

Village of Creston Minutes Tuesday, July 6, 2021

President Byro called the meeting to order at 7:00 pm. Trustees Hibshman, Hopkins, Kerns, Katzman, Ward and Williams were present. Clerk Payton was also present. Atty Crull and Atty Tess were also present.

Minutes from June 1, 2021 regular meeting were reviewed. Two corrections were called for and noted: changing the person who is to get the list for manhole grouting from Curt Ward to Curt Loyd, and Trustee Katzman brought up that Dave Brown no longer owns the property on Fremont St with the high grass. President Byro asked if there was any more discussion regarding the minutes. There was not. President Byro announced that the minutes stand as read, with corrections.

Visitors & Communication – Roger Beardin of Beardin Farms spoke regarding the landfill and their unwillingness to deal with Unit 1. The landfill has submitted 3 applications trying to get an expansion and the 3rd was approved. One amendment was to put a liner in Unit 1. This was one of the main caveats of granting the expansion. It was to be done within 10 years, and it was to be done in the winter because of the smell. There is an aquifer under the landfill, and with no liner, if it ever leaks, it will contaminate the water. Mr Beardin brought up other issues with the landfill not fulfilling their obligations.

Ken Stoll of the Creston Booster Club spoke about the plans to have a beer garden at Booster Days. He formally requested that the Board approve their plan and he requested a donation for Booster Days. Since it was not on the agenda for this meeting, President Byro said that the donation would be discussed at the next meeting in August. President Byro asked the board how they felt about the beer garden. The board was agreeable and President Byro asked for a motion. Someone asked if it could be voted on since it wasn't on the agenda. Atty Tess said that since President Byro is the Liquor Commissioner for the Village, he was confident he could issue the licenses without approval from the Board. President Byro asked Russ to take care of that.

Tonya Sarver from the Moose Knuckle stated that she has the applications for the liquor licenses, and that the Moose Knuckle will be running the beer garden with The Flight Deck as their guide, since the Flight Deck ran it in 2019.

Treasurer Penny Payton brought up an e-mail she received from someone claiming to be the New Growth Coordinator for Illinois District 1 of the USPS. He asked for a contact name to verify addresses that don't match their database. He had contacted her via phone before sending the e-mail. Treasurer Payton doubted the legitimacy of the e-mail and asked for guidance from the Board about what to do. Trustee Ward suggested asking the postmaster in Creston about it, and perhaps the postmaster could put her in contact with someone who could address this matter.

President Byro spoke regarding what Skylar Sarver has done to the old Ollie's Parrot Perch building. He commended Skylar on all the effort he has put into the building and was pleased the results.

President Byro moved on to Atty Tess, who opted to wait to speak until we got to New Business.

Building Inspector, Casper Manheim spoke about permits that have gone out for fences and other buildings. The letters that have been sent out deal mainly with inoperable cars. Most people have been cooperative, but he is still dealing with the property at 422 W North St. Between boats, cars and other vehicles, there are 10-12 vehicles on the property. He has not gotten a response from the property owner about whether the vehicles are licensed or not. Casper will collaborate with Atty Tess or Crull regarding this issue as the property owner has not responded or cooperated. There are 2 letters for demos: one for 123 W North St and the other one is 308 E North St. He has not heard from either property owner regarding these issues. Casper also brought up problems with 224 E Depot St, which is a two-story building. There is always brush in the yard, and an investment group bought the taxes. Casper was in it once, and he feels that a letter should be sent to this investment group regarding demolition. Trustee Ward said that he had been in conversation with another property owner who is trying to keep the yard mowed and brush picked up, and that someone told the resident that the group bought the taxes, but does not plan to file for a deed because they don't want to be responsible for taking care of the property, so the property may be in limbo. Trustee Katzman said he was told that nothing could be done for 7 years in regards to the tax issue. Atty Crull spoke regarding how buying back taxes work and the amount of time is 2 years, and owners can then extend for a 3rd year, and if at that time they look at the property and decide they don't want it, they can do what is called a sale in error, and they will get all their money back and walk away. Casper said he will get a letter out and see what kind of response he gets.

Village Engineer, Kevin Bunge, said that the only thing he had was under new business. President Byro asked Kevin to look at something and they would talk about it.

Committee Reports

Finance – Trustee Hopkins said he had nothing.

Streets & Sidewalks – Trustee Ward stated that he didn't anything to report that Kevin wouldn't cover under New Business.

Water & Sewer - Trustee Kerns had nothing to report. President Byro spoke about the P Tap test and he said that the Village did pass that test. He said we will hopefully only have to do this test quarterly. He referenced another subject that he said would be discussed later.

Health & Safety - Trustee Hibshman said he had nothing to report.

Zoning & Planning – Trustee Katzman said he had nothing to report from the last month.

Subdivision – Trustee Williams said he had nothing. He said that they mowed, but that's all they have done. Trustee Williams asked Atty Crull if he had spoken to them about the water mains that were shut off. Atty Crull said that he had, and their atty came down and reviewed some of it, and he forwarded the map he got to them. Trustee Williams said that was all he had.

Old Business – Proposed FY2022 Budget & Appropriations Ordinance - President Byro said he had suggested a couple increases: he increased the truck amount to \$60,000 and the Fire Hydrant amount to \$25,000. He said to the best of his knowledge no other changes were made. Trustee Kerns asked if there was enough in the ordinance for the new water testing that needs to be done and President Byro said there was. Trustee Ward made a motion to adopt Ordinance # 07062021, the FY 2022 Appropriations Ordinance. President Byro asked if there was any further discussion and if there was not, he would call for a vote. No further discussion was had and a roll call vote was taken. All voted yea.

New Meter Reading Equipment - President Byro has spoken to Steve Cooper of Core & Main, and has also talked to Trustee Hibshman. The option that was discussed with Trustee Hibshman is not going to work, so the Village needs to move forward with securing new equipment. Steve Cooper has given President Byro some more options, and President Byro would like to discuss next month at the regular monthly board meeting, or hold a special committee meeting for water and have Mr Cooper come down and show the committee what these options. Mr Cooper has come up with another option that will not be as expensive but it has its drawbacks as well as advantages. Trustee Ward stated he is on the water committee, but suggested that Trustee Hibshman might be a better option to attend that meeting due to his expertise in this area. They agreed to set up a meeting.

New Business - Atty Tess presented 3 separate ordinances that are contingent upon each other. The first was the Jurisdictional Boundary Line and Intergovernmental Cooperation Agreement. With a few minor changes, this is the same agreement the Village was trying to reach with the city of Rochelle some time ago. Boundary Line Agreement in short term provides for 1 mile and a half of regulations and agreements between the Village and Rochelle. Fixed points have been used as they anticipate that the boundary for the Village will change at some point. Rochelle will have jurisdiction from Mulford Rd west, including the landfill property they currently own. The Village jurisdiction, set forth in exhibit B, will be east of Mulford Rd with the exception of the landfill. North it goes to Lind Rd/Gillis Rd, and South it goes to the Ogle/Lee county line. Exhibit D shows the area between the interstate and Mulford Rd will be shared jurisdiction along with the Pilot property on Rte 38. Rochelle will provide all the infrastructure costs and provide ongoing police/fire protection and in exchange for that, the monies generated from the Pilot property will go into a fund to reimburse the city of Rochelle for a portion of the costs up to \$500,000 for going under the interstate and improvements to Pilot. After that money is reimbursed, or 5 years, whichever comes first, the Village will receive monies from the Pilot project as it exists today and anything that is developed within that shared revenue district as follows: 25% of non-home rule sales tax; 25% of hotel/motel tax; 25% of Illinois retailers tax or occupational tax; 25% of any future home rule sales tax; and 25% of any revenue generated from gaming. Trustee Williams moved to adopt the ordinance. Trustee Hopkins seconded. President Byro ask for discussion. There was none. Roll call vote was taken. All trustees voted yea except Trustee Ward, who voted Present. Ordinance passed 5-0.

Intergovernmental Agreement between Village of Creston and City of Rochelle provides that Rochelle would take the steps necessary to amend its prior citing condition and host agreement to eliminate the requirement of the exhumation of Unit 1. Rochelle would also take steps to amend its host agreement to increase daily and annual tonnage into the landfill. In addition, the city required that at a minimum they would be receiving monetary benefits from Rochelle Waste Disposal, including the waiver of \$850,000 in potential costs they would have in exhuming Unit 1, and \$750,000 payment due from the city to Rochelle Waste Disposal, and \$1.5 million from Rochelle Waste Disposal to the city. Agreement was made not to negotiate anything less than 940 ft mean sea level, and they have agreed with our proposal that the Rochelle Landfill will close permanently on or before 12/31/2040 whether it is filled to capacity or not. The issue of whether or not this was the right thing to do was discussed and decided upon before any monetary issues were discussed and any provisions of what could happen or not happen were discussed. Atty Tess cited the different reports that were used to make the decision. President Byro asked for a motion. Motion made by Trustee Kerns moved to adopt the ordinance. Trustee Williams seconded the motion. President Byro asked for questions or discussion. Atty Tess mentioned that part of this agreement and the subsequent agreement that city of Rochelle has agreed and will agree to annexation to certain land that will be discussed later, and neither the Village or the city of Rochelle will seek any further amendments to this landfill nor will they seek further citings of any future landfills within 5 miles of the now or then existing Village of Creston town limits. Roll call vote taken. All trustees voted yea expect Trustee Ward, who voted Present. The ordinance passed 5-0.

Agreement between Rochelle Waste Disposal LLC and the Village of Creston is contingent on the passing of several documents: the two agreements with the city of Rochelle and a host agreement. There have been hosts agreements all along between the city of

Rochelle, the county of Ogle and the operator. That agreement has been restated with some minor changes that incorporate everything that is being done at this meeting. That agreement will be present at the city of Rochelle, and all of these agreements are contingent on the passing of that host agreement. It is also contingent on the city of Rochelle passing the 2 agreements that the Village passed at this meeting, and contingent on the issuance of modification permits by the Illinois EPA, which the operator and city of Rochelle with have to apply for upon the completion of these agreements. This agreement contemplates that unit 1 will not be exhumed. It will, however, be closed 12/31/2022. It will not be exhumed, but there will no further waste going into unit 1 with a minor exception that will be discussed. They will place a geoliner over footprint of Unit 1, cover with 30" of protective soil, then 6" of topsoil, and then drainage and vegetation controls will be put in place. No other waste except for waste in exhibit A, which provides for some piggybacking of waste over the top of the geoliner to allow for sloping into Unit 2 for proper drainage. The prior mean sea level height was 940 ft and will be reduced to 918 ft with an allowance for sloping up to 938 ft peak. Additional berms will be placed on Locust and Creston Rds within 30 months, and will be 14 ft high and subject to our design in conjunction with their efforts. Additional monitoring wells requested and suggested by MET will be put into place. Landfill will cease taking waste on or before 12/31/2040 and no further modifications are to be done to that landfill without the Village being at the table. Rochelle will now be a part of this agreement that says that they cannot and we cannot cite another landfill within 5 miles of the current Village limits, or future Village limits. Full or not, the landfill will close 12/31/40. The operator cannot change who they are to another company without city of Rochelle approval. NO hazardous waste will come into this landfill. No overnight trucks, no burning of waste. The property value protection plan previously put into place remains. The well water protection plan previously put into place remains. The elevated platform with the radiation detection goes in. The operator will consent immediately to the annexation of approx. 124 acres E of the currently operating landfill, the 124 acres west of Locust Rd, to be annexed into the Village. That annexation extends the 5 mile radius as to citing any future landfill and eliminates landfills along Creston Rd. Within 90 days after the modification permits are issued by the IEPA, the operator will transfer to the Village that same 124 acres that we'll be annexing in minus 36 acres immediately, which will be given to the Village upon closure of the landfill. This is the farm that the Village sold to Rochelle Waste Disposal many years ago, plus acreage, at no cost to the Village. In addition, upon final and unappealable modification permits being issued, they will pay to the Rochelle \$1.5 million and forgive \$750,000 that they are owed by the city of Rochelle, and they will not require reimbursement from the city for exhumation or other work to be done at the landfill in the amount of \$850,000. Lastly, they will pay the Village of Creston, subject to fees and costs, \$6.75 million. President Byro asked for a motion. Trustee Williams moved that the ordinance be adopted. Trustee Kerns seconded the motion. Roll call vote was taken. All voted yea except Trustee Ward, who voted Present. The ordinance passed 5-0.

Mark Hibshman requested a liquor license for Headon's. They want to sell wine and craft beer, but not for consumption. They want to do wine and beer-tastings at the Outdoor Farmer's Market, or occasionally have brewers or wine-makers come in and do tastings. With these exceptions, the liquor will not be sold for consumption on premises. Atty Crull asked if the tastings would be outside or indoors and Mr Hibshman said that they would be either indoors or right outside the store. Atty Crull also stated that the board would want specifics, such as times and days of the week. President Byro asked what we need to do and Atty Crull stated a motion would need to be made to add an additional, appropriately lettered license to allow for the sale of beer and wine on premises and also to allow tastings right outside the premises only during Farmer's Market days, from 9am to 2pm. Trustee Ward moved to authorize the Liquor Commissioner to create the appropriate liquor license and Trustee Kerns seconded it. President Byro asked for discussion. There was none. Roll call vote was taken. All voted yes except Trustee Hibshman, who voted Present. Passed 5-0.

Kevin Bunge addressed an updated form from IDOT that confirms that IDOT agreed to pay another \$30,000 toward the project and our portion is down to \$2000. Kevin said that there is a resolution for improvement under the Illinois Highway Code committing the Village to their \$2222 portion of the \$191,000 project. The Village already discussed this issue and approved the amount up to \$5000. The Village will still need to pay the \$2222, but we have not received a bill for it. Trustee Ward said he received a copy of the estimate and he asked if Kevin received that. Kevin said he thinks he did. Trustee Ward confirmed the process is that the engineer turns in the quantities and IDOT pays the contractor and that document shows that they paid \$105,000. IDOT will then bill the Village for their portion. The construction on the project is done, however the final walkthrough still needs to be done. There may be some touch-up items that need to be addressed, but the construction is done. President Byro asked how the time that the engineers has put in is determined and whether or not the Village will be reimbursed for that, since the Village has been fighting with IDOT for 5 or 6 years to get that reimbursement. Kevin said the when IDOT stepped up for the \$34-35,000 extra, that was a good faith effort towards that. Trustee Ward stated that we can always put in a request. IDOT may or may not agree to it, but the request can be made. President Byro stated he wants Kevin to make the request.

Trustee Ward asked about ARPA. President Byro addressed Trustee Katzman about this and Trustee Katzman stated that ARPA was not what he was working on. There was some discussion about whether or not ARPA was involved in what Trustee Katzman was working on. President Byro decided to table this subject until August's board meeting.

President Byro asked for a motion to go into Executive Session regarding Personnel. Trustee Hibshman made a motion and Trustee Hopkins seconded.

Executive Session began at 7:57 pm.
Executive Session adjourned at 8:05 pm

Trustee Hibshman made a motion to increase the pay for Curtis Loyd and Penny Payton by \$3 an hour and to increase the salary of both annually by 3% for a cost of living increase on May 1st. Trustee Ward seconded the motion. Roll call vote was taken. All voted yes.

Treasurer's Report – President Byro introduced the Treasurer's Report to approve the bills. Trustee Williams made a motion to pay the bills. Trustee Hopkins seconded the motion. A roll call vote was taken. All voted yes. President Byro said that the bills are approved.

A motion was made to adjourn by Trustee Ward and seconded by Trustee Hopkins, and all were in favor. The meeting adjourned at 8:08 p.m.