

Village of Creston Minutes Tuesday October 7, 2025

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

President Byro introduced the minutes from September 2, 2025, and asked for additions or corrections. Trustee Ward had a correction. Toward the end of the minutes, it should read as monitoring wells instead of laundering wells. Clerk Payton said she would make that corrected. Trustee M. 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.

Visitors & Communications – President Byro introduced visitors and communications. President Byro asked Ashley if she was there for the library. She said yes. Ashley spoke about Christmas in Creston. She said that the library gives out gifts on Saturday during lunch with Santa. She said that last year they gave out 106 gifts and they try to keep the cost at \$5 per child. She asked the Board to donate \$1000 toward gifts for Christmas in Creston. President Byro said that he thought the Village donated that amount last year, but he wasn't sure. Trustee Ward made a motion to donate \$1000 to the library for the gifts for Christmas in Creston. Trustee Kerns seconded the motion. Roll call vote taken. Trustees J. Hibshman, Ward, Elliot, M. Hibshman, Kerns and Hopkins all voted yes. Motion passed.

President Byro introduced Attorney Tess. President Byro asked Atty Tess if he wanted to discuss his business at that time or later. Attorney Tess said it was up to President Byro and President Byro said they could discuss it later.

Aaron Moore stated that a couple of property letters went out. A letter was sent to the owners of the home on 128 E North Street next to the maintenance building and the owners got the lawn mowed. Aaron included in the letter the provisions for an abandoned home, that it must be kept clean, and if the home keeps deteriorating it could turn into a condemnation situation. A letter was also sent to the owner of the brick building on the corner of Main Street and IL Route 38. Aaron said he also has a letter ready for the black vehicle on Grove St near the apartments, but he didn't know who to send it to. Trustee Kerns said that vehicle had been there for months. He suggested having it towed. Trustee Ward said that when he used to work in the same building as the Rochelle property maintenance person, she could handle private property on the local ordinance, but if it was in the right of way, the police handled it and just towed the vehicle. President Byro said it was in the street as far as he was concerned and it had been there all year. President Byro asked what the Village needed to do. Trustee Ward asked if the Village could just have it towed. Attorney Tess asked if the Village had contacted the owner. Aaron said that he didn't know whose car it is. He said it was parked on the side of the street next to the apartment building. Attorney Tess asked if it had license plates. Aaron said that it did, but that he did not have the ability to run plates. Attorney Tess suggested calling Ogle County and telling them that there is an abandoned vehicle.

Aaron said that Tim Hayden has 2 houses that are through the rough-in inspection and 2 in framing right now and 1 permit that he hasn't started yet. Last month he had 3 permits he pulled; 2 of them he started, and he will begin building the one right next to it by putting the foundation in. The last house on Regulators St that is being privately built is getting ready for a rough-in and the duplexes on Prairie St are through the rough-in inspection. They also had 2 shed permits and 2 fence permits this month. He said that they were all for new properties. Aaron said that the fence contractor out there that he talked to said that people who are buying homes in the subdivision are already contracting to build fences before they even own the houses, so there will be a lot of fence permits issued. Trustee Elliot asked about the house near the detention pond that was one of the first houses that Hayden built that has the blacktop driveway. He asked if they were going to replace that driveway. Aaron explained that Tim Hayden did not build that house. He said that it was built by the lady who originally lived in it, but she has since sold it to someone else. After talking to Mr. Hayden, Mr. Hayden said he did not feel that replacing it was his responsibility. Attorney Tess asked for an explanation of what was going on. President Byro said it was the first brand new house built out there after Tim Hayden bought the subdivision. Trustee Elliot explained that the driveway is asphalt and runs all the way to the street, but it is supposed to have a cement apron and cement sidewalk. Aaron said it is the sidewalk. He said he thought the cement was something that Mr. Hayden is just doing, but the ordinance says it could be a blacktop or cement apron, but there is supposed to be a continuous cement sidewalk through the driveway. They just blacktopped the entire driveway. President Byro said he had told someone that the water shutoff for that is right in the middle of that driveway. Kevin Bunge said there needs to be a sidewalk through that driveway. President said that the driveway has a big dip in it already. Kevin said that you can't just cut in a sidewalk. Trustee Elliot said that when they did that, it was supposed to be temporary, and they were supposed to come back and fix it. President Byro said he wasn't aware Mr. Hayden didn't build that house. Trustee Elliot said he wasn't, either. Trustee Hopkins said he thought Mr. Hayden was going to take care of that. Attorney Tess asked what the ordinance says about the sidewalk versus the blacktop. Trustee Elliot replied that it must be a cement sidewalk. Attorney said that if the ordinance says it must be a cement sidewalk, then the Village needs to cite the homeowner to get the sidewalk made to be cement. Attorney Tess said it isn't the Board's responsibility to decide whose fault it is. The Village has an ordinance that says it must be a concrete sidewalk. He said

that the Village is to cite the homeowner and then they can figure out who is responsible. He said the current owner needs to fix it. Aaron said he would reach out to the current homeowner and to Mr. Hayden. He said that since Mr. Hayden had his cement crews out at the subdivision, maybe they could figure something out. Kevin asked if they were submitting plans for the houses before they build them. Aaron said yes. Kevin said he wondered what the plans show. He asked if they showed a sidewalk going through. He said that most of them do. He said that the ordinance said that it is supposed to be 7" thick through the driveway and 5" everywhere else and there had been a conversation at a Board meeting about changing that to 6" thick through the driveway and 4" thick everywhere else. He said that the concrete contractor has a copy of the ordinance that deals with the pitches, and he has been following that. The first house that was put in all started new and that part got missed. He said that the driveway was put in right before winter and the whole thing was a little bit of a mess. President Byro said to go ahead and cite them. Aaron said he would have a conversation with the current homeowner. President Byro said that perhaps the current homeowner can get a hold of Mr., Hayden's guys and something can be worked out. Trustee Elliot asked if it was going on two years now since Mr. Hayden bought the subdivision and started building out there. President Byro said yes. Trustee Ward said that the foundation for the house in question was in last Booster Days. Attorney Tess asked if anyone has notified the prior owner of the requirement for it to be concrete sidewalks. Trustee Ward said that it was brought up to Mr. Hayden at the time as they thought he was building the home. Aaron said that he brought it up to Mr. Hayden as recently as a couple of months ago and while his guys were doing it, it was not Mr. Hayden's building. Attorney Tess said that there might be an ALTA statement violation by the owner that sold it. They probably had to sign documents when they sold it that said they weren't aware of any ordinance notifications or violations. He said again, that is between the landowners. He said the Village is responsible for citing the homeowner. The current homeowner can go after the previous landowner or Mr. Hayden. The Village is just telling the owner it must be fixed. Kevin said that is why he asked about the plans, because if the plans show that the sidewalk must run through the driveway, then the original owner cannot say that they didn't know.

Kevin Bunge said that his topics were later.

Committee Reports

Finance - Trustee Hopkins said that he had nothing. President Byro asked if it was the previous month that the Village moved that money to the Illinois Fund. Treasurer Payton said yes, it has been moved.

Streets & Alleys – Trustee Ward said that they had been doing the post-sweep after the sealcoating. President Byro said that they were out there that day doing some more. Trustee Ward asked where they were putting what they were sweeping up. President Byro said that they were dumping it at the end of one of the dead-end streets out in the subdivision and they were going to come back and take it all away. Trustee Ward asked if they had permission to do that and President Byro said that Mr. Loyd already talked to the guy, and he said they would load it all up and take it away. Trustee Hopkins said it didn't seem like there was very much. President Byro said there were some pretty good piles out there. Trustee Hopkins said it seemed like a lot less than when they used traditional gravel. President Byro asked if people noticed the signs were up for the railroad repairs. Trustee Ward said that they had the same dates for the crossing in Malta. He said maybe there are two crews.

Water & Sewer – Trustee Kerns said the only thing he had was how nicely put together after everything looked after the Storm Sewer Project was finished. He said that they did a really nice job fixing up people's yards and putting things back the way they were.

Health & Safety - Trustee M. Hibshman said the only thing he had was regarding the sidewalk project. He said he went around and made his list and realized that the Board probably needs to sit down and talk it through because about ¾ of the town needs new sidewalks. Trustee Ward suggested that the Board decide how much per year that the Village wants to spend on sidewalk replacement and then prioritize. President Byro said that they used to have a sidewalk replacement program but that was under the old rules where the homeowner had to pay half, and the Village paid half. Trustee Ward said that you get better pricing if you say you are going to repair this stretch from point A to point B rather than picking random spots to fix. Trustee Elliot asked what the rule was. Trustee Ward replied that if any taxpayer money is used at all, it becomes a prevailing wage job. At prevailing wage, a homeowner can hire someone to do the entire project for less than half of what the prevailing wage job would be. Trustee M. Hibshman said that pretty much all of Main St needs to be done and part of Prairie and Depot St. He said that the Board could decide on what kind of budget they want to work with each year and then make a list. Trustee Ward said that his recommendation was to do Main St and then choose some spurs going off of Main St to start building a network. Trustee M. Hibshman said that he thinks the sidewalks downtown should be fixed first, which is a pretty good chunk, and as you go down Main St it gets really bad about halfway down. President Byro asked Trustee M. Hibshman if he wanted to make a list and he said yes. He said that he could make a map and use that to decide how to proceed. Trustee Ward said that any sidewalk that has not been replaced needs to be because none of them are ADA compliant. Trustee Elliot asked what the requirement was, and Trustee Ward said 4' minimum. He said that most contractors pour it at 4'1" because if the pour

it at 47-3/4", it is not ADA compliant. President Byro said that the Village had applied for a grant to dig up the streets and replace sidewalks and they got turned down. Kevin said that they put a grant in for another project and they were able to use basically the same application. He said 4% of the applicants were awarded and none of them were in Illinois. He said that some of the programs sound great but in reality they really aren't. Trustee M. Hibshman said he would do a map and highlight it for the next meeting. Trustee Ward said the most important thing was to decide how much the Village wants to spend per year. President Byro said that sounded good.

Zoning & Planning – Trustee Elliot said that he had nothing. President Byro said that they could talk later on down the line.

Subdivision - Trustee Elliot said the subdivision looks good from what he could see.

New Business – President Byro said that he wanted to have Attorney Tess present for the discussion about the Village property from the landfill. President Byro signed the papers on October 1st, and the property now belongs to the Village. The Village sold it to the landfill and now the landfill has given it back to the Village. He said that they are working out there now and the one inside berm is almost gone. The outside berm is going to stay there. The fences and the brush all have to come down and the entrance is going to be moved to the corner of Creston Rd somewhere. He said that the Board needs to figure out what to do with that property and putting it out for lease. President Byro said that the only timeframe issue is when will everything be done. He said that they have provided some information. President Byro asked Attorney Tess to speak on it. He said years ago the Village sold the farmland to the landfill for \$18,000 per acre and during the extensive negotiations for the closure of the landfill, the Village entered into a contract on a contingency basis. During negotiations, the Village was asking for several things, and he floated the idea of returning the farm back to the Village. They were receptive to that, and the farm was returned back to the Village for virtually no cost. He said his firm did not include that in their contract and they did not include any fees for that. He said that was done in 2021 when the contract was signed to get the farm back. He said that they had attorneys' fees prior to 2021 regarding the farm that they just sat on. That fee was \$10,000. Since 2021, it has been hard to get them to close on the property. He said that one of the issues was that in the contract to close the landfill, all of that was contingent on approval from the Illinois EPA. They said they wouldn't approve it because the creek that runs through there needed more protection. Attorney Tess said that they originally had a contract for 121 acres. The landfill took 15.7 acres back and the Village got another 4 in another place for a total of 111+ acres total. The landfill came down and carved a little unit out around the creek in the southwest corner so there was more EPA protection around the creek. Part of the problem was they moved the creek. Part of the negotiations was that the Village gave up the berm, which no one really wanted, and in exchange for that, the deal got done. They are going to take out the fencing and the trees except for the trees on the existing berm. They are going to level it all back out for farming. They are required to take 3 different stockpiles out of there. One is in the southwest corner, which they are working on removing now. Another one is just west of the berm, and you can't really see it unless you drive back there. The 3rd one is in the northwest corner. They are not required to take any of them out until post-closure. He said the Village will rent them any portion of the farm they want to store dirt until post-closure. They are required to take them out in a manner that has the least effect on the farming operations. He said that the stockpile in the northwest corner will probably be there until 2040 because that is when the landfill closes and that will be used as final cover. The last thing they are required to do is remove the roadway that divides the farm and then they will level that out so the land can be farmed from north to south. He said that they tried building in a lot more timelines to get them moving along, but it is hard for them to put in a whole lot of timeframes as they don't know how things are going to go. When they start taking the berm on the east side down, it will disrupt the farming, but they are supposed to disrupt as little as possible, and they will reimburse for any grain that is lost. If they give notice that they will be moving things during a certain date, then don't plant in that area. He said he has seen no evidence that the landfill people will be anything but cooperative. He said he was able to get another \$10,000 from them that will go to cover those old attorneys' fees. He said that for 5 years, they billed for 65.5 hours for \$24,562. He said that isn't a lot of hours to bill for over 5 years and they only billed for the hard stuff. He asked if anyone had any questions. Trustee Ward asked if the creek was 100% on landfill property and Attorney Tess said yes, and ultimately it will go back to the city of Rochelle. Trustee Ward also asked if the Village's insurance company knows that the Village now owns the farm. President Byro said no that he needed to call Mr. Heal. He said he was waiting until everything was wrapped up. Attorney Tess said that the Village may want to post some signs out there. Trustee Ward asked when the farm lease on this farm is up. President Byro said there wasn't one. He asked if they were year to year and Attorney Tess said yes. Trustee Ward said to let the two ride for the next year and then bid them both at the same time. President Byro said he would have to look where they are with Mr. Petry time-wise. Trustee Hopkins said he thinks there is one more year on that lease. President Byro said he would like to put both farm leases up to bid at the same time. The farmer that is farming the Village farm works for the landfill and he understands what is going on and understands that some corn stalks will get knocked over from time to time.

President Byro said that the library business had already been handled, so he moved on to Trick or Treat hours for the Village. He said that he got something that stated that Rochelle was doing their Halloween hours on Friday, 10/31 for 5pm-8pm and he said that that is when the Village needed to do theirs. He asked if anyone had any issue with that and no one did. .

President Byro introduced the Comprehensive Plan. He said that the Village did our last one about 15-20 years ago. He said that the Village is supposed to be doing one every 15 years. He distributed copies of the current Comprehensive Plan, and he asked the Board members to go through it and see what they can see. He said that Trustee Elliot and he had been talking to some people on the County Board as well as some people with the Economic Development Corporation and they are looking at re-doing it for the Village. He asked the Board members to think about what they want to see in 5 years, 10 years. He wants to know what the Board thinks the future of Creston looks like. Trustee Elliot asked the other Board members to read through it and make some notes on the pages. He said that he would share this with the library and the township. President Byro said that they would look at having some kind of joint meeting with the library and the school and the township. He asked the Board members to read through it and see if there is anything that throws up a flag. He didn't think there was anything major that would need to be changed. President Byro said that it will take a few months to get this done and he said the Village will probably have an informal meeting and invite people from the community to tell the Board what they would like to see. Trustee Elliot said that Pat and a gentleman from University of Illinois will facilitate this and incorporate whatever changes we want to see in it. President Byro said that he and Trustee Elliot would be meeting with them on 10/16 so they will have more information before the next Board meeting. Trustee Elliot said it isn't really what they want to do, but they want to help the Board decide what the Village wants to do.

Old Business – President Byro introduced the Water Tower Project. He said that he had been talking to the lady who is in charge of this for C.E.S. and they had given us a date and have already changed the date once. The new target date is 11/4/25. There were still problems finding an electrician. He said that they found one guy who would do it and his bid was \$14,000. Kevin added that they got a second bid for \$11,725 and they are supposedly getting one more bid. They were supposed to have it that day, so he couldn't promise anything. Kevin said that the electrician needed to be chosen before the next board meeting. He said he either needed approval of the \$11,725 and/or someone cheaper or a recommendation because they will have delay the 11/4 date if they don't have an electrician. Kevin said they approached 10 electricians and only 2 even came to look at the water tower and one said that he wasn't interested. He said that they got the first bid of \$14,000 and she hunted more and that's how they got the bid of \$11,725. Trustee Elliot asked if the Board could give Kevin permission to just handle it, Kevin said that it was up to the Board knowing that the most it would be is \$11,725. Trustee Elliot made a motion to give Kevin authority to make that decision to get it done. Trustee Ward said that authority could be given to the Board President as well. Trustee Elliot said that was fine, too, and he suggested a limit of \$15,000. Trustee Ward seconded the motion. Roll call vote was taken. Trustees Hopkins, Kerns, Elliot, M. Hibshman, Ward and J. Hibshman voted yes. Motion passed. Trustee Ward asked if they were union and Kevin said he thought so.

President Byro moved onto the Storm Sewer Project. He said as far as he was concerned, it was done. He said that the Village got pay estimate #1. He asked what that meant. Kevin said that they would be holding retainment. President Byro said that the final was \$254,759.60 to Martin Company. Trustee Ward said that is a payment, not final. Trustee Ward said that the final amount is on the second page, and it was \$260,000 plus. Treasurer Payton said that they held back about \$10,000. Kevin said it was about 5%. President Byro said that the final is \$268,168. Trustee Ward said that the Board needs to give approval to pay the pay estimate one. Trustee Ward made the motion to pay the \$254,759.60. Trustee Hopkins seconded it. Roll call vote taken. Trustees M. Hibshman, Elliot, Kerns, Hopkins, J. Hibshman, and Ward all voted yea. Motion passed. President Byro asked if anyone else had anything about the Storm Sewer Project. The consensus was that they did a great job and were very accommodating.

President Byro moved onto property condemnation. He asked Attorney Tess if there was anything new on the property at 209 W Depot St. Attorney Tess said that the case was continued until November.

President Byro asked if anyone had any more thoughts on where to put the Village sign. He said he had talked to Trustee M. Hibshman and he had talked to Trustee Elliot and he knew their thoughts on it. He said that the Village owns the property at the top of the hill where the field is. He asked how everyone felt about putting it there. Trustee Ward felt that people would be driving too fast by that point to actually be able to read it. He also said that there were issues with Beck Rd and the elevator, so he didn't think that was an ideal spot. He felt it would do better in a 40-mph speed zone. Trustee Elliot suggested the corner of Main St and Route 38 where a retention pond is planned in the future and asked what the setback would be on that. He said that the pond wouldn't be going all the way up to the road and Kevin said it can't. Trustee Ward said that the Village only has so much right of way so they would have to get permission from the Bergs to place it there. He said the right of way goes to the back of the ditch and he thinks that Huebers' sign is actually on Berg's property. Trustee Elliot wanted to know if anyone knew what the relationship is between Bergs and that sign. Trustee M. Hibshman was going to talk to John the previous weekend and he wasn't able to. He wanted to chat with John and see how he felt about it because M. Hibshman's vote is to put the sign at the corner of Main St and IL Rte 38. Trustee Elliot said that is what he thought, too. Trustee M. Hibshman said that it's a lot of money and it may cost about \$60,000 when all is said and done. He said that the Village could rent advertising space on the sign to try and offset some of the cost. President Byro said he agreed and said he was just looking for ideas. Trustee Ward said the only other idea he had was the elevator property as Tim Bruns owns that now, and the Village might be able to work a chunk of that property out and there would be electricity there. President Byro asked if it would be up by the bins and Trustee Ward said it would be kind of across the street from the apartment. Trustee Ward said he didn't know where the

right of way line is and if it was possible to put something there that wouldn't disrupt their operations. Kevin said that he had plans from where they did the highway so he could put together some plans to find out about the right of way.

President Byro asked what was going on with the South Street water main project. Kevin said that they have been buried by construction the last 3 months, but they are on it. President Byro said it was getting too late and Kevin said that they could get it out this year yet, but he said that bids could also go out in January or February to get the best prices. President Byro said he would have liked to get it done this year, and Kevin said it could still get done this year. Trustee Elliot asked if someone had been up there marking stuff in the road. Trustee Kerns said he thought that the gas company was going to do some excavating of the vaults. Kevin said it hadn't been them or a contractor. Trustee Kerns said he saw white flags there where they marked where they were going to excavate. President Byro said he would really like to get that water main project done this year.

President Byro said he didn't have anything else, and he asked if anyone else did. No one did.

Treasurer's Report – President Byro introduced the bills. He asked Trustee Ward if he had a question and Trustee Ward said that his question had been answered. He wondered how much the Downtown Grant was and that Kevin had just applied for that second grant. Kevin said yes. Trustee M. Hibshman made a motion to pay the bills. Trustee Hopkins seconded the motion. President Byro asked if there were any questions. There were none. Roll call vote taken. Trustees Kerns, J. Hibshman, Hopkins, Ward, M. Hibshman and Elliot all voted yes.

Trustee Ward asked if the roof on the maintenance shed has been sealed yet. Trustee Kerns said not yet. President Byro said that Trustee Kerns has been busy and Curtis Loyd was off that week. Trustee Kerns said he would get to it the following week.

President Byro said he had nothing else.

Trustee Hopkins made a motion to adjourn. Trustee Ward seconded the motion. All voted in favor. The meeting adjourned at 7:53:57 pm.