



Estimated cost to the District for this request: \$25



November 3, 2021

Dani Tietz
Mahomet Daily, Ethose Publishing LLC
PO Box 823
Mahomet, IL 61853
dani@mahometnews.com

Dear Mrs. Tietz,

This letter is in response to the Freedom of Information Act (hereinafter "FOIA" or "the Act") request you submitted to the District on October 27, 2021. You have requested copies of the following documents:

- All emails to or from Ken Keefe, including attachments, regarding Darrin Peters, Vertical Towers, Conway Farms HOA/POA from August 1, 2021 to October 25, 2021

The following documents are responsive to your request and are submitted herewith:

- All emails to or from Ken Keefe, including attachments, regarding Darrin Peters, Vertical Towers, Conway Farms HOA/POA from August 1, 2021 to October 25, 2021

Pursuant to Section 9(a) of the Freedom of Information Act, 5 ILCS 140/9(a), you are hereby notified that this decision was made by Dr. Lindsey Hall, Superintendent and FOIA Officer, and that you have a right to review by the Public Access Counselor:

Ms. Sarah Pratt
Public Access Counselor
Office of the Attorney General
500 S. 2nd Street
Springfield, IL 62706
Telephone: 312-814-5526 or 1-877-299-FOIA (1-877-299-3642)
Facsimile: 217-782-1396
E-mail: publicaccess@atg.state.il.us

You are further notified that you have the right to judicial review as provided in Section 11 of the Act, 5 ILCS 140/11.

Sincerely,

A handwritten signature in black ink that reads "Lindsey A. Hall". The signature is written in a cursive, flowing style.

Dr. Lindsey Hall, Superintendent and FOIA Officer



Request to Inspect or Copy Records

Use this form to request records that are not already available within the public domain. You are not required to use this form, but your request must be written. This form is offered as a courtesy and a guide to assist you.

Submit to: Mahomet-Seymour CUSD #3 FOIA Officer
Dr. Lindsey Hall, Superintendent
1301 S. Bulldog Drive
Mahomet, IL 61853

I, hereby request the opportunity to (a) **inspect** or (b) **copy** the following record(s). (Please circle.)

Please describe the record(s) precisely: All emails to or from Ken Keefe, including attachments, regarding Darrin Peters, Vertical Towers, Conway Farms HOA/POA from August 1, 2021 to Oct. 25, 2021.

This request is for a (a) **non-commercial** or (b) **commercial** purpose. (Please circle.)

I understand that the first 50 pages of black-and-white letter or legal-sized copies are free. The copying charge for additional pages is \$.15 per page. Personnel costs can also apply at a rate of \$10.00 per hour beyond the first 8 hours of labor.

Signature of Requesting Individual

10-25-2021

Date Request Submitted

217-390-8984

Phone Number

Ethos Publishing LLC, Mahomet Daily

Name

PO Box 823

Address

Mahomet, IL 61853

City, State, Zip

E-Mail: dani@mahometnews.com

DO NOT WRITE IN THIS SPACE

Date request received by District FOIA Officer

Signature

From: 'Kelly Pfeifer' via Board <board@ms.k12.il.us>
Sent: Monday, 11 October 2021 at 01:29:58 PM CDT
To: Danielle Tietz <danitietz8@gmail.com>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us <Board@ms.k12.il.us>
Reply-To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Sensitivity: Normal
Priority: Normal
Subject: RE: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

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Sent: Monday, October 11, 2021 11:57 AM
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Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us
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Good Morning,

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The topic is coming up on an agenda because Darrin is no longer willing or able to allow the undetained stormwater to go over his land. He is developing. So, he says the school needs to do something with the stormwater going through their property. This is why it is on the agenda – because they got an offer to avoid detention or rerouting that the board should consider.

The topic on the agenda is that they are being presented with a solution that would assure they do not now have to construct detention on their site for the current phases of their development. While Village board memos include alternatives presented by staff, perhaps the lack of the presentation of options is causing the problems.

This isn't a mandatory payment as I understand it. This is an opportunity.

If the school now wants to construct its own detention and install its own pipe, it can certainly. They now will know where to connect to and have something to connect to. Subdivision covenants require they perform in compliance with ordinances and direct water to the lake in an amount and rate as if it were not developed. Darrin is complying by installing very large pipes that are sized to take on all of the undetained stormwater as well.

At the request of Lindsey, our engineer evaluated the scope of work being performed by Darrin's contractor; compared it to the Engineers Cost Estimate for the subdivision development project; and, confirmed it was less that they could install the same on their own.

The "dredging work" is a misnomer. While dredging work is being performed by the POA in various phases as reported by their president, Russ Weber, the scope of the work Darrin is trying to provide is limited to that area of the lake. Even Meghan commented that dredging is a very expensive option and she is right that HOAs and POAs have the responsibility for maintenance which can include dredging. Unfortunately there was no one in the meeting that could offer more information on the topic she was alluding to. The school will be part of dredging of the lake in the future but only as a member of the POA by use of its dues. This \$10K is only for a cleanup in a small area.

Given this information, tell me what documentation you want and I will get it to you. The board and school have a lot going on right now and this is something I can offer my time to assist you in understanding so maybe you can ask more targeted and specific information and request similarly. I for one am extremely grateful for the opportunity your inquiry is providing. Prior boards and the current board have a great opportunity to get some "good press" finally. I will eagerly assist you with more coverage.

Happy to chat on the phone if it helps. 217-586-4456 x 122

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Sent: Saturday, October 9, 2021 7:01 AM
To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>;
board@ms.k12.il.us
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But none of this would have been possible without Darrin allowing his land to be damaged over many years without any compensation. And his good word to the POA and promise to clean up the silt was accepted. We have residential property owners trying to extract thousands of dollars of damages from adjacent properties over gutter downspouts or sump pump lines. The non-compliance offer was very generous and saved the school a lot of money and facilitated the change in phasing that ultimately improved their circulation.

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From: Kelly Pfeifer

Sent: Thursday, October 7, 2021 2:23 PM

To: Lindsey Hall <lhall@ms.k12.il.us>

Cc: Max McComb <mmccomb@ms.k12.il.us>; Patrick Brown <pbrown@mahomet-il.gov>

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Thank you!

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Kelly D Pfeifer

Village Planner and Community Development Director

Village of Mahomet

503 E Main Street

Mahomet, IL 61853

217-586-4456

From: 'Kelly Pfeifer' via Board <board@ms.k12.il.us>
Sent: Tuesday, 12 October 2021 at 10:16:48 AM CDT
To: Danielle Tietz <danitietz8@gmail.com>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us <Board@ms.k12.il.us>
Reply-To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Sensitivity: Normal
Priority: Normal
Subject: RE: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

Dani,

I placed files in the dropbox you supplied. I believe the only other agreements that are pertinent are the initial intergovernmental agreement with the school and then the amended one we did last year. If you already have those, let me know and save me some time.

Kelly

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From: 'Kelly Pfeifer' via Board <board@ms.k12.il.us>
Sent: Monday, 11 October 2021 at 02:53:27 PM CDT
To: Danielle Tietz <danitietz8@gmail.com>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us <Board@ms.k12.il.us>
Reply-To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Sensitivity: Normal
Priority: Normal
Subject: RE: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

The school property is within the Hilman Third area and then if you see the first phase of Conway, the land they purchased is in the area called “future phases”. We have subdividers within subdivisions – this is where you often find the word “replat”.

Caro Ct has its own association in addition to being a member of the Conway POA. You have multiple layers, but you cannot self select your removal. You would have to be removed from participation according to the terms of the covenants that ran with the land and then likely need our board to approve.

If the school had wanted out of the participation and to do its own, then it would have needed the voters of the association to adopt new covenants to remove it. At that time, there weren't many owners in the association and they had a large lake with a dam that required annual inspection. They needed every dues assessment to take care of it. So, unless there were also some assurance of the continued compliant operations of the lake by less than the users and area it was designed for, the village likely would not have approved amended covenants if they had been presented with them. But they were not. So, it isn't the Village that forced them into Conway lake involvement – it was the underlying covenants and the members at the time who did not initiate letting them go. Does this make sense?

From: Danielle Tietz <danitietz8@gmail.com>
Sent: Monday, October 11, 2021 2:42 PM
To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us
Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

So if a property owner subdivides, do they not become their own subdivision? Would they not set up their own HOA/POA? What kept that property with the Conway development if they

became their own developers?

Dani

On Mon, Oct 11, 2021 at 2:15 PM Kelly Pfeifer <kpfeifer@mahomet-il.gov> wrote:

Actually yes, Dani, anyone that subdivides or subdivides or develops a property in a use that is within zoning districts, is a “developer”. When it comes to land, the school has to comply with our requirements, but he was very quick to remind us that when it came to our building permit processes – the building itself – we had no authority. Not surprising because we don’t have a commercial building code. A architect sealed set of plans that meets a code in the state is all we need.

The school purchased *a part of a parcel* of land. The first thing necessary is to make it buildable. That required a subdivision. And from there rolls the rest of the requirements.

If the school had purchased a “buildable lot”, then they are a *site* developer but not a *land* developer. At least those are the words we use.

When Cornbelt purchased new land (on Franklin), they erased the former lot lines by a subdivision plat, and they became a subdivider AND land AND site developer. The former lots were only allowed to be 30% covered by impervious surface so they developed the LAND into one lot that met detention requirements by the construction of a basin and improvements of the alley based on what intended to cover. Then, they could build their facility on it. As far as the facility goes, we didn’t have much oversight.

The school district on their north side (now that it is two lots) is permitted to connect into existing storm sewers without any detention. However, with undeveloped land in between it and the lake where the water needs to go, they need some kind of agreement with the landowner. I believe they were working on easements, but when the plans for South Mahomet Road became more possible, then perhaps they just let well enough alone knowing that Darrin would be developing his northern area ASAP.

I personally recall Rick telling me that he didn’t want to waste the land to the west of the new parking lot (for the second phase) with any sort of temporary basin because he said that programmatically it would be a nice flat area with adjacent parking that could be used by small rec fields. You can probably see in emails where I suggested even some rain garden type things that could be used as educational opportunities for the kids.

So back to taxing bodies, we don’t look at who is building. The land that taxing bodies develop come off the tax rolls and that is a significant concern for any municipality. And our building code or even architectural development standards largely could be ignored as they are exempted from that such local control. But where the building sits on the property, how the lot is graded, how the land came to be (subdivided or prior to our control) is all under Village authorities. We do grant deferrals, waivers, etc. with a plat approval process or construction plan process. Conway was a weird area because over 200 acres were in the plan and a preliminary plat for multiple phases was approved. We don’t do that anymore.

It is possible to achieve compliance with zoning and subdivision regs “off site” – on someone else land. For example, parking requirements. If an easement is provided over

spaces within 300 feet of the property, those parking spaces can be counted in the required number. Think about every residential lot... they don't have their own detention basin. They build a regional one. In this case, the school property was already laid out to be many, many single family homes that would drain to and become members of the POA to take care of the lake. That is the basis for the involvement of the school. The relationship was established prior to their purchase and thus the requirement held.

Lots to unpack here, are you seeing the process? What parts do you want to focus on?

From: Danielle Tietz <danitietz8@gmail.com>

Sent: Monday, October 11, 2021 1:39 PM

To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>

Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us

Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

Thank you again for providing this. I will look through it tonight. I do have another question:

What makes the district a developer? Certainly, not everyone who purchases land is a developer. When does one become a developer? Are there definitions set forth by ordinances? Are the library, Cornbelt, and the Village itself considered developers since they are also public bodies that have built on privately purchased land?

In one of your emails, you write: "The Village does not have the same oversight/authorities on a school as it does on a private developer, according to Rick Johnston, so our permits or authorizations are not as clear as you might otherwise expect to see." Can you help me understand this more clearly? Does the same hold true for other taxing bodies?

Dani

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Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; board@ms.k12.il.us

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Mahomet, IL 61853
217-586-4456

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Sent: Monday, 11 October 2021 at 09:10:13 AM CDT
To: Danielle Tietz <danitietz8@gmail.com>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us <Board@ms.k12.il.us>
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Priority: Normal
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Sent: Tuesday, 12 October 2021 at 09:10:09 AM CDT
To: Board <board@ms.k12.il.us>
Sensitivity: Normal
Priority: Normal
Subject: Re: 10/18 agenda items

Also adding:

Reimbursement of Jeremy Henrichs' legal fees--action item

thank you

Lindsey

On Tue, Oct 12, 2021 at 8:08 AM Lindsey Hall <lhall@ms.k12.il.us> wrote:

Consent agenda:

PRESS 107

- 1) Land transfer agreement with VOM
- 2) IGA facilities use with VOM
- 3) High School Curriculum items-Work Place Experience
- 4) Sub pay increase
- 5) MOU with MSEA to increase pay for internal class coverage
- 6) Drainage remediation reimbursement to Darrin Peters
- 7) MOU with Univ of Illinois, College of Education, Dept of Ed Leadership/Policy Studies to be a partner school
- 8) Discussion of Instructional Material approval form--Jeremy
- 9) Revised Policy 7:15--Jeremy

Thank you,

Dr. Lindsey A. Hall

Superintendent of Schools

Mahomet-Seymour CUSD #3

Office: 217-586-2161

Cell: 309-613-3142

"It's a great day to be a Bulldog!"

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From: Lindsey Hall <lhall@ms.k12.il.us>
Sent: Tuesday, 12 October 2021 at 08:08:01 AM CDT
To: Board <board@ms.k12.il.us>
Sensitivity: Normal
Priority: Normal
Subject: 10/18 agenda items

Consent agenda:

PRESS 107

- 1) Land transfer agreement with VOM
- 2) IGA facilities use with VOM
- 3) High School Curriculum items-Work Place Experience
- 4) Sub pay increase
- 5) MOU with MSEA to increase pay for internal class coverage
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From: Lindsey Hall <lhall@ms.k12.il.us>
Sent: Tuesday, 21 September 2021 at 12:20:50 PM CDT
To: Board <board@ms.k12.il.us>
Sensitivity: Normal
Priority: Normal
Subject: Fwd: Conway/MSSD - cost estimate for "off site" storm work

FYI

----- Forwarded message -----

From: **Darrin Peters** <darrin@core-40.com>
Date: Wed, Sep 15, 2021 at 7:49 AM
Subject: RE: Conway/MSSD - cost estimate for "off site" storm work
To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>, Lindsey Hall <lhall@ms.k12.il.us>
Cc: Ellen Hedrick <ehedrick@mahomet-il.gov>, Max McComb <mmccomb@ms.k12.il.us>, Patrick Brown <pbrown@mahomet-il.gov>

Good morning all!

Please see the attached proposal for the dredging that will take place along the Prairieside Development lake frontage, let me know of any questions.

Thank you,

Darrin

-----Original Message-----

From: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Sent: Tuesday, September 14, 2021 2:23 PM
To: Lindsey Hall <lhall@ms.k12.il.us>
Cc: Ellen Hedrick <ehedrick@mahomet-il.gov>; Darrin Peters <darrin@core-40.com>; Max McComb <mmccomb@ms.k12.il.us>; Patrick Brown <pbrown@mahomet-il.gov>
Subject: FW: Conway/MSSD - cost estimate for "off site" storm work

Hi Lindsey,

Ellen confirms the attached cost estimate is reasonable as the scope and price of the work to finish MPE's site development obligation. It will be so nice for everyone to no longer have surface flow and finally be done with the silting in of the lake.

You should be getting a quote from Darrin for the dredging work to be done next spring and I expect that to be on the order of \$20K with the school being asked to contribute half.

I commend the school board and Darrin for working together to prevent wasted monies on temporary solutions when the clean up and permanent installation is a lot less cost for all parties - and the taxpayers!

If you need anything else from us, please let me know.

Thanks!

Kelly

-----Original Message-----

From: Bryan Bradshaw <bbradshaw@bkbeng.com>

Sent: Tuesday, September 14, 2021 11:51 AM

To: Ellen Hedrick <ehedrick@mahomet-il.gov>

Cc: 'Darrin Peters' <darrin@core-40.com>

Subject: RE: Conway/MSSD

Ellen,

Here you go. Let me know if you need anything else.

Bryan

-----Original Message-----

From: Ellen Hedrick <ehedrick@mahomet-il.gov>
Sent: Monday, September 13, 2021 12:31 PM
To: Bryan Bradshaw <bbradshaw@bkbeng.com>
Subject: Conway/MSSD

Bryan,

I was wondering if you could give me an itemized cost estimate for the school's obligation with the storm sewer for Darren Peters' Conway subdivision.

These are the items:

Removal of the existing flared end section tying the existing storm pipe into a new 5 foot diameter manhole
49 feet of 48 inch storm sewer
one 5' diameter manhole with a ty 8 stool grate one 6' diameter manhole with a ty 1 closed lid

Thanks,
Ellen Hedrick

Village Engineer

Disclaimer

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This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

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From: Danielle Tietz <danitietz8@gmail.com>
Sent: Saturday, 09 October 2021 at 07:01:19 AM CDT
To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; board@ms.k12.il.us
Sensitivity: Normal
Priority: Normal
Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

Great, thank you. Since we have two different accounts can you provide all the documentation that goes along on this subject? I'm sure there has to be a public meeting or a deferral on responsibility or an outline or timeliness?

Please know this, you will not add shame or guilt to my being. Both parties have done everything they can to ensure that I don't ask additional questions. That meeting was a the only time this subject has been discussed publicly. That's not my issue. It is also not the first time that about required part of a project has been deferred. So nothing out of the ordinary there.

We will publish another article when the appropriate documentation is available.

Dani

On Fri, Oct 8, 2021, 4:47 PM Kelly Pfeifer <kpfeifer@mahomet-il.gov> wrote:

Hi Dani,

I thought you may benefit from this as well.

I expected you to be able to see beyond the poor presentation of the issue in the meeting to write a great article of such a positive story. In my world, landowners do not work together like this and most HOA boards are not very functional. This effort saved the taxpayers hundreds of thousands of dollars and enabled the change for the second phase to go west of the first instead of south. Had they built their own temporary basin, it would have been in the way and what a waste of land that would have been.

But none of this would have been possible without Darrin allowing his land to be damaged over many years without any compensation. And his good word to the POA and promise to clean up the silt was accepted. We have residential property owners trying to extract thousands of dollars of damages from adjacent properties over gutter downspouts or sump pump lines. The non-compliance offer was very generous and saved the school a lot of money and facilitated the change in phasing that ultimately improved their circulation.

You know enough of development and governmental operations to have seen through this poor discussion and showcase this for what it was - an unusually cooperative effort that we rarely see, while assuring that the tax payer funded school district is not subsidizing any private landowner nor any development.

I wish you would spread the good news but at least you will now have facts should you write anything else.

Kelly

From: Kelly Pfeifer

Sent: Thursday, October 7, 2021 2:23 PM

To: Lindsey Hall <lhall@ms.k12.il.us>

Cc: Max McComb <mmccomb@ms.k12.il.us>; Patrick Brown <pbrown@mahomet-il.gov>

Subject: letter to the board concerning pay request from Darrin Peters for reimbursement

Hi Lindsey,

Per the school board meeting on Monday, October 4, the article in the Mahomet Daily, and numerous comments in social media, I wish to offer you and your board answers, insight and background on the issue being considered. And I can't help but also offer my professional opinion of the "decisions" that led to this point. Please pass this email and the attachment onto the members of the school board. I also invite anyone to contact me at any time with any questions.

If this letter does not answer the questions your board posed, or generates new ones, I am happy to attend the next meeting where this item is presented for action. Please just let me know.

Thank you!

Kelly

Kelly D Pfeifer

Village Planner and Community Development Director

Village of Mahomet

503 E Main Street

Mahomet, IL 61853

217-586-4456

From: 'Kelly Pfeifer' via Board <board@ms.k12.il.us>
Sent: Monday, 11 October 2021 at 11:56:47 AM CDT
To: Danielle Tietz <danitietz8@gmail.com>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us <Board@ms.k12.il.us>
Reply-To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Sensitivity: Normal
Priority: Normal
Subject: RE: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

Hi Dani,

This is definitely more specific and I will start to gather. The Village does not have the same oversight/authorities on a school as it does on a private developer, according to Rick Johnston, so our permits or authorizations are not as clear as you might otherwise expect to see. Like, I doubt we have resolutions that have waivers or deferrals as I would have now. But, I will find what I can and reach out to you ASAP.

One thing to review now is the attached document, 2021R02060. It is the most recent recorded document covering the land the school owns and it references other documents prior that also run with the land that you might want to go look up. The very first one, is the 2000R28534 one and it pertains to the land Darrin/VTP currently owns as well as the school. It covered 200+ acres - Hilmun Third Subdivision.

These documents are not between party agreements, if you will, but they are agreements that require performance for development and land use by any landowner.

Kelly

From: Danielle Tietz <danitietz8@gmail.com>
Sent: Monday, October 11, 2021 11:34 AM
To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us
Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

Good Morning,

What I am gathering is this: the school district had development obligations that the Village did not require them to fulfill per the ordinance. I'd like the documentation of that agreement. I'd also like the meeting date, including meeting recording/minutes or agenda where I can find this presentation takes place, whether at the school or Village board.

I'd like all development agreements with Peters, Vertical Towers (or the previous landowners) and the Mahomet-Seymour School District, going back to when the district purchased the property.

And the engineering documents produced per the inquiry.

If this needs to be a FOIA request, then consider this my request in writing.

Thank you,
Dani

On Mon, Oct 11, 2021 at 9:10 AM Kelly Pfeifer <kpfeifer@mahomet-il.gov> wrote:

Dani,

No one is trying to be evasive and questions are fine, but you are asking questions that don't have answers and asking for documentation for things that aren't specifically documented. You know that I have never spoken to you about any article. I am telling you that you are looking at this incorrectly because of your history with the school board and land development.

The topic is coming up on an agenda because Darrin is no longer willing or able to allow the undetained stormwater to go over his land. He is developing. So, he says the school needs to do something with the stormwater going through their property. This is why it is on the agenda – because they got an offer to avoid detention or rerouting that the board should consider.

The topic on the agenda is that they are being presented with a solution that would assure they do not now have to construct detention on their site for the current phases of their development. While Village board memos include alternatives presented by staff, perhaps the lack of the presentation of options is causing the problems.

This isn't a mandatory payment as I understand it. This is an opportunity.

If the school now wants to construct its own detention and install its own pipe, it can certainly. They now will know where to connect to and have something to connect to. Subdivision covenants require they perform in compliance with ordinances and direct water to the lake in an amount and rate as if it were not developed. Darrin is complying by installing very large pipes that are sized to take on all of the undetained stormwater as well.

At the request of Lindsey, our engineer evaluated the scope of work being performed by Darrin's contractor; compared it to the Engineers Cost Estimate for the subdivision development project; and, confirmed it was less that they could install the same on their own.

The “dredging work” is a misnomer. While dredging work is being performed by the POA in various phases as reported by their president, Russ Weber, the scope of the work Darrin is trying to provide is limited to that area of the lake. Even Meghan commented that dredging is a very expensive option and she is right that HOAs and POAs have the responsibility for maintenance which can include dredging. Unfortunately there was no one in the meeting that could offer more information on the topic she was alluding to. The school will be part of dredging of the lake in the future but only as a member of the POA by use of its dues. This \$10K is only for a cleanup in a small area.

Given this information, tell me what documentation you want and I will get it to you. The board and school have a lot going on right now and this is something I can offer my time to assist you in understanding so maybe you can ask more targeted and specific information and request similarly. I for one am extremely grateful for the opportunity your inquiry is providing. Prior boards and the current board have a great opportunity to get some “good press” finally. I will eagerly assist you with more coverage.

Happy to chat on the phone if it helps. 217-586-4456 x 122

Thanks,

Kelly

From: Danielle Tietz <danitietz8@gmail.com>

Sent: Saturday, October 9, 2021 7:01 AM

To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>

Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; board@ms.k12.il.us

Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

Great, thank you. Since we have two different accounts can you provide all the documentation that goes along on this subject? I'm sure there has to be a public meeting or a deferral on responsibility or an outline or timeliness?

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Cc: Max McComb <mmccomb@ms.k12.il.us>; Patrick Brown <pbrown@mahomet-il.gov>

>

Subject: letter to the board concerning pay request from Darrin Peters for reimbursement

Hi Lindsey,

Per the school board meeting on Monday, October 4, the article in the Mahomet Daily, and numerous comments in social media, I wish to offer you and your board answers, insight and background on the issue being considered. And I can't help but also offer my professional opinion of the "decisions" that led to this point. Please pass this email and the attachment onto the members of the school board. I also invite anyone to contact me at any time with any questions.

If this letter does not answer the questions your board posed, or generates new ones, I

am happy to attend the next meeting where this item is presented for action. Please just let me know.

Thank you!

Kelly

Kelly D Pfeifer
Village Planner and Community Development Director

Village of Mahomet
503 E Main Street
Mahomet, IL 61853
217-586-4456

From: Lindsey Hall <lhall@ms.k12.il.us>
Sent: Tuesday, 21 September 2021 at 12:20:04 PM CDT
To: Board <board@ms.k12.il.us>
Sensitivity: Normal
Priority: Normal
Subject: Drainage summary

Hello Board of Education,

I am following up on the conversations that took place regarding the drainage situation to the west of MPE and our need to access the pond, via Darrin Peters' property.

First, thank you for your time in meeting and discussing--there were some questions posed to me from some of you which I didn't have answers so--I appreciate the questions. These questions caused me to reach out to the Village during the week of September 8 and visit with Ellen Hedrick, village engineer, and Kelly Pfeifer, Director of Development on Sept 9. This was followed by a meeting on September 13 between Max, Ellen, Kelly and me--since Max is the board member with the longest history and knowledge of this situation and relationship.

There was, in principle, an agreement made in 2016 whereby the school district, Darrin Peters and another developer (Shaun Tabeling) would split the drainage cost third-third-third. This is what I explained to most of you in our meetings. Upon conferring with the Village, several things happened: 1). Darrin had mistakenly shared an older drawing of the drainage solution with me, and thus me with you (discovered when I initially met with Village on Sept 9) and 2) the plans for development have changed quite a bit since 2016. In hindsight, I probably should've just reached out to the Village at the beginning of this process, but in the end, we (district) ended up in a better spot--so, I offer an apology if our meetings were not helpful with this particular situation.

What hasn't changed is that we need to drain to the west across Darrin's property into the pond. Or, construct a drainage basin of our own, which 1) will cost more than the solution I am about to present and 2) will eat up valuable acreage on our property.

The conversations with the Village, and subsequently Kelly had with Darrin, make more sense for us. Our obligation moving forward is attaching to existing structures on the edge of our property/Darrin's property and creating and paying for manholes as well as splitting the cost for the dredging of the pond. The reason we need to help pay for dredging is that our temporary solution for past several years has contributed to the need for the pond to be dredged. Our total is around \$26K. By using a temporary solution and then waiting several years until the permanent solution could be put in place, we actually saved a lot of money with the ability now to tap into Darrin's system. We also were able to honor our commitment to the HOA to send as much water as possible to the pond.

In a separate email I will forward to the board, you will see the cost breakdown.

Max or I can answer any additional questions you might have. My recommendation moving forward is a discussion at the Oct 4 study session to answer questions and explain publicly, and a vote on Oct 18 to reimburse Darrin Peters.

Thank you!

Dr. Lindsey A. Hall

Superintendent of Schools

Mahomet-Seymour CUSD #3

Office: 217-586-2161

Cell: 309-613-3142

"It's a great day to be a Bulldog!"

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From: Danielle Tietz <danitietz8@gmail.com>
Sent: Monday, 11 October 2021 at 01:38:36 PM CDT
To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us <Board@ms.k12.il.us>
Sensitivity: Normal
Priority: Normal
Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

Thank you again for providing this. I will look through it tonight. I do have another question:

What makes the district a developer? Certainly, not everyone who purchases land is a developer. When does one become a developer? Are there definitions set forth by ordinances? Are the library, Cornbelt, and the Village itself considered developers since they are also public bodies that have built on privately purchased land?

In one of your emails, you write: "The Village does not have the same oversight/authorities on a school as it does on a private developer, according to Rick Johnston, so our permits or authorizations are not as clear as you might otherwise expect to see." Can you help me understand this more clearly? Does the same hold true for other taxing bodies?

Dani

On Mon, Oct 11, 2021 at 1:30 PM Kelly Pfeifer <kpfeifer@mahomet-il.gov> wrote:

Dani, I have sent you a few emails – all from 2016.

That was the time period when Rick was overseeing the design of the expansion. I don't believe Lindsey will have anything to contribute as she was not there. I have many of the design and review comments of their project as it relates to site development. I think everyone would appreciate it if you could look at what we are giving you before you submit a large FOIA request of the school district. I think if you look through what I send you, you may be able to refine a request to something manageable and enlightening.

Thanks for spending the time to get the facts.

It gives the board the opportunity to learn of "developer obligations" and options because as they look to expand facilities, they will have to take these things into account. Plus, downstream constraints in the center of town, will make detention and release even more challenging. Out east, at least everything was sized to pass through all the water to the lake. Also, as a point of information, when the school develops the southern part of its property, they will be able to oversize their new detention basin and then have hundred of acres paying in to maintain it.

Kelly

From: Kelly Pfeifer

Sent: Monday, October 11, 2021 11:57 AM

To: Danielle Tietz <danitietz8@gmail.com>

Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us

Subject: RE: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

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Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

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stormwater going through their property. This is why it is on the agenda – because they got an offer to avoid detention or rerouting that the board should consider.

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Happy to chat on the phone if it helps. 217-586-4456 x 122

Thanks,

Kelly

From: Danielle Tietz <danitietz8@gmail.com>

Sent: Saturday, October 9, 2021 7:01 AM

To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>

Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; board@ms.k12.il.us

Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

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I expected you to be able to see beyond the poor presentation of the issue in the meeting to write a great article of such a positive story. In my world, landowners do not work together like this and most HOA boards are not very functional. This effort saved the taxpayers hundreds of thousands of dollars and enabled the change for the second phase to go west of the first instead of south. Had they built their own temporary basin, it would have been in the way and what a waste of land that would have been.

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You know enough of development and governmental operations to have seen through this poor discussion and showcase this for what it was - an unusually cooperative effort that we rarely see, while assuring that the tax payer funded school district is not subsidizing any private landowner nor any development.

I wish you would spread the good news but at least you will now have facts should you write anything else.

Kelly

From: Kelly Pfeifer

Sent: Thursday, October 7, 2021 2:23 PM

To: Lindsey Hall <lhall@ms.k12.il.us>

Cc: Max McComb <mmccomb@ms.k12.il.us>; Patrick Brown <pbrown@mahomet-il.gov>

Subject: letter to the board concerning pay request from Darrin Peters for reimbursement

Hi Lindsey,

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opinion of the “decisions” that led to this point. Please pass this email and the attachment onto the members of the school board. I also invite anyone to contact me at any time with any questions.

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Thank you!

Kelly

Kelly D Pfeifer

Village Planner and Community Development Director

Village of Mahomet

503 E Main Street

Mahomet, IL 61853

217-586-4456

From: Lindsey Hall <lhall@ms.k12.il.us>
Sent: Tuesday, 21 September 2021 at 12:20:34 PM CDT
To: Board <board@ms.k12.il.us>
Sensitivity: Normal
Priority: Normal
Subject: Fwd: FW: Conway/MSSD - cost estimate for "off site" storm work

----- Forwarded message -----

From: **Kelly Pfeifer** <kpfeifer@mahomet-il.gov>
Date: Tue, Sep 14, 2021 at 2:23 PM
Subject: FW: Conway/MSSD - cost estimate for "off site" storm work
To: Lindsey Hall <lhall@ms.k12.il.us>
Cc: Ellen Hedrick <ehedrick@mahomet-il.gov>, Darrin Peters <darrin@core-40.com>, Max McComb <mmccomb@ms.k12.il.us>, Patrick Brown <pbrown@mahomet-il.gov>

Hi Lindsey,

Ellen confirms the attached cost estimate is reasonable as the scope and price of the work to finish MPE's site development obligation. It will be so nice for everyone to no longer have surface flow and finally be done with the silting in of the lake.

You should be getting a quote from Darrin for the dredging work to be done next spring and I expect that to be on the order of \$20K with the school being asked to contribute half.

I commend the school board and Darrin for working together to prevent wasted monies on temporary solutions when the clean up and permanent installation is a lot less cost for all parties - and the taxpayers!

If you need anything else from us, please let me know.

Thanks!

Kelly

-----Original Message-----

From: Bryan Bradshaw <bbradshaw@bkbeng.com>

Sent: Tuesday, September 14, 2021 11:51 AM

To: Ellen Hedrick <ehedrick@mahomet-il.gov>

Cc: 'Darrin Peters' <darrin@core-40.com>

Subject: RE: Conway/MSSD

Ellen,

Here you go. Let me know if you need anything else.

Bryan

-----Original Message-----

From: Ellen Hedrick <ehedrick@mahomet-il.gov>

Sent: Monday, September 13, 2021 12:31 PM

To: Bryan Bradshaw <bbradshaw@bkbeng.com>

Subject: Conway/MSSD

Bryan,

I was wondering if you could give me an itemized cost estimate for the school's obligation with the storm sewer for Darren Peters' Conway subdivision.

These are the items:

Removal of the existing flared end section tying the existing storm pipe into a new 5 foot diameter manhole

49 feet of 48 inch storm sewer

one 5' diameter manhole with a ty 8 stool grate one 6' diameter manhole
with a ty 1 closed lid

Thanks,
Ellen Hedrick

Village Engineer

Confidentiality Notice: This message and any attachment thereto is for the sole use of the intended recipient(s), and is covered by the Electronic Communications Privacy Act (18 USC 2510 et seq). It may contain information that is confidential and legally privileged within the meaning of applicable law. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

From: Danielle Tietz <danitietz8@gmail.com>
Sent: Monday, 11 October 2021 at 02:41:38 PM CDT
To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall
<lhall@ms.k12.il.us>; Board@ms.k12.il.us
<Board@ms.k12.il.us>
Sensitivity: Normal
Priority: Normal
Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

So if a property owner subdivides, do they not become their own subdivision? Would they not set up their own HOA/POA? What kept that property with the Conway development if they became their own developers?

Dani

On Mon, Oct 11, 2021 at 2:15 PM Kelly Pfeifer <kpfeifer@mahomet-il.gov> wrote:

Actually yes, Dani, anyone that subdivides or subdivides or develops a property in a use that is within zoning districts, is a “developer”. When it comes to land, the school has to comply with our requirements, but he was very quick to remind us that when it came to our building permit processes – the building itself – we had no authority. Not surprising because we don’t have a commercial building code. A architect sealed set of plans that meets a code in the state is all we need.

The school purchased *a part of a parcel* of land. The first thing necessary is to make it buildable. That required a subdivision. And from there rolls the rest of the requirements.

If the school had purchased a “buildable lot”, then they are a *site* developer but not a *land* developer. At least those are the words we use.

When Cornbelt purchased new land (on Franklin), they erased the former lot lines by a subdivision plat, and they became a subdivider AND land AND site developer. The former lots were only allowed to be 30% covered by impervious surface so they developed the LAND into one lot that met detention requirements by the construction of a basin and improvements of the alley based on what intended to cover. Then, they could build their facility on it. As far as the facility goes, we didn't have much oversight.

The school district on their north side (now that it is two lots) is permitted to connect into existing storm sewers without any detention. However, with undeveloped land in between it and the lake where the water needs to go, they need some kind of agreement with the landowner. I believe they were working on easements, but when the plans for South Mahomet Road became more possible, then perhaps they just let well enough alone knowing that Darrin would be developing his northern area ASAP.

I personally recall Rick telling me that he didn't want to waste the land to the west of the new parking lot (for the second phase) with any sort of temporary basin because he said that programmatically it would be a nice flat area with adjacent parking that could be used by small rec fields. You can probably see in emails where I suggested even some rain garden type things that could be used as educational opportunities for the kids.

So back to taxing bodies, we don't look at who is building. The land that taxing bodies develop come off the tax rolls and that is a significant concern for any municipality. And our building code or even architectural development standards largely could be ignored as they are exempted from that such local control. But where the building sits on the property, how the lot is graded, how the land came to be (subdivided or prior to our control) is all under Village authorities. We do grant deferrals, waivers, etc. with a plat approval process or construction plan process. Conway was a weird area because over 200 acres were in the plan and a preliminary plat for multiple phases was approved. We don't do that anymore.

It is possible to achieve compliance with zoning and subdivision regs "off site" – on someone else land. For example, parking requirements. If an easement is provided over spaces within 300 feet of the property, those parking spaces can be counted in the required number. Think about every residential lot... they don't have their own detention basin. They build a regional one. In this case, the school property was already laid out to be many, many single family homes that would drain to and become members of the POA to take care of the lake. That is the basis for the involvement of the school. The relationship was established prior to their purchase and thus the requirement held.

Lots to unpack here, are you seeing the process? What parts do you want to focus on?

From: Danielle Tietz <danitietz8@gmail.com>
Sent: Monday, October 11, 2021 1:39 PM
To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us
Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

Thank you again for providing this. I will look through it tonight. I do have another question:

What makes the district a developer? Certainly, not everyone who purchases land is a developer. When does one become a developer? Are there definitions set forth by ordinances? Are the library, Cornbelt, and the Village itself considered developers since they are also public bodies that have built on privately purchased land?

In one of your emails, you write: "The Village does not have the same oversight/authorities on a school as it does on a private developer, according to Rick Johnston, so our permits or authorizations are not as clear as you might otherwise expect to see." Can you help me understand this more clearly? Does the same hold true for other taxing bodies?

Dani

On Mon, Oct 11, 2021 at 1:30 PM Kelly Pfeifer <kpfeifer@mahomet-il.gov

> wrote:

Dani, I have sent you a few emails – all from 2016.

That was the time period when Rick was overseeing the design of the expansion. I don't believe Lindsey will have anything to contribute as she was not there. I have many of the design and review comments of their project as it relates to site development. I think everyone would appreciate it if you could look at what we are giving you before you submit a large FOIA request of the school district. I think if you look through what I send you, you may be able to refine a request to something manageable and enlightening.

Thanks for spending the time to get the facts.

It gives the board the opportunity to learn of “developer obligations” and options because as they look to expand facilities, they will have to take these things into account. Plus, downstream constraints in the center of town, will make detention and release even more challenging. Out east, at least everything was sized to pass through all the water to the lake. Also, as a point of information, when the school develops the southern part of its property, they will be able to oversize their new detention basin and then have hundred of acres paying in to maintain it.

Kelly

From: Kelly Pfeifer

Sent: Monday, October 11, 2021 11:57 AM

To: Danielle Tietz <danitietz8@gmail.com>

Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us

Subject: RE: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

Hi Dani,

This is definitely more specific and I will start to gather. The Village does not have the same oversight/authorities on a school as it does on a private developer, according to Rick Johnston, so our permits or authorizations are not as clear as you might otherwise expect to see. Like, I doubt we have resolutions that have waivers or deferrals as I would have now. But, I will find what I can and reach out to you ASAP.

One thing to review now is the attached document, 2021R02060. It is the most recent recorded document covering the land the school owns and it references other documents prior that also run with the land that you might want to go look up. The very first one, is the 2000R28534 one and it pertains to the land Darrin/VTP currently owns as well as the school. It covered 200+ acres - Hilmun Third Subdivision.

These documents are not between party agreements, if you will, but they

are agreements that require performance for development and land use by any landowner.

Kelly

From: Danielle Tietz <danitietz8@gmail.com>

Sent: Monday, October 11, 2021 11:34 AM

To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>

Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us

Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

Good Morning,

What I am gathering is this: the school district had development obligations that the Village did not require them to fulfill per the ordinance. I'd like the documentation of that agreement. I'd also like the meeting date, including meeting recording/minutes or agenda where I can find this presentation takes place, whether at the school or Village board.

I'd like all development agreements with Peters, Vertical Towers (or the previous landowners) and the Mahomet-Seymour School District, going back to when the district purchased the property.

And the engineering documents produced per the inquiry.

If this needs to be a FOIA request, then consider this my request in writing.

Thank you,

Dani

On Mon, Oct 11, 2021 at 9:10 AM Kelly Pfeifer <kpfeifer@mahomet-il.gov> wrote:

Dani,

No one is trying to be evasive and questions are fine, but you are asking questions that don't have answers and asking for documentation for things that aren't specifically documented. You know that I have never spoken to you about any article. I am telling you that you are looking at this incorrectly because of your history with the school board and land development.

The topic is coming up on an agenda because Darrin is no longer willing or able to allow the undetained stormwater to go over his land. He is developing. So, he says the school needs to do something with the stormwater going through their property. This is why it is on the agenda – because they got an offer to avoid detention or rerouting that the board should consider.

The topic on the agenda is that they are being presented with a solution that would assure they do not now have to construct detention on their site for the current phases of their development. While Village board memos include alternatives presented by staff, perhaps the lack of the presentation of options is causing the problems.

This isn't a mandatory payment as I understand it. This is an opportunity.

If the school now wants to construct its own detention and install its own pipe, it can certainly. They now will know where to connect to and have something to connect to. Subdivision covenants require they perform in compliance with ordinances and direct water to the lake in an amount and rate as if it were not developed. Darrin is complying by installing very large pipes that are sized to take on all of the undetained stormwater as well.

At the request of Lindsey, our engineer evaluated the scope of work being performed by Darrin's contractor; compared it to the Engineers

Cost Estimate for the subdivision development project; and, confirmed it was less that they could install the same on their own.

The “dredging work” is a misnomer. While dredging work is being performed by the POA in various phases as reported by their president, Russ Weber, the scope of the work Darrin is trying to provide is limited to that area of the lake. Even Meghan commented that dredging is a very expensive option and she is right that HOAs and POAs have the responsibility for maintenance which can include dredging. Unfortunately there was no one in the meeting that could offer more information on the topic she was alluding to. The school will be part of dredging of the lake in the future but only as a member of the POA by use of its dues. This \$10K is only for a cleanup in a small area.

Given this information, tell me what documentation you want and I will get it to you. The board and school have a lot going on right now and this is something I can offer my time to assist you in understanding so maybe you can ask more targeted and specific information and request similarly. I for one am extremely grateful for the opportunity your inquiry is providing. Prior boards and the current board have a great opportunity to get some “good press” finally. I will eagerly assist you with more coverage.

Happy to chat on the phone if it helps. 217-586-4456 x 122

Thanks,

Kelly

From: Danielle Tietz <danitietz8@gmail.com>
Sent: Saturday, October 9, 2021 7:01 AM
To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; board@ms.k12.il.us
Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

Great, thank you. Since we have two different accounts can you provide all the documentation that goes along on this subject? I'm sure there has to be a public meeting or a deferral on responsibility or an outline or timeliness?

Please know this, you will not add shame or guilt to my being. Both parties have done everything they can to ensure that I don't ask additional questions. That meeting was a the only time this subject has been discussed publicly. That's not my issue. It is also not the first

time that about required part of a project has been deferred. So nothing out of the ordinary there.

We will publish another article when the appropriate documentation is available.

Dani

On Fri, Oct 8, 2021, 4:47 PM Kelly Pfeifer <kpfeifer@mahomet-il.gov> wrote:

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I thought you may benefit from this as well.

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And his good word to the POA and promise to clean up the silt was accepted. We have residential property owners trying to extract thousands of dollars of damages from adjacent properties over gutter downspouts or sump pump lines. The non-compliance offer was very generous and saved the school a lot of money and facilitated the change in phasing that ultimately improved their circulation.

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Sent: Thursday, October 7, 2021 2:23 PM

To: Lindsey Hall <lhall@ms.k12.il.us>

Cc: Max McComb <mmccomb@ms.k12.il.us>; Patrick Brown <pbrown@mahomet-il.gov>

Subject: letter to the board concerning pay request from Darrin Peters for reimbursement

Hi Lindsey,

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Thank you!

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Kelly D Pfeifer

Village Planner and Community Development Director

Village of Mahomet

503 E Main Street

Mahomet, IL 61853

217-586-4456

From: Lindsey Hall <lhall@ms.k12.il.us>
Sent: Friday, 08 October 2021 at 03:38:34 PM CDT
To: Board <board@ms.k12.il.us>
Sensitivity: Normal
Priority: Normal
Subject: Fwd: letter to the board concerning pay request from Darrin Peters for reimbursement

Please see email below and attachment from Kelly Pfeifer.

I believe that Kelly is also sharing it with the Mahomet Daily in the spirit of providing accurate information on that platform.

Thank you,

Lindsey

----- Forwarded message -----

From: **Kelly Pfeifer** <kpfeifer@mahomet-il.gov>

Date: Thu, Oct 7, 2021 at 2:22 PM

Subject: letter to the board concerning pay request from Darrin Peters for reimbursement

To: Lindsey Hall <lhall@ms.k12.il.us>

Cc: Max McComb <mmccomb@ms.k12.il.us>, Patrick Brown <pbrown@mahomet-il.gov>

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From: Danielle Tietz <danitietz8@gmail.com>
Sent: Monday, 11 October 2021 at 11:34:08 AM CDT
To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall
<lhall@ms.k12.il.us>; Board@ms.k12.il.us
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Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

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Kelly D Pfeifer

Village Planner and Community Development Director

Village of Mahomet

503 E Main Street

Mahomet, IL 61853

217-586-4456

From: 'Kelly Pfeifer' via Board <board@ms.k12.il.us>
Sent: Monday, 11 October 2021 at 02:15:47 PM CDT
To: Danielle Tietz <danitietz8@gmail.com>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us <Board@ms.k12.il.us>
Reply-To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Sensitivity: Normal
Priority: Normal
Subject: RE: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

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The school purchased *a part of a parcel* of land. The first thing necessary is to make it buildable. That required a subdivision. And from there rolls the rest of the requirements.

If the school had purchased a “buildable lot”, then they are a *site* developer but not a *land* developer. At least those are the words we use.

When Cornbelt purchased new land (on Franklin), they erased the former lot lines by a subdivision plat, and they became a subdivider AND land AND site developer. The former lots were only allowed to be 30% covered by impervious surface so they developed the LAND into one lot that met detention requirements by the construction of a basin and improvements of the alley based on what intended to cover. Then, they could build their facility on it. As far as the facility goes, we didn’t have much oversight.

The school district on their north side (now that it is two lots) is permitted to connect into existing storm sewers without any detention. However, with undeveloped land in between it and the lake where the water needs to go, they need some kind of agreement with the landowner. I believe they were working on easements, but when the plans for South Mahomet Road became more possible, then perhaps they just let well enough alone knowing that Darrin would be developing his northern area ASAP.

I personally recall Rick telling me that he didn’t want to waste the land to the west of the new parking lot (for the second phase) with any sort of temporary basin because he said that programmatically it would be a nice flat area with adjacent parking that could be used by small rec fields. You can probably see in emails where I suggested even some rain garden type things that could be used as educational opportunities for the kids.

So back to taxing bodies, we don't look at who is building. The land that taxing bodies develop come off the tax rolls and that is a significant concern for any municipality. And our building code or even architectural development standards largely could be ignored as they are exempted from that such local control. But where the building sits on the property, how the lot is graded, how the land came to be (subdivided or prior to our control) is all under Village authorities. We do grant deferrals, waivers, etc. with a plat approval process or construction plan process. Conway was a weird area because over 200 acres were in the plan and a preliminary plat for multiple phases was approved. We don't do that anymore.

It is possible to achieve compliance with zoning and subdivision regs "off site" – on someone else land. For example, parking requirements. If an easement is provided over spaces within 300 feet of the property, those parking spaces can be counted in the required number. Think about every residential lot... they don't have their own detention basin. They build a regional one. In this case, the school property was already laid out to be many, many single family homes that would drain to and become members of the POA to take care of the lake. That is the basis for the involvement of the school. The relationship was established prior to their purchase and thus the requirement held.

Lots to unpack here, are you seeing the process? What parts do you want to focus on?

From: Danielle Tietz <danitietz8@gmail.com>

Sent: Monday, October 11, 2021 1:39 PM

To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>

Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us

Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

Thank you again for providing this. I will look through it tonight. I do have another question:

What makes the district a developer? Certainly, not everyone who purchases land is a developer. When does one become a developer? Are there definitions set forth by ordinances? Are the library, Cornbelt, and the Village itself considered developers since they are also public bodies that have built on privately purchased land?

In one of your emails, you write: "The Village does not have the same oversight/authorities on a school as it does on a private developer, according to Rick Johnston, so our permits or authorizations are not as clear as you might otherwise expect to see." Can you help me understand this more clearly? Does the same hold true for other taxing bodies?

Dani

On Mon, Oct 11, 2021 at 1:30 PM Kelly Pfeifer <kpfeifer@mahomet-il.gov> wrote:

| Dani, I have sent you a few emails – all from 2016.

That was the time period when Rick was overseeing the design of the expansion. I don't believe Lindsey will have anything to contribute as she was not there. I have many of the design and review comments of their project as it relates to site development. I think everyone would appreciate it if you could look at what we are giving you before you submit a large FOIA request of the school district. I think if you look through what I send you, you may be able to refine a request to something manageable and enlightening.

Thanks for spending the time to get the facts.

It gives the board the opportunity to learn of "developer obligations" and options because as they look to expand facilities, they will have to take these things into account. Plus, downstream constraints in the center of town, will make detention and release even more challenging. Out east, at least everything was sized to pass through all the water to the lake. Also, as a point of information, when the school develops the southern part of its property, they will be able to oversize their new detention basin and then have hundred of acres paying in to maintain it.

Kelly

From: Kelly Pfeifer

Sent: Monday, October 11, 2021 11:57 AM

To: Danielle Tietz <danitietz8@gmail.com>

Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>; Board@ms.k12.il.us

Subject: RE: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

Hi Dani,

This is definitely more specific and I will start to gather. The Village does not have the same oversight/authorities on a school as it does on a private developer, according to Rick Johnston, so our permits or authorizations are not as clear as you might otherwise expect to see. Like, I doubt we have resolutions that have waivers or deferrals as I would have now. But, I will find what I can and reach out to you ASAP.

One thing to review now is the attached document, 2021R02060. It is the most recent recorded document covering the land the school owns and it references other documents prior that also run with the land that you might want to go look up. The very first one, is the 2000R28534 one and it pertains to the land Darrin/VTP currently owns as well as the school. It covered 200+ acres - Hilmun Third Subdivision.

These documents are not between party agreements, if you will, but they are agreements that require performance for development and land use by any landowner.

Kelly

From: Danielle Tietz <danitietz8@gmail.com>
Sent: Monday, October 11, 2021 11:34 AM
To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>
Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>;
Board@ms.k12.il.us
Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

Good Morning,

What I am gathering is this: the school district had development obligations that the Village did not require them to fulfill per the ordinance. I'd like the documentation of that agreement. I'd also like the meeting date, including meeting recording/minutes or agenda where I can find this presentation takes place, whether at the school or Village board.

I'd like all development agreements with Peters, Vertical Towers (or the previous landowners) and the Mahomet-Seymour School District, going back to when the district purchased the property.

And the engineering documents produced per the inquiry.

If this needs to be a FOIA request, then consider this my request in writing.

Thank you,
Dani

On Mon, Oct 11, 2021 at 9:10 AM Kelly Pfeifer <kpfeifer@mahomet-il.gov> wrote:

Dani,

No one is trying to be evasive and questions are fine, but you are asking questions that don't have answers and asking for documentation for things that aren't specifically documented. You know that I have never spoken to you about any article. I am telling you that you are looking at this incorrectly because of your history with the school board and land development.

The topic is coming up on an agenda because Darrin is no longer willing or able to allow the undetained stormwater to go over his land. He is developing. So, he says the school needs to do something with the stormwater going through their property. This is why it is on the agenda – because they got an offer to avoid detention or rerouting that the board should consider.

The topic on the agenda is that they are being presented with a solution that would assure they do not now have to construct detention on their site for the current phases of

their development. While Village board memos include alternatives presented by staff, perhaps the lack of the presentation of options is causing the problems.

This isn't a mandatory payment as I understand it. This is an opportunity.

If the school now wants to construct its own detention and install its own pipe, it can certainly. They now will know where to connect to and have something to connect to. Subdivision covenants require they perform in compliance with ordinances and direct water to the lake in an amount and rate as if it were not developed. Darrin is complying by installing very large pipes that are sized to take on all of the undetained stormwater as well.

At the request of Lindsey, our engineer evaluated the scope of work being performed by Darrin's contractor; compared it to the Engineers Cost Estimate for the subdivision development project; and, confirmed it was less that they could install the same on their own.

The "dredging work" is a misnomer. While dredging work is being performed by the POA in various phases as reported by their president, Russ Weber, the scope of the work Darrin is trying to provide is limited to that area of the lake. Even Meghan commented that dredging is a very expensive option and she is right that HOAs and POAs have the responsibility for maintenance which can include dredging. Unfortunately there was no one in the meeting that could offer more information on the topic she was alluding to. The school will be part of dredging of the lake in the future but only as a member of the POA by use of its dues. This \$10K is only for a cleanup in a small area.

Given this information, tell me what documentation you want and I will get it to you. The board and school have a lot going on right now and this is something I can offer my time to assist you in understanding so maybe you can ask more targeted and specific information and request similarly. I for one am extremely grateful for the opportunity your inquiry is providing. Prior boards and the current board have a great opportunity to get some "good press" finally. I will eagerly assist you with more coverage.

Happy to chat on the phone if it helps. 217-586-4456 x 122

Thanks,

Kelly

From: Danielle Tietz <danitietz8@gmail.com>

Sent: Saturday, October 9, 2021 7:01 AM

To: Kelly Pfeifer <kpfeifer@mahomet-il.gov>

Cc: Patrick Brown <pbrown@mahomet-il.gov>; Lindsey Hall <lhall@ms.k12.il.us>;
board@ms.k12.il.us

Subject: Re: FW: letter to the board concerning pay request from Darrin Peters for reimbursement

Great, thank you. Since we have two different accounts can you provide all the documentation that goes along on this subject? I'm sure there has to be a public meeting or a deferral on responsibility or an outline or timeliness?

Please know this, you will not add shame or guilt to my being. Both parties have done everything they can to ensure that I don't ask additional questions. That meeting was a the only time this subject has been discussed publicly. That's not my issue. It is also not the first time that about required part of a project has been deferred. So nothing out of the ordinary there.

We will publish another article when the appropriate documentation is available.

Dani

On Fri, Oct 8, 2021, 4:47 PM Kelly Pfeifer <kpfeifer@mahomet-il.gov> wrote:

Hi Dani,

I thought you may benefit from this as well.

I expected you to be able to see beyond the poor presentation of the issue in the meeting to write a great article of such a positive story. In my world, landowners do not work together like this and most HOA boards are not very functional. This effort saved the taxpayers hundreds of thousands of dollars and enabled the change for the second phase to go west of the first instead of south. Had they built their own temporary basin, it would have been in the way and what a waste of land that would have been.

But none of this would have been possible without Darrin allowing his land to be damaged over many years without any compensation. And his good word to the POA and promise to clean up the silt was accepted. We have residential property owners trying to extract thousands of dollars of damages from adjacent properties over gutter downspouts or sump pump lines. The non-compliance offer was very generous and saved the school a lot of money and facilitated the change in phasing that ultimately improved their circulation.

You know enough of development and governmental operations to have seen through this poor discussion and showcase this for what it was - an unusually cooperative effort that we rarely see, while assuring that the tax payer funded school district is not subsidizing any private landowner nor any development.

I wish you would spread the good news but at least you will now have facts should you write anything else.

Kelly

From: Kelly Pfeifer

Sent: Thursday, October 7, 2021 2:23 PM

To: Lindsey Hall <lhall@ms.k12.il.us>

Cc: Max McComb <mmccomb@ms.k12.il.us>; Patrick Brown <pbrown@mahomet-il.gov>

Subject: letter to the board concerning pay request from Darrin Peters for reimbursement

Hi Lindsey,

Per the school board meeting on Monday, October 4, the article in the Mahomet Daily, and numerous comments in social media, I wish to offer you and your board answers, insight and background on the issue being considered. And I can't help but also offer my professional opinion of the "decisions" that led to this point. Please pass this email and the attachment onto the members of the school board. I also invite anyone to contact me at any time with any questions.

If this letter does not answer the questions your board posed, or generates new ones, I am happy to attend the next meeting where this item is presented for action. Please just let me know.

Thank you!

Kelly

Kelly D Pfeifer
Village Planner and Community Development Director

Village of Mahomet
503 E Main Street
Mahomet, IL 61853
217-586-4456

Conway Farm Subdivison Phase 5
Off-site Storm Sewer - Engineer's Estimate
September 14, 2021

Item	Quantity	Unit	Unit Price	Amount
STORM SEWERS, HDPE, 30"	49	FOOT	\$ 75.00	\$ 3,675.00
FLARED END SECTION REMOVAL	1	EACH	\$ 325.00	\$ 325.00
MANHOLE, 5' DIA., W/ FRAME AND GRATE	1	EACH	\$ 5,000.00	\$ 5,000.00
MANHOLE, 6' DIA., W/ FRAME AND GRATE	1	EACH	\$ 5,500.00	\$ 5,500.00
ENGINEERING DESIGN / CONSTRUCTION LAYOUT/ CONSTRUCTION INSPECTION	1	L. SUM	\$ 1,500.00	\$ 1,500.00
INFRASTRUCTURE TOTAL				\$ 16,000.00