



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

## Village of Downs Board of Trustees Special Meeting February 9, 2023, 7 pm @ Village Hall & via ZOOM

1. Mayor Mike James called the February 9, 2023, Special meeting to order at 7:01pm.
2. Roll Call was taken. Trustees present were Maureen Roach, Peggy Keylin, Sarah Gassaway, Brian Warfel and Toby Twyford were all present. Also present were Clerk Julie James and Treasurer Julie Bakewell. There was a quorum to do business.
3. The Pledge of Allegiance was recited.
4. A Motion to Approve Agenda and Order was made by Keylin and seconded by Roach.  
Approved 5-0  
Changes –
  - Motion to Approve the Village of Downs Participation in the LINK Program – moved to New business.
5. Zoning Board of Appeals – Linda Bowman, Chairperson
  - After consideration of the testimony and evidence presented at the public hearing of the Zoning Board of Appeals of the Village of Downs (“Village”) held on February 2, 2023 in Case No. 23-02ZBS, seeking approval of the petition and application of Everlast Holdings, LLC (“Everlast Holdings”) to change the lots within the Williamson Subdivision and change the zoning classification from A – Agriculture District to a mixed use classification of C1-Commercial District and R2 – Medium Density Residential District; and to grant a special use for a fifty-five (55) plus age restricted lot and other variances as requested in the petition on Lots 1, 2 and 3 in Williamson Subdivision (the “Property”) the Zoning Board of Appeals submits the following findings of fact and its recommendations to the Village Board:

### FINDINGS OF FACT

1. That Everlast Holdings is authorized to seek the relief requested in the petition and the application for a zoning map amendment submitted on the Property.
2. That at the time of the filing of the petition and application for a zoning map amendment the Property was zoned A-Agriculture under the Zoning Ordinance of the Village.
3. That Everlast Holdings has described its plans to develop the Property to allow for the construction and operation of a fifty-five (55) plus age restricted residential facility on a portion of the Property; and has described plans to develop the commercial sites on the Property.
4. That the plan of Everlast Holdings to develop the Property is inconsistent with the land use plan previously determined by the Village.
5. That the current use of the Property as A-Agriculture is the highest and best use of the Property and there is no reasonable basis to change the zoning classification on the Property.

6. That the plan of Everlast Holdings does not benefit the public interest of the constituents of the Village.

#### **RECOMMENDATION OF THE ZONING BOARD OF APPEALS**

- That based on the foregoing findings of fact, the Zoning Board of Appeals of the Village recommends that the Village Board deny the petition and application of Everlast Holdings; and further recommends that the special use and the variances and zoning map amendments requested therein be denied.

#### **John Loveless, NAIC**

- Loveless asked the need for a 3 story structure in the existing language be struck. They would like to remove variance request for 3 stories.
- Loveless asked if he could request to divide the zoning and special use request into separate requests.
- James said that a board member can make a motion to break the items apart.

#### **Heran Hume, Lincoln Avenue Capital,**

- Hume gave a presentation of a proposed 55+ community complex.
- He said this complex is for 55+ who are active older adults. They can have a live in home health aide.
- This would be a 54 unit, 2 story “L” shape structure.
- Apartment sizes will stay the same as the earlier proposed 3 story complex.
- Community areas will remain.
- The building would be pet friendly.
- This would be an income restricted building.

#### **Public comment**

- Covenants were still on record as of this morning.
  - Loveless said the owners have requested their attorney remove covenants.
  - What happens with the tenant’s income falls below and they get income assistance? Loveless responded that there is an extensive background and income background check. They will work with them to obtain funds and if not, they will be evicted.
  - James confirmed that there had been negotiations with Dollar General today.
1. A motion to approve Ordinance 2023-02 Approving the Change of the Lots Within this Subdivision and Further Change the Zoning Classification from Ag – Agriculture District to a Mixed Use Classification of C1 - Commercial District and R2 – Medium Density Residential; and to Grant a Special Use for a Fifty-Five (55) Plus Age Restricted Lot and Other Variances as Requested in the Petition on the Following Real Estate Identified as Williamson Subdivision Lot 1 - PIN: 29-04-183-001; Lot 2 - PIN: 29-04-183-002; and Lot 3 - PIN: 29-04-183-003 Which Lots are Currently Unimproved Farm Ground Situated in Downs, Illinois was made by Keylin and seconded by Gassaway.
    - A separate motion to separate and break apart the original motion on the table into separate four motions was made by Gassaway and seconded by Warfel. Approved 4-2 (affirmative Mayor, Gassaway, Warfel and Twyford – dissent Roach and Keylin)
  - i. A Motion to approve Ordinance 2023-02 Approving the Zoning of the North and Remaining 8.608 acres Tracts from Ag, Agriculture District, to C-1, Central Commercial District with Special Use for Farming as Described on the Rezoning Plat for the Williamson Subdivision Contingent on the Removal of the Land Covenants was made by Gassaway and Warfel. Approved 4-1 (Keylin dissent)

- ii. A Motion to approved Ordinance 2023-04 Approving the Zoning of the East Tract from Ag, Agriculture District, to R-2, Medium Density Residential District with Special Use for Farming as Described on the Rezoning Plat for the Williamson Subdivision Contingent on the Removal of the Land Covenants was made by Gassaway and Warfel. Not Approved 2-4 (affirmative Gassaway and Warfel – dissent Mayor, Roach, Keylin and Twyford)
  - iii. A motion to approve Ordinance 2023-05 Approving the Zoning of the West Tract from Ag, Agriculture District, to R-2, Medium Density Residential District with Special Use for Farming as Described on the Rezoning Plat for the Williamson Subdivision Contingent on the Removal of the Land Covenants was made by Warfel and Gassaway. Approved 4-2 (affirmative Mayor, Roach, Gassaway, and Warfel – dissent Keylin and Twyford)
  - iv. There was a lack of motion to approve Ordinance 2023-06 Approving the Special Use for a Fifty-Five (55) Plus Age Restricted Tract on the East Tract as Described on the Rezoning Plat for the Williamson Subdivision – This request failed for lack of motion.
  - v. There was a lack of motion to approve Ordinance 2023-06 Authorizing and Approving the Preliminary Plan for the Williamson Subdivision First Addition Contingent on the Removal of the Land Covenants – This request failed for lack of motion.
6. Downs Village Market Committee Report by Eric Thompson
- Thompson reported that this is the 20<sup>th</sup> anniversary of Village Market, and they have extra things planned.
  - The logo has been updated.
  - They will be giving away t-shirts.
  - There will be a 20<sup>th</sup> anniversary celebration radio promotion.
  - The committee is planning to have a stage for musicians. They are hoping it could possibly be an Eagle Scout project.
  - The market map will be updated with road closures on the sale days.
  - On the last day of the market, they plan to dress up for Halloween to lean into the Downs Haunted House season.
  - The committee foresees using the village market area at night with a band with food.
  - Salzbrunn is taking a village market class.
  - Thompson wanted to thank Michele Tocco for her help with the website design.
7. Events Committee Report
- James reported that the haunted house committee went to Transworld last weekend.
  - The upcoming Easter breakfast will be held at The Station. The egg hunt will be in the park.
8. Engineer & Development Report on google.
1. Down Water Plant Improvements
- Projected completion date is fall of 2024. 14-15 month construction window from after contracts are signed.
  - Red water filter, per the BNWRD review we would not have to use it but will keep it just in case.

- BNWRD samples were approved, meaning the Village can connect the proposed WTP discharges to the sewer systems. \* BNWRD is drafting a Connection Permit for the Village.
  - MSA met with IEPA Loan Agency 1/18 in Springfield. They are currently reviewing Bid Docs and final loan checklists.
2. Downtown Streetscape and Parking Lots design
    - IDOT ITEP grant – 2022 Application was submitted on September 28, 2022. Funding announcement is expected in the Spring of 2023.
    - Congressional funds from Congressman LaHood's Office. They will be sending the village and MSA additional guidelines as the funding is nearer to release.
  3. Downs Crossing Watermain Extension
    - On the agenda tonight is the funding nomination for that 2 phased project.
  4. Water Tower Rehabilitation – nothing new to report
  5. S. Lincoln and Colleen Lane Water and Sewer Extension - nothing new to report
  6. S. Lincoln, Colleen Lane, and Hillard Court Road Projects - nothing new to report
  7. Beecher Trails Second Addition (Phase 3) - nothing new to report
  8. Other Engineering or Development Updates
 

LIFT STATION PROPOSAL

    - Gasvoda & Associates is fabricating the pre-packaged Lift Station currently. Barnes pumps, Crane station, Gasvoda controls.
    - Duce Construction, Champaign is working with MSA on installation questions, electrical needs, generator, and material quotes.
9. Mayoral Report
    - James reported he went to Springfield to visit with our new Senator, Sally Turner.
    - Senator Turner Interested in having office hours in Downs once a month or once a quarter.
    - James is potentially having meetings with IDOT about bad intersections. This is the 4<sup>th</sup> time he has tried to get them to consider solutions to make them safer.
  10. Trustee Reports
    1. Building Report
      - Gassaway reported we had no new building permits.
    2. Water and Sewer Report
      - Twyford reported we need to send one more report to IEPA for the last violation.
    3. Police Report
      - Roach said that on the agenda tonight is a motion to approve Ty Thornton as a new full-time police officer.
      - The police department is working on their 1,3, and 5 year plans.
    4. Streets Reports
      - James, Warfel and Twyford met with the publics works crew this morning letting them know that Jill Kasprzak was going to be promoted to supervisor.
    5. Parks, Community Center and Food Pantry Report
      - Parks is exploring purchasing an electric stove for the pavilion. The repair on the existing gas stove is \$400.00 and a new stove with 3 year warranty and installation would cost around \$790.00.
      - We added a plug in rodent control in the pavilion.
      - A toilet that leaked from the bottom seal was repaired.

- We have requested free energy assessments for the pavilion and Food Pantry from Ameren. They will look at lighting, heating & cooling, and appliances.
- In March, we'll refurbish and restock the Little Lending Libraries and prune park shrubs and trees.
- Our spring project list includes clearing out the storage shed, pavilion closets & Christmas trailer, painting the gazebo, and touching up paint on the Gaga Ball sign and sidewalk games.
- Funds allocated to the U.S. Forestry Service from the Inflation Reduction Act are going to be made available for forestry projects in all 50 states. They will be in the form of matching grants. Each state will have its own grant money pool, so applicants will be competing with a smaller group and have better odds of receiving a grant. Parks is wanting to create a grant that will benefit Kickapoo Park in particular. The end goals are to get debris removed, renew the floodplain with suitable plantings and set up a tree management plan. We'll be working with both IDNR and the Morton Arboretum on this project.
- Parks is finishing up Chapter 13 revisions.
- Parks had its preliminary meeting with Julie and are assessing our proposed long and short term projects to help us plan our 2023-24 Budget and beyond.

#### 6. Finance and Services Report

##### **BTP additions/notes**

- Water funds needs a loan from the general fund. Bakewell anticipates paying for the 1 year renovation program of the water tower from General.
- Annual JULIE bill
- PACE testing bills were a little bit bigger this month.
- Village Market fund has petty cash transactions.
- TIF 3 bill for surveying services
- Tammy Kirby bill for cleaning was added.
- Larry Stark bill for Zoning Minutes was added.
- J&M Fireworks bill is all being paid out of the events fund this year.
- Ameren Street lighting phasing
- Bakewell is working on finishing the January reconciliations.
- She is going to start working on budgets with trustees.
- W2s 1099 and donation letters have been sent out.

#### 11. Discussion

##### 1. Other

- Keylin asked if the village can demand zoning board information that comes in readable form so public can view it online and at the hall. It is too small.
- Roach asked about the process to report street light outages

12. All Public Comment was held in the Zoning portion of the meeting. There was no other public comment.

13. A Motion to Approve Items Contained within the Consent Agenda was made by Gassaway and seconded by Roach. Approved 5-0

14. A Motion to Approve Consent Agenda was made by Gassaway and seconded by Roach. Approved 5-0

##### 1. Motions

- a. Motion to Approve the January 12, 2023, Village Board of Trustees Special Meeting Minutes

- b. Motion to Approve the January 12, 2023, Village Board of Trustees Executive Meeting Minutes
- c. Motion to Approve Required Bonds for Village Clerk and Village Treasurer from Van Gundy
- d. Motion to Approve the Mayor Attending the 34th Annual Rural Community and Economic Development Conference February 22-23, 2023, in Springfield, IL
- e. Motion to Approve Members of the Village Market Committee: Julie Salzbrunn, Claire Mikrut, Kelly Elzy, Eric Thompson, Peggy Keylin
- f. Motion to Approve Fireworks Display Agreement with J&M Displays not to Exceed \$15,030
- g. Motion to Approve the Village of Downs Participation in the LINK Program – This was moved to New business.

## 2. Ordinances

- a. Ordinance 2023-03 Approving and Adopting Amendments to the Village of Downs Policy Handbook for the Village of Downs Employees

## 3. Resolutions

- a. Resolution 2023-R04 Approving and Accepting Dedication of Right-of-Way on Property Owned by the Village of Downs for Colleen Lane
- b. Resolution 2023-R05 Approving and Accepting Dedication of Right-of-Way on Property Owned by the Village of Downs for Hillard Court
- c. Resolution 2023-R06 Authorizing and Approving Striegel, Knobloch & Company, LLC. to Perform the FY2023 Village of Downs Audit not to Exceed \$9,000
- d. Resolution 2023-R0 Authorizing and Approving Agreement Between Duce and the Village of Downs for Directional Boring moved to Old Business
- e. Resolution 2023-R07 Authorizing and Renewing Blue Cross Blue Shield Health Benefits for Village Employees
- f. Resolution 2023-R08 Authorizing and Renewing Guardian Vision and Dental Benefits for Village Employees
- g. Resolution 2023-R09 Ratifying the Consent Resolution Authorizing and Approving Purchase Commercial RO System from Puritan Spring for Viking Liquors not to Exceed \$14,500

## 15. New Business

### 1. Motions

- a. A Motion to Hire Tyran Thornton as a Full-Time Police Officer for the Village of Downs at \$21.00 per hour Reporting to Chief of Police Starting February 20, 2023, Subject to Background Checks and 3-month Probationary Period was made by Roach and seconded by Warfel. Approved 5-0

#### Discussion:

- Tyran joined the army in 2014 and continues to do drill.
- He previously worked for armor car company and a security company.
- Prior to being hired here he was working at the McLean County Jail as a corrections officer.
- He is married with 3 young children.
- Tyran appreciates small towns because you can give them your personal touch.

- b. A Motion to Promote Jill Kasprzak to Full-Time Public Works Maintenance Supervisor in the Village of Downs at \$18 per Hour with all Public Works Employees Reporting to the Public Works Maintenance Supervisor was made by Gassaway and seconded by Roach. Approved 5-0
- c. A Motion to Approve the Mayor Signing the Funding Nomination Forms for Phase I and II for the Downs Crossing Watermain Project was made by Twyford and seconded by Warfel. Approved 5-0

2. Resolutions

- a. A motion to approve Resolution 2023-R10 Authorizing and Approving Prepayment to Ameren of Illinois Corp for Street Lighting on Colleen Lane and 3-Phase Power for Roanoke Concrete was made by Gassaway and seconded by Warfel. Approved 5-0  
Discussion – Keylin noted this seemed to be putting the cart before the horse. James said we must do all phases at the same time.
- b. Resolution 2023-R\_\_ Authorizing and Approving Intergovernmental Agreement Between Tri-Valley School District and the Village of Downs – No action taken.

16. Old Business

- 1. Motion to Reconvene the Village of Downs Regular Board of Trustees Meeting on \_\_\_\_\_ @ 7 pm at the Village Hall – No action taken.
- 2. Ordinance 2023-\_\_ Approving and Adopting Amendments to Chapter 13 - Parks of the Village of Downs Municipal Code – No action taken.

17. A Motion to Approve Payment of Bills was made by Roach and seconded by Gassaway. Approved 5-0

18. A Motion to Enter Executive Session for Semi-Annual Review of Minutes, Contracts and Litigation was made by Gassaway and seconded by Twyford. Approved 5-0

- Mayor Mike James called the February 9, 2023, Special meeting back to order at 11:01pm.
- Roll Call was taken. Trustees present were Maureen Roach, Peggy Keylin, Sarah Gassaway, Brian Warfel. Anna Milliken was absent. Also present was Clerk Julie James, Treasurer Julie Bakewell, and Village Attorney Dawn Wall. There was a quorum to do business.

19. Action on Executive Session Items

- 1. Resolution 2023-R\_\_ Authorizing the Village Clerk to Destroy Executive Session Audio Tapes Over Eighteen Months Old – No action taken.
- 2. A motion to approve Resolution 2023-R12 Authorizing the Village Clerk to Release Specific Executive Session Minutes of the Village of Downs was made by Keylin and seconded by Roach. Not approved 1-4 (Affirmative – Keylin, dissent – Roach, Gassaway, Warfel and Twyford)
- 3. Resolution 2023-R13 Authorizing the Village Clerk to Keep Sealed Specific Executive Session Minutes of the Village of Downs was made by Gassaway and seconded by Warfel. Approved 4-1 (Keylin – dissent)

20. There was no Other Business.

21. A Motion to Adjourn at 11:03pm was made by Gassaway and Warfel. Approved 5-0



Julie James, Village of Downs Clerk