

## **Village of Creston Minutes**

### **Tuesday May 6, 2025**

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

President Byro introduced the minutes from April 2, 2025 and asked for additions or corrections. Trustee Hibshman made a motion to approve the minutes. Trustee Ward seconded the motion. President Byro asked all in favor to vote yea. All present voted yea.

President Byro led with the swearing in of the officials that were elected in April. Justin Hibshman was not able to attend the meeting, so he will be sworn in during the June meeting. President Byro said that there was some confusion with the election. Trustee Elliot should have run along with Trustee Hopkins and Trustee Ward, and he did not. President Byro said that he would like to reappoint Trustee Elliot to the second part of his four-year term and he would run in the next election with Trustee M. Hibshman, Trustee Kerns, and Trustee Hopkins. Trustee Ward said there should only be 3 running. President Byro agreed but with the error, Trustee Elliot would need to run as well. Trustee Ward said that Trustee Elliot would be running for an unexpired two-year term in two years. President Byro said that would be now. Trustee Ward said no, that his four-year term should have just ended because he was on the same cycle as Trustee Ward. Trustee Ward said that if President Byro appoints him now, he will be appointed for two years until the next election. Trustee Hopkins said that Trustee Elliot would then have to run for another two-year unexpired term in the following election like Trustee Hopkins just did. President Byro said he was hoping to get everything all straightened out. Trustee Hopkins said that would straighten it out. Trustee Kerns asked if President Byro could appoint Trustee Elliot to a two-year term as there was a write-in candidate that was voted for. President Byro said he didn't know if that made a difference. Trustee Kerns said he didn't know the law, he was just asking the question. President Byro said he felt it was up the Board. Trustee Hibshman asked Trustee Elliot if he should have run. Trustee Elliot said he guessed so. He said he was unaware. Trustee Elliot was appointed when Trustee Williams decided not to run. President Byro said it would have been a four-year term. Trustee Kerns stated that being appointed, Trustee Elliot would have had to run in the next election. Trustee Hopkins asked if he was at the end of a four-year term. President Byro said Trustee Williams was. Trustee Ward asked if Trustee Kerns and Trustee Hibshman and what was Trustee Katzman's seat were all on the same cycle. The answer was no. Trustee Kerns said everyone should have been on the same ballot except himself and Trustee Hibshman. Trustee Hopkins will be on the cycle with Trustee Kerns and Trustee Hibshman at the next election. Trustee Hopkins will run for a 4-year term in the next election. With being appointed, Trustee Elliot would then run in the next election as well to get it back on schedule. Trustee Hibshman said that the sticky part is that there was a write-in on the ballot who received votes. Trustee Elliot said he got it, and Trustee Hibshman said he didn't know enough about it. Trustee Ward said there should have been 3 seats on the ballot instead of 2. Attorney Wilt said that the issue was that the ballot said there were 2 seats available and there were two candidates and a write-in. Technically, Trustee Elliot's seat wasn't a part of that, even though it should have been. There were 3 candidates for 2 seats. He said that he believed that in the short term, appointing Trustee Elliot to a two-year term was the way to remedy the situation. He said he wasn't sure in the long-term, but in the short term this was the proper remedy. Attorney Wilt then swore in President Byro, Clerk Payton, Trustee Ward, Trustee Hopkins and Trustee Elliot. Trustee Justin Hibshman was not present and will be sworn in at the June meeting.

Trustee Kerns stated that he believed that as a Board, they had to agree. President Byro said that was correct. Trustee Kerns made a motion to appoint Trustee Elliot to a two-year term. Trustee Hopkins seconded it. Roll call vote was taken. Trustees Kerns, Hopkins, Hibshman and Ward voted yes. Trustee Elliot voted present. The sixth seat did not vote as Justin Hibshman has not yet been sworn in.

**Visitors & Communications** – President Byro said he wanted to remind everyone about the library's Open House on Saturday 5/10/25 at 11 am. Everyone was invited. President Byro also announced that Curtis Loyd was going to flush hydrants the following week.

Attorney Wilt stated that he ran into problems with the Sanderson property at 209 W Depot St. He discovered there was a lien on the property due to a reverse mortgage that she had. He sent communications to the company that was on the deed for the reverse mortgage, and they are no longer in business. The company had been sold twice and then had their license revoked by the state of Illinois. He filed something in court the previous day to get a declaratory judgment in which the judge will say that any lien holders have a certain amount of time to come forward and if they do not, then an order can be entered saying that all lien holders had a chance to come forward and did not. He said he could not track down the company and he does not believe it exists anymore. Trustee Ward asked if the Village could get an order for demolition and put a lien on the property. Attorney Wilt said that the Village must get the Sandersons to court for that, too, but he sent something to them at the same time they sent it to the court. If they don't show up, and they have not been, then they will get the same order against all parties. He said that as far as he can tell, the reverse mortgage

company is in the wind. Trustee Ward said that as far as the Village knows she was the owner, and she is deceased. Attorney Wilt explained that she was the owner, and it went into a trust. As a part of that, the other company that is hanging out there filed a lien in on the property in Ogle County, stating they had first rights to the property, and they would need to be bought out at a certain dollar amount to get rid of the lien. He said it is possible that the trust bought them out. He said he would not be able to see that but he did not believe that happened. He said that he believed that during the intervening time that company lost their license to operate in Illinois. Attorney Wilt said he sent the paperwork to the address listed on the lien and it came back to him so he did a search. He found a company of the same name in California. The company was originally in Georgia. The California company replied that they were not the same company, so that is why he filed the action in court.

Casper Manheim was not present. Aaron Moore said that the permit for 123 W North St expired in April, and they had a final inspection. They had a punch list they had to complete that was due to be done by the end of May. He thought they had already listed it for sale but there will be no occupancy until the things on the list are completed. He said they are close to being done.

Aaron also reported that they are putting in sidewalks all the way down Regulators St in Creston Commons. He said they are going to pour the sidewalks through the driveways first and then do the approaches at the end of the week. Aaron had a question for Attorney Wilt. He said that the Board had discussed changing the thickness from 5-7" to 4-6", and he wanted to know if that should be in ordinance form so that if anyone else comes out there, they will see the covenant says 4-6" instead of 5-7". President Byro said it would be best to update the ordinance so there are no questions. Aaron said they were framing it with the 6" in the approach and 6" through the driveway and 4" for the rest. Aaron said he sent over the covenants he had for the subdivision, and it states a half inch of rise for every foot from the curb to the sidewalk and all the ADA requirements. Aaron said that someone was living in the first house. They have a temporary occupancy until everything is finished. He said people are moving in to the 2<sup>nd</sup> and 3<sup>rd</sup> houses as well. He said that all the light safety was in on the 3<sup>rd</sup> house. They have some painting left to do and their painter quit mid-completion. He said the family had already sold their house and had nowhere to live. They have temporary occupancy, and they understand that there is still work going on.

10 permits have been issued so far and 2 of them were from private people who bought the lots from Mr. Hayden. One of those has started and the other one has secured a permit but has not started construction yet. President Byro asked how long they had to start, and Aaron answered that they have 6 months to start construction and then a year to finish. President Byro said that the gentleman who bought the property at 224 E Depot St has been busy. Aaron said he has not come in for any permits yet, but he has been doing work.

Kevin said that everything he had was later in the agenda.

## **Committee Reports**

Finance - Trustee Hopkins had nothing.

Streets & Alleys – Trustee Ward said that everything he had was later in the agenda. President Byro said he had information on the meeting IDOT was having. Trustee Ward asked what date they decided on. President Byro said the date was 5/15/25 at the Courthouse in Oregon.

Water & Sewer – Trustee Kerns said he didn't have anything that wasn't already on the agenda.

Health & Safety - Trustee Hibshman said he had nothing.

Zoning & Planning – Trustee Elliot said that there would be a public hearing that Thursday 5/8 for the variance on the Farris property. He said that Steve Katzman was out of town and Brenda Jones had a schedule conflict. He said they would go ahead and hold the public hearing and record it and then have a meeting of the Planning Commission later to present the comments from the public hearing.

Subdivision - Trustee Elliot said that everything seemed to be going along well at the subdivision. President Byro said that they were supposed to work on the water on Roberts St. Mr. Loyd said they were going to try to work on it this week. They were supposed to do it last week and didn't get it done. President Byro said he knew there was a leak up there right about in the middle of the block and he is going to push all new water to those lots.

**New Business** – President Byro said that the elections had already been discussed. He asked Trustee Ward to talk about the sealcoat project.

Trustee Ward said that there was a little bit of housekeeping to do on the sealcoat project. Ogle County opened the projects and the Village's came in at \$98715.66. There were three things that needed to be approved. First was the engineering agreement with the county. They are running the project for 4% of the project cost. The second was acceptance of the bid from Helm Civil, who came in with the lowest bid. Helm has done it the last few times, and Trustee Ward has worked with them over the years. They are a good company. The third thing was the MFT Resolution, which has to be approved to spend MFT money on the project. President Byro asked where he needed to sign, and Trustee Ward said he had the originals. President Byro said they would take care of signing everything after the meeting. Trustee Ward said that the Board needed a motion to approve the MFT Resolution, to accept the bid from Helm Civil and approve the engineering agreement with Ogle County. Attorney Wilt stated it needed to be 3 separate motions. Trustee Elliot made a motion to accept the Engineering Agreement with Ogle County to run the project for 4% of the cost. Trustee Hibshman seconded the motion. Roll Call vote taken. Trustees Hibshman, Hopkins, Kerns, Elliot and Ward voted yea. Sixth seat did not vote as Justin Hibshman has not yet been sworn in.

Trustee Elliot made a motion to accept the bid from Helm Civil to perform the sealcoating work. Trustee Hopkins seconded the motion. Roll call vote taken. Trustees Elliot, Hibshman, Kerns, Hopkins, and Ward all voted yea. Sixth seat did not vote as Justin Hibshman has not yet been sworn in.

Trustee Elliot made a motion to authorize the use of MFT Funds in the amount of \$98715.66 for the sealcoat project for the Village of Creston. Trustee Hibshman seconded the motion to adopt Resolution 050625. Roll Call vote taken. Trustees Hibshman, Elliot, Kerns, Hopkins, and Ward all voted yea. Sixth seat did not vote as Justin Hibshman has not yet been sworn in.

**Old Business** – President Byro asked Kevin to talk about the Storm Sewer project. Kevin began by asking about the Farris variance. He confirmed that Trustee Elliot was having a meeting on 5/8 and then the variance had to go to the board for approval. Trustee Elliot said that the public hearing would be held on Thursday 5/8 and then the following week the Planning Commission would meet and then he would present their recommendations to the Board at the next meeting on 6/3/25. Kevin said the project was out for bids. Bids were to open on Friday 5/9 at 10 am and asked that someone let his team into Village Hall that morning. President Byro asked Kevin to call and remind him. Kevin said that 8 firms took plans. He said he didn't know how many bids they would get, but 8 took plans. He said that was a good response and he hoped that meant good prices. He said that the bids would open on Friday and then it was entirely up to the Board if they want to wait until the next meeting to approve the bid or have a special meeting. He said that if the Board was voting on the variance at the next meeting, it would make sense to accept the bid at that meeting as well. Kevin said they would have everything ready to go. President Byro asked if anyone had any questions for Kevin. No one had any. President Byro said it was good to see the project moving forward.

President Byro stated that the property condemnation was already discussed.

President Byro moved on to the Village's issues with rust in the water. Kevin handed out drawings that showed the rust areas as C.E.S. understands them and he wanted the Board's input. The houses in red were the houses where they have been told there are rust issues. The lines leading to all of the houses are where they found the water services to be. Every one of the red houses is on a 4" main. The negative part is that there are houses on the 4" main that do not have rust issues. Trustee Kerns said there could be problems with those other homes, and they just haven't said anything. Kevin said that discussion has been had about getting rid of the 4" on West St from Locust to South Streets. He said that the Village may want to look at getting rid of some of the 4" on South St. Trustee Kerns asked what the red services were for. Kevin said that the services going up to the red houses are blue and the other ones are red. It was just how they were designated at first until he had them color the houses. Trustee Elliot asked how far east the Village would go if they replaced the 4" main on South St. Kevin asked if there were any concerns from areas farther east. He said that the focus seems to be on the corner of South and West Streets based on complaints. Trustee Elliot said he didn't know if it would be connecting into a 6" or a different sized main. Kevin said he would have to look. He wasn't sure how far they would have to go to hit something bigger. Kevin said that the 4" may go all the way down South St. Trustee Ward said that you would have to go to Transit to hit a 6" main, but that is going south. President Byro said that Erland Knudsen, David Brown, the school and the newer house next to President Byro never complain about their water. Trustee Kerns asked what happened to the theory that there were low spots. Kevin said that some of them were in low spots and some of them are not. Trustee Ward clarified that the elevation figures listed were road elevations. Kevin said that the best they can assume is that the main follows the road. He said that the three red ones in the group in the middle are hooked to lower areas on the road. The red one up on the north side is hooked to a lower area, and then there are two who are not. Trustee Hibshman said the people across the street from him saw people putting down the flags and asked him what was going on. He told her and she said they didn't have any trouble with their water. President Byro said that on Ridge St in the apartment building there is a problem. There is one of the 4 units that has an issue, and as far as they know, all the units are served by the same service line. Trustee Kerns said the old Davidson house has a new water heater to avoid the rust problem. The pipes are copper, and the problems came after the new water heater was installed. Trustee Kerns asked what the fix is. Kevin said that the 4" main needs to go away on West St, the 4" should go away on South to at least Transit, and from the north 400' or so on Kaye Lane. That would tie into the 8" main. Trustee Kerns said that West Street would probably be the easiest because it can be tied right into the new main.

Trustee Ward said that you are not laying new main, you are just moving the services. Kevin said that it involves 3 services. Trustee Ward said if you get rid of that 4" and cross-tie South St into that 10" main, he said that the water would come straight from the tower and force it back the way it was. Kevin said he hoped that we don't push the rust further east and get more calls about rusty water. Trustee Hopkins asked how far the 4" main went down South St. Trustee Kerns said it goes all the way down to the church at least. He said he's seen the pipe. Trustee Ward said the reason there is a 6" going up Transit is because that was put in 10 years ago and the EPA won't permit anything less than a 6" main. President Byro asked what the plan is. Trustee Kerns said he thinks the first step is to get prices on replacing the 4" main and tying those services into the 10" main on West St. Trustee Hopkins said it might force everything, but it might fix it. Trustee Ward said it would involve 2 cut-ins and moving 3 services. Trustee Kerns asked Kevin what his opinion was. He said that he thinks those areas need to be done and it makes sense to do West St first as it is a self-contained issue. Trustee Hopkins asked if the 6" main along Locust Rd would be tied into the 10" main as well. Kevin said yes, at both ends of West St they would be tying into the 10" and abandoning that entire piece of 4" main and move those 3 services to the 10" main. President Byro asked if that would go all the way down to the corner of Locust. Trustee Hopkins said that 6" main comes along Locust and turns into a 4" main at the corner and that would be hooked into the 10" main. Trustee Hopkins reiterated that it may stop the problem, but it may not. Kevin said it will stop the low movement of water that we are having now. Kevin said with the 10 and 4 right next to each other, the 4 is not flowing water. Trustee Elliot asked if the 10 comes directly straight south from the water tower. President Byro said it comes under the tracks. Trustee Elliot said that if we do South St, we would definitely have to use at least a 6" main. He wondered if that was big enough. Kevin said that there are so many loops due to the subdivision that he wasn't worried about capacity of any of that. Trustee Elliot asked if the Village does the tap-ins on the 10", what is the plan for the 4" main. Kevin said the 4" would be abandoned. Trustee Elliot clarified it was the 4" on South St he was talking about. Trustee Kerns said that the 4" main on South would be tied into the 10" for now. Trustee Hopkins said that we would then see what shakes out from there. Trustee Ward said that there is still a 2" main that has never been addressed. Trustee Kerns said the only disadvantage is when you bring a contractor in to piecemeal a project, it is definitely going to be more expensive. Trustee Ward said that you are playing a game: are prices going to be higher next year? Trustee Kerns said he will say prices will be higher. Trustee Kerns asked what if we did the 4" on West St and get rid of the 2" that needs to be gone anyway. Trustee Ward said the 2" could be looped back over to Transit or go along the tracks over the 10", which might help with circulation. Kevin asked where it would circulate to. Trustee Ward said the 2" is a dead end, and we could run it over to Transit as the EPA will not permit that long of a dead end anymore. That may result in water coming up Transit and give that another route to travel. Trustee Kerns said he thought the Village already had approval from the homeowner. Trustee Hopkins said there was some dispute about the property line. President Byro confirmed it was along the tracks. The homeowner thought she owned it, and the county thought she owned it, and Russ Crull, who was Village Attorney at the time, couldn't find any evidence that it was ever vacated. Trustee Ward wondered if the easiest thing to do was vacate it. Trustee Kerns said he didn't want that to hold the project up. Trustee Ward said that would be for phase 2. Right now, we are only looking to do phase 1 on West St. President Byro urged Kevin to get the project started. Trustee Kerns said he thinks it will have to help. Trustee Ward recommended that when Kevin does the tie-over from the 10" to the 4", come off with a 6" valve and then reduce it to the 4. Trustee Ward said what they did in another area was come off the 4" and put in a 4" valve and then bumped it up to 8". If we ever do Main St, the valve will need to be replaced. President Byro said we need to put valves in these places we are going to switch over. Kevin said definitely. Trustee Ward said there are a couple of hydrants that are on the 4" main. Trustee Ward asked Trustee Kerns if he put in a new hydrant in the Donnas Addition. Trustee Kerns said he put one in down on the west end. Trustee Ward asked if there was hydrant somewhere else (could not hear location due to multiple people speaking at once). Kevin said according to the Donnas plan, that is where it converts from 4 to 6. Trustee Ward said those 2 hydrants would have to be moved to the 6. Trustee Kerns said the hydrant on the corner was existing. Trustee Hopkins said that there is one hydrant at each corner. Trustee Kerns said the one on the west end is newer, and on the 6". Trustee Ward said that we would have to look at the different hydrants and see if they can just be moved to the 10" main. President Byro reiterated that we need to get the project going.

President Byro reminded everyone about the Water Tower Cleaning Project. He asked if Kevin had heard anything. Kevin said they talk to KLM every week or two and cannot get a solid answer. He said there isn't a problem doing the work. It will get done, he just can't get a solid answer as to when. President Byro asked if the Village should get someone else. Kevin said that we could. Kevin said that he could tell KLM that we are looking to go with someone else. Trustee Hopkins said that they were waiting for the weather to break, and it has broken. Kevin said he agreed and that is what they kept saying for 2 months. Then they came back with a date in August and Kevin told them that it would not work. Jen from Kevin's office had reached out to them that day and did not get a call back. Kevin said he will come to the next meeting with the next lowest bidder, and he will tell KLM that if they can't set a date before August, then we will go with someone else.

Trustee Ward asked to go back to the Storm Sewer Project. He said that Curtis Loyd has some valves in town that don't work. President Byro said that they don't. Trustee Ward recommended adding the valve replacements to the Storm Sewer Project. Kevin said that is exactly the kind of work to add. President Byro said that the valve on the corner near Booster Hall needs to be replaced as does a valve on Prairie St. Trustee Ward said it is the same kind of work that that kind of contractor will do. Trustee Hopkins said we might as well as we are still not where we want to be with isolating shutoffs. Trustee Kerns said we need to make sure it doesn't tie up

the project. Kevin said if he can get locations, it shouldn't be an issue. President Byro said that there is a hydrant that needs to be replaced at the corner of Main and Depot by Booster Hall. Trustee Hopkins said he believed there were more issues in that area and President Byro said it was the next intersection over. Trustee Ward said that we shouldn't need to shut off more than a quarter of the town should something happen and we need to look at where our valves are and where we need valves to accomplish that. President Byro said he would talk to Mr. Loyd the next day. President Byro said he could get the information to Kevin on Friday. Trustee Hopkins said that the Board has had this conversation for the last couple of years about valves not working. He said the last time we didn't have to shut the tower down. President Byro said he had been talking to Mr. Loyd about what spots he needs to have valves replaced or added and Mr. Loyd said he meant to bring it up, but he wasn't sure we wanted to include it in the Storm Sewer Project. Kevin said this is the perfect project to bring this in on. Trustee Ward said mobilization is a big deal for a lot of companies and it is easier to mobilize for large projects as opposed to small projects. President Byro said he would talk to Mr. Loyd to make sure that they are on the same page about which valves are not working. Trustee Elliot asked if the valves were defective or worn out. President Byro said that one won't turn on. Trustee Elliot asked if there were any manufacturing defects. Trustee Ward replied that they are 80-years old, so it's an old age problem. Kevin asked what kind of pipe the hydrants were attached to. Trustee Ward said it probably 4" cast iron. President Byro said he would talk to Mr. Loyd and get back to Kevin on Friday.

President Byro said that he had nothing else. Trustee Elliot asked what happened with the control board at the wells. Trustee Byro said he turned it into the insurance company. There was a \$1000 deductible, and the insurance paid the rest. Trustee Elliot asked if it was all taken care of. President Byro said no, that the "check was in the mail". He said that they ordered the parts right away because it would have to be replaced one way or the other. The insurance company did approve the entire amount of the claim minus the deductible. Trustee Hopkins asked if it was a lightning strike. President Byro said it was. Trustee Elliot asked if we now have surge protectors at the wells. President Byro said that there were surge protectors in place when the lightning hit.

**Treasurer's Report** –Trustee Hopkins made a motion to pay the bills. Trustee Ward seconded the motion. Roll call vote taken. Trustees Hopkins, Hibshman, Kerns, Ward and Elliot voted yea. The sixth seat did not vote as Justin Hibshman has not yet been sworn in.

President Byro told Trustee Kerns that he got a letter from the company that sprays for mosquitos about all the new rules they have to follow. He said he supposed that our prices would go up. Trustee Kerns said he doesn't know what they do, but they do a great job. Trustee Ward said when he drives by it doesn't look like he's putting out a whole lot of spray.

Trustee Hopkins made a motion to adjourn. Trustee Ward seconded the motion. All voted in favor. The meeting adjourned at 7:47:20 pm.