

Village of Creston Minutes Tuesday, November 7, 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. 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. Trustee Hopkins seconded the motion. Minutes were unanimously approved as presented.

Visitors & Communications – President Byro asked if there were any visitors or communications. President Byro stated that he received a thank you from Dorothy Lockard regarding the repairs made to her lawn. He also had a letter from the Girl Scouts asking if they could sell cookies door to door. He asked the Board what they thought, and everyone agreed that would be fine. Trustee Elliot asked when that would take place and President Byro responded that the order dates are 1/5/24-1/21/24 and the door-to-door is 2/1/24-3/10/24. Trustee Elliot asked if the Village has a local Girl Scout troop and President Byro said he wasn't sure. Kristi Scherer said that Steward has a troop. Trustee Ward stated that it was nice that they asked permission as so many groups do not. Kristi Scherer spoke about the Christmas Parade that will take place on 12/1/23 at 6:00 pm. She submitted the parade route, which is the same as last year. The tree lighting will take place after the parade, and she said that Ashley spoke with Artina Hibshman about serving hot chocolate. Trustee Hibshman agreed that would be fine. Christmas in Creston will take place on Saturday 12/2/23 from 9am – 2pm and will include Lunch with Santa. There will be vendors at the Fogelman Building, and she had 8 lined up as of the meeting. Lunch with Santa will run 11:30am-1pm at Booster Hall and there will be gifts for the children. The DAR is meeting at Booster Hall that day and they were very accommodating in that they will meet at Booster Hall part of the day and then move the meeting to Debbie Katzman's home for the remainder of the meeting. Kristi asked if the parade route was okay and President Byro said yes. She planned to contact Sheriff Van Vickle about closing Woodlawn Rd for a bit. The Ogle County Sheriff was supposed to have an officer there last year, but they got called away. She said if anyone would like to help her husband at the railroad crossings, she would appreciate that.

Attorney Crull stated that he had quite a few different things going on and most would be addressed later in the meeting. One item that was still going on with the landfill was the transfer of property. Part of the permitting process was the redirection of the creek, which delayed things a bit. They are working through that process currently. Everything else would be covered later.

Casper Manheim stated that he was still working with the gentleman on Regulators St regarding the big truck that was parked on the street. The owner got the big truck moved from the street into his driveway and it is licensed and insured. Someone broke one of the turn signals so it is technically not operable, but the resident is still recovering from surgery cannot drive it at this time, so that can be addressed later. Casper said he would stay in contact with him to make sure he follows through on moving the truck somewhere else. Down the street, there was a resident that had a trailer parked across the sidewalk. Casper sent him a letter and he has since moved the trailer to the backyard. The new house on Prairie St that is being built to replace the home that burned has had the hole dug for the foundation and Casper has not yet inspected the footing. The forms and walls were going up on the new home in the subdivision, so there is some growth happening in the Village. He had some old business items that he would talk about later in the evening.

Kevin Bunge was not present. President Byro asked if anyone had heard from Kevin, and no one had. President Byro said he was hoping Kevin would be there as he had some things he wanted to discuss with him. He said he would wait to see if Kevin arrived before addressing things.

Committee Reports

Finance - Trustee Hopkins had nothing.

Streets & Alleys – Trustee Ward stated he had nothing.

Water & Sewer – Trustee Kerns said he had nothing this month. President Byro stated that Layne Western had shown up to pull the well. No one knew they were coming. They arrived the previous morning to get started and pulled the well and they had the wrong pipe. They had to go back and get the correct size pipe. They expected to be done in 3 days. Curtis Loyd said they were hoping to flush on Friday. Samples would need to be taken. Mr. Loyd talked to someone in Rochelle so the Village could get the samples tested locally, and there must be 2 good samples 24 hours apart in order for it to pass. President Byro said the water would run down the ditch and they were going try to empty it by the new storm drain. President Byro said they were still waiting on subdivision information.

Health & Safety - Trustee Hibshman stated he had nothing.

Zoning & Planning – Trustee Katzman was not present. President Byro asked Trustee Elliot if he had anything. Trustee Elliot said that there was nothing going on.

Subdivision - Trustee Elliot said that there was some chatter going on about the subdivision that would need to be discussed and President Byro said that could be discussed later.

New Business – FY2024 Tax Levy was presented by Treasurer Penny Payton. Treasurer Payton said she kept it under 5% so that the Village would not have to have a Truth in Taxation hearing. The sum of the tax ordinance is \$23176, which equates to \$37.02 per resident in the Village as there are 626 residents in Creston per the last Census. She requested that the Board pass the Tax Levy. Attorney Crull asked if it needed to be introduced this month and voted on next month. Trustee Ward said that they usually do that with the Appropriations. Atty Crull stated that it was fine to pass it that night. Treasurer Payton said that the Board could wait until next month to vote on it, but it has to be submitted to the County Clerk's office by the last Tuesday in December. Trustee Ward made a motion to adopt the 2024 Tax Levy. Trustee Kerns seconded the motion. Trustee Elliot asked if there were copies. Treasurer Payton said she would go make copies. They delayed voting until later in the meeting.

President Byro moved on to Village Insurance. He expected Adam Heal to be at the meeting, but he was not present. President Byro stated he did not know what was going on with the insurance. Trustee Ward asked if he knew if it was going up or down. The consensus was it was probably going up, and President Byro stated it usually does not increase too much. He said he hadn't heard from Mr. Heal and that the new Insurance needed to be passed as soon as possible as the old policy would expire December 1, 2023. President Byro said he would talk to Treasurer Payton about it.

President Byro introduced the Comprehensive Plan. It was made by Land Planning back before the year 2000. It is supposed to be updated every 10 years. President Byro said there is information in that plan that is nothing like what is being discussed presently. He asked the Board to go through it and come up with questions and items that need to be added. President Byro said he wasn't sure if it should go through the Planning Commission first or not. Trustee Ward said that the Planning Commission usually reviews it and makes recommendations. President Byro said that every time the Village does a Boundary Agreement, the Comprehensive Plan is supposed to be updated. Trustee Elliot asked if anyone knows what the updates need to be, and President Byro said no. Trustee Ward said that the Planning Commission reviews it and makes recommendations for changes and then the Board votes on it. Trustee Elliot said he asked in case there were any mandates that needed to be included that they don't know about. Trustee Ward said that the Comprehensive Plan is supposed to be a living document. President Byro said they would get copies for the Planning Commission, and he asked Trustee Elliot to set up a meeting for them to review it. Trustee Kerns said that none of the updates recommended in the plan are happening, and Atty Crull stated that none of his towns are doing anything with theirs, either. President Byro reiterated that by law, every time the Village enters into a new Boundary Agreement with Rochelle, the Comprehensive Plan is supposed to be updated. Trustee Elliot said he would try to get a Planning Commission meeting set up by the end of November.

Treasurer Payton passed out copies of the Tax Levy and the Board reviewed it. President Byro stated that we had a motion and a 2nd. Trustee Ward made his motion again. A Roll Call vote was taken. Trustees Elliot, Hibshman, Hopkins, Kerns and Ward all voted yea. Trustee Katzman was not present. 2024 Tax Levy Ordinance was adopted.

President Byro asked Treasurer Payton if she had heard from Mr. Heal. He confirmed with her that the new insurance needed to be voted on by December 1, 2023. Treasurer Payton said the only thing the Village had received was a card from Crum-Halsted saying that they are using OneTouch to deliver documents.

President Byro presented a resident request for reimbursement for a sump pump. The resident had sent an email request along with a copy of the receipt. President Byro stated that the residents live in the area of the subdivision where the leak occurred. They claim that their sump pump burned up because the work the Village was doing to fix the leak caused it to run constantly. The residents were in Florida at the time and her father was checking on the house. They claim that the sump pump was running every 15 minutes. Mr. Loyd said he stood by their sump pump hose for about 45 minutes and it never came on. He said the ground in that area was solid where the hose was and if it was kicking on that often, the ground would have been saturated. Trustee Ward asked if the leak was in the parkway and President Byro said that it was in the street. Trustee Ward said that the leak was at least 30' away from the home and that the water would have been going into the storm sewer. Mr. Loyd said that they dug between the 2 lots where American Leak Detection thought there was a leak, and the ground was dry. President Byro stated that it is unfortunate that their pump burned out, but he didn't feel it was the Village's responsibility to replace their sump pump. The Board decided that the Village would not pay to replace the sump pump as they did not feel the Village was responsible for its failure.

Casper spoke about the new Building Codes he introduced a couple of meetings ago. A few weeks after that, the State passed a law that by January 1, 2025, all municipalities must have codes that are no older than 9 years old. The current codes available are from 2021. The 2024 codes are not out yet, and he feels that everything could be in place by May of next year. Casper said he doesn't have a date for the 2024 release, but he will keep monitoring it. Casper said it was up to the Board if they wanted to go with the 2021 codes that are currently available or wait until the 2024 codes come out. Trustee Elliot asked if the ICC was the Illinois Commerce Commission and Casper said no, it was the International Code Council. The ICC controls the books, but the state passed the act that requires all municipalities to have code that is no older than 9 years. Currently, the Village's Code is 17 years old. Trustee Ward asked how that affects the unincorporated areas. Casper stated that Ogle County requires that any new homes or businesses must have architect stamped drawings. That fact alone would mean that any new construction must meet the most recent codes. Casper said the Board could revisit this again when he finds out more information. Trustee Elliot asked if Casper was going to get digital copies of the code books and Casper said he has a fob with the 2015 codes on it. He said he could bring it in if Trustee Elliot wanted to download it. Casper said that once the Board determines which code they want to use, they can get CDs with the code on them as well as the hard copies. Casper said that the Village must have hard copies available.

President Byro brought up the Farm Lease. He stated that the Village has been trying to get things finalized with the landfill regarding the property transfer. He said he went out to landfill to go over things with them and the tenant that farms that land happened to be out picking corn. President Byro said that they had told the landfill that the tenant needed to be notified that his lease would expire on 11/1/23. The landfill people did not make that notification. The tenant still has a lease on that land for another year. That lease cannot be broken, and the only lease that will be going out is for the 143 that the Village already had. Trustee Ward asked if the Village would be better off extending the current lease for another year to get both properties on the same schedule. Attorney Crull stated that the current tenant had already been sent a Notice to Quit in October which is when that is supposed to be sent. Trustee Elliot asked if it was already on a year-to-year lease and Atty Crull said yes. He said that they have done three-year leases as well and the length of the lease can depend on where the market is. Trustee Ward said that most people don't want to do less than 3 years and Atty Crull agreed because of the number of resources that goes into farming those acres. President Byro stated that since Mr. Petry was already sent a Notice to Quit, the lease would have to go out for bids. Trustee Hopkins brought up the income from the lease on the property from the landfill and Attorney Crull said that would be the Village's income. Atty Crull stated it would be the current rates in the lease that the tenant has, and they have asked the tenant for a copy of the lease. He said some leases allow for a later Notice to Quit, but he doesn't know if that lease does or not because he hasn't seen it. Atty Crull said that the Village could not send him a Notice to Quit at the time because they did not have the authority to do that. The current tenant works for the landfill and farms other property as well. President Byro asked if the lease should be for one year or longer. Atty Crull stated that he wasn't sure it would benefit the Village to have both leases as one unit, bidding on both together, due to differences in soil quality and fertilities and things like that. Trustee Kerns said that the Village could regroup on that later. Atty Crull stated that his opinion was to do whatever is best for the current farm and go from there. Trustee Ward suggested that the Village could do a one-year lease with two more option years. Atty Crull stated that the new lease won't start until March 1, 2024, so that gives the Village plenty of time to decide how to handle it. Trustee Elliot asked how many acres were in the new parcel of land. President Byro stated 80 acres. Trustee Elliot asked if that was with the 10 or minus the 10. President Byro said it was minus the 10. It is 80 farmable acres.

President Byro brought up the house demolitions that the Village is looking at doing. There had been some changes and Atty Crull stated that regarding 123 W North St, that property reverted to the bank, and they are a party to the current proceedings. The bank reached out to Atty Crull's office via their attorney and asked what they would need to do to bring it up to code so it can be sold. There is a lis pendens on the house now, so the transfer cannot be done until that is resolved and even if it is transferred, the Village still has an ongoing claim against it. Casper provided a list to Atty Crull, who forwarded that list to the bank's attorney. There was a court date in a week or two in which they would have to show what they are going to do, and if they don't, the Village will proceed with their claim. Trustee Ward asked if the Village has any authority on the inside of the structure and Casper said that most of the time, the Village just wants to get it into an acceptable condition on the outside. Whoever purchases the home will be responsible for the inside. Atty Crull said that the Village authority does go inside the house, but they just wanted to get the home structurally sound to start with. The Salgado property belongs to the Village. There is one tax lien on the Middleton property that needs to be cleared and once that is done, the neighbors are purchasing it to demolish it. That would help the Village immensely. President Byro asked if there are time frames involved. Casper said that is up to the Board to decide and Atty Crull said they want to demolish it immediately. Everything is in place and ready to go. They are just waiting for that last lien to be cleared. Atty Crull said as hard as Mr. Middleton was to get a hold of at the outset, he has been very responsive and cooperative throughout the entire process. There has been no success with the Wicke property. Illinois has an act to demolish without notifying anyone, so that is the avenue Atty Crull is going down. President Byro said that dealing with these properties sends a message to the community that we aren't just driving by these properties and ignoring them. The Village is serious about demolishing these eyesore properties. Atty Crull stated if anyone has any contact information for Ruth Ann Wicke to let him know. He believed she was living in a home with her daughter in Rochelle and they have sent certified letters to her, but they don't take them. He has gone as far as to look up relatives on Facebook and send Facebook messages to them, which he

doesn't like to do. Trustee Ward asked if she legally owned the property and Atty Crull said no, but she was the heir so she would be the correct owner. To demolish without serving anyone, the Village would put a notice in the paper and do a title search. Trustee Ward asked what needs to be done to get the Salgado property taken down. President Byro said he guessed it would go out for bid or request for proposals. Casper said that he gave Kevin the names of contractors he knows who do a good job, so when the Village is ready to move forward, the engineer will have the information to set that up. Trustee Ward stated that the Village wants the house and any foundation cleared off the lot and the utilities disconnected and black dirt and seed. President Byro asked if the Village needs to officially do anything to move forward. Trustee Hopkins said that the Village would need to put out requests for proposals. Trustee Ward asked if they had to request proposals or if they could just call 3 contractors. Atty Crull said that the Village should be able to contact 3 contractors based on what the Village anticipates the cost to be. Trustee Kerns said he thought Kevin was going to put specs together so people would know what they were bidding on. President Byro said he would talk to Kevin about it. He said he needed to talk to Kevin about some other issues as things with the subdivision were not going well. Trustee Ward asked if the fire department could use the house marked for demolition for practice. President Byro said that would be fine. President Byro asked if there needed to be a demolition permit. Casper said that the Village has one, but he doesn't know if the property on Prairie had one or not. They did tell him who was going to be doing the work.

President Byro said he had nothing else and he moved on to Bills. Treasurer Payton mentioned that one check is for the Motor Fuel Tax and one is for the regular bills. Attorney Crull stated that that there would need to be a resolution to that effect. Trustee Elliot moved that the Village pay the Ogle County Highway Department with the Motor Fuel Tax Fund and Trustee Ward added to authorize a Motor Fuel Tax resolution If needed in the amount of \$3827.39 and authorize an MFT resolution if needed. Treasurer Payton stated that Jeremy from Ogle Co Highway Dept sent paperwork. Atty Crull asked if there was already a resolution. Treasurer Payton stated there was all kinds of paperwork in the envelope. Atty Crull said to let him know. Trustee Elliot stated that the \$3827.39 was for the engineering fees. Trustee Ward said that they charge a percentage of the project costs and Trustee Hopkins stated that it was 4%. Trustee Ward seconded the motion. President Byro asked for questions. There were none. Roll Call vote was taken. Trustees Elliot, Hibshman, Hopkins, Kerns and Ward all voted yes. Trustee Katzman was not present. Resolution passed.

Trustee Hopkins made a motion to pay the regular monthly bills. Trustee Kerns seconded the motion. Trustee Ward asked if Queens had been paid for the water main project and Treasurer Payton said yes. President Byro asked if there were any questions. There were none. Roll Call vote was taken. Trustees Elliot, Hibshman, Hopkins, Kerns and Ward voted yes. Trustee Katzman was not present. Motion passed. President Byro asked if anyone had anything else to discuss.

Treasurer's Report – Trustee Hopkins made a motion to pay the regular monthly bills. Trustee Kerns seconded the motion. Trustee Ward asked if Queens had been paid for the water main project and Treasurer Payton said yes. President Byro asked if there were any questions. There were none. Roll Call vote was taken. Trustees Elliot, Hibshman, Hopkins, Kerns and Ward voted yes. Trustee Katzman was not present. Motion passed.

President Byro thanked everyone for all their thoughts about his wife. He asked if anyone had anything else to discuss. Trustee Elliot made a motion to adjourn. Trustee Hopkins seconded the motion. All voted in favor. President Byro adjourned the meeting at 7:40:40 pm.