

Village of Creston Minutes Tuesday, May 2, 2023

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

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

Visitors & Communication – President Byro asked if there were any visitors or communications. Tanya Sarver from the Moose Knuckle was present to discuss their plan to do a Queen of Hearts drawing. After speaking with their gaming representative, they were told they would need a raffle license. The raffle license would have to come from either the Village or the County. She called Ogle County and they do not have a raffle license. The rep told her that she would have to appeal to the Village to adopt some kind of ordinance that would allow the Moose Knuckle to get a raffle license. Mrs. Sarver explained that a Queen of Hearts drawing benefits a non-profit and the Moose Knuckle would be hosting the raffle. All profits go to the non-profit and the Moose Knuckle would make no profit off the actual raffle. They would benefit from increased traffic, but not from the raffle. Since the Moose Knuckle has gaming machines, they must have a raffle license in order to host the Queen of Hearts event. President Byro asked Mrs. Sarver to explain how the raffle works and Mrs. Sarver explained the process. President Byro asked the board what they thought about the matter. Trustee Hibshman asked how the Queen of Hearts differed from the 50/50 Raffle that the Booster Club does for Booster Days. Mrs. Sarver said that the gaming machines are the difference. Trustee Hibshman asked if the Boosters need a raffle license for their 50/50 and President Byro said that they never had one. Trustee Katzman stated that they must get a license from the state for Bingo. Mrs. Sarver said they do not need a state license. If the Village would be willing to adopt some kind of raffle license, the Village could charge or not charge for it at their discretion. President Byro asked if people had to be present to win and Mrs. Sarver said they do not. The person would win a higher percentage if they were present versus if they were not. President Byro again asked the board what they thought. Trustee Ward said he did not have a problem with the concept, but he asked if the Village has a raffle ordinance on the books. Attorney Crull said he didn't know off hand, but if it does not, he could write something up. Tanya said she would do some legwork to see what other Villages have done in that regard. President Byro said that the Village would look into it.

President Byro stated that before he moved on with the rest of the meeting, he wanted to swear in the new officers. He stated he was sorry that Trustee Williams was not present as he wanted to thank him for all the hard work he has done on behalf of the Village. He praised Trustee Williams as a conscientious and concerned citizen and President Byro said he turned to Trustee Williams a lot during his time on the board. Trustee Williams' decision not to run resulted in a vacancy on the Board and President Byro nominated Reid Elliot to take Trustee Williams' place for the next 2 years. Mr. Elliot is a long-time resident of Creston and knows the town well. He is knowledgeable and is on the park board, so he would be a good choice to fill the Trustee seat. Trustee Kerns made a motion to accept Reid Elliot as the new board member to fill the vacant position left by Trustee Williams' departure. Roll Call vote taken. Hibshman, Hopkins, Ward, Kerns, and Katzman all voted yes. Reid Elliot was installed as the newest board member, replacing Trustee Williams. President Byro thanked Trustees Hibshman and Kerns for running again, and he had their certification of election. Trustees Elliot, Hibshman, Kerns and Hopkins were all sworn in.

Attorney Crull brought all the files for the properties that complaints were filed against so he could address them one by one. Casper has been keeping him informed about changes made. The people reach out to Atty Crull to ask if they still have to appear in court and Atty Crull tells them that until Casper tells him that the property is 100% up to code, they still have to appear in court. 308 E North St property owner has been found in Earlville and service was made there. 103 E South St is owned by someone who has moved out of state and now lives in Indiana. His mother will not provide his address as he has health issues. Atty Crull said they would serve that property owner via publication, and he would ask for that in court the following morning. 509 W Cederholm St's owner has been served and has not responded. Default will be requested in court. 224 E Depot St had taxes purchased, but no tax deed was created. The owner's daughter was found, and service was attempted on her outside Rochelle, but they refused to answer the door. Atty Crull sent a letter to that residence, and he is hopeful that the judge will feel that enough has been done to serve them and that he can move forward with serving by publication. The property at 123 W North St. One owner is deceased, and the other owner has been served with no response, so default will be requested. The residents at 422 W North St have been making improvements. They may need to add more gravel to widen their driveway to put a boat on the property, but until they are 100% up to code, the case will remain open. Casper Manheim commented further on the property at 422 W North St. He has been in contact with the owner and the renters, and they have gotten rid of some vehicles and have moved the boats and made a lot of progress in getting things up to code. Atty Crull said he wants to continue the case because if he stops, there is a chance the residents won't finish with the improvements. He said that was all he had. President Byro asked if there were any questions and there were none.

Casper said that letters were sent to a couple of properties on west North St about rubbish in the driveway and around the house and the residents have contacted him about taking care of the issues. 330 E Depot St has had issues with dumping concrete in the street and they will take the necessary steps to clean up the property. Kevin and Casper have reviewed the library plans. Kevin stated that he reviewed the plans and comments on them, and they sat on it for 10 days, and just resubmitted it the previous day. Kevin said they had not had a chance to look at the resubmission, but they did get back their revisions to C.E.S.'s comments. Casper said that once everything is taken care of on Kevin's end, then Casper can let them know and they can pay for their permits and pick them up. Kevin said it might have already gone out for bids, but he wasn't sure.

Kevin Bunge reported that the water main project is ongoing. It is proceeding as quickly as it can, and they are doing the best they can with installing new valves. They are making good progress. Regarding the Quiet Zone, Kevin is still coordinating with Trustee Ward on that project and that day they received feedback from 2 different people at the Federal Railroad Administration: one said that a diagnostic is not needed, and another is saying they want the agreement signed before they have the diagnostic meeting. Kevin is trying to get all 3 of them on the same page. FRA is saying the Village must request the diagnostic. Kevin is trying to figure out how to go about that. Kevin might need to have President Byro send an email to someone giving them permission to work with Kevin and C.E.S. so that they don't have to keep coming back to President Byro. Kevin had not had a chance to consult with Layne about the well rehabilitation, but he will this month. Casper already discussed the library status. President Byro stated he has a copy of a reimbursement agreement for \$30,000 and Kevin said that the railroad wants President Byro to sign that before they have a meeting and Kevin is saying no, the Village are not going to do that. Trustee Ward stated that in his experience with another municipality, the agreement was never signed before the diagnostic meeting. The diagnostic meeting is designed for us to tell them what we want to do and for them to tell us what they think. We do not have a set of plans. It is just a concept at this point. Trustee Ward thinks because the UP got contacted early, they are trying to push this agreement, and he believes they may be obligated to come to the diagnostic meeting whether the agreement is signed or not. Kevin recommended that President Byro do nothing with that agreement. President Byro asked Curtis Loyd if he had anything for Kevin. Curtis asked if Kevin got the pictures he sent and Kevin said he did. President Byro said Mr. Loyd would give an update on the water main project later in the meeting.

Committee Reports

Finance - Trustee Hopkins had nothing.

Streets & Alleys – Trustee Ward said sealcoat was down the line, but the following evening at 6pm, IDOT was having a virtual meeting regarding improvements they plan to make to IL Route 38/I-39 interchange. It is not in our municipality, but it is close to us. They are looking at reconfiguring the traffic flow to make it more efficient. They also have a 10 ft multi-use pass crossing I-39 and they are also doing some rehabilitation of the north Creston ditch culvert beneath route 38 just west of the interchange. President Byro said he got all of that information as well. Trustee Ward was going to leave the information in case anyone wanted to attend. President Byro gave Trustee Ward a bill that shows what the Village owes for our part of the Safe Routes to School crossings. Trustee Ward said he would have Kevin review it.

Water & Sewer – Trustee Kerns said had nothing. He said he would let Mr. Loyd handle the water main project. President Byro said that there have been rusty water issues in the subdivision. There have been complaints and the Village cannot figure out what is going on. There are 4 or 5 main hydrants in that area and the Village will flush them every week. The water has gotten better, but it could be even better. Trustee Kerns said he thinks it is much better. Mr. Loyd stated that no one ever reports that the water gets better. It would help if people would tell us when the quality of the water has improved. Trustee Kerns said that he thinks part of the problem might be the dead-end mains in that area. Trustee Ward stated that there is also not enough use in that area to keep the water clear. Trustee Ward asked Mr. Loyd if there is still a chemical that is put into the water to keep the iron in suspension that lasts about 3 days and Mr. Loyd said he wasn't sure how long it lasts. President Byro said that the Village has been looking into flushing hydrants. Kevin said it would be costly to get 5, but it might be possible to get a couple of them put in.

President Byro had Mr. Loyd talk about the work that has been done so far on the water main project. The work started at the corner of Main and Cederholm. They tried shutting off water Monday to do the repair, but one valve would not close. Mr. Loyd shut off every valve that he could find from Main St to Woodlawn. There were so many that he put cones on them so he would know which ones he had shut off. The previous day, they replaced that valve when they shut the tower down and that day they were able to tie in for the new 8" main and they only had to shut off 2 valves and no one lost any water. President Byro stated that additional valves are being installed so that water shutoffs can be isolated so the whole town will not have to be shut down. Trustee Ward stated that when a valve failed last year, they had installed 2 new valves. After the water was turned back on, there were leaks. There was a leak on Cederholm St, and there is another leak on Grant down by the Quonset hut. It has been a struggle, but progress is being made. Mr. Loyd said he found a valve on Main St that serves the fire department. They put a main in to fill the trucks and it has nothing to do with the Village's 4" mains. Trustee Ward said it was put in when the fire station was built. When Mr. Loyd went to open the 2 gate valves by Main and

South Streets, he came back 15 minutes later and the street was flooded. As work continues, some valves might have to be replaced because they haven't been used in so long. Kevin said he got prices for materials from Core & Main, and another price from a couple of contractors to do the tap-in and installation and he will get those estimates to President Byro next month. Kevin suggested budgeting 2-4 valves every year for replacement. Water samples were gathered that day and results would be reported the following day regarding the boil order. Kevin clarified that normally an inspector would be at the site all day every day, but C.E.S. opted not to do that in this case to save costs. Mr. Loyd is on site every day and C.E.S. has someone swing by every couple of days or so, but there isn't an inspector there all day every day. Trustee Hibshman expressed his thanks to Mr. Loyd for shutting the water down on Monday rather than the previous Friday since Headon's and the Moose Knuckle are both closed on Mondays, so it made it much easier for the businesses as they didn't have to deal with no water on days they are open.

Health & Safety - Trustee Hibshman stated he had nothing.

Zoning & Planning – Trustee Katzman said the only thing he had was the library.

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

New Business – President Byro said he didn't have committee member appointments ready. He said he would have them for the next meeting. .

President Byro gave the floor to Trustee Ward for the Sealcoat Award. Trustee Ward said that Ogle County opened the sealcoat bids. Ogle County's estimate was about \$90,000. The bid came in at \$80,842.46 from Helm Civil out of Freeport, and they have done work for the Village previously. Trustee Ward stated that the Board needed to approve the sealcoat award to Helm Civil in the amount of \$80,842.76. President Byro asked for a motion. Trustee Hopkins made a motion. Trustee Katzman seconded. President Byro asked if there were any questions. None were raised. Roll call vote taken. Elliot, Hibshman, Hopkins, Katzman, Kerns and Ward all voted yes. Kevin asked for specific numbers and Trustee Ward provided those numbers to him. Trustee Ward stated that President Byro needed to sign it and then the original needs to be sent to Terry at Ogle County Highway Department. We can email it to her and let her know the original is on its way.

President Byro talked about a solar ordinance. Casper sent President Byro a copy of Mount Morris' ordinance regarding solar. President Byro asked Trustee Elliot to look at it as he is in the solar business. President Byro asked Casper if he was happy with the ordinance. He asked Casper if there was anything to add or not add. Casper said what he liked about it is that ground mounted solar parts have to meet certain criteria regarding how close it is to other properties, percentage of the lot it covers, and all accessory setbacks must be met. The ordinance as written helps control it and it gives the Village the option to halt a project if the right criteria aren't met. If someone interested in installing, they would have to give a site plan to Casper and Casper would have to walk through it with the resident before a permit is issued. The other thing he liked is the variety of fees that can be charged based on kilowatt usage and how big it needs to be. If someone wants to install a solar farm on a large plot of land, then the Village could charge hefty fees for that. President Byro said he wanted everyone on the Board to have a copy. President Byro asked Trustee Elliot what he thought. He said he would have to read it again and dig deeper into it. He did state that Ogle County had a meeting the previous night about putting together more of a county ordinance. Atty Crull stated that the Governor signed a new law that took away the County's ability to zone and control that and a deadline of the end of May was put in place for them to adopt their own ordinance. President Byro asked Casper if the Village should adopt the same kind of ordinance that Mount Morris did. Casper said yes. The ordinance started in Walnut and is geared toward small towns. Trustee Katzman asked about the end of the month deadline, and Atty Crull said that was for the County. President Byro said that he would send a copy to everyone so they could look at it and know what they are voting on.

President Byro introduced Trustee Hibshman to talk about a possible Chicken Ordinance. Trustee Hibshman said that quite a few people have asked him about having chickens. Trustee Hibshman put together a list of possible requirements for owning chickens within the Village limits. A homeowner could not have more than 5 hens; no roosters would be allowed; chickens must be kept in a safe and clean coop; homeowners must apply for an annual permit; coop will need to fall within certain size restrictions and be approved before permit issued; coop must be in an enclosed back yard; renters cannot have chickens without landlord permission. President Byro said that the coop would need to be enclosed. Treasurer Payton asked who was going to enforce the conditions. Trustee Kerns said he thought that a chicken ordinance would cause a lot of problems: coyotes, rats, mess, smell. Trustee Ward also stated that if the ordinance goes forward, then there needs to be a 10' foot setback from the property line if it backs up to another property. Trustee Hibshman said that if the Board wants to entertain it, any number of rules could be in place, and there has been a lot of interest. Trustee Ward said that the people who really want chickens have no idea how hard it is to actually raise chickens. Casper said that he would have 3 requirements: setbacks; require 3 square feet per chicken when making the coop; and a license that needs to be renewed every year. Trustee Ward suggested having the adjoining property owners sign off on the building of the coop. President Byro

suggested tabling it until a future meeting. Trustee Elliot said that he thought there was enough on the table already to deal with, and President Byro said that the Board would drop it for the time being and revisit it in the future.

Treasurer's Report – Trustee Hibshman made a motion to pay the bills. Trustee Katzman seconded it. President Byro asked if anyone else had any questions. Roll call vote taken. Trustees Kerns, Katzman, Hopkins, Hibshman, Ward and Elliot voted yes.

President Byro said he had nothing else. Trustee Hopkins made a motion to adjourn. Trustee Ward seconded the motion. All voted in favor. President Byro adjourned the meeting at 7:56:45 pm.