



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

Village of Downs Board of Trustees Regular Meeting September 2, 2021, 7 pm @ Village Hall & via ZOOM

1. Mayor Mike James called the Village of Downs Board of Trustees Regular Meeting to order on September 2, 2021, at 7:06pm.
 2. Roll Call was taken. Trustees Maureen Roach, Anna Milliken and Toby Twyford were present. Peggy Keylin was present via Zoom. Brian Warfel joined in person at 7:47 pm. Sarah Gassaway joined via Zoom at 8:45pm. Also present were Clerk Julie James, Treasurer Julie Bakewell, and Village Attorney Dawn Wall. 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 Roach and seconded by Milliken.
Approved 4-0
 - No changes were made to the agenda.
 5. Engineer & Development Report from MSA – Mike Buzicky
 1. Down Water Plant Improvements
 - Buzicky met with Mayor James and Julie Bakewell.
 - A large financial packet is being completed by Julie. Then the packet goes to Springfield. This is one of the last larger hurdles to complete.
 - Buzicky will meet with Twyford, James, Les and Billy tomorrow. They are going over EPA review items.
 2. Downtown Streetscape and Parking Lots design – no discussion
 3. Other Engineering or Development Updates
 - No word on the rebuild Illinois Grant. It has been over a year with no update.
 4. The Downs Crossing plat is closer to being accepted.
 5. James met with Cornbelt Energy to determine a place for water tower north of storage facility.
 - We haven't heard if Cornbelt has approved us for that site.
 - James said he is not sure if we will be buying the ground or if they will lease it to us for 99 years.
- Wetlands at Cornbelt Energy Park
- Keylin expressed concerns on the wetlands area.
 - The guidebook looks like it will take a lot of labor and time. The person responsible needs to have a good idea of what they are doing. It is going to be expensive. The Parks Committee thinks the board needs to figure out how much the cost of upkeep.
 - James said there is supposed to be very little maintenance.
 - Keylin thinks we should look at another spot for the water tower to the west that is already annexed. James said that would be taking a huge step backwards. This was our engineer's recommendation. The potential for growth is much greater going this direction.

IEPA Water Tower Loan

- We received notification of our award for \$3.574 million for funds with \$0 loan forgiveness.
- James thought we asked for up to \$4 million. Buzicky will check on the amount.
- We received documents from Land Engineer to start the bid process for the water tower.

7. Mayoral Report

- James is requesting we hire another part-time person for the office billing department. This person will be for cross training and afternoon hours.
- He would also like to hire a part-time person for the streets department. We have not replaced employees that have left to go to Rivian.
- We will be finalizing the Freedom Oil agreement tonight.
- We need to find a resource for boring under Rt 150. Cornbelt is now subcontracting their boring out.
- There is possibly a small new subdivision proposal coming up.
- The population of Downs is 1201. This is from the 2020 Census.

8. Trustee Reports

1. Building Report

- We have 2 new building permits in the works.
- There was 1 building permit approved in Beecher Trails.

2. Water and Sewer Report

- Twyford said it was a busy month. We had a couple of water breaks.
- Les Fitzwater is working a limited schedule.
- The meeting with Cornbelt went well.

3. Police Report

- Roach and Dingler have been meeting with contractors for the new police building.
- Roach is getting a financial proposal together for building improvements. She will then create a committee
- A letter for tall grass and weeds was delivered.
- Roach ordered a dumpster for demolition.
- Roach and Dingler have been meeting to go over outdated ordinances.
- Dingler joined Milliken with Tuesday with Trustee.
- Dingler is considering an air rifle to deal with dangerous vermin in the village
- The grass violation notice ends tomorrow.
- Traffic violations are up.
- There were some vandalism reports. The egging was probably not a Downs resident.

4. Streets Reports

- 2 building permits were approved.
- There are a couple of culvert issues.
- The drive shaft in the green dump truck is gone. We are working on getting pricing to getting that fixed. We need to start looking for a replacement dump truck.

5. Parks, Community Center and Food Pantry Report

- The playground has experienced a few acts of vandalism. The hand sanitizer was broken, and a sign was pulled out of the ground. Chief is looking into

both incidents. Jim Soeldner has built and installed a new sanitizer box, and we are re-setting the sign.

- We're discussing details and placement of a donated bench in Dooley Park.
- We contracted Embark Tree Removal to take down a dead tree and branch in Dooley Park and two dead trees in McManus Park. They start work this coming Friday. We are working with Heartland Electric on LED lighting for the ball courts.
- We'll be spreading a truckload of playground mulch the week of September 8. We've added sand, donated by Jim Soeldner, to the Gaga Ball pit.
- A running toilet in the pavilion has been repaired.
- We got information from McLean County Soil and Water District on permitting needs for removing trees from the Kickapoo and for putting a berm/levee in the park. No permits are needed to remove trees from the creek. Permits and engineering advice are needed for the berm/levee.
- We are brainstorming activity ideas to coincide with Tri-Valley Homecoming. We'll decide on an activity at our September meeting.
- Jim Soeldner will check the west wall of the pavilion for moisture. If found, we'll work on ways to allow air to get into that space to stop mold growth. The committee continues to sanitize the pavilion between rentals.
- We discussed the maintenance and upkeep necessary for Corn Belt Park. It requires a decent amount of labor and time at regular intervals throughout the year. The laborers need to be trained or skilled in taking care of a wetlands area. There will be costs for upkeep, repair and, in case of emergency situations, funds for professional help. Parks feels the board needs to decide on a funding plan for this ongoing project.
- We are waiting to hear from Holly Rae VanHoof on funding to get an estimate on creating separate public and private restrooms in the pavilion. Parks would like the board to consider revisiting spending priorities for the Recovery Act monies to use some of them toward adding a public restroom in Dooley Park. The monies cover COVID related projects and infrastructure improvements. Parks feels a public restroom fits under both categories.
- The Food Pantry hopes to distribute 35 boxes this month.
- The Backpack program will resume as soon as they get the numbers from Tri-Valley.
- They are pricing doors and lining up delivery dates to coordinate the door installation with the arrival of the new cooler.

6. Finance and Services Report

- Milliken will know more about the well claim next month.
- She is working on setting up Cyber Security training for everyone. Trustees need to set up an account.
- For next month's Tuesday with Trustee, she would like to incorporate a fall or haunted house theme.
- Bakewell went over the BTP.

Highlights:

- We purchased 9 new hydrants from WPC. These will all be reimbursed by TIF.
- Downs Automotive bill for police truck maintenance

- McLean Co Asphalt for Huff Rd improvements in MFT
- Bakewell gave a high-level report of other reports.
- Received ARPA grant funds today \$64,600.
- Bakewell is still working through quirks with ClerkBooks.
- The auditors were here last week. They are still working together over phone and email.
- The audit will be presented next month.
- 30% of the residents are using ACH to pay water bills.
- Busey Bank lowered our interest rate again.

9. Discussion

1. Other

Ron Slagel – Homefield Energy

- There are 2 vendors for community solar (Nexamp and Arcadia)
- Both have 20% discounts.
- We will stay in the existing contract with Homefield until we switch to the new supplier.
- The board chose Nexamp.

Arcadia

- Provides an incremental amount of savings by the way they give credits.
- Wall says they have a horrible arbitration provision in their contract.
- She said the notification to cancel is a one-year notice after one year. So essentially a 2-year notice to cancel.
- The village won't be waitlisted.
- James said he was extremely uncomfortable with the amount DocuSign documents to sign. They seemed to be extremely pushy.

Nexamp

- 20% discount will save us 80-90% off our load
- There is a 90-day cancellation after they find a replacement.
- We will be waitlisted, but Ron thinks it could only be a couple months.
- Solar power must come from IL for both.
- Keylin Open Meetings Act
 - Keylin feels that executive session cuts communication with the community. Residents need to hear these discussions with Misch and Roanoke.
 - She says the public is interested in the details and want to comment.
 - Wall explained why we go into executive session for contract negotiations.
 - Milliken can see both sides.
 - James said he relies on our attorney to tell us we need to go into executive session.
 - Twyford said anytime you are discussing a contract, you don't want that out in the open session.
 - We took their concerns into consideration. It's a give and take, back in forth. This is what we were elected to do.
 - Roach said hopefully people read the agenda, so they know what we are voting on.

10. Public Comment

- Teresa Manzella, Diana Reynolds, Tracy Pitzen, Ken Hillard and Cheryl Bach were all on Zoom.
- Diana Reynolds says she has been attendance and said we are not communicating. She doesn't know what we are voting on for the residents.
- She also mentioned that the sidewalk in front of her office needs to be fixed. She was wondering who is responsible for fixing it
- James said we were hoping to use streetscape money, but that hasn't happened. The sidewalk is a "gray area". It is along a county road. James said he will investigate the village fixing it and agrees it needs to be fixed.

11. A Motion to Approve Items Contained within the Consent Agenda was made by Roach and seconded by Twyford. Approved 5-0 (abstention from Gassaway)

Discussion –

- Motion to Approve Extended Deadline of December 2, 2021, to Jeff Misch and His Company to Bring Property in Compliance with Current Zoning was removed from consent agenda.

12. A Motion to Approve Consent Agenda was made by Warfel and seconded by Twyford.

Approved 6-0

1. Motions

- a. Motion to Approve the August 5, 2021, Village Board of Trustees Regular Meeting Minutes
- b. Motion to Approve the August 5, 2021, Village Board of Trustees Executive Meeting Minutes
- c. Motion to Approve Permanent Occupancy to Living Hope Christian Church

2. Ordinances

3. Resolutions

- a. Resolution 2021-R22 Approving and Authorizing the Dedication and Naming of "Hillard Court" Within the Village of Downs, Illinois
- b. Resolution 2021-R23 Authorizing and Approving the Tax Abatement Agreement Between Freedom Oil Corporation and the Village of Downs

13. New Business

1. Motions

- a. A Motion to Approve Additional Extension to Gameday Grill for Parking Lot Improvements was made by Milliken and seconded by Warfel.

Amended the motion –

A Motion to Approve Additional Extension for 2 years to Gameday Grill for Parking Lot Improvements was made by Milliken and seconded by Warfel. Approved 6-0

Discussion –

- A letter that came to us. Dave is asking for an extension or a variance for parking lot.
- James said we don't want to grant a variance because that would set a precedence.
- Milliken was in favor of an extension with a timeline.
- Gassaway was in favor of extension for two years and no variance because that would set a precedence.

- Trustees decided to give a 2-year extension. If he wants a variance, he will have to request that with the zoning board.
 - The 2 years starts today.
 - b. A Motion to Approve Extended Deadline of December 2, 2021, to Jeff Misch and His Company to Bring Property in Compliance with Current Zoning was made by Warfel and seconded by Twyford. Approved 6-0
Discussion –
 - James said this formalizes what we agreed to last month.
 - If he violates this extension, we would be able to fine him.
- 2. Ordinances (13)
- 3. Resolutions (24)
 - a. A motion to approve Resolution 2021-R24 Authorizing and Approving, and Electric Service Agreement with Community Solar Subscription Agreement (CSSA) and the Village of Downs was made by Roach and seconded by Milliken. Approved 6-0
 - b. Resolution 2021-R__ Authorizing and Approving and Natural Gas Agreement with Illinois Power Marketing D/B/A Homefield Energy and the Village of Downs – No action taken.

14. Old Business

- 1. Motions
 - a. Motion to Approve the Final Plat for the Corn Belt Energy Park – No action taken.
 - b. Motion to Reconvene the Village of Downs Regular Board of Trustees Meeting on _____ at the Village Hall – No action taken.
- 2. Resolutions
 - a. Resolution 2021-R__ Authorizing and Approving the Inspection and Construction Testing Services Road Improving Engineering Agreement Between the Village of Downs and SKS Engineers, LLC for the Colleen Court Project - **Tabled on 6/3/2021** – No action taken.
 - b. A motion to approve Resolution 2021-R25 Authorizing and Approving the Redevelopment Agreement Between the Village of Downs and Roanoke Concrete Products, INC for the Project Located at S. Lincoln and Colleen Lane in the Village of Downs, Illinois was made by Twyford and seconded by Warfel. Approved 5-2 (Roach abstained which counted in the affirmative and the mayor voted yes. Keylin and Milliken – No)
Discussion -
 - A Motion to table Resolution 2021-R25 Authorizing and Approving the Redevelopment Agreement Between the Village of Downs and Roanoke Concrete Products, INC for the Project Located at S. Lincoln and Colleen Lane in the Village of Downs, Illinois was made by Milliken and seconded by Keylin. Not approved 3-4 (Roach, Keylin and Milliken yes, Gassaway, Warfel, Twyford and Mayor James no)
 - Roach asked Milliken why she wanted to table.
 - Milliken said she wants to reach out to some residents.
 - Roach asked how she was going to reach out. Milliken said she would reach out via email.

- James asked her what the purpose is of reaching out would be. Milliken said she would like to share with the public.
 - Keylin said she would like to add environmental monitoring.
 - Warfel said the EPA already does this.
 - Milliken stated that recycling was to be limited to Monday through Friday.
 - Wall said that wasn't part of the special use permit.
 - Keylin said we agreed to work with the school, and we are in violation of the agreement on the wall.
 - Gassaway asked to call the vote/question.
 - A motion to amend the agreement and add that recycling be limited to Monday through Friday was made by Twyford, but Warfel didn't accept the amendment. The motion failed.
 - c. Resolution 2021-R__ Authorizing and Approving the Easement Agreement Between Woodworkers Shop LLC and the Village of Downs – No action taken.
 - d. Resolution 2021-R__ Accepting the Offer of Irrevocable Dedication from Corn Belt Energy Corporation to the Village of Downs for Acceptance of the Completed Storm Water Management Improvements and Maintenance Agreement – No action taken.
 - e. Resolution 2021-R__ Accepting the Offer of Irrevocable Dedication of Certain Improvements in the Beecher Trails Subdivision - First Addition – No action taken.
- 3. Ordinances
 - a. Ordinance 2021-__ Pertaining to Amusement Taxes for the Village of Downs, IL- **Tabled on 8/5/2021** – No action taken.
 - b. Ordinance 2021-__ Adopting and Approving a Use of Force Standard for the Village of Downs Police Department – No action taken.
 - c. Ordinance 2021-__ Approving and Adopting Amendments to Chapter 8 - Traffic, Streets and Parking of the Village of Downs Municipal Code – No action taken.
 - d. Ordinance 2021-__ Approving and Adopting Amendments to Chapter 11 - Building of the Village of Downs Municipal Code – No action taken.
- 15. A Motion to Approve Payment of Bills was made by Roach and seconded by Twyford.
Approved 6-0
- 16. Motion to Enter Executive Session – Executive Session was not entered.
 - 1. Contract Negotiations
 - 2. Semi Annual Review of Meeting Minutes and Audio
- 17. Action on Executive Session Items – No action taken.
 - 1. Resolution 2021-R__ Authorizing the Village Clerk to Destroy Executive Session Audio Tapes Over Eighteen Months Old
 - 2. Resolution 2021-R__ Authorizing the Village Clerk to Release Specific Executive Session Minutes of the Village of Downs
 - 3. Resolution 2021-R__ Authorizing the Village Clerk to Keep Sealed Specific Executive Session Minutes of the Village of Downs
- 18. Other Business
 - James said he received some questions from Cheryl Bach prior to the meeting.
 - Will there be greater detail Public Comment section?
 - Yes, in the approved minutes.

- The agreement the Village made with Jeff Misch and his new business building included a requirement for him to hook on to Village water and sewer-when is the deadline for this to done?
 - The deadline is when water and sewer is available, and Jeff Misch and the Village are installing the extension.
 - Work can't start before IEPA approves and permits the project
 - Bidding must be posted for material
 - Material ordered and when received can be scheduled for installation
- Has the new Misch building been given an occupancy permit?
 - No occupancy permit has been given the to the mayor's knowledge. They currently are operating out of the trailer. See above as to why.

19. A Motion to Adjourn at 10:34pm was made by Roach and seconded by Milliken. Approved 6-0



Julie James
Village of Downs Clerk