

## Village of Creston Minutes Tuesday, October 1, 2024

President Byro called the meeting to order at 7:00 pm. Trustees Elliot, Hibshman, Katzman, Kerns and Ward were present. Trustee Hopkins was not present when roll call was taken but arrived later. Attorneys Crull and Wilt were also present.

President Byro introduced the September 3, 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 approved as presented.

**Visitors & Communications** – President Byro introduced David Simpson, who is running for State Representative. Mr. Simpson is from the Village of Shabbona and is a trustee in Shabbona. One of the things he said he was running on is representing small communities. He understands the problems small communities face when it comes to funding, and he wants to make sure that small communities get a fair shake when it comes to funding. He wants to be elected so he can do what he can to change that. He is running as a Democrat and he said that unfortunately, the representation that the state has had over the last few decades has not done much to help small communities. He left some of his cards.

President Byro introduced a note from Union Pacific regarding the railroad closures for Main and Transit Streets for October 7-10. The Main St crossing was scheduled to be closed October 7 at 7am and reopen on October 9 at 7am, and Transit St was scheduled to be closed October 8 at 7am and to reopen October 10 at 7 am. President Byro stated that Hueber's had been notified and so had the school.

President Byro announced that Treasurer Payton's sister Julie passed away and he offered the Village's condolences to her family.

President Byro announced that Attorney Crull has been nominated for and has accepted the position of Associate Judge. President Byro said that we will miss Atty Crull, but he will do a good job as an Associate Judge. President Byro announced that Atty Wilt will be taking over and he congratulated Atty Crull on his new position.

Attorney Wilt said that there were a couple of things going on. He spoke about the properties that are set for demolition, both on Depot St. He said that they are ready to go on both of those and once he gets the go ahead, he will start the process. He stated that he believed the board voted on that at the last meeting and President Byro confirmed that they did. Atty Wilt said he would put things in motion the following day. He stated that things were going well with the subdivision. He said there were a couple of outstanding issues with the landfill. He also spoke about publishing for bids on the Village property on North St. President Byro said that would be discussed later in the meeting and Atty Wilt said that was all he had.

Casper Manheim that things were status quo for the time being. He said that they were making progress on the library. A foundation was laid for a new house at Hall and Pierce Streets and the weeds had been taken care of at the library.

Kevin Bunge said that two of the items he was going to discuss were scheduled for later in the meeting, so he spoke about the rusty water problem on South St. He said that he was looking at the problem, but he had no answers yet. He said he thought there might be a belly somewhere that was causing some of the problems, but he didn't know yet. President Byro said he had asked Kevin to complete a survey about the building being up to code. Kevin confirmed it was regarding ADA compliance. He said it fell off his radar and he apologized for that. President Byro said that he was thinking about doors and security and all of those things need to be updated. He said that the building had been there about 20 years and Trustee Kerns said it had been here longer than that. Kevin said that he would take care of it.

### **Committee Reports**

Finance - Trustee Hopkins had nothing. President Byro said that the Village received the rent check from the farmer who is the tenant on the landfill farm.

Streets & Alleys – Trustee Ward had nothing other than the crossing closings. Trustee Ward said that Mr. Loyd will be plowing snow before long. President Byro said that they will be looking for extra help for plowing this winter and Trustee Ward said that Jamie Swedberg had spoken to Mr. Loyd about helping with the plowing. Mr. Swedberg has helped Mr. Loyd flush hydrants in the past.

Water & Sewer – Trustee Kerns said he didn't catch what Kevin said about the water line at South and Transit. Kevin said he had met with President Byro, and they spoke about the rust problems and asked Kevin to look into it. Kevin said that the South St main was not

tied into the new north/south main intentionally. Trustee Kerns asked why that would be intentional and Kevin said he didn't remember. He said that per the plan, that was intentional. Trustee Kerns asked if that created a dead end and Kevin said that it left the dead end. Then Kevin corrected himself and stated that South St goes over to Beck/West and goes to Donna's sub. Donna's sub main was tied into the subdivision so there is no dead end. There just isn't an interconnect at South and West and he doesn't recall why. Trustee Kerns stated that the water line in front of his house got tied into the new line in front of Donna's subdivision from the old line. Trustee Kerns said that the main runs in front of his house toward the east and got tied into the 10" when it went by. That left the other line abandoned, or a dead end. Kevin said he had no information on that. He said that if it was tied in, that was not per plan. Trustee Kerns said it is definitely tied in because there is a shutoff that came across the road to form the loop. Trustee Kerns said he thinks it was added along the way. Kevin said that the plans for the subdivision called out for the intersection of the mains to not be connected. It didn't say to skip it. It said NOT to do it. Trustee Hopkins said it is not connected at the intersection of Beck, West and South. Trustee Kerns said that originally the one on the Donna edition was connected on the 4" line running north and south. Down the line, they put in a 10" in and tied that 4" from Donna's into the 10". Then they either capped or dead-ended it. Kevin said that is not per plan. Kevin said that the plans have the 10" running parallel to that Donna's edition north/south and then keeps going all the way up, and then the subdivision ties in around the corner down by the Donna's Edition. At neither of those corners do the plans have those two systems connected. Kevin said he needed information about when and what was done and President Byro said that the Village didn't have it. Kevin said he would find out. Kevin said Mr. Loyd should know something based on valves he has turned on and off. President Byro said he knows where the valves are, and Trustee Ward said he doesn't know what mains they are on. Kevin said he would meet with Mr. Loyd and they would go from there. Trustee Ward asked if there was a drawback if they connected the South St main to the 10" main and Kevin said no, but he said his caution was that there was a reason they did it that way 18 years ago. Kevin said to him it was not a pressure problem. They were running a big main up to the tower but when the system is static it will equalize. Trustee Ward said that where they are getting the rust problem, that water is coming all the way up Transit and backfeeding. Kevin said that President Byro was showing him where the worst problems were and he said that interconnection would help circulate the water, but he wanted to see where the worst problems were in relation to the elevation of the mains. Trustee Kerns asked how the problem can be corrected. Kevin said that maybe a blowoff, or perhaps they could get rid of that section of the main and find a different way to do it. Kevin suggested putting an automatic blowoff there. He said that an automatic flushing hydrant will flush as often as it takes right at that rust spot. Trustee Kerns asked if it would operate in winter and Kevin said yes. Trustee Ward stated that the Village put in a mid-block hydrant on North St because there was a belly there. Kevin stated that he was shown where the spots were, and he asked the draftsman to overlay those with the elevations and he hadn't seen the results yet. Trustee Hopkins said that at his house he hasn't noticed any rust problems since the last conversation was had at a previous meeting. President Byro said that Trustee Hibshman had issues. If Bill Heal was having problems, he wasn't saying anything about them. People on Kaye Ln have all kinds of problems. Kevin said that the Kaye Ln problems bother him because with the subdivision connected to the end of Kaye Ln it isn't a dead end anymore. Trustee Ward asked if it was not enough circulation because there aren't enough houses in the subdivision. Kevin stated that may be, but it should at least be better than it was when it was a dead end. They are starting with an elevation analysis to see if they can tell what is causing it. He said that the Village needs a small automatic flushing hydrant that doesn't pump a ton of water and that will do it more frequently on its own so Mr. Loyd doesn't have to do it. He said a longer-term solution would be to change the elevation if possible. President Byro said that one of the solutions they discussed was hooking Trustee Hopkins, Jack Kerns and Bob Garland to the 10" main and abandoning the 4" main where it goes south, but he said he would hate to spend all the money to do that if that isn't the problem. Trustee Ward asked if Bob Garland had any issues and Trustee Kerns said he didn't know. Jack Kerns has issues every couple of months, and Trustee Hopkins has issues every once in a while. Trustee Hopkins said that the way it has been the last month and a half to two months, it isn't worth spending the money. Trustee Kerns said Mr. Loyd had been flushing more regularly. President Byro said he had been flushing hydrants every two weeks. Trustee Kerns said there was a period of time when he hadn't been flushing and the water got really bad. President Byro said that it doesn't take it long to get bad, but the question is why. Trustee Kerns said that as soon as Mr. Loyd flushed the hydrants, the water was better in a day or two. Kevin said that there were 3 dead ends before south of town, but the subdivision cleared that up because they are all looped now. President Byro stated that the water in the south end of the subdivision is still shut off. Trustee Kerns said that they don't know about that 4" main. Trustee Ward said he thought it was shut off where it came up back on the far west street. President Byro said he didn't know where that 4" goes. Trustee Kerns said he thought it was a dead end. He thought it was exactly the way it was because it just stopped there. President Byro said that was possible. Trustee Ward said if he remembered correctly, he thought it was shut off by Trustee Kerns' house and it was shut off over by Regulators St. Trustee Ward said the lack of circulation could be causing the issue. President Byro said that it needs to be looked into further. Trustee Ward asked where the Village was with the Lead Line Replacement project. President Byro said that Test was working on it. Trustee Ward asked why there were so many random Julie flags around town. President Byro said he didn't know what was going on. Trustee Katzman said someone told him that the gas company had been doing things around town. Trustee Hibshman said the sewer lines were painted behind Headon's.

Health & Safety - Trustee Hibshman said he had a couple of people ask if the Village could put some kind of marker at the corner of Beck Rd and Route 38 as that comes up fast and it is hard to see at night.

Zoning & Planning – Trustee Katzman said the library and the variance were the only things they had going on.

Subdivision - Trustee Elliot said the subdivision is looking better and better. He said that Jack Kerns had scraped up a bunch of the stuff that was in the pond. He suggested that they get someone from Rochelle to come and spray all the weeds to help with that in the future. He said he walked through the park. He said it looks good mowed, but it needs a little TLC.

**New Business** – President Byro introduced the Village property that was open for bids. No bids were received. He said that the Village could put up a For Sale sign and he hoped the Board would let him see if he could find someone that was interested in purchasing it. Trustee Katzman asked if the person next door was interested, and President Byro stated that he called him and emailed him, and he heard nothing back. Trustee Ward asked what the legalities were, and President Byro said it is whatever someone wanted to pay for it. Atty Crull stated that they had taken the steps and put it in the paper. Trustee Katzman stated that no one can build on it unless it's an accessory structure. President Byro stated that no one can build a house on it. Trustee Ward said an accessory structure can't be built unless there is a primary structure. Trustee Elliot asked if the Village was going to try to sell the lot themselves or hire a real estate agent. President Byro stated that he thought it should be handled in house. Trustee Elliot thought that putting a For Sale sign on the property might motivate someone to purchase it. President Byro said he would keep it on the back burner and see if he could find someone that was interested. He said he talked to the people who live in the neighboring house, but they are not the owners. He said the owner's name was Travis.

President Byro said he was approached by Comcast about putting an antenna on or near the Village water tower. They said they would need about an acre, and they would be putting a small shed up to house their equipment. President Byro said that he didn't know if they should sell it or lease it to them. Trustee Elliot asked if they want to put it near the water tower or on it. President Byro said they could put it on the tower if possible. Trustee Katzman asked if it was a cell tower or internet. President Byro said he didn't know. He hadn't gotten that far yet. He also said he would rather lease it to them than sell it to them. Trustee Ward said that his preference would be an attachment agreement to put the antenna on the Village tower rather than build a free-standing tower. President Byro said there is a little area south of the tower that is hard to get to farm. Trustee Ward said he didn't know why they would need an acre. Casper's son stated that he works for Stillman Valley, and they do the same thing. They have their radio antennas on top of the tower, and they maintain everything and pay \$15,000 a year to rent it. Stillman Valley then pays the \$15,000 to a company that maintains the water tower and they will do washdowns and paint as needed. He said the arrangement works well for Stillman Valley. President Byro said he would continue to talk to them and see where it goes.

President Byro spoke about the Terry variance. He said that the hearing had been held and he needed a motion to accept the variance for Mr. Terry's garage. Trustee Elliot made a motion to grant Mr. Terry his variance. Trustee Hibshman seconded the motion. President Byro asked if there were any questions. None were raised. Roll call vote was taken and Trustees Elliot, Hibshman, Hopkins, Katzman, Kerns and Ward all voted yes.

President Byro moved on to water tower cleaning. Kevin said that they were working on it. They were pulling records to see when it was last done. He said that the Village could handle it as a bid if they wanted to, but they were going to reach out to firms that they know do that work. Trustee Elliot asked if this was interior cleaning and President Byro said it was both. Kevin said there would be no painting. It would just be a thorough cleaning.

President Byro moved on to the Storm Sewer project. Kevin said that he wanted to throw himself on the mercy of the court. They were ready to talk to the residents regarding easements. He said that he worked with Atty Crull to create the easement. He said that the main person he wanted to negotiate with the residents had not had time to do it in the last couple of months. He said that he hoped the process would move forward soon. The plans are done. They just need to get the easements done.

President Byro introduced food vendors. There is a resident in town that has a trailer and wants to sell ice cream. There is nothing on the books regarding food vendors. He wanted to know if the Board wanted to put some kind of ordinance in place for food vendors. President Byro asked if permits are required in Rochelle. Trustee Ward said that Rochelle has a Food Truck Ordinance. Atty Crull said that they have a very in-depth ordinance that states where vendors can be, what they can and cannot do, and what hours they can operate. Trustee Ward said that the most important thing was the health department certification. President Byro asked if the Village needed to have an ordinance. Trustee Hibshman said that each location has its own rules. Rochelle has its ordinance but doesn't really require him to do much. He said Davis Junction is over the top, so he doesn't go there. He said the biggest thing that comes up is the certificate of insurance and the health department certification. Trustee Hibshman said that if it is someone local, it shouldn't be a big deal, but we don't want people coming in from large communities to food in town. He said that if we make sure they have insurance and the health department certification, there shouldn't be a problem. Trustee Elliot said those were two very basic things. He asked if there was anything else that was needed. Trustee Hibshman said if it is a private event, then no. Trustee Elliot asked if a solicitation license was needed, and Trustee Hibshman said no. Trustee Hibshman said that they sell in Genoa quite a bit at the park and they

wanted him to have health certification through DeKalb County. Trustee Hibshman said that if someone wanted to do it, have them show their insurance certification, health department certification and their business license. Trustee Ward stated that as far as he was concerned, if it is on private property, that is between the vendor and the business. If it is on public property, we just need to make sure that they are properly certified and have insurance. He said Rochelle denoted in their ordinance where vendors were allowed to set up. Atty Crull stated that his concern was that some towns wanted to make money off of permit fees and there is a Food Truck Freedom Act movement going on to get away from all the fees, so he recommended putting together some rules and leaving it at that. Trustee Hibshman said the rules could be posted on Facebook.

**Old Business** – President Byro had Clerk Payton talk about the upcoming Consolidated Elections next April. The packet came from the Ogle County Clerk, and she said she would get the candidate packets to the trustees that are up for re-election. She said she emailed them to Trustees Kerns and Hibshman when they ran, and she could do that for whoever wanted her to. She said she could also give them hard copies if they wanted. President Byro asked who is up for re-election. Clerk Payton said it was Trustees Katzman, Elliot, Ward and Hopkins as well as President Byro and Clerk Payton. President Byro asked if Clerk Payton was going to post something on the website and she said yes. He stated that the website was coming along, and Clerk Payton talked about how much she loves the new website.

President Byro moved onto the property condemnations. He stated that the attorneys were working on both those properties. President Byro asked if they had figured out Sanderson and Atty Crull said that some of the delay had been getting service contacts for both banks. All 3 parties must be served at the same time and that they had what they needed to move forward.

President Byro asked if anyone had had a chance to look at the Golf Cart Ordinance and asked if anyone had any ideas. He suggested putting it on hold until the next month. Trustee Katzman said that he looked over Rochelle's ordinance and the Village's is very similar. Trustee Ward said that the ordinance is decent. It is more of an enforcement issue. Trustee Katzman agreed and said it is a matter of getting people to register their vehicles and observe the speed limits and stop signs. President Byro said he is looking for answers. Trustee Katzman said that if the Village can't enforce it, then he didn't think anything should be done. Trustee Hibshman said that he agreed with Trustee Katzman and if it can't be enforced, then why have anything at all. The Village doesn't have the people to enforce it. Trustee Katzman said that the problem is that people know that it isn't enforced. Trustee Ward said that people have asked him why they should have to pay their \$35 fee when other people don't. Trustee Elliot asked what was to prevent the Village from sending a ticket. Atty Crull said nothing, but if they don't pay it and the Village takes them to court, they're \$500 in on a \$100 ticket. Trustee Hibshman said he thought a lot of it was that if they didn't have blinkers on their vehicle, then they would have to go get blinkers, so they weren't going to bother registering. Trustee Ward suggested leaving the ordinance in place and stop charging the fee. Trustee Kerns said he thought that was what had already been decided. Trustee Ward said that way, the Village still has an ordinance in place that states the requirements to have a golf cart. Trustee Katzman said he thinks there is a misconception regarding the ordinance. It is called a Golf Cart Ordinance and people who have UTVs think they are exempt because they don't have a golf cart. President Byro said that was very possible. President Byro suggested changing the wording in the ordinance and Atty Crull suggested calling them off-highway vehicles or something similar. Trustee Ward said his biggest concern was the people who are not insured. President Byro said that the ordinance will be reworded and the fee will be waived.

President Byro announced there would be no Executive Session.

**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 Elliot, Hibshman, Hopkins, Katzman, Kerns and Ward voted yes. Bills were approved.

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 7:45:00 pm.