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AGENDA
VILLAGE BOARD MEETING,
COMMITTEE OF THE WHOLE MEETING
THURSDAY, OCTOBER 16, 2008 - 7:00 P.M.

REGULAR MEETING

I. Call to Order

II. Pledge of Allegiance

III. Roll Call

>> All present

IV. Consent Agenda

A. Payment of Bills

1. List of Bills

B. Approval of Minutes

1. Regular Village Board Meeting of October 2, 2008

2. Committee of the Whole Meeting of October 2, 2008

>>Trustee Birutis had e-mailed a change to the minutes to all trustees.
Minutes approved with the changes.

V. Open Forum

1. Concept review - Annexation of property at the southeast corner of Pleasant Hill Road and St. Charles Road

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2. Recognition of Katie Thom, Junior Miss Winfield

>>Katie addressed the board, explaining the selection process and explaining that she was selling candy to help defray the costs of traveling to Springfield for the competition. Trustees and audience members purchased candy and made donations.

3. Audience Comments

>> A resident presented concerns about the process involved in the underpass project. He felt his questions have gone unanswered for the past two months. He asked why the board would not put the project out to bid in order to get actual numbers on which to make their final decision. He urged the board to put out the bid by the next bid deadline – Nov. 14 – in order to avoid additional costs due to inflation. He asked why the purchase of the Hair Salon property was included in the cost of the underpass project since the land could also be used for a proposed parking garage, and the whole property was not needed for the underpass. He also asked if the underpass monies could be used for roads. This was a reason given by trustees for not advancing the project. If these funds can't be used for roads, why not put it out to bid. He went on to express his feelings that the project would enhance Town Center pedestrian circulation, tie the north and south sides of town together, and would be a major safety factor for local school children. He felt that getting bids could solidify funding from Union Pacific and other contributors. (i.e. grants etc.) He also mentioned that if Winfield does not accept the available money, other communities would get it.

Another resident spoke to the safety issues. She presented the board with 200 signatures supporting the request to the board to put the project out to bid.

Another resident also emphasized the safety issue. She felt that drivers don't understand the need for an underpass as much as pedestrians do. Drivers may not be as likely to stop and patronize downtown businesses. When the gates are down, or there is a train parked for a considerable time, pedestrians heading to downtown restaurants may go home, get in their cars, and spend their money in other towns where there is a better selection of restaurants. There is also a very great danger that children will try to cut through freight trains when they are stopped. She recalled the tragedy of a young man she knew who was killed in Winfield doing just that. She also explained how she and other parents have emphasized from the time their children were small, the dangers of trains and cutting through stopped trains. In talking with her own family she learned that they had all done this, in spite of parental warnings and that they felt that most of their friends had also done this. She asked that the project at least be put to bid so she and other parents would know that they had done as much as possible to provide a safe way for pedestrians, especially children, to cross the tracks.

Another resident said that she understood the reasons for the board's hesitation in pursuing the project, namely the costs and the Village's need for funds for infrastructure repair. She urged that the project be put out to bid. She requested that the matter be put on the agenda for Committee of the Whole so that trustees could respond to the comments made by the residents as well as explain their reasons for not wanting the project put out to bid.

Trustees had no objections to that. Some wanted to have until the next meeting to prepare responses.

Bill Barlow explained procedure and deadlines in the process.

A draft agreement must be signed by November 14 to qualify for March bids. In addition, The Department of Transportation has requested a new public hearing on the project since it has been a year since the last one and some aspects of the initial project have changed.

On Monday Trustees Birutis and Mortenson will be meeting with Union Pacific in a continuing dialogue about their level of financial support as well as the ramifications of putting the project out to bid.

Trustees voted 5 to 1 to put the matter on the agenda for the Committee of the Whole.

VI. New Business

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VII. Reports of General Business

A. Finance and Administration Committee

1. Accepting the FY 2007-2008 Financial Audit and authorization to file it with the State of Illinois Comptroller

>> A summary of the complete Finance document was presented. Trustee Vade Bon Coeur commended the staff for their efforts in keeping the budget "in the black."

Trustee Birutis explained that the Village only gets 3.5cents out of every tax dollar paid by Village residents. She felt that the Village has done a great job to make that money cover all of the many obligations the Village has.

B. Public Works Committee

1. Ordinance approving contract for refuse collection and disposal and collection of recyclables and landscape waste between the Village of Winfield and Waste Management of Illinois, Inc.
>> An agreement has been signed with Waste Management. As of January the new collection day for the Village will be Tuesday.

C. Other

1. Ordinance amending Title 3 – Business and Licenses, Chapter 3 – Liquor Control of the Village Code, increasing the number of C-1, full liquor/ liquor store licenses
>>Not passed. Trustees felt that the image of the Village was important. It was also noted that a concentration of liquor stores would dilute sales for all of them.

VIII. Reports of Temporary Committees

- A. *Town Center Marketing and Capacity Study* – **Trustee Birutis**
- B. *Safe Routes to School* – **Trustee Birutis**

IX. Future Business

- A. Active
 1. Discussion on the possible nuisance problems at 0S257 Summit Drive
- B. Forthcoming
 1. General Development Plan - Key Development Areas 1a, 1b, and 2 St. Charles Road area annexation initiative –Recommendation from the Plan Commission anticipated in the near future.
 2. Anti-monotony ordinance for new housing projects – Matter has been referred to Plan Commission.
 3. Policy on maintenance of stormwater maintenance facilities – Work has begun on the inventory; policy will be deliberated first by Public Works Committee.
 4. Policy on distribution of impact fees – Matter has been referred to the Administration and Finance Committee.
 5. Alternate sidewalk design for Park Street – Safe Route to Schools
 6. Examination of need for the use of certified mail for public hearings before the Zoning Board of Appeals, Plan Commission, and Village Board
 7. Pro-forma review of the Village’s finances at the 6 month time period

X. Village Board Comments

>> Trustee Birutis asked the Village attorney if it was necessary to send certified letters for zoning changes. (see Village Attorney comments below)

XI. Other Village Official’s Reports and Comments

A. Village President

1. Appointment to Plan Commission – John Kirschbaum
>> There are no resignations on the Board, but 2 terms will expire. President Czech chose to use his power to nominate. Many trustees explained that when they were elected, they were given a clear message about wanting a change in how the Village was run. Since Mr. Kirschbaum was the former President, they felt they would not be true to their pledges to voters if they appointed him. The issue was defeated 4 to 2
2. Appointment to Riverwalk Committee - Ondrew Hartigan
>> Approved
3. Appointment to Riverwalk Committee – Daniel Nagel
>>Approved

B. Village Attorney

>> The attorney explained that the requirement to send certified letters in zoning issues is a Village requirement. State law only requires notices in newspapers. The Village ordinance can be amended – but that would require a public hearing and certified letters sent to those affected. Once the law was amended there would no longer be the need for the certified letters and their expense. Trustee Birutis requested that the issue be put on the next Committee of the Whole agenda for Board consideration.

The attorney also explained her research on questions of Village liability if the underpass is not built. She found no common law duty for the Village to make a safe passage over railroad tracks. The Village can’t put improvements on someone else’s property. (the railroad’s) Case law says the

railroad could be liable, not the Village. She found that there is no duty on the part of the Village to provide an underpass. "This is not to say it is not advisable."

C. Village Treasurer

1. Annual Treasurer's report for the year ended April 30, 2008

>> Treasurer's report to be presented at the next meeting.

2. September 2008 Treasurer's Report

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D. Village Manager

>> Bill Barlow informed the board that trash cans and recycling bins have been installed on the Prairie Path near the water fountain. There were immediate positive comments from the public.

In regards to the September 13 and 14 floods, Bill announced that 75% of local government expenses are eligible for reimbursement.

He also explained that 90% of the carpet project at Village Hall has been completed. The mold issue is also being dealt with. Village staff has taken this recarpeting project and its accompanying upheaval as an opportunity to clean out and re-organize. The project also caused the Village website to be up and down. It should be back in business now. The cable for live broadcasts of Village meetings is being installed. The website will include broadcasts of board meetings as well as forms and documents.

E. Village Clerk

>> Election packets are available at Village Hall. Signatures can't be collected until October 28. Details will be on the website and T.V.

The clerk also cautioned that all of the election forms are new this year.

Information about other area elections should be available to staff so they can direct people to the right place to get that information.

XII. Other Business

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XIII. Adjournment

COMMITTEE OF THE WHOLE

I. Old Business

A. Plan Commission

1. Preliminary PUD for CDH building demolition and parking lot expansion at 0S033 Church Street

>> C.D.H. presented to the Plan Commission a project involving the demolition of the former funeral home building at the corner of Church and Highlake. The building slab would be paved over, an additional 14 parking spaces created, and the existing lot resurfaced and restriped. The current sign would be moved out of Village right of way and landscaping would be added.

The Plan Commission voiced concerns about turning potential commercial property into a parking lot. Since it is essentially a parking lot now, the Plan Commission okayed the project with a 3 year "sunset clause" at which time the project would be revisited every year. They also recommended that 1 space be eliminated and replaced with landscaping. There are trees on the property to the South, so additional trees would not be required.

C.D.H. representatives said that they won't accept the sunset provision because they felt it would terminate their ability to use their own property. They said the building hasn't been used for meetings as a conference center for at least three years. The building needs roof repairs and asbestos removal, so the decision to demolish seemed sensible. It is in Town Center and if someone wants to purchase the property from the hospital, they would listen and would not need the sunset clause to guarantee that it could be sold for commercial development. Bill Barlow said that the Village had approached the hospital a year ago with an offer to purchase the

property. At that time the hospital said they were still using it as a conference center and did not wish to sell.

Trustees explained that the Plan Commission felt very strongly about the sunset clause. It was put in because C.D.H. said the parking lot was temporary. Since it is a gateway to the community, the Plan Commission did not want to allow parking lot after parking lot in that area. Trustee Birutis suggested the item be sent back to the Plan Commission.

2. Preliminary PUD for CDH building demolition and parking lot expansion at 27W365 Jewell Road

>> The plan calls for the demolition of the vacant residence on the property. A parking lot would be created that would merge with the existing one west of the Sneider Building. The pond on the south side would be expanded to accommodate additional run off. Landscaping would be added on the west side as well as a trash enclosure on the southeast corner of the lot.

Trustees voted to move the issue forward.

3. Lot coverage variance - 26W393 Pinehurst Drive

>>A proposed patio would exceed the allowed lot coverage. The Plan Commission felt that the in-ground pool that had been previously approved was the real problem with the amount of lot coverage and felt the variance should be granted. Trustees voted to move the issue to the next board meeting for a vote.

B. Administration and Finance Committee

1. Village costs associated with special events – policy

>> Moved to next meeting because of time needed for underpass discussion

II. New Business

A. Public Works

1. Report of financing options for the maintenance and improvement of Village streets

>> Moved to next meeting because of time needed for underpass discussion

Underpass discussion (added to Committee of the Whole after Public Comments in the Regular Meeting section)

Trustee Kunesh asked the Village Manager for a review of what the Village would have to do to put the project to bid. What would the Village have to commit in terms of money?

Bill explained that 2 things would have to happen.

First – adopt an appropriations ordinance. (i.e. The Village must set aside funds) He went on to explain that at the July meeting where this was discussed, “...we had it covered.” (the local share of the costs) The funds were listed until the last budget – the Village didn’t want to include it. I.D.O.T only wants to know the engineering numbers.

Second – a Local Government Agreement. The Village needs to represent how they will cover their part of the costs.

Public Hearing Requirement. Since time has passed since the last public hearing and the design has changed (the addition of a sidewalk etc.) another hearing may be necessary to satisfy requirements. It could fit into the deadline timeline.

Village trustees have been in discussions with U.P. about increasing the amount of their donation.

If the project is put out to bid and the bids come in higher than the amount stated in the Local Government Agreement, then no one will force the Village to go ahead with the project. I.C.C. has backed off of their rhetoric to force the Village to go through with the project.

Bill Barlow stated that the Village has the means to come up with the funds needed – T.I.F. money for example. However, some trustees feel it should be used for other projects.

I.D.O.T. actually gets the bids, so they require a Local Government Agreement before they will start the process.

A question was raised as to whether the Village could “drop out” of the project if the bids were too high. Bill Barlow said that is how he understood it. The Village would like that in writing.

Another issue concerned whether I.C.C. could force us to go forward with the project. The Village Attorney said the Village could put language in the agreement to prevent that.

Additional clarifications included the following:

The Village must adopt the ordinances to put the project out to bid. The adoption of the ordinances does **not** bind the Village to proceed with the project. The Village must state how they would get the money – i.e. the sources of funding. We can subsequently use other sources of funding, but the Village needs to outline how they could obtain funds. The Village does not need to only use the funds outlined in the ordinance. They can get other funds instead (grants, fund-raising etc.)

The Village is not being contractually bound to do the project by this process.

After he bids come in, the Village will vote on moving ahead and awarding contracts.

I.D.O.T. is managing the grant funds.

Trustee Vade Bon Coeur had a question about how the Village would be viewed if it rejected the project after going through the bidding process. Bill Barlow said he felt the bidding process was a serious representation, but we do not have to accept it or proceed with the project.

President Czech and Trustee Birutis have been trying to get commitments in writing from various sources of funding in order to get a realistic estimate of funding available.

Other possible sources of funding include money from the DuPage mayors and Managers and an “earmark” from the Federal Government.

Issue moved to a future Board meeting.

III. 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)

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IV. Public Comments

>> A resident thanked the Village Attorney for clarifying the legal liability issue of not going forward with the project.

Another resident thanked the Board for the open dialogue in the meeting and felt progress was being made that was not publicly known before.

V. Village Board Comments

>> None

VI. Executive Session – None

VII. Adjournment

>> 10:00 p.m.