

Village of Creston Minutes Tuesday, December 5, 2023

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 minutes and asked for additions or corrections. Attorney Crull had a question about the resolution for the Motor Fuel Tax fund. The minutes only showed the amount of \$3827.39, and he asked if the other \$95,000 should be included. Trustee Ward stated that the \$95,000 MFT Resolution had already been voted on at a previous meeting. Attorney Crull said he would ensure that the correct amount was captured, and he would send the document over. Trustee Hibshman made a motion to approve the minutes. Trustee Ward seconded the motion. Minutes were unanimously approved as presented.

Visitors & Communications – President Byro asked if there were any visitors or communications. President Byro said he was hoping Jeff Leon would be at the meeting as Mr. Leon would be only covering sports going forward and would no longer be covering our meetings. President Byro stated that he would miss Mr. Leon as he is a great guy, and he has always done a great job covering the Village board meetings.

Attorney Crull stated that what he had would be discussed later.

Casper Manheim announced that the foundations for the 2 new houses that are being built have been put in and he hoped that construction would start soon. All the trucks were off the road on Regulator St. The house at 123 E South St has been demolished. President Byro said it was a good start. He said there was more to discuss with housing demolition later in the meeting.

Kevin Bunge echoed that housing demolition would be discussed later. Layne Western finished with the well project and Kevin was waiting for a final report. He said that the totals were about \$5000 less than the estimate. He said he had also sent in the invoices from Queens and President Byro said that it had already been taken care of. Kevin said that they had had a meeting with Queens to close out the water main project and they asked for help with the billing. Treasurer Payton said that Queens had had a lot of turnover and Kevin said that they admitted to him that there had been turnover. President Byro confirmed that the bills had been paid.

Committee Reports

Finance - Trustee Hopkins had nothing.

Streets & Alleys – Trustee Ward stated he had nothing other than the Village has already plowed snow for the year.

Water & Sewer – Trustee Kerns said he had nothing. He asked if anything had been done with the tile north of North St. President Byro stated there had not. President Byro said he didn't know if the resident was still having issues and both Trustee Kerns and Trustee Ward said there was a hole in the ground. President Byro said that the issue still needed to be fixed. Trustee Ward said that someone needed to be hired to look at it and give the Village an estimate. President Byro said that it had been worked on in the past and Trustee Kerns confirmed it had been worked on several times. Trustee Hopkins said that something other than old steel needed to be used. He said it needed to be concrete or plastic. President Byro asked if it was too late to do work on it now and Trustee Kerns stated that it depended on the weather. President Byro stated that the whole line should probably be replaced. Trustee Hopkins stated that the Village should probably investigate going from the outlet up a good distance. Trustee Elliot asked if it dumped out across the street from Cederholm and President Byro stated it did. Trustee Hopkins stated that it went up to North and split around what was Eggleston's house and there was tile that went west and tile that went south. Trustee Kerns said it went all the way to the pond at the school. Trustee Hopkins stated that the board needed to decide how far they wanted to go and determine if it needed to be designed to work for something in the future. President Byro said that was the plan. Trustee Elliot stated that if the Village was going to have it dug up anyway, the improvements wouldn't cost much more in addition to getting the other work done, so the Village might as well make the improvements. Trustee Elliot asked what size the tile was, and Trustee Kerns said no one knew. President Byro said it was a little bit of everything as it had been repaired several times. President Byro asked Trustee Kerns if he would look at it and he said he would. Trustee Ward stated that Kevin had already made a design for that. Kevin said that he needed to be filled in on what area they were talking about. President Byro said that Kevin had not done a design for that specific problem. Trustee Hopkins stated that would be part of the storm water management plan and Trustee Ward stated that Kevin designed the entire main line through town and Kevin agreed, but he asked again exactly what area was being discussed. Trustee Kerns said it was about a block and a half west of Village Hall. Trustee Hopkins stated that the holes were on the south side but it outlet in the box culvert on the north side and went pretty much

straight south. Trustee Ward named the boundary as North and Cederholm and Fremont and Kevin confirmed that it was in the gap. Kevin said that there is a plan for that, and Trustee Kerns stated that North and Cederholm needed work right now. Kevin said that if the Village was going to build anything, they should build to ultimate plan and Trustee Hopkins said that was his thinking. Kevin said that he would email the plans to the board. Kevin said that when they designed the plan there were already 2 or 3 holes opened in that stretch and Trustee Kerns confirmed it had been worked on several times. Trustee Ward said at one time there were multiple pipes that ran through there. Curtis Loyd stated that there was a sinkhole on North St. They put a stop sign over it and poured concrete over it to fix it. Kevin said that they had figured a pretty big pipe would run through there. Trustee Hopkins stated that there was supposed to be a detention pond on the south side of the tracks as well as the north side of the tracks and this took water out of that detention pond. Trustee Hopkins said it would become a "where do you start, where do you stop" project. Trustee Ward asked if there was a pond between Cederholm and North St and Kevin said there was not. He said there was one on the north side of town, which barely helps the town, and out at the tracks. Trustee Ward said those lots were for sale. Kevin said he wished they were a block south. President Byro said that he thought a lot of the problem resulted when the Village was losing that 20,000 gallons of water that ended up in the subdivision and that was why there were problems at the school and on Fremont St. Trustee Ward said there were open holes in that area and that fences needed to be put around them so that no one stepped in them once they were filled with snow. President Byro said that should be taken care of. Kevin confirmed that the focus now was between North and Cederholm Streets.

Health & Safety - Trustee Hibshman stated he had nothing.

Zoning & Planning – Trustee Elliot stated that he had got nothing done on the Comprehensive Plan since the last meeting.

Subdivision - President Byro said that the subdivision was not a dead issue yet. The Village was still working to get things done with the new owners.

New Business – President Byro talked about the Village Insurance. He said it went up about \$1000 from last year. Workman's Comp increased because Curtis Loyd had been working longer and there had been more projects going. He said workman's comp went up about \$1000. Because the Village owns the property at 308 E North St, that had to be insured in case someone gets hurt. President Byro asked about the two bills for the insurance as he did not see them. Trustee Ward pointed out that they were on the second to the last page. President Byro also said that the water tower was upgraded to \$1 million, and he thought it should be insured for a higher replacement cost. He said there were still some things that needed to be worked on. Trustee Hopkins pointed out the liability amount was \$11,889 and workman's comp was \$32,000. Trustee Ward stated that in today's world of insurance premiums, a \$1,000 increase was not that bad. President Byro asked for a motion. Trustee Hopkins made a motion and Trustee Katzman seconded the motion. Trustees Katzman, Ward, Elliot, Hibshman, Kerns and Hopkins all voted yes. The insurance was approved.

President Byro moved on to the farm lease. He said that the board had a bid from Erik Petry. Mr. Petry asked if there was only one bid and President Byro said yes. President Byro asked Mr. Petry if he wanted to say anything, and Mr. Petry requested that the board consider a 3-year lease under the same terms he has written in the bid. Mr. Petry said that he felt that the land Mr. Petry has been farming be kept separate from the farmland that the Village was getting from the landfill. He said that when the Village requested bids for the farmland from the landfill, those should be worked by a separate entity. President Byro announced that Mr. Petry's bid was for \$325 an acre, which totaled \$46,995. President Byro said that Mr. Petry has always done a good job and taken good care of the land. He recommended that the board should accept the bid. He asked if anyone had any thoughts. Trustee Ward said that the board had discussed a one-year lease with a two-year option and President Byro confirmed that they had. Mr. Petry stated that three years was nice as the land was probably due for a soil testing for fertilizer and Lyme and things like that, and with a one-year lease, it was hard to look to the future for doing that type of maintenance work. Trustee Elliot asked Mr. Petry if he thought that the landfill property should be bid on separately. Mr. Petry confirmed that it was best to bid for that separately because it's 80 acres and 5 different pieces, and there might be some stuff out there that might make the board want to do a CFP. Mr. Petry said he drove through it, and it was pretty rough and needed a lot of work. Attorney Crull said that the board discussed it last time and the current tenant had one more year left. President Byro stated that when the lease ended, the Village would take control of the property. Trustee Kerns made a motion to accept Mr. Petry's bid, and Trustee Ward seconded the motion. President Byro asked if the board wanted to approve if for 3 years. Trustee Hibshman stated that he felt it was better to sign for 3 years. Trustee Elliot stated that the continuity of the same person farming it for 3 years was better in the long term. Trustee Kerns asked if the bid was for 3 years. President Byro said the bid was for one year, but the board could change it to 3 years if they wanted to. President Byro echoed Trustee Elliot's thoughts that 3 years would be better in the long run. Trustee Hibshman made a motion to accept Mr. Petry's bid for a 3-year lease. Trustee Katzman seconded the motion. President Byro asked if there were any questions. Roll call vote was taken. Trustees Hopkins, Kerns, Hibshman, Elliot, Ward and Katzman voted yes. The lease bid was approved for 3 years.

President Byro moved on to house demolition. He said that there were numerous things that needed to be discussed. He mentioned again that the house at 123 E South Street has been taken care of. Attorney Crull stated that 3 of the 6 houses that the Village went to

court for had been taken care of. President Byro said that discussion needed to be had about the house the Village owns at 308 E North St. Asbestos removal must be done. Kevin and Casper had both looked at the bid from Ironwood that the Village received, and Kevin stated that he requested another bid from someone he knew and that bid was twice as much as the Ironwood bid. Kevin said he knew of them but had never worked with them. Casper said that he had worked with them for 15 years and they had always done a good job. Trustee Elliot said that was all he needed to hear. President Byro asked for a motion so that they could vote on the bid so that Kevin could call them. Trustee Ward made a motion to accept the Ironwood bid for asbestos removal at 308 E North St. Trustee Hopkins seconded the motion. President Byro asked if there were any questions. Trustee Ward asked when it could be done. President Byro said as soon as Kevin could call them and schedule it. Kevin said he would call them for an updated schedule. Kevin said that he could then put out the bid package for the demo work and he could inform them that the asbestos removal would be done prior to demolition. Roll call vote taken. Trustees Elliot, Hibshman, Kerns, Hopkins, Katzman and Ward all voted yes. The bid was accepted.

President Byro moved on to the house at 224 E Depot St. He said that he understood that someone had purchased the home. President Byro said he was not sure what would happen with the property. Attorney Crull said that was the best thing that could have happened for the Village because there is now an actual owner in interest as opposed to having to figure out who rightfully inherited the property when the last actual owner passed. Trustee Ward asked how anyone was able to buy it. Attorney Crull stated that it can be purchased but it is subject to back taxes and liens. Trustee Ward said he looked it up on GIS and it was listed under a different owner.

There had been interest in fixing up the house at 123 W North St. The bank's attorney contacted Casper to find out the minimum amount of work that needed to be done to get it sold because they has a buyer that wanted to fix it up. Attorney Crull stated that the property was currently owned by ICCU and they wanted the Village to dismiss our action so that they could sell it not subject to that action. Attorney Crull said that the information he was given by the realtor and the bank's attorney was that the interested party was a contractor with experience. Attorney Crull said that in his experience it could be someone who would do it right or someone that would do the bare minimum. He felt that the Village should get more information on who the interested party was and whether they had the means and the ability to do the job right. Trustee Ward asked if a development agreement could be struck with the purchaser in which the Village would not pursue the action, but the work would need to be done within a specific time frame and to specific standards. President Byro stated that Casper was supposed to give the attorneys a list and Attorney Crull stated that had already been done. Trustee Elliot asked if there were any liens on that property. Attorney Crull said that there were not: there was only a lis pendens and an action to demolish the home. Casper said that the Village could set a time frame that stated that work must begin within 6 months and be completed within a year. Trustee Ward asked what the Village would do if the work was not completed within the one-year timeframe. Trustee Ward stated that part of the development agreement could be that the buyer would cover all legal costs if they didn't follow through. Attorney Crull said that if someone else bought the property, the Village avoided asbestos removal and demolition costs. President Byro told Attorney Crull to look into it and he said that the parties were in touch with him regularly so he would speak with them. President Byro said when the Village started pursuing the abandoned properties, it would work out the best for the Village. It could take a while, and Trustee Elliot added that things were moving, which was good. Attorney Crull stated that with 224 Depot St, the Village had already filed so he would just need to amend the filing to include the new owner. Kevin asked for his own education what drove this flurry of activity. He asked if it was the court filings. Attorney Crull stated yes, when someone gets a letter stating that demolition equipment was showing up tomorrow or whenever the judge allowed it, that gets people moving. Kevin wasn't sure if some of it was coincidental or if it came from sending notices. Trustee Kerns said that the board had been discussing this for years. Trustee Ward said Casper had been sending notices, and the Village finally took the next step in the process. Casper said they were waiting to get enough properties to make it worth the Village's while to take it to court. President Byro asked if anyone else had any thoughts on the demolitions. Trustee Elliot said to keep them moving.

Treasurer's Report – President Byro said he had nothing else, and he moved on to Bills. He mentioned that the bills seemed high this month due to the insurance and the well project. Kevin again said he would get a final report on the well next month. Curtis said that the well project went really fast, and it made him a bit nervous. Kevin apologized that no one was notified that Layne Western was coming. He told two of his men to inform the Village and each thought the other one did. Trustee Elliot asked if there were any other concerns that Layne Western had while they were doing the work. Kevin said that there was a power problem, but they took care of it. There was a question about whether the existing source could handle what they were doing and there was a flurry of answers regarding that, and everything got done. Curtis Loyd said that Tom was informed that it could take many days of flushing to get the water levels right. They took a sample one day, and it passed, and they took another sample the next day and that passed as well. Trustee Ward confirmed that there was a new motor and he asked what else was done. Kevin said he was waiting for that. He said he didn't debrief his guy Jim before the meeting, so he would have that information for the next meeting. Mr. Loyd said that the check valve on the old well was shot. When the well shut down, all the water would backflow out of the pipes and out of the pump. That was why when the pump started up, he would hear all kinds of noise for 3-4 minutes before the water started. Kevin said that when the system pumps against air it is hard on the system. Trustee Elliot made a motion to pay the bills. Trustee Hopkins seconded the motion. Roll call vote taken. Trustees Kerns, Katzman, Hopkins, Ward, Elliot and Hibshman voted yes. Bills were approved.

President Byro said he had nothing else. Trustee Elliot said he had one thing. He asked about water main testing up in the subdivision and President Byro said that they were working on that. Curtis Loyd asked if he could say something. President Byro said yes. Mr. Loyd said that he was having a hard time finding someone who would get up at midnight, one or two am and plow all night for \$13 an hour. He said he had asked for names and phone numbers of people to contact to help, and he hadn't gotten anywhere. He said it would get rough if there was a bad snowstorm as he was by himself. He said that pay for another snowplow driver needed to be discussed and he needed names and phone numbers of people to call to help him out. President Byro suggested putting something on Facebook. Kevin brought up the fact that minimum wage would increase to \$14 an hour on January 1, 2024. Treasurer Payton said that the Village was paying \$16 per hour as of the last pay raise voted on a couple of years ago. Trustee Kerns asked if Mr. Loyd had someone who was willing to help. Mr. Loyd said he had asked the Village's part-time meter reader, and he didn't seem interested. Trustee Kerns said if the pay was right, someone would do it. Mr. Loyd said his wife and daughter had been helping him the last couple of years and his wife had taken time off her regular job to help and lost money. Mr. Loyd said the most common question he had gotten was when does he plow and for how long. His reply was when it snows and however long it takes. Trustee Hopkins made a motion to adjourn. Trustee Katzman seconded the motion. All voted in favor. President Byro adjourned the meeting at 7:37:07 pm.