



VILLAGE OF DOWNS BOARD OF TRUSTEES
REGULAR MEETING MINUTES
7:00 PM
February 2, 2017

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

1. Mayor Mike James called the February 2, 2017 meeting to order at 7:00pm.
2. Roll call was taken with Trustees Roach, Goveia, Keylin, Lush, Gassaway and Twyford all present. Also present were Clerk James, Attorney Dawn Wall and Treasurer Bakewell. A quorum was declared.
3. The Pledge of Allegiance was taken.
4. A motion to approve the agenda order was made by Goveia and seconded by Keylin. Approved 6-0

Discussion: Mayor James moved a few things around.

- Motion to Authorize and Approve Cease and Desist Order to Living Hope Christian Church until Annexation Agreement and Building Permit are in Place was moved to after executive session.
5. Development Report
 - Steve Hancock, from Corn Belt Electricity gave the trustees an update of Downs Crossing.
 - The water main is in the ground. Testing needs to be completed on the 2600 ft. pipe.
 - Next week they will fill, test and chlorinate. After that, they will evaluate the capacity.
 - Steve said the project is being funded by REDLG, and has come way under budget. We have additional funding to use on this project.
 - The village could put in another 1000 ft. of 8" pipe at the existing cost of per foot with funding. However, the board needs to make a decision by February 13th to get the same cost per foot.
 - The fire hydrants on the property will be bagged as they do not have adequate capacity at this time.
 - Steve is pleased with the project.
 - The board thanked Steve for coordinating the project on our behalf.

6. Engineer Report

1. New - Downs Crossing Storm Sewer Plan

- Shawn Mauer from Farnsworth, gave the board and members of the public a high level history on what has happened at Downs Crossing over the years.
- Surface water from the original Corn Belt site plan was to go towards the South.
- Shortly after a detention basin was created. The basin went across RT. 150 to drain.
- A preliminary plan has not been found. There were several development sketches and things changed weekly. Nothing official was sent to the board to approve. Everything was built piece by piece.
- It wasn't until recently, when Corn Belt and Reynolds started getting their stuff going, the drainage issue was discovered. Shawn says that no one has looked at Downs Crossing holistically since 2000.
- Farnsworth is working on a solution. A storm sewer will be built along Energy Way. Low flow tile would be routed through to the Freedom Oil detention basin drain tile.
- The land development group has reached out to Mr. Owens who owns the Freedom Station. He is ok with it running over to his detention basin drain tile and the flow from

Corn Belt and Freedom meet the village standards. We have received a letter from him stating this.

- Farnsworth will continue to work until a definitive plan that is agreeable to everybody.
- If the whole development was completed a couple of other detention basins will need to be created.
- The extra engineering cost is getting worked out with Farnsworth, Corn Belt and Reynolds.
- It was explained that the village standards have much more stricter standards than IDOT. The village standard is to improve drainage, while the IDOT standard is to do no harm.
- James noted that Farnsworth has worked very hard to research the history and what needs to be done at Downs Crossing.

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

- James reported that the events committee is re-establishing the committee members.

8. Mayoral Report

- Mayor James reported he spent the majority of this past month working on and researching Downs Crossing.
- He has signed up for the IML Lobby Day.
- He will be out of town for the scheduled date of the April meeting. He would like to move the regular meeting to the following Thursday.

9. Trustee Reports

1. Building Report

- Goveia reported there were 4 building permits this month.
- She is going to devise a sheet for inspections. There seems to be some confusion on new construction inspections. She is going to have a meeting this month to work on this.

2. Water and Sewer Report

- There was a water leak repaired today in Indian Hills.
- Kevin Whitehouse will be out of work for a while.

3. Police and Services Report

- Roach reported that they are developing their strategic plan. The next step is to put some budget numbers together.
- The police office has been framed, insulated, primed and has electricity.
- Roach and Dinger want to revisit the language in Chapter 8 regarding marijuana.
- The construction of the police office is still within the budget.
- Plumbing for the office is scheduled for next Wednesday.

4. Streets Report

- Lush says the department will be in good shape as long as the weather holds out.

5. Parks, Community Center and Food Pantry Report

- Keylin sent her report out earlier to the trustees.
- The pavilion kitchen furnace was fixed. The stove needs 3 pilot light assemblies. They will be getting new ceiling fans for the pavilion.
- Firewood removal in Kickapoo is on hold due to warm weather.
- The committee plans to start their "Green" pest control plan this month.
- She is also working on their strategic plan.

- The committee is looking for members.
- The food pantry distributed 38 boxes this month.
- The food pantry has been receiving fresh produce up to every 2 weeks.
- The food pantry needs help on 2/6 for food unloading.
- There were a couple of couches in the youth center that have been taking up space. They have been donated to a family in need.

6. Finance Report

- Bakewell distributed the finance packets to board members.
- She went over BTP report. There were a few unique bills.
 - In the water fund, the George Gildner bill will be reimbursed through the REDLG draw.
 - The JULIE bill was a little higher do to more activities.
 - In TIF 3, the PGAV bill was for assistance with the annual TIF report.
- She said everyone was sent out a revenue and detail estimate to use for budgeting.
- James asked that trustees please meet with Bakewell in Feb. for budget purposes.
- 1099s and W2's are out.
- The assistant position has been advertised locally.

10. Discussion

1. Ordinance Changes

a. Chapter 12 – Water

- Twyford reported the billing department wanted to revise some of the language in Chapter 12.
- Cuba said she is developing a fee schedule and would like Wall to look at if it needs to be in the ordinance or if the ordinance can just reference it.
- Wall says the fee schedule, water and sewer rates needs to be changed by ordinance and thinks sewer references chapter 12.
- Cuba is looking for board approval next month.
- Twyford wanted to thank Cuba for spending so much time on this.

b. Chapter 8

- Roach noted that Chief wants to change the marijuana section.

c. Others

- James said a lot of stuff needs to be changed in ordinances and we will work to get this done.
- Wall and the Mayor have already talked about some changes in Chapter 6. The board should be able to adopt in April.
- Chapter 17 was an easy one.
- Chapter 10
 - Mayor said he talked to the Lexington mayor. They have purchased 2 live traps for residents to use and check out. Wall would like to talk more about the purchase of live traps.
 - Keylin and Goveia have reached an agreement on verbiage. Residents that have feral animals can take them the pound.

- They took out of all the references about village action. It puts it back on the residents, listing what their rights and responsibilities are as a pet owner or resident.
 - James said Chapter 5 should be ready to go and it is just waiting for Wall to “wordsmith”.
2. Living Hope – The Village did not respond since the letter received indicated legal action if we did not comply. Village entered into executive session later in the meeting due to the potential litigation of this matter.

Discussion:

- Rick Hobler, attorney for Living Hope, spoke for the large group of congregants in attendance.
- He said the goal tonight is to try to get something resolved.
- Hobler wrote a letter to Mayor on 1/30/17.
- He said this is a simple legal issue. On 4/3/14 an annexation agreement was signed by us and church. The agreement was for 20 years and is still valid.
- The attorney said either they are still annexed or they are not. If they aren’t then we can’t order a cease and desist.
- Living Hope has kept their side of the agreement. They expect the village to hold up their agreement. Hobler says they just want us to honor it.
- Hobler said he is confused by an amendment that was not signed by Living Hope. They are not going to agree to this amendment. He says it is not a valid document.
- Living Hope doesn’t want litigation.
- He said there is no expiration date on the village issued building permit.
- The biggest problem is the road that the village wants them to pay for. He says the church is not obligated to do that.

Living Hope wants:

- We agree with them that they annexed in by the 4/2014 agreement.
 - A water and sewer connection issued
 - Occupancy permits for the building
 - They have \$28,000 to use for the road if that is what the village wants to do with that.
 - The church wants this resolved.
3. The Freedom Annexation Agreement was discussed in executive session due to negotiation discussion that would contain proprietary information.
4. Corn Belt will general contract the project to install the additional 1000 ft. of pipe. The extra 1000 ft. will be at the same price accepted for the N. Water Main Loop just completed. James said we will need to approve the easement and project prior. We will need to have a special meeting to accomplish this prior to the 2/13 deadline.

11. Public Comment

- Pastor Moore would like to work this out.

12. A motion to approve items contained within the consent agenda was made by Lush and seconded by Twyford. Approved 6-0

13. A motion to approve the consent agenda was made by Lush and seconded by Twyford. Approved 6-0

1. Motions

- a. Motion to Approve the January 5, 2017 Village Board of Trustees Regular Meeting Minutes
 - b. Motion to Approve Members of the Downs Events Committee: Mike James, Julie James, Jill Kasprzak, Ken Kasprzak, Cyndi Miller, Downs CIA Representative
 - c. Motion to Approve Release of \$10,502.50 being held for work done by George Gildner, Inc. at Downs Crossing on the North Water Main Loop
 - d. Motion to Approve Payment of \$10,185.15 for Change Order Completed by George Gilder, Inc. at Downs Crossing on the North Water Main Loop
- Discussion:
The change order was to make water main go deeper due to the required low flow pipe needed for the Corn Belt detention basin and an additional fire hydrant.

14. New Business

1. Motions

- a. The Motion to Authorize and Approve Cease and Desist Order to Living Hope Christian Church until Annexation Agreement and Building Permit are in Place – Moved to after Executive Session
- b. A motion to approve bid criteria for Garbage and Recycle Contract was made by Roach and seconded by Goveia.
 - A motion to approve bid criteria for Garbage and Recycle Contract as amended was made by Roach and seconded by Goveia. Approved 6-0

Discussion:

- The village has 392 households.
- IMLA requires \$1,000,000 worth of insurance coverage.
- The village is requesting an annual roll off be required.
- Twice monthly recycling is preferred, but they can bid every week. The recycling is to be picked up on the same day as refuse garbage pick-up.
- Companies can provide us a sheet with breakdown for other services.
- A section was added for bulk pick-up of items. Refrigerators need to be free of refrigerant.
- A separate meeting for sealed bids will be held on March 23 at 7:00pm.

2. Resolutions – No resolutions

3. Ordinances - No action was taken on the ordinances below.

- a. Ordinance 2017-__ Approving and Adopting Amendments to the Village of Downs Code Provisions of Chapter 1 "General Provisions"
- b. Ordinance 2017-__ Approving and Adopting Amendments to the Village of Downs Code Provisions of Chapter 2 "The Village Board, Its Officers and Employees"
- c. Ordinance 2017-__ Approving and Adopting Amendments to the Village of Downs Code Provisions of Chapter 3 "Village Finances"
- d. Ordinance 2017-__ Approving and Adopting Amendments to the Village of Downs Code Provisions of Chapter 6 "Licenses, Permits and Regulated Businesses"
- e. Ordinance 2017-__ Approving and Adopting Amendments to the Village of Downs Code Provisions of Chapter 17 "Telecommunications Infrastructure Maintenance Fee"

15. Old Business

1. No action was taken on the motions below.
 - Motion to Approve continuance of the Village of Downs Regular Board Meeting to _____, 7:00 pm at the Village Hall
 - Motion to Authorize and Approve Purchase of ___ EMA Radios for \$_____
2. Resolutions – No resolutions
3. No action was taken on the ordinances listed below.
 - Ordinance 2017-__ Approving and Adopting Amendments to the Village of Downs Code Provisions of Chapter 5 "Board of Local Improvements"
 - Ordinance 2017-__ Approving and Adopting Amendments to the Village of Downs Code Provisions of Chapter 10 "Animal Control"

16. A motion to approve payment of bills was made by Lush and seconded by Keylin. Approved 6-0

17. A motion to enter Executive Session for potential litigation, contract negotiation regarding proprietary information and personnel was made by Lush and seconded by Twyford. Approved 6-0

The public meeting was exited and a break was at 8:56 pm.

Mayor Mike James called the February 2, 2017 regular meeting back to order at 11:20pm.

Roll call was taken with Trustees Roach, Goveia, Keylin, Lush, Gassaway and Twyford all present. Also present were Clerk James, Attorney Dawn Wall and Treasurer Bakewell. A quorum was declared.

18. Action on Executive Session Items

1. The Motion to Authorize and Approve Cease and Desist Order to Living Hope Christian Church until Annexation Agreement and Building Permit are in Place – No Action
2. A motion to authorize Attorney Dawn Wall to send a letter to Living Hope Christian Church's attorney was made by Lush and seconded by Keylin. Approved 6-0

Discussion:

- The Board granted Wall permission to send a letter to Living Hope Christian Church's attorney to reach an agreement.
- She also spoke on behalf of the board.
 - Wall said to set aside the annexation agreement, an agreement needed to be made, that certain roadway improvements need to be made.
 - The village's position is that road way improvements must meet village and village engineer code.
 - The building permit lapsed after 3 months of non-work.
 - The board will re-issue a temporary restrictive building permit for 90 days.
- Dan Dawson spoke for the church. He said their contention is the first annexation stands.
- He said they are taking the \$28,000 off the table and they will go to court.
- Dawson said their position is that no one would enter to agreement with them.

19. A motion to adjourn at 11:40 pm. was made by Lush and seconded by Roach. Approved 6-0

A handwritten signature in cursive script that reads "Julie James". The signature is written in black ink on a light-colored background.

Julie James
Village of Downs Clerk