a compact and contiguous residential territory; and

**WHEREAS**, the owners of the properties in the Territory have requested that the corporate authorities (“Village Council”) give consideration to the establishment of a special service area in order to provide for the construction of a storm sewer and a new concrete alley, and the construction of related appurtenances to the Territory (“Services”); and

**WHEREAS**, the Services proposed to be provided to Winnetka Special Service Area No. 4 will supplement services currently or customarily provided by the Village to the Territory, in particular in connection with the alley and storm drainage infrastructure, in that the proposed Winnetka Special Service Area No. 4 is intended to improve stormwater drainage to the Territory and to construct a new concrete public alley to Village standards; and

**WHEREAS**, the Services proposed to be provided in Winnetka Special Service Area No. 4 are unique and in addition to the general municipal services provided to the Village as a whole and will be for the common interests and specific benefit of the Territory; and

**WHEREAS**, a special service area has been proposed so that bonds or other duly authorized financing instrument may be issued to meet the costs of the Services for the Territory,

said bonds or financing instrument to be payable from taxes levied on all taxable property within the Territory, in addition to all other Village taxes so levied; and

**WHEREAS**, the bonds or other duly authorized financing instrument proposed to be issued for the purpose of paying the cost of providing the Services (“Bonds”) shall be in an amount not to exceed One Hundred Forty-Eight Thousand Dollars (\$148,000.00), which equals 125% of the estimated cost of the Services and shall be secured by the full faith and credit of the Territory; and

**WHEREAS**, the Bonds are to mature over a period of not to exceed five (5) years from the issuance thereof and shall bear interest at a rate or rates not to exceed five per cent (5%) per annum or the maximum rate then permitted by law; and

**WHEREAS**, the Bonds are to be retired by the levy of a direct annual tax, sufficient to pay the interest and principal on the Bonds as the same come due, upon all taxable property within the Territory for a period of not to exceed five (5) years, and the tax levied for the retirement of the Bonds shall be unlimited as to the rate or amount in addition to all other taxes permitted by law; and

**WHEREAS**, the establishment of the proposed special service area was proposed by the Village Council pursuant to Ordinance M-2-2011, “An Ordinance Proposing the Establishment of the Village of Winnetka Special Service Area No. 4 in the Village of Winnetka and Providing for a Public Hearing and Other Procedures in Connection Therewith,” which was enacted on April 26, 2011, and was considered at a public hearing (“Hearing”) held by the Village Council on June 7, 2011; and

**WHEREAS**, the Hearing was held pursuant to a Notice of Hearing, which was attached to Ordinance M-2-2011 and is attached hereto as Exhibit C and made a part of this Ordinance (“Notice of Hearing”); and

**WHEREAS**, the territory proposed to be included in the proposed special service area consisted of eighteen (18) parcels of property on the block bounded by Elm Street, Oak Street, Locust Street, and Rosewood Avenue, which properties were identified and described in Ordinance M-2-2011 and the exhibits thereto, including the Notice of Hearing (“Proposed Territory”); and

**WHEREAS**, the Notice of Hearing was duly published at least fifteen (15) days prior to the Hearing in the *Winnetka Talk*, a newspaper published in the Winnetka area and being in general circulation in the Village of Winnetka, and pursuant to notice by mail; and

**WHEREAS**, mailed notice of the Hearing was given by depositing a copy of the Notice of Hearing in the United States mails addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the Proposed Territory not less than ten (10) days prior to the time set for the Hearing and, in the event taxes for the last preceding year were not paid, said Notice of Hearing was sent to the person or persons last listed on the tax rolls prior to that year as the owner or owners of said property; and

**WHEREAS**, said notices conformed in all respects to the requirements of the Special Service Area Tax Law, 35 ILCS 200/27-5, *et seq.*; and

**WHEREAS**, at the Hearing, all interested persons, including all persons owning taxable property within the Proposed Territory, were given an opportunity to be heard on the question of the creation of the special service area, the levy or imposition of a tax in the Proposed Territory and the issuance of bonds providing for special services, as set forth in the Notice of the Hearing; and

**WHEREAS**, at the Hearing, the owners of certain properties at the edge of the Proposed Territory requested that they be excluded from Special Service Area No. 4 because they do not use the alley for access; and

**WHEREAS**, at the close of the hearing on June 7, 2011, the Village Council determined that it would consider amending the boundaries of proposed Special Service Area No. 4, provided the owners of the properties seeking to be excluded agreed to pay, in full, one-half of the amount indentified in Ordinance M-2-2011 as their share of the project costs, and provided that the removal of the properties did not affect the contiguity of the proposed Special Service Area No. 4; and

**WHEREAS**, in accordance with Section 27-35 of the Special Service Area Tax Law, 35 ILCS 200/27-35, the Village Council enacted Ordinance M-09-2011 on June 21, 2011, the date of its first regular meeting after the public hearing, which Ordinance amended the Territory by deleting the parcels of property commonly known as 1004 Elm Street, 1050 Elm Street and 1005

Oak Street in the Village of Winnetka, Illinois (“Deleted Parcels”), from proposed Special Service Area No. 4; and

**WHEREAS**, the removal of the Deleted Parcels from Special Service Area No. 4 does not affect the contiguity of the Territory; and

**WHEREAS**, no petition that objects to the establishment of the proposed special service area, the enlargement thereof, the levy or imposition of a tax or the issuance of the Bonds for the provision of the Services to the Territory, or to a proposed increase in the tax rate and that is signed (i) by at least 51% of the electors residing within the Territory and also (ii) by at least 51% of the owners of record of the land included within the Territory, has been filed with the Village Clerk within 60 days following the final adjournment of the Hearing; and

**WHEREAS**, it is in the public interest of the Village of Winnetka that Winnetka Special Service Area No. 4 be established in the Territory and that the Services to be provided to the Territory be paid for by the issuance of the Bonds and the related levy of a special tax against all property located within the Territory; and

**WHEREAS**, the Village Council, having given consideration to the proposal, deem it advisable to initiate proceedings under the applicable laws of the State of Illinois in connection with such proposal; and

**WHEREAS**, Article VII, Section 6(i) of the Illinois Constitution provides, in pertinent part, that “the General Assembly may not deny or limit the power of home rule units . . . to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.”

**NOW, THEREFORE**, the Council of the Village of Winnetka do ordain as follows:

**SECTION 1:** That the facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby incorporated into this Ordinance by reference as the findings of the Council of the Village of Winnetka (“Village Council”), as if fully set forth herein.

**SECTION 2:** That the public hearing on the proposed special service area was adjourned on June 7, 2011.

**SECTION 3:** That no petition that objects to the establishment of the proposed Winnetka Special Service Area No. 4, the enlargement thereof, the levy or imposition of a tax or

the issuance of the Bonds for the provision of the Services to the Territory, or to a proposed increase in the tax rate and that is signed (i) by at least 51% of the electors residing within the Territory and also (ii) by at least 51% of the owners of record of the land included within the Territory, has been filed with the Village Clerk within 60 days following the final adjournment of the public hearing.

**SECTION 4:** That after considering the data as presented at the public hearing, the Village Council find that it is in the public interest and in the interest of the Territory, that Village of Winnetka Special Service Area No. 4, as hereinafter described, be established.

**SECTION 5:** That a special service area to be known and designated as “Village of Winnetka Special Service Area No. 4” (“SSA No. 4”) is hereby established and shall consist of the territory legally described in Exhibit A, a copy of which is attached hereto and is made a part of this Ordinance.

**SECTION 6:** That the territory of SSA No. 4 consists of the properties lying within the block bounded by Elm Street on the north, Oak Street on the south, Locust Street on the east, and Rosewood Avenue on the west, and consists of fifteen (15) properties, which properties are known by the following permanent property index numbers (“PIN”) and the approximate common street locations described below:

<b>P.I.N.</b>	<b>STREET ADDRESS</b>
05-20-110-002	1044 Elm
05-20-110-003	1040 Elm
05-20-110-024	1036 Elm
05-20-110-022	1026 Elm
05-20-110-008	1020 Elm
05-20-110-009	1016 Elm
05-20-110-010	1010 Elm
05-20-110-026	511 Rosewood
05-20-110-014	1041 Oak
05-20-110-015	1037 Oak
05-20-110-016	1035 Oak
05-20-110-017	1031 Oak
05-20-110-018	1025 Oak
05-20-110-019	1015 Oak
05-20-110-020	1011 Oak

**SECTION 7:** That the purpose of the establishment of SSA No. 4 is to provide for the construction of a storm sewer and a new concrete alley, and the furnishing of all necessary labor

and materials in connection therewith, and any other similar types of amenities and improvements that shall be compatible with the proposed improved plan for the Territory (“Services”). All of the Services will supplement services currently or customarily provided by the Village to the Territory, in that SSA No. 4 is intended to improve stormwater drainage and access to the properties in the Territory by constructing a new storm sewer and a concrete alley to Village standards.

**SECTION 8:** That SSA No. 4 is also created so that bonds or such other financing instrument as may be authorized by law may be issued to meet the costs of the Services for SSA No. 4 and for the purposes aforesaid, said bonds or financing instrument (“Bonds”) to be payable from taxes levied on the property in the Territory, in addition to all other Village taxes so levied; provided, that the Bonds shall not be issued in excess of the principal amount of One Hundred Forty-Eight Thousand Dollars (\$148,000.00); provided, that the Bonds shall be at an interest rate not to exceed five per cent (5.00%) per annum and shall be retired over a period not to exceed five (5) years. The Bonds, if issued, shall be retired by the levy of a direct tax on all taxable real property within the Territory to discharge the principal as it matures and the interest thereon as it comes due, and said tax shall be in addition to all other taxes presently levied by any taxing district within the Territory.

**SECTION 9:** That SSA No. 4 shall terminate not later than the fifth anniversary of the issuance of the Bonds, unless prior to such date the Village enacts an ordinance extending the duration of SSA Area No. 4.

**SECTION 10:** That the Village Clerk is hereby directed to file a certified copy of this Ordinance creating SSA No. 4, including Exhibits A, B and C, along with an accurate map of the Territory, with the County Clerk of Cook County no later than 60 days after the passage and approval of this Ordinance.

**SECTION 11:** That this Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

[Remainder of this page intentionally left blank.]

**SECTION 12:** That this Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

**PASSED** this \_\_\_ day of \_\_\_\_\_, 2011, pursuant to the following roll call vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** this \_\_\_ day of \_\_\_\_\_, 2011.

Signed:

\_\_\_\_\_  
Village President

Countersigned:

\_\_\_\_\_  
Village Clerk

Introduced: August 16, 2011

Posted:

Passed and Approved:

Posted:

**Exhibit A**

**WINNETKA SPECIAL SERVICE AREA NO. 4  
Elm-Oak-Locust-Rosewood Alley Improvements**

**Legal Description.**

That portion of land in Section 20, Township 42 North, Range 13 East of the third Principal Meridian, in the Village of Winnetka, Cook County, Illinois, described as follows: Lots 2, 3, 4, 5, 8, 9, 13, 14, 15, 16, 17, 18 and 19, and the east ½ of Lot 6, in Block 5 of Groveland Addition to Winnetka;

and

Lot 1 in Fox’s Consolidation of Lot 7 and the West ½ of Lot 6 in Block 5 of the Groveland Addition to Winnetka in Section 20, Township 42 North, Range 13 East of the third principal meridian, in the Village of Winnetka, Cook County, Illinois;

and

Lot 1 of the Myefski, Cook, & Cummins I Subdivision, a Resubdivision of Lots 11 and 12 in Block 5 of the Groveland Addition to Winnetka in Section 20, Township 42 North, Range 13 East of the third principal meridian, in the Village of Winnetka, Cook County, Illinois.

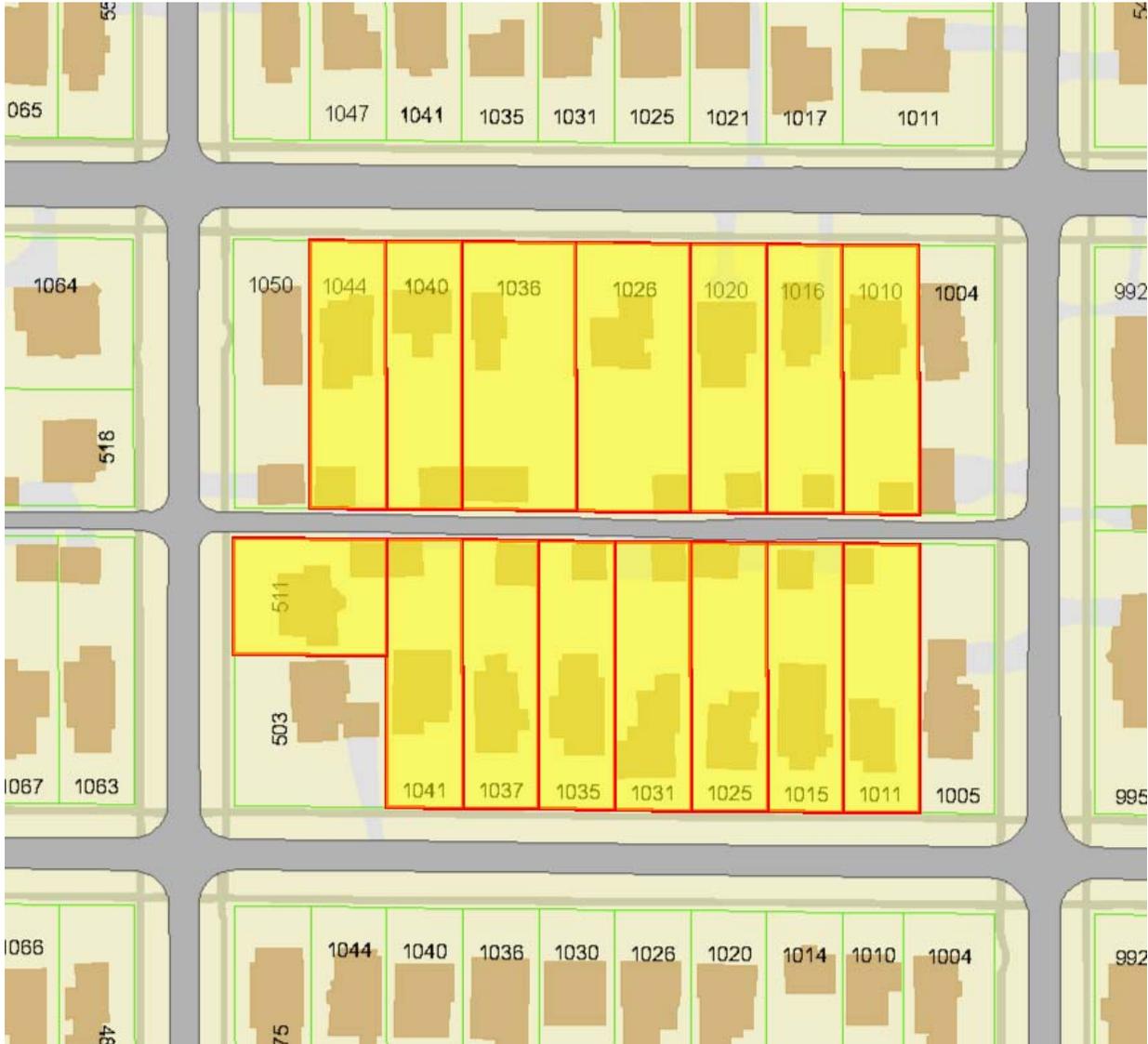
**Common Description.**

Said territory is bounded by Elm Street on the north, Oak Street on the south, Locust Street on the east, and Rosewood Avenue on the west, and consists of fifteen (15) properties which have the following common addresses:

<b>P.I.N.</b>	<b>STREET ADDRESS</b>
05-20-110-002	1044 Elm
05-20-110-003	1040 Elm
05-20-110-024	1036 Elm
05-20-110-022	1026 Elm
05-20-110-008	1020 Elm
05-20-110-009	1016 Elm
05-20-110-010	1010 Elm
05-20-110-026	511 Rosewood
05-20-110-014	1041 Oak
05-20-110-015	1037 Oak
05-20-110-016	1035 Oak
05-20-110-017	1031 Oak
05-20-110-018	1025 Oak
05-20-110-019	1015 Oak
05-20-110-020	1011 Oak

# EXHIBIT B

## Project Location Map



**Exhibit C**

**NOTICE OF PUBLIC HEARING  
VILLAGE OF WINNETKA  
PROPOSED SPECIAL SERVICE AREA NUMBER 4  
Elm-Oak-Locust-Rosewood Alley Improvements**

**NOTICE IS HEREBY GIVEN** that on June 7, 2011, at 7:30 p.m. in the Winnetka Village Hall, 510 Green Bay Road, Winnetka, Illinois, a public hearing will be held by the Village of Winnetka (“Village”) to consider forming a special service area (the “Winnetka Special Service Area No. 4”) consisting of the real property known by the property index numbers and the approximate common street addresses described below (hereinafter collectively referred to as the “Territory”):

<b>P.I.N.</b>	<b>STREET ADDRESS</b>
05-20-110-001	1050 Elm
05-20-110-002	1044 Elm
05-20-110-003	1040 Elm
05-20-110-024	1036 Elm
05-20-110-022	1026 Elm
05-20-110-008	1020 Elm
05-20-110-009	1016 Elm
05-20-110-010	1010 Elm
05-20-110-011	1004 Elm
05-20-110-026	511 Rosewood
05-20-110-014	1041 Oak
05-20-110-015	1037 Oak
05-20-110-016	1035 Oak
05-20-110-017	1031 Oak
05-20-110-018	1025 Oak
05-20-110-019	1015 Oak
05-20-110-020	1011 Oak
05-20-110-021	1005 Oak

Winnetka Special Service Area No. 4 is to be established to provide certain public services (the “Services”) to the Territory that will supplement the services currently or customarily provided by the Village to the Territory, in particular the for the construction of a storm sewer, a new concrete alley, and the furnishing of all necessary labor and materials in connection therewith, and any other similar types of amenities and improvements that shall be compatible with the proposed improved plan for the Territory. The proposed Winnetka Special Service Area No. 4 is intended to improve stormwater drainage to the Territory and construct a new concrete alley to Village standards. The Services proposed to be provided in Winnetka Special Service Area No. 4 are unique and in addition to the general municipal services provided to the Village as a whole and will be for the common interests and specific benefit of the Territory.

At the hearing, consideration shall also be given to financing an amount not to exceed \$148,000.00 (125% of the engineer's estimate of project costs), (the "Financing"). The proceeds of the Financing shall be used to pay part of the costs of the proposed Winnetka Special Service Area No. 4. The Financing is to be retired over a period not to exceed 5 years and are to bear interest at a rate not to exceed 5.00% per annum or the maximum rate permitted by law. The Financing, if issued, shall be retired by the levy of a direct tax on all taxable real property within the Territory for a maximum period of 5 years, to discharge the principal as it matures and the interest thereon, and said tax shall be in addition to all other taxes presently levied by any taxing district within the Territory.

All interested persons affected by the formation of the Winnetka Special Service Area No. 4, including, but not limited to, all persons owning taxable real property located within the Territory, will be given an opportunity to be heard regarding the formation and the boundaries of the proposed Winnetka Special Service Area No. 4, and will be given an opportunity to file objections to the formation of Winnetka Special Service Area No. 4, the issuance of Financing, and the related levy of taxes affecting the Winnetka Special Service Area No. 4.

The public hearing may be adjourned by the Village to another date without further notice other than a motion to be entered upon the minutes of its meeting fixing the time and place of its adjournment.

If a petition signed by at least 51 % of the electors residing within the Territory and by at least 51% of the owners of record of the land included within the Territory is filed with the Village Clerk within 60 days following the final adjournment of the public hearing objecting to the establishment of the proposed Winnetka Special Service Area No. 4, the enlargement thereof, the levy or imposition of a tax or the issuance of the Bonds for the provision of the Services to the Area, or to a proposed increase in the tax rate, then the proposed Winnetka Special Service Area No. 4 may not be created or enlarged, nor the tax levied or imposed, nor the rate increased, and the Financing may not be issued.

Dated this 5<sup>th</sup> day of May, 2011.

s/ Robert M. Bahan  
Robert M. Bahan, Village Clerk  
Village of Winnetka, Cook County, Illinois

**AN ORDINANCE  
ESTABLISHING WINNETKA SPECIAL SERVICE AREA NO. 5  
IN THE VILLAGE OF WINNETKA, ILLINOIS  
(Rosewood-Glendale-Elm-Oak Alley Improvements)**

**WHEREAS**, the Village of Winnetka (“Village”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the public health, safety and welfare of its citizens; and

**WHEREAS**, it is in the public interest that the area described in Exhibit A and depicted on the map in Exhibit B (the “Territory”), which exhibits are attached to and made a part of this Ordinance, be established as Winnetka Special Service Area No. 5 for the purposes set forth herein; and

**WHEREAS**, the Territory is a single family residential area consisting of properties bounded by Elm Street, Oak Street, Rosewood Avenue and Glendale Avenue, which Territory constitutes a compact and contiguous residential territory; and

**WHEREAS**, the owners of the properties in the Territory have requested that the corporate authorities (the “Village Council”) give consideration to the establishment of a special service area in order to provide for the construction of a storm sewer and a new concrete alley, and the construction of related appurtenances to the Territory (the “Services”); and

**WHEREAS**, the Services proposed to be provided to Winnetka Special Service Area No. 5 will supplement services currently or customarily provided by the Village to the Territory, in particular in connection with the alley and storm drainage infrastructure, in that the proposed Winnetka Special Service Area No. 5 is intended to improve stormwater drainage to the Territory and to construct a new concrete public alley to Village standards; and

**WHEREAS**, the Services proposed to be provided in Winnetka Special Service Area No. 5 are unique and in addition to the general municipal services provided to the Village as a whole and will be for the common interests and specific benefit of the Territory; and

**WHEREAS**, a special service area has been proposed so that bonds or other duly authorized financing instrument may be issued to meet the costs of the Services for the Territory,

said bonds or financing instrument to be payable from taxes levied on all taxable property within the Territory, in addition to all other Village taxes so levied; and

**WHEREAS**, the bonds or other duly authorized financing instrument proposed to be issued for the purpose of paying the cost of providing the Services (“Bonds”) shall be in an amount not to exceed One Hundred Sixty-One Thousand, Two Hundred Fifty Dollars (\$161,250.00), which equals 125% of the estimated cost of the Services and shall be secured by the full faith and credit of the Territory; and

**WHEREAS**, the Bonds are to mature over a period of not to exceed 5 years from the issuance thereof and shall bear interest at a rate or rates not to exceed five per cent (5%) per annum or the maximum rate then permitted by law; and

**WHEREAS**, the Bonds are to be retired by the levy of a direct annual tax, sufficient to pay the interest and principal on the Bonds as the same come due, upon all taxable property within the Territory for a period of not to exceed five (5) years, and the tax levied for the retirement of the Bonds shall be unlimited as to the rate or amount in addition to all other taxes permitted by law; and

**WHEREAS**, the establishment of the proposed special service area was proposed by the Village Council pursuant to Ordinance M-3-2011, “An Ordinance Proposing the Establishment of the Village of Winnetka Special Service Area No. 5 in the Village of Winnetka and Providing for a Public Hearing and Other Procedures in Connection Therewith,” which was enacted on April 26, 2011, and was considered at a public hearing (“Hearing”) held by the Village Council on June 7, 2011; and

**WHEREAS**, the Hearing was held pursuant to a Notice of Hearing, which was attached to Ordinance M-2-2011 and is attached hereto as Exhibit C and made a part of this Ordinance (“Notice of Hearing”); and

**WHEREAS**, the territory proposed to be included in the proposed special service area consisted of nineteen (19) parcels of property on the block bounded by Elm Street, Oak Street, Rosewood Avenue and Glendale Avenue, which properties were identified and described in Ordinance M-3-2011 and the exhibits thereto, including the Notice of Hearing (“Proposed Territory”); and

**WHEREAS**, the Notice of Hearing was duly published at least fifteen (15) days prior to the Hearing in the *Winnetka Talk*, a newspaper published in the Winnetka area and being in general circulation in the Village of Winnetka, and pursuant to notice by mail; and

**WHEREAS**, mailed notice of the Hearing was given by depositing a copy of the Notice of Hearing in the United States mails addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the Proposed Territory not less than ten (10) days prior to the time set for the Hearing and, in the event taxes for the last preceding year were not paid, said Notice of Hearing was sent to the person or persons last listed on the tax rolls prior to that year as the owner or owners of said property; and

**WHEREAS**, said notices conformed in all respects to the requirements of the Special Service Area Tax Law, 35 ILCS 200/27-5, *et seq.*; and

**WHEREAS**, at the Hearing, all interested persons, including all persons owning taxable property within the Proposed Territory, were given an opportunity to be heard on the question of the creation of the special service area, the levy or imposition of a tax in the Proposed Territory and the issuance of bonds providing for special services, as set forth in the Notice of the Hearing; and

**WHEREAS**, at the Hearing, the owners of certain properties at the edge of the Proposed Territory requested that they be excluded from Special Service Area No. 5 because they do not use the alley for access; and

**WHEREAS**, at the close of the hearing on June 7, 2011, the Village Council determined that it would consider amending the boundaries of proposed Special Service Area No. 5, provided the owners of the properties seeking to be excluded agreed to pay, in full, one-half of the amount indentified in Ordinance M-3-2011 as their share of the project costs, and provided that the removal of the properties did not affect the contiguity of the proposed Special Service Area No. 5; and

**WHEREAS**, in accordance with Section 27-35 of the Special Service Area Tax Law, 35 ILCS 200/27-35, the Village Council enacted Ordinance M-10-2011 on June 21, 2011, the date of its first regular meeting after the public hearing, which Ordinance amended the Territory by deleting the parcels of property commonly known as 1110 Elm Street, and 1111 Oak Street in

the Village of Winnetka, Illinois (“Deleted Parcels”), from proposed Special Service Area No. 5; and

**WHEREAS**, the removal of the Deleted Parcels from Special Service Area No. 5 does not affect the contiguity of the Territory; and

**WHEREAS**, no petition that objects to the establishment of the proposed special service area, the enlargement thereof, the levy or imposition of a tax or the issuance of the Bonds for the provision of the Services to the Territory, or to a proposed increase in the tax rate and that is signed (i) by at least 51% of the electors residing within the Territory and also (ii) by at least 51% of the owners of record of the land included within the Territory, has been filed with the Village Clerk within 60 days following the final adjournment of the Hearing; and

**WHEREAS**, it is in the public interest of the Village of Winnetka that Winnetka Special Service Area No. 5 be established in the Territory and that the Services to be provided to the Territory be paid for by the issuance of the Bonds and the related levy of a special tax against all property located within the Territory; and

**WHEREAS**, the Village Council, having given consideration to the proposal, deem it advisable to initiate proceedings under the applicable laws of the State of Illinois in connection with such proposal; and

**WHEREAS**, Article VII, Section 6(i) of the Illinois Constitution provides, in pertinent part, that “the General Assembly may not deny or limit the power of home rule units . . . to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.”

**NOW, THEREFORE**, the Council of the Village of Winnetka do ordain as follows:

**SECTION 1:** That the facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby incorporated into this Ordinance by reference as the findings of the Council of the Village of Winnetka (“Village Council”), as if fully set forth herein.

**SECTION 2:** That the public hearing on the proposed special service area was adjourned on June 7, 2011.

**SECTION 3:** That no petition that objects to the establishment of the proposed Winnetka Special Service Area No. 5, the enlargement thereof, the levy or imposition of a tax or

the issuance of the Bonds for the provision of the Services to the Territory, or to a proposed increase in the tax rate and that is signed (i) by at least 51% of the electors residing within the Territory and also (ii) by at least 51% of the owners of record of the land included within the Territory, has been filed with the Village Clerk within 60 days following the final adjournment of the public hearing.

**SECTION 4:** That after considering the data, as presented at the public hearing, the Village Council find that it is in the public interest and in the interest of the Territory, that Village of Winnetka Special Service Area No. 5, as hereinafter described, be established.

**SECTION 5:** That a special service area to be known and designated as “Village of Winnetka Special Service Area No. 5” (“SSA No. 5”) is hereby established and shall consist of the territory legally described in Exhibit A, a copy of which is attached hereto and is made a part of this Ordinance.

**SECTION 6:** That the territory of SSA No. 5 consists of the properties lying within the block bounded by Elm Street on the north, Oak Street on the south, Rosewood Avenue on the east and Glendale Avenue on the west, and consists of seventeen (17) properties, which properties are known by the following permanent property index numbers (“PIN”) and the approximate common street locations described below:

<b>P.I.N.</b>	<b>STREET ADDRESS</b>
05-20-109-002	1108 Elm
05-20-109-003	1106 Elm
05-20-109-025	1096 Elm
05-20-109-027	1086 Elm
05-20-109-007	1082 Elm
05-20-109-008	1078 Elm
05-20-109-009	1072 Elm
05-20-109-024	518 Rosewood
05-20-109-014	1107 Oak
05-20-109-015	1101 Oak
05-20-109-028	1097 Oak
05-20-109-017	1087 Oak
05-20-109-018	1083 Oak
05-20-109-019	1077 Oak
05-20-109-020	1073 Oak
05-20-109-021	1067 Oak
05-20-109-022	1063 Oak

**SECTION 7:** That the purpose of the establishment of SSA No. 5 is to provide for the construction of a storm sewer, a new concrete alley, and the furnishing of all necessary labor and materials in connection therewith, and any other similar types of amenities and improvements that shall be compatible with the proposed improved plan for the Territory (the “Services”). All of the Services will supplement services currently or customarily provided by the Village to the Territory, in that SSA No. 5 is intended to improve stormwater drainage and access to the properties in the Territory by constructing a new storm sewer and a concrete alley to Village standards.

**SECTION 8:** That SSA No. 5 is also created so that bonds or such other financing instrument as may be authorized by law may be issued to meet the costs of the Services for SSA No. 5 and for the purposes aforesaid, said bonds or financing instrument (the “Bonds”) to be payable from taxes levied on the property in the Territory, in addition to all other Village taxes so levied; provided, that the Bonds shall not be issued in excess of the principal amount of One Hundred Sixty-One Thousand, Two Hundred Fifty Dollars (\$161,250.00), and provided, that the Bonds shall be at an interest rate not to exceed five per cent (5.00%) per annum and shall be retired over a period not to exceed five (5) years. The Bonds, if issued, shall be retired by the levy of a direct tax on all taxable real property within the Territory to discharge the principal as it matures and the interest thereon as it comes due, and said tax shall be in addition to all other taxes presently levied by any taxing district within the Territory.

**SECTION 9:** That SSA No. 5 shall terminate not later than the fifth anniversary of the issuance of the Bonds, unless prior to such date the Village enacts an ordinance extending the duration of SSA Area No. 5.

**SECTION 10:** That the Village Clerk is hereby directed to file a certified copy of this Ordinance creating SSA No. 5, including Exhibits A, B and C, along with an accurate map of the Territory, with the County Clerk of Cook County no later than 60 days after the passage and approval of this Ordinance.

**SECTION 11:** That this Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

[Remainder of this page intentionally left blank.]

**SECTION 12:** That this Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

**PASSED** this \_\_\_ day of \_\_\_\_\_, 2011, pursuant to the following roll call vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** this \_\_\_ day of \_\_\_\_\_, 2011.

Signed:

\_\_\_\_\_  
Village President

Countersigned:

\_\_\_\_\_  
Village Clerk

Introduced: August 16, 2011

Posted:

Passed and Approved:

Posted:

**Exhibit A**  
**WINNETKA SPECIAL SERVICE AREA NO. 5**  
**Elm-Oak-Locust-Rosewood Alley Improvements**

**Legal Description.**

Lots 3, 4, 5, 6, 7, 8, 9, 10 (except the westerly 50 feet thereof), 12, 15, 16, 17, 18, 19 and 20, in Block 6 of Groveland Addition to Winnetka in Section 20, Township 42 North, Range 13 East of the third Principal Meridian, in the Village of Winnetka, Cook County, Illinois;

and

The east 30 feet of Lot 14, and the east ½ of lot 11, in Block 6 of Groveland Addition to Winnetka in Section 20, Township 42 North, Range 13 East of the third Principal Meridian, in the Village of Winnetka, Cook County, Illinois;

and

The south 77 feet of Lots 1 and 2 in Block 6 of Groveland Addition to Winnetka in Section 20, Township 42 North, Range 13 East of the third Principal Meridian, in the Village of Winnetka, Cook County, Illinois;

and

Lot 1 of Cross' Consolidation of all of Lot 13 and Lot 14 except the east 30 feet thereof in Block 6 of the Groveland Addition to Winnetka; all Section 20, Township 42 North, Range 13 East of the third Principal Meridian, in the Village of Winnetka, Cook County, Illinois.

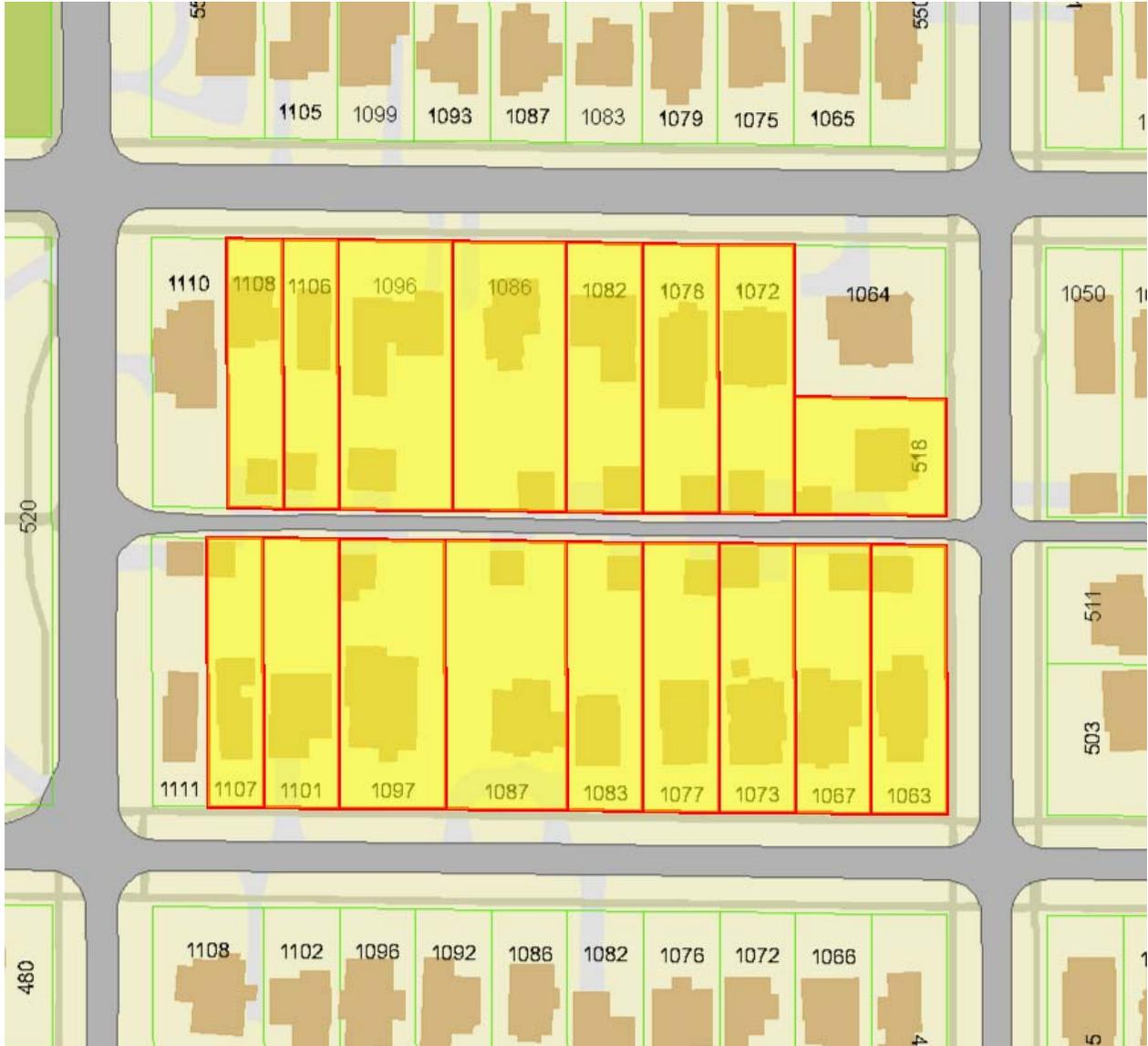
**Common Description.**

Said territory is bounded by Elm Street on the north, Oak Street on the south, Glendale Avenue on the west, and Rosewood Avenue on the east, and consists of seventeen (17) properties which have the following common addresses:

P.I.N.	STREET ADDRESS
05-20-109-002	1108 Elm
05-20-109-003	1106 Elm
05-20-109-025	1096 Elm
05-20-109-027	1086 Elm
05-20-109-007	1082 Elm
05-20-109-008	1078 Elm
05-20-109-009	1072 Elm
05-20-109-024	518 Rosewood
05-20-109-014	1107 Oak
05-20-109-015	1101 Oak
05-20-109-028	1097 Oak
05-20-109-017	1087 Oak
05-20-109-018	1083 Oak
05-20-109-019	1077 Oak
05-20-109-020	1073 Oak
05-20-109-021	1067 Oak
05-20-109-022	1063 Oak

# EXHIBIT B

## Project Location Map



**Exhibit C**

**NOTICE OF PUBLIC HEARING  
VILLAGE OF WINNETKA  
PROPOSED SPECIAL SERVICE AREA NUMBER 5  
Elm-Oak-Glendale-Rosewood Alley Improvements**

**NOTICE IS HEREBY GIVEN** that on June 7, 2011, at 7:30 p.m. in the Winnetka Village Hall, 510 Green Bay Road, Winnetka, Illinois, a public hearing will be held by the Village of Winnetka (“Village”) to consider forming a special service area (the “Winnetka Special Service Area No. 5”) consisting of the real property known by the property index numbers and the approximate common street addresses described below (hereinafter collectively referred to as the “Territory”):

<b>P.I.N.</b>	<b>STREET ADDRESS</b>
05-20-109-001	1110 Elm
05-20-109-002	1108 Elm
05-20-109-003	1106 Elm
05-20-109-025	1096 Elm
05-20-109-027	1086 Elm
05-20-109-007	1082 Elm
05-20-109-008	1078 Elm
05-20-109-009	1072 Elm
05-20-109-024	518 Rosewood
05-20-109-013	1111 Oak
05-20-109-014	1107 Oak
05-20-109-015	1101 Oak
05-20-109-028	1097 Oak
05-20-109-017	1087 Oak
05-20-109-018	1083 Oak
05-20-109-019	1077 Oak
05-20-109-020	1073 Oak
05-20-109-021	1067 Oak
05-20-109-022	1063 Oak

Winnetka Special Service Area No. 5 is to be established to provide certain public services (the “Services”) to the Territory that will supplement the services currently or customarily provided by the Village to the Territory, in particular the for the construction of a storm sewer, a new concrete alley, and the furnishing of all necessary labor and materials in connection therewith, and any other similar types of amenities and improvements that shall be compatible with the proposed improved plan for the Territory. The proposed Winnetka Special Service Area No. 5 is intended to improve stormwater drainage to the Territory and construct a new concrete alley to Village standards. The Services proposed to be provided in Winnetka Special Service Area

No. 5 are unique and in addition to the general municipal services provided to the Village as a whole and will be for the common interests and specific benefit of the Territory.

At the hearing, consideration shall also be given to financing an amount not to exceed \$161,250.00 (125% of the engineer's estimate of project costs), (the "Financing"). The proceeds of the Financing shall be used to pay part of the costs of the proposed Winnetka Special Service Area No. 5. The Financing is to be retired over a period not to exceed 5 years and are to bear interest at a rate not to exceed 5.00% per annum or the maximum rate permitted by law. The Financing, if issued, shall be retired by the levy of a direct tax on all taxable real property within the Territory for a maximum period of 5 years, to discharge the principal as it matures and the interest thereon, and said tax shall be in addition to all other taxes presently levied by any taxing district within the Territory.

All interested persons affected by the formation of the Winnetka Special Service Area No. 5, including, but not limited to, all persons owning taxable real property located within the Territory, will be given an opportunity to be heard regarding the formation and the boundaries of the proposed Winnetka Special Service Area No. 5, and will be given an opportunity to file objections to the formation of Winnetka Special Service Area No. 5, the issuance of Financing, and the related levy of taxes affecting the Winnetka Special Service Area No. 5.

The public hearing may be adjourned by the Village to another date without further notice other than a motion to be entered upon the minutes of its meeting fixing the time and place of its adjournment.

If a petition signed by at least 51 % of the electors residing within the Territory and by at least 51% of the owners of record of the land included within the Territory is filed with the Village Clerk within 60 days following the final adjournment of the public hearing objecting to the establishment of the proposed Winnetka Special Service Area No. 5, the enlargement thereof, the levy or imposition of a tax or the issuance of the Bonds for the provision of the Services to the Area, or to a proposed increase in the tax rate, then the proposed Winnetka Special Service Area No. 5 may not be created or enlarged, nor the tax levied or imposed, nor the rate increased, and the Financing may not be issued.

Dated this 5th day of May, 2011.

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Robert M. Bahan, Village Clerk  
Village of Winnetka, Cook County, Illinois

## AGENDA REPORT

**TO:** Village Council

**PREPARED BY:** Michael D'Onofrio, Director of Community Development M.D.

**DATE:** August 1, 2011

**SUBJECT:** 314 Woodland Ave. Ord. M-12-2011  
(1) Maximum Building Size  
(2) Side Yard Setback

Ordinance M-12-2011 grants variations by Ordinance Section 17.30.040 [Maximum Building Size] and Section 17.30.060 [Side Yard Setback] of the Winnetka Zoning Ordinance to permit the construction of additions to the residence that will result in a gross floor area of 4,465.18 s.f., whereas a maximum of 3,895 s.f. is permitted, a variation of 570.18 s.f. (14.64%) and total side yards equaling 13.74 ft., whereas a minimum total side yard of 16.25 ft. is required, a variation of 2.51 ft. (15.45%).

The petitioners, Gertrude Danziger and Robert Danziger, are requesting the variations in order to add storage space to the existing attached garage (interior dimensions of the existing garage are 18 ft. x 19.33 ft.) and a family room addition at the rear of the residence, as well as a master bath and laundry room on the second floor. The proposed garage storage would add approximately 78 s.f. of gross floor area (GFA). The family room addition would measure approximately 8 ft. x 16.33 ft. The master bath addition would measure 11.42 ft. x 16.33 ft. and the laundry room 6.42 ft. x 8.75 ft. In total, the proposed additions would add 440.36 s.f. of GFA. The proposed shed in the rear yard does not contribute to the total GFA as there is an allowance of 64 s.f. for sheds located in the rear quarter of the lot. Please note the existing GFA of 4,024.82 s.f. exceeds the maximum permitted GFA of 3,895 s.f.

This case was originally heard by the Zoning Board of Appeals (ZBA) on June 13, 2011. After hearing the discussion of the ZBA, the applicant requested a continuance until the July 11, 2011 meeting to allow them time to consider reducing the area of the proposed additions to reduce the GFA variation. The plans were revised to reduce the length of the family room addition by 2 ft. The family room addition referenced above (8 ft. x 16.33 ft.) was previously 10 ft. x 16.33 ft. With the 2 ft. reduction the area of the family room addition was reduced by 32.66 ft. The size of the garage addition was also reduced by 10.81 s.f. In total, the proposed GFA was reduced by 43.47 s.f.

The proposed addition to the garage would provide a side yard setback of 6.75 ft. from the north property line. On the south side of the residence, work beyond ordinary repair and maintenance to the existing sun porch, which is providing a setback of 6.99 ft., is proposed in order to convert the space into the family room. The addition beyond the footprint of the existing sun porch would be setback an additional 1.33 ft. from the existing building wall and therefore provide a south side setback of 8.32 ft.; this includes the second floor addition above the sun porch. That being said, the total side yard of the proposed additions would equal 13.74 ft., whereas the total side yards must be at least 16.25 ft. In

addition to the existing legal nonconforming GFA, the existing total side yards of 13.05 ft. are considered legal nonconforming

The property is located in the R-4 Single Family Residential District. The home was built in 1928. The petitioner purchased the property in 1956.

There are no previous zoning variations for this property.

An attached zoning matrix summarizes the work proposed under this variation request.

At its July 11, 2011 meeting the ZBA voted 7-0 to recommend approval of the variations under the condition that the proposed air conditioning units on the second floor level be screened for noise attenuation and to minimize the visual aspects of the air conditioning units (p.38-46).

Introduction of the ordinance requires the concurrence of the majority of the Village Council members present.

### **Recommendation**

Consider introduction of Ordinance M-12-2011, granting variations from the maximum building size and total side yard setback requirements to permit the construction of additions to the residence and attached garage.

**ZONING MATRIX**  
**Amended 07.05.11**

**ADDRESS: 314 Woodland Ave.**  
**CASE NO: 11-13-V2**  
**ZONING: R-4**

<b>ITEM</b>	<b>REQUIREMENT</b>	<b>EXISTING</b>	<b>PROPOSED</b>	<b>TOTAL</b>	<b>STATUS</b>
Min. Lot Size	12,600 SF	10,400 SF	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	60 FT	65 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	2,808 SF (1)	2,164.26 SF	261.7 SF	2,425.96 SF	OK
Max. Gross Floor Area	3,895 SF (1)	4,024.82 SF	440.36 SF	4,465.18 SF	<b>570.18 SF (14.64%) VARIATION</b>
Max. Impermeable Lot Coverage	5,200 SF (1)	3,341.44 SF	1,009.26 SF	4,350.7 SF	OK
Min. Front Yard (East)	34.42 FT	34.37 FT	N/A	N/A	EXISTING NONCONFORMING
Min. Side Yard (North)	6.5 FT	6.17 FT	6.75 FT	N/A	EXISTING NONCONFORMING
Min. Total Side Yards	16.25 FT	13.05 FT	13.74 FT	N/A	<b>2.51 FT (15.45%) VARIATION</b>
Min. Rear Yard (West)	24 FT	63 FT	59.5 FT	N/A	OK

**NOTES:**

(1) Based on lot area of 10,400 s.f.

**ORDINANCE NO. M-12-2011**

**AN ORDINANCE GRANTING A VARIATION IN  
THE APPLICATION OF THE ZONING ORDINANCE  
OF THE VILLAGE OF WINNETKA,  
COOK COUNTY, ILLINOIS (314 Woodland)**

**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, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village; and

**WHEREAS**, the Council of the Village of Winnetka (“Village Council”) find that establishing standards for the use and development of lands and buildings within the Village and establishing and applying criteria for variations from those standards are matters pertaining to the affairs of the Village; and

**WHEREAS**, the property commonly known as 314 Woodland Avenue, Winnetka, Illinois (the “Subject Property”), is legally described as follows:

The South 15 feet of Lot 13 and all of Lot 16 in Block 3 in Lake Shore Subdivision in Winnetka, being a subdivision of Lot 1 of Nick Simon and Others Subdivision of part of the fractional Southeast ¼ of Section 21, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois; and

**WHEREAS**, the Subject Property is located in the R-4 Zoning District provided in Chapter 17.16 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code; and

**WHEREAS**, on May 11, 2011, the owners of the Subject Property filed an application for the following variations from requirements of the Lot, Space, Bulk and Yard Regulations for Single Family Residential Districts established by Chapter 17.30 of the Zoning Ordinance: (a) a variation from the maximum building size limitations of Section 17.30.040 to allow a gross floor area (GFA) of 4,508.65 square feet, whereas the maximum of 3,895 square feet is permitted, a variation of 613.65 square feet (15.75%); and (b) a variation from the side yard provisions of Section 17.30.060 to allow the total of the side yards to equal 13.49 feet, whereas the required minimum total sum of the side yards is 16.25 feet, a variation of 2.76 feet (16.98%), in order to (i) construct a 10-foot by 16.4-foot two-story addition to the home that will expand and convert an existing first floor sunroom into a family room, and that will expand the second floor to enlarge the

master suite with more closet space and a larger master bath, and to convert an interior room into a laundry room, and (ii) add approximately six feet to the garage so that it will accommodate two cars and storage space; and

**WHEREAS**, on June 13, 2011, on due notice thereof, the Zoning Board of Appeals conducted a public hearing on the requested variations, and after a thorough discussion the applicant requested a continuance in order to revise the variance request; and

**WHEREAS**, on June 22, 2011, the applicants submitted modified plans that reduced the length of the family room addition by two feet and decreased the garage extension by eight inches, reducing the requested GFA variation by 43 square feet; and

**WHEREAS**, the modified plans filed on June 22, 2011, amended the applicants' request so that they are now seeking the following variations: (a) a variation from the maximum building size limitations of Section 17.30.040 to allow a GFA of 4,465.18 square feet, whereas the maximum permitted is 3,895 square feet, resulting in a variation of 580.18 square feet (14.64%); and (b) a variation from the side yard provisions of Section 17.30.060 to allow the total of the side yards to equal 13.74 square feet, whereas the minimum required total sum of the side yards is 16.25 feet, resulting in a variation of 2.51 feet (15.45%), all in order to (i) construct a two-story addition to the home that will expand and convert an existing first floor sunroom into an 8-foot by 16.33-foot family room, and will add an 11.42-foot by 16.33-foot master bath and a 6.42-foot by 8.76-foot laundry room on the second floor, and (ii) expand the existing attached garage so that it will accommodate two cars and storage space; and

**WHEREAS**, on July 11, 2011, on due notice thereof, the Zoning Board of Appeals conducted a public hearing on the amended request and, by the unanimous vote of the seven members then present, has reported to the Council recommending that the amended request for variations be granted; and

**WHEREAS**, the Subject Property is a 65-foot by 160-foot rectangular parcel with a legally nonconforming lot area of 10,400 square feet, which is 2,200 square feet less than the minimum lot area of 12,000 square feet required in the R-4 Single Family Zoning District; and

**WHEREAS**, the Subject Property is improved with a residence that was constructed in 1928 and has a legally nonconforming gross floor area of 4,024.82 square feet; and

**[Drafter's Note:** The gross floor area includes a net of 233.5 square feet of attic space. The total attic area is 383.5 square feet, but 150 square feet is excluded pursuant to Village Code §17.30.040(E)(2).]

**WHEREAS**, there are practical difficulties associated with carrying out the strict application of the Zoning Ordinance with respect to the Subject Property in that (i) the existing nonconformities are due to the original construction and configuration of the home and cannot be cured without demolishing the home, (ii) the existing home, which was constructed in 1928, has numerous small interior spaces that are included in the calculation of the GFA but do not contribute to the functional living space, (iii) the attic contains 383.5 square feet of space, 233.4 square feet of which is included in the nonconforming GFA, although the attic space is uninhabitable because it has no windows and can only be accessed from pull-down stairs, and (iv) the interior space of the existing home cannot easily be reconfigured for a more contemporary orientation without adding additional living space, and

**WHEREAS**, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Zoning Ordinance, in that (i) the residence is structurally sound, but has been vacant and is currently uninhabitable due to water damage and mold issues, (ii) the existing nonconformities cannot be cured without demolishing the house in its entirety, (iii) the cost of repairs would outweigh the value of the home if it is not also improved by adding such modern amenities as a first floor family room and a master suite that includes an adequate bath and closet space, and (iv) the existing garage is attached at an angle and can safely accommodate only one car; and

**WHEREAS**, the requested variations will not alter the essential character of the neighborhood because (i) the proposed additions are at the rear of the home, where they will not be visible from the street, and (ii) the modification to the front of the home is consistent with the character of the home and will improve the appearance of the home from the street; and

**WHEREAS**, the requested variations will not impair an adequate supply of light and air because the garage addition is in the interior portion of the lot and the two-story addition at the rear of the house will have a slightly larger setback than the existing house; and

**WHEREAS**, the requested variations will not increase the hazard from fire and other dangers to the Subject Property, as the proposed construction will comply with all applicable building and fire protection codes; and

**WHEREAS**, the requested variations will not diminish the taxable value of land and buildings throughout the Village, in that the proposed improvements (i) will add to the taxable value

of the Subject Property, which was recently granted a reduced assessment due to its poor condition, and (ii) may have a positive effect on the taxable value of the immediate neighborhood; and

**WHEREAS**, the proposed construction will not contribute to congestion on the public streets, as the property will continue to be used for single family residential purposes and the modification of the garage will provide off-street parking for an additional vehicle; and

**WHEREAS**, there is no evidence that the requested variations will otherwise impair the public health, safety, comfort, morals, and welfare of the inhabitants of the Village; and

**WHEREAS**, the requested variations are in harmony with the general purpose and intent of the Winnetka Zoning Ordinance, in that they allow the renovation, restoration and rehabilitation of a structurally sound existing building while maintaining the existing scale and appearance of the community and protecting established trees and landscaping.

**NOW, THEREFORE**, the Council of the Village of Winnetka do ordain as follows:

**SECTION 1:** The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

**SECTION 2:** The Subject Property, commonly known as 314 Woodland Avenue and located in the R-4 Single-Family Residential District provided in Chapter 17.16 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code is hereby granted the following variations from requirements of the Lot, Space, Bulk and Yard Regulations for Single Family Residential Districts established by Chapter 17.30 of the Zoning Ordinance: (a) a variation from the maximum building size limitations of Section 17.30.040 to allow a GFA of 4,465.18 square feet, whereas the maximum permitted is 3,895 square feet, resulting in a variation of 580.18 square feet (14.64%); and (b) a variation from the side yard provisions of Section 17.30.060 to allow the total of the side yards to equal 13.74 square feet, whereas the minimum required total sum of the side yards is 16.25 feet, resulting in a variation of 2.51 feet (15.45%), all in order to (i) construct a two-story addition to the home that will expand and convert an existing first floor sunroom into an 8-foot by 16.33-foot family room, and will add an 11.42-foot by 16.33-foot master bath and a 6.42-foot by 8.76-foot laundry room on the second floor, and (ii) expand the existing attached garage so that it will accommodate two cars and storage space, all in accordance with the revised plans and elevations submitted on June 22, 2011, and considered by the Zoning Board of Appeals on July 11, 2011.

**SECTION 3:** The variations granted herein are subject to the following conditions:

A. The air conditioning units on the second floor level on the north side of the residence shall conform to the applicable provisions of the Village Code for noise screening.

B. The proposed construction shall commence within 12 months after the effective date of this Ordinance.

**SECTION 4:** This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

**SECTION 5:** This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011, pursuant to the following roll call vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011

Signed:

\_\_\_\_\_  
Village President

Countersigned:

\_\_\_\_\_  
Village Clerk

Introduced:

Posted:

Passed and Approved:

Posted:

CASE NO. 11-13-V2

APPLICATION FOR VARIATION  
WINNETKA ZONING BOARD OF APPEALS

Owner Information:

Name: Gertrude Danziger

Property Address: 314 Woodland Ave, Winnetka, IL

Home and Work Telephone Number: 847 417 4633

Fax and E-mail: R.Danziger@aol.com

Architect Information: Name, Address, Telephone, Fax & E-mail:

Rick Rasmussen Rasarchle@hotmail.com

6515 North Greenview

Chicago, IL 60626

Attorney Information: Name, Address, Telephone, Fax & E-mail:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Property Acquired by Owner: 1956

Nature of Any Restrictions on Property: \_\_\_\_\_  
\_\_\_\_\_

Explanation of Variation Requested:  
(Attach separate sheet if necessary) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OFFICE USE ONLY

Variation Requested Under Ordinance Section(s): \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Date: \_\_\_\_\_



## STANDARDS FOR GRANTING OF ZONING VARIATIONS

Applications must provide evidence and explain in detail the manner wherein the strict application of the provisions of the zoning regulations would result in a clearly demonstrated practical difficulty or particular hardship. In demonstrating the existence of a particular difficulty or a particular hardship, please direct your comments and evidence to each of the following items:

1. The property in question can not yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
2. The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.
3. The variation, if granted, will not alter the essential character of the locality.
4. An adequate supply of light and air to the adjacent property will not be impaired.
5. The hazard from fire and other damages to the property will not be increased.
6. The taxable value of the land and buildings throughout the Village will not diminish.
7. The congestion in the public street will not increase.
8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

For your convenience, you will find attached examples of general findings, for and against the granting of a variation, which have been made by the Zoning Board of Appeals and Village Council in prior cases.

**NOTE:** The Zoning Board of Appeals or the Village Council, depending on which body has final jurisdiction, must make a finding that a practical difficulty or a particular hardship exists in order to grant a variation request.

Property Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

(Proof of Ownership is required)

**Variations, if granted, require initiation of construction activity within 12 months of final approval. Consider your ability to commence construction within this 12 month time period to avoid lapse of approvals.**

May 10, 2011

Zoning Board

Village of Winnetka

We request a zoning variance for 314 Woodland Avenue in Winnetka.

My family has owned this house for fifty—five years, the last four of which the house has not been lived in due to extensive damage to the house when the water pipes froze. This has lead to mold, rotting furniture, etc. Unfortunately the house has not been inhabitable and is becoming an eyesore.

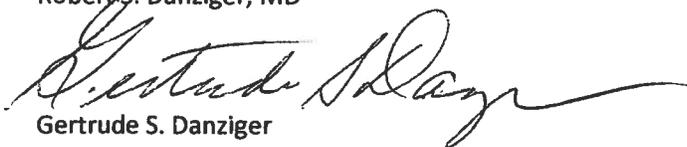
I was brought up in the house and now have two small children who I would like to bring up in the house. However, an extensive and complete renovation of the property is required . For this expensive undertaking to be worthwhile, the house must be brought up to contemporary standards with an enlarged and more open floor plan. A goal of the project will be to retain the original building (but enlarging it in the backyard) so that the front appearance does not change. The neighbor (310 Woodland) has also extended his house in the back.

Upon completion, the house will be better, safer, and enhance the neighborhood.

Thank you,



Robert S. Danziger, MD



Gertrude S. Danziger

May 10, 2011

Zoning Board

Village of Winnetka

We request a zoning variance for 314 Woodland Avenue in Winnetka.

The residence is currently uninhabitable. The owners would like to modernize their home in order to enhance its value to the occupants and the neighborhood. We feel that a small addition to the southwest rear is necessary to transform an existing sunroom into a family room. A second floor addition above the existing sunroom will enlarge and modernize the master suite.

The existing attached garage is very small and currently can safely hold only one car. So we are proposing to enlarge the garage with a small addition to the rear. This would allow an additional car to be stored off the street or driveway.

The following is our response to the "Standards for Granting of Zoning Variances"

1. Reasonable Return --

If our request for a variance is not granted, we fear that the home would be sold to someone who would tear it down and build a more contemporary structure. Thus the value of the home is only in the land. In fact, due to demolition costs, a vacant lot would be more valuable than the current property. Therefore, the dilapidated structure in its current condition has a negative value.

2. Unique Circumstances --

Unfortunately the owners find themselves in a situation where the current home is uninhabitable. Due to water damage, the home has mold issues which make the environment dangerous. Much of the plaster and mechanical systems need to be replaced. The costs of repair would be prohibitive if we did not also modernize the structure.

The existing home features a steep slate roof that rises to a flat roof above. This feature creates a large attic that unfortunately counts as 384 sq.ft. towards our F.A.R. calculations. This space is only functional for storage as there are no windows or permanent stair. Remodeling this attic space will not solve our family room or garage issues.

3. Essential Character –

We feel that by granting our variation request, the village insures that the home will be saved from the wrecking ball. That in itself retains the character of the neighborhood.

4. Neighbors Light and Air –

Our neighbor to the south has a two story addition which is much further into the rear yard than our proposed family room addition. They have relatively few windows which will be affected. The neighbor to the north has a porch nearest our garage addition. Neither addition requires a setback larger than the 6 ½ foot minimum.

5. Fire Hazard –

By granting our variation the village would reduce the fire hazard in the neighborhood. Repairing the structure into a habitable residence will greatly enhance the safety for everyone. The home has been broken into several times by teens. We fear what a possible party or arson could bring.

6. Taxable Value –

The current taxes on the home were recently reduced due to its dilapidated condition. After construction is completed, the village will enjoy increased funding. I imagine the neighboring properties will also increase in value.

7. Public Street –

Street congestion is a tricky issue. Currently the home is vacant and produces little in the way of traffic. ;-)

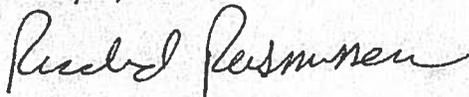
But I am guessing that the neighbors would gladly suffer a few cars for a cleaned up environment. Our proposed plan reduces the number of bedrooms from 5 to 4, thus decreasing the potential occupancy of the home.

We also propose enlarging the garage so another car can be kept off of the street.

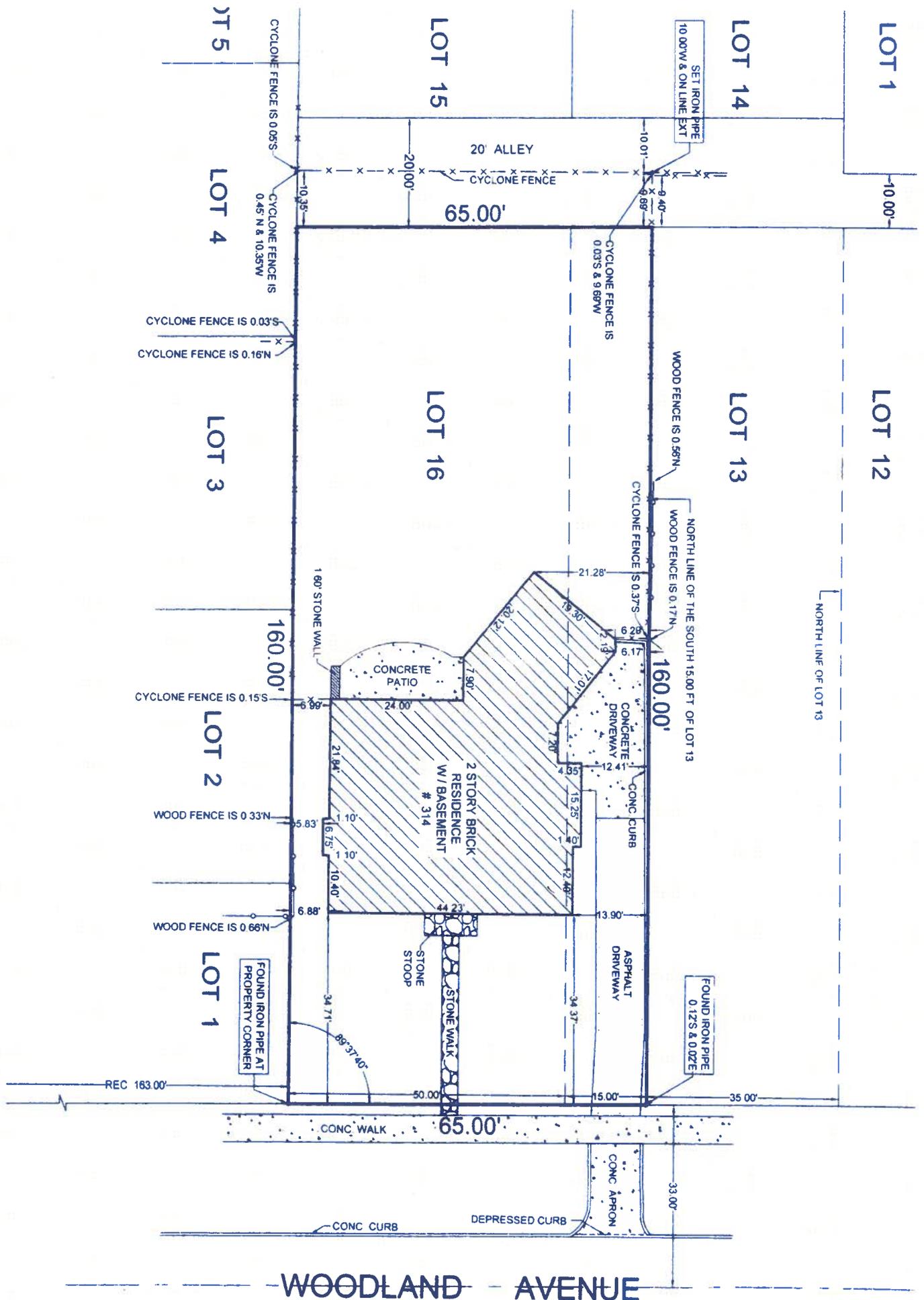
8. Public Health –

The current condition of the residence is potentially dangerous. The house should either be demolished or saved. We would like to save it and improve the public health, safety, comfort, and welfare of the inhabitants of the Village of Winnetka. And yes – even the morals of Winnetka will be enhanced!

Thank you,



Richard Rasmussen - Architect

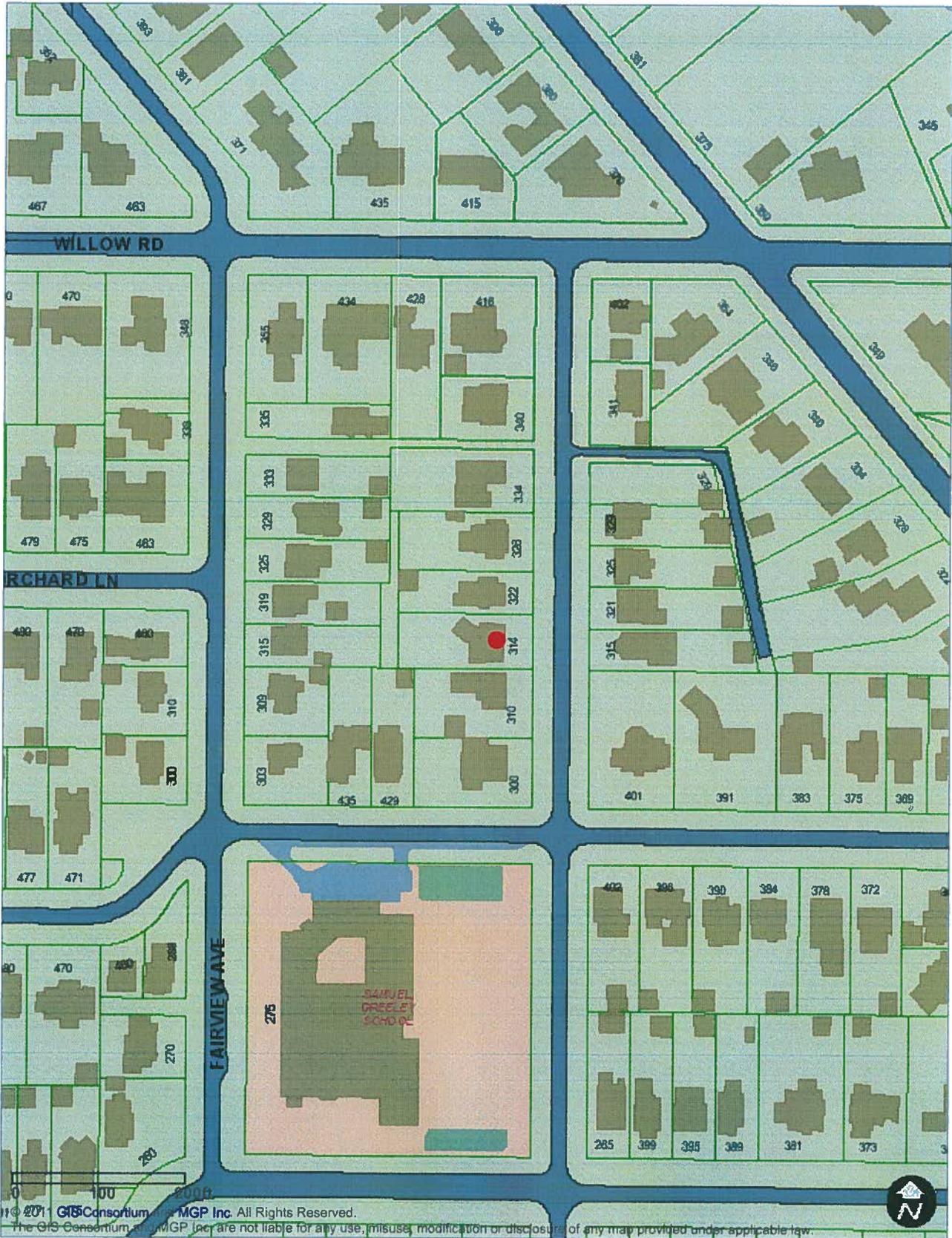


WOODLAND AVENUE



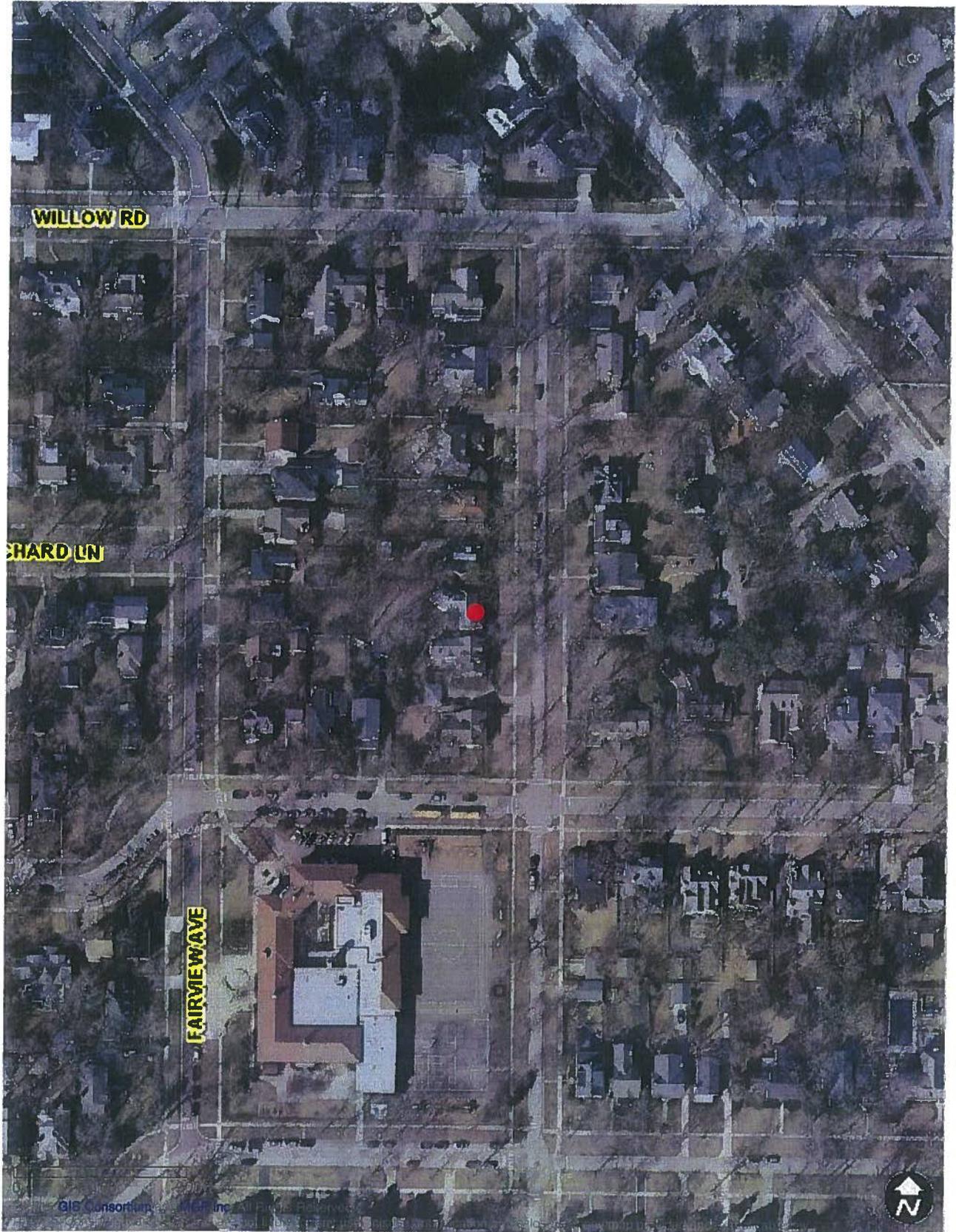
MapOffice™

314 Woodland Neighborhood

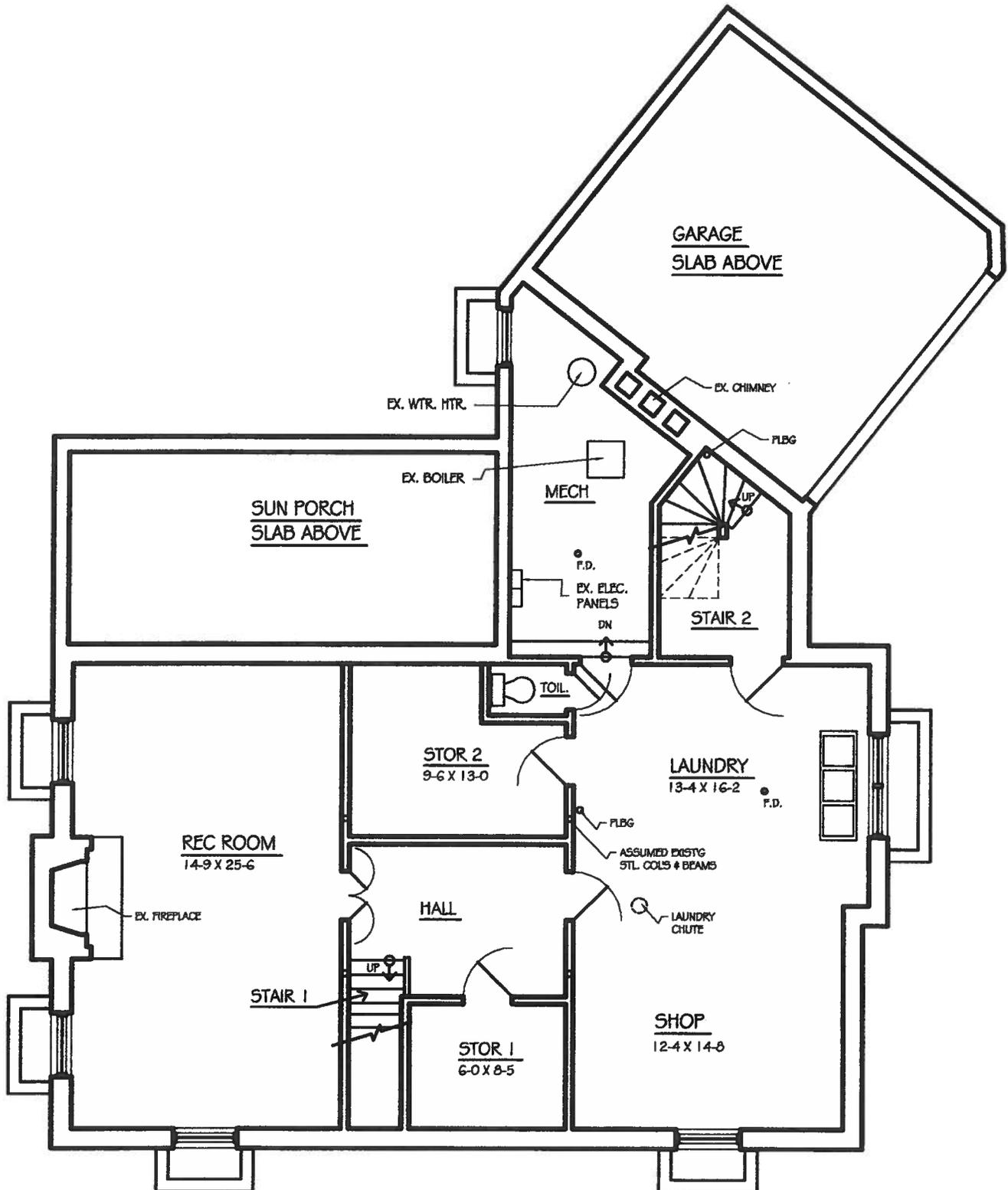


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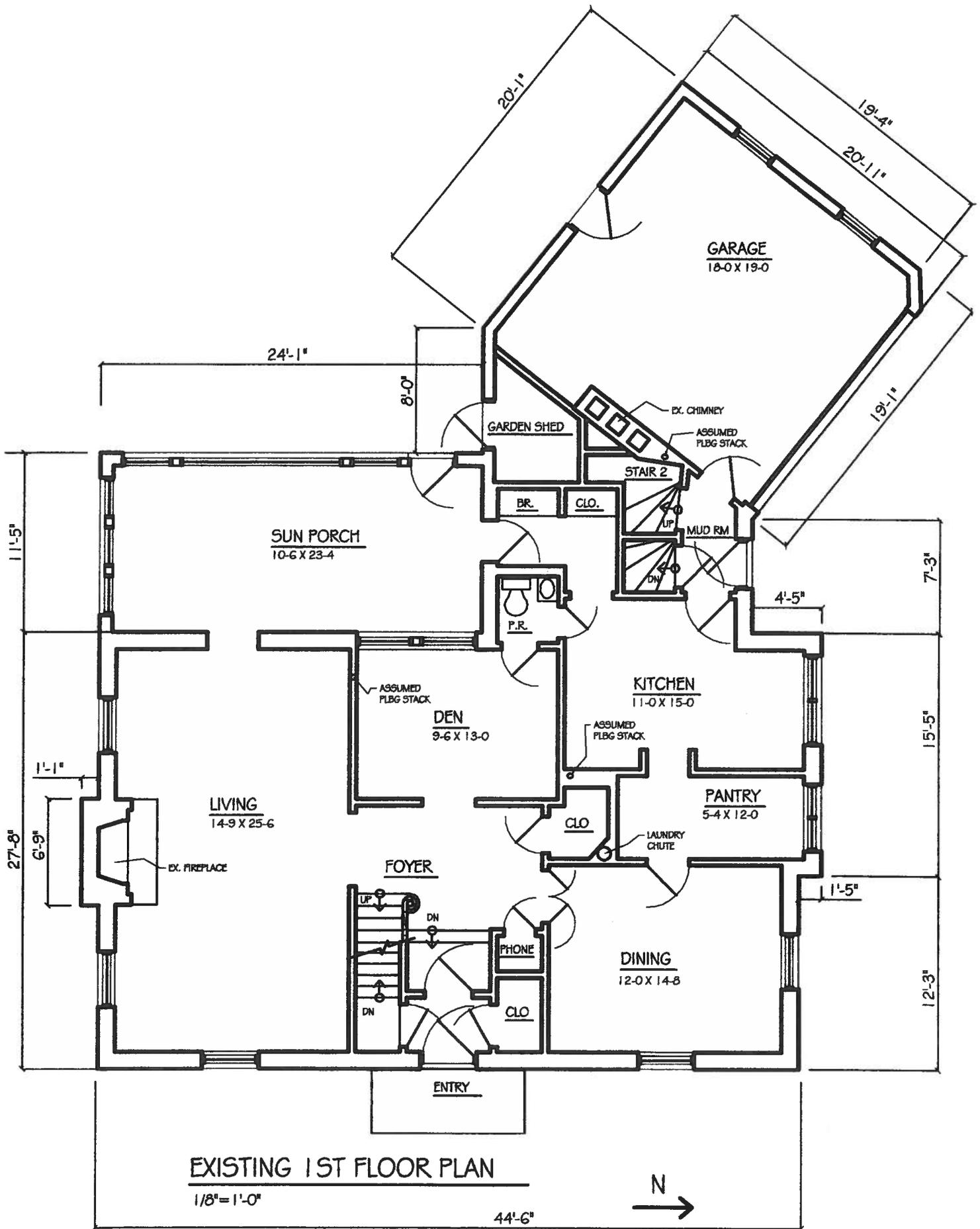


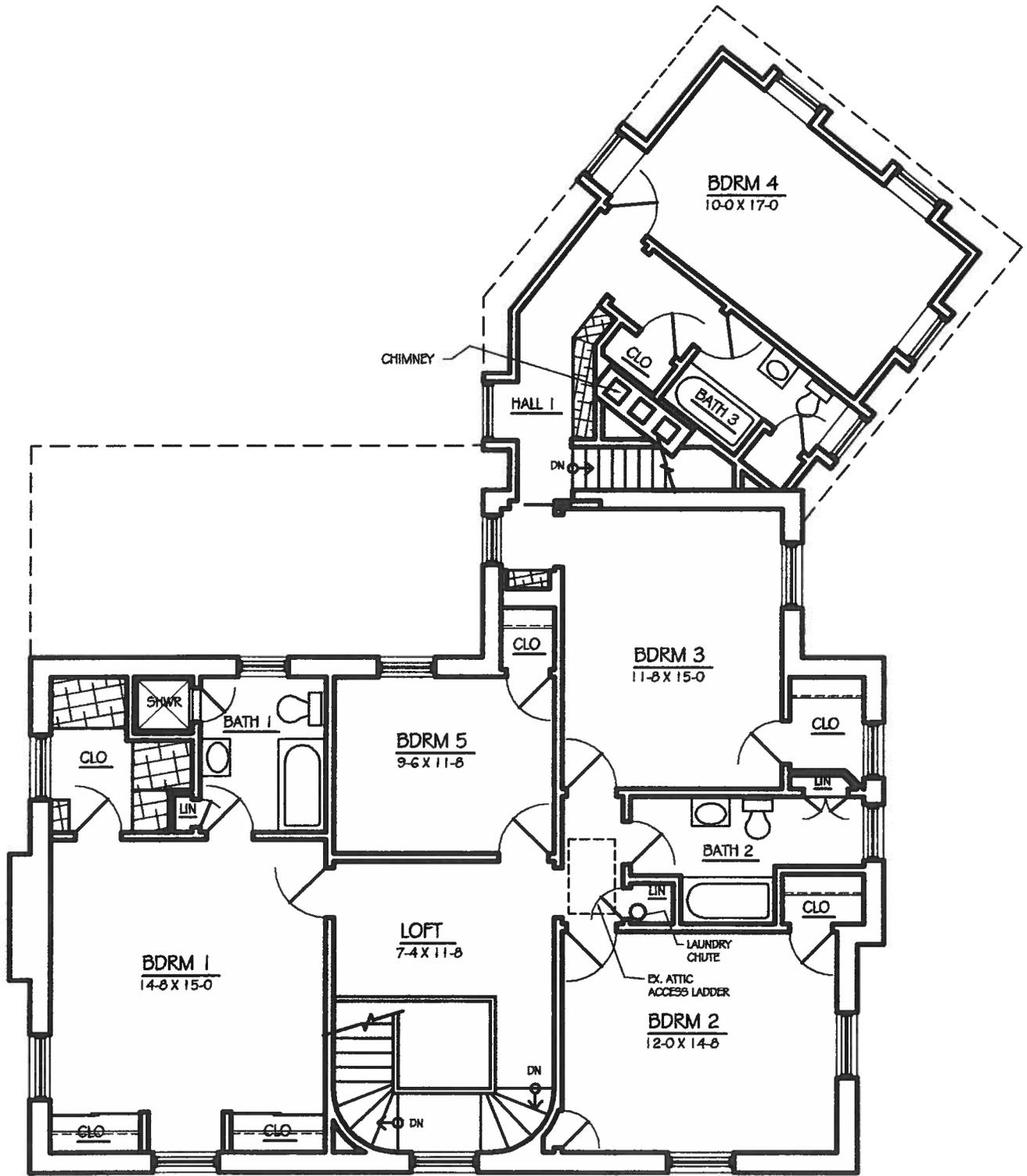


EXISTING BASEMENT PLAN

1/8" = 1'-0"



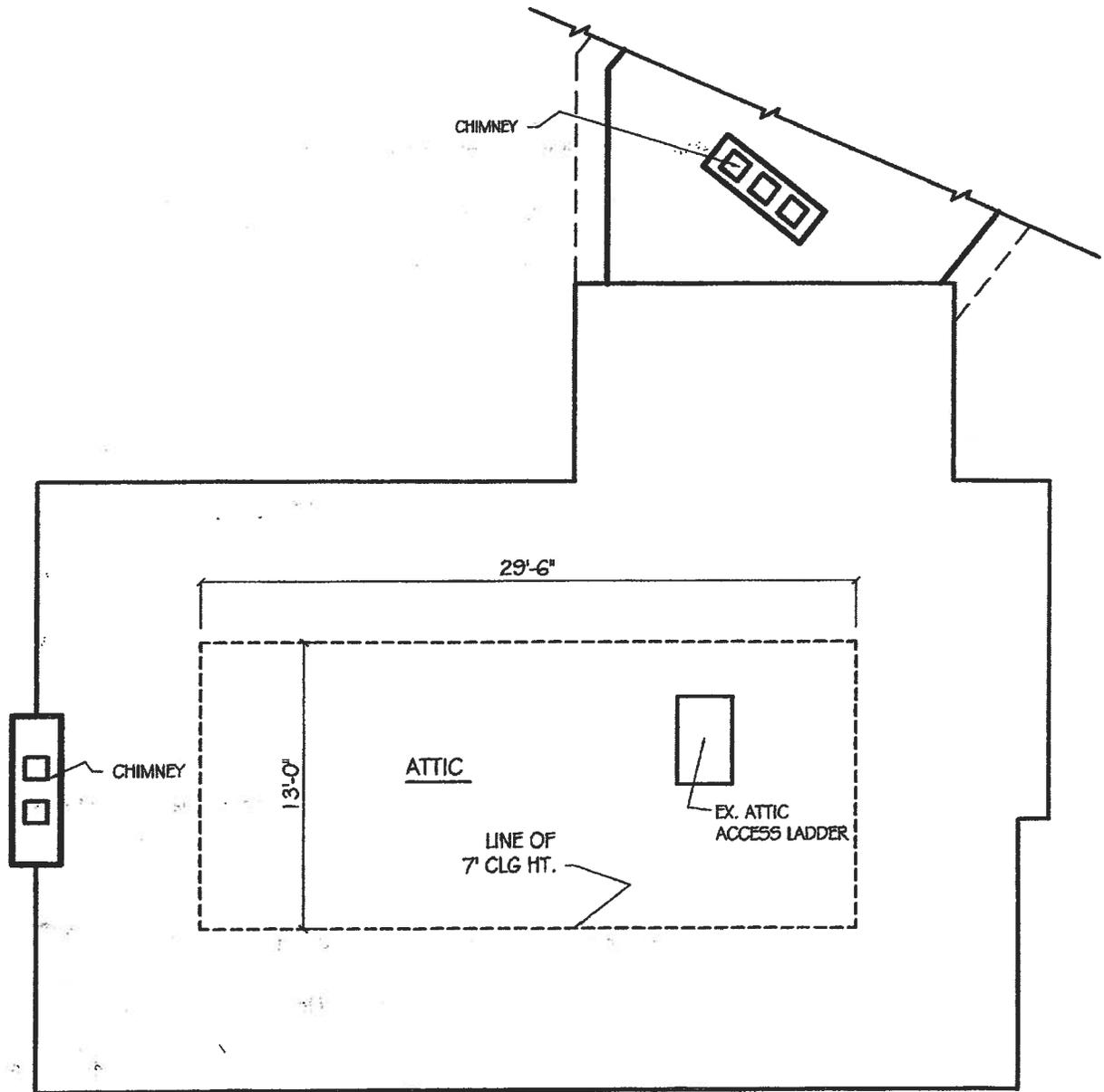




**EXISTING 2ND FLOOR PLAN**

1/8" = 1'-0"



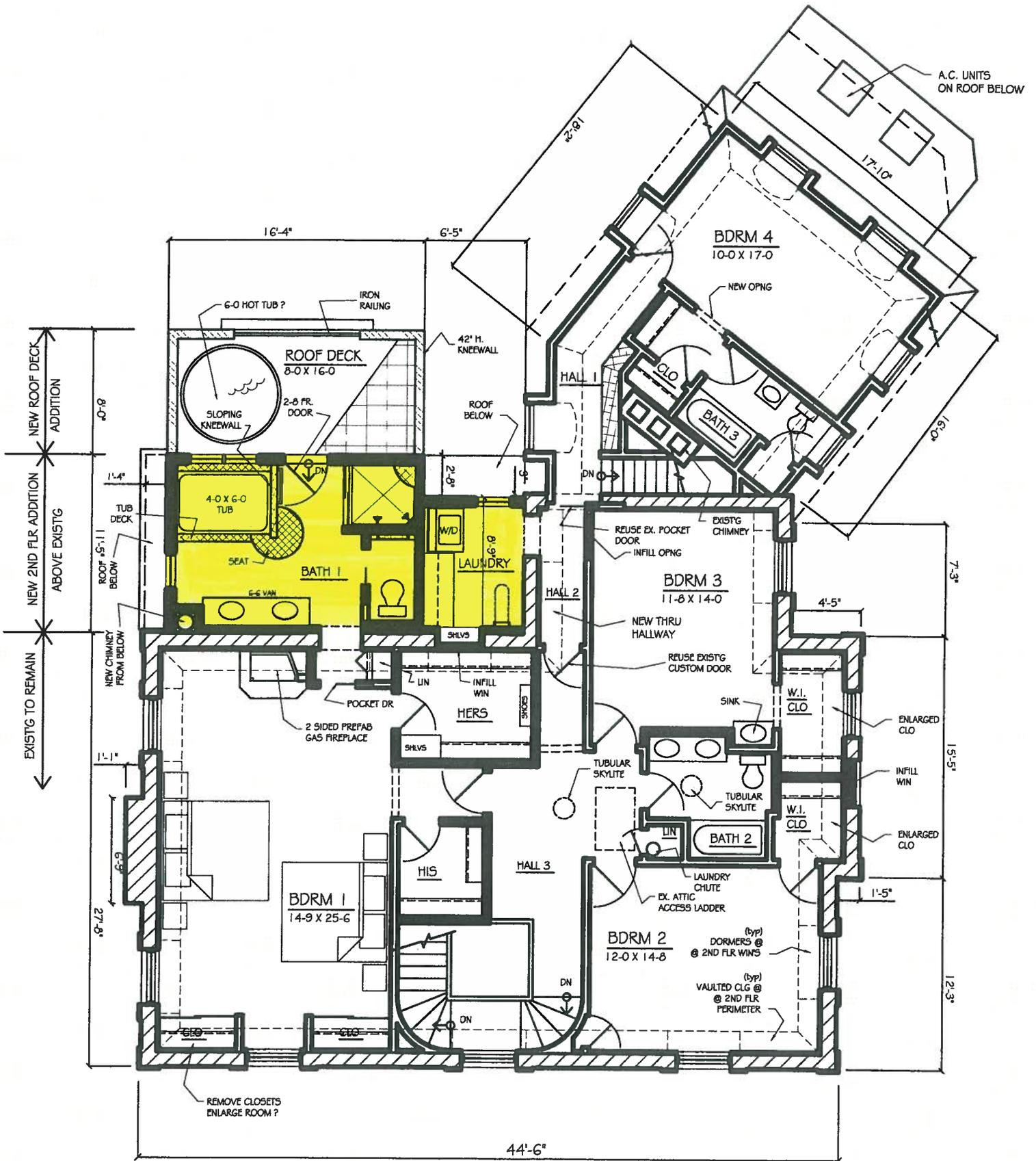


EXISTING ATTIC PLAN

$3/16" = 1'-0"$







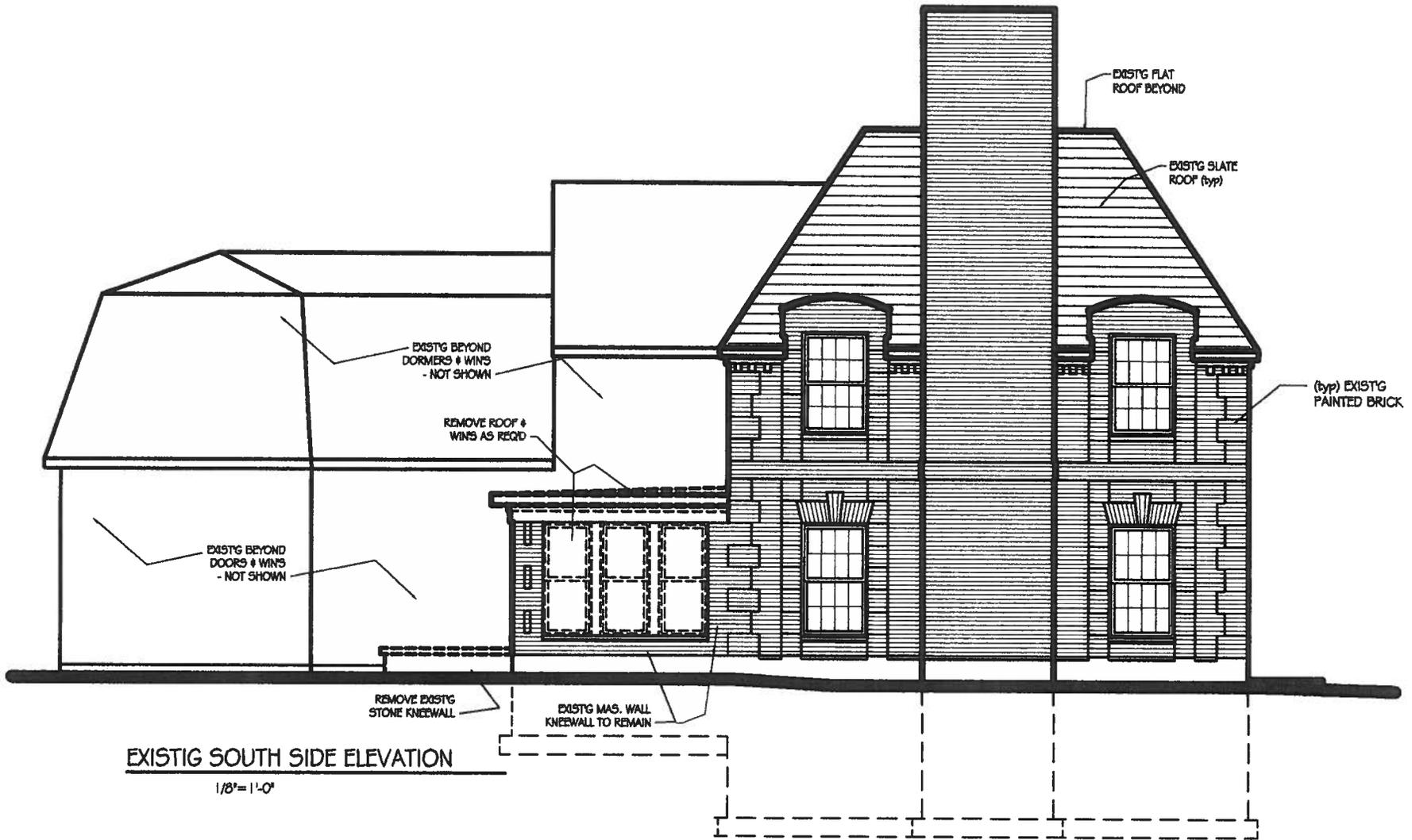
PROPOSED DIMENSIONAL PLAN

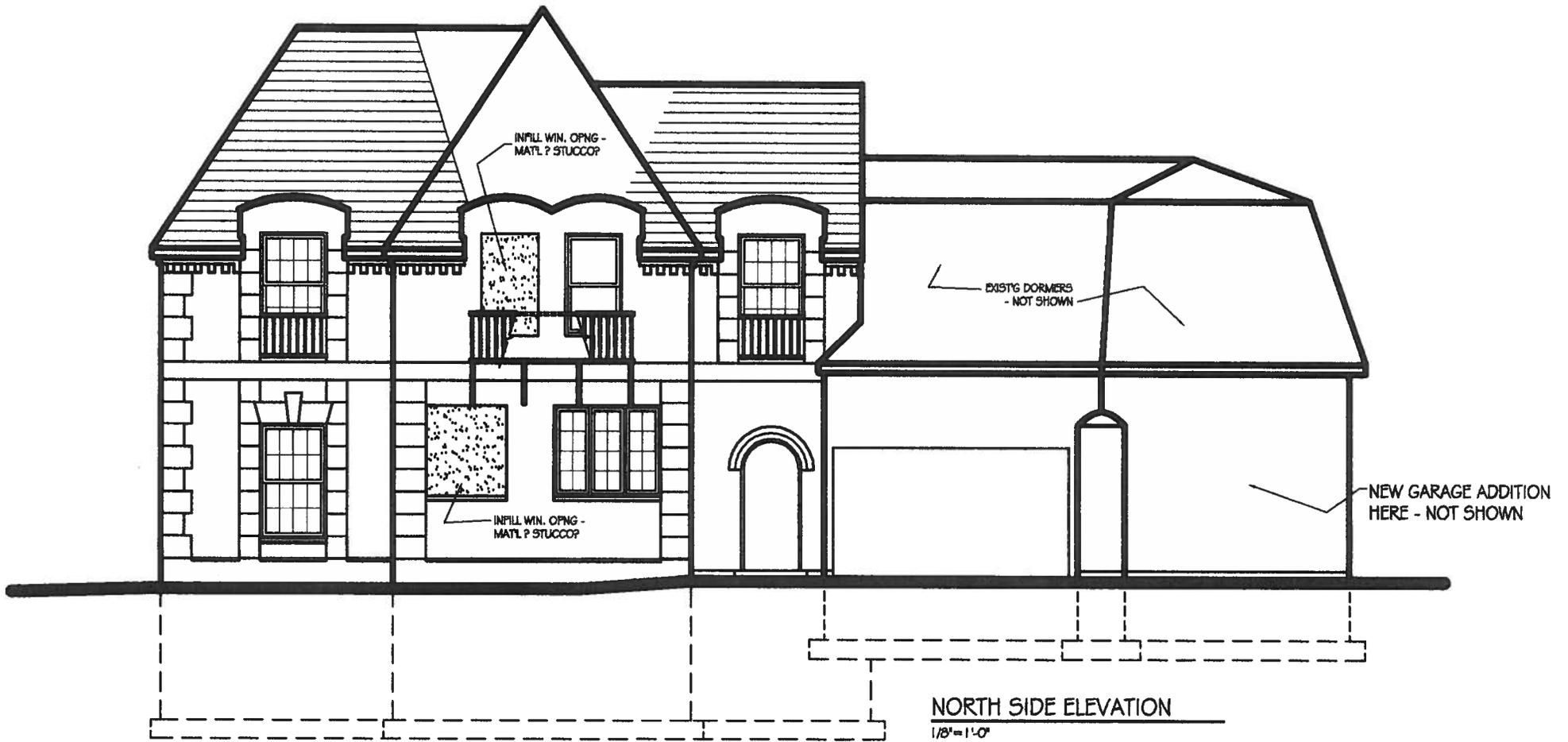
2ND FLOOR 1/4" = 1'-0" N →



EXISTING  
FRONT ELEVATION

3/16" = 1'-0" EAST





NORTH SIDE ELEVATION

1/8" = 1'-0"



NEW COPPER ROOF  
 @ NEW ENTRY PORCH  
 - DESIGN TO BE DETERMINED

EXISTG COPPER GUTTERS  
 - REPLACE AS REQ'D

EXISTG PAINT  
 - OPT. - REPL

(typ) EXISTG  
 PAINTED BRU

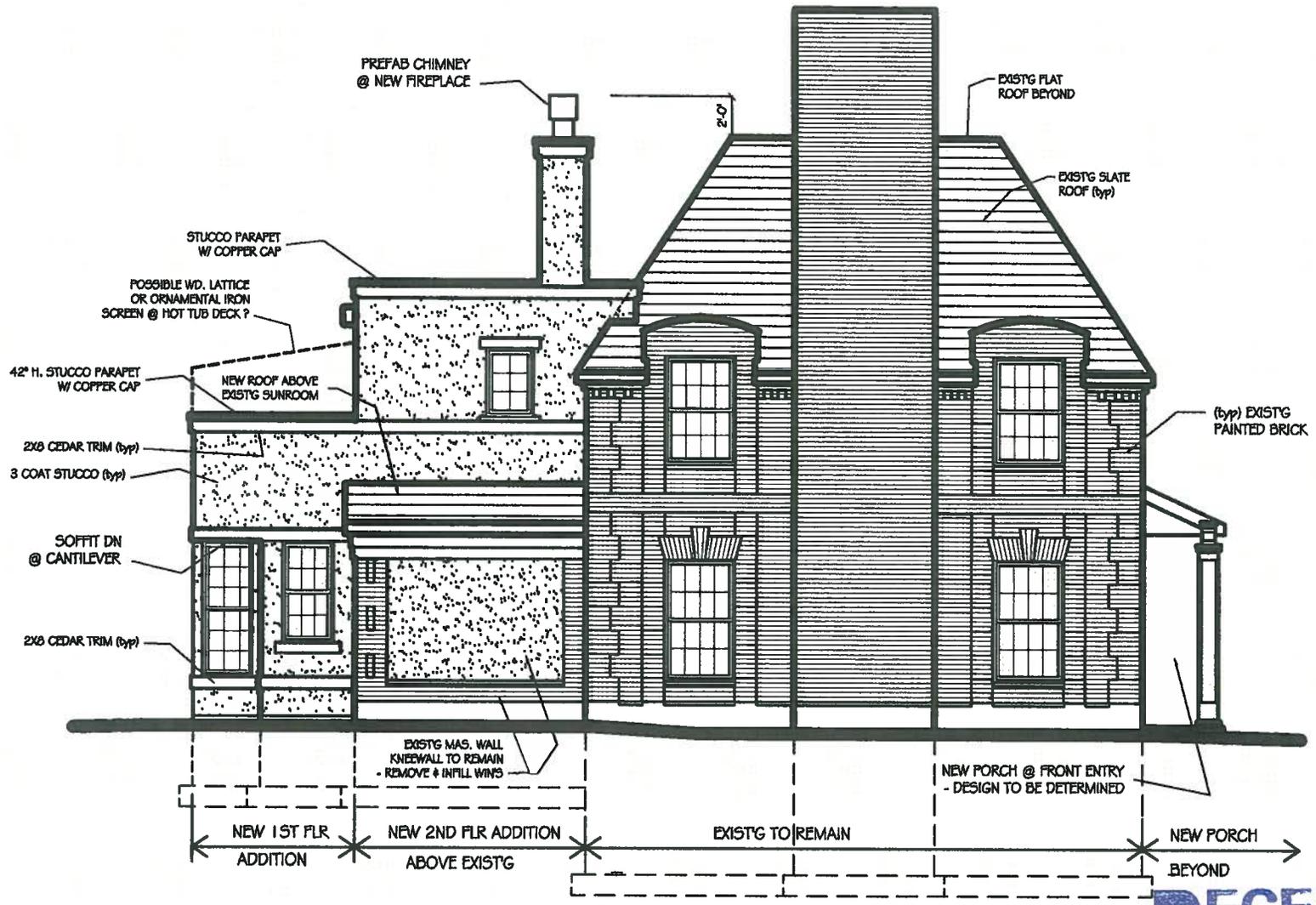
NEW WIN LOC'S

NEW 1 2" SQ. COLUMNS  
 @ NEW FRONT ENTRY PORCH  
 - DESIGN TO BE DETERMINED

NEW WIN LOC'S

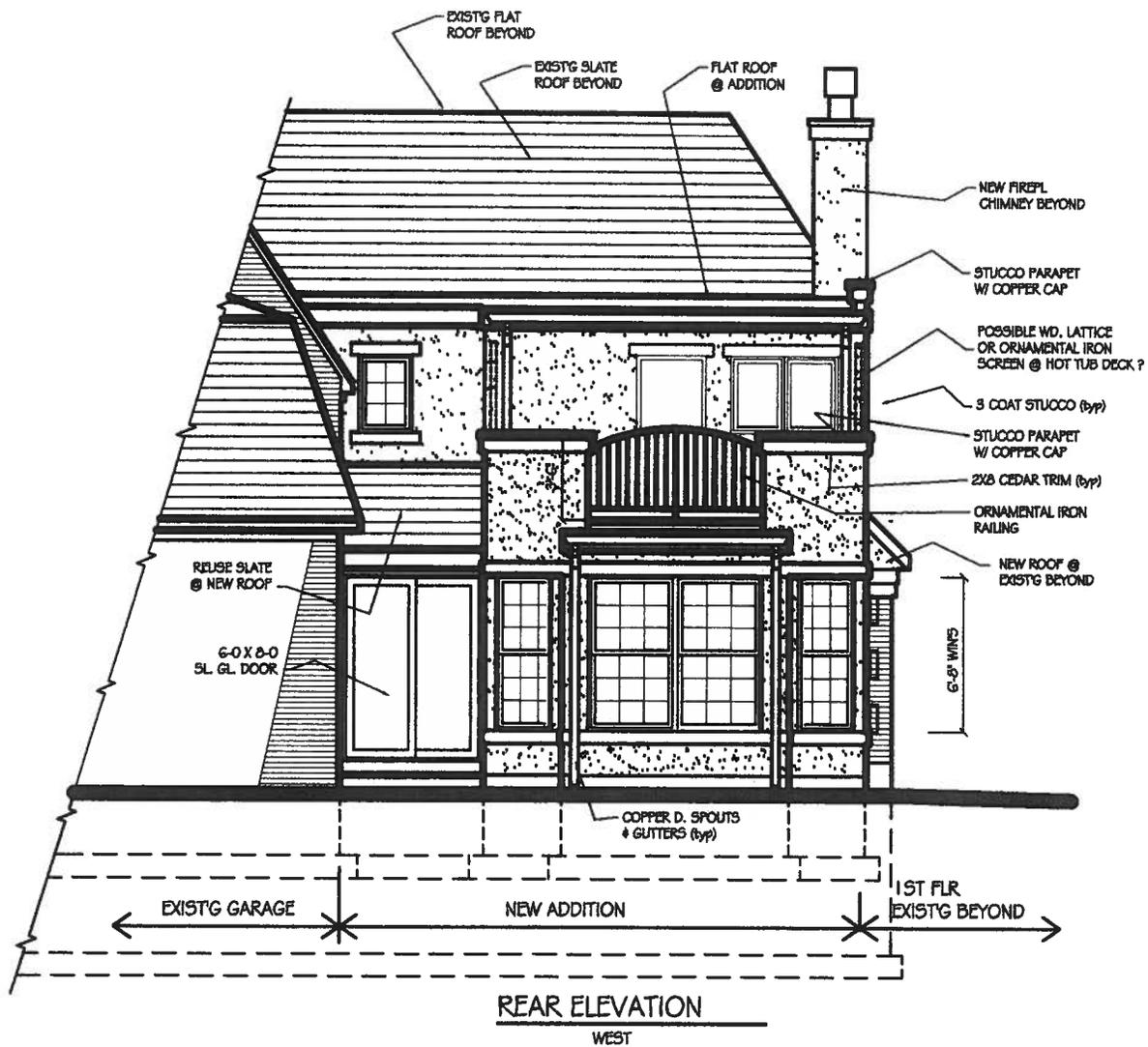
PROPOSED  
FRONT ELEVATION "H"

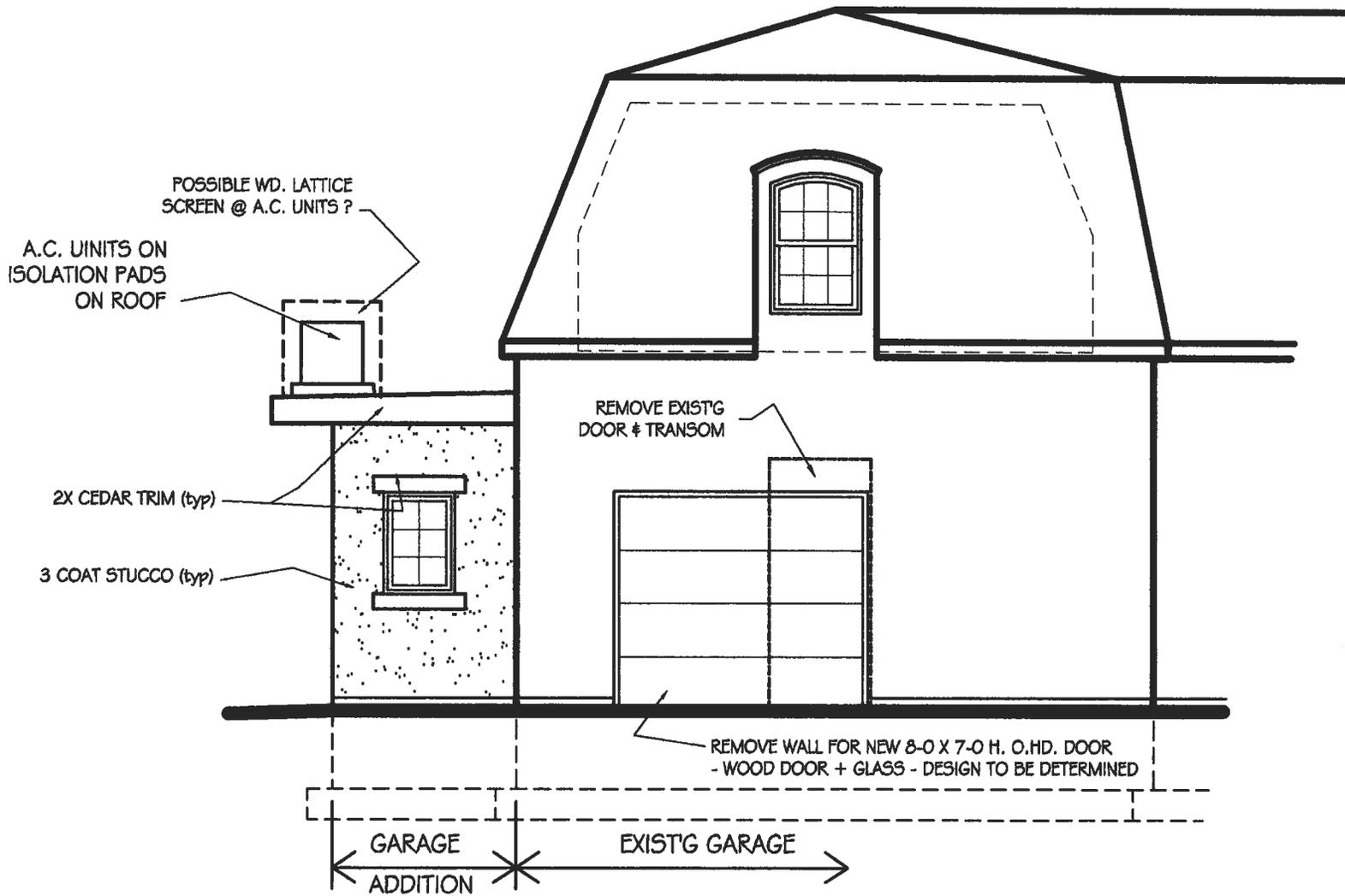
3/16" = 1'-0" EAST



SOUTH SIDE ELEVATION

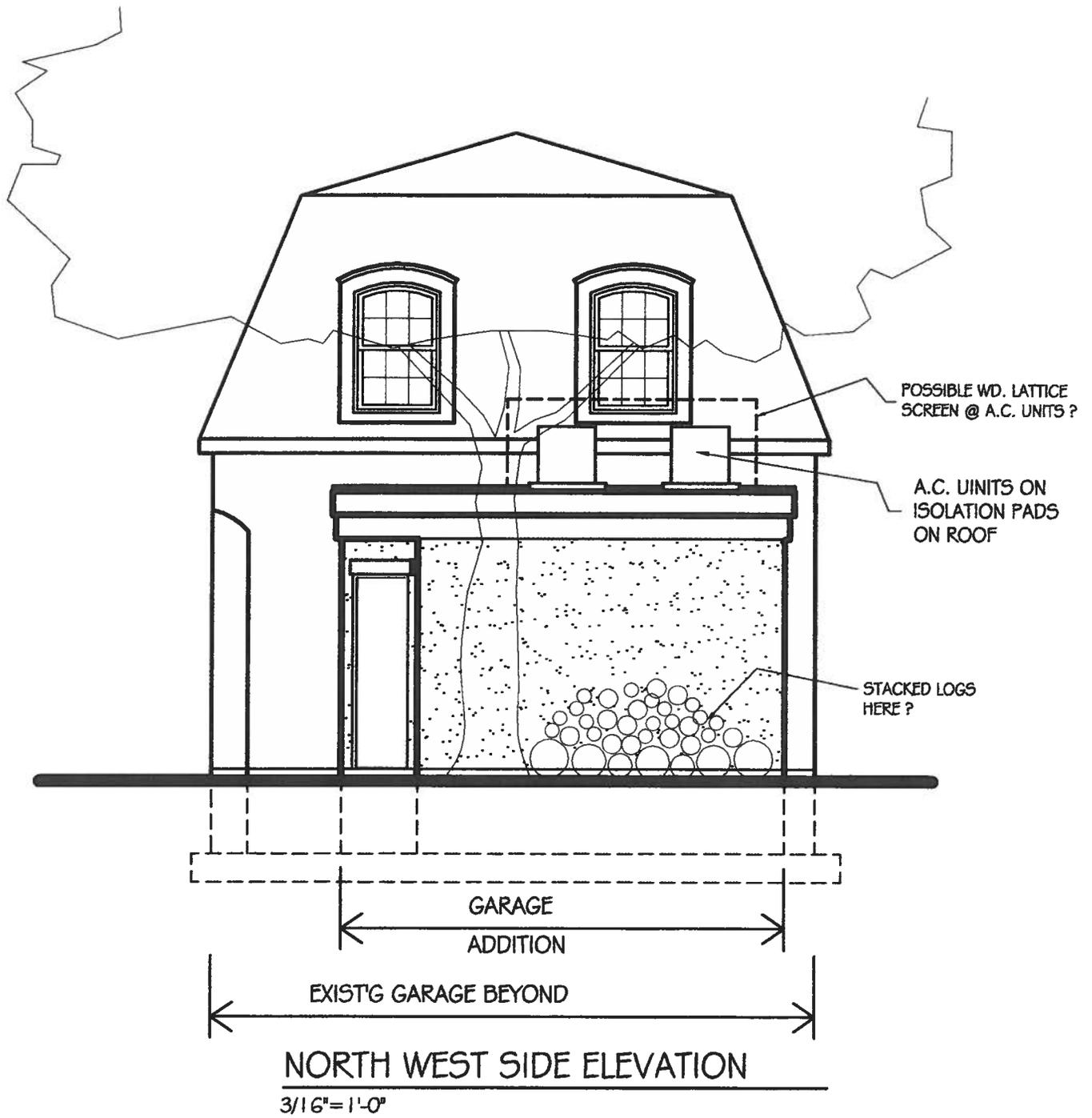
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 JUN 22 2011  
 BY: \_\_\_\_\_





# REAR GARAGE ELEVATION

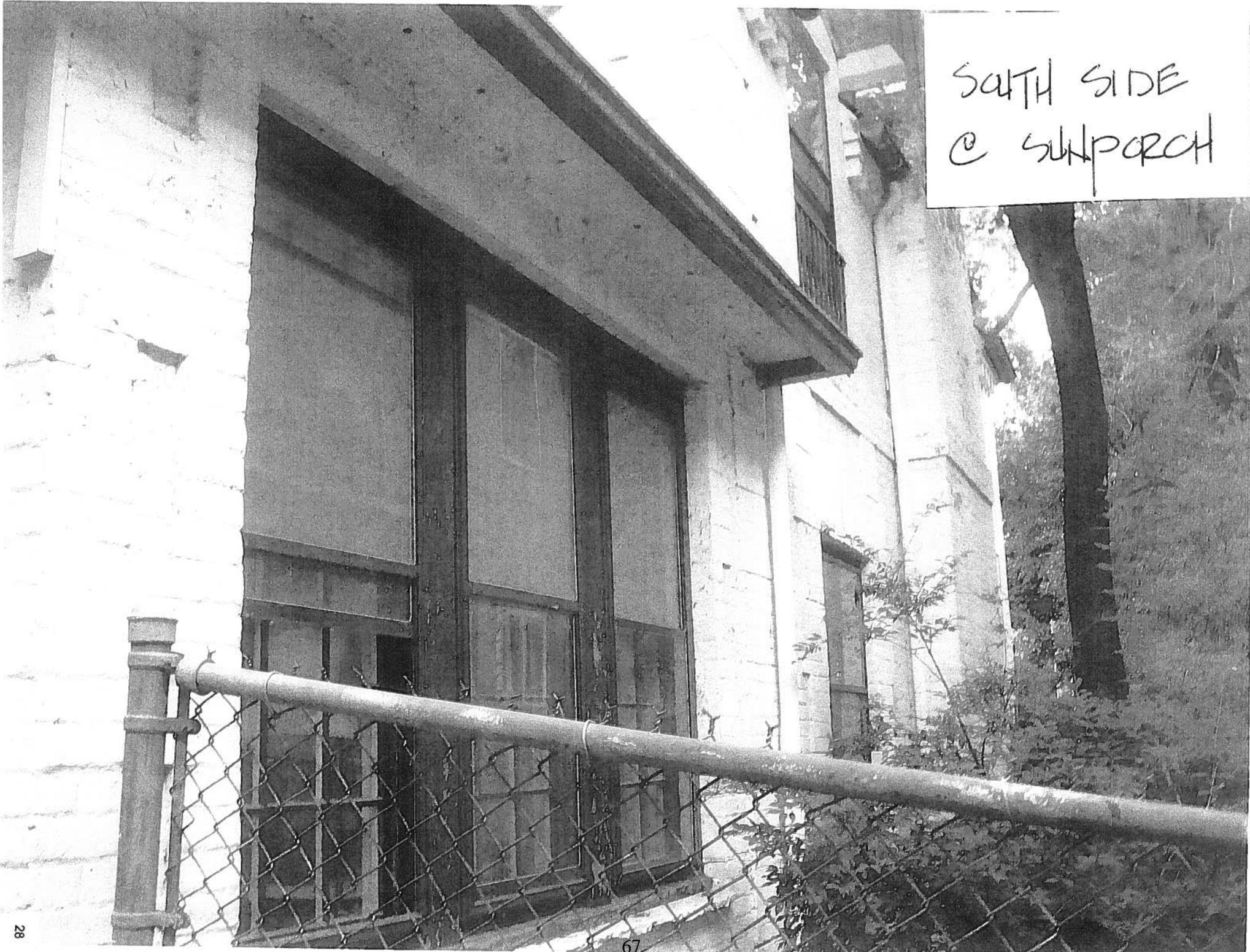
3/16" = 1'-0"



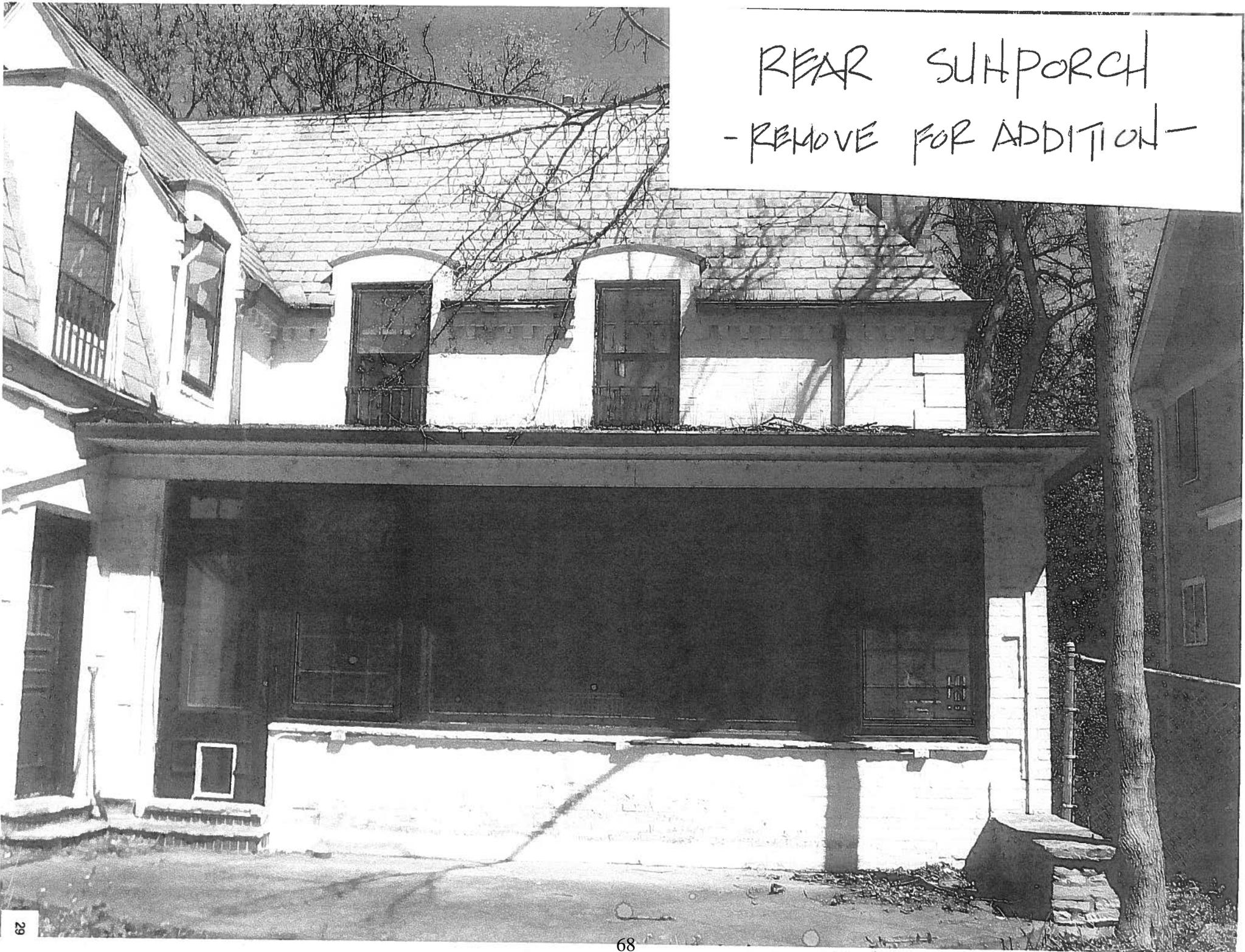


FRONT ENTRY

SOUTH SIDE  
@ SUBPORCH



REAR SUNPORCH  
- REMOVE FOR ADDITION -





GARAGE @ REAR



GARAGE @ FRONT

**WINNETKA ZONING BOARD OF APPEALS  
JUNE 13, 2011**

**Zoning Board Members Present:** Joe Adams, Chairman  
Mary Hickey  
Bill Krucks  
Jim McCoy  
Scott Myers

**Zoning Board Members Absent:** Carl Lane  
Joni Johnson

**Village Staff:** Michael D’Onofrio, Director of Community  
Development  
Ann Klaassen, Planning Assistant

**Agenda Items:**

**Case No. 11-13-V2:** 314 Woodland Ave.  
Gertrude Danziger and Robert Danziger  
Variations by Ordinance  
1. Maximum Building Size  
2. Side Yard Setback

**Minutes of the Zoning Board of Appeals  
June 13, 2011**

**314 Woodland Ave., Case No. 11-13-V2, Gertrude Danziger and Robert Danziger, Variations by Ordinance - (1) Maximum Building Size and (2) Side Yard Setback**

Mr. D’Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Gertrude Danziger and Robert Danziger concerning variations by Ordinance from Section 17.30.040 [Maximum Building Size] and Section 17.30.060 [Side Yard Setback] of the Winnetka Zoning Ordinance to permit the construction of additions to the residence that will result in a gross floor area of 4,508.65 s.f., whereas the maximum of 3,895 s.f. is permitted, a variation of 613.65 s.f. (15.75%) and total side yards equaling 13.49 ft., whereas a minimum total side yard of 16.25 ft. is required, a variation of 2.76 ft. (16.98%).

Chairman Adams swore in those that would be speaking on this case.

Rick Rasmussen, 6515 N. Greenview in Chicago, introduced himself to the Board as the architect who would present the request to the Board. He also noted that the property owners are present. Mr. Rasmussen stated that the property has unique circumstances and that it has been

uninhabited for four years. He also stated that there is existing water damage and severe mold problems and that the home needed to be gutted. Mr. Rasmussen stated that the mechanicals need to be replaced and that the radiator piping is broken. He stated that it is a situation where the property owners decided that the place is to be gutted before the extensive renovations took place and that they want to modernize the property to make it more contemporary for use.

Mr. Rasmussen stated that the problem with regard to the existing condition is that there is no family room and that there is a long, narrow sunroom in the rear of the home. He also stated that the garage is attached on an angle and that it is tight in that only one car can fit into it. Mr. Rasmussen stated that the home was built with a slate roof which is high pitched and a flat roof which contained a large attic space which counted toward FAR even though it is not useable.

Mr. Myers asked if there is no access to the attic.

Mr. Rasmussen stated that there is a pull down stair. He added that since it is above 7 ft. in height, it is counted towards FAR. Mr. Rasmussen noted that the home as it stood is over on FAR. He went on to state that they are proposing to tear down much of the sun porch and expand it to create a family room and breakfast area, as well as to extend out the garage approximately 6 ft. in order to be able to get two vehicles in the garage. Mr. Rasmussen then stated that above the sun porch, there is a proposed addition which would be part of the master suite which would be set back further than what is currently there. He also identified the garage on an angle in an illustration for the Board. Mr. Rasmussen stated that you can barely see the garage because of the setback and that is visible toward the street and counted toward FAR. Mr. Rasmussen stated that the plan is to add a portion which measured 10 ft. x 16.4 ft. in order to create a family room and to add a portion to the garage. He reiterated that the portion of the second floor addition would be over the sunroom.

Mr. Myers questioned whether the applicant objected to making a two car garage. He then referred to the space which is labeled as bicycle storage.

Mr. Rasmussen stated that in order to fit two vehicles in the garage, it is a tight turn. He then identified it as 18 feet and stated that it is not a straight shot.

Chairman Adams asked if they considered a detached garage in the back.

Mr. Rasmussen stated that there is a bedroom above the garage and that they did not consider that alternative. He stated that they did set back addition toward the other side so that it is more articulated.

Mr. Myers then asked Mr. Rasmussen to explain what they are doing with the existing den.

Mr. Rasmussen indicated that it would become a bonus room, powder room and pass through space.

Ms. Hickey asked how vehicles are parked there.

Mr. Rasmussen stated that they are going in on an angle. He then illustrated how it worked for the Board.

Mr. Krucks asked if they would be adding a bicycle storage area to the garage.

Mr. Rasmussen stated that if they opened the wall, it would provide turning room for the vehicles and a place for the lawn mower.

Mr. Myers asked if the proposed family room would measure approximately 21 ft. x 16 ft.

Mr. Rasmussen confirmed that is correct except for the first 11½ ft. which is existing.

Mr. Myers then asked if the entire room is 300 s.f. and a large entryway to the north.

Mr. Rasmussen confirmed that is correct and related to where the existing sun porch line is now.

Mr. Myers commented that it seemed to be a big family room and asked Mr. Rasmussen if they considered doing something which is not so expansive.

Mr. Rasmussen referred to the comparable sizes of the rooms and stated that it is smaller than the living room.

Mr. Myers stated that it also seemed as if the home already is above GFA in this area.

Mr. Rasmussen indicated that much of it is the attic.

Mr. Myers then asked how much.

Mr. Rasmussen estimated it to be approximately 300 s.f.

Mr. Myers stated that in the past, the Board has said that a family room is customary in Winnetka. He indicated that it seemed as if the applicant would be adding more space here and whether the family room needed to be that big.

Chairman Adams asked for justification as to why it is over GFA now.

Mr. Rasmussen responded that 13 ft. x 29½ ft. of the attic counted toward GFA.

Chairman Adams then asked if the sunroom is in good structural shape.

Mr. Rasmussen stated that it needed work and that the problem is that it only measured 10 ft. wide. He noted that the sunroom measured 10.6 ft. x 23.4 ft.

Chairman Adams then questioned the den.

Mr. Rasmussen stated that with regard to the existing den, he assumed that it may have been a covered porch and not enclosed and that now it is an interior space because of the sunroom. He indicated that he did not know if it is considered habitable space.

Chairman Adams referred to the amount of space the applicant is working with in the home which is an expansive remodel. He asked why they didn't turn it into a sufficient family room.

Mr. Rasmussen informed the Board that the powder room is small and that the kitchen opening to the breakfast and family room plan is an issue more than anything. He then identified the masonry and one story sunroom with two stories above. Mr. Rasmussen also stated that the den is so far from the outside windows, he is not sure it would be considered habitable space as far as light and ventilation requirements go.

Chairman Adams asked if they would be making it habitable space on the revised plans.

Mr. Rasmussen stated that the closet and powder room are called the bonus room.

Mr. D'Onofrio clarified for the Board that the amount of attic area included is 383.5 s.f.

Mr. Krucks stated that amount represented 60% of the overage.

Mr. D'Onofrio also stated that the proposed additions add 483.83 square feet.

Chairman Adams asked if the second floor would contain an expanded master suite.

Mr. Rasmussen confirmed that is correct. He also stated that they planned to eliminate one bedroom and expand the size of the master suite, which will result in a total of four bedrooms instead of five.

Chairman Adams asked if there were any other questions. No additional questions were raised by the Board at this time. He then asked if there were any questions from the audience.

Kim Peterson, 315 Woodland, informed the Board that she lives across the street and has been in her home for five years. She stated that what the applicant has let happen to the home is shameful. Ms. Peterson then asked if they are planning on moving in the home or selling it and described the negligence of the home as disgraceful.

Chairman Adams then called the matter in for discussion.

Mr. McCoy stated that it seemed that what the applicant is asking for is reasonable considering that most homes in Winnetka have a family room. He also stated that if the applicant intended to move in the home, the project would open it up and make it a more sellable property. Mr. McCoy also stated that the only issue with the proposed addition on the side of the garage is because he wondered if they cannot store bicycles in the garden shed attached between the proposed addition and the home. He stated that there are reasons that they should have an

attached garage if it would fit both vehicles and if the only way to do it is to have the turning radius and bicycles that would be fine. Mr. McCoy concluded by stating that what the applicant is asking for seemed reasonable.

Chairman Adams asked if there were any other comments.

Mr. Myers stated that his concern related to the fact that the home is already over GFA and that the request would be adding an additional 483 s.f. He stated that as far as having a family room, it is viewed as customary, but that his concern related to whether a family room of this size is necessary. Mr. Myers stated that while it would be nice to have a big family room, he questioned whether 300 s.f. is really needed and that its size can be reduced. He then referred to the bicycle storage area. Mr. Myers stated that they are looking for alternatives in order to minimize the amount of the variation being requested. He commented that while overall it is a great plan and it is a great home which will be improved, his concern related to the extensiveness of the size.

Ms. Hickey stated that the family room accommodated what is going on elsewhere.

Mr. Myers stated that the second floor is taking advantage of the size of the first floor.

Mr. McCoy commented that it looked as if the proposed addition would be in keeping with the size of the homes around it. He also stated that it is smaller than the homes adjacent on the south side and north side.

Chairman Adams stated that the home to the south definitely projected out further.

Mr. Myers stated that he would like to hear the other Board members' comments.

Mr. Krucks stated that in general, his concern related to the bulk requirement and allowing new or remodeled homes to exceed what the Village Council proposed in the ordinance for maximum square footage. He stated that unlike the first case where the overall square footage was reduced even though the home was out of compliance to begin with, the request would be increasing the overall footprint of the home by 613 s.f. Mr. Krucks also stated that he is concerned with the property not being inhabited for quite some time. He stated that the proposal is to maintain the existing flavor of the home in the neighborhood. Mr. Krucks stated that in knowing if the current situation is allowed to persist, the only cure for the property is to tear it down. He indicated that with those considerations, he is torn but that he agreed with Mr. Myers' and Chairman Adams' comments and that with regard to the bicycle space he is not bothered as much. Mr. Krucks added that it would be in the back of the lot and that they can facilitate turning the garage into a two car garage. Mr. Krucks also stated that he agreed with Mr. Myers with regard to his view of the size of the proposed addition to the sun porch. He stated that it seemed that there may be a reasonable way for the applicant to get what they want in exchange for a reduction in square footage of the sun porch addition.

Chairman Adams stated that if the applicant was to down size the proposal, he asked Mr.

D'Onofrio if they could do that and then proceed to the Village Council.

Mr. D'Onofrio stated that based on the Board's comments, he did not think there would be four votes in favor of the request. He stated that if that is the case, the request could go to the Village Council with no recommendation. Mr. D'Onofrio stated that if the applicant wanted to come up with a plan which is smaller in size, it is clear from the discussion that the request gave the Board stress with regard to the size of the proposed family room addition. He indicated that it would be up to the Village Council whether they want to send the request back to the Board or the fact that since the request would be smaller in size, it does not have to be re-noticed and that they could approve or deny the request based on the revised plan.

Robert Danziger informed the Board that they are putting \$500,000 to \$750,000 into the home. He agreed that it is definitely an eyesore now. Mr. Danziger stated that the proposed addition would not extend beyond the home on the south side. He stated that to restrict their ability to upgrade the home at this point would be very bad.

Chairman Adams stated that the Board is not restricting their ability to upgrade the home, but that the Board has come up with reasonable alternatives. He noted that reasonable return is not expressed in monetary terms. Chairman Adams stated that they have to stay true to the ordinance with reasonable variations.

Mr. Danziger noted that the home to the south is three times the size. He then asked for a continuance.

Mr. Rasmussen then asked Board to advise them with regard to what is reasonable for a family room addition.

Chairman Adams stated that the Board does not revise plans for the applicant and that they have heard the Board's hesitancy. He stated that the Board appreciated the applicant's plan and to get the home revitalized. Chairman Adams suggested that the applicant look for conforming alternatives and something which is more modest which may lend to more support from the Board. He confirmed that the applicant can come back before the Board next month and asked if they wanted to proceed with a vote or request a continuance.

Mr. Danziger confirmed that he would like to continue the request.

No vote was taken on this matter at this time.

**WINNETKA ZONING BOARD OF APPEALS  
JULY 11, 2011**

**Zoning Board Members Present:** Joe Adams, Chairman  
Mary Hickey  
Joni Johnson  
Bill Krucks  
Carl Lane  
Jim McCoy  
Scott Myers

**Zoning Board Members Absent:** None

**Village Staff:** Michael D'Onofrio, Director of Community  
Development  
Ann Klaassen, Planning Assistant

**Agenda Items:**

**Case No. 11-13-V2:** **Continued from June 13, 2011 meeting**  
314 Woodland Ave.  
Gertrude Danziger and Robert Danziger  
Variations by Ordinance  
1. Maximum Building Size  
2. Side Yard Setback

**Minutes of the Zoning Board of Appeals  
July 11, 2011**

**Call to Order:**

Chairman Adams called the meeting to order at 7:35 p.m.

**Approval of Minutes:**

Theodore Wynnynchenko stated that he has changes that he would like made to the June 13, 2011 meeting minutes. He then distributed information to the board for their review.

Chairman Adams informed Mr. Wynnynchenko that the minutes were not meant to be a word by word transcription. He then asked the Board if they would like to approve the minutes or to look though Mr. Wynnynchenko's changes.

Mr. Myers suggested that the minutes be put back on the agenda for next month and for the

Board to approve both sets of minutes then.

**314 Woodland Ave., Case No. 11-13-V2, (Continued from June 13, 2011 meeting)  
Gertrude Danziger and Robert Danziger, Variations by Ordinance - (1) Maximum  
Building Size and (2) Side Yard Setback**

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Mr. D'Onofrio noted that the legal notice was already read into the record at the June 13, 2011 meeting.

Rick Rasmussen confirmed that he had already been sworn in.

Chairman Adams referred to the Board members who were not present at the last meeting and asked Mr. Rasmussen what had changed since the last time.

Mr. Rasmussen stated that the Board did not like the fact that the family room was so large and that they reduced it by 2 feet and brought the garage extension in by 8 inches which cut 43 square feet from FAR. He also stated that he referred to the setback as being 1 foot 4 inches when it is actually 1 foot 2 inches.

Chairman Adams asked if there is a gain in the side yard and if the amount of the side yard variance would be reduced.

Mr. Rasmussen stated that is correct and reiterated that they brought the garage extension in 8 inches and reduced the size of the family room by 2 feet. He also stated that there would be 33 square feet less for the proposed addition.

Chairman Adams then asked what is the total measurement of the entire family room.

Mr. Rasmussen responded that it would measure 15 feet 8 inches x 20 feet 4 inches.

Chairman Adams asked if there were any questions.

Ms. Johnson stated that she was not at the last meeting and that she went to the home. She stated that it is her understanding that the applicants would not be tearing down the sunroom even though it is in dilapidated condition.

Mr. Rasmussen indicated that they planned to keep one part of the wall and to build the second floor addition over it, as well as to extend the addition to get a family room. He noted that the existing sun porch is very narrow.

Ms. Johnson asked if the second floor addition would go out as far west as the first floor.

Mr. Rasmussen stated that it would extend as far as the existing roof deck.

Ms. Johnson then questioned the hot tub.

Mr. Rasmussen informed the Board that it is only shown as a possibility.

Ms. Johnson confirmed that while the applicants did not need a variation for the hot tub, it would be giving them the opportunity to put in a hot tub which would be disruptive to the neighbors to the south even if it is screened.

Mr. Rasmussen stated that if they had a roofed deck, they would be allowed to do it regardless.

Ms. Johnson asked if they were planning to extend the lower portion and could push out to the west wall and have a greater variation. She stated that if the requested variation is granted, she would be against it because it would be unusual to have a second floor hot tub on the second floor. Ms. Johnson then asked if that is a firm part of their plans.

Mr. Rasmussen reiterated that it is only if the applicants want to put in a structure possibly down the road.

Ms. Johnson then asked if there would also be air conditioning condensers on the roof.

Mr. Rasmussen confirmed that is correct and stated that they would be located over the garage.

Ms. Johnson asked why they aren't located on the ground.

Mr. Rasmussen referred to an area which is all patio and stated that it would not be a good place to put them. He also stated that is where the mechanicals will be and that it is a convenient place for them.

Ms. Johnson asked with regard to the garage, it was indicated that the applicants need extra space for two vehicles because of the angle.

Mr. Rasmussen confirmed that is correct and that it is very tight getting in and pulling out of the garage. He informed the Board that they would be opening up the wall to help get the vehicles in and to have storage. Mr. Rasmussen indicated that it is really a one car garage now and that because of the angle, they cannot make the turn.

Ms. Johnson stated that the discussion of a laundry room on the second floor is not in the minutes. She asked if it were removed, would it reduce the variance.

Mr. Rasmussen confirmed that is correct.

Ms. Johnson then asked what is the hardship of not having a laundry room on the second floor.

Mr. Rasmussen responded that the building had been unoccupied for 4 or 5 years and that it needed extensive renovation. He referred to the amount of money being spent to modernize the home and that otherwise, it would be a teardown.

Chairman Adams stated that in order to get a sense of flavor, if they were building out of the backyard, whether they would need as big of a variation. He stated that the Board considered the structural issues at the last meeting and the consequences of building out on the second floor.

Ms. Hickey asked Mr. D'Onofrio if there were noise requirements for second floor air conditioning units.

Mr. D'Onofrio informed the Board that if the air conditioning units are 8 tons or more, they have to be screened for noise. He stated that they would not know the size of the air conditioning units until they receive the applicants' building plans.

Ms. Hickey stated that as far as a variance on that side, the air conditioning units would be impacting the neighbors to the north.

Ms. Johnson stated that if the air conditioning units are less than 8 tons, having them on the ground would be preferable in terms of the impact on the neighbors and that they already have a side yard issue.

Mr. Rasmussen stated that the side yard issue is on the other side.

Ms. Johnson stated that she thought that there was a combined side yard setback issue.

Chairman Adams confirmed that is correct.

Mr. Myers stated that it is being driven by the south side.

Chairman Adams confirmed that is correct.

Mr. Myers indicated that he had no problem with the deck and the hot tub and that he appreciated the applicants taking the time to bring the amount of the requested variance down. He stated that he can see the concerted effort on the part of the applicants. Mr. Myers noted that he did have some concerns with regard to the air conditioning units and that he would be more comfortable if there was an agreement to put some kind of shielding around them to block them from the north neighbors' view and to dampen the sound.

Ms. Hickey agreed with Mr. Myers' comments.

Mr. Rasmussen then provided the Board with an illustration of screening alternatives and agreed that they can do that.

Ms. Hickey stated that a wood lattice fence would not block noise and that there are soundproof fences.

Mr. Myers asked what is a typical residential unit in terms of tonnage.

Mr. Rasmussen responded that it would be 4 or 5 tons.

Mr. D'Onofrio also stated that it would be a function of the size of the home.

Mr. Rasmussen informed the Board that there would be three air conditioning systems, one for the basement and another for the second floor, along with window units.

Ms. Johnson stated that since they would be gutting the home, she asked if there wasn't a way to reconfigure the space to reduce the amount of the variance by more than 2 feet. She stated that they would have a clean slate inside the home.

Mr. Rasmussen reiterated that there are structural issues and that with regard to spending money; they have to consider the economics as well. He noted that they did not plan to totally gut the home where they do not have to.

Ms. Johnson referred to the next case which had a 500 square foot family room. She indicated that she did not know how much they have to gut the home and that the interior is in really bad condition. Ms. Johnson commented that while the home should be preserved, the applicants have a lot more flexibility than others in doing the work.

Mr. Rasmussen stated that it would not be a major addition and that it would measure only 120 square feet. He also stated that they planned to reduce the number of bedrooms from five to four.

Chairman Adams stated that it is over the requirements already and that part of it is driven by the eaves.

Mr. Rasmussen informed the Board that the attic measured 344 square feet and that it unusable other than for storage.

Chairman Adams referred to whether there was another place for the air conditioning units. He also asked what else was considered and if there was room near the patio. Chairman Adams noted that there are tree issues in one area and also asked if they can be located in the back of the garage.

Mr. Rasmussen responded that is where the grill is located and that there would be a new opening for the garage door. He stated that the proposed location seemed a convenient place to put it.

Chairman Adams asked if there were any other questions.

Mr. Myers asked if the applicants are present.

Mr. Rasmussen responded that they are having a baby tomorrow.

Mr. Myers stated that his only point would be to ask if they could put soundproofing around the air conditioning units.

Mr. Rasmussen stated that would not be a problem or that he could find a place to put them on the ground.

Chairman Adams stated that the Board would be making a recommendation to the Village Council and that the applicants are amenable to adding visual and sound screening. He asked if there were any other questions from the Board. No additional questions were raised by the Board at this time. He then asked if there were any questions from the audience. No questions were raised by the Board at this time. Chairman Adams then called the matter in for discussion.

Ms. Johnson stated that she had concerns about the plans and with regard to whether the Board had jurisdiction over a hot tub, she wondered whether an extension of the second floor is necessary to modernize the master bathroom suite or if the applicants wanted a hot tub which may be problematic for the neighbors. She stated that the south setback is not an issue and that it represented a combined setback issue.

Ms. Klaassen confirmed that there is a total side yard issue.

Ms. Johnson then stated that the issue is relevant. She stated that to add a hot tub on the second floor when there is only 6.75 feet from the property line, with regard to noise and aesthetics, it would not be appropriate. Ms. Johnson also stated that the hardship had nothing to do with the condition of the home, but related to the attic space counting toward GFA. She stated that if they were to back out that space, the home would be conforming and only over the maximum by 186 square feet.

Mr. Rasmussen noted that there is one other issue. He stated that the location of the garage is barely visible from the street and that if it was not, they would gain another 200 square feet for GFA.

Mr. D'Onofrio informed the Board that the applicants are not being penalized, but that they do not qualify for the allowance.

Ms. Johnson then stated that to that extent, she would be in favor of the request without getting into the issues of a 300 square foot family room or a 286 square foot family room. She indicated that she is not sure that the applicants spent time attempting to reconfigure the existing space and modernize the home. Ms. Johnson stated that the attic is not usable without windows or a stairway and that there could not be a family room in the attic which represented a possible hardship in that there is no reasonable return without a family room. She also stated that if the sunroom was in decent condition, it would not be considered an adequate family room.

Ms. Johnson stated that she would like to point out a similar case on Tower Road where the home was in terrible shape and that the Board, because of the way the property had a triangle lot and because of the easement, the applicant built a new home with several variations. She stated

that the Board should not reward property owners who allow a home to deteriorate to the point where it is a teardown. Ms. Johnson stated that the code says that they should preserve homes whenever possible and that for those reasons, she would be in support of the request.

Chairman Adams asked if there were any other comments.

Mr. McCoy stated that he would also support the request.

Mr. Myers stated that he is not that concerned with regard to the hot tub and that the Board cannot rule on this variation based on something which may not happen or is theoretical.

Chairman Adams stated that at that point, he asked if the home jogged back into compliance.

Mr. Rasmussen confirmed that is correct.

Mr. McCoy stated that he would make a recommendation in that regard that contingent upon an agreement by the applicants to modify the visual and sound aspects of the request for the air conditioning units. He stated that based on those recommendations, he would recommend approval of the variation.

Ms. Johnson then moved to recommend that the two variations be approved by the Village Council and that the hardship related to the attic space bringing the home out of compliance with GFA even though the attic space is not habitable and cannot be used for a family room. She stated that the home lacked a family room which the Board has found important in connection with reasonable return and a modern Winnetka home. Ms. Johnson noted that a side yard setback variation was granted for the home to the south a year ago. She indicated that it is fair in that the setback issue is not as significant as it could otherwise be.

Ms. Johnson stated that with regard to the garage, because of the angle, it is not currently usable as a two car garage which is standard in Winnetka and that allowing a small addition to the garage would provide storage and the ability to park two vehicles which would result in fewer vehicles in the driveway and on the street which would be a benefit to the neighbors and is important for reasonable return. Ms. Johnson also stated that the setback issue in terms of the side yard setback, there is a hardship associated with that variation and that the proposed additions will increase the side yards and that there would be no adverse impact on the neighbors' light air, along with the agreement to buffer the noise and visual aspects of any air conditioning units on the second level on the north side of the home.

Ms. Johnson stated that the hazard from fire would not be increased by renovating the home which is in bad condition and that the taxable value of the land would increase. She stated that congestion would not increase and that the public health, safety, comfort, morals and welfare of the Village would not be otherwise impaired. Ms. Johnson added that they would be preserving a home which would otherwise be torn down.

Mr. McCoy seconded the motion. A vote was taken and the motion was unanimously passed, 7

to 0.

AYES: Adams, Hickey, Johnson, Krucks, Lane, McCoy, Myers  
NAYS: None

**FINDINGS OF THE ZONING BOARD OF APPEALS**

1. The requested variations are within the final jurisdiction of the Village Council.
2. The requested variations are in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is compatible, in general, with the character of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.
3. There are practical difficulties and a particular hardship which prevents strict application of Section 17.30.040 [Maximum Building Size] and Section 17.30.060 [Side Yard Setback] of the Winnetka Zoning Ordinance which is related to the use, construction, and alteration of the residence.

The evidence in the judgment of the Zoning Board of Appeals has established:

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the zoning regulations. The existing home does not have a family room and even though there is significant area in the attic the space is not habitable and cannot be converted into a family room. In terms of the garage, because the garage is at an angle it isn't useable for two cars, which is the standard in Winnetka. Allowing a small addition to the garage would provide storage and the ability to park two vehicles in the garage, which is a benefit to the neighbors and is important for reasonable return. In regards to the side yard setback variation, both additions comply with the minimum required setback and the proposed additions will provide larger setbacks than the existing residence.
2. The plight of the owner is due to the nonconforming location of the existing residence and the design of the attic and garage.
3. The variations, if granted, will not alter the essential character of the locality as the proposed additions for a modern family room and garage space for two vehicles will be in keeping with character of the neighborhood. The granting of the variations will preserve a residence that would otherwise be torn down.
4. An adequate supply of light and air to the adjacent properties will not be impaired by the proposed variations. The applicant has also agreed to buffer the noise and visual aspects of the air conditioning units on the second floor level on the north side of the residence.
5. The hazard from fire or other damages to the property will not be increased as the

proposed improvements shall comply with building code standards, including fire and life safety requirements.

6. The taxable value of land and buildings throughout the Village will not diminish. The proposed construction is an improvement to the property and the taxable value of the property will increase.
7. Congestion in the public streets will not increase. The structure will continue to be used as a single-family residence and the number of bedrooms will be reduced.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired.

DRAFT

## **Agenda Report**

**Subject:**                   **Evaluation of Sewer Backflow Prevention Reimbursement Program**

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

Date:                         August 10, 2011

### **Issue.**

The Village of Winnetka has a program to share with homeowners the cost of installing anti-backup protection on the building sanitary sewer service line, or converting a home to an overhead sewer system. The Village's reimbursement is at a level of 50% of the installation cost, or \$2,500, whichever is less. The Village's contribution has been capped at \$2,500 since the program's inception in May 2006, and this amount is no longer sufficient to cover 50% of the installation cost as initially contemplated.

### **Background.**

Basement backups occur as a result of sewage or excess rainwater flowing back out of the sewer system, so it follows that in order to prevent basement backups it is necessary to prevent the sewage from reaching the basement. This can be accomplished by the use of either one-way valves (also known as anti-backup devices), or overhead sewers. While there are many types of anti-backup devices, they all take the form of some type of one-way valve that only allows flow in an outward direction, away from the basement. Depending upon consumer preference and the specific design of the sewer discharge system, the valves can be placed inside or outside of the house, and can be equipped with a pump, with or without a battery backup. Costs to retrofit a home with an anti-backup device can vary considerably, from as low as \$3,000 to \$10,000 or more. A typical anti-backup device installation is shown in Attachment 1.

Overhead sewers are a method of preventing basement flooding by eliminating any gravity connections to the sanitary sewers below the first floor. Basement plumbing fixtures such as sinks, toilets, and floor drains, are pumped to the sewer system, while fixtures on the first floor and above drain via gravity. In the event there is a sewer backup, the lowest opening at which sewage can enter a house is a first floor fixture. All houses built since 1970 have been required to be protected with overhead sewers. While a house can sometimes be retrofitted with overhead sewer, it is not always a cost-effective approach. An overhead sewer system is shown in Attachment 2. Overhead sewer retrofitting is typically more expensive than installing anti-backup devices, and costs can vary widely depending upon the size and design of the house, and whether the basement is finished or unfinished.

### **Analysis.**

Over the last few years, staff has observed that the Village's reimbursement level is not sufficient to cover 50% of the installation cost for anti-backup devices, as originally

intended by the program. Between 2007 and 2010, the average installation price of anti-backup installations in Winnetka has climbed from about \$4,700 to about \$7,800, as shown in Attachment 3. Further, recent price quotations for anti-backup devices obtained by a homeowner on Fuller Lane ranged from \$7,400 to \$11,895, meaning that even if the lowest proposal is accepted, the Village reimbursement would only cover about 1/3 of the installation cost.

Attachment 3 also contains comparative data from similar programs across the Chicago area, indicating that Winnetka's reimbursement program limits are slightly below the average reimbursement amount for both anti-backup devices and overhead sewer installation.

**Staff Recommendation.**

Staff recommends increasing the Village's contribution for anti-backup devices from \$2,500 to \$3,500, to account for increases in the installation costs of such systems since the inception of the program, as evidenced by cost information from recent installations, discussions with contractors, and current estimates provided by Village residents.

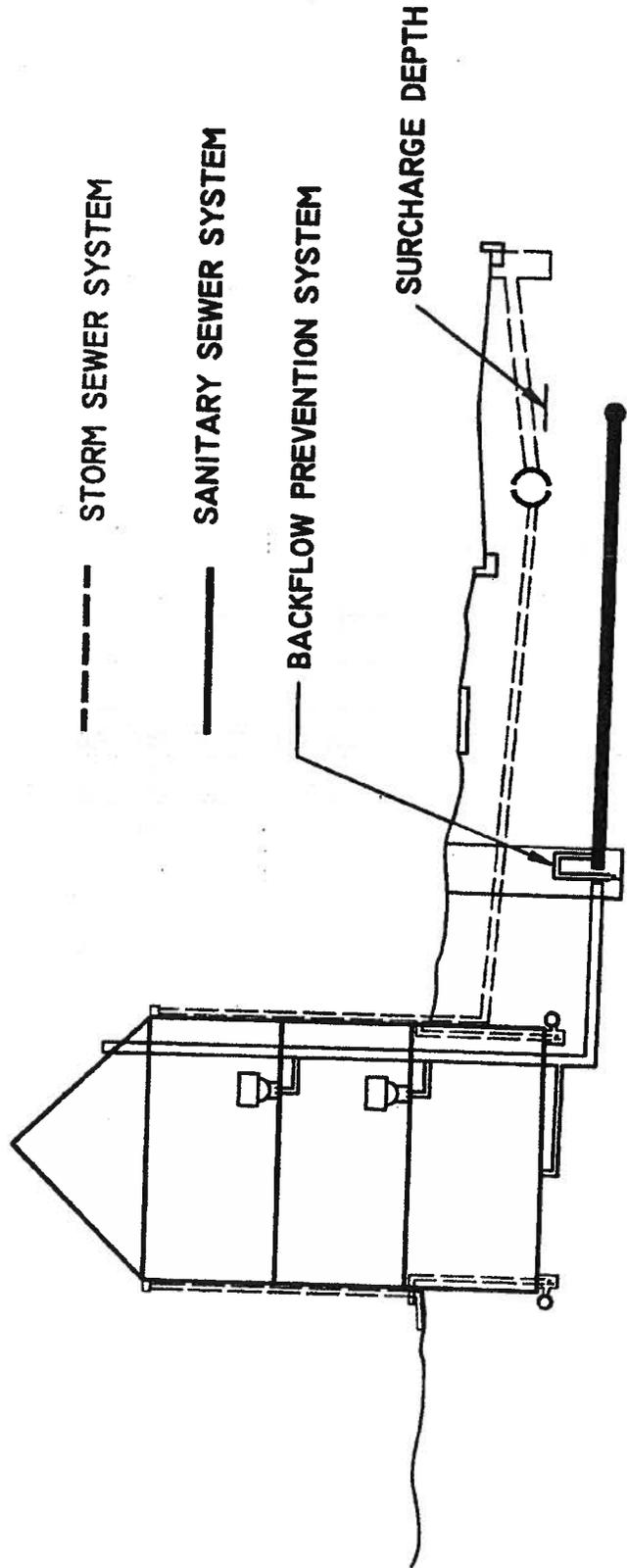
**Recommended Action:**

Provide policy direction on whether to increase maximum Village participation for sewer anti-backup installations and overhead sewer conversions.

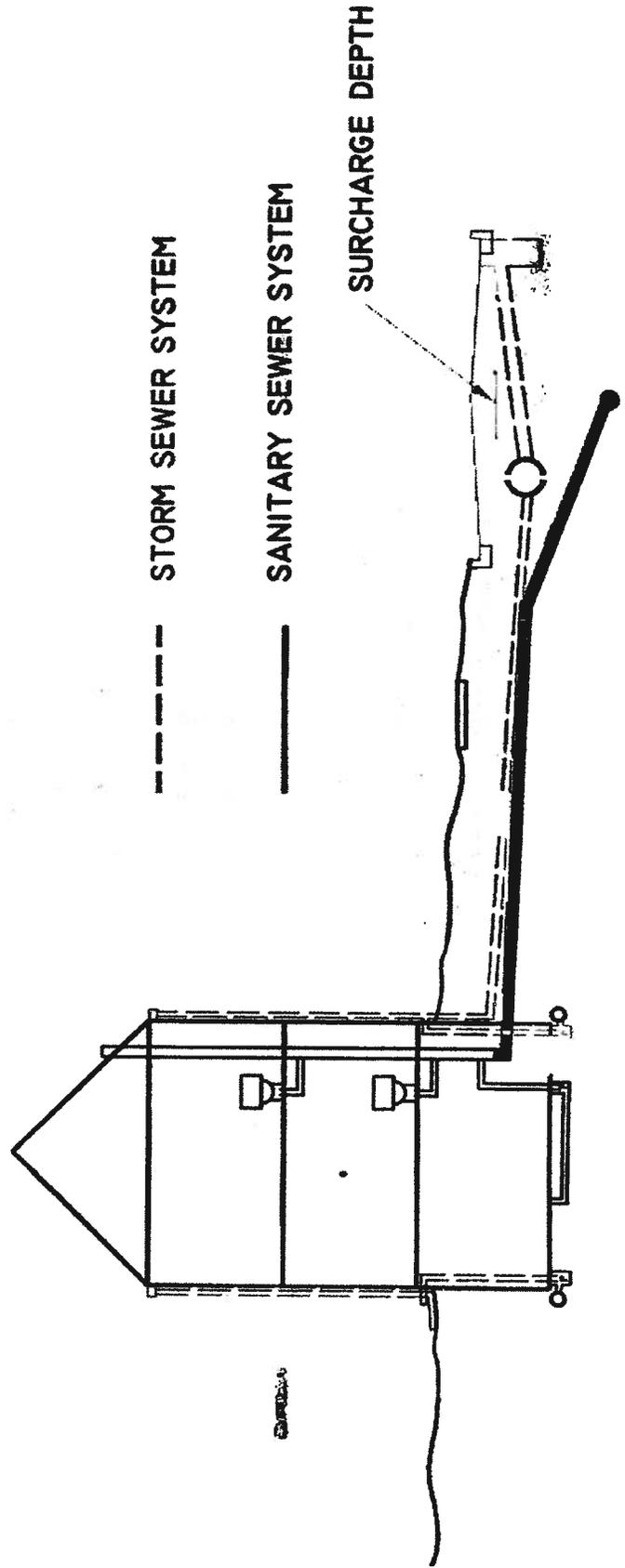
**Attachments**

1. Anti-backup device illustration
2. Overhead sewer illustration
3. Comparative data
4. Village Code section 15.24.085

**SURCHARGE CONDITIONS, PRE-1970  
HOME - RETROFITTED W/ BACKFLOW  
PREVENTION**



SURCHARGE CONDITIONS, POST-1970  
HOME (OVERHEAD SEWER)



Comparison With Other Communities

	Anti-Backup System		Overhead Sewer Conversion		Comments
	Participation Level	Participation Limit	Participation Level	Participation Limit	
Addison	N/A	N/A	25%	2,000	Only reimburse for overhead sewer installations
Downers Grove	50%	\$ 3,000	50%	3,000	
Elgin	50%	\$ 1,000	50%	5,000	Remaining 50% is a 5-year zero interest loan. Higher reimbursement for overhead sewer.
Elmhurst	50%	\$ 5,000	50%	5,000	
Elmwood Park	50%	\$ 1,500	50%	1,500	
Glencoe	50%	\$ 2,000	50%	2,000	
Glen Ellyn	50%	\$ 2,500	50%	2,500	
Northbrook	50%	\$ 5,000	50%	5,000	
Palatine	50%	\$ 750	50%	6,000	Loan/Reimbursement Program. Higher reimbursement for overhead sewer.
River Forest	50%	\$ 4,000	50%	4,000	Higher participation levels in Village-identified high-risk areas
Schiller Park	50%	\$ 1,000	50%	1,000	
Wheaton S.D.	50%	\$ 4,000	50%	4,000	
<b>Averages</b>	<b>50%</b>	<b>\$ 2,705</b>	<b>48%</b>	<b>\$ 3,417</b>	
<b>Winnetka</b>	<b>50%</b>	<b>\$ 2,500</b>	<b>50%</b>	<b>\$ 2,500</b>	

Winnetka Program Data

Year	Location	Previous Installations		Annual Average
		Installation Cost	Annual Average	
2006	Elm St.	\$ 3,250	\$ 3,250	
2007	Brier St.	\$ 3,787		
2007	Rosewood Ave.	\$ 5,610		Reimbursement capped
2007	Indian Hill Rd.	\$ 3,000		
2007	Rosewood Ave.	\$ 6,675	\$ 4,768	
2009	Indian Hill Rd.	\$ 6,530		Reimbursement capped
2009	Cherry St.	\$ 2,533		
2009	Oak St.	\$ 7,500		Reimbursement capped
2009	Oak St.	\$ 7,500	\$ 6,016	Reimbursement capped
2010	Prospect Ave.	\$ 4,615		
2010	Winnetka Ave.	\$ 6,390		Reimbursement capped
2010	Rosewood Ave.	\$ 11,885		Reimbursement capped
2010	White Oak Ln.	\$ 8,300	\$ 7,798	Reimbursement capped

Fuller Lane Resident Anti-Backup System Quotes August 2011

Contractor #1	\$ 7,400
Contractor #2	\$ 8,500
Contractor #3	\$ 11,895

## Winnetka, IL Village Code

**Title 15 BUILDINGS AND CONSTRUCTION / Chapter 15.24 SEWER CODE / Section 15.24.085 Sewer Back-up Prevention Program.****Section 15.24.085 Sewer Back-up Prevention Program.**

A. Cost-sharing program. Subject to the terms and conditions established in this section, a property owner who meets the eligibility standards of this section may apply to the Village for reimbursement of a portion of the cost of the initial installation of an overhead sewer or anti-back-up device.

B. Terms and conditions of the program.

1. Participants must meet the eligibility standards established by this section.

2. The maximum reimbursement made to any person under this program shall be 50% of the cost of the initial installation of an overhead sewer or anti-back-up device, or \$2,500, whichever is less.

3. Only those costs associated with the initial installation of anti-back-up device or overhead sewer shall be considered eligible for reimbursement.

4. Reimbursements pursuant to this section shall be available only if the Village Council has allocated funds for such purpose in the Village's annual budget. The Village Council shall retain the sole and exclusive discretion to determine, for each fiscal year, whether and to what extent the program shall be funded.

5. The cost-sharing program established by this section:

a. shall be a voluntary undertaking of the Village, which the Village shall be entitled to terminate or suspend at any time for any reason;

b. shall not be construed as an assumption of responsibility for, or legal liability arising from the design, installation, operation, maintenance, repair or replacement of any private sewer line, overhead sewer or anti-back-up device, including without limitation, any damages or injuries arising from the failure or malfunction of such sewer line, overhead sewer or anti-back-up device; and

c. shall not be construed as a waiver of any statutory or common law defenses or immunities the Village may be entitled to raise in response to any actions or claims of liability for damage or injuries arising from the design, installation, use, operation or maintenance of any public or private sewer line or of any overhead sewer or anti-back-up device, including without limitation, damages or injuries arising from the failure or malfunction of any

## Winnetka, IL Village Code

such sewer line, overhead sewer or anti-back-up device.

C. Eligibility standards. No person shall be eligible for reimbursement under this section unless all of the following conditions are met:

1. The applicant must be the owner of record of a single family home that was built before 1970 and that is not currently protected with overhead sewers or anti-back-up device.
2. The reimbursement request must be for the initial installation of an overhead sewer or anti-back-up device. The cost of replacement, repair or maintenance of an existing overhead sewer or anti-back-up device is not eligible for reimbursement.
3. The property owner or a qualified contractor acting on the owner's behalf, shall procure all necessary permits from the Village or other agencies to install the overhead sewer or anti-back-up device. All work shall comply with all applicable provisions of this Code, including all necessary inspections, contractor bonds or licenses. The property owner or the owner's contractor shall be responsible for scheduling all necessary inspections, and no reimbursement will be made for work that does not pass all required inspections.
4. The application for reimbursement shall be submitted with the permit application for the installation of the overhead sewer or anti-back-up device. The application form shall be provided by the Director
5. The application for reimbursement shall include a waiver, signed by the owner of record, waiving any and all claims against the Village for damages or injuries of any kind arising from the installation, operation, maintenance or repair of the overhead sewer or anti-back-up device, including without limitation, the failure or malfunction of the overhead sewer or anti-back-up device. The statement of the waiver shall be prescribed by the Village.
6. The property owner shall arrange for a pre-construction inspection, to be performed by the Village or its authorized agent, to locate any prohibited sources of stormwater inflow or infiltration to the sanitary sewer system. If this inspection reveals any prohibited sources of stormwater inflow or infiltration to the sanitary sewer system, the property owner shall correct them or cause them to be corrected, and arrange for a re-inspection by the Village or its authorized agent. All such prohibited sources of stormwater inflow or infiltration to the sanitary sewer system shall be corrected to the Village's satisfaction before the applicant is eligible for reimbursement under this section.
7. No reimbursement shall be made until the work has been completed and has passed the final inspection as required by the applicable provisions of the Winnetka Sewer Code and the Winnetka Building Code.
8. No reimbursement shall be made unless the property owner provides the

## Winnetka, IL Village Code

Village with evidence, in the form of a signed and sworn contractor's statement certifying that the contractor has been paid in full for the completed work.

D. Authority of Director. The Director of Public Works shall have the authority and discretion to administer the cost-sharing program established by this section, subject to the control and direction of the Village Manager. The Director of Public Works shall establish such administrative procedures as may be necessary to implement the program, which shall include, but shall not be limited to, establishing administrative priorities for processing and granting reimbursement requests based on such factors as the time of filing, time of completion, location in the floodplain or in flood-prone areas, and availability of funding.

(MC-3-2006, Added, 05/02/06)

## AGENDA REPORT

**SUBJECT:** Stormwater Improvement Financing Options:  
Stormwater Utility

**PREPARED BY:** Katherine S. Janega, Village Attorney

**REF:** August 2, 2011 Council Agenda, pp. 26 - 39

**DATE:** August 11, 2011

### Introduction

At the August 2, 2011, regular Council meeting the Council received a comprehensive report on the storms of July 22-23, and on possible infrastructure improvements. Part of that report included preliminary information on the Village's options for financing stormwater improvements. (August 2, 2011, Agenda pp. 31 – 35) In the course of its discussions, the Council requested further information on stormwater utilities.

Pursuant to that request, this memo provides a more detailed explanation of the nature, purpose and legal structure of stormwater utilities, the procedural steps for establishing a stormwater utility, and the policy issues that need to be decided along the way. In addition, this memo also provides a table listing the advantages and disadvantages of the different financing methods that were identified in the August 2 agenda materials.

Two other points should be noted at the outset. First, the purpose of this memo is to provide the Council with more information, rather than to ask the Council to decide on a course of action at this time. As the list of policy issues below discloses, there are other decisions to be made, and more information to be gathered, before the Council will be in a position to decide which of the financing options is most appropriate. Second, although any discussion of a stormwater utility necessarily includes a discussion of all financing alternatives, this memo is intended to provide detailed information only on the stormwater utility method, as requested by the Council, rather than to recommend a particular financing method.

### Discussion

#### **1. What is a stormwater utility?**

There are three general ways to define a utility: (i) by the nature of the commodity or service provided, (ii) by the nature of ownership, and (iii) by the way in which they are governed.

The functional concept of utilities is widely understood, because utilities touch our everyday lives. The most familiar of the utilities are those that provide the service of delivering a commodity to the customer, such as water, electricity, telephone service and natural gas. Less familiar are the utilities that provide the service of removing products from the customer's premises. Stormwater utilities fall into this latter category, as do refuse services, and sanitary sewer services.

## **Stormwater Utility**

August 12, 2011

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Like the Village's water, electric, refuse and sanitary sewer utilities, a stormwater utility would be owned and operated by the Village. Like all municipal utilities (and unlike investor owned utilities, which are subject to the Illinois Commerce Commission), a Village stormwater utility would be governed and regulated by the Village itself.

More specifically, a Village of Winnetka stormwater utility would provide a mechanism for funding capital improvements designed to protect properties within the Village through a stormwater mitigation program that includes collecting, detaining and transporting stormwater at controlled rates of flow so that it is ultimately deposited into its natural outflows in the Skokie River and Lake Michigan.

### **2. What are the benefits of a stormwater utility?**

There are two principal benefits to establishing a stormwater utility.

First, because the Village already provides the basic services that a stormwater utility would provide, the primary benefit of establishing a stormwater utility is that it would create an identifiable, predictable revenue stream that would be designated solely for the capital improvements to the stormwater system. This dedicated revenue stream would enable the Village to issue revenue bonds, making large sums of money available as necessary to fund large-scale improvements to the existing stormwater management system, while allowing the debt to be paid down over time as the system is used.

Revenues of the stormwater utility would be deposited into a new enterprise fund that would be created solely for the stormwater utility. This enterprise fund would operate in the same manner as the Village's four other enterprise funds, which manage and account for the revenues and operating costs of the Village's water, electric, refuse and sanitary sewer utilities. (Currently, the operations of the existing stormwater infrastructure is funded through property taxes and is accounted for in the Village's General Fund.)

Second, as with the other enterprise funds, user fees would be developed to fund the stormwater utility. User fees would be designed to provide an equitable measurement of the impact that each property in the Village has on stormwater flows. Because user fees would apply to all properties, regardless of their tax status, creation of a stormwater utility is generally regarded as a more equitable means of funding major stormwater management improvements. (User fees are discussed in greater detail in point 4, below.)

### **3. How is a stormwater utility established?**

From a procedural standpoint, establishing a stormwater utility is a straightforward process, as the Village's home rule status enables it to create a stormwater utility by enacting an ordinance. The ordinance would add a new chapter to Title 13 of the Village Code, which contains the chapters that establish and govern the Village's water, electric and sewer systems. (The Village's refuse removal system is governed by Chapter 8.16 of the Village Code, which is part of the Village's health and safety regulations.)

Drafting the actual ordinance establishing a stormwater utility requires considering the purpose of the ordinance as well as the nature and extent of the improvements. For example, the

## **Stormwater Utility**

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stormwater utility provisions in some Illinois communities include not only the basic utility fees and billing provisions, but also construction, development and usage regulations pertaining to storm drainage and floodplain management infrastructure, which makes for a lengthy, complex ordinance. Other Illinois municipalities, such as Highland Park, have focused simply on creating the stormwater utility fee, stating the purpose of the fee, and establishing billing and collection procedures. For such municipalities, the development, storm and floodplain regulations are found in other locations in their municipal codes.

Winnetka's floodplain regulations (Chapter 15.68) are part of Title 15 of the Village Code, which governs all of construction and property development. Because there would be no need to develop a new regulatory scheme for stormwater management, Winnetka's new Code chapter could be as simple as Chapter 13.12, which governs the Village's sewer system. (See Attachment 2)

### **4. Who would run the stormwater utility?**

As with the Village's other four utilities, a Village stormwater utility would be governed by the Village Council and operated by Village employees. No separate governing entity would be required. As noted above, the governing policies of the stormwater utility would be defined in the Village Code. The Department of Public Works, which also includes the Village Engineer, would continue to be responsible for the day-to-day operations of the system.

### **5. How are user fees established?**

Procedurally, user fees would be set by the Village Council, which would adopt an annual rate resolution as it currently does for all of the Village's other utility services. However, the method of establishing the user fee is more complex than for the other utilities for, unlike the water, electric, refuse and sewer utilities, which can meter the amount of product delivered or measure the amount of waste removed or wastewater produced, a stormwater utility system handles water that cannot be metered.

The most commonly used metric for establishing stormwater user fees is through determining the intensity of development and impact of run-off by measuring impervious surfaces, developing units based on average residential equivalents, and setting a base rate per equivalent unit. The greater the impervious surface on a given parcel, the more equivalent units it would have, and the greater the charge would be.

The foregoing paragraph is a very skeletal and simplistic description of the rate structure, which requires engineering expertise to develop. However, the basic method is sound and has been upheld in Illinois courts. See *Church of Peace v. City of Rock Island*, 357 Ill.App.3d 471, 828 N.E.2d 1282, 293 Ill.Dec. 784 (3d Dist. 2005).

### **6. How does user fee financing compare with other methods of financing?**

The several financing methods that were outlined in the August 2, 2011, fall into two general categories: (i) "pay-as-you-go," using available cash from general revenues and accumulated surplus, and (ii) long-term financing, using some form of bond. These methods are compared in detail in the table provided in Attachment 1 to this Agenda Report.

## Stormwater Utility

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### 7. What are the next steps?

It is necessary for the Council to gather additional information and address several policy issues before establishing a stormwater utility system and fund. Those further steps and decisions include the following:

- Obtain further information from Village Engineer and consulting engineer on engineering and cost estimates for stormwater system improvements.
- Decide on scope and scheduling of improvements.
- Determine cost of proposed improvements.
- Obtain information from Finance Director and Village Manager on project financing methods.
- Determine amount of project to be financed through revenue bonds.
- Obtain cost of service study and proposed rate methodology and structure from Village Engineer and consulting engineer.
- Obtain information from Village Engineer, consulting engineer and Village Attorney on scope of regulation needed to manage proposed improvements.
- Village Attorney to draft ordinance creating stormwater utility and resolution setting rates, with assistance from Village Engineer and consulting engineer.
- Adopt ordinance and resolution establishing stormwater utility and setting fees.

All of the foregoing decision points would be brought back to the Council for action as indicated in the proposed Timeline provided by the Village Engineer, so the project can continue to move steadily forward.

### Reference Materials

The following materials are attached for the Council's reference:

- Attachment 1** Table listing advantages and disadvantages of the different financing methods for stormwater improvements
- Attachment 2** Title 13 of the Winnetka Village Code, "Municipal Utility Services"

### Recommendation:

Information only. No action required.

## **ATTACHMENT 1**

**Financing Stormwater Improvements  
Comparison of Pay-as-You-Go (Cash) vs. Long-Term Financing (Bonds)**

**Financing Method:** Pay-as-you-go

**NOTE:** The signature characteristic of the pay-as-you-go method is that cash is required for all transactions: if there is insignificant cash to pay for an improvement as it is constructed, then the improvement cannot be made.

Source of Funds	Advantages	Disadvantages
<b>Available Cash Reserves</b>	<ul style="list-style-type: none"> <li>• Village has significant cash reserves (\$17.23M), of which up to \$5M could be available</li> <li>• No additional procedural steps beyond normal budget, purchasing and contract process</li> </ul>	<ul style="list-style-type: none"> <li>• Village policy to maintain minimum of \$11M for fund balance (~6 months, per GFOA standards)</li> <li>• Depletion of cash reserves reduces income potential of those funds</li> <li>• Depletion of cash reserves leaves them unavailable for other infrastructure projects for which they were accumulated</li> <li>• Cash reserves are needed to meet contingencies and emergencies</li> <li>• Cash reserves are insufficient to fund all improvements under consideration</li> <li>• Higher cash reserves support Village's high bond rating</li> <li>• Doesn't allocate costs based on use of the improvements</li> </ul>
<b>General Fund Revenues</b>	<ul style="list-style-type: none"> <li>• No additional procedural steps beyond normal budget, purchasing and contract process</li> </ul>	<ul style="list-style-type: none"> <li>• Stormwater improvements must compete with all Village needs for fixed amount of dollars each year</li> <li>• Amounts available may fluctuate year to year, making it difficult to plan for large scale project</li> <li>• Setting aside significant funds for stormwater improvements would require reducing amounts allocated to general Village operations</li> <li>• Limited amount of funds makes it impossible to fund other significant projects, regardless of their importance</li> <li>• Doesn't allocate costs based on use of the improvements</li> </ul>
<b>Dedicated Revenues from User Fees</b>	<ul style="list-style-type: none"> <li>• Compatible with normal budget, purchasing and contract process</li> <li>• Dedicated revenues protect availability of general fund revenues for general operations and more routine capital expenditures</li> </ul>	<ul style="list-style-type: none"> <li>• Fees may be insufficient to fund projects immediately</li> <li>• Need to accumulate revenues to be able to fund major projects can delay implementation</li> <li>• Implementing projects immediately could require prohibitively high fees</li> </ul>

**Financing Stormwater Improvements**  
**Continuation of Comparison of Pay-as-You-Go (Cash) vs. Long-Term Financing (Bonds)**

**Financing Method: Long Term Financing**

**NOTE:** Long term financing with bonds has three primary characteristics. First, it involves the borrowing of money that is to be repaid over a long period of time. Second, the source of the money is derived from the sale of bonds. Third, there must be an identified, long-term source of revenue sufficient to pay off the bonds as they become due.

Source of Funds	Advantages	Disadvantages
<p><b>Bond Proceeds in General</b></p> <ul style="list-style-type: none"> <li>• Revenue Bonds</li> <li>• General Obligation Bonds</li> <li>• SSA Bonds</li> </ul>	<p><b>NOTE:</b> The following advantages apply to <u>all</u> bond financings, regardless of the type of bond</p> <ul style="list-style-type: none"> <li>• Spreads costs over life of the improvements</li> <li>• Maintains cash reserves, allowing cash to be invested and generate returns</li> <li>• Takes advantage of Village's high bond rating</li> <li>• Takes advantage of current market's low interest rates</li> </ul>	<p><b>NOTE:</b> The following disadvantages apply to <u>all</u> bond financings, regardless of the type of bond</p> <ul style="list-style-type: none"> <li>• Structuring and marketing bonds adds additional costs: (e.g., financial services, bond counsel, publication, bond ratings, bond sale, etc.)</li> </ul>
<p><b>General Obligation Bonds</b></p>	<ul style="list-style-type: none"> <li>• Combination of Village's Aaa bond rating and historically low interest rates create unique opportunity for spreading costs over time</li> <li>• Debt service is part of annual budget and tax levy process</li> <li>• No additional Village administration required because taxes are billed and collected by Cook County</li> <li>• Potential deductions from income taxes</li> <li>• Home rule status eliminates need for referendum to increase property taxes</li> </ul>	<ul style="list-style-type: none"> <li>• May increase property taxes</li> <li>• All taxable properties pay, regardless of impact on system</li> <li>• No funds collected from tax exempt properties</li> <li>• Alternative minimum tax rate may remove availability of income tax deduction</li> </ul>

**Financing Stormwater Improvements**  
**Continuation of Comparison of Pay-as-You-Go (Cash) vs. Long-Term Financing (Bonds)**

**Financing Method: Long Term Financing (Cont'd)**

Source of Funds	Advantages	Disadvantages
<b>Revenue Bonds</b>	<ul style="list-style-type: none"> <li>• Repaid through stormwater utility rates (i.e., user fees) imposed on all properties served by the utility</li> <li>• User fees can be collected from tax exempt properties</li> <li>• Home rule powers allow stormwater utility to be created by ordinance</li> <li>• User fees are set based on types of impact on the system (e.g., amount of impervious surface) rather than on property values</li> <li>• Rates and fees can be set on a systemwide basis, rather than by geographic areas for individual projects</li> <li>• System accounting is the same as for water and electric utilities</li> <li>• Does not require meter readers</li> <li>• Dedicated revenues protect availability of general fund revenues for general operations and more routine capital expenditures</li> </ul>	<ul style="list-style-type: none"> <li>• Requires creating stormwater utility for collection of revenues</li> <li>• Requires setting user fees, which initially requires technical assistance to determine revenue requirement, measure impact of properties on system, and establishing classifications of fees</li> <li>• Requires Finance Department to create additional customer account records, plus billing and collection procedures</li> <li>• Additional burden on Finance Department Staff</li> </ul>
<b>Special Service Area Bonds</b>	<ul style="list-style-type: none"> <li>• Repaid through property tax levy only on areas served</li> <li>• Different areas can be created, based on benefits received</li> <li>• No additional Village administration required because taxes are billed and collected by Cook County</li> <li>• Dedicated revenues protect availability of general fund revenues for general operations and more routine capital expenditures</li> </ul>	<ul style="list-style-type: none"> <li>• Requires separate special service area for each project area</li> <li>• Process includes publication, public hearing and post-hearing waiting period to allow for backdoor referendum petitions</li> <li>• Referendum petition delays implementation</li> <li>• Referendum vote could result in cancellation of project</li> <li>• Increases property taxes in assessed areas</li> <li>• May be additional layer of tax on top of existing SSAs: SSA 3 (Trapp Lane), SSA 4 (Locust-Rosewood Alley), SSA 5 (Rosewood-Glendale Alley)</li> <li>• No funds collected from tax exempt properties</li> </ul>

**ATTACHMENT 2**

Winnetka Village Code

Title 13

MUNICIPAL UTILITY SERVICES

Chapters:

- 13.04 - MUNICIPAL WATER SYSTEM
- 13.08 MUNICIPAL ELECTRIC SYSTEM
- 13.12 MUNICIPAL SEWER SYSTEM

**Chapter 13.04**

**MUNICIPAL WATER SYSTEM**

**Sections:**

- 13.04.010 Water service by Village.**
- 13.04.020 Rules and regulations.**
- 13.04.030 Meters.**
- 13.04.040 Charges for water service.**
- 13.04.050 Reading meters--Issuance of bills.**
- 13.04.060 Effect of nonpayment of bill.**
- 13.04.070 Application for water service.**
- 13.04.080 Inspection of premises.**
- 13.04.090 Piping and fixtures.**
- 13.04.100 Water service connections.**
- 13.04.110 Accessibility, maintenance, use and protection of fire hydrants.**
- 13.04.120 Charges for the maintenance and availability of fire suppression and emergency paramedical and rescue services.**
- 13.04.130 Turning on water after service discontinued.**
- 13.04.140 Excavations near mains or service connections.**
- 13.04.150 Temporary water service during construction.**
- 13.04.160 Water emergency use plan.**
- 13.04.170 Water conservation.**
- 13.04.180 Cross-connection control.**
- 13.04.190 Referendum for disposition of property.**

**Section 13.04.010 Water service by Village.**

A. Water Utility. It is lawful for the Village to own and operate a water utility consisting of such plant, equipment, pipes and property, and any appurtenances, used or intended to be used to pump, purify, store, transmit, distribute and to sell water from Lake Michigan to all water users located within the corporate limits of the Village and to such water users outside of the corporate limits as the Council of the Village determines, in the exercise of its discretion, may reasonably be supplied with water without interfering with or impairing water service to users within the Village.

B. Operation of Water Utility. The Municipal Water Utility shall be operated by the Water and Electric Department established in Chapter 2.68 of this code.

C. Use of Municipal Water Utility Required. All water service to any location within the corporate limits of the Village shall be provided by the Municipal Water Utility.

D. Terms and Conditions of Service. All water service shall be provided in accordance with the provisions of this chapter and the rules and regulations promulgated pursuant to this chapter. In addition, all water service to other municipalities and to any individual users outside of the corporate limits of the Village may be provided only pursuant to written agreements, the terms of which have been authorized and approved by the Village Council. Agreements for water service outside of the corporate limits of the Village may include such terms and conditions in addition to the provisions of this chapter and the rules and regulations of the Water and Electric Department as the Village Council, in the reasonable exercise of its discretion, may determine to be in the best interests of the Village, its Municipal Water Utility, and the

## Winnetka Village Code

water utility customers located within the corporate limits. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.01)

### **Section 13.04.020 Rules and regulations.**

The Village Manager shall adopt such rules and regulations as may be necessary to give effect to and explain the provisions of this chapter. The Water and Electric Director shall make recommendations to the Village Manager regarding the content of the rules and regulations and shall enforce the rules and regulations once they are adopted. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.02)

### **Section 13.04.030 Meters.**

A. Meters Required. Unless otherwise specifically provided in this chapter, all water services shall be metered.

B. Meters to be Provided by Village. The Water and Electric Department shall provide meters, to be located upon all premises furnished with water service, for the purpose of metering the quantity of water supplied by the Village to such premises. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.03)

### **Section 13.04.040 Charges for water service.**

A. Establishing Rates and Fees. Each person using water furnished by the Water and Electric Department to any building or premises shall be charged for such service in accordance with rates, fees and charges established from time to time by resolution of the Village Council. All resolutions setting or amending rates, fees and other charges for water service shall be introduced at one meeting and adopted at a subsequent meeting.

B. Additional Charges for Failure to Pay Bill. If any bill for water service is not paid within the payment period prescribed by resolution, a late payment penalty of five percent shall be added to the bill and collected from the user.

C. Collection Costs. Any unpaid bill that is turned over for collection shall be subject to an additional charge, the amount of which shall be established by the Village Manager, upon the recommendation of the Director of Finance, in an amount sufficient to recover the Village's costs of carrying and collecting the debt. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.04)

### **Section 13.04.050 Reading meters—Issuance of bills.**

A. Reading Meters. Water meters shall be read periodically and bills for water service shall be payable at Village Hall at the time provided for by the applicable rate resolution.

B. Estimate of Water Consumption and Sewer Usage. Whenever for any cause any water meter shall fail to register accurately the amount of water used, consumed or delivered to any premises, the Water and Electric Director is authorized to estimate the amount of water used, consumed or delivered to such premises. The estimate shall be based on any relevant information available to the Village, including the average amount of water used, consumed or delivered to the premises as shown by the records of the Water and Electric Department during the corresponding period of the preceding year. Such estimate shall be the basis for billing for water and sewer service to such premises. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.05)

**Section 13.04.060 Effect of nonpayment of bill.**

A. Discontinuance of Service. Any account for water service for which payment is not received within the time prescribed in the applicable rate resolution shall be considered a delinquent account, and it shall thereupon be the duty of the Water and Electric Department to discontinue service until the delinquent account is paid in full or an enforceable payment plan has been entered into as provided in Section 1.04.140(C) of this code. A disconnection charge shall be charged to the customer's account, in an amount set by resolution of the Village Council introduced at one meeting and adopted at a subsequent meeting.

B. Unpaid Accounts Constitute Lien. All unpaid amounts of rates, fees and charges for water service shall constitute a lien against the property to which service was provided, to the extent such lien is authorized by law.

C. Effect of Delinquent Accounts. All delinquent water or sewer accounts shall be subject to the provisions of Section 1.04.140 of this code. In addition, no person with a delinquent water or sewer account shall either be allowed a new water service connection at another location served by the Municipal Water Utility, or a change or upgrade of the service at the premises for which the delinquent account has accrued, unless the account is paid in full or an enforceable payment plan has been agreed to by the Village.

D. Security Deposits. The Village may require a security deposit from existing customers under the following circumstances:

1. If the customer's wires, pipes, meters or other service equipment have been tampered with and the customer has benefited from the tampering;
2. If the customer has paid late two times within any twelve (12) month period; or
3. If the customer's service has been discontinued for nonpayment of bills. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.06)

**Section 13.04.070 Application for water service.**

A. Application. Any person owning premises either within the corporate limits of the Village or otherwise adjacent to the water distribution system of the Village, may obtain water service by signing an application or contract in the regular form used by the Water and Electric Department at the time of application, and providing for the appropriate security, if any, required under subsection B of this section. The application for service shall contain an agreement that the applicant will conform to all the provisions of this code, to all applicable resolutions and to all of the rules and regulations of the Water and Electric Department as a condition to receiving water service from the Village.

B. Cash Deposits. Collection of a cash deposit in an amount equal to the estimated maximum for the bill for the billing cycle (as determined by the Finance Director) of an applicant for water or sewer service if the applicant is not owner of the premises to which the service is to be provided. In lieu of such deposit, the applicant may file an agreement, signed by the owner of the premises, agreeing to pay on demand the amount of any bills for services rendered to the nonowner applicant. The deposit shall be not less than twenty-five dollars (\$25.00) and shall be used first in payment of the final bill for services rendered and the balance, if any, returned to the depositor. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.07)

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### **Section 13.04.080 Inspection of premises.**

Before any water shall be supplied by the Village to any premises in the Village, the water piping, meter location and installation, water service connections, fixtures, plumbing and drains of such premises shall be inspected the Village. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.08)

### **Section 13.04.090 Piping and fixtures.**

No water shall be supplied to any premises by the Village if the water piping, meter location and installation, water service connections, fixtures and plumbing or drainage facilities are not constructed and maintained completely in accordance with the provisions of this code and with the provisions of all rules and regulations of the Water and Electric Department. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.09)

### **Section 13.04.100 Water service connections.**

#### **A. Definitions.**

1. **Water Service Connection; Service Connection.** As used in this section, water service connection or, alternatively, service connection shall mean the pipe, corporation cock, roundway, shut-off cock and other appurtenances necessary to bring water from any water main of the Village to the plumbing system of the building or premises to be supplied.

2. **Service Connection Break.** As used in this section, service connection break shall mean a failure of any part of a water service connection that causes water to leak from any part of the water service connection or the building or premises being supplied by the service connection.

3. **Lead-free.** As used in this section, lead-free shall have the same meaning as defined in the Illinois Plumbing Code, as adopted by reference by the Village.

4. **Minor service connection repair.** As used in this section, minor service connection repair shall mean the repair of a service connection break that, in the sole determination of the Director of Water and Electric, does not require the complete replacement of the water service connection, the installation of a new water meter, or the reconnection of any part of the service connection to the water meter.

#### **B. Standards for Installation, Repair and Maintenance of Water Service Connections.**

##### **1. Permits and approval required.**

a. No water service connection shall be installed, repaired, maintained or replaced except by a licensed plumber who has first notified the Water and Electric Department. All such work shall be subject to the approval of the Water and Electric Department and shall be performed in accordance with the rules, regulations, standards and practices of the Water and Electric Department, which shall have the sole discretion and authority to determine whether the work constitutes minor service connection repairs, as defined in subsection (A) above.

b. In addition, any person who performs any work on a water service connection other than a minor service connection repair shall first obtain a permit from the Village as provided in Title 15 of this Code. All such work shall be done in accordance with the terms of the permit authorizing the work and with the rules, regulations, standards and practices of the Water and Electric Department.

2. **Approved materials; existing lead service connections.** All work on water service connections shall be performed using lead-free and other approved materials, as provided in the Illinois Plumbing Code, as adopted by reference in Chapter 15.08 of this Code. Existing lead water service connections shall be allowed to remain, provided that they comply with all applicable statutes and regulations.

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3. Penalties. Any person who engages in any work on a water service connection that requires a permit, without first obtaining such permit, shall be subject to such additional fines, fees and penalties as may be set by the Village Council from time to time pursuant to Title 15 of this Code.

4. Except for the requirements of paragraph (2), the provisions of this subsection (B) do not apply to work performed by employees of the Water and Electric Department.

C. Responsibility of Owner. Except as provided in the following subsection (D) and in section 13.04.105 of this Code, the installation, connection, alteration, maintenance, repair and replacement of water service connections shall be at the sole expense of the owner of the premises to which the water service is supplied.

D. Allocation of Certain Costs to Village.

1. Service connection breaks caused by Village. In the event a service connection break is caused by work being performed by the Village, its employees, agents or contractors, the Village or such agent or contractor shall, at no cost to the owner, repair the service connection, which may include the replacement of all or part of the service connection.

2. Repairs to service connections in single-family residential districts. In the event of a service connection break in a single-family residential zoning district, as defined in Title 17 of this Code, if the service connection break is located between the main and the property line, and if the roadway is located within one foot of the property line or between the property line and the curb, the Village or its contractor shall repair the portion of the line between the roadway and the main. As part of such work, the Village, in its sole discretion, may relocate the roadway to a location within one foot of the property line, in which case the Village will also supply the roadway at no additional cost to the owner. In the event such service connection break is in a lead service, the Village will assume the cost of replacing that portion of the service connection line from the main to within one foot of the property line.

3. Repairs to service connections in multi-family, commercial and light industrial districts. In the event of a service connection break in a service connection on property located in a multi-family, commercial or light industrial zoning district, as defined in Title 17 of this Code, the Village will assume the cost of repairing or replacing that portion of the service connection line from the Village's water main up to the curb nearest the property being served, regardless of the location of the roadway. If the roadway is located between the building line and the curb, the Village shall have the sole discretion to relocate the roadway to a location closer to the curb, in which case the Village will also supply the roadway at no additional cost to the owner. In the event such service connection break is in a lead service, the Village will assume the cost of replacing that portion of the service connection line from the main to the curb nearest the property being served.

(MC-5-2008 § 2, Amended, 10/07/2008; MC-9-2007, Amended, 06/19/2007)

### **Section 13.04.105 Responsibility for damage to water system.**

A. Damage to water utility system. Any person who causes damage to any part of the Village's water utility system shall be responsible for the cost of repairing such damage. The Village shall have the sole discretion and authority to determine the nature and extent of the damage and necessary repairs, the manner in which such repairs shall be done, and the persons who shall perform such repairs.

B. Damage to service connections. Any person who causes damage to any part of any service connection in the Village's water utility system shall be responsible for the cost of repairing such damage. The Village shall have the sole discretion and authority to determine the nature and extent of the damage and necessary repairs, the manner in which such repairs shall be done, and the persons who shall perform

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such repairs. All such repairs shall be made by a licensed plumber in accordance with all applicable provisions of the rules, regulations, standards and practices of the Water and Electric Department.

C. Village rights reserved. The Village reserves all rights to recover the cost of repairing any damage to any part of the Village's water utility system or to any part of any service connection in the Village's water utility from the person or persons that caused the damage necessitating the repairs. (MC-5-2008 § 3, Added, 10/07/2008)

### **Section 13.04.110 Accessibility, maintenance, use and protection of fire hydrants.**

A. Accessibility and Protection of Fire Hydrants. No object shall be constructed, maintained, installed or placed within forty-eight (48) inches of any fire hydrant. It is unlawful to install, maintain, construct or enlarge any barriers, trees, bushes, walls or other obstacles which may hide or impede the use of or access to any fire hydrant, whether on public or private property, or which may in any manner hinder, delay or obstruct members of the Fire Department. The Director of Water and Electric and the Fire Chief are authorized to remove, or require the removal of, any such barriers, trees, bushes, walls or other obstacles. The cost of the removal shall be at the sole expense of the owner of the property on which such barriers, trees, bushes, walls or other obstacles are located or, if the hydrant is on public property, at the sole expense of the person or persons who installed or are maintaining such barriers, trees, bushes,

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walls or other obstacles.

B. Use of Fire Hydrants. Except for firefighting purposes, no person other than an authorized agent of the Village shall cause water to flow from any public or private fire hydrant, without first obtaining a special permit from the Water and Electric Department for the use of the water. (Ord. MC-228-99 § 5 (part), 1999; Ord. MC-191-97 § 2, 1997; prior code § 8.11)

### **Section 13.04.120 Charges for the maintenance and availability of fire suppression and emergency paramedical and rescue services.**

A. Annual Fee. Except as provided in subsection E of this section 13.04.120, any customer of the Municipal Water Utility that is located outside of the corporate limits of the Village and in the vicinity of one or more fire hydrants maintained by the Village for fire protection purposes, shall, as a condition to the furnishing of water service, enter annually into an agreement with the Village, which shall run from April 1st through March 31st of the following year, to pay an annual fee for the maintenance and availability of fire suppression and emergency paramedical and rescue services. The annual fee shall be in an amount determined from time to time by resolution of the Village Council introduced at one meeting and enacted at a subsequent meeting.

B. Fee Formula. The annual fee established by this section and any amendment to this section shall be based on a formula using a combination of assessed valuation, population and past number of fire suppression and emergency paramedical and rescue calls (including false alarms), with each receiving equal weight, in order to allocate the cost of fire suppression and emergency paramedical and rescue services based on budgeted costs for the ensuing year, with such adjustments as the Council shall deem proper, such as credits for any prior year in which the payments made to the Village exceeded the final audited expenses. The annual amount to be charged, as so computed, may be, but need not be, rounded off to the nearest whole dollar annual amount and shall be included ratably over each year with and as part of each bill for water.

C. Authority of Village Manager. The Village Manager is authorized to prepare appropriate forms of agreement for the maintenance and availability of fire suppression and emergency paramedical and rescue services and to enter into such agreements on behalf of the Village.

D. Discontinuance of Service for Failure to Pay Annual Fee. The Water and Electric Department shall discontinue water service to any premises whenever the owner or occupant fails to make payment of any charges billed pursuant to this section for fire suppression and emergency paramedical and rescue services within thirty (30) days after the date of the bill. (Ord. MC-228-99 § 5 (part), 1999; prior code § 8.12)

E. Exceptions; Intergovernmental Agreements. The annual fee provided for in this section shall not be assessed if: (i) the customer's property has been annexed to another municipality that funds fire protection services through revenues derived from the levy of taxes on real estate within its corporate limits; and (ii) the annexing municipality has an intergovernmental agreement with the Village for the provision of fire protection services, for the supply of all water services within its corporate limits, or for both.

(Ord. MC-07-2004 § 2, 05/04/04)

### **Section 13.04.130 Turning on water after service discontinued.**

No plumber or other person shall turn on the supply of water, or cause the supply of water to be turned

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on, to any building or premises for which the supply has been shut off by the Water and Electric Department for any cause, without first obtaining a special permit from the Water and Electric Department to do so. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.13)

**Section 13.04.140 Excavations near mains or service connections.**

No person shall make any excavation in any street, public place or easement within four and one-half feet of any water main or service connection while the ground is frozen, without first obtaining a special permit from the Water and Electric Department to do so. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.14)

**Section 13.04.150 Temporary water service during construction.**

Water used in connection with building construction, before the water service connection is established and metered, may be furnished without metering, subject to the approval of the Water and Electric Director. The quantity of unmetered water supplied shall be estimated in accordance with the rules and regulations of the Water and Electric Department. The Water and Electric Director may authorize the use of a direct connection to a fire hydrant as a source of water during building construction before the water service connection is established and metered. The quantity of water supplied from any fire hydrant shall be determined by use of a meter provided and installed by the Water and Electric Department. Temporary water service shall be billed at the rate applicable to the use specified in the building permit. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.15)

**Section 13.04.160 Water emergency use plan.**

In the event that the Secretary of the Illinois Department of Transportation declares a water shortage crisis, the Village President may, in order to reduce the use of water in the Village to a minimum level consistent with the health, safety and welfare of the residents of the Village, by emergency proclamation, order one or more of the following:

A. The reduction or prohibition of external water use for, without limitation: sprinkling or watering lawns and plants, washing or cleaning paved areas, washing the outside of single-family dwellings, washing the inside or outside of buildings other than single-family dwellings, washing or cleaning any business or industrial equipment and machinery, operation of any ornamental fountain or other structure making a similar use of water which does not recirculate the water, establishing or maintaining water levels in swimming and wading pools not employing a filter and recirculating system;

B. The curtailment or closing of any commercial car wash and the prohibition of the washing of vehicles or any other type of mobile equipment;

C. The reduction in consumer-per-capita consumption of water;

D. The installation of water saving devices;

E. The reduction in water pump pressure. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.16)

**Section 13.04.170 Water conservation.**

A. During the period from May 15th to September 15th of each year it is unlawful for any person to use or any owner to allow the use of any water from the Village water mains for the purpose of

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unrestricted lawn sprinkling except between the hours of five a.m. to eleven a.m. and five p.m. to eleven p.m. daily.

B. Subject to the restrictions contained in this section and upon prior approval by the Water and Electric Director, any person or owner may use water from the Village water mains for sprinkling during otherwise prohibited hours in connection with the following activities:

1. Newly sodded or seeded areas of lawn may be watered at any time for the two week period following installation of such sod or seed;

2. The annual activation or repair of a sprinkler system may be undertaken at any time for a one day period in connection with such annual activation or repair. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.17)

### **Section 13.04.180 Cross-connection control.**

A. All plumbing installed within the Village shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Water and Electric Director, an approved backflow prevention device is necessary for the safety of the public water supply system, the Water and Electric Director will give notice to the water customer immediately to install such a device. The water customer shall, at his or her own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such device upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

B. No person shall establish or permit to be established or maintain or permit to be maintained any connection where a private, auxiliary or emergency water supply other than the regular public water supply of the Village may enter the supply or distribution system of the Village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Water and Electric Director and the Illinois Environmental Protection Agency.

C. The Water and Electric Director shall cause surveys and investigations to be made of commercial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply exists. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the Water and Electric Director shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

D. The Water and Electric Director or his or her authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village for the purpose of verifying the presence or absence of cross-connections, and for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessees or occupants of any property so served shall furnish to the Water and Electric Director any information that the Director may request regarding the piping system or systems or water use on such property. The refusal to provide such information shall, within the discretion of the Water and Electric Director, be deemed evidence of the presence of improper connections as provided in this section.

E. The Water and Electric Director is authorized and directed to discontinue, after reasonable notice to the occupant, the water service to any property where any connection in violation of the provisions of

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this section is known to exist, and to take such other precautionary measures as the Director may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this section, and until a reconnection fee in an amount as set from time to time by resolution of the Village Council is paid to the Village. Immediate disconnection with verbal notice can be affected when the Water and Electric Director has reason to believe that imminent danger or harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply; provided that, in the reasonable opinion of the Water and Electric Director or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the Village nor any agent or official of the Village shall be liable to any person for any injury, damages or lost revenues which may result from termination of any person's water supply in accordance with the terms of this chapter, whether or not such termination was with or without notice.

F. The person responsible for backsiphoned or back pressured material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.18)

### **Section 13.04.190 Referendum for disposition of property.**

The Village shall not sell, lease or otherwise dispose for all or substantially all of the properties owned or used by the Village in connection with the operation of its water utility, except upon first submitting the question of any such sale, lease or other disposition, to the legal voters of the Village at a referendum duly called for that purpose; provided, however, that the provisions of this section shall not be deemed to prohibit the sale or other disposition by the Village of any property used in connection with the operation of such utilities if such property is deemed obsolete or is considered no longer necessary or efficiently usable in the operation of such utility.

The Council of the Village shall have the power to regulate any referendum held in accordance with the provisions of this section, to appoint judges of such referendum and to make all necessary provisions and rules for such referendum; provided, however, that the voting at any such referendum shall be by ballot in form as prescribed by statute. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.19)

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Chapter 13.08

**MUNICIPAL ELECTRIC SYSTEM**

**Sections:**

- 13.08.010 Electric service by Village.**
- 13.08.015 Bidding or selling of system demand response.**
- 13.08.020 Rules and regulations.**
- 13.08.030 Meters.**
- 13.08.040 Charges for electric service.**
- 13.08.050 Reading meters--Issuance of bills.**
- 13.08.060 Effect of nonpayment of bill.**
- 13.08.070 Application for electric service.**
- 13.08.080 Rates for residential service.**
- 13.08.090 Rates for residential space heating service.**
- 13.08.100 Rates for commercial service.**
- 13.08.110 Rates for government and school service.**
- 13.08.120 Rates for water heating service.**
- 13.08.130 Rates for large residential service.**
- 13.08.140 Rates for street lighting service.**
- 13.08.150 Rates for summer service.**
- 13.08.155 Credits for certain renewable energy sources.**
- 13.08.160 Wholesale power purchase cost adjustment.**
- 13.08.170 Inspection and condition of premises.**
- 13.08.180 Electric service connection.**
- 13.08.190 Turning on electricity after discontinuance of service.**
- 13.08.200 Interference with meter.**
- 13.08.210 Electricity at construction sites.**
- 13.08.220 Location of utility facilities.**
- 13.08.230 Discretionary undergrounding of transmission and distribution lines.**
- 13.08.240 Rates for discretionary undergrounding.**
- 13.08.250 Referendum for disposition of property.**
- 13.08.260 Standards for renewable energy sources.**

**Section 13.08.010 Electric service by Village.**

A. Electric Utility. It is lawful for the Village to own and operate an electric utility consisting of such plant, equipment, lines and property, and any appurtenances, used or intended to be used to generate, transmit, distribute and sell electricity to all users of electricity located within the corporate limits of the Village and to such other users of electricity outside of the corporate limits as the Council of the Village determines, in the exercise of its discretion, may lawfully and reasonably be supplied with electricity without interfering with or impairing electric service to users within the Village.

B. Operation of Electric Utility. The Municipal Electric Utility shall be operated by the Water and Electric Department established in Chapter 2.68 of this code.

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C. Use of Municipal Electric Utility Required. Every location within the corporate limits of the Village that uses electricity shall be connected to the Municipal Electric Utility. Except as otherwise provided in section 13.08.260 of this chapter, all electric service to any location within the corporate limits of the Village shall be provided by the Municipal Electric Utility.

D. Terms and Conditions of Service. All electric service shall be provided in accordance with the provisions of this chapter and the rules and regulations promulgated pursuant to this chapter. (MC-8-2008 § 2, Amended, 11/18/2008; Ord. MC-228-99 § 6 (part), 1999: prior code § 9.01)

### **Section 13.08.015 Bidding or selling of system demand response.**

A. General Prohibition Against Bidding or Selling System Demand Response. Except as provided in subsections B. and C. of this section, all retail customers of the Municipal Electric Utility are hereby restricted, precluded and prohibited from (a) bidding or selling demand response into any organized electric or ancillary services markets operated or administered by any independent system operator or any regional transmission organization or (b) otherwise participating in such markets with any demand response resources, whether directly or through a third-party aggregator.

B. Curtailment Service Provider Authorized. The Illinois Municipal Electric Agency (IMEA) is hereby approved, authorized and permitted to operate as a Curtailment Service Provider with respect to demand response resources within the Village's Municipal Electric Utility System, including the behind-the-meter generation owned by the Village that has been dedicated to IMEA, and to offer and sell such demand response resources into programs and markets of PJM Interconnection, L.L.C or its duly authorized successor.

C. Exception to General Prohibition. Notwithstanding the general prohibition stated in subsection A. above, to the extent that the offer and sale of the above-referenced generation into such markets by IMEA may be deemed to be such a bid, sale or participation through a third-party aggregator, such offer and sale by IMEA is hereby specifically authorized. (MC-1-2010 § 3, Amended, 2/4/2010; Ord. MC-2-2009 § 2, 2009)

### **Section 13.08.020 Rules and regulations.**

The Water and Electric Department shall adopt and enforce such rules and regulations as may be necessary to give effect to and explain the provisions of this chapter. The Water and Electric Director shall make recommendations to the Village Manager regarding the content of the rules and regulations and shall enforce the rules and regulations once they are adopted. (Ord. MC-228-99 § 6 (part), 1999: prior code § 9.02)

### **Section 13.08.030 Meters.**

A. Meters Required. Unless otherwise specifically provided in this chapter, all electric services shall be metered.

B. Meters to Be Provided by Village. The Water and Electric Department shall provide meters to be located upon all premises furnished with electric service, for the purpose of metering the quantity

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of electric energy supplied by the Village to such premises. All meters shall be owned and maintained by the Water and Electric Department at its expense. Notwithstanding the foregoing, any customer that requires a bi-directional or other custom meter to allow for the registration of energy obtained from a renewable source pursuant to sections 13.08.155 and 13.08.260 of this chapter, shall be responsible for all costs related to the purchase, installation, maintenance, repair and replacement of such meter to the extent those costs exceed the costs related to standard meters used by customers that are not connected to a renewable energy source. (Ord. MC-8-2008 § 3, Amended, 11/18/2008; Ord. MC-228-99 § 6 (part), 1999: prior code § 9.03)

C. **Meter Pedestals.** The meter pedestal or meter enclosure for underground electric service shall be provided by the customer and shall be owned and maintained at the customer's expense. (Amended MC-4-2002 § 2, 2002)

### **Section 13.08.040 Charges for electric service.**

A. **Establishing Rates and Fees.** Each person using electricity furnished by the Water and Electric Department to any building or premises shall be charged for such service in accordance with rates, fees and charges established from time to time by resolution of the Village Council. All resolutions setting or amending rates, fees and other charges for electric service shall be introduced at one meeting and adopted at a subsequent meeting.

B. **Additional Charges for Failure to Pay Bill.** If any bill for electric service is not paid within the payment period prescribed by resolution, a later payment penalty of five percent shall be added to the bill and collected from the user.

C. **Collection Costs.** Any unpaid bill that is turned over for collection shall be subject to an additional charge, the amount of which shall be established by the Village Manager, upon the recommendation of the Director of Finance, in an amount sufficient to recover the Village's costs of carrying and collecting the debt. (Ord. MC-228-99 § 6 (part), 1999: prior code § 9.04)

### **Section 13.08.050 Reading meters--Issuance of bills.**

A. **Reading Meters.** Electric meters shall be read periodically and bills for electric service shall be payable at Village Hall at the time provided for by the applicable rate resolution.

B. **Estimate of Electric Consumption.** Whenever for any cause any electric meter shall fail to register accurately the amount of electric used, consumed or delivered to any premises, the Water and Electric Director is authorized to estimate the amount of electricity used, consumed or delivered to the premises. The estimate shall be based on any relevant information available to the Village, including the average amount of electricity used, consumed or delivered to any such premises as shown by the records of the

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Water and Electric Department during the corresponding period of the preceding year. Such estimate shall be the basis for billing for electric service to such premises. (Ord. MC-228-99 § 6 (part), 1999: prior code § 9.05)

### **Section 13.08.060 Effect of nonpayment of bill.**

A. **Discontinuance of Service.** Any account for electric service for which payment is not received within the time prescribed in the applicable rate resolution, including the surcharge time allowed, shall be considered a delinquent account, and it shall be the duty of the Water and Electric Department to discontinue service until the delinquent account is paid in full or an enforceable payment plan has been entered into as provided in Section 1.04.140(C) of this code. A disconnection charge shall be charged to the customer's account, in an amount set by resolution of the Village Council introduced at one meeting and adopted at a subsequent meeting.

B. **Unpaid Accounts Constitute Lien.** All unpaid amounts of rates, fees and charges for electric service shall constitute a lien against the property for which service was provided, to the extent such lien is authorized by law.

C. **Effect of Delinquent Accounts.** All delinquent electric accounts shall be subject to the provisions of Section 1.04.140 of this code. In addition, no person with a delinquent electric account shall either be allowed a new electric service connection at another location served by the Municipal Electric Utility, or a change or upgrade of the service at the premises for which the delinquent account has accrued, unless the account is paid in full for an enforceable payment plan has been agreed to by the Village.

D. **Security Deposits.** The Village may require a security deposit from existing customers under the following circumstances:

1. If the customer's wires, pipes, meters or other service equipment have been tampered with and the customer has benefited from the tampering;
2. If the customer has paid late two times within any twelve (12) month period; or
3. If the customer's service has been discontinued for nonpayment of bills. (Ord. MC-228-99 § 6 (part), 1999: prior code § 9.06)

### **Section 13.08.070 Application for electric service.**

A. **Application.** Any owner or occupant of premises either within the corporate limits of the Village or otherwise adjacent to the electric distribution system of the Village, may obtain electric service by signing an application or contract, in the regular form used by the Water and Electric Department at the time of application, for the particular class of service desired, and providing for the appropriate security, if any, required under subsection B of this section. The application for service shall contain an agreement that the applicant will conform to all the provisions of this code, to all applicable resolutions and to all of the rules and regulations of the Water and Electric Department as a condition precedent to receiving electric service from the Village.

B. **Cash Deposit.** Collection of a cash deposit in an amount equal to the estimated maximum for the bill for the billing cycle (as determined by the Finance Director) of an applicant for electric service if the applicant is not the owner of the premises to which the service is to be provided. In lieu of such deposit, the applicant may file an agreement, signed by the owner of the premises, agreeing to pay on demand the amount of any bills for services rendered to the nonowner applicant. The deposit shall be not less than twenty-five dollars (\$25.00) and shall be used first in payment of the final bill for services rendered and

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the balance, if any, returned to the depositor. (Ord. MC-228-99 § 6 (part), 1999: prior code § 9.07)

### **Section 13.08.080 Rates for residential service.**

A. Each customer using electric energy furnished by the Water and Electric Department for lighting and power to any building or premises for residential purposes shall pay such basic rate charge as is determined from time to time by resolution of the Village Council introduced at one meeting and enacted at a subsequent meeting.

B. The basic rate charge for each kilowatt hour supplied in the period covered by any bill is subject to adjustment in accordance with the provisions of the purchase power cost adjustment Rider A as provided in Section 13.08.160 of this chapter.

C. Where three phase service is provided, the customer shall pay an additional monthly service charge as prescribed by resolution of the Village Council.

D. On every bill of each customer there shall be added to the charge a computed above a charge to offset the effect of the tax imposed by the state pursuant to "The Public Utilities Revenue Act" (35 ILCS 620/1 et seq.). Such added charge shall be separately itemized and shown on the face of the customer's bill.

E. On every bill of each customer there shall be added a surcharge as prescribed in the rules and regulations, to be paid upon payment of the bill if the bill is not paid within the time prescribed in the rules and regulations. The surcharge shall be separately itemized and shown on the face of the customer's bill.

F. Service under this rate will be furnished only to single occupancy buildings. Where service to a multiple occupancy building is desired under this section, each occupancy unit shall be treated as a separate customer and served through a separate metering installation.

G. Where a residence and a business are combined in one premises, service will not be furnished for the entire premises under this rate unless the preponderant requirement is for residential purposes.

H. Service under this section shall be available only under terms and conditions set forth in the rules and regulations of the Water and Electric Department relating particularly to use of intermittent equipment, control of power factor and procedures for service connections and metering. (Ord. MC-228-99 § 6 (part), 1999: prior code § 9.08)

### **Section 13.08.090 Rates for residential space heating service.**

A. Each customer using electric energy furnished by the Water and Electric Department for space heating requirements as well as for lighting and power to any building; provided that, the major electric space heating facilities are permanently installed, shall pay such basic rate charge as is determined from time to time by resolution of the Village Council introduced at one meeting and enacted at a subsequent meeting.

B. The basic rate charge for each kilowatt hour supplied in the period covered by any bill is subject to adjustment in accordance with the provisions of the purchase power cost adjustment Rider A as provided in Section 13.08.160 of this chapter.

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C. Where three phase service is provided, a customer shall pay an additional monthly service charge as prescribed by resolution of the Village Council.

D. On every bill of each customer there shall be added to the charge as computed above a charge to offset the effect of the tax imposed by the state pursuant to "The Public Utilities Revenue Act" (35 ILCS 620/1 et seq.). Such added charge shall be separately itemized and shown on the face of the customer's bill.

E. On every bill of each customer there shall be added a surcharge as prescribed in the rules and regulations, to be paid upon payment of the bill if the bill is not paid within the time prescribed in the rules and regulations. The surcharge shall be separately itemized and shown on the face of the customer's bill.

F. Service under this rate will be provided to each customer only if all of the requirements for space heating, cooking, water heating and air conditioning are supplied electrically. Where service to a multiple occupancy building is desired under this section, each occupancy unit shall be treated as a separate customer and served through a separate metering installation.

G. Where a residence and a business are combined in one premises, service will not be furnished for the entire premises under this rate unless the preponderant requirement is for residential purposes.

H. Service under this section shall be available only under terms and conditions set forth in the rules and regulations of the Water and Electric Department relating particularly to use of intermittent equipment, control of power factor and procedures for service connections and metering. (Ord. MC-228-99 § 6 (part), 1999; prior code § 9.09)

### **Section 13.08.100 Rates for commercial service.**

A. Each customer using electric energy furnished by the Water and Electric Department and supplied for lighting and power to any building or premises used for commercial purposes shall pay such basic rate charge as is determined from time to time by resolution of the Village Council introduced at one meeting and enacted at a subsequent meeting.

B. The basic rate charge for each kilowatt hour supplied in the period covered by any bill is subject to adjustment in accordance with the provisions of the purchase power cost adjustment Rider A as provided in Section 13.08.160 of this chapter.

C. Where three phase service is provided, a customer shall pay an additional monthly service charge as prescribed by resolution of the Village Council.

D. On every bill of each customer there shall be added to the charge as computed above a charge to offset the effect of the tax imposed by the state pursuant to "The Public Utilities Revenue Act" (35 ILCS 620/1 et seq.). Such added charge shall be separately itemized and shown on the face of the customer's bill.

E. On every bill of each customer there shall be added a surcharge as prescribed in the rules and regulations, to be paid upon payment of the bill if the bill is not paid within the time prescribed in the rules and regulations. The surcharge shall be separately itemized and shown on the face of the customer's bill.

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F. Where a residence and a business are combined in one premises, service will not be furnished for the entire premises under this rate unless the preponderant requirement is for commercial purposes.

G. Service under this section shall be available only under terms and conditions set forth in the rules and regulations of the Water and Electric Department relating particularly to use of intermittent equipment, control of power factor and procedures for service connections and metering. (Ord. MC-228-99 § 6 (part), 1999; prior code § 9.10)

### **Section 13.08.110 Rates for government and school service.**

A. Each government agency and each school, seminary or college conducted on a not-for-profit basis, using electric service furnished by the water and electric department for lighting and power to any building or premises used solely for governmental or school purposes shall pay such basis rate charge as is from time to time by resolution of the village council introduced at one meeting and enacted at a subsequent meeting.

B. The basic rate charge for each kilowatt hour supplied in the period covered by any bill is subject to adjustment in accordance with the provisions of the purchase power cost adjustment Rider A as provided in Section 13.08.160 of this chapter.

C. On every bill of each customer there shall be added to the charge as computed above a charge to offset the effect of the tax imposed by the state pursuant to "The Public Utilities Revenue Act" (35 ILCS 620/1, et seq.). Such added charge shall be separately itemized and shown on the face of the customer's bill.

D. Service under this rate will be furnished only to government agencies, to any public school, for educational activities of private schools, seminaries, colleges, and any other educational institutions organized and operated on a not-for-profit basis.

E. Where there are two or more demand metering installations on customer's premises, the demand in any thirty (30) minute interval shall be determined by adding together the separate demands at each metering installation during such thirty (30) minute interval. The maximum demand in any month shall be the highest thirty (30) minute demand established during such month. The maximum demands and kilowatt hours supplied at two or more premises will not be combined for billing purposes.

F. Where there are two or more watt-hour metering installations on a customer's premises, the kilowatt hours supplied shall be determined by adding together the kilowatt hours metered at each installation.

G. Service under this section shall be available only under terms and conditions set forth in the rules and regulations of the Water and Electric Department relating particularly to use of intermittent equipment, control of power factor and procedures for service connections and metering. (Ord. MC-228-99 § 6 (part), 1999; prior code § 9.11)

### **Section 13.08.120 Rates for water heating service.**

A. Each customer using electric energy furnished by the Water and Electric Department for water heating requirements to any building or premises shall pay such basic rate charge as is determined from time to time by resolution of the Village Council introduced at one meeting and enacted at a subsequent meeting.

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B. The basic rate charge for each kilowatt hour supplied in the period covered by any bill is subject to adjustment in accordance with the provisions of the purchase power cost adjustment Rider A as provided in Section 13.08.160 of this chapter.

C. On every bill of each customer there shall be added to the charge as computed above a charge to offset the effect of the tax imposed by the state pursuant to "The Public Utilities Revenue Act" (35 ILCS 620/1, et seq.). Such added charge shall be separately itemized and shown on the face of the customer's bill.

D. Service under this rate shall be available only under the following conditions and restrictions:

1. The building or premises must be equipped by the customer or owner with a three wire one hundred fifteen (115)/two hundred thirty (230) volt service connection to the distribution lines of the village.

2. Only permanently installed storage-type electric water heaters with thermostatic control, equipped with heating elements of not less than one thousand (1,000) watts nor more than four thousand (4,000) watts capacity at two hundred thirty (230) volts, which conform to the Department's standard specifications for water heaters, shall be used by the customer.

3. Energy shall be furnished through a separate two hundred thirty (230) volt meter, to be supplied by the Village, and no other appliance shall be connected to such meter.

4. The customer shall provide and maintain all necessary wiring.

5. Energy will be supplied under this rate only in case the demand of the heater does not exceed the capacity of the transformer and service connection required for service furnished at other rates, and only during such portions of any twenty-four (24) hour period, aggregating not more than eighteen (18) hours per day, when the generating and line capacity of the Village is not required for other service. Such periods of the day, during which energy is supplied under this rate, may be established and changed at the option of the Village whenever demands on its generating and distribution system make such changes advisable.

6. No additional investment shall be required by the Village, other than for the meter necessary to measure the energy used, and if additional investment is required to furnish service under this rate to any applicant in order to reserve necessary capacity to render adequate service under other rates, the Village shall have the right to restrict the availability of this rate in such cases.

7. Failure of the customer to comply with one or more of the foregoing conditions shall be sufficient cause for the discontinuance of the service under this rate. (Ord. MC-228-99 § 6 (part), 1999: prior code § 9.12)

### **Section 13.08.130 Rates for large residential service.**

A. Each customer using electric energy furnished by the Water and Electric Department for lighting and power to any building or premises for residential purposes with an established demand in excess of fifty (50) kW shall pay such basic rate charge as is determined from time to time by resolution of the Village Council introduced at one meeting and enacted at a subsequent meeting.

B. The basic rate charge for each kilowatt hour supplied in the period covered by any bill is subject to adjustment in accordance with the provisions of the purchase power cost adjustment Rider A as provided in Section 13.08.160 of this chapter.

C. Where three phase service is provided, the customer shall pay an additional monthly service charge as prescribed by resolution of the Village Council.

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D. On every bill of each customer there shall be added to the charge as computed above a charge to offset the effect of the tax imposed by the state pursuant to "The Public Utilities Revenue Act" (35 ILCS 620/1, et seq.). Such added charge shall be separately itemized and shown on the face of the customer's bill.

E. On every bill of each customer there shall be added a surcharge as prescribed in the rules and regulations, to be paid upon payment of the bill if the bill is not paid within the time prescribed in the rules and regulations. The surcharge shall be separately itemized and shown on the face of the customer's bill.

F. Service under this rate will be furnished only to single occupancy buildings. Where service to a multiple occupancy building is desired under this section, each occupancy unit shall be treated as a separate customer and served through a separate metering installation.

G. Where a residence and a business are combined in one premises, service will not be furnished for the entire premises under this rate unless the preponderant requirement is for residential purposes.

H. Service under this section shall be available only under terms and conditions set forth in the rules and regulations of the Water and Electric Department relating particularly to use of intermittent equipment, control of power factor and procedures for service connections and metering. (Ord. MC-228-99 § 6 (part), 1999; prior code § 9.13)

### **Section 13.08.140 Rates for street lighting service.**

A. Each customer using electric energy furnished by the Water and Electric Department for lighting public ways for municipal purposes shall pay such basic rate charge as is determined from time to time by resolution of the Village Council introduced at one meeting and enacted at a subsequent meeting.

B. The basic rate charge for each kilowatt hour supplied in the period covered by any bill is subject to adjustment in accordance with the provisions of the purchase power cost adjustment Rider A as provided in Section 13.08.160 of this chapter.

C. Where three phase service is provided, the customer shall pay an additional monthly service charge as prescribed by resolution of the Village Council.

D. On every bill of each customer there shall be added to the charge as computed above a charge to offset the effect of the tax imposed by the state pursuant to "The Public Utilities Revenue Act" (35 ILCS 620/1, et seq.). Such added charge shall be separately itemized and shown on the face of the customer's bill.

E. On every bill of each customer there shall be added a surcharge as prescribed in the rules and regulations, to be paid upon payment of the bill if the bill is not paid within the time prescribed in the rules and regulations. The surcharge shall be separately itemized and shown on the face of the customer's bill.

F. Service under this section shall be available only under terms and conditions set forth in the rules and regulations of the Water and Electric Department relating particularly to use of intermittent equipment, control of power factor and procedures for service connections and metering.

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G. Service under this section may be unmetered, in which case the rates shall be based on the number and type of fixtures. (Ord. MC-228-99 § 6 (part), 1999: prior code § 9.14)

### **Section 13.08.150 Rates for summer service.**

Where summer rates are established by any resolution of the Council for using electric energy, such rates shall be in effect for each of the four consecutive months with ending meter dates on or after June 1st of each year. (Ord. MC-228-99 § 6 (part), 1999: prior code § 9.15)

### **Section 13.08.155 Credits for certain renewable energy sources.**

A. Any customer that has installed a solar or wind generating unit of 10 kW or less in accordance with the standards established by section 13.08.260 of this chapter shall be eligible, upon submitting a written request, to receive a credit for energy delivered to the Village.

B. The formula for calculating the renewable energy production credit shall be established by resolution of the Village Council introduced at one meeting and adopted at a subsequent meeting.

C. The renewable energy credit shall be separately itemized and shown on the face of the customer's bill.

(Ord. MC-8-2008 § 4, Added, 11/18/2008)

### **Section 13.08.160 Wholesale power purchase cost adjustment.**

The charges for all kilowatt hours of energy supplied in the period covered by any bill shall be increased or decreased by an amount to be known as the wholesale power purchase cost adjustment, which shall reflect changes in the total costs incurred by the Village for the purchase of wholesale power for furnishing electric energy. The wholesale power purchase cost adjustment shall be established by a resolution of the Village Council introduced at one meeting and enacted at a subsequent meeting, which resolution shall either set a specific amount for the wholesale power purchase cost adjustment or establish a methodology for calculating the wholesale power purchase cost adjustment. (Ord. MC-1-2008, § 2, 2008; Ord. MC-228-99 § 6 (part), 1999: prior code § 9.16)

### **Section 13.08.170 Inspection and condition of premises.**

Before any electric energy shall be supplied by the Village to any premises in the Village, the wiring, electric service connections, fixtures and other electric equipment shall be inspected by the Village. No electric energy shall be supplied to any premises if the wiring, electric service connections, fixtures or other electric equipment are not constructed and maintained completely in accordance with the provisions of this code and with the provisions of all rules and regulations of the Water and Electric Department. (Ord. MC-228-99 § 6 (part), 1999: prior code § 9.17)

### **Section 13.08.180 Electric service connection.**

The electric service connection for any premises is defined as the conductors, conductor supports and other appurtenances necessary to bring electric energy from the main distribution lines of the Village to the service outlet on the building or other premises to be supplied with electric service. (Ord. MC-228-99 § 6 (part), 1999: prior code § 9.18)

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### **Section 13.08.190**      **Turning on electricity after discontinuance of service.**

No electrician or other person shall turn on the supply of electricity, or cause the supply of electricity to be turned on, for any building or premises from which the supply has been shut off by the Water and Electric Department for nonpayment of bills or for any other cause, without first obtaining a special permit from the water and electric department to do so. (Ord. MC-228-99 § 6 (part), 1999: prior code § 9.19)

### **Section 13.08.200**      **Interference with meter.**

No electrician or other person shall remove, reset or otherwise interfere with any electric meter in any building or premises without first obtaining a special permit from the Water and Electric Department to do so. (Ord. MC-228-99 § 6 (part), 1999: prior code § 9.20)

### **Section 13.08.210**      **Electricity at construction sites.**

Except as provided in Section 15.32.140 of the Winnetka Building Code, electrical service for all construction sites shall be provided through a temporary electric service connection the Village's electric distribution system. Temporary electric service shall be billed at the rate applicable to the use specified in the building permit. The use of electric generators and the drawing of electricity from adjoining properties is expressly prohibited. (Ord. MC-228-99 § 6 (part), 1999: Ord. MC-223-99 § 2, 1999: prior code § 9.21)

### **Section 13.08.220**      **Location of utility facilities.**

A.    **Village Electric Facilities.** No new overhead lines shall be extended by the Water and Electric Department within the Village, whether for the transmission or distribution of electric energy, or for individual connections for electric service or for the upgrading of an existing electrical service. An overhead line that is relocated by the Village in the course of placing primary, secondary and service lines underground shall not be considered a new overhead line.

B.    **Other Utility Facilities.** No utility that uses wires, cable or conduit in the delivery of its services, including such services as telecommunications and cable television, shall extend any new or replacement overhead lines in locations where the Water and Electric Department has placed its lines underground. In the event that the Water and Electric Department places any of its transmission, distribution or service connection lines underground, all other utilities having overhead lines in the same locations shall also place their lines underground, at the expense of each individual utility. (Ord. MC-4-2002 § 3, 2002; Ord. MC-228-99 § 6 (part), 1999: Ord. MC-214-98 § 2, 1999: prior code § 9.22)

### **Section 13.08.230**      **Discretionary undergrounding of transmission and distribution lines.**

A.    **Requests for Discretionary Undergrounding.** Any person or group of persons who own and occupy one or more single-family residences that receive electric service from the Village may request that the Water and Electric Department place local transmission and distribution lines serving those residences underground; provided: (1) that the request be submitted on petition forms that are prescribed by the Water and Electric Department; (2) that the petitions include the notarized signatures of at least ninety (90) percent of the customers and ninety (90) percent of the property owners in the area for which the undergrounding is requested; (3) that the forms contain a statement that each person who signs, understands and agrees that the Village has and reserves the right to determine whether the requested undergrounding will be done and to determine the locations of the underground lines and all related utility

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equipment and facilities, including pad mounted transformers and switch gear; and (4) that each property owner who signs agrees to grant to the Village, without charge, any easements that the Village may determine are necessary for such underground lines and related utility equipment facilities.

B. **Review of Petitions.** The Village Manager shall review the request and submit a report to the Village Council. The report shall include the finding of the Director of Water and Electric, made in the exercise of his or her engineering judgment, as to the specific portions of the transmission and distribution system to which the petition shall apply and the estimated cost of placing the lines underground as requested. The report shall also address the following points:

1. Whether granting the request will in any way result in the interruption, modification or interference with the Village's scheduled undergrounding or capital improvements for the electric system;
2. Whether the Water and Electric Department has sufficient cash on hand to perform the requested undergrounding;
3. Whether the requested undergrounding will reduce present or future cash reserves of the Water and Electric Department to a level that is not consistent with the Village's fiscal practices;
4. Whether the cost of the requested undergrounding, including the cost of funds, can be fully amortized in sixty (60) months or less at a rate of no more than two hundred fifty dollars (\$250.00) per month;
5. Whether another request for discretionary undergrounding has already been approved for that year;
6. Whether the Director of Water and Electric Determines that the area for which the undergrounding is requested is either too small to be done in a cost effective manner or too large to be done in the current year;
7. Whether the Village can acquire, without cost, all necessary easements before entering into any contracts or fixing any schedules for the performance of the work;
8. Whether granting the request will impose an undue financial burden or hardship on customers in the proposed project area who did not sign the petition; and
9. Any other information which the manager deems relevant for the Council's consideration of the request.

C. **Decision by Village Council.** The Village Council shall have the sole discretion to approve or deny any request for discretionary undergrounding and, in the exercise of that discretion, shall consider the information in the Manager's report and such other or additional information about the requested undergrounding and its effects as it may deem relevant. All approvals of requests for undergrounding shall be by resolution of the Village Council and may include any conditions or modifications that the council, in the exercise of its discretion, determines are in the best interests of the Village's electric utility, the Village as a whole and the customers in the proposed project area. The Council may deny the request for any reason, including but not limited to a determination that granting the request may impose an undue financial burden or hardship on any customer in the project area who did not sign the petition. (Ord. MC-228-99 § 6 (part), 1999: Ord. MC-214-98 § 3, 1999: prior code § 9.23)

### **Section 13.08.240 Rates for discretionary undergrounding.**

A. Each customer whose electric service line is connected to a distribution line that is placed underground pursuant to Section 13.08.230 of this chapter shall pay a fixed monthly charge in an amount determined from time to time by resolution of the Village Council introduced at one meeting and enacted at a subsequent meeting.

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B. The rates for discretionary undergrounding shall be in amounts sufficient to recover all direct costs of the undergrounding, including all labor, materials, financing and easement recording costs which the Director of Water and Electric and the Director of Finance estimate will be incurred in placing the high voltage primary lines, low voltage secondary lines and individual service lines underground. No customer shall be required to pay more than once for placing his or her individual service lines underground, and separate rates shall be established to the extent necessary for customers who have previously had their individual service lines placed underground.

C. The charge for discretionary undergrounding shall be added as a surcharge to every bill of each customer whose electric service line is connected to a distribution line that is placed underground pursuant to Section 13.08.230 of this chapter, until the full cost of the share of the total project cost attributable to the premises served has been paid. No surcharge shall be added if a customer pays his or her share of the total project cost in advance. The undergrounding surcharge shall be separately itemized and shown on the face of the customer's bill and shall be due and payable at the same time and in the same manner as the rest of the customer's bill. Failure to pay the undergrounding surcharge when due shall be considered nonpayment of a bill and shall be subject to the provisions of Section 13.08.060 of this chapter and any sanctions provided for in this chapter, including the discontinuance of service. (Ord. MC-228-99 § 6 (part), 1999; Ord. MC-214-98 § 4, 1999; prior code § 9.24)

### **Section 13.08.250 Referendum for disposition of property.**

The Village shall not sell, lease or otherwise dispose of all or substantially all of the properties owned or used by the Village in connection with the operation of its Electric Utility, except upon first submitting the question of any such sale, lease or other disposition, to the legal voters of the Village at a referendum duly called for that purpose; provided, however, that the provisions of this section shall not be deemed to prohibit the sale or other disposition by the Village of any property used in connection with the operation of such utilities if such property is deemed obsolete or is considered no longer necessary or efficiently usable in the operation of such utility.

The Council of the Village shall have the power to regulate a referendum held in accordance with the provisions of this section, to appoint judges of such referendum and to make all necessary provisions and rules for such referendum; provided, however, that the voting at any such referendum shall be by ballot in form as prescribed by statute. (Ord. MC-228-99 § 6 (part), 1999; prior code § 9.25)

### **Section 13.08.260 Standards for renewable energy sources.**

A. Permitted renewable energy sources. Any renewable energy source must be powered by photovoltaic or wind generators. A customer may have more than one renewable energy source, provided that the combined generating capacity of all such sources does not exceed 10 kW.

B. Technical requirements. No customer shall be allowed to take power from a renewable energy source that does not meet or exceed all of the standards set forth in the following paragraphs of this subsection. The customer shall be responsible for having the power generating facility tested every three years for compliance with these standards and for promptly submitting the test results to the Director of Water and Electric. Failure to provide the test results in a timely manner may be cause for disconnection without further notice:

1. IEEE Std. 929-2000 Recommended Practice for Utility Interface of Photovoltaic (PV) Systems.

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2. IEEE Std 1547-2003 IEEE Standard for Interconnecting Distributed Resources with Electric Power Systems.
3. IEEE Std 1547.1-2005. Title. IEEE Standard Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems.
4. UL 1998, Software in Programmable Components.
5. UL 1741, Inverters, Converters, Controllers, and Interconnection Systems for use with Distributed Energy Resources.
6. NEC Article 690 – 2008, Solar Photovoltaic Systems.

### C. Additional requirements.

1. Any person supplying power and energy to the Village shall indemnify the Village, its officers, employees, agents and assigns from all liability and losses of any kind resulting from the customer's operation of the renewable energy source.
2. The customer shall provide proof that the customer maintains general liability insurance that does not exclude liability and losses related to the customer's operation of the renewable energy source.
3. Every renewable energy source shall bear a decal or sticker warning of a possible backfeed from the renewable source. The identifying decal or sticker shall be in a form approved by the Director of the Water and Electric Department and shall be installed on the face of the electric meter.
4. All renewable energy sources shall be equipped with an outdoor disconnect switch with provisions for padlocking in the open position for the protection of workers and the public. The disconnect switch shall be clearly marked and placed within five feet of the electric meter.

D. Financial responsibility of customer. The customer shall be responsible for all costs incurred by the Village that are in excess of those that would be charged a customer without a source of Renewable Power and Energy.

(MC-8-2008 § 5, Added, 11/18/2008)

**Chapter 13.12**

**MUNICIPAL SEWER SYSTEM**

**Sections:**

**13.12.010 Charges for sewer services.**

**Section 13.12.010 Charges for sewer services.**

A. Sewer Service Charge. All users of the public sewers shall be charged a sewer service charge, as determined from time to time by resolution of the Village Council introduced at one meeting and adopted at a subsequent meeting.

B. Additional Charges for Failure to Pay Bill. If any bill for sewer service is not paid within the payment period prescribed by resolution, a late payment penalty of five percent shall be added to the bill and collected from the user.

C. Collection Costs. Any unpaid bill that is turned over for collection shall be subject to an additional charge, the amount of which shall be established by the Village Manager, upon the recommendation of the Director of Finance, in an amount sufficient to recover the Village's costs of carrying and collecting the debt. (Ord. MC-228-99 § 5 (part), 1999: prior code § 8.04.1)

## Agenda Report

**Subject: Proposed Timeline – Stormwater Management Actions**

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

Date: August 10, 2011

At its August 2, 2011 Regular Meeting, the Village Council requested a timeline of proposed stormwater management actions needed to advance and implement meaningful stormwater improvements throughout the Village. Following is a preliminary timeline of events through February, 2012, at which time the proposed Fiscal 2012-13 Budget will be presented. Timelines beyond that are dependent upon policy direction provided by the Council.

### Council Meetings

The Village Council meeting schedule is provided below, along with actions that could be undertaken at each meeting.

<b>Council Meeting</b>	<b>Actions</b>
August 16, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>● Staff presentation: Stormwater Utility Fund</li> <li>● Staff presentation and Council policy direction: Timeline of actions</li> </ul> <u>Sanitary Sewer</u> <ul style="list-style-type: none"> <li>● Staff presentation and Council policy direction: Sanitary Sewer anti-backup contribution program</li> </ul>
September 6, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>● Staff presentation: Update on discussions with other public agencies</li> </ul> <u>Sanitary Sewer</u> <ul style="list-style-type: none"> <li>● Ordinance Introduction: Code amendments for sanitary sewer anti-backup contribution program</li> </ul>
September 13, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>● Staff presentation and Council policy direction: Individual property stormwater engineering evaluation program</li> </ul>
September 20, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>● Staff presentation: Update on discussions with other public agencies</li> </ul> <u>Sanitary Sewer</u> <ul style="list-style-type: none"> <li>● Ordinance Adoption: Code amendments for sanitary sewer anti-backup contribution program.</li> </ul>
October 4, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>● Ordinance Introduction (if necessary): Individual property stormwater engineering evaluation program</li> </ul>
October 11, 2011	<u>Stormwater</u>

	<ul style="list-style-type: none"> <li>● Staff and Consultant presentation: CBBEL Report on 25, 50, 100-year flood risk reduction for 8 drainage areas</li> </ul>
October 18, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>● Ordinance Adoption (if necessary): Individual property stormwater engineering evaluation program</li> <li>● Staff and Consultant presentation: Identification of projects to pursue in year 1</li> <li>● Council discussion: Continued discussion of projects and financing</li> </ul>
November 1, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>● Council Discussion: Continued discussion of projects and financing</li> </ul>
November 8, 2011	<u>Sanitary Sewer</u> <ul style="list-style-type: none"> <li>● Staff presentation and Council policy direction: Village-wide recommendations to address sanitary sewer backups</li> </ul>
November 15, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>● Council policy direction: Detailed stormwater improvement program</li> <li>● Council policy direction: Stormwater Funding Program</li> </ul>
December, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>● Council decisions: Actions necessary to implement selected financing mechanisms</li> </ul>
January, 2012	<u>Stormwater</u> <ul style="list-style-type: none"> <li>● Council decisions: Actions necessary to implement selected financing mechanisms</li> <li>● Council decision: Award Engineering Contracts</li> </ul>
February, 2012	<ul style="list-style-type: none"> <li>● Budget Hearings</li> </ul>
March, 2012	<ul style="list-style-type: none"> <li>● Adopt Budget and CIP</li> </ul>

### **Staff Actions**

In order to support the above Council timeline, Village staff will undertake the following actions:

<b>Month</b>	<b>Staff Actions</b>
August, 2011	Stormwater Utility research Sanitary sewer backup data collection Develop timeline Burke: Develop 25, 50, 100-year improvements
September, 2011	Schedule and conduct agency meetings Develop ordinance increasing Village participation in anti-backup program Sanitary sewer backup data collection Engineering evaluation research Burke: Develop 25, 50, 100-year improvements
October, 2011	Develop sanitary sewer improvement program Develop detailed financing program

	Burke: Present 25, 50, 100-year recommendations
November, 2011	Present sanitary sewer improvement program Develop detailed financing program With Burke: Develop & present specific improvement program
December, 2011	Develop & implement financing mechanisms, prepare budget Engineering RFP's
January, 2011	Develop & implement financing mechanisms Engineering RFP's
February, 2011	Budget presentations

**Recommendation:**  
Informational report.

## AGENDA REPORT

TO: Village Council

PREPARED BY: Liz Rosenthal

DATE: August 10, 2011

SUBJECT: REQUEST TO PLACE FLAGS ON THE VILLAGE GREEN

REFERENCE: August 17, 2010 Agenda Packet, pp. 53-54  
August 18, 2009 Agenda Packet, pp. 55  
August 5, 2008 Agenda Packet, pp. 21-22

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The attached request was received for consideration at the August 16<sup>th</sup> Council meeting. The Village has previously granted the same request.

**Recommendation:** Consider request.

August 8, 2011

Taylor Tucker  
Winnetka, Illinois 60093

Via email

Mr. Rob Bahan,  
Village Manager  
Village of Winnetka  
510 Green Bay Road  
Winnetka, Illinois 60093

Re: Request to place flags on the Village Green for Patriot Day,  
September 11, 2011.

Dear Mr. Bahan:

Hi. For the past several years, beginning with Genevieve Nielsen who began the tradition, the Village Council has allowed us to place approximately 3000 small American flags on the Village Green at the base of the Cenotaph, to honor the victims of the September 11, 2001 terrorist attacks. The flags would be placed on the afternoon of Saturday, September 10, 2011 and removed at dusk on Sunday, September 11, 2011. The community is welcome to help plant flags.

Unfortunately I will most likely be out of town during the August 16<sup>th</sup> Council meeting. However, if that is the case, my brother Elliott will present the proposal. He is an incoming freshman at New Trier.

Thank you for your consideration.

Sincerely,

Taylor