

Village of Creston Minutes Tuesday, June 4, 2024

President Byro called the meeting to order at 7:00 pm. Trustees Elliot, Hibshman, Hopkins, Kerns, and Ward were present. Trustee Katzman was not present. Attorney Crull was also present.

President Byro introduced the May 7, 2024 minutes and asked for additions or corrections. Trustee Hibshman made a motion to approve the minutes. Trustee Ward seconded the motion. All present voted ye. Minutes were accepted as presented.

Visitors & Communications – There were none.

Attorney Crull stated that he didn't have much that wouldn't be covered later.

Casper Manheim spoke about the home at 209 W Depot St. The home has a cinder block foundation, and it is kind of L shaped. The top row of cinder blocks is missing, so the foundation is compromised. The owners are keeping the grass cut, but the roof is falling apart, and the window sashes are rotten. Casper stated it would take more money to fix it than the home is worth. A letter was sent and the person they sent it to got back to him and informed him that there is a reverse mortgage on the house. Any work that would be done on the house needs to go through the reverse mortgage company and they have not responded to the homeowner at all. Casper was looking for guidance on where to go with the situation. The homeowners are keeping the lawn maintained but the home is not in good shape. Trustee Ward asked if it was to the point where a condemnation sign should be posted. President Byro stated that the owner had passed away and the home had been empty for a couple of years or so. Casper said that the gap in the foundation is about 12-14" and provides plenty of room for rodents and weather to get into the home. Trustee Kerns asked if a letter could be sent to the reverse mortgage company. Casper said that is what he wanted to find out. Casper said he could get Attorney Crull the name of the reverse mortgage company and Attorney Crull said that they needed to send a letter ASAP to let the company know that the Village was moving forward with legal action and the reverse mortgage company would be added as a party of interest. Casper confirmed the property address as 209 W Depot St.

Casper said that the new house that was built on Hall St has a temporary occupancy permit as there are still some things that the owners need to complete. The owners put their old house up for sale and it sold the next day, so they had to move sooner than anticipated. Mr. Loyd brought a problem with the sidewalks to Casper's attention as it is not something he normally deals with, and he is not well versed on it. The ramp going from the street to the sidewalk is not ADA compliant. Casper asked if in the future the Village could have someone who knows what to look for regarding ADA compliance check to make sure things are being done as they should. Trustee Elliot asked who installed the sidewalks and Casper said that the homeowner hired someone to do it. Trustee Elliot said he wasn't sure if it was the homeowner's responsibility or the developer's. Trustee Ward stated that the Village needs to get a process in place so that the sidewalks are going in compliant. He stated that if someone filed a complaint, the Attorney General's office will look at every ramp rather than just the one, and they won't be interested in who built it. They will look at whose property it is on. Trustee Kerns asked if a drawing could be provided to show what every corner should look like. Kevin Bunge said that there are standards in place. Trustee Ward stated that the issue could be that the builder who installed the sidewalks might not do that kind of work, so they did not know what the standards were. Trustee Elliot asked how far a public easement went toward the house. Kevin said just slightly past the back side of the sidewalk. Trustee Ward said that sidewalks are typically about a foot off the right of way. Casper said that going forward he would talk to the builders to make sure that it was being done correctly. Trustee Elliot asked if there was anything that went toward the street and he was informed that it goes to the curb. Kevin stated that the corner lots are a problem and contractors that don't do a lot of sidewalk work don't know the standards. Kevin said that they get called out to check them, and if he is given enough notice, it is not a problem because he can have someone in the area. Trustee Elliot stated that he doesn't see why it should be the homeowner's responsibility. Trustee Ward stated that when someone buys a lot from a developer, they assume the responsibility for the sidewalks. Casper reiterated that once new homes start being built in the subdivision, he wants to make sure that everything is being done correctly. Kevin said that he has a sheet that they hand out for sidewalks that include the parameters that need to be hit when installing the sidewalks.

Kevin Bunge said the only thing he had to talk about was on the wall (plan for Storm Sewer Project) and that was on the agenda for later.

Committee Reports

Finance - Trustee Hopkins had nothing.

Streets & Alleys – Trustee Ward had nothing. Trustee Ward asked if the Village would hire whoever did the patching for the library to patch the hole that was made for the water main repair. Curtis Loyd stated that they were planning to dig the sink hole out on Prairie St, and see what's in it, and then fill it back up and pack it. Once that was done, they planned to patch the area where the water main repair was done on Grant and Main St, and then fill the hole on Prairie St on Thursday if it was acceptable. President Byro asked if the hydrant down by Casey's was going to be repaired, and Mr. Loyd said it would be done on Wednesday.

Water & Sewer – Trustee Kerns had nothing. President Byro stated that the new water operator was going to come in and meet with him the following day. The president of Test, Inc. was going to come, and they would meet the man who was going to be covering our area. He mentioned the emergency generator that will have to be installed in the next couple of years for the well house. President Byro asked Curt Loyd if he had anything he wanted to talk about. Mr. Loyd stated that he would have to shut down the water tower the following day to finish the water main repair. He said that he shut down 17 valves from North St to 38 and Main St to Cederholm and he could not get water off to that main. He said it was backflowing somewhere, but he could not make sense of it. He planned to shut the tower down at 8 am. He thought that if he could have gotten the supplies, he would have installed a 4" valve on the 6" water main that was put in at Grant and Prairie Streets. He said he thought they could do both that day, but he didn't have the supplies. Trustee Ward suggested calling Adam and asking if the Village could borrow from his stock, and Mr. Loyd stated he had not thought of that. He said he wasn't sure if he could pull it off on such short notice. Trustee Ward asked if they were putting in 3 valves on the 3-way main and President Byro said yes. President Byro thanked Mr. Loyd for all his hard work. Trustee Hibshman asked Mr. Loyd if he thought the water would be off for about 3 hours and Mr. Loyd said it was hard to know at that point. Mr. Loyd said that he was going to have the crew try to assemble part of it on the ground first so that he wouldn't have to have the water off as long. President Byro said it takes about 2 hours to get the town to drain so that they can get in and make the repairs and then it takes another hour and a half or more to fill it back up.

Health & Safety - Trustee Hibshman had nothing.

Zoning & Planning – Trustee Elliot said he had nothing.

Subdivision - Trustee Elliot stated that they were doing a good job mowing. President Byro announced there was some news regarding the subdivision and he asked Attorney Crull to talk about it. Attorney Crull stated that a proposed development agreement did not include some of the items that they had been going back and forth with the developer's previous counsel about. The developer has new counsel, and everything has been put into a new development agreement. It was not yet finalized, but it is a responsive proposal that was sent out earlier that day to the developer's attorneys. President Byro stated that Attorney Tess did a good job. Attorney Crull said that the agreement encompassed everything, and President Byro said he hoped that the developer would sign the agreement so they can move forward.

Trustee Elliot said he drove around the subdivision earlier and it looked pretty good. President Byro asked Trustee Elliot if he saw where someone backed into the fire hydrant and knocked it over. Trustee Elliot said he missed that. President Byro said that they replaced it. President Byro agreed that the subdivision looked a lot better.

New Business – President Byro introduced Treasurer Payton to talk about the FY25 Appropriations Ordinance. She said this was the first time it was hard to do the appropriations. As a resident of the Village, she put some money into the water fund because there is work that needs to be done. Total appropriations came up to \$1,102,150. The General Fund is fine and has plenty of money to cover the appropriations of \$524,950. President Byro asked what line would be for the Emergency Generator. That was under the water department, under new equipment, for \$75,000. She also put \$150,000 in maintenance for fire hydrants and valves. The water department appropriation is \$403,900 and Sewer appropriation is \$173,300. She had noticed that in the last couple of months, the sewer flow has increased enormously. It has gone from \$5,000-6,000 per month to \$12,000 and \$14,000 in the last two months. President Byro asked if more rain had gotten in and Mr. Loyd said he thought so. He said that once he got caught up on the projects he was currently working on, he would start popping lids after it rains to see what was going on. Treasurer Payton said the ordinance was preliminary and that if anyone had any suggestions, they could email her or call her or come in and talk to her, or changes could be made at the next meeting before it was voted on. Trustee Ward asked if the utility was in the red because of capital improvements or because of operations like the sewer flow. Treasurer Payton said part of the reason was because she hadn't transferred the last bit of the ARPA money from the General Fund after the water main project was completed. She said once she transferred that money, that would be taken care of. Treasurer Payton said that the Village does have the money to cover everything.

President Byro introduced the 2024 ICC Building Codes. Casper talked about the Ordinance and he mentioned that swimming pools and spas used to be in the IRC, but they removed them from the IRC and gave them their own book. Casper referenced mention of the Northwest Illinois Regional Building Code on page 3 of the Ordinance. That was started in Rockford about 8 years ago. That has since been dissolved and doesn't exist anymore. Attorney Crull said he would amend as read to take out all mentions of that. Attorney Crull asked if there was anything else and Casper said no. Trustee Kerns said that the ordinance talks a lot about sprinklers. He wanted to

know what would happen if the water system did not support sprinklers, or does our water system support sprinklers? Casper said it was for commercial buildings. Trustee Kerns was concerned that someone would want to build townhomes and run into problems. Casper said that was a good question and he had not run into that before. He said there are towns that still have 2" and 4" water mains. He said that it would be a problem, but if the developer wanted it badly enough, he may pay to have a water main increased. Trustee Kerns stated that at the end of the day, it had to make sense. It's not if the developer wants it or not. Trustee Kerns was concerned that it would eliminate housing opportunities. Attorney Crull said the ordinance mirrored what was done last time and if the Board wanted to change it, now would be the time. Trustee Kerns said he wasn't sure it could be changed, he just had that question if the National Code was to be followed. Trustee Ward looked at the availability of lots in existing towns becoming fewer and fewer, and a subdivision would have an adequate water system in it. Trustee Ward stated that the subdivision has a 10" water main in it and Trustee Kerns wanted to know if that would support it. He said he didn't know the answer. Casper said that sprinklers would impact the apartment complexes more because whether commercial buildings need sprinklers is based on square footage and how many people are in it. Kevin said that they do get asked by potential developers if certain spots can handle sprinklers, and if not, they will look somewhere else. Casper said that that the Ordinance was amended for R1 and R2. Casper said he had never dealt with one, and he didn't know how many contractors around the area knew how to do it. He said that once the systems are installed, they must be tested every year. Trustee Kerns said that he knows Cortland requires sprinklers because he just built a townhome over there and sprinklers were installed throughout the whole thing. Casper said he wished he had an answer for Trustee Kerns. Trustee Kerns said that housing is a problem because they keep adding more regulations and requirements, and it will get worse and worse and harder and harder. Kevin said that the people who are asking where is the affordable housing don't understand that it's the government that is taking away the affordable housing. It is not that the developers don't want to do build it. They can't. Trustee Ward said that most affordable housing requires government subsidies.

President Byro said that if there were no other questions, he would ask for a motion to accept Ordinance Number 060424 and Attorney Crull added with the modification that all references to the Northwest Illinois Regional Building Code be removed. Trustee Ward made the motion. Trustee Hopkins seconded the motion. Roll Call Vote taken. Ward, Hibshman, Elliot, Kerns and Hopkins all voted yes. Trustee Katzman was not present. Ordinance passed.

Casper said that now that the ordinance was passed, the new books needed to be ordered. Trustee Ward stated that the Board already approved \$1500 to go toward the books. Trustee Kerns said that the amount given exceeded the estimate, and Trustee Ward added that if the cost exceeds the \$1500, President Byro has spending authority to approve the overage.

President Byro moved on to the Ogle County Economic Development. He said that he and Trustee Elliot had talked about it at length, and they felt that the time had come to join the organization. Trustee Elliot said that he handed out the information that Charlene had sent him regarding the different levels and how much each level costs and what comes with that level. He said that with Creston being on the eastern side of the county, any developments that might be coming have a better chance of landing here than on the western side of the county. President Byro said that the Village had an economic development person a few years ago. Trustee Ward said that if Charlene helps the Village on just one issue, the fee has paid for itself. Trustee Elliot made a motion that the Village of Creston join the OCEDC at the \$1000 level for this year and weigh what the benefits are down the road. Trustee Ward seconded it. President Byro asked if there were any questions. There were none. Roll Call vote taken. Trustees Hopkins, Kerns, Elliot, Hibshman, and Ward all voted yes. Trustee Katzman was not present. Motion passed.

President Byro transitioned to Village Property. The resident that lives next door to the now empty lot on North St wants to buy the property. There are rules that the Village has to follow in order to sell a piece of Village-owned property. The Village can put the property out for bid, or they can put it up for sale through a realtor, an auctioneer, etc. If the second option is chosen, the property must be appraised, and it cannot be sold for less than 80% of the appraised value. Attorney Crull stated that it may be beneficial to put the property out for bid first to see if any reasonable bids are made. That option would allow the village to forego the requirement of having the appraisal done and selling for 80% or more of the appraised value. He said that in his experience, lots that are next to the railroad tracks and non-buildable are not generally appraised for much value. Trustee Ward suggested that if the Village puts it up for bid, they need to disclose that it is a non-buildable lot. Trustee Kerns agreed with that. Casper said he needed to check to see what the minimum sizes for buildings were, because all the setbacks would still need to be met. Trustee Elliot asked if the resident buys it, can he then build a garage on it. Casper said that if the resident combined the lots to make them one lot, then he could. Trustee Ward asked if he had to combine them by platting them or at the County. Casper said he would have to combine them at the County so they can combine the two tax codes into one. Once that was done, that would meet the requirement for a principal structure and he could then build an accessory structure. Trustee Kerns said that the Village needed to figure out how to get the neighbor to buy it. Attorney Crull said that the Village would still have to put it out for bid per statute. Trustee Elliot asked if the Village should set a minimum bid. Trustee Kerns said that the Village would not come close to recouping what was spent. Attorney Crull said that anything the Village would get was a gain, and Trustee Ward added that the Village has the right to reject any bid. President Byro said that he would talk to the resident. Trustee Ward asked if it was the actual owner of the home as he thought the residents were tenants. President Byro said that the man's name was Travis. Treasurer Payton said that Travis is the owner, and he rents it out.

Attorney Crull brought up the landfill farm. He said that the Village is getting the farm this year, and it will be with the current tenant. He said that they don't have an option as it is a holdover lease from last year. Mr. Al Wetzel will be farming it. He was able to plant 56 acres of it, at \$250 per acre. That would amount to \$14,000 for the entire year. He said he would pay the entire thing. Attorney Crull said it is normally paid half at the beginning and half at the end, and Mr. Wetzel requested to pay it all at the end. Attorney Crull said he did not see a problem with that. Attorney Crull said that he had a good conversation with Mr. Wetzel, who expressed what some of his concerns were. Attorney Crull had a lease that he had drafted that would embody those terms as far as that property is concerned. As it relates to that property, the Village was under contract to get that property transferred to us. Attorney Crull has been in communication with them, and they want a new ordinance. The Village is trying to modify a berm and maximize the tillable acreage in the future, so that is still being worked on to close on it. Trustee Ward asked if a motion was needed to approve the lease. Attorney Crull said a motion should be made to approve it, even though the Village really doesn't have an option. It is the same terms used for the Village farm except it is a one-year lease. All the other requirements are the same. A notice to quit would be sent in October and then it would go out for bid at that time. President Byro said they were getting ready to start moving dirt out there and it wouldn't be completed until next fall. A new entrance will be installed as well. Trustee Kerns asked if the berm came across the east side of that as well as the south side. Trustee Elliot said that the berm would only be on the east side. Trustee Kerns asked if the Village would lose farmland there and President Byro said yes, but they would gain it elsewhere. Trustee Ward said that would make more land to the north tillable. Trustee Kerns asked if the material in that hill would be used to complete that. President Byro said that the big berm was staying. It would be 14' just like the one on the south side and it would go just down to the corner of Locust and Creston Road. The south side would be basically open, and a new entrance would be put in there. Mr. Wetzel did not plant where they are going to start the berm.

Trustee Hopkins made a motion to enter into a lease agreement with Mr. Wetzel for this year for the property. Trustee Hibshman seconded the motion. Trustees Hibshman, Elliot, Kerns, Hopkins, and Ward voted yes. Trustee Katzman was not present.

Old Business – President Byro introduced the Intergovernmental Agreement. He asked Trustee Elliot what the Park District decided, and he said that they barely had a meeting the previous month so they didn't really discuss it. President Byro said that if the Park District wanted to get in sometime down the line, the agreement could be amended. Attorney Crull said he tried to make it straightforward. He wrote it as a yearly agreement that would automatically renew unless 60 days prior someone moved to end it. President Byro said he wanted everyone to know what was going on and he hadn't heard from the Park District. Trustee Ward asked if a motion was needed. Attorney Crull said that he would ask for a resolution for President Byro to enter into the Intergovernmental Agreement. Trustee Ward made a motion for a resolution for the Intergovernmental Agreement for the website between the Village of Creston and Dement Township. Trustee Hopkins seconded it. All who were present voted yes. Resolution passed.

Kevin spoke about the Storm Sewer Project. The layout design was about 60% completed. It will start on the north side of the tracks where the culvert dumps out; head east where the drainage is naturally trying to go; jump North St; intercept with the new pipe brought down from Headon's a few years back, and then go to the north side of Cederholm. When that point is reached, there is no free-flowing outlet. The ground is above and the pipe is below. Until something gets built through there, there won't be free flow. This project will move everything through town. It will tie into the culverts and the drain tiles that are there to give the land the opportunity to dry up. In the interim when a big storm comes and it tries to fill the pipe, it will come back out the top and that is fine. The village doesn't have the large pipe from there across the highway to keep it underground the whole way. This project will serve as the backbone for everything, and the Village will be able to tie a lot into it. It is designed for a typical storm sewer system. 800' of 36" pipe will be used and 6 structures will be built, and bids will fall in the \$180,000-\$200,000 range. Kevin said if the Village gets a contractor who is hungry who doesn't have a lot on his plate, it could fall to \$150,000. President Byro stated that more discussion needed to be had. Kevin said to keep in mind that this project is larger than originally conceived and if the money is an issue, then they can build less of it. Trustee Ward asked what Phase 1 would cost, from North to Cederholm. Trustee Kerns said it would probably close to \$150,000. Kevin said about \$120,000 or so. President Byro asked about pipe size, and Kevin said it would be 36" concrete pipe. With pipe that big, each structure is 6' in diameter, which is expensive. Kevin said that the Village could build as much of it as we want, or none of it. He was asked to put a plan together and that is what he did. He said that smaller pipe size could be used, but President Byro did not want to do that. Kevin said that the other things to take care of were the easements. Kevin said he doesn't anticipate a lot of trouble as there is a lot of standing water now, and taking the water underground would help those residents. One easement would be permanent and would be about 15'. President Byro thanked Kevin for the work he has done so far, and he said that the Board will need to have more discussion surrounding it. Kevin also recommended waiting until January or February to go out for bids to get the best prices.

President Byro asked Doug Kroupa if he wanted to say anything. He said he came to answer any questions about the library build-out. He said he had been getting a lot of information from people asking why the library screwed up all the water in town. Mr. Kroupa also stated that some of the spots drawn on the street are a little off, so some of the engineering designs might need to be updated. He cited the example of the gas pipe, and the water pipe are right on top of each other rather than being 6' apart as they were marked. Mr. Kroupa said they have also run into some cost overruns based on those types of things that are being worked through. There was a delay of a day or two to get everything in and out. He said that they did connect into the locations as planned and he believes that

everyone is happy with the way they are packing the road. President Byro said that he thought everything was going well so far. Mr. Kroupa said that if anyone had any questions to call him. His name and number are on the bulletin board at Booster Hall. Mr. Kroupa said that they are on schedule, and he thanked the Village for all their support.

Mr. Loyd brought up the high-pressure line and a sewer line that run down Cederholm St. Mr. Loyd said that according to the prints, there is supposed to be a 5' space between high pressure and sewer. Kevin said up to 5, but basically buried in the same trench. Mr. Kroupa said the difficulty they had was figuring out which pipe to cut into. JULIE said that the pipe was one way, but the drawings showed something different. Kevin said that the Village's prints are right.

Treasurer's Report – President Byro introduced the bills. Trustee Hopkins made a motion to pay the bills. Trustee Kerns seconded the motion. Roll call vote taken. Trustees Hibshman, Hopkins, Kerns, Elliot and Ward voted yes. Trustee Katzman was not present.

President Byro said he had nothing else. Trustee Ward made a motion to adjourn. Trustee Hopkins seconded the motion. All voted in favor. The meeting adjourned at 7:57:30pm