

Village of Creston Minutes Tuesday, July 5, 2023

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

President Byro introduced the minutes and asked for additions or corrections. Trustee Hibshman made a motion to approve the minutes. Trustee Ward seconded the motion. Minutes were approved by Trustees Elliot, Hibshman, Hopkins, Katzman, and Ward. Trustee Kerns was not present.

Visitors & Communication – President Byro asked if there were any visitors or communications. Mark Hill spoke about the drainage project he approached the Board about at a previous meeting. He stated that he installed 12” single wall perforated plastic tile, replacing 10” clay tile from Woodlawn Road to Route 38, which is 3/8 of a mile with the curve. The tile that was there before was completely crushed from just north of Route 38 to Davidson’s house. For the last 4 years, any water that came from the Village came up out of the ground just north of Route 38, traveled all the way to Davidson’s corner and would eventually get into the tile, and would end up traveling halfway to Woodlawn Rd before all of it got underground. The capacity of the 12” plastic tile that was installed would be about 15% greater than perfectly conditioned 10” dual wall tile. As a result, the Village should drain substantially faster. Mr. Hill appealed to the Board’s good graces, and he felt that since Creston would now drain faster, the Village should take a percentage of the responsibility. He said he does not feel that would be setting a precedent. The project cost \$18,000 and he suggested the Village contribute 15% for tile only, in the amount of \$2700. Mr. Hill expressed his gratitude to the Board for allowing him to speak and he said he would leave it in the Board’s good graces.

President Byro said that the meeting would move forward unless the Board wanted to discuss the matter at that time. Trustee Ward said he could not remember why the Board did not approve paying part of the cost before. President Byro stated it was because the Board didn’t want to set a precedent. He stated that if the land on the other side of the highway was in the Village, that might sway him to consider it. He felt that if something happened in the Village’s field, the Village would be responsible for it. Erik Petry has helped out with what needed to be done, but the Village would be ultimately responsible. Mr. Hill’s property is not the Village’s property, so he felt it was not the Village’s responsibility. Trustee Hibshman stated that when Mr. Hill presented this project previously, he asked for a larger contribution toward the costs. Previously he asked the Village to fund almost the entire project, and the amount he was currently asking for was much lower. President Byro asked if the Board wanted to discuss it at that time or later. Trustee Elliot suggested bringing the matter up at a future meeting to give the Board time to think about it. Trustee Katzman stated that it had been discussed previously that the new library building would have some impact on that as well, but that is now on hold. Trustee Ward stated that the library would need a detention area per code and would likely be releasing water at a lower rate than they currently are. Trustee Hibshman suggested putting it on next month’s agenda. Attorney Crull stated that from a legal position, the Village does not have an obligation. It would be a policy that the Board could decide. Illinois is a natural use state, so as long as no increase in output or redirection that is unnatural, the servient tenement has to take the dominant tenement’s water. Trustee Hopkins stated that normally this expense would be paid for by the landlord. Trustee Hibshman asked if Mr. Hill had a water problem before the subdivision went in. Trustee Ward said the subdivision actually improved the situation because of the detention area near the school. Trustee Hopkins stated that it holds the water and slows it down and controls the release. President Byro said he would put this matter on the agenda for August and more discussion could be had at that time.

Henry Altepeter addressed the Board about street signs on Center St. The one on North Center is positioned as if Center Street runs east and west, and North St runs north and south. The one at the corner of Cederholm and Center has been missing for a long time. Mr. Altepeter had a dumpster delivered and the company had trouble delivering it because there were no street signs. Mr. Altepeter also spoke about the water over by Scott’s and Unger’s houses near the culvert. Mr. Altepeter mows Bob Farris’ vacant lot and he said there are about 4 holes of broken tiles north of that lot. Seven years ago, when they fixed the area up by Headons’, they fixed some tile in that area, and the culvert is now covered in dirt. As a result, it washes all of Scott’s yard into it. President Byro asked if he was talking about the one underneath the railroad tracks. Mr. Altepeter stated that underneath North Street, there is a culvert running underneath two houses and there is a pond there. Mr. Altepeter said he brought up the holes seven years ago, and they are big enough now that kids could run through them. He stated that Scott gets water in his basement, and he works nights so he has not been able to come to a Board meeting. Mr. Altepeter stated that he did speak to Trustee Kerns about it. President Byro assured Mr. Altepeter that the Board would look into it.

Attorney Crull stated that there was a hearing date set for July 20 for all of the properties that have not been brought up to code. One property has been brought up to code and that case has been dismissed. Two property owners showed up to court; one individual stated he would be making repairs but only made some of them. Trustee Ward stated that he thought all the cars were gone from that

property. Attorney Crull stated that the cars were gone, but he thought there were other things that needed to be addressed. Casper stated that that property is on E Depot. The owners of that property are from Earlville now and they stated they don't have the means to do anything with the property. Attorney Crull stated that he didn't think it would be in the Village's best interest to have them deed the property to us as it would then be our responsibility. He said that we would need to see if there are funds available to help with that situation. He said that there are Federal funds available for residential properties, so the Village could explore that. He recommended moving forward, getting a judgment against the property and getting a lien on it so that the property could not be quick-claimed to someone else. Attorney Crull's goal on July 20th is to have those who did not come to court found to be in default, and to have judgments entered against those who did show up to court who have not complied with everything that needs to be done. Trustee Ward brought up the Northern Illinois Land Bank as an option to help with this properties. Attorney Crull stated that the home on E Depot is beyond repair. President Byro asked what will happen with the Wicke property on E Depot. Attorney Crull stated that once the Village had the judgment, there would be more remedies available to deal with the issues. President Byro asked if the same thing holds for the Waddell property on North Street and the home on the corner of South and Main Streets. Trustee Ward asked if Attorney Crull would be getting an order of condemnation and he said yes. The village would then have the right to tear down the homes and put a lien on the property. The Village would spend money to get rid of the houses that we would never recoup, and we might get the lot in lieu of the lien. Casper asked if there was any way to get the owners to give the deeds to the Village so that the Village could in turn sell the properties. Attorney Crull stated that if the home was condemned, the Village could have the lien and then the Village could foreclose on the lien and get the property. If the owners deeded the property up front, that would save time and money.

Attorney Crull said that they are staying on top of the landfill. They are hoping the IEPA approves the application by the end of July. Trustee Katzman said he noticed that they have been doing a lot of capping at the landfill and he asked if they know something the Village does not. President Byro said that they were working right along and Attorney Crull said that he felt the work was a sign that they were confident it would be approved in the near future. Attorney Crull said that they did send 2 draft denials previously and they had been working on getting everything up to date. Trustee Katzman stated that Attorney Tess mentioned a creek at a previous meeting. President Byro stated that they must move the creek. Trustee Katzman asked how many years the creek had been there and President Byro said moving it was part of the agreement. Trustee Katzman said it shouldn't be an issue, but he had driven through there and never seen a creek. President Byro stated it wasn't very big and Trustee Elliot said that it ran between the hills and he said that if they can move dirt to put the garbage in, so they should be able to move dirt to re-route the creek. Trustee Hopkins said that not only would the IEPA be involved, but so would be Department of Natural Resources, and the Federal government.

Casper Manheim said he had been dealing with maintenance violations. He said that about 5 letters had been sent out and most of them had not been out 10 days. He said they all did not go out at the same time. He said he would drive around and look at properties. He said he had not received responses from any of the letters he had sent out. He said he hadn't issued many permits as things were pretty slow.

Kevin Bunge stated that the ARPA Water Main Project was wrapping up and it was in pretty good shape. Kevin stated that they had a cooking, basically, and Curtis Loyd stated that they took samples that day. Kevin stated that everything went okay with chlorination, and he hoped they would wrap up in a couple of days. Mr. Loyd stated that a second sample would be taken the following day and if that came back okay, then they would be able to move forward.

Kevin asked what the Village wanted to do with Well No. 3. He said that Layne Western is ready to go. Kevin reminded the Board that Layne Western gave the Village a proposal for time and materials because they don't know what they are going to find until they pull the well. Kevin asked if he should have them send over documentation for signatures. Their T&M estimate is around \$43,000, but Kevin suggested budgeting for \$50,000 because of unknowns. President Byro said he would like to get the ARPA Water Main Project done before starting the well project. President Byro stated that there was a time frame that was discussed for the well project. He asked Mr. Loyd to verify what was discussed and Mr. Loyd stated it was either early Spring or late Fall because of water usage. Kevin asked if the Village was seeing a spike in water use. Kevin said he wanted to go back to Layne Western and get things moving because these discussions had been going on for 3 years. President Byro said he didn't want to lose them. Kevin stated that he just wanted to put a bow on it, even if the work wouldn't happen until 2 months or so in the future. President Byro asked how the Board felt. The consensus was that the Village should move forward with the project.

Kevin wanted to give the Board a heads up regarding the conversion of the cloverleaf at IL 38 and I-39 to a converging diamond in the next 5 years. It is supposed to be safer and reduce traffic times. Trustee Hibshman asked if that was the same configuration found at IL 59 and I-88 and Kevin stated it was. Their goal is always to reduce accidents and traffic times. Kevin said as a traffic designer, he always takes into consideration what drivers expect. Trustee Katzman asked if there was enough traffic at that cloverleaf to warrant it. Kevin stated that the driver no longer turns onto a ramp by crossing traffic. Drivers would cross at a light and at the next ramp would make a free turn. It is part of the 5-year plan, but no money has yet been earmarked for the project. Kevin also talked about roundabouts and how much people hate them, but they reduce accidents by 75%.

Kevin said he would talk to Trustee Ward in the coming couple of weeks about the Quiet Zone and update him on what he has with the FRA agency, and UPRR's consultant, who is hard to manage. Kevin said he wants to come up with a better plan for the board and he would have it by next month's meeting. Kevin stated that the Village was ready to move forward, but there are decisions to be made. President Byro stated that the Quiet Zone was discussed at the previous month's meeting and Trustee Ward told Kevin that it was suggested to have a public hearing. Trustee Katzman said that would let people know that the Board was working on it.

Mr. Loyd asked if the Board could back up regarding the well project. He asked where the water would be dumped once the work started. Kevin stated that he had that all mapped out and that a hose would run across Main St and detour traffic for about 4 hours. He said that the water would go into the new system they built west of Main on North St. Trustee Katzman said not to do it during Booster Days. Mr. Loyd asked if 4 hours would be long enough, and Kevin said they thought so. President Byro suggested using North Street and running it under the street and Kevin said that was something to consider. Trustee Ward also brought up the issue of an easement because they would need to go across the library's property or Mike Julian's property. Kevin said he had not had a chance to deal with that yet.

Committee Reports

Finance - Trustee Hopkins had nothing.

Streets & Alleys – Trustee Ward talked to Dave at Ogle County Highway Dept. Dave thought he would be in Dement Township that week to give Mr. Loyd time to get the Water Main Project done. He said that the following week he would be in the Village to do some patching. Dave said he would give Trustee Ward a heads up when he was ready to start the sealcoating. President Byro asked if there was a list of areas for repair or if Dave would just look at spots. Trustee Ward stated that Dave would drive around and see what needed to be patched and he gave Dave Mr. Loyd's number to touch base with him.

Water & Sewer – Trustee Kerns was not present. President Byro asked Mr. Loyd to fill everyone in regarding the water main project. He asked if the contractors were back by 1pm that day and Mr. Loyd stated they were. Mr. Loyd stated that they had trouble getting the chlorine levels down to where they could take their samples. The chlorine had to be below a 4.0 and they got it down to a 3.5 so they could take their samples. They said that they should know within 17 hours if that sample passed and then a second sample would be taken. If the 2nd sample passed, then they can hook the services to the main. The following day, weather permitting, they hoped to start blacktopping where they had poured into the area that was dug up for the main installation. They might have to break it up a bit to do the connections, but it wouldn't be a big area and it would be repatched. They hoped to get the majority of the work done that week and finish things up the following week. President Byro asked how long it was going to take to flush the lines out, and Mr. Loyd said if they passed the tests they took the following day, the main would have to be flushed out really well on Friday, or the day before they start connecting the services to get the chlorine levels down. He was afraid they would have to flush more out yet because the water would be sitting for 24 hours. Mr. Loyd stated that when it came time to connect the services, Clerk Payton might be able to speak to the 5 houses affected about running an outside faucet to help alleviate the chlorine levels. Trustee Hibshman commented that Mr. Loyd had handled everything very well regarding when to shut off water to which parts of town. Trustee Ward stated that enough valves have been added to help isolate shut-off areas and the Village needed to keep adding valves in the future to help pinpoint shut-off areas as much as possible. Mr. Loyd said that there were 4 more valves that did not work and it would make things so much simpler if those could be repaired. Trustee Hopkins asked if replacing those 4 valves would be enough for isolation or would more be needed. Mr. Loyd stated that replacing those 4 would help. Trustee Hopkins said he felt that if the Village was opening a hole to make a repair and we could add a valve while we had the hole open, we should do it.

Mr. Loyd also said he is fighting iron in Creston Commons. The water is not circulating well since they shut off part of that service. He said he didn't know if there was a problem with the water tower or not. He said that he flushes the tower once or twice a month. He flushes hydrants out there weekly and the iron keeps breaking loose. President Byro asked Kevin about cleaning the inside of the tower. He asked him to find out when they did that last. Trustee Katzman thought it was about 3 years ago. Trustee Ward also recommended cleaning the outside of the tower as the bottom is black with mold and mildew, and that would eat the paint. Mr. Loyd said that with the hydrant at the park out in Creston Commons, the water turned red for 35-40 minutes when he opened it. Kevin clarified with Mr. Loyd where the hydrant was located and said he would look at it. Trustee Ward said the other hydrant that is south of there barely flows. That hydrant is located at the 2nd cross street with Regulators St.

Health & Safety - Trustee Hibshman stated he had nothing. President Byro stated that the fire department did a great job with the house fire on Prairie Street the previous Saturday. Trustee Ward said they tapped in 3-4 hydrants in that area. Rochelle, Ogle-Lee, DeKalb, Oregon, Stillman Valley and other departments also helped. Trustee Elliot saved the dogs from that house.

Zoning & Planning – Trustee Katzman nothing. He said he had heard no updates on the library.

Subdivision - Trustee Elliot addressed zoning and he said he got a call from Michael Fonda with Avison Young in Rosemont about the farm on the north side of Route 38 that is 240 acres. They want to start marketing that property. Mr. Fonda would like to meet with the Board and fill them in on the plan. Regarding the subdivision, the 2 lots sold were purchased by a father and daughter that both have homes, and they bought the lots behind their homes.

New Business – Representative Fritts did not attend as scheduled.

President Byro introduced the Supplemental Appropriations Ordinance. He said that Treasurer Payton did a great job going through the Appropriations. President Byro and Treasurer Payton went over the figures together to decide what needed to be increased. Treasurer Payton said she highlighted all the line items that were either increased or decreased. Appropriations did not need to be increased. Money just had to be moved around. If spending on a line item is 10% more than appropriated, that must be fixed. The good part was that no additional money needed to be spent. Trustee Hibshman asked if the Mosquito Control going from \$1,000 to \$10,000 was a typographical error. Treasurer Payton thanked him for catching that. She said it should be \$10,000 on both sides. No figures will change; the typo just needs to be fixed. Trustee Ward made a motion to approve Supplemental Appropriations Ordinance No. 07052023A. Trustee Katzman seconded the motion. Trustees Katzman, Ward, Hibshman, Elliot and Hopkins voted yes. Trustee Kerns was not present.

FY 2024 Appropriations Ordinance was introduced. President Byro noted that ARPA Water Main Project was \$193,000. Treasurer Payton stated that they had increased that amount to \$245,000. President Byro said he didn't know if there was anything that needed to be added to the Appropriations. Treasurer Payton said that she hoped the worksheet she sent out helped the Board Members to see how she goes about deciding what to spend where. She said it was the first time since she has been Treasurer that she has done an Appropriations Ordinance for over \$1 million and that was because of the Water Main Project and the \$100,000 Motor Fuel Tax. Trustee Hopkins made a motion to pass Appropriations Ordinance No. 07052023B. Trustee Hibshman seconded the motion. President Byro asked if there were any questions. There were none. Roll call vote was taken. Trustees Hopkins, Hibshman, Elliot, Ward and Katzman voted yes. Trustee Kerns was not present.

Old Business - President Byro brought up the Solar Ordinance. He asked Trustee Elliot to talk about the Ordinance. He gave everyone a handout to show the difference in solar production for different types of panels and pitches, and what kind of production would be achieved by panels facing in different directions. President Byro asked if there needed to be concern about different areas facing different directions. Trustee Elliot said that most roofs do not have much roof space to put a lot of panels on. He said he understands that property owners want it to look nice, but he felt the verbiage in the sample ordinance was too restrictive. Trustee Ward stated that the homes in Creston Commons have no south facing roofs. They all face east and west. President Byro asked if the Board wanted to go ahead and adopt the sample solar ordinance from Mount Morris. Attorney Crull asked if the Board wanted them to put together a modified version specific to Creston. Trustee Elliot said he felt that it could be dealt with in the future as it is not a pressing issue. President Byro stated that Attorney Crull could put an ordinance together and then the Board could look at it and move forward from there.

Treasurer's Report – Treasurer Payton brought the Board's attention to a \$17,000 bill that was the final installment for what the Village owed for the Safe Routes to School project. President Byro asked for discussion. There was none. Trustee Hibshman made a motion to pay the bills. Trustee Elliot seconded it. President Byro asked if anyone had any questions. Roll call vote taken. Trustees Elliot, Hibshman, Katzman, Hopkins, and Ward voted yes. Trustee Kerns was not present.

President Byro said he had nothing else. Trustee Hopkins made a motion to adjourn. Trustee Katzman seconded the motion. All voted in favor. President Byro adjourned the meeting at 8:00:15 pm.