

Village Board Meeting Minutes

The Village of Downs Board Meeting was called to order June 6, 2013 at 7:00 pm by Mayor Mike James.

Roll Call – Maureen Roach, Mary Goveia, Mike Freimann, Paul Myszka, Susan Luke and Dan Lush Present.

Others in Attendance – Dawn Wall (Village Attorney), Janice Cuba (Treasurer), Julie James (Clerk)

Pledge of Allegiance

Superintendent Report was delivered by Kevin Whitehouse and appears later on in this flyer.

Discussion

- 1) Trustee Freimann read a prepared statement, submitted for public record, asking for the resignation of Trustee Goveia as a result of her affidavit supporting the defendant in the Farmland Subdivision lawsuit. See Exhibit A
- 2) Another new subdivision of 50+ lots on the Living Hope property is in the works for next year. They are asking to be annexed into the Village.
- 3) Downs United Methodist Church presented a letter of consideration and direction.
- 4) Purchase of land or build – Trustee Lush covered the options that we will consider during executive session.
- 5) DCEO Grant Project – Mayor James reported that Senator Rose informed the Village of its \$25k infrastructure grant from the Department of Commerce and Economic Opportunity.
- 6) McLean County tickets – Mayor James reported that the tickets written by McLean County should now be credited to Downs. Research is being done to recoup back to November 2012.
- 7) OMA and FOIA Training – Trustee Luke reported everyone needs to take the training each year. Committee and subcommittee chairs and clerks need to take this online training.
- 8) NIMS Training – Trustee Roach talked about the need for the new Trustees to take NIMS training.
- 9) Email Addresses – Trustee Luke and Freimann will be looking into getting separate email addresses for the Board.
- 10) Executive Meeting Minutes Review – Mayor James said we would perform this review in July and January. The majority of the Board wanted to review during executive session.
- 11) Charles Turner Easement – Mayor James reported that Mr. Turner is requesting a release of the unused old easement for the sewer.
- 12) Mediacom Franchise Agreement – Mayor James will look to get this resolved by next month.
- 13) Ordinance enforcement – Trustee Myszka asked about the process of how we have handled abatement violations in the past.
- 14) Hometown Award Application – Mayor James talked about suggested projects and asked for others. He will be looking into it further for next month.
- 15) Video Gaming – Mayor James reported that the Board needs to adopt the rest of the application process.
- 16) ~~St Mary's Parking Lot~~ – Trustee Myszka asked to move to July.
- 17) Other
 - a. TIF request process – Mayor James will start looking into in this process.

Public Comment – Ten community members were present. Rick Hayes and Rev Ken Burgard presented the board with a letter from the Downs United Methodist Church. Brandon Adkinson wanted to express

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interest in the TIF request process. Tom Kretz along with his sons, Steven Kretz and Thomas Kretz presented their Eagle Scout Projects. Barb Gilhaus asked about the Farmland Subdivision and felt the censure of Trustee Goveia was not needed and the statement read by Trustee Freimann was sufficient.

Approval of Consent Agenda – *Motion made by Dan Lush and seconded by Mary Goveia. Approved 6-0*

Consent Agenda – *Motion made by Paul Myszka and seconded by Mary Goveia. Approved 6-0*

- 1) Ordinance 2013-07 of the Village of Downs, McLean County, Illinois, ascertaining and adopting the prevailing rate of wages for the laborers, workers, and mechanics employed on public works of the Village of Downs
- 2) Ordinance 2013-08 approving 2013-2014 Annual Appropriations Ordinance for the Village of Downs
- 3) Ordinance 2013-09 establishing Community Committees of the Board of Trustees of the Village of Downs and amending the provisions of Chapter 2, Article 1, Section 11, of the code of the Village of Downs
- 4) Ordinance 2013-10 establishing the Police Search Special Committee of the Village of Downs to establish Police Department direction and search for the Village of Downs
- 5) Ordinance 2013-11 establishing the Executive Committee of the Village of Downs to assist the Village Board in coordinating monthly activities in the Village of Downs
- 6) Ordinance 2013-12 establishing the Development Committee of the Village of Downs to assist the Village Board in facilitating commercial and residential development and beautification for the Village of Downs
- 7) Ordinance 2013-13 establishing the Events Committee of the Village of Downs to assist the Village Board in the planning and management of Village events
- 8) Motion to approve moving the July 4, 2013 meeting to July 11, 2013
- 9) Motion to approve the payment of bills on July 5th as approve by Clerk and Finance Trustee
- 10) Motion to approve the extension of Dooley Park hours on July 4, 2013 to 12 am
- 11) Motion to approve change order for \$13,632 with George Gildner, Inc.
- 12) Motion to approve the repair of the police car by Downs Automotive
- 13) Motion to approve the purchase of a new lawn mower
- 14) Motion to approve the LaMonte Subdivision final plat
- 15) Motion to approve the Payment of Bills
- 16) Motion to approve parade route and road closures during the parade on July 4, 2013
- 17) Motion to approve the 4th of July Grand Marshal - Dave Deerwester
- 18) Motion to approve amended Building permit
- 19) Motion to approve amended TIF payment from \$300 to \$500 for Dooley Park playground equipment mulch
- 20) Motion to approve Department of Natural Resources Activity Permit for the 5k Run at Moraine View State Park

Legislative Actions

- 1) Resolution 2013-R14 approving Censure of Village Board of Trustee member –*Motion made by Mike Freimann and seconded by Paul Myszka Resolution Approved 4-2, Mary Goveia and Maureen Roach voted No*
- 2) Ordinance 2013-15 approving the service agreement with CIRBN LLC – *Motion made by Paul Myszka and seconded by Dan Lush Resolution Approved 6-0*
- 3) Resolution 2013-R16 approving the service agreement with Maguire Iron, Inc. – *Motion made by Mike Freimann and seconded by Pay Myszka Resolution Approved 6-0*

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- 4) Resolution 2013-R17 authorizing and acknowledging the express powers granted to the Mayor and certain officers and appointed officials of the Village of Downs – *Motion made by Susan Luke and seconded by Paul Myszka Resolution Approved 6-0*
- 5) Motion to approve recommended Village donation of \$___ to Steven Kretz's Boy Scout Eagle Project – *Motion to Postpone to a later date made by Paul Myszka and seconded by Dan Lush. Approved 6-0*
- 6) Motion to approve recommended Village donation of \$___ to Thomas Kretz's Boy Scout Eagle Project – *Motion to Postpone to a later date made by Dan Lush and seconded by Susan Luke. Approved 6-0*
- 7) Motion to approve authorization of Steven Kretz's Eagle Scout Project Plan – *Motion made by Paul Myszka and seconded by Mary Goveia Approved 6-0*
- 8) Motion to approve authorization of Thomas Kretz's Eagle Scout Project Plan – *Motion made by Maureen Roach and seconded by Mary Goveia Approved 6-0*
- 9) Motion to approve previous meeting minutes, Donation of \$50 to the TV Education Fund Golf Outing and advertising in TV Falls Sports Program. – *Motion made by Mike Freimann and seconded by Paul Myszka Approved 6-0*
- 10) Motion to approve continuance of the Village of Downs Board Meeting to June 13, 2013, 7:00 pm at the Village Hall – *Motion made by Dan Lush and seconded by Susan Lush Approved 6-0*

Executive Session was entered for potential and pending litigation, personnel and purchase of land at 9:40 pm

Action on Executive Session Items

- 1) Motion to authorize letter of reply from the Village Board to Barnhart – *Motion to Postpone to June 13, 2013 made by Mike Freimann and seconded by Susan Luke Approved 6-0*
- 2) Resolution 2013-R__ pending matter(s) Downs Crossing – *Motion to Postpone to June 13, 2013 made by Mike Freimann and seconded by Paul Myszka Approved 5-0; Mary Goveia present*
- 3) Resolution 2013-R__ pending matter(s) Farmland Subdivision – *Motion to Postpone to June 13, 2013 made by Mike Freimann and seconded by Paul Myszka Approved 5-0; Mary Goveia present*
- 4) Resolution 2013-R18 approving the hiring of a part time seasonal maintenance laborer for the Village of Downs – *Motion made by Dan Lush and seconded by Susan Luke Approved 6-0*
- 5) Resolution 2013-R19 approving the hiring of a part time summer maintenance laborer for the Village of Downs – *Motion made by Dan Lush and seconded by Susan Luke Approved 6-0*

Mayoral and Trustee Reports are in flyer

Meeting Postponed to June 13, 2013, 7:00 pm at the Village Hall at 11:12 pm

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The Village of Downs Board Meeting was reconvened on June 13, 2013 at 7:00 pm by Mayor Mike James.

Roll Call – Maureen Roach, Mary Goveia, Mike Freimann, Paul Myszka, Susan Luke and Dan Lush Present.

Others in Attendance – Dawn Wall (Village Attorney), Janice Cuba (Treasurer), Julie James (Clerk)

Pledge of Allegiance

Public Comment- Public in attendance was Ken and Cindy Bays and Barb Gilhaus. Those in attendance were waiting to hear if the final proposal was accepted by Jeff Misch.

Discussion- Executive Session Action Items

- 1-Farmland Subdivision Litigation
- 2-Snyder Resolution
- 3-Barnhart Letter

Motion to enter executive session was made by Mike Freimann and seconded by Dan Lush Approved 6-0

Executive Session was entered for potential and pending litigation, personnel and purchase of land at 7:05 pm

Roll Call – Maureen Roach, Mary Goveia, Mike Freimann, Paul Myszka, Susan Luke and Dan Lush Present.

Others in Attendance – Dawn Wall (Village Attorney), Janice Cuba (Treasurer), Julie James (Clerk)

Motion to leave executive session made by Maureen Roach and seconded by Paul Myszka Approved 6-0
7:58 pm

Roll Call – Maureen Roach, Mary Goveia, Mike Freimann, Paul Myszka, Susan Luke and Dan Lush Present.

Others in Attendance – Dawn Wall (Village Attorney), Janice Cuba (Treasurer), Julie James (Clerk)

Motion to reply to Barnhart letter made by Dan Lush and seconded by Susan Luke Approved 6-0

Motion to approve Resolution 2013-R20 Snyder Settlement at Downs Crossing made by Paul Myszka and seconded by Maureen Roach Approved 6-0

Motion to approve Farmland Subdivision Settlement made by Mike Freimann and seconded Paul Myszka Approved 5-0 Mary Goveia voted as present

Motion to adjourn made by Maureen Roach and seconded by Mike Freimann Approved 6-0

Adjourned 8:04pm

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Exhibit A

Address to Downs Village Board regarding Mary Goveia

As you know, the board was made aware last week of an affidavit offered by a current board member, Mary Goveia, in a pending legal issue between the village and a developer, Jeff Misch, regarding the completion of Oliver Court in the Farmland Subdivision.

Mary's sworn statement, in favor of the developer and in opposition to the residents of Oliver Court and the Village of Downs, concerns me for a number of reasons.

There are many details in this statement that she had not previously shared with this board, either in open or executive session. Had she done so, we might have acted differently in the action we pursued to seek a resolution to this issue. I believe her omission of this information until now has done the village a disservice.

Additionally, in her sworn statement, she admits to being a part of previous board proceedings where at least one vote was taken and not reflected in the minutes. This would appear to be a violation of section 2.06 of the Open Meetings Act. She also seems to imply consent for the previous practice of "informal action" that should have been voted on, pursuant to Chapter 2, Sec. 9 of the village code, which specifically states that a vote must be taken on "all propositions to create any liability against the village." It also implies disregard for the public's right to proper minutes. It was actions such as these that have put the village in a difficult spot in this case and others.

Last, I consider her siding against the village in this matter at least a conflict of interest and at worst a betrayal of the public trust, particularly her participation in confidential closed sessions despite her ongoing business relationship with the Misches and her apparent intent to testify on their behalf.

I believe that her continued participation on the board puts the Village of Downs at a disadvantage in this matter and damages the board's credibility with the people of Downs. For that reason, I call on Mary to resign her seat immediately. If she is unwilling to do so, then I believe this board should approve a formal censure so that the people of Downs know that we stand with them.

Respectfully,

Michael Freimann, Trustee, Village of Downs