



VILLAGE OF DOWNS BOARD OF TRUSTEES
REGULAR MEETING MINUTES
7:00 PM
January 7, 2016

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

1. Mayor Mike James called the January 7, 2016 regular board meeting to order at 7:01pm.
2. Roll call was taken with Trustees Roach, Goveia, Messamore, Keylin and Lush all present. Also present were Clerk James, Treasurer Bakewell, Chief Dingler and Attorney Wall. Mayor James declared a quorum present to do business.
3. The Pledge of Allegiance was taken.
4. A motion to approve the agenda order was made by Lush and seconded by Roach. Approved 5-0
Changes:
 - Under new business the “rifle policy” became a motion rather than ordinance.
 - There was no action on motions to Approve FY 2014-2015 Audit by Canny Accounting, LLC and motion to approve FY 2014-2015 Annual Treasurer's Report.
5. There was no representation from the Zoning Board of Appeals.
6. Special Presentations
 1. The Village board presented head football coach Josh Roop of the Tri-Valley Football Team a framed proclamation of the resolution from last month.
 2. Eric Shangraw from AREA Garbage Service spoke to the board. AREA is a family owned company who recently bought Casali garbage. The village will still have the same drivers and same service as we did with Casali.
Recycling- Kelly from AREA spoke to the group about recycling. He stated that our participation is way down. We have about 20% of our residents participating. Recycling as a whole is struggling.
 - AREA would like to bring in covered roll-off containers and pick-up recycling one day a month. They would need to have a spot to put the container. The school district has a container currently.
 - The contract says they will provide curb side so we would need to get something in writing to make this change.
 - Before making this change, the board decided to put a survey on the VOD website and see what kind of response is gained
 - Roach would like to wait until March before we start anything.
 3. Fire Dept.
 - Chief Manint spoke to the board about the flooding at Huff Rd. during the end of December. A young girl became in danger when she didn't realize the road was closed (barricades were under water) and flooded. She attempted to go down Huff and her car started taking on water. She was able to call for emergency assistance and climb on to the top of her car.
 - Manint asked what the fire department could help the board with to prevent this from happening.
 - Better lighting, signs and gates were all discussed.
 - Lush says we have limited man power. He was at work and not able to get larger signs. Lush says we pay an EMA director that could be on-call for instances such as this.
 - A meeting to find a solution was scheduled for 1/12/16 at 9:00 am with Chief Manint, Chief Dingler, the fire department and Lush.
 - Messamore asked what the liability is if we had a disaster with this young lady.
 - Wall says if you have signage you have to do it properly. Currently, the sign says road narrows and floods.
7. Engineer Report

Shawn from Farnsworth sent his report to the trustees.

- TIF 3 Platting was attached to the report. The Bobst's plat is the only plat remaining. It is on its way next week.
- The sink hole down at the school hasn't been a problem recently.
- Living Hope found out that their engineers were correct in their findings pertaining to the cost to Huff Rd. However, that company was not aware of changes made to the plan. This explained the difference in cost. The additions were not factored into the original cost.

8. Committee Report(s) and Recommendation(s)

- Mayor James reiterated that the events committee has committed to the parade, entertainment and fireworks on the 4th of July. If anyone else would like to step forward the events committee would welcome it.

9. Mayoral Report

- The mayor received a letter of interest for the finance trustee position from Melody Justus-Day. Mayor James read her letter out loud. Nothing was on the agenda about filling the position. The soonest this could be acted on would be in February. It would be a one year term. Then, come to election for 4 years. Mayor James asked that the trustees reach out to Melody.
- A duplex on Huff Road would like to be annexed into the village. The property owner is interested in getting sewer and water. There are 4 properties that would also need to become annexed in order for him to be contiguous. He would need to get 51% (2 votes) of the property owners to agree to annexation.
 - The mayor asked if the board wanted to allow people to hook on to water and sewer without annexation. Wall says we need to check with BNWRD. She says the board shouldn't provide water service to a non-constituent at the same cost as your constituents. Mayor James reports that Bloomington charges non-constituents twice the cost which is the main reason we are not pursuing water extension to Downs Crossing from Bloomington. This becomes a problem with Huff Rd. Old Town would have only a sliver of the road. It was asked if the board should require him to get all of the homeowners. Goveia had a concern about offering water. She wondered if we are we opening up ourselves to something we don't want. There should be no concern because if they want water and sewer they will have to pay for that.
 - Messamore says he would more likely to get the west side road to agree to annexation. Wall stated if we annex one side of Huff Rd, we would have to take the whole side of the road.
- The mayor had a good meeting Congressmen LaHood. They talked about the direction we were taking at Downs Crossing.
- James also met with the USDA. He will continue to keep in contact with them. They could do a 100% loan for the water with an interest 3.9%
- We will be splitting the BNWRD cost 3 ways with Living Hope and DUMC. Unless, Living Hope doesn't sign their annexation agreement by Monday.
- We have submitted our request for water permits for the phase I loop at Downs Crossing which will be paid for by the remaining funds from the loan we got from USDA over 4 years ago.
- The Beecher Trails first addition plat will be on the agenda next month.

10. Trustee Reports

1. Building Report

Goveia reported she had 2 building permits this month. She will be re-wording some of the pages in the building permit to allow for remodels.

2. Water and Sewer Report

Whitehouse reported 3.27 million gallons/day to the lift station in December. A bulk of it happened during the storm. He's not sure why there was such an increase. He is wondering if we have some illegal sewer hook ups. He is going to do more research.

1.96 million gallons/month was pumped in water. Iron stayed consistent for the month.

Whitehouse had 100% radio reads last month.

3. Police and Services Report

Roach reported that the rifle policy is in front of the trustees as a motion later on in the evening.

Chief Dingler-

- The Chief went over the tornado preparedness plan.
- He wrote 5 warnings in Downs last month.
- The price of tickets went up \$5.
- He helped wrangle a cow with horns with the fire department.
- He assisted with a couple of accidents.
- Chief has two ongoing investigations.
- He performed one wellness check.
- He was given a donation of \$150 in which he broke down into 15 \$10 bills. He handed them out with candy canes as a thank you for driving safely.

4. Streets Report

- Lush reported that he was thankful for no snow.
- The new building is coming along. The major infrastructure is done. Material was purchased for the sewer installation.
- He contacted Ameren about getting an easement for the sewer. Ameren has contacted us to see if we may be interested in purchasing the easement. He doesn't know how much they want for it. Farnsworth has been contacted
- All signs have been installed at Cross Creek and Beecher Trails.

5. Parks, Community Center and Food Pantry Report

- Keylin reported that they didn't meet in December.
- They will be distributing 40 food pantry boxes in January.
- Julie Hahn has given 50 hours of community service. She will be giving her State Farm community service donation to the food pantry.
- Memorial gifts from Patricia Colaw are to be designated to Kickapoo Trails.
- The rental agreement for the park still being revamped.
- She reported someone would like to plant a memorial tree in the park.

A break was taken at 9:00-9:14.

6. Finance Report

- Treasurer Bakewell presented the BTP to the trustees.
- She has decided not to move bank accounts at this time. January is a busy time for her.
- We will be able to get 2.69% loan for the new truck with First Farmers State Bank. They would like a 20% down payment. Wall says we will need to do a resolution for First Farmers State Bank. We can do this at the February 4th board meeting.
- She hit the highlights on the BTP, profit and loss, and balance sheet.
- Roger Reynolds has submitted some receipts for TIF 2. He hasn't received anything since 2012. Wall says it has to be for engineering and we pay 50%. We need to make sure these expenses eligible. Wall wants to take a look at them.
- The village has received several deposits from the comptroller's office.
- Bakewell has been in contact with our auditors. Bakewell is finding there was not a lot of detail in the financial transactions.

- Bakewell says now her focus is the TIF audit. We are incurring fines because the audit has not been completed. The state is still paying us. We have not received one McLean County distribution for 122 Downs Village.
- Currently we are receiving a \$5/day per fine TIF (1 and 2). We can appeal these fines and will most likely get them back. Our TIF attorney is helping us. Our beginning balances are not matching from the 2 different accounting systems.
- The clerk has been assisting Bakewell with electronic filing. January is a very busy month for accountants. The W-9's and W-2's are all due.
- The new payroll process is coming up. We will be converting to bi-weekly payroll. Paychecks will be received bi-weekly on Fridays beginning 1/22/16.
- Her focus going forward is reconciling beginning balances as of the conversion in 2014.
- She noted since the books didn't mirror the audit in 2014 we are probably going to have a new audit.

11. Discussion

1. There is one sewer connection left. Their water is on. Goveia thinks we should put a lien on their property especially if she happens to sell. She says we have to do something. In the past, we have shut off other residents' water. Lush says it is not fair to the other residents who had to hook on. The Mayor says we haven't done this to her because she is elderly and has health problems. Much discussion took place about whether to fine the resident, install the sewer and add the cost to bill. We would then put a lien on property. She has a BNWRD loan and obtained a sewer permit in 2014. Wall wants to make sure that what we choose we can do.

12. There was no public comment.

13. A motion to approve items contained within the Consent Agenda was made by Lush and seconded by Roach. Approved 5-0

Discussion: Keylin noted a change to the minutes was needed. Under section 10, TIF 3 needed to TIF 1.

14. A motion to approve the Consent Agenda was made by Goveia and seconded by Messamore. Approved 5-0

1. Motions

- a. Motion to Approve the December 3, 2015 Village Board of Trustees Regular Meeting Minutes as amended
- b. Motion to Approve Donation of \$100 to the McLean County SHOW Bus

2. Resolutions

3. Ordinances

- a. Ordinance 2016-01 Approving an Amending the Intergovernmental Agreement Between the Village of Heyworth and the Village of Downs to Meet the Contract Operator Requirements of the Illinois EPA for Certified Water Operators

15. New Business

1. Motions

- a. Motion to Approve FY 2014-2015 Audit by Canny Accounting, LLC – No Action
- b. Motion to Approve FY 2014-2015 Annual Treasurer's Report – No Action
- c. A motion to approve and authorize the Rifle Policy for the Police Department within the Village of Downs, McLean County, Illinois Rifle policy was made by Lush and seconded by Roach. Approved 5-0
Discussion: The policy now allows the officer to have a rifle in the car.

2. Ordinances

- a. A motion to approve Ordinance 2016-02 Adopting and Approving the Redevelopment Plan and the Related Redevelopment Project for the Proposed Redevelopment Project Area No. 3 of the Village of Downs, McLean County, Illinois was made by Roach and seconded by Goveia.

Discussion: This was post-poned for a later time.

- A motion to post-pone Ordinance 2016-02 Adopting and Approving the Redevelopment Plan and the Related Redevelopment Project for the Proposed Redevelopment Project Area No. 3 of the Village of Downs, McLean County, Illinois was made by Lush and seconded by Keylin. Approved 5-0

- b. A motion to approve Ordinance 2016-03 designating the Redevelopment Project Area of the Village of Downs, McLean County, Illinois was made by Goveia and seconded by Roach.

Discussion: This was post-poned for a later time.

- A motion to post-pone Ordinance 2016-03 designating the Redevelopment Project Area of the Village of Downs, McLean County, Illinois was made Lush and seconded by Messamore. Approved 5-0

- c. A motion to approve Ordinance 2016-04 Adopting Tax Increment Financing for the Redevelopment Project Area No. 3 of the Village of Downs, McLean County, Illinois was made by Lush and seconded Keylin.

Discussion: This was post-poned for a later time.

- A motion to post-pone Ordinance 2016-04 Adopting Tax Increment Financing for the Redevelopment Project Area No. 3 of the Village of Downs, McLean County, Illinois was made by Lush and seconded by Messamore. Approved 5-0

3. Resolutions

16. Old Business

1. Motions

- a. Motion to Approve continuance of the Village of Downs Regular Board Meeting to _____, 7:00 pm at the Village Hall – No Action

2. Ordinances

- a. A motion to approve Ordinance 2016-05 Approving and Adopting Amendments to the Village of Downs Code Provisions of Chapter 4 “Public Health Regulations” was made by Lush and seconded by Roach. Approved 5-0

Discussion:

- A change was made to the nuisance public health regulations. The Chief no longer has the obligation to abate the property. It falls back on the property owner.
- Wall changed dates to garbage payments in the ordinance to match our current garbage payment dates.
- Wall got rid of sub paragraph section 2a.
- She changed a section to allow burning during nighttime hours. This would allow for fire pits. She did add no burning on public street, or sidewalk. But, residents are allowed to burn in the village’s right away as long as such burning does not impede or obstruct water flow or otherwise block or inhibit any culvert or storm drain.

- b. A new motion was made by Lush and Roach to approve Ordinance 2016-05 Approving and Adopting Amendments to the Village of Downs Code Provisions of Chapter 4 “ Public Health Regulations” as amended. Approved 5-0

3. Resolutions

- a. A motion to approve Resolution 2016-R01 Accepting the Offer of Irrevocable Dedication of Certain Improvements in the "Farmland Subdivision" was made by Roach and seconded by Lush. Approved 5-0

Discussion: Everyone is happy now.

17. A motion to Approve Payment of Bills was made by Lush and seconded by Roach. Approved 5-0
18. A motion to enter Executive Session at 10:44pm. was made by Lush and seconded by Keylin. Approved 5-0
19. Mayor Mike James re-convened the January 7, 2016 regular board meeting to order at 11:04pm.
20. Roll call was taken with Trustees Roach, Goveia, Messamore, Keylin and Lush all present. Also present were Clerk James, Treasurer Bakewell, and Attorney Wall.
21. Action on Executive Session Items
 1. Resolution 2016-R__ Authorizing the Village Clerk to destroy executive session audio tapes over eighteen months old – No Action
 2. Resolution 2016-R__ Authorizing the Village Clerk to release specific executive session minutes of the Village of Downs – No Action
 3. Resolution 2016-R02 Authorizing the Village Clerk to Keep Sealed Specific Executive Session Minutes of the Village of Downs Lush and Keylin 5-0
 4. A motion to Approve Executive Meeting Minutes from the following meetings: 7/2/2015, 8/13/2015 and 10/1/2015 was made by Lush and seconded by Keylin. Approved 5-0
 5. A motion to approve wage increase of \$.25/hour for Cheryl Bach Starting January 1, 2016 and an One-Time Payout for December Time Worked not to exceed \$10.00 was made by Lush and seconded by Keylin. Approved 5-0
22. A motion to adjourn at 11:07pm was made by Lush and seconded by Messamore. Approved 5-0



Village of Downs Clerk