



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

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

1. Mayor Mike James called the July 7, 2016 regular meeting to order at 7:00 pm.
2. Roll call was taken with trustees Roach, Goveia, Messamore, Keylin and Lush all present. Also present were Clerk James, Treasurer Bakewell and Village Attorney Dawn Wall. A quorum was declared by Mayor James.
3. The Pledge of Allegiance was taken.
4. A motion to approve the order of the agenda was made by Lush and Keylin. Approved 5-0
5. At this time Trustee Messamore regrettably resigned from the village board. He stated that Downs has some good things going. He feels that we are going in the right direction with water and out at Downs Crossing. He said Downs is a special place.
6. A few things were moved around on the agenda to accommodate members that were in attendance.
7. Public Comment
 - Diane Benjamin, a blogger for BLNnews, had completed a FOIA request with the Village. She obtained documents that she said her friend, Trustee Goveia, was denied access to. From this information, she takes issue that Adkisson's was out of compliance 8 out of 9 quarters. She called for Mayor James to resign for not enforcing this ordinance.
 - Ms. Benjamin also took issue with Trustee Lush. She feels he is not a resident of Downs and is not a qualified electorate. She also called for Trustee Lush's resignation.
 - Eric Shangraw, the General Manager and the Route Supervisor from AREA Disposal spoke to the board. They came to speak to the board about any concerns that the board may have about our garbage and recycling. Last Saturday, they missed that day's recycling pick-up. They came on Sunday, but realized that many had already taken the recycling in. They wanted to apologize. They made a made a special trip to the park after the 4th to pick up the extra garbage.
 - Rick Hayes and George Lewis from DUMC. The church owns 23 acres across from the middle school. They got approval from the school district to go through easement. They are going to bore under the school entrance. They need the village's approval as well to take it over after they complete the project.
8. A motion to approve the Mayor's appointment and assignment for Village Board of Trustees to Serve the Remaining Term to Expire 4/30/2017 was made by Lush and seconded by Roach. Approved 4-0
Discussion: Attorney Wall felt it wasn't necessary to go executive session to discuss this matter as long as nothing personal was discussed. Current trustees were impressed with her experience and happy to have her join the board. Sarah Gassaway is originally from Downs and works for her family's company, Kickapoo Drilling Co. Sarah will serve as the Finance Trustee.
9. A motion to approved Resolution 2016-R13 Approving the Easement Agreement Among Downs United Methodist Church, Tri-Valley School District #3 and Village of Downs as Assignee was made by Lush and seconded by Goveia. Approved 5-0
Discussion: They will be boring under Rt. 150 and Washington St when school is not in session. Wall noted this is the same easement that we have used when to put sanitary sewer on a

property. The Village will upsize the water and sewer lines for future expansion and pay the difference for that upgrade.

10. A motion to approve Resolution 2016-R14 Approving the Execution of the Revised Agreement Between AREA Disposal Co (formerly with Casali) and the Village of Downs for Recycle Service was made by Roach and seconded by Keylin. Approved 5-0

Discussion: This agreement amends the recycling and garbage contract so that both will be collected on the same day of the week.

- Keylin was concerned how we are going to get the word out to the residents and how it will garbage containers need to be marked. AREA would like the containers clearly marked "recycle".
- AREA will do a mailing in about 2 weeks with a calendar to help get the word out. Janice and Ruth will provide them with the addresses.
- AREA said they will give the park some recycling carts.
- It isn't always the same guys that pick up.
- AREA wants to know the addresses of the new homes going up.

11. Development Report- Special meeting on July 21 at 7:00pm- Language on agenda was not specific enough on for us to execute the REDLEG funds.

12. Engineer Report-Shawn Mauer, from Farnsworth sent his report by email-See below

- **Beecher Trails** – Water and sewer systems are installed. Approximately 75% of the road base has been placed and the remainder should be installed over the next week or so depending on the weather. We inspected and reissued a punch list for the original subdivision that the developer will need to take care of.
- **Downs Crossing** – Had meetings with Reynolds and Cornbelt to discuss the preliminary plans out at Downs Crossing. Water main installation would be ready as soon as the easement is obtained from Reynolds. Cornbelt is working on storm and detention pond plans right now.
- **Cross Creek** – Still waiting on storm sewer and detention basin construction before final inspection.
- **Downs United Methodist Church** – Their engineer has been in contact with questions on the water and sewer lines to the new development. We should see IEPA water and sewer construction permits and plans soon.
- **Living Hope Church** – I contacted their engineer to discuss the latest exhibit they submitted to the Village for a proposed road cross section. The submitted cross section does not meet the Village code design standards.

13. Mayoral Report-

- Mayor James would like to attend the IML conference this year. He is asking for the village to pay the conference fee and hotel. He will cover his meals and mileage.
- The billing department would like to attend the conference for CUSI. Janice and Ruth are going and Cheryl has not decided. The conference is \$100/per person plus hotel.
- Mayor James has a additional resident that may be interested in becoming a trustee

14. Trustee Reports

1. Building Report-

- Goveia reported that 4 permits were granted in June.
- She is still working on the building permit process.

- Aloha construction asked building codes for roofs that insurance companies are now requiring. Kevan Zinn is not certified in roofing. She will contact Leroy to see what they do with certifying roofs.
- She has been looking at other towns building permit forms.
- She has spoken to Glen Milton and Scott Romine they would like to add to the permit.
- Goveia says electrical may cause some issues because we are not inspecting upgrades.
- She said she will be adding information on radon, sprinkler systems and swimming pools over a certain size.

15. Water and Sewer Report-

- Whitehouse reported that water quality was good for the month of June.
- Only one repair was done to a leak at a service line.
- The village went through high amounts water due to hot temps and dry weather.
- The water department has been painting all the fire hydrants.
- He had no updates to report on water tower painting.
- Water and sewer at Beecher 1st addn. are installed and ready. Mayor James asked Whitehouse to approximate how many hours he spent getting that set up. Whitehouse approximated he spent about 12 hours.

16. Police and Services Report-

- Roach reported that the Chief is at the 20 Stars Gala this evening.
- She said she received a new complaint on weeds (same property as before). She will send another letter. The Mayor will call the party as well.
- Roach said she fielded several calls on garbage complaints. She said she referred them to call AREA with their complaints. AREA Customer Service has been added to the flyer and website.
- Roach went through the village's assets with the trustees for the IMLRMA equipment review.
- Keylin asked if we are going to mark the police truck. Keylin said she is getting feedback that it should be marked.
- Roach said it wasn't in the budget originally.
- Mayor said he has also heard it a few times. He can see where it would be beneficial. People would know where to go to if they needed police services.

17. Streets Report-

- Lush reported that clean-up day was on Friday prior to 4th of July. They decided they are going to do it again on Friday.

18. Parks, Community Center and Food Pantry Report

- Keylin sent out her report earlier. She did report that they had a wonderful park breakfast. They received \$500 in donations that they plan on improving the stove, refrigerator and the counter tops with.
- The committee still has some other repairs on their list.
- Keylin asked about the old drinking fountain. Lush said the old one was capped off. We would need to run a new water line.
- The park committee is looking into information on grants on prairie flood plains. This would help remove wood in Kickapoo Park.

- The food pantry needs a chest freezer for heavy items like turkeys. But they are happy about the stand-up freezer they received.
- Mayor asked that the Park Committee work and turn to local groups before seeking outside contractors. Groups like the CIA are more than willing to help.

19. Finance Report-

- Bakewell handed out reports. All reports can be found on the google drive.

A break was taken at 8:44pm- 8:50pm.

20. Discussion

1. Requirements for Village Trustee

- Discussion- Goveia asked Wall if she checked into the eligibility of Lush's ability to be a trustee. Wall said she did some statutory checking. She said she didn't find anything. As long as he has maintained his residence here and uses it from time to time.
- Lush says he uses his residence from time to time and gets his mail there.
- Mary cited the municipal code of our village. She says he is not a qualified elector to this village. The county clerk's office says they determine residency as the place where a person lays their head.
- Wall says the issue is residence. She said people lay their heads in various places. Wall gave examples of college students and state legislatures having residences in Springfield and Chicago.
- Lush says he could eat, sleep or whatever whenever he wants.
- Much discussion ensued into whether Lush is a resident.
- Wall says she has not found that Lush doesn't meet residency.
- Mayor James stated he did not appreciate Goveia bringing Diane Benjamin into this matter.

2. Liquor Code Violations and Recommended Actions

- Discussion-Goveia says according the quarterly liquor reports Adkissons has not met the 60/40 requirement that is stipulated in our ordinance.
- Goveia asked the Mayor why we have not done anything about this. The Mayor responded that he brings this up to the liquor commission. The liquor commission doesn't have a problem with it.
- Goveia reiterated that our ordinance said a restaurant must maintain 60/40.
- Wall said we don't follow all of our ordinances. Wall used tall grass as an example. We don't have the ability to police this.
- Walls said the liquor commission decided, particularly with a startup restaurant that they don't have a problem with it. Those percentages drive the cost of the license not shutting down the restaurant.
- Goveia says she doesn't want to shut down the restaurant. She just wants to know why we are not following our ordinance.
- Goveia has been approached by people concerned how Adkissons can operate on a restaurant license with their percentages.
- None of the other trustees have been approached with this concern.
- Mayor James stated that when the liquor commission meets every year, he asks them if they have a problem with Adkissons not meeting their percentages. They don't have a problem. The liquor commission is happy to have the restaurant.

- Living Hope does not mind Adkissons being next door.
- The liquor commission has taken in consideration that it has taken them 2 years to get up and running.
- There is no consequence even if they don't meet the percentage. The Mayor says there is process for complaints and he guesses you could consider this a complaint. He asked Goveia why she didn't come to the liquor commission meeting and voice that concern. She said missed the day that it was held.
- James said it had been discussed to reduce the percentages to 51/49 because the liquor commission did not care and it would make them more in compliance.
- Roach says as long as she has been on the board it has been hard to meet these numbers. We need to look at changing this.
- Mayor has had no complaints and no one has attended the liquor commission meetings
- Keylin asked who is control the liquor commission or the ordinance. Wall said the liquor commission is in control.
- James said he does not make the laws. The liquor commission is made up of 2 residents and himself. They out vote him.
- Ken Adkissons saved his public comment for this time. He submitted a typed letter "Exhibit A".
- Mr. Adkisson said he is flabbergasted that 3 people have been singled out tonight.
- He gave the board some back ground history. Downs was a dry town. He helped institute to a liquor license in Downs. He was a member of the village board and voted yes on the ordinance. He received the first liquor license #1. He had to resign his seat on the board to get it.
- The mayor at the time put in the 60/40 percentages in and bumper property between the bar and other property. This made it tough to find property in this town to have a bar on.
- He has had 40 employees in the last year and generates \$1000-\$2000/month in sales taxes.
- Adkisson estimates he will have paid back into the TIF in about 10 years. His taxes on the building prior to the remodel were \$400 and now are \$2500.
- Goveia says it's not a personal attack against Ken. She has a problem with the Mayor and the liquor commission.
- Mayor is offended that he doesn't enforce by choice when the board doesn't enforce by choice
- Keylin would like to get the percentages to get the feel for what's going on in town.
- James said the liquor commission will get back together.

3. Other

- Lush asked Goveia about her censure in 2013 and her resignation in 1994. She knew the books were not in as good of shape as they should have been. She was pregnant. She was not asked to resign
- Roach asked everyone to complete their FOIA NIMS and OMA training.

21. A motion to establish a consent agenda was made by Lush and seconded by Roach. Approved

22. A motion to approve items contained within the consent agenda was made by Lush and seconded by Roach. Approved 5-0

Discussion: It was discussed to add a forgiveness clause on future TIF agreements (20% every year). The TIF agreement for RHA Holding is our standard TIF agreement. We also need to change our TIF application to include non-profits.

1. Motions

- a. Motion to Approve the June 2, 2016 Village Board of Trustees Regular Meeting Minutes
- b. Motion to Approve Billing Department Employees to Attend CUSI User Group Conference and Training
- c. Motion to Approve the Mayor to Attend the 2016 Annual IML Conference
- d. Motion to Deny TIF 3 Application from 300 N Seminary St for Residential Development

2. Resolutions

- a. Resolution 2016-R11 - Authorizing and Approving the Development Agreement between the Village of Downs and RHA Holdings, LLC. for the Project Located at 212, 214 & 216 S. Seminary St., Downs, IL

23. New Business

1. Motions

- a. Motion to Approve the Preliminary Plan for the Plat of the Downs Crossing Commercial Park in the Village of Downs- No action
- b. Motion to Approve the Final Plat for Beecher Trails First Addition – No Action

2. Ordinances

- a. A motion to approve Ordinance 2016-24 Approving the Trade of the 1995 Chevrolet 2500 Truck and snowplow for a 1990 Chevrolet 2500 and \$750 with Anytime Towing to the Village of Downs was made by Lush and seconded by Keylin. Approved 5-0
Discussion: Our truck is broken down and we have an outstanding bill for \$1500 with Downs Import. Anytime Towing wants the plow. He will pay \$750 of the bill and give us a 1990 Chevrolet Truck and we can have our tires and lights.

24. 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
- b. Motion to Approve FY 2014-2015 Audit by Canny Accounting, LLC– No Action
- c. Motion to Approve FY 2014-2015 Annual Treasurer's Report– No Action

2. Resolutions

- a. Resolution 2016-R08 Authorizing the Execution of an Amended Annexation Agreement Between the Village of Downs and Living Hope Christian Church, Inc. – No Action

25. A motion to approve payment of bills was made by Roach and seconded by Keylin. Approved 5-0

26. A motion to enter executive session to review executive session minutes was made by Lush and seconded by Keylin. Approved 5-0

10:00pm

27. Mayor Mike James called the July 7, 2016 regular meeting back to order at to order 11:05pm.
28. Roll call was taken with trustees Roach, Goveia, Gassaway, Keylin and Lush all present. Also present were Clerk James, and Village Attorney Dawn Wall.

29. Action on Executive Session Items

1. A motion to Approve the April 7, 2016 and June 2, 2016 Executive Meeting Minutes motion made by Lush and Roach. Approved 5-0
2. Resolution 2016-R__ Authorizing the Village Clerk to destroy executive session audio tapes over eighteen months old- No action
3. Resolution 2016-R__ Authorizing the Village Clerk to release specific executive session minutes of the Village of Downs- No action
4. A motion to approve Resolution 2016-R12 Authorizing the Village Clerk to Keep Sealed Specific Executive Session Minutes of the Village of Downs was made by Lush and seconded by Keylin. Approved 5-0

30. A motion to adjourn at 11:07pm was made by Lush and seconded by Gassaway. Approved 5-0



Julie James
Village Clerk

Exhibit "A"

7/7/16

From: Kenneth Adkisson

Re: Mary Govia

To whom it concerns:

I Kenneth Adkisson of Adkisson's Restaurant want to lodge a complaint against Mary Govia. I believe that Mary is using her position as a Village Board Trustee in order to cause me personnel harm. The animosity stems from when I was a sitting board member for the Village. Mary was the Village Treasurer at the time. At many meetings the board would ask for an accounting of our funds and would receive evasive answers from Mary. She would always promise to have things fixed by the next month. It finally got to the point where the Board decided to go into Executive Session to discuss the problem. At that session it was decided to ask Mary for her resignation. Mary was asked to resign following the regular meeting and complied. The next person who took over the Treasurers position was not able to completely vindicate Mary of any wrong doing. Monies were not recorded properly and there was no way of making the Audit come out correctly. It was never proven that any money was missing or used improperly.

In 2014 while sitting at a restaurant eating lunch, another past trustee sat down next to me. Somehow politics started getting discussed. I made a comment that Mary Govia should never have been put on the Village Board with the issue of her past performance. That night Mary came to my house and wanted to know if I said she stole village money. Somehow the conversation I had with the past trustee became somewhat exaggerated and passed on to Mary.

Another issue that came to the front while I was on the Board concerned Mary's husband. He was yelling at the kids in the park. At least one time he was reported to be out in the yard waving a BB gun at them. Another time he went into the park and confronted some of the kids. I know the police were called at least one time. Although no action was taken by the village, we had several discussions and were concerned about this.

The issues I have stated above, I believe, are the reasons that Mary has looked for ways to get even with me. This year Mary has started a rumor that our Restaurant is closing and selling out. Then Mary went to the school where my wife works, and asked my wife about another property we own, and what we are doing with it. While there my wife asked here about the rumor she was spreading, and where she heard it. She finally said her son heard it at Papa Gs where he works. I asked Brad who owns Papa Gs if he had heard anything about this and he said no. Not once has Mary ever asked me any questions about our restaurant. I do not believe Mary has ever been in our Restaurant. But she definitely had some influence about getting another outside person to come into our village to stir up problems.

I believe that when you take into account all of these things that the average person can see a pattern. All these things add up to abuse of power. Furthermore Mary should have abstained from anything related to me and my business. These actions also spell out conduct unbecoming a Village Trustee. I believe that once again Mary Govia should tender her resignation.

Kenneth Adkisson

