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AGENDA
VILLAGE BOARD MEETING,
COMMITTEE OF THE WHOLE MEETING
THURSDAY, MARCH 5, 2009 - 7:00 P.M.

REGULAR MEETING

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call

All present: President Czech; Trustees Oakley, Bajor, VadeBonCoeur, Kunes, Birutis, Mortenson; Clerk Mareachen; Attorney Freeman; Manager Page

- IV. Consent Agenda
 - A. Payment of Bills
 - 1. List of Bills
 - B. Approval of Minutes
 - 1. Regular Village Board Meeting of February 19, 2009
 - 2. Committee of the Whole Meeting of February 19, 2009
 - C. Other
 - 1. Children's Benefit League of Chicago and Suburbs Tag Day, April 17-18, 2009

>> Approved.

- V. Public Hearing for annexation agreement of property located at 26W115 St. Charles Road (SEPTRAN Bus Company) (Continued at March 19th meeting)

>> Continued to March 19th. Discussions with village still in progress and not ready for public hearing.

- VI. Open Forum

- A. Public Comments

>> John Norman got up to say hello. He did not go to Florida this year.

Pete Koronis reporting of repeated flooding of 6 homes. Two inches of rain results in three feet of runoff water from the roads to their yards. Has been worse since Oak Lane was developed. Has been in contact with the village, but nothing has been done. Pete and Dan reported that there is a low spot at the end of Fischer Lane. The village would need easements (letters were sent in 2000) to Florida Lane residents affected. Czech reported that this is on the 2009-2014 capital improvements plan. Dan said a water main needs to be replaced. There is a garage built over it.

Boyd Buck requested the village board and staff to examine the Shelburn Farms III plan closely. He believes the changes are major.

Dirk Enger of the county board provided an update of county board activities. He is on 5 committees including: economics, development, legislative, and public transit. DuPage participated in a 7 county stimulus plan. There are \$1.1 billion in projects, of which \$54 million is in DuPage. This would create 35,000 jobs. He also went to Springfield with St. John's for Catholic Day and inquired about overdue school district grant money. Additionally, the county is looking into flooding in District 6, western DuPage county.

Tony Reyes gave a speech regarding the use of political signs as freedom of speech. Referred to Christiansen vs Wheaton case as proof he could disregard Winfield's sign ordinance. Said he was teaching Winfield's youth about freedom of speech by providing his supporters with large signs and signs posted for more than 30 days, in contrast to the sign ordinance.

1. Shelburne Farms Phases III - Conceptual review and consideration of recommendation to Plan Commission

>> The representative for MI builders was requesting the changes to be classified as "minor". After brief discussion, the board considered the changes "major", therefore it will go to the plan commission for their April 1st meeting. Birutis asked if Phase 1 would be completed (64 units) before Phase 3 is started. The response was that yes, the construction would be complete. However, all units may not be sold prior to construction of Phase 3.

VII. New Business

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VIII. Reports of General Business

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IX. Reports of Temporary Committees

A. *Safe Routes to School* – Trustee Birutis

B. *Community Marketing and Development Task Force* – Trustee Birutis

>> Birutis reported that the March 16th meeting will have write-ups available. Financials were also discussed.

>> VadeBonCoeur reported on the Riverwalk committee. Floodplain issues and a conceptual plan was discussed.

>> VadeBonCoeur reported that the financial committee met with the chamber which included discussion of the Criterion. Also, there will be two or three workshops.

>> Mortenson reported on the plan commission. The public hearing is continued for the property on the south side of town.

>> Mortenson also defended the village board from the accusations made in a recent political letter sent to Winfield residents. The water/sewer rates went up due to the increase in the rate Chicago is charging for Lake Michigan water. The increase had to be passed on to the users. The garbage rates did go up 16%. That is 40¢ per sticker, which is about \$18.00 a year. This is compared to \$17.00 a month for Carol Stream which does not use the sticker system. Regarding the complaint of the use of sand vs salt and the increase of salt prices (from \$40 to \$120). It was not limited to Winfield. It was across the state. Furthermore, there is now a state investigation regarding the huge price increase. As far as the use of sand, this was not only in Winfield. Also the county, township and state roads used sand, so how can the accuser know it was Winfield's sand that mucked up his house? The garden club says sand is better than salt for the plants, so if the accuser has dead grass, what did he do in previous years when more salt was used? Regarding the accusers concern of sand in the sewers, Mortenson noted that the village purchased a jet vac truck that can be used to clean the sewers. This board has spent more on infrastructure than 8 years of the last board. Mortenson defended the sewer extension north. There was bond money for this and it will be recaptured when it is extended to the mobile home park. This area is also zoned commercial so that in the future, the sewer may even serve commercial uses. This board built up the general fund. The last board deficit spent. This board is working with MI builders, in these tough economic times, to finish a project the other board started. Cooley was rebuilt using federal funds/grants. Mortenson has heard WHAT candidates are going to do, but the important thing that he hasn't heard is HOW are they going to do what they say?

>> Czech reported the Environmental committee is meeting March 9th at 7pm. There is a global event that Winfield could consider supporting on March 28th at 8:30-9:30pm. That is to "turn off the lights" to bring awareness to environmental issues.

X. Future Business

A. Active

1. Discussion on the possible nuisance problems at 0S257 Summit Drive
2. Districting for Village Board seats

B. Forthcoming

1. Implementation of a cadet program for Village departments – Trustee Oakley is working on a proposal
2. Anti-monotony ordinance for new housing projects – Matter has been referred to Plan Commission
3. Policy on maintenance of stormwater facilities – Work has begun on the inventory; policy will be deliberated by Public Works Committee first
4. Policy on distribution of impact fees – Matter has been referred to the Administration and Finance Committee
5. Sign Ordinance – Referred to staff

XI. Village Board Comments

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XII. Other Village Official's Reports and Comments

A. Village President

1. Revision to Contract for Interim Village Manager

>> This will be brought into the next meeting.

B. Village Attorney

C. Village Treasurer

D. Village Manager

>> There is an application in for outside funding for Winfield and Garys Mills road improvements. There will be a decision by April 17th.

E. Village Clerk

>> Deadline to voter register in Winfield is March 10th. May still go to county for some period after that. Early voting starts March 16th.

XIII. Other Business

XIV. Adjournment

COMMITTEE OF THE WHOLE

I. Old Business

II. New Business

A. Other – Sign Ordinance

>> This is a brief synopsis of a very long and at times unruly discussion.

>> Pete from staff provided background on the sign ordinance for election signage.

>> Attorney Freeman advised the board to have a public hearing if the sign ordinance is changed. Freeman provided a review of recent events. In response to complaints, letters were sent to property owners that were in violation of the size requirements in the ordinance. The candidate's attorney contacted Freeman and said their actions were unconstitutional and they should cease their actions. Freeman reported to village manager Page of the implicit threat of a lawsuit. Page discussed with some of the board members and then advised Freeman to not take any action until discussed at the board meeting. Freeman sent some thoughts to the village to consider for handling the situation.

>> VadeBonCoeur said he believes the intent of the ordinance is clear and he would expect candidates to apply common sense.

>> Bajor doesn't remember this ever being a problem – and he first ran in 1993. Candidates should follow the intent of the law.

>> Kunesh agreed with Jack. Said the size requirements of the ordinance are enforceable.

>> Freeman said the size requirements of the ordinance can be enforced.

>> Birutis agrees with others and supports enforcing the size requirements.

>> Mortenson said this shows how important it is to update the ordinance. Referring to Reyes' comment, questioned what this is "teaching our children", how to skirt the laws? Size is important.

>> Oakley wanted confirmation that the letters from the Village went out due to complaints.

>> Page responded, yes, two letters were sent, one replaced size with legal one immediately, the other did not.

>> Oakley wanted confirmation on whether or not the village had a code enforcer.

>> Peter (staff) responded that the village does not. That position was eliminated during budget reductions. The village is not actively pursuing code violations, but responding to complaints.

>> Oakley would have preferred a different process, i.e., that Reyes come to the board earlier, rather than disregarding the ordinance.

>> Czech concurred with Oakley.

>> Reyes pointed out "for the record" that he didn't mention earlier that he was a candidate – it was the village board that did. He said the village was being unlawful and it was unconstitutional and they were being selective on only finding violations with his signs. 60 days ago people were asking for his signs. "Who am I, not to tell supporters not to put signs up. I don't have a Tony for the People sign on my property. I never sued anyone, but if you mess with my rights....."

>> Page responded that he takes issue with Reyes saying the village was being selective. The village acted on received complaints.

>> Freeman responded to the Reyes not suing comment. Said he received a call from Reyes' attorney, Mr. Sullivan. He remarked that Mr. Sullivan was a known and respected attorney and attorneys will consult with their clients prior to making calls on behalf of them.

>> Other residents then commented on the topic.

>> Phil Hardy said there is a time, place and manner for everything.

>> Jenny Saylor said four elections ago there was discussion. Requested the board to ensure consistency across the board.

>> Jed Skillman pointed out that character was established tonight.

>> Linda Fairbairn said the issue is here because of Tony. Freedom is not freedom without responsibility. Tony bought the signs. This is blatantly disregarding her freedom.

>> Czech asked Tony if he would work with the village regarding size without the village taking formal action at the board meeting.

>> Reyes said he would lay down his sword if the village would lay down theirs.

>> Czech repeated his request.

>> Reyes responded – yes.

>> Freeman said he will follow-up with Reyes and his attorney.

B. Plan Commission

1. Discussion of alley vacation plat of resubdivision and rezoning of Gacki property at northwest corner of Cleveland Street and Roosevelt Road

>> This subdivision had variances. When variances are granted, permits must be pulled within 12 months. That hasn't been done and the requestor never paid for the vacated alley. The project is on hold.

>> Birutis recommended to rescind the vacation agreement. All agreed.

C. Public Works Committee

1. Transfer of Ownership for Wastewater Pumping Station at Public Works and Force Main from West Chicago

>> Page and Bajor recommended that the village take control of this so that village can provide better maintenance.

D. Administration and Finance Committee

1. Public Hearing Notice Status

>> Most notices will be in the Winfield Register. The remaining will be in the Herald. This is because most notices are required to be published in a "local" paper if available. For example, zoning notices must be published in a local paper. Others must be published in a "general" paper, e.g., comprehensive plan.

>> VadeBonCoeur recommends a press release regarding the change.

>> Oakley commented that a lot of people disregard the Register so she has concerns if it is only published there. She also commented that online reading is also becoming common and the Winfield Register's online paper is not always current.

>> VadeBonCoeur requested Page to contact the Register so that the notices are posted online in a timely manner.

2. Policy on Meeting Procedures for Commissions and Boards

>> Will move to the next board meeting for vote.

- III. Discussion of requests for future Committee of the Whole Agenda items from the Trustees (Requests Require the Concurrence of at Least Two Members of the Village Board)
 - >> none.
- IV. Public Comments
 - >> none.
- V. Village Board Comments
 - >> none.
- VI. Executive Session
 - A. Collective negotiating matters between public employers and their employees or representative 5 *ILCS 120/2(c) (2)*
 - B. Discuss potential litigation
- VII. Adjournment