

VILLAGE OF DOWNS BOARD OF TRUSTEES  
REGULAR MEETING MINUTES  
January 2, 2014

Village Hall  
211 S. Seminary St,  
PO Box 18  
Downs, IL 61736

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1. The regular meeting was called to order by Mayor Mike James at 7:34 pm.
  2. Roll Call was taken and Trustees Roach, Goveia, Freimann, Myszka, Luke, and Lush were all present. Also present were Clerk James and Attorney Dawn Wall.
  3. Pledge of Allegiance
  4. The agenda order was approved after removing Resolution Item 2013-R40 and the engineering report.
  5. Eagle Scout Report(s)-Boy Scout Tyler James gave the board an update on his Eagle Scout project. He has finished lying decking. All he has left to build is the ramp. He still has money left over from donations he has raised. He plans on finishing it in two weeks.
  6. Superintendent Report-Kevin Whitehouse reported that he has repaired all but 52 touch pads. All of the ones left are in Mallard point. He was happy to report that in December he had no water main leaks or service repairs in December.
  7. An engineer report was not given.
  8. Mr. Zwilling, Village treasurer, was unable to make the meeting due to his child's illness. No treasurer report was given.
  9. Mayoral Report- Mayor James received a coyote complaint. A pack of coyotes was seen behind the high school. It was suggested talk to Lyndall Cuba.  
He has received sidewalk complaints on Washington St. This sidewalk is new to us. These complaints need to be directed to Trustee Lush.  
He also received a sailboat complaint that Trustee Roach is taking care of.  
Mayor James received information on the Show Bus. The board was interested in this and would like to have them come and give us a presentation.  
He has been asked about the Bookmobile coming to Downs. Attorney Wall indicated that library districts are created by the state. We wouldn't be able to change our district. We are in the Heyworth Library District. Trustee Myszka agreed to get more Information about the Heyworth library to include in the flyer. Mayor James has the USDA election ballot and asked that someone be his witness to vote.
  10. Trustee Reports
    - a. Trustee Myska gave his building report. He said he has no formal report. It was a quiet month because of weather.
    - b. Water and Sewer Report-none
    - c. Police and Services Report-Trustee Roach's committee didn't meet this month and the Leroy police agreement has been postponed for next month.
    - d. Streets Report-Trustee Lush gave his report. He says he regrets the way his report in the flyer about the Washington St. sidewalk sounded last month. It was not his intention for it to sound that way. A mailbox was broken when snowplowing and will need to be replaced.
    - e. Trustee Goveia's Parks, Community Center and Food Pantry committee did not meet in December because of holiday. The next food pickup will be Monday. The food pantry is servicing 37 families. The first food pantry pick-up is open to anyone in the Tri-Valley School District. The second pick up is income based. Supporting documents are needed for the second pick-up.  
Lyndall Cuba repaired drywall and painted because of a leak from the a/c in the Community Center. He added shelving. Trustee Goveia is considering adding more shelving. She is also considering charging \$10/hr. for meetings.
    - f. Trustee Luke didn't have a finance report for this month.
  11. Discussion
    - a. Special revenue funds and utilization- Mayor James asked Attorney Wall to make a final position on these special revenue funds. Attorney Wall thinks that going forward we will be better off because these funds will be managed by committees now. Everyone is vulnerable if there is not a receipt that does not match the funds. This issue came to Dawn's attention at Halloween when some of those funds were allocated for other things in the park.  
She will finalize some bright line rules for the board to follow. She will be preparing a Memorandum of Understanding.
    - b. Annexation costs for future petitions- Attorney Wall and the Mayor discussed that we have nothing in our code about who is responsible for the cost for recouping the costs for

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annexation. These fees include attorney fees and publication fees. Some villages have a \$650 application fee. The board agreed this was a good idea.

- c. Ordinance changes for Park- Trustee Goveia stated we were asked to look at our ordinances that pertained to our positions. She would like to change that the meetings to be changed to quarterly since the events in the park are being moved to committees. Mayor James asked her to get those changes to Attorney Wall in the next couple of weeks. She also said we may need to change Kickapoo Park's hours and rules.
- d. Ordinance changes for Public Works- Trustee Freimann is still looking at all his ordinances. He met with the billing clerks. He said they were not in favor of extending the time to pay late water bills. They were in favor of raising the reconnection fee, raising the late fee, having a voluntary shut off and a lower fee for that. They see potential in raising the deposit fee to about \$150. The billing clerks said we may need to consider the way the fees are in proportion to the BNWRD fee. They suggested the BNWRD tax needs to be put on the property owner not the user. Trustee Freimann says debt service could be put on the property owner. The billing clerk said they are billing BNWRD tax for folks that are within the BNWRD district that are not paying it. But, we have no way of enforcing it. We can send that bill all we want to, but they don't have to pay it.

Another suggestion that was brought up was, to add a phone number to the shut off notices next time. Suggested softer language when we print the red cards, put "shut of notice unless you call".

12. Public Comment no comment

13. New Business

a. Motions

- i. Motion made to Approve December 5, 2013 Village Board of Trustees Regular Meeting Minutes was made by Freimann and seconded by Lush.  
Discussion: Trustee Roach asked to change the minutes to "Leroy police car will be provided" so that is will be a little more clear.  
Motion made to Approve amended December 5, 2013 Village Board of Trustees Regular Meeting Minutes was made by Freimann and seconded by Lush 6-0 Approved
- ii. Motion to Approve continuance of the Village of Downs Regular Board Meeting to \_\_\_\_\_, 7:00 pm at the Village Hall Tabled
- iii. Motion made to Approve use of the IL E-Pay System within the Village of Downs made by Freimann and seconded by Luke 6-0 Approved  
Discussion: Through the IL State Treasurer's office, debit cards, state cards or checking accounts, residents can pay their water bills. It is available 24 hours a day. They can pay both online or by telephone. They offer a credit card machine for us here at the village office. However, there is a fee to the user and a transaction fee to us. Trustee Freimann says we are not interested in this right now. The billing clerks are going to go Heyworth to see it work. There is no contract to use this service.
- iv. Motion made to Approve purchase of mowing tractor and attachments for \$11,400 by Lush and seconded by Myszka  
Motion made and amended to Approve purchase of mowing tractor and attachments not to exceed \$12,000 by Lush and seconded by Myszka 6-0 Approved  
Discussion: Leora Osborne offered to sell her 2012 John Deere 720 tractor with bagger, snow blower, and extra blades with 97 hours for \$11,400. Trustee Lush went and got some comparisons quotes for a John Deere and Simplicity. He got a quote from John Deere. The quote included a trade in for the 2005 zero turn mower for \$2700 and a new mower with all the stuff Leora's had. We would have a warranty. For \$500 more we would a brand new mower and a loaner if we need one.  
The accessories he could take out of general.

Resolutions

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- i. Motion to approve Resolution 2014-R01 Approving and Authorizing the Annexation of Beecher Trails Subdivision made by Lush and seconded by Luke 4-2 Freimann, Myszka Approved

Discussion: Linda Bowman from the zoning board spoke. The zoning board voted 4-1 to change 1401-AZ from R1-to R2 medium density. She said that she was not surprised to hear complaints. They have legitimate complaints.

Trustee Lush says he has more questions now than he did before. There are things he hadn't considered before, especially about the bridge. The railroad owns bridge it is their responsible to repair.

Trustee Freimann is opposed to this annexation because it is not contiguous. The Village is not getting enough value out of this subdivision. He is not satisfied, there is not enough parkland, and all we get are the trees. Attorney Wall says we could put playground equipment on the out lots.

Don Adams is not sure if there is a homeowner's association.

Trustee Luke says she agrees with everything that has been said about congestion on the roads and Downs not being contiguous. It is going to be a challenge for the board in regard to water and sewer.

Trustee Myszka said he originally was narrowly focused on streets. He doesn't see traffic as a complete bad thing. The Huff Road issue is probably the biggest the thing. He does see the benefits.

Trustee Goveia- For her the road is big issue. We have to deal with this issue. We have tried to deal with this road before. The Kickapoo Creek issue is a big concern, it overflows. The creek is going to be getting more water from these houses.

Trustee Freimann-If we annex that part of Shaddayville, we would be able take over all of Huff Rd. What if we were able to offer them services if they want them? It makes more sense to make that road contiguous.

Trustee Roach-Her concern is we may be taking on more than we can handle with maintenance of these roads. She knows the developer has taken on a lot.

Trustee Myszka's development committee sees the benefits.

Trustee Freimann asked to call the question.

Roach no, Goveia no, Freimann yes, Myska no, Luke no, Lush no 5-1 Vote failed

Public Comment: Charles Heap-Living Hope Christian Church would like to be annexed in. They would be willing to put in a park or soccer field, detention area, or another street. They want to work with the Village. They have 30 acres that they don't have plans for. They have talked about a possible retirement village. They have talked to the state about turning off of 150 to ease traffic congestion.

Trustee Lush says he feels better after he heard from the gentleman from Living Hope.

Trustee Goveia said right this minute she is not ready to vote. She wants to continue next week.

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Attorney Wall says we can't pass the resolution to authorization without passing the ordinance. She wants to know what is going to change if we wait until next week.

- ii. Resolution 2013-R40 Approving Agreement with Le Roy Police Department tabled
- b. Ordinances
  - i. Motion made to Approve Ordinance 2014-01 Approving the Annexation Agreement for Beecher Trails Subdivision made by Roach and seconded by Luke  
Discussion: We notified the Township and fire department before we agreed to annexation 4-2 Freimann nay Myszka nay Approved
  - ii. Motion to made to approve Ordinance 2014-02 Approving the Rezoning of Beecher Trails Subdivision from Agriculture to R-2, Medium Density Residential made by Roach and seconded by Lush 4-2 Freimann nay, Myszka nay Approved  
No Discussion

14. Old Business

- a. Postponed
  - i. Motion to Approve Recommended Village Donation of \$\_\_\_ to Steven Kretz' Boy Scout Eagle Project
  - ii. Motion to Approve Authorization of Kyle Stinemates' Eagle Scout Project Plan

15. Executive Session

- a. Motion to Review/release of executive meeting minutes and audio made by Roach and Seconded by Goveia 6-0 Approved  
At 10:28pm Executive session was entered.

11:09 pm

Roll Call was taken Mayor James was present. Trustees Roach, Goveia, Freimann, Myszka, Luke, and Lush were all present. Also present were Clerk James.

Action on Executive Session Items

Resolution 2013-R\_\_ authorizing the Village Clerk to destroy executive session audio tapes over eighteen months old Tabled

- a. Resolution 2013-R\_\_ authorizing the Village Clerk to release specific executive session minutes of the Village of Downs Tabled
  - b. Motion to approve Resolution 2014-R02 authorizing the Village Clerk to keep sealed specific executive session minutes of the Village of Downs made by Freimann and seconded by Myska 6-0 Approved
  - c. Motion made to Approve wage increase of \$.75/hour for Malaina Myszka Leckner made by Freimann and seconded by Lush 5-0 Myszka abstain 5-0 Approved
  - d. Motion made to Approve wage increase of \$.50/hour for Ruth Hood made by Freimann seconded by Goveia 6-0 Approved
  - e. Motion made to Approve wage increase of \$1.00 /hour for Janice Cuba made by Freimann Seconded by Roach 6-0 Approved
16. Motion made to approve payment of bills made by Lush seconded by Freimann 6-0 Approved  
Discussion: The McLean County Sheriff's bill for January has not been received yet. It was voted to pay it up to the amount not to exceed the amount of \$5300. Clerk James will send out bill list again.
17. Motion to Adjournment the meeting was made by Lush and seconded by Freimann 6-0 Approved



11:13 pm

Julie James  
Village Clerk