

Village of Creston Minutes Tuesday, June 6, 2023

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

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

Visitors & Communication – President Byro asked if there were any visitors or communications. There were none.

Attorney Crull was not present. Attorney Tess was supposed to attend in his stead, but he was not present, either. Brandon T Gecan introduced himself from the gallery. He now works with Attorneys Tess and Crull. Attorney Gecan wasn't sure who was supposed to be there, but he was asked to attend. He apologized for having nothing more to offer.

Casper Manheim was not present. President Byro stated that he talked to Casper again about 501 W North St. He said that the property owner has not done much to improve the property. He also told Casper about the pickup truck at the Baptist Church that has been sitting there with 4 flat tires. Trustee Kerns said he saw the truck on 4 jack stands the day before. Trustee Ward said he saw the jack stands next to the truck. President Byro said Casper was in town that day, so he looked at both properties. President Byro spoke about the homes that the Village had taken legal action on. Jack Kerns has mowed the lawn at two of the properties and the Village plans to lien both of those properties. Owners were served by publication, but President Byro wasn't sure what the next steps were. He saw in the publication that the next court date was June 14, 2023. Trustee Elliot said he drove by the property at 103 E South St and the doors and windows were open. He said he wasn't sure if kids were going in there or not. President Byro said that he has heard there are cats and raccoons in the house. He said he isn't sure it is the Village's responsibility to keep an eye on it. President Byro said he had spoken to Attorney Tess about the raffle ordinance and Attorney Tess recommended that the Village not adopt it. President Byro wasn't sure of the exact reason, but he said it had something to do with the possibility of the Moose Knuckle losing their gaming machines because of the raffle. Attorney Gecan said the statute that allows establishments to have the gaming machines essentially makes it exclusive. If there is going to be gambling in a municipality, it will only be with these machines. They don't want competition. If the establishment holds another event, they lose the ability to have the gaming machines because the authorization process is very specific. Trustee Hibshman said that he thought they were getting around that by giving all monies from the Queen of Hearts raffle to charity and the Moose Knuckle would not to profit from it. Atty Gecan said that Atty Crull looked into it rather extensively and that is not a valid, legal workaround. President Byro said that if the Moose Knuckle wanted to do it, they could do it, but they ran the risk of losing their gaming machines if someone complains. Atty Gecan said that it came down to enforcement. He said he didn't know the establishment's history with the state commissioner. Trustee Ward asked if the gaming machine company told the Moose Knuckle they needed a raffle license. Trustee Kerns thought it was the county. Trustee Ward said it was the gaming representative that told them they had to get a raffle license from the County and Trustee Kerns said the County said they don't have one and told them to get it from the Village. President Byro said that the Village doesn't want to get in the middle of it and as far as he is concerned, it is a dead issue. President Byro stated that he spoke to Atty Crull and the way Atty Gecan explained it was the way Atty Crull explained it to President Byro. Fraternal organizations can do it because they are a 501c3, and they also don't have gaming machines. Atty Gecan said that there is a potential workaround in which they could create another entity that occupies the same space, but he wasn't sure what that would entail and it might not be worth it.

Kevin Bunge was not present. President Byro said he knew that the library had gotten bids and they were too high, so they were going to start cutting back on some of the building features. Trustee Elliot stated that the library's budget process from 4 years ago doesn't account for the rate of inflation and real prices are now. Trustee Kerns said his bid for their site work was 1/3 of their budget. President Byro said he didn't know what they were going to do.

Committee Reports

Finance - Trustee Hopkins had nothing.

Streets & Alleys – Trustee Ward said he drove down the alley behind the Post Office and it was in bad shape. He recommended adding it to the sealcoat project. President Byro talked about an area by the school where the water comes down from the subdivision that should also be added to the sealcoat project. They bid on unit prices per gallon of oil and per ton of rock so there is not a set quantity. President Byro asked about the possibility of putting together a committee for the Quiet Zone project. Trustee Ward said that Kevin was still working on what the Village can and cannot do at the Diagnostic Meeting. Technically the Village does not have to have

a Diagnostic Meeting because UP wants \$15,000 to attend the Diagnostic Meeting. Kevin was still talking with RFA about what the Village legally has to do to keep UP from running the clock. President Bryo said he would like to see community members on the committee. There are people that have thoughts about this project and he wants to hear from everyone. As the Village pursues this project down the line, he would like to see an ad-hoc committee to see what the community members think. Trustee Elliot said that it wouldn't have to be a committee. He said the Village could hold an informational meeting or public hearing to give the community a chance to hear what the project entails and what it will cost and see how they react to that information.

Water & Sewer – Trustee Kerns said he had hoped that Curtis Loyd would be at the meeting to give an update on the Water Main Replacement Project. Trustee Kerns said that Queens had been in and out of the Village the last 3-4 weeks and at the pace the project was moving, he anticipated it would be another month. Trustee Ward said he talked to Tony at Queens and the new construction manager has been bouncing the crews all over the place. Trustee Kerns said he would like to see the project finished so the Village can get people's yards restored. President Byro was also concerned about having the project done before the sealcoating project starts. Trustee Kerns said he would speak with Mr. Loyd the following day to see where they are on the project.

President Byro talked about the issues the Village has been having with rusty water in the subdivision and he discussed the issue with Mr. Loyd and they had agreed to flush hydrants every other week. Trustee Kerns said there were issues with during the week he didn't flush, so President Byro agreed that the flushing could go back to every week. Trustee Kerns said that he also told Mr. Loyd that we should do it every week. The flushing has helped according to Trustee Kerns. Trustee Hibshman said the water at his house was much better. Trustee Ward said there was a complaint on Facebook about no notification about the flushing. Trustee Ward suggested scheduling it for a specific day of the week so people would know when to expect it. President Byro said that could be done, but Mr. Loyd had been with the crew on the water main project, so he could only flush the hydrants when he had time. President Byro said he would talk to Mr. Loyd about it. Trustee Elliot asked how many hydrants need to be flushed down in that area. President Byro said it is 4 or 5. Trustee Kerns reiterated that when Mr. Loyd was flushing the hydrants every week, it really helped.

Health & Safety - Trustee Hibshman stated he had nothing.

Zoning & Planning – Trustee Katzman was not present, and President Byro said he hadn't heard anything. President Byro stated that he asked Trustee Elliot to take over for Trustee Williams in keeping an eye on the subdivision. Trustee Elliot was willing to do it. Trustee Ward said he heard there were lots for sale up there. President Byro stated that 2 lots had sold for \$18,000 per lot. He saw it in the newspaper and he said he wasn't sure exactly where the lots were located. Trustee Ward said he hoped they didn't sell the lots that have no water service. Trustee Elliot asked if there was any way to restrict which lots could be sold. President Byro said that they had asked them to sell the lots in the front first, but he doesn't know whether that was in writing or not. Trustee Elliot asked if the 2 lots were adjoining and President Byro stated he didn't know where they were located, but he said someone could probably find out.

Subdivision - President Byro said there was nothing new other than rusty water.

New Business – President Byro introduced the committee member information. He said that if anyone wanted to change committees to let him know.

Old Business - President Byro brought up the Solar Ordinance. He asked if everyone had a chance to look at it. He asked Trustee Elliot what his thoughts were. Trustee Elliot said most of it makes sense, but he addressed the demolition portion and he would like to know what code that references. He was concerned about where the panels were facing. The Mount Morris ordinance didn't want anything farther away than 45 degrees from South. Trustees Elliot and Kerns discussed different ways and places to mount the panels to account for varying conditions. Trustee Elliot said he thinks the board needs more time to review it. He said he could bring in PV Watt analysis. President Byro asked if the board wanted to wait to vote on it and Trustee Elliot suggested to wait so that the board members could hear from Casper, and Trustee Elliot could bring samples for people to look at so everyone would know what was being discussed.

At 7:24 pm, President Byro acknowledged Attorney Tess' arrival. President Byro said that the board was on the last item on the agenda and Attorney Tess teased that board meetings always run an hour and a half. Attorney Tess introduced Brandon Gecan as their newest attorney. He is a native of Oregon IL and he used to work for the DeKalb County States' Attorneys' office, where he had the largest caseload. He is married and has children. He has been working with Atty Crull and he will be attending meetings from time to time.

Atty Tess spoke about the properties that are in court. The owners of 308 E North St. have been served and Atty Tess wasn't sure where Casper was with that property as the owners had been talking with him. The owner of 103 E South St had been served via publication and once publication is over, they will be taken to court. They have had no contact from that owner. The owner of 224 E Depot St had been served via publication, and there has been no contact. As soon as publication is over, they will be taken to court.

The owner of 123 W North St. has been served and there has been no contact. There is a default hearing scheduled for June 14, 2023. The owner of 509 W Cederholm St has been served and has been working on the issues. The property at 422 W North St is in compliance as far as the attorneys are aware.

Regarding the Solar Ordinance, Attorney Tess said that Attorney Gecan had reviewed it and the sample from Mount Morris was appropriate and if the board liked it, they would draft a Creston version of it and make any amendments the board would like made. President Byro let Atty Tess know that the board was delaying it another month so Trustee Elliot can bring in some more information to help the board make a more informed decision.

Attorney Tess said he knew there were a lot of rumors swirling around about the subdivision, but they have heard nothing. They have heard nothing from the owner's prior lawyers and the last time he tried to contact them, he was told that lawyer was no longer representing the subdivision owner. No one has contacted them, but they are prepared to move forward if someone does. Regarding the landfill, the application has been filed. A dry run application was done and that came back from the EPA with a multitude of issues. Most were surrounding the redirecting of the creek. That has been a very slow process to get that returned. They reapplied in May and there has been no response. The EPA has 90 days to make a response. They can wait until the last minute and reject it and ask for further changes, or they can ask for a continuation for the next 3 months and then reject it.

Regarding the Raffle Ordinance, Attorney Tess does not recommend it. Any ordinance that is put together would be averse to state law. He doesn't recommend it for the bar owner or for the Village. Illinois wanted to regulate video gaming and that meant there was nothing else but video gaming. Atty Crull and Atty Tess did discuss it and they don't recommend the raffle ordinance.

Atty Tess said that President Byro is the Liquor Commissioner, and he can handle any violations as he sees fit.

President Byro went back the landfill. He said that the gentleman they had been dealing with, Lacy Ballard, has moved up the chain of command, and President Byro wasn't sure who was in charge now. Atty Tess and President Byro have spoken to him and he knows that President Byro is not happy. Trustee Elliot asked if they were adding a new cell or expanding a cell at the landfill because they had been moving a lot of dirt around there. President Byro said he thought they were working on the creek. Trustee Elliot said it was on the east face of the existing cell. President Byro stated that he thought they were covering stuff. Trustee Hopkins said that was where they were putting the garbage and it was part of the existing cell. Atty Tess said he was still in touch with Lacy Ballard and Mr. Ballard still returned his calls. He was keeping Atty Tess apprised of what was going on. Mr. Ballard's response was that they wanted it over with as well. President Byro expressed his frustration at how long the process has taken. Atty Tess said the EPA was in compliance at that time and everyone knew it would take a while, but it was now 8-9 months past the anticipated ending date. President Byro asked if anyone had any questions.

Trustee Hibshman circles back to the Raffle Ordinance and he asked if it was a liquor problem or a gaming problem. Atty Tess replied that it was a gaming problem. When the government approved gaming machines, they made it clear that no other gambling was to take place in those establishments.

President Byro introduced the Appropriations Ordinance. He urged people to take it home and look at it and informed the board that they would be voting on it in July. Treasurer Payton stated that there were a couple of items that she was wondering about. She will have to do a supplemental appropriation ordinance this year for the first time in a long time concerning storm drainage maintenance. She needs to know if anything else is planned and she is hearing things about drainage in other places, and she requested that the board members look over the different categories and think about what they plan to do for the next year so she can get a better handle on the appropriations. She said they have done really well until this past year. President Byro asked where to look for that. Treasurer Payton stated that storm drainage maintenance is under the General fund and she was also wondering about farm maintenance. She didn't know if there would be any farm maintenance that needed to be done since we have leased it to the same tenant for so long. President Byro requested the Appropriations Ordinance be put on the agenda for July.

Treasurer's Report – Trustee Hopkins made a motion to pay the bills. Trustee Ward seconded it. President Byro asked if anyone had any questions. Trustee Ward asked how many times Clarks had sprayed for mosquitos. Treasurer Payton said they had been to the Village twice. Roll call vote taken. Trustees Elliot, Hibshman, Kerns, Hopkins, and Ward voted yes. Trustee Katzman was not present.

President Byro said he had nothing else. Trustee Hopkins made a motion to adjourn. Trustee Kerns seconded the motion. All voted in favor. President Byro adjourned the meeting at 7:39:45 pm.