



VILLAGE OF DOWNS BOARD OF TRUSTEES  
REGULAR MEETING MINUTES  
7:00 PM  
April 2, 2015

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

1. Mayor Mike James called the meeting to order at 7:04 pm.
2. Roll Call with Trustees Roach, Goveia, Freimann, Myszka and Luke were all present. Trustee Lush was absent. Also, present were Clerk James, Treasurer Zwilling and Village Attorney Dawn Wall. A quorum was present.
3. Pledge of Allegiance was taken.
4. A motion to approve the order of the agenda order was made by Luke and seconded by Roach. 5-0 Approved  
The animal Control agreement was stricken from the agenda.  
The Cornbelt Resolution number was changed to 2015-R11. The police truck resolution number was then changed to 2015-R12.
5. Eagle Scout Project(s) Report-Mayor James updated the board on Brandon James' Eagle Scout Project. Brandon has poured concrete for the stands, completed the stands and has ordered the signs.
6. Engineer Report-
  - Mayor James stated that the zoning map has been updated and is up for vote tonight.
  - Beecher Trails has been started.
  - The MFT plan has been submitted. \$35,000.00 is the total. Mayor James has advised the engineers and Trustee Lush to keep an eye on what the state will cut.
  - Shawn, from Farnsworth has met with Downs United Methodist Church over expectations for water and sewer.
  - Downs Crossing is waiting for IEPA to come back with approval for REDLEG extensions.
  - Shawn has a concern with a storm detention over by Living Hope.
  - A motion for Resolution 2015-R06 Authorizing and Approving the Proposed Program for Maintenance of Streets and Highways was made by Luke and seconded by Myszka. Approved 5-0
7. Committee Report(s)
  - The events committee has finished their budget.
  - Motion to Approve Events Committee Proposed FY2016 Plan and Budget was made by Luke and seconded by Myszka. Approved 5-0  
Discussion: The Village will pay \$3500 of the fireworks. The goal is to not have the village and tax payer money pay for fireworks.
8. Mayoral Report
  - The Liquor Commission gave conditional approval for all of the liquor licenses in the Village. Their meeting was before the licenses were up for renewal.
  - They granted a request for new liquor license for Papa G's. Papa G's will do quarterly reporting.
  - Mayor James wants to make some changes to Chapter 11 and possibly raise liquor license fees. They haven't been raised in many years.
  - The mayor discussed parcels in TIF 3. Properties Reese, McLean County Asphalt, and Trueline have accepted to be annexed into the Village.

## 9. Trustee Reports

- Building Report-Trustee Freimann had nothing to report.
- Water and Sewer Report-
  - Kevin Whitehouse reported that 55,000 gallons/day were sent to the sewer lift station.
  - 67,000 gallons of water was used for testing out in Beecher Trails.
  - There were no water main or service leaks this month.
  - Water services have been installed at Beecher Trails.
  - There was one emergency boil order in the month.
  - A minor leak at the water meter pit on Oak St. was found.
  - Water treatment chemicals were purchased from new the supplier (Hawkeye)
  - The water plant received a commendation for maintaining perfect fluoride treatment for a year.
  - We are paying an \$1800 bill for a customer that had a leak on a Sunday at Gadwall. The property had to be excavated and the water main shut off could not be found. It is most likely under the driveway.
- Police and Services Report-
  - Trustee Roach indicated that it will be soon for golf cart permit renewals. They expire on April 30<sup>th</sup>.
  - Chief Dinger reported he went out on 22 calls. He gave 2 warnings and 2 tickets. He made 300 business checks.
  - A tornado drill was performed at the high school.
- Streets Report-
  - Mayor James reported for Trustee Lush. All salt for next year has been shipped and delivered.
  - Debris pickup will resume this month.
  - The street department is addressing pot holes.
- Parks, Community Center and Food Pantry Report-
  - Trustee Goveia thanked Kevin Whitehouse, the Mayor and John Grant for getting Christmas cleaned up.
  - Car show will have volunteers from a car club in Bloomington.
- Finance Report-
  - Treasurer Zwilling projects, with one month left of income, a \$40,000 surplus.
  - Water, park and streets are all running moderate debts.

## 10. Discussion

- No one attended the FY2016 Budget and Public Information Meeting.
- The Mayor and Treasurer explained several reports on area property tax percentages.
  - The utility bill analysis report compares total and water and sewer costs to other area towns/villages.
  - Zwilling explained the summary financials for primary accounts. This report shows the where \$44,000 surplus is projected.
  - The Budget Overview is the projected income for this year. School district and income tax and MFT are at risk. Mayor James reported that the school will still contribute \$10,000 to our police budget. This was confirmed today.

- Video gaming income, liquor license permits and tax, and golf cart revenue will be moved over to police the police budget.
- Total Budget with income and expense report shows our expenses are relatively flat.
- Most funds are self-sustaining.
- General fund has the largest surplus.
- The net cash balance reports show how the money has flowed through the village over the years.
- Budget transfers have been and always are approved by the board.

#### 11. Public Comment

- Margaret Keylin had several questions. She asked where the wording come from that the Village would be paying half of the fireworks. It came from budget and what was paid last year.
- She asked how the public meeting was advertised. It was in the flyer and posted.
- She wanted to know who was paying for the 69,000 gallons of water that was tested at Beecher Trails. It is proposed for Beecher Trails to pay for it. However, we may swap their services to put the pipe to fix some flooding out there.
- She had a question about the TIF 3 parcels that are being annexed.
- She asked why we switched to Hawkeye. Kevin Whitehouse said it was because of a better price.
- Trustee Goveia said the light on the basketball court and the little soccer field are out. She called Ameren and they said it was the village responsibility. Mary will ask Jeff Shenkel to help replace the bulbs.

#### 12. A motion to approve items contained within the consent agenda was made by Luke and seconded by Myszka. Approved 5-0

Discussion: Trustee Freimann asked to remove two items. Motion to approved police equipment and Resolution to hire Top Notch for 4<sup>th</sup> of July were removed from the consent agenda.

#### 13. A motion to approve consent agenda was made by Goveia and seconded by Luke. Approved 5-0

##### ▪ Motions

- Motion to Approve the March 5, 2015 Village Board of Trustees Regular Meeting Minutes
- Motion to Approve Request from Tricia Brown to close Alley by the Village Hall from Water Street to Seminary Street from 2 pm June 6th, 2015 thru 2 am June 7th, 2015 for the Linda Shadowens Benefit
- Motion to Approve Revised Job Description for Seasonal Maintenance Laborer
- Motion to Approve Revised Job Description for Summer Maintenance Laborer
- Motion to Approve Posting for Hiring a Part-Time Billing Clerk for the Village of Downs
- Motion to Approve Posting for Hiring Part-Time Seasonal and Summer Streets Employee for the Village of Downs
- Motion to Approve One-Time Donation to LeRoy for the Vietnam Traveling Wall

##### ▪ Resolutions

- Resolution 2015-R08 Approving the Appointments of the Mayor of Downs to the Zoning Board of Appeals of the Village of Downs
- Resolution 2015-R09 Authorizing the Execution of an Amended Annexation Agreement between the Village of Downs and Living Hope Christian Church, Inc.
- Resolution 2015-R10 Authorizing and Approving an Intergovernmental Agreement between the Village of Downs and the Village of Bellflower for Police Services
- ~~Resolution 2015-R11 Authorizing and Approving an Intergovernmental Agreement between the Village of Downs and the McLean County Animal Control~~ Scratched
- Ordinances
  - Ordinance 2015-05 Approving the Amended Zoning Map for the Village of Downs

#### 14. New Business

- Motions
  - Motion to approve continuance of the Village of Downs Regular Board Meeting to \_\_\_\_\_, 7:00 pm at the Village Hall No action was taken.
  - A motion to approve purchase of Police Equipment as proposed for an amount not to Exceed \$7188.70 was made by Roach and seconded by Goveia.  
Approved 5-0

#### Discussion:

- This list wasn't just established since Josh has come. We were paying the county \$42.50/hr. Now we are saving with the hire of Chief Dingler.
- We had a fully functional police dept. back in 2002.
- A police committee was established after she took over as police trustee. This committee determined what was needed to have a fully functioning police department.
- Roach wants to get the police dept. up according to our ordinance.
- She hopes that we didn't hire the chief and him not be able to do his job.
- A lot of the items on the list will last for years and are one time purchases.
- Very little equipment expense is allotted for next year.
- We need to allow Chief Dingler to the job that he wants and desires to be.
- She wants us to have a respectable and compliant police department.
- A donation was given for Josh's business cards.
- The alcohol sensor is necessary because we have 3 bars in town and major thoroughfare. We owe it to our community to take care of situations.
- Most departments have their own alcohol sensors.
- By borrowing a sensor we are losing the time to get an instantaneous blood alcohol level.
- We have the laptop, car, and radios from Chief Deerwester's car. Some of these things are not useable. We are starting from scratch.
- Chief Dingler is supplying a lot of his own things.
- Field sobriety is still mandated. If a person refuses to do the sobriety test and breathalyzer we have less evidence to produce in court.

- Roach says your vote will determine how we move forward as a police department.
  - The school has guaranteed \$10,000 for this upcoming fiscal year. We do not have any thing written that they will do this next year, but we will get something.
  - Josh says he will make do with a laptop without a front facing camera. We could eliminate this item from the list.
  - We got a grant from the federal government for a radar gun.
- Resolutions
  - Resolution 2015-R07 Authorizing and Approving the Village of Downs to Enter into a Contract for July 4th, 2015 Event Organization and Planning with Top Notch Event Planning Freimann/Luke 5-0
    - Discussion: Freimann asked why we are having an event planner for the 4<sup>th</sup> of July.
    - The Mayor says he put out many pleas and has been unsuccessful. He decided that if we didn't get any volunteers he was going to hire an event planner. It is unfair to make someone give up a holiday.
    - It was unfair to Trustee Goveia for several years.
    - The rate is \$15/hour not to exceed \$2000. This is not his normal rate. He is charging much less. He has 2 people volunteering their time. The Mayor told him he can advertise. The event planner has ideas to help us generate revenue. He will be having booth spots for \$25.
    - We are cutting back on entertainment. We will have a DJ, a band, and karaoke contest. Morgan from Game Day is coordinating the music.
    - We will be collecting donations at the entrance of parking lots for fireworks.
    - We have one volunteer that will go around door to door collecting for donations, but we need more.
  - A Resolution 2015-R11 Approving the Development Agreement between the Village of Downs and Corn Belt Energy Inc. was made by Myszka and seconded by Luke. Approved 5-0
 

Then the motion was made to approve the Amended Resolution 2015-R11 Approving the Development Agreement between the Village of Downs and Corn Belt Energy Inc. was made by Myszka and seconded by Luke. Approved 5-0

    - Discussion: Steve Hancock explained the construction of Energy Way
    - This road will have curb and gutter and cost \$250,000.
    - They are working with Farnsworth.
    - Steve said they will make provisions for water and sewer.
    - Normal practice is that Downs will take over the road.
    - Roger Reynolds, who owns the frontage, also wants to have this project done as well.
    - We will reimburse them for legal fees that is customary.
    - Cornbelt can put an apron in for future expansion on Mike's Way.
    - This is a feeder road off of Rt. 150.

- His proposed timeline is to break ground in May and completing in June. However, weather can change this timeline.
  - Much discussion was made over verbiage in the agreement over paying out of TIF 2. Attorney Wall changed the verbiage and Steve Hancock was agreeable to the changes. TIF 2 should pay for this project and not penalize the businesses that are drawing from TIF 1. Cornbelt has priority for TIF 2 and then spill over into TIF 1. Cornbelt knows that they don't have priority in TIF 1.
  - Privety of workmanship is with Cornbelt and their contracts.
  - We still would have a 1 year warranty on the road.
  - Attorney Wall read through the changes in the agreement. She eliminated some language that was written twice. Some language changes were made to section 4.2.
  - Attorney Wall added a provision indicating upon acceptance the road, the owner will assign any warranties into section 2.8.
- Resolution 2015-R12 Authorizing and Approving the Purchase of a used Dodge Ram 1500 Police Truck for primary use by the Village of Downs Police Department was made by Roach and seconded by Goveia. Approved 4-1 (Luke)
  - Discussion: The price for the vehicle is \$27,389.43. A Carfax report indicates it is in excellent condition.
  - The truck is fully equipped with lights, sirens and is 4 wheel drive.
  - It will be a multi-purpose vehicle for us. It has a locked box in the bed.
  - We have put in \$3400 in repairs in the current police vehicle. You can only put 4 gallons of gas in at a time. It's been towed.
  - Josh has used his own truck and we have to pay mileage.
  - Safety is an issue. It doesn't go above 50 mph.
  - Trustee Freimann asked why a buy a truck.
  - Roach stated it has more versatility other departments could use this.
  - She is hoping it will last 10 years. During this time her hope is to build up the department fund to be able to purchase for next time.
  - We are still keeping the squad car. When it breaks down, it will be evaluated to determine if it is worth fixing.
  - It will remain "unmarked" at this time.
  - Josh would like to see what data would be obtained with an unmarked car.
  - Susan sent out a link for comparison for a car. Mayor James said when he used the link and compared the vehicles "apple to apple", they were nearly the same.
  - The resale value for a truck is better than for a car.
  - It was decided that Chief Dingler would drive the old car back to Bloomington instead of new truck.

15. Old Business

16. A motion to approve payment of bills was made by Luke and seconded by Roach.

Approved 5-0

- Additional bills to Menards, Babbs, Intuit, the Veterans Wall, Top Notch, and Halloween reimbursements were added to the bills.

17. A motion to enter executive session for personnel was made by Luke and seconded by Myszka. Approved 5-0

A 10 minute break taken at 9:33 pm.

Executive session was entered at 9:43 pm.

18. Action on Executive Session Items

The regular meeting was re-entered at 9:49pm.

Roll call was taken with Trustees Roach, Goveia, Freimann, Myszka and Luke were all present. Trustee Lush was absent. Also present were the Mayor, Clerk James and Attorney Dawn Wall.

The Mayor explained an email from earlier in the day. Trustee Lush Dan sent a response in the email that is a violation of OMA.

To cover this topic publicly, the Mayor read the entire statement from email to the public. The email was regarding the purchase of the police vehicle. Trustee Lush indicated he was against the purchase. Mayor James noted that just need to put this in the public record (Exhibit A).

- A motion to approve wage increase of \$.25/hour for Ruth Hood Starting April 1, 2015 was made by Myszka and seconded by Freimann. Approved 4-1 (Luke)
- A motion to approve wage increase of \$.75/hour for Janice Cuba Starting April 1, 2015 was made by Myszka and seconded by Freimann. Approved 4-1 (Luke)

19. A motion to adjourn at 9:54 pm was made by Luke and seconded by Roach. Approved 5-0



Julie James  
Village Clerk

Exhibit A

Subject	<b>Re: Police Truck Purchase Resolution 2015-R12</b>
From	<a href="#">Village of Downs Mayor</a>
To	Village of Downs Streets Chair
Cc	Dawn Wall; Maureen Roach; clerk@villageofdowns.org; Parks; Building; Public Works; Finance
Sent	Thursday, April 02, 2015 4:50 PM

Please disregard this comment as this is a violation of OMA. Please no more discussion over email.

**From:** Dan Lush <[streets@villageofdowns.org](mailto:streets@villageofdowns.org)>

**Date:** Thursday, April 2, 2015 at 4:46 PM

**To:** Mike James <[mayor@villageofdowns.org](mailto:mayor@villageofdowns.org)>

**Cc:** Dawn Wall <[dwall@cwlawoffice.com](mailto:dwall@cwlawoffice.com)>, Maureen Roach <[PublicSafety@VillageOfDowns.org](mailto:PublicSafety@VillageOfDowns.org)>, Julie James <[clerk@villageOfDowns.org](mailto:clerk@villageOfDowns.org)>, Mary Goveia <[Parks@VillageOfDowns.org](mailto:Parks@VillageOfDowns.org)>, Mike Freimann <[building@villageofdowns.org](mailto:building@villageofdowns.org)>, Paul Myszka <[PublicWorks@VillageOfDowns.org](mailto:PublicWorks@VillageOfDowns.org)>, Susan Luke <[finance@villageofdowns.org](mailto:finance@villageofdowns.org)>

**Subject:** Re: Police Truck Purchase Resolution 2015-R12

For the record, I am against this purchase. For one, it is not a priority compared to other issues needed in this town. I would recommend not having the police chief drive the car home would double the life expectancy of the car. Secondly, I was always asked to show multiple options on my purchases, but I have not seen any others for this one. If there were others, please forward them to me. Thank you

On Apr 2, 2015 2:49 PM, "Mayor" <[mayor@villageofdowns.org](mailto:mayor@villageofdowns.org)> wrote:

Here is the official resolution. You got a copy of the purchase paperwork yesterday. I am changing the number to R12 instead of R13 because we will be dropping R11 – Animal control from the agenda.