

## Village of Creston Minutes Tuesday, July 2, 2024

President Byro called the meeting to order at 7:00 pm. Trustees Elliot, Hibshman, Hopkins, Katzman, Kerns, and Ward were present. Attorney Crull was also present.

President Byro introduced the June 4, 2024 minutes and asked for additions or corrections. Trustee Hibshman made a motion to approve the minutes. Trustee Kerns seconded the motion. All present voted yea. Minutes were approved as presented.

**Visitors & Communications** – President Byro announced that Scott Garrison, who used to do maintenance for the Village years ago, passed away a week or so ago in Oklahoma. The Village sent flowers. Trustee Katzman asked if President Byro had anything else for Visitors and Communications and President Byro said he did not. Trustee Katzman said he had a message from Ken Stoll with the Booster Club, who could not attend the meeting. Trustee Katzman officially announced Booster Days as taking place on September 13, 14, and 15<sup>th</sup>. Mr. Stoll said he would be applying for the license next month and he was working on getting the liability insurance in order within the next month.

Attorney Crull stated that that he removed the reference to the Northwest Illinois Regional Building Code from the new building code ordinance, and the new ordinance was passed and had been signed and was now complete. He also made a couple of adjustments to the Intergovernmental Agreement between the Village and Dement Township and that was passed, had been signed and was now complete. The farm lease from the landfill farm has been sent to Mr. Wetzel for his signature. Atty Crull said that he did a title search from his office on the property at 209 W Depot St and he did not see a reverse mortgage listed in association with the property. He said that they would pay for a title search to be done to see what, if anything, came up, and would proceed with a demolition action unless he was told otherwise. Regarding the sale of the Village property on North St, an ordinance is being put together that will need to be on next month's agenda. Once the ordinance is passed, then the property can be put out for bid.

Casper Manheim stated that people are still requesting permits. He had one for a basement remodel. The new house on Hall St is finished. He said that they had one or two items for Casper to sign off on, so he gave them a permit for temporary occupancy. He said that the items were safety issues, so they have to be taken care of. .

He said that the new owners of the home at 123 W North St have been doing a really good job of rehabbing the home and are in the final stages of getting the inside done. Casper was happy with how the project has gone and it reinforced that houses can be saved. Atty Crull asked about the house at 224 E Depot St. Casper said he hadn't heard anything from them. Trustee Ward said that they painted the porch. Trustee Katzman commented on how the new owner cut down and removed a lot of brush from the property. President Byro said that he heard the new owner was going to put a new roof on the house. Casper said that a new roof would make a big difference as it would keep the water out and allow them to get the inside work done.

Kevin Bunge said he had nothing that would not be covered later.

### **Committee Reports**

Finance - Trustee Hopkins had nothing.

Streets & Alleys – Trustee Ward had a few things. IL Route 38 was supposed to be repaved in June, but the bid did not go out until June 14. Rock Road Companies out of Janesville WI won that bid. It was within the estimate range, so work should go forward. The same company won the bid to repave IL Route 64 from IL Route 251 to the DeKalb County line, so getting from Rochelle to DeKalb County will be challenging for a month or so. The cut across Main St for the library water main is causing issues. The Village was told by Mr. Eallonardo that they would maintain that cut and keep the road smooth and that had not happened. Trustee Ward said he went over it in the fire truck and about knocked his teeth out. Trustee Ward said that they either need to maintain it or they need to patch it. He said it was time to hold someone's feet to the fire regarding that issue. President Byro said he would stop by the construction site and talk to someone. Trustee Ward said he wasn't sure who was supposed to maintain that as they have a lot of different contractors on site. President Byro asked Curtis Loyd if there was someone they could talk to, and Mr. Loyd said there was but he could not recall her name. President Byro said he thought he had the number in his phone. He said he would call and remind them to either maintain it or patch it. Trustee Elliot asked if it would be ready for patching. Trustee Ward said he thought it should be. Trustee Katzman said that they were going to patch it when they paved the parking lot, but that probably wouldn't happen for a couple of months. Trustee Katzman said they at least need to put some gravel in it and level it out. Trustee Ward said that it definitely can't stay the way it is through winter as Mr. Loyd would hit it with the plow and that could be a problem.

Trustee Ward asked President Byro if he wanted to talk about Dick Young. President Byro stated that Mr. Young was asking to have his sidewalk replaced as he expects to be in a wheelchair in the near future and would like to be able to move freely. President Byro discussed it with Trustee Ward and asked Trustee Ward to talk about it. Trustee Ward stated that under the Federal ADA laws, the Village must maintain the sidewalk because it is there, and it must be ADA accessible. Because Mr. Young is going to be in a wheelchair, it is a legitimate need. Trustee Ward said that the Village can't just take the sidewalk out. The regulations cannot force the Village to put a sidewalk in where one does not exist, but if one is already there, the Village must maintain it. Trustee Elliot asked where the sidewalk in question was located and Trustee Ward stated it is on South St and Grove St, across from Deanne Haub. Trustee Ward said that he would get some quotes and bring those to the next meeting. He asked if the Village wanted to repair the sidewalk only from the corner to the other side of Mr. Young's driveway or go all the way to Marty Bee's sidewalk. Trustee Ward stated that there was no reason to run the sidewalk all the way to Woodlawn Rd. Trustee Elliot stated that if the Village was going to get bids to fix the sidewalks, that they should fix it all. Trustee Ward stated that was all he had. Trustee Ward then mentioned golf cart permits. He was talking with Mr. Loyd as Trustee Ward and his wife have one they need a permit for and there are very few that have permits. He asked Clerk Payton if she knew how many permits had been issued. She said she would have to look in the folder as she had sent out renewals and got a lot of them back. She said no more than 20, but probably less than that. Trustee Ward said that there are more unpermitted golf carts in town than ones that have permits. He said the issue becomes enforcement: how does the Village enforce the ordinance on those who don't get permits to make it fair to those who do get them. President Byro said it is something that the Board would need to think about. Trustee Ward said there are two options: go after the people who don't get the permits as required by ordinance, or get rid of the permit fees yet still keep the ordinance that states specifies the regulations. Trustee Ward wanted to know how the Village can justify charging fees when half the people don't pay them. Trustee Elliot asked if there was a penalty structure in place and Atty Crull said it was probably a standard penalty table. President Byro asked who would enforce it. Mr. Loyd said that he has not inspected any golf carts or side by sides in 2 years. President Byro asked if the issue needed to be decided at the meeting. Atty Crull said that if the ordinance was going to be changed, it should be put on the agenda for next month. Trustee Kerns said that if the Village changed the ordinance after renewals had already gone out and people had paid for their permits, it would create a bigger problem as refunds would need to be given. Trustee Ward asked if golf carts needed to be inspected every year at renewal time and Mr. Loyd said no. Clerk Payton explained that golf cart owners needed to submit proof of insurance, submit a copy of their current, unexpired driver's license if not already on file, and sign a certificate of liability in addition to paying the \$35 permit fee.

Water & Sewer – Trustee Kerns said the only thing he had was the patch job at the corner of Main and Grant Streets where the water main break was repaired. He said they did a nice job with the patch. President Byro said he asked Mr. Loyd about getting more gate valves installed at a couple of more locations this year. He said that he would like to get one done in July and maybe one in August. Trustee Ward said that if the Village is going to do it, they should do both locations at the same time as it is more cost effective that way. Trustee Ward said that he looked into what locations should be done first, and he said we know there is a bad valve at the corner of Grant and Grove Streets, so working on that intersection would possibly help in isolating that quadrant of the Village. He also stated that for some reason when the new 6" went in north of Prairie St years ago, from Grant to Route 38, there was never a valve put on that 6" main. He said that part of the problem when Mr. Loyd tries to shut it down is that it back feeds around through there. Trustee Ward said that would be another intersection to look at. Trustee Ward said that it looks like there are valves on the mains coming under the tracks on Transit over by the well house, and according to the maps, there is no valve on Main St near Main and Depot. Mr. Loyd said he hasn't been able to find any. Trustee Ward said if they could install them in that location, then shutting those valves off would back feed to the subdivision and keep the south side of town going. Trustee Ward said that the best thing to do was bid for unit prices for valves, reducers, and the other needed parts and then let them bid on it. If it is done that way, and more parts are needed as the project progresses, the unit prices are locked in. Trustee Ward said that if the Village gets good prices, then they could look at doing more. Mr. Loyd said there was another valve issue at Grove and Depot Streets. That valve cannot be shut off, and the fire hydrant leaks when he tries to flush it. Mr. Loyd said that if they do that intersection, they could replace the hydrant and the valve, plus add more valves at the same time. President Byro suggested coming up with 2 or 3 locations to start with and see what kind of plan they can put together. Trustee Ward said that most of the water mains are under grass, so what he would like to do is extend a new water main when installing the valves so they can be moved out from under the road. That way, if there is a main break, they don't have to tear up the pavement. .

Health & Safety - Trustee Hibshman had nothing. Trustee Ward brought up the fact that Northern Illinois Disposal is not taking anything outside the can and that is not our contract. He said that his neighbor put a piece of furniture out and they didn't pick it up and the furniture ended up being broken all over their yard. Trustee Kerns said that the Board specifically asked that question. Trustee Katzman said residents could set out one extra item per week. Trustee Ward said it was not one item per week and Trustee Katzman corrected it to one large item per week. Trustee Ward said that they cited the example of going to Ashley Furniture and buying all new living room furniture and that it shouldn't take 3 weeks to get rid of the old furniture so that it sits around and becomes a nuisance. Trustee Ward suggested reaching out to NI Disposal and reminding them to remind their drivers that the Village is not under Rochelle's contract. Travis Kerns put out an oversized box which wasn't picked up for 2 weeks.

Zoning & Planning – Trustee Katzman said he had nothing and Trustee Elliot confirmed he also had nothing.

Subdivision - Trustee Elliot stated that he drove around at the subdivision earlier that day and saw a lot of markings for street repairs. President Byro said it's progress.

**New Business** – Attorney Tess spoke about the Creston Commons Development Agreement. He apologized for not getting the agreement to the Board earlier. He said that he and the attorney for the developer had been making changes until 3pm that afternoon. He said that an agreement had been reached. He said he had been meeting with President Byro and Trustee Elliot every week and they made a lot of progress in the last 3 weeks with the developer's new attorney. The first part of the agreement was recitals. He said he hadn't seen any title work, but he did receive an email stating that Tim and Jerry were the owners of the property and by entering into the agreement, they would agree to that as a matter of record. The other exhibits were the final recorded plat, the annexation ordinance and the subdivision ordinance, and they would be bound by all those ordinances. The guts of the agreement started at Article II: Development of the Park and Detention Sites. The Developer would be responsible to make all sites free of debris, and all trees must be properly removed and destroyed, with the remnant of the trees must be properly destroyed with appropriate killing agents. All sites must be backfilled along the edges and the curbsways. All sites should be seeded and be in mowable condition with conventional lawn equipment when they are finished. The Village engineer has the authority to make sure that is all done and let the Board know. All vacant lots must be maintained according to the Village code. Once that is all done, the Village will accept the parks and detention sites. The parks will be immediately deeded to the Park District. The Park District sites will also be cleaned in the same fashion and the developer will make the same \$50,000 donation as required in the original annexation agreement. Mr. Hayden came up with the idea to provide the Park District with a comprehensive park plan on how to develop the parks. Their donations won't have to be matched by the Park District but will probably have to provide some funds. Once the improvements are accepted and the same work has been done on the detention sites, then the Park District will accept that property and be responsible for it after that. The developers will follow all zoning and development ordinances and annexation agreements that have been in place since 2007. He stated that with the help of the Village Clerk he found one ordinance that modified it, and he sent it to their attorney that afternoon. That ordinance was on the Architectural Standards and Residential that was passed on October 3, 2006. They will be bound by that agreement in addition to everything else that had previously been agreed to. The only thing that is different is that they are asking to build 10 duplex dwellings. The Village will agree with that pursuant to the development agreement. The duplexes would have to have separate sewer, water and electric services. There is an exhibit attached that indicates where the duplexes would be. If they want to add more duplexes or move them, then they must come back to the Board and ask for a Special Use Permit. Trustee Ward asked where the area was. Attorney Tess said it was toward the back. Mr. Hayden said it was the southernmost street, which is Truman St. Architectural and development standards are all pursuant to the Village ordinances that have been previously passed. The developers will not be required to hold any more public hearings or ask for anything if what they are doing is in line with the current zoning and other ordinances that are in effect. It will be Casper's responsibility to ensure that. Attorney Tess said that the Village agreed to freeze those ordinances for 5 years because the developers don't want to get started on the project and get 2 years into it and have ordinance changes that may impact what they are doing. Any new ordinances that are passed in the next 5 years will not affect them. Trustee Elliot asked from what date that takes effect and Attorney Tess said from the date the agreement is entered into. The Village will accept the roads and curbs and the gutters contingent on the developers doing some work. An exhibit that was developed by C.E.S. has been provided to them and it is rather extensive. Generally speaking, they are going to spray all the weeds, clean up the curb lines and pavement edges, and fix the crack in the roads. Attorney Tess said since he relied on Kevin's work, anyone with questions can talk to Kevin.

Attorney Tess said that the developers will be responsible for all water line laterals from the main through the buffalo box to the residential unit. The Village will not require that they change every one as they go along, but any water line laterals from the main to the buffalo box not replaced at the time of construction will be warranted for 2 years for replacement including labor after the individual lot construction. After 2 years, responsibility would revert back to the Village unless an ordinance is changed to make the homeowner responsible for the laterals from the main to the home. Attorney Tess said it made a lot of sense to replace those lines when they are putting in the line from the buffalo box to the house. Some have estimated the cost to be \$500 and others estimated it to be \$1000. The developer will not take any chances if they get in there and find anything suspect. The \$30,000 fee for water dept improvements will be waived as that work has already been done. The DSSA (Dormant Special Service Area) will be waived. The parks and detention areas will be cleaned up and given to the Village, so there is no need for the DSSA. Trustee Ward asked if the Village will be responsible for mowing and maintaining those areas. Attorney Tess said that was part of the original agreement, the Village just didn't accept them. Trustee Ward said he thought the DSSA was to cover the maintenance of those areas. Attorney Tess said that was only during the course of the development when the developer did not maintain it. Attorney Tess said that will be the responsibility of the Village. Trustee Ward said that will be a lot of mowing. President Byro said that if it's done correctly, it could be done 2-3 times a year and properly maintain it. Attorney Tess said the ability to do that has been available to the Village for 20 years. The Village just never took advantage of it. Attorney Tess said that the fees charged to the developer on a per lot basis that were \$5500 in the original agreement, have been reduced to \$1000 per lot for the first 20 lots. Lots 21 forward for 4 years will be \$2000 per lot. From 4 years for another 3 years, it would be \$3500 per lot and after that, it would be up to the Village to create a different ordinance to set our own fees if it isn't

over \$5000. The reality is that when one looks at what had been put into the annexation agreement, only \$2000 of that \$5500 was coming to the Village. The other money was going to other places like the schools, the fire department and other places. Trustee Ward asked if the impact fees for the school were still in effect. Attorney Tess said that they will be waived. Attorney Tess said he spoke to the school superintendent personally and she told him to waive whatever he needed to waive to get more kids in the school. Casper asked if the developers would be using the 2006 codes for the new construction and Attorney Tess said no, because the Village had passed the ordinance to adopt the 2024 codes prior to the development agreement being signed. As such, the 2024 codes will be used for the subdivision. The developers agreed to pay \$10,000 toward attorneys' fees, and there is a lien for \$19,871 for past due mowing and snow plowing that will be paid upon signing the agreement. The rest of the agreement talks about breach of warranty and agreement. Both parties have to abide by the agreement and attorney's fees are available in case there is a breach. The agreement is good for 10 years and the rest of it was pretty standard language. Attorney Tess said that any questions could be directed to President Byro, Trustee Elliot or him. Kevin asked if the connection/impact fees included RMU fees for sewer hook-up. President Byro and Attorney Tess both said that there were no fees charged by RMU. President Byro said that they did their due diligence, and he was sure that they had come up with a good agreement. He said that the Village needed to move on so that Mr. Hayden could start work up there. President Byro asked for a vote. Trustee Hibshman made a motion to accept the Development Agreement. Trustee Katzman seconded the motion. President Byro asked for discussion. There was none. Trustees Katzman, Elliot, Hibshman, Kerns, and Hopkins all voted Yes. Trustee Ward voted No. The Development Agreement was passed with a 5-1 vote. Attorney Tess requested a copy of only the signature page be sent to him.

Attorney Tess stated that the landfill property had been a lot more work than anticipated. They have stockpiled a lot out there in different places. Attorney Tess said that he and President Byro met with them and told them that they didn't want certain stockpiles in certain places. When the final permit was sent to Springfield, it came back with a request that they needed to cut into the property that they agreed to give to the Village. The Village agreed to do that because they were moving the creek, and the exit was going to be different, and they wanted more space between where they were moving the creek and the property line. He said that they are waiting for another survey. The original agreement was for 85 acres, and it was cut down to 80 when they made the changes. He said that they have made some moves, and the Village will be able to get at least 110 acres. Attorney Tess was waiting on a stockpile plan. There is a roadway that runs between the south and north ends. Originally, they had agreed that that roadway would be moved. The roadway will stay where it is, but they are going to go in and clean up the road and level it, and that would make it possible to farm from the south end to the north end. The stockpile at the north end will be used for the berm. The Village should already own it and it should already be deeded to the Village, but the permit delayed things. When all is said and done, the Village will get 15-20 more acres. Trustee Ward asked if the parcel on the curve that is orphaned by itself was coming with it and Attorney Tess said it was along with a portion to the west. Trustee Hopkins asked if part of the agreement included the trees in the back part that could be field. Attorney Tess said it could be when the time comes if the Village can clean it up. Trustee Hopkins asked if the landfill would clean it and Attorney Tess said that the Village would have to clean it up. Attorney Tess said that the Village will get the rent from the 2024 farm lease, and Attorney Crull stated that that lease was out to be signed.

Trustee Ward said that part of the agreement required them to put a membrane over Cell 1 and Attorney Tess said he believed they had started to do that. He said they were also opening the next cell.

President Byro gave the floor to Kevin to talk about the storm sewer project. Kevin said he was waiting to hear from the Board. President asked about what, and Kevin stated that the previous month the Board had put it on hold to talk about money. President Byro said he didn't think it was about money but to talk about what the Board wanted to get done. Trustee Hopkins said that they were looking for an idea of what it would cost to go from North St all the way to the railroad. Trustee Ward said that Kevin gave us those figures last month. Kevin said that he quoted \$180,000-\$200,000 and at that point, it became a matter of talking about the money. Trustee Ward said that easements were also needed, and Kevin agreed, but he said he was kind of tabled on the project last month. President Byro said he didn't know if it was tabled. They just wanted to take a look at it. Kevin said he wasn't asked to move forward with a bidding package. President Byro said that the Village needs to get easements now and talk about where the money is going to come from. President Byro said he thinks that the Village is okay money-wise. Kevin said that they will get rolling on the easements, and when the Village thinks the money is okay, Kevin will finish up the plan and get it out for bids. Trustee Hopkins stated that Kevin had mentioned that a better time to bid would be January. Kevin said that December-January is the best time. Trustee Kerns said that the project needs to get done. There are open holes and if a child falls in, then it creates a bigger problem. Trustee Hopkins expressed concerns about waiting until January. President Byro said that it might be best to get the project going. Kevin said he would work on the easements first and then finish the plan. He said he didn't want to do them simultaneously in case someone throws up a roadblock about the easements and the plan needed to be changed. He then said it was a matter of who was going to knock on doors. President Byro stated that he thought Kevin should do it. Trustee Ward said that technically, if the new pipe was being put where the old pipe is, the Village could have easement by prescription. Attorney Crull said that based on where it's going, the construction would be the problem. President Byro asked if Kevin had enough on his plate and he said he thought so. President Byro asked if Kevin had anything else he wanted to talk about. Kevin referenced the report C.E.S. did that Attorney Tess talked about in the agreement, and he recommended reading the first paragraph because that is the global information and is what they are requesting the developer to do. Trustee Ward asked for clarity that the Board wants Kevin to pursue the easements, but if he gets the easements, does the Board want

him to move forward with putting together bid packs. Kevin said he doesn't anticipate wrapping up all the easements in a month. Kevin said that cost-wise, January is the best. He said if anyone knows of a contractor that is hungry now, that is fine, but late fall into winter is best cost-wise.

Trustee Elliot asked if anyone was interested in buying the 2 empty lots near Center and Cederholm Streets. President Byro said he didn't think so. Clerk Payton said that she had someone come into Village Hall on Friday asking about one of them. Kevin said that one of the lots would be beautiful for drainage purposes of the Village. Trustee Hopkins confirmed that it was the property south of the tracks that he told Kevin about. President Byro said it was the Sanderson house at 209 W Depot St. Trustee Hopkins said to Attorney Crull said that Kevin Sanderson told him that they had done a reverse mortgage. Attorney Crull said that nothing turned up in his initial search, so that was why he was going to pay to do a search.

Trustee Elliot asked if more homes in the subdivision would increase the amount of water, and Kevin said that it would increase the total cubic feet of water, but not the rate. Over time, more water will come through. President Byro said that maybe the Village should think about the Sanderson property. Trustee Hopkins said that if that happens, then there is a railroad to get under. Kevin said that even having a pond in that area would slow the water down and that would help a lot.

President Byro moved on to the Village Property Bid. Attorney Crull said that an ordinance will be presented next month. The property will be listed in the paper and put out for bid. The Village is not obliged to accept the bid. President Byro confirmed with Attorney Crull that he needs to let the man who is interested in the property know that he must wait a month.

**Old Business** – President Byro gave the floor to Treasurer Payton to talk about the FY 2025 Appropriations Ordinance. President Byro asked if anyone had anything that needed to be changed. Treasurer Payton stated that Trustee Hopkins had found an error in the ordinance, and she had corrected it. She said that the Village does not pay \$82,000 in taxes. She handed out corrected copies of the ordinance to the Board. She asked if the Village was having any road work done this year and Trustee Ward said no, but there would probably be some next year.

President Byro said that he had talked to Treasurer Payton about putting extra money in for the generator that the Village needs to purchase for the well and Treasurer Payton said she had already put the money in the ordinance.

President Byro asked if anyone had any questions. There were none.

Trustee Ward made a motion to accept the FY25 Appropriations Ordinance. Trustee Hopkins seconded it. Roll call vote was taken. Trustees Hopkins, Ward, Elliot, Hibshman, Kerns and Katzman all voted yes.

President Byro asked for a website update. Clerk Payton said she was supposed to have an onboarding call with Town Web that morning at 11 am, but they canceled it due to unforeseen circumstances. She rescheduled the call for the following Monday so she said she would keep the Board apprised as more information becomes available. She explained that Town Web received the payment and explained that the onboarding call was the first step so they could get an idea what the Village wants on the website and then they will work their magic. Treasurer Payton said that the township paid their half of the payment.

**Treasurer's Report** – President Byro introduced the bills. Trustee Ward asked if the Village had received a Queens bill for the work done on the main break at Grant and Main. President Byro said he talked to them about it, but they didn't turn it in. Trustee Hopkins asked if anyone knew why mosquito control came through on both the 18<sup>th</sup> and the 19<sup>th</sup>. He said it seemed odd that they would need to do it 2 days in a row. President Byro said he didn't know. It was suggested that perhaps they started to spray one night and couldn't get it all done and had to come back the next night. Trustee Hopkins said if that was the situation, it should still only be one charge. Trustee Elliot referenced a charge of \$4500 on page 4 for disposing of dirt from the water main repair. Curt Loyd said that the dirt also had gravel and asphalt in it. Trustee Kerns said it was \$100 a ton to dump dirt effective 7/1/24. Trustee Hopkins asked how many loads they took, and Mr. Loyd said he thought they took 4 loads, which was about 80 tons. Mr. Loyd said it was all wet due to the main break, and if the dirt had been dry, it probably would have cost half that. Trustee Ward said that there were very few places left to dump construction debris. The EPA's involvement has made the process much more complicated. Trustee Hopkins made a motion to pay the bills. Trustee Elliot seconded the motion. Roll call vote taken. Trustees Hibshman, Hopkins, Katzman, Kerns, Elliot and Ward voted yes.

President Byro said he had nothing else. Trustee Ward spoke about the lift station at the subdivision. He said we could never insure it because we never owned it. President Byro and Treasurer Payton both said they thought it was already insured. Trustee Ward made a motion to adjourn. Trustee Hopkins seconded the motion. All voted in favor. The meeting adjourned at 8:06:48 pm.