

## Village of Creston Minutes Tuesday, October 3, 2023

President Byro called the meeting to order at 7:00 pm. Trustees Elliot, Hibshman, Katzman, Kerns, and Ward were present. Attorney Crull was also present. Trustee Hopkins arrived after the meeting started.

President Byro introduced the minutes and asked for additions or corrections. Trustee Kerns made a motion to approve the minutes. Trustee Ward seconded the motion. Minutes were unanimously approved.

**Visitors & Communications** – President Byro asked if there were any visitors or communications. Treasurer Penny Payton spoke on behalf of a resident who had called regarding dogs that were loose on Woodlawn Road with no leash or owners present. These dogs had attacked dogs that were being walked by other residents on leashes. Treasurer Payton suggested that a letter be sent to the owners regarding the ordinance on animals as they may not be aware that the Village has leash laws. President Byro stated that residents could call Ogle County Animal Control and Trustee Ward said he did not believe that the county would do anything in the Village. Trustee Ward stated that the Village has an ordinance, and the owners could be fined, or someone could catch the dogs and take them to Animal Control. President Byro asked Treasurer Payton if she knew who owned the dogs and she said yes. He asked her to write a letter to the owners and she said that she and Clerk Payton would work on it. Casper Manheim requested a copy of the ordinance and he said he could help as well. Clerk Payton stated that she had received a phone call 2-3 weeks prior from another resident who lives on North St who stated the same dogs had come into her yard and had been aggressive toward her dog. She said she concern was not as much for herself and went on to state that her dog is not animal friendly, and she was concerned that her dog would hurt the other dogs. Clerk Payton stated that she posted a reminder on the Village website that the Village does have a leash law and she shared verbiage directly from the ordinance. She also shared it on the Village of Creston Facebook page as well as the You Know You're From Creston If...Facebook page. Clerk Payton stated that the owners in question have been active on the You Know You're From Creston If...page, so unless the owners are ignoring the information, it is out there for the public consumption. President Byro suggested that a letter be sent as well. Trustee Elliot asked if the dogs were primarily chasing other dogs or if they were also chasing people. Treasurer Payton said that the owner of the dog that got attacked slapped the aggressive dog, so he didn't know what would happen next time he walked his dog past that house. Trustee Elliot stated that he saw a girl walking down Woodlawn Rd the other day and he wanted to make sure that no kids would get mauled. Treasurer Payton stated that the Village should take some action so that the community knows we are paying attention to what is going on. President Byro thanked Penny for bringing the matter up.

Attorney Crull stated that he had quite a few different things going on. The IEPA approved the permit since the last meeting. There are still some things that needed to be worked through, and some things had already been done. There was still some land that needed to be transferred. He said that someone from the Village wanted to go out with the surveyor so that they knew what was being transferred. The farm lease and the solar ordinance would be discussed later in the meeting.

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 had to get a new sticker for the license plate so that it was drivable, but he was still dealing with some stitches from his surgery and technically he was not supposed to drive. His son, who is a construction operator, also got hurt, and Casper was under the pretense that the truck would be gone by the end of October. The resident has been good about doing what Casper had asked him to do, but things had slowed down due to his health issues. Casper said the resident understood that he couldn't operate the kind of home-based business that he had been operating. Casper also did an inspection for new construction on Hall St. They were getting ready to dig the foundation, so the setback inspection was done.

Kevin Bunge reported that Layne Western was ordering the parts for the well replacement project, and they would let Kevin know when they could start the project. He also spoke about a meeting that took place with the new owners of the subdivision to discuss potential purchase of lots. Kevin said he drove through the subdivision and made a punch list of things that could be fixed. He said that the Board would see the list first and determine what they would like to have done. He said they were not trying to nitpick the buyers, but they wanted to make sure everything got addressed that needed to be addressed. The framework had been started and he would fill in more details.

President Byro asked if the well project would start in November, and Kevin stated it could start as early as the end of October. Kevin said he would share more as soon as he knew more. Kevin said that there was still time to get it done this year, but it could be delayed if something held Layne Western up.

President Byro brought up the demolition of the properties that the Village won default judgments on. He said that Kevin needed to start the process, and Casper could take care of the shut-offs. Kevin asked if President Byro was looking to go out for bids, or did he want requests for proposals. Casper stated he could get a list of firms that works with that does demolitions to Kevin. He said he had 3 names that did demolitions regularly. President Byro asked if the Village was going out for bids or requesting proposals. Kevin said that

was what he was asking. Kevin said he could do it either way. Trustee Kerns said that bids weren't needed because the amount would be under \$25,000. Trustee Ward agreed. Kevin then suggested sending out packages and saying that the Village was requesting quotes or an RFP. That way the Village was sending the proposals to a select group that they know and trust. President Byro asked if the Village still had to pay prevailing wage and Kevin said yes. Kevin said the other option was to put a bid notice in the paper and then the Village would get proposals from people they didn't know anything about. Kevin recommended the RFP. Trustee Ward stated that the Village also needed a spec so that all are bidding apples to apples. Kevin said that they had a spec and they would generate a rough drawing, and they would work with Casper to make sure everything was covered. Trustee Ward asked if the Village would abandon the water and sewer at the mains. President Byro stated that was what was normally done. Trustee Ward confirmed that was what was normally done, and if it wasn't done that way, then the service would be out there forever because that lot was an unbuildable lot. President Byro asked if that would be the Village's cost and Kevin said that normally it would be part of the demo package and anything the Village wanted to do saved money. Trustee Hopkins asked if the service went back to the water main or to the B box. Kevin stated that it typically went all the way to the main because it was more joints to leak. Trustee Ward stated that the main was probably mostly in the parkway. Atty Crull asked the address, and it was confirmed that it was the 308 E North St property. Atty Crull wanted to make sure everyone was on the same page. Trustee Kerns asked if all the demos would be done at the same time and President Byro stated the village could only do the one at this time. Trustee Kerns said that doing it piecemeal would impact the pricing. Atty Crull said that the Village did not have the ability to do it at this time. The judge would grant an order on most of them, but the Middleton and Wicke properties would be a problem at this time. There was no order for Middleton and Wicke was complicated based on the confusion about who actually owns the property. The Village has the deed for 308 E North St. President Byro reiterated that Kevin would get the process started. Atty Crull stated that the only other issue with the 308 E North St property was that taxes had not been paid on it for years. Atty Crull reached out to the tax buyer and let them know that the Village owns the property, and they cannot extinguish our ownership.

## **Committee Reports**

Finance - Trustee Hopkins had nothing.

Streets & Alleys – Trustee Ward stated he had nothing.

Water & Sewer – Trustee Kerns asked if anyone has any idea how the Village is going to handle the water main issues in the subdivision. President Byro said he didn't know. Kevin said to fix the issues one at a time as they popped up because they had no idea how many there were going to be. President Byro asked who would pay for the leak repairs. Kevin stated that he thought it was discussed that the lot owner would own everything up to the main. Is it enticing? No. Trustee Kerns stated that they would own it for a period of time. Kevin said his communities were split: half own to the right of way and half own to the main. Kevin said he thought he heard that Creston required the private parties to own the service to the main. Trustee Kerns asked what happened when the first owner sold to a new owner. Kevin said that he thought that whoever the lot owner was owns up to the main. Trustee Kerns stated that the Village has never operated that way. President Byro stated that in the Village, the property owner owns it from the B box to the house. Kevin said that there was a 50/50 chance of the ordinance saying that. He is involved with 45 communities and half say the owners own it to the main and the other half own up to the property line. Kevin said he did not know for certain which way Creston was. He said that the Board needed to deal with that issue in the subdivision before any deals were signed. Trustee Ward stated that at one time, the Village ordinance required copper water services. He didn't know anyone who put in new water services that used copper anymore. Most firms use poly now due to cost and the copper being used is not 50-year-old copper and it isn't pure copper. Trustee Elliot asked if a piece of pipe that showed a lot of holes ran from the buffalo box to the main, and President Byro stated yes. Trustee Elliot asked if the main was on the west side of the street and President Byro said it was on the east side. Trustee Elliot confirmed that the length of pipe was feeding the B box on the west side of the street. Kevin said it was more likely under the street because there is more service there, but there was nothing saying it couldn't be on the other side. Trustee Kerns did not feel it was right to pass the cost onto the homeowners. He said that it needed to be presented to the homeowner up front that there was an issue and what that issue was, as it could be a \$25,000 repair for someone who just bought a home. Trustee Ward stated that he did not feel it was fair for the Village residents to pay for it, either. Trustee Kerns agreed. Trustee Ward asked if the piece of pipe was cut out and a new piece was patched in, and President Byro confirmed it was patched. Trustee Ward asked if most of the water mains in the subdivision are in the parkway and Kevin said he thought every one was unless it crossed the road. Kevin said that if they knew there were, say, 5 to repair, then they could all be done at once. Trustee Hopkins asked if the cost of everything that had been done in the subdivision recently could be added to the amount of the lien. Attorney Crull said yes, it could, but that may impact whether or not the property sold. Trustee Hopkins asked what it would cost to push it from the B box across the street. Kevin said that the hole was not open, and he would assume that we would go back to the main. Trustee Ward stated that right now there was nothing beyond the buffalo box on the empty lots. Kevin said that some of them were short-side services, so they would only be digging up dirt. The problem lay with the ones that were under the pavement. The problem then becomes, do you repair only one or do you do them all. If you do them all, you could replace a

service made from good copper. They are typically 5-1/2 to 6 feet deep and the cost to do a single repair would be \$5000-\$7000, but if many repairs are scheduled, then the cost would be significantly lower. President Byro reiterated that the issue was something that needed to be decided. Trustee Kerns stated that there could be someone coming in with a brand-new house only to be told that they were responsible for the service all the way to the main, under the street, and that would be bad for the homeowner. Trustee Ward stated that he felt that the Village needed to treat the empty lots in the subdivision like an empty lot in town with an old service, and part of building a new house would be putting in a new service. Trustee Ward said that another problem was in the subdivision there are 10 empty lots and when the valves are turned on, that could cause more leaks. Kevin said that was part of the punch list process was recommending what to do about turning on the valves and the pressure testing, as well as the chlorination process. Kevin stated he thought the developer was pushing for trying to get everything activated at once instead of piecemeal so that he could know exactly what he had for mains. Trustee Ward said a lot of that could be phasing as well. The developer brought that up as well, but he said if someone came along and wanted to buy a lot 2 lots away, he most likely wouldn't say no. President Byro said that there was a lot of considerations to make and more negotiating to be done. Kevin said that the developer was aware of the issues and he was not shying away from them, but he wanted to know the cost. .

Health & Safety - Trustee Hibshman stated he had nothing other than the dog issue, which was already discussed.

Zoning & Planning – Trustee Katzman said that the library board was meeting that same night with the architect to finalize the new plans for the building. He said that the library should have the plans to Casper and Kevin within the next couple of weeks and they hoped to go out for bids in November. Trustee Ward asked if they would break ground this year or wait until Spring and Trustee Katzman stated that they would break ground next Spring.

Subdivision - Trustee Elliot said that someone had been mowing on Hall Street. He said that everything else in the subdivision was weeds and trees. President Byro said it was a work in progress.

**Old Business** – Attorney Crull stated that Atty Gecan had sent their proposed solar ordinance to Casper to review it in comparison to the others he had worked with. Once Casper approved it, it would go for a read. Casper confirmed this. Atty Crull stated that they added the changes that Trustee Elliot has suggested.

**New Business** - Halloween Trick or Treat – Rochelle set their date for Saturday, October 28, 2023. Trustee Katzman stated that there were a lot of residents that wanted it on Halloween. President Byro felt that Halloween was Halloween and the trick or treating should be done on Halloween. The Board decided that the Village would have their Halloween Trick or Treat on Halloween night, Tuesday, October 31, 2023, from 5pm to 8pm.

President Byro asked if there was anything else to talk about regarding the property demolition. Atty Crull stated that the Village needed to ask the court for an order to demolish the remaining properties except for the Middleton property. There was a for sale sign in the window of the home. Atty Crull stated that he spoke with the owner, and he advised him that the property would most likely not be able to be brought up to code and most likely would not be salvageable. Atty Crull was going to ask for an order of demolition on October 11. Trustee Katzman stated that if someone bought the property and demolished the current structures, was it a buildable lot. The answer was yes. Trustee Ward brought up all the brush that was piled onto the property and he said he wasn't sure where it came from. President Byro said it had been there for a long time, and Clerk Payton stated that the owners did it in an attempt to clean up the property after Casper contacted them regarding the issues. Atty Crull said he would continue to work on the owner in advance of October 11, and if he did not get anywhere, he would request an order that says the Village can demolish the structures. With the others, because the Board was unsure of how they wanted to proceed, Atty Crull asked for an order that the owners were in default and then the Village would ask for the remedy. Trustee Kerns asked about 123 W North St. Atty Crull said that they had been found in default and the Village needed to ask for the remedy of demolition. Atty Crull said he could notice that on October 11 as well. President Byro said it would be great if they could demo both North St properties at the same time. Trustee Ward cautioned against pushing into sealed bids. Trustee Ward said we could request 2 different proposals and it was possible that the same firm could win both jobs. Atty Crull said he would try to get at least 35 days for demolition. Normally the judge will give a time frame and he wanted to make sure that the Village could get it done within that time frame. Trustee Ward verified it was the home and the garage at 123 W North St. Trustee Hopkins asked if Atty Crull could get the judgment on 123 E South St as well and he said he could request it, but since the owner had been making his court appearances, it might not be possible, but he would make the request.

Farm Lease – Erik Petry was not present at the meeting, and President Byro stated that he spoke with Mr. Petry and informed him that the Village would be going out for bids on the farm lease. President Byro stated that he wanted to include the property the Village was receiving on the same lease, so he hoped that the transfer of ownership would be done in time, but if not, then the current owner would have to void the contract on that property, and this was part of the agreement that was entered into 4-1/2 years ago with the landfill. The Village needed to be sure that the property was handed to the Village with the termination, or the termination would have to be

done by the Village within the month of October. President Byro stated that Mr. Petry had done an excellent job for the Village and he hoped that the partnership could continue, but with the acquisition of the new land the Village needed to go out for bid. Teresa Petry was present, and she asked if this was being done within the month of October and Atty Crull stated yes, and he asked Ms. Petry not to be mad when they got a letter. She said she wouldn't be as the Petries have first right of refusal.

Dorothy Lockard came into the meeting late, and Treasurer Payton asked if she could address the Board. President Byro said that she could. Dorothy raised the issue of a spot in her yard that had been excavated to complete the water main project. She said that the area had settled and created a depression in her yard. She also wanted the valve to be flagged or marked in some other way as she was afraid of hitting it with her lawnmower. President Byro thanked her for bringing the issue to the board's attention and he stated that it would be taken care of.

President Byro announced that the Board needed to go into Executive Session.

Trustee Elliot made a motion for the Board to go into Executive Session. Trustee Hopkins seconded the motion. Atty Crull clarified that the Board was going into Executive Session to discuss the sale and lease of property and investments. All voted in favor. The Board moved to an alternate location for Executive Session.

Trustee Hopkins made a motion to return from Executive Session. Trustee Ward seconded the motion. Roll call vote was taken. All voted yes. The Board returned from Executive Session.

**Treasurer's Report** – Trustee Ward asked about the address on Jack Kerns' mowing bill. The address on the bill was the fire station. Treasurer Payton clarified that the address should have been 123 E South St, as Mr. Kerns mowed the Middleton property. Trustee Kerns made a motion to pay the bills. President Byro asked if Queens had put in a bill to work at the subdivision and Curtis Loyd stated probably not yet. President Byro also clarified that Jack Kerns' bill was higher than normal because Jack went over all the alleys and cleaned them up. Trustee Ward stated that Blake, the project manager at Queens, resigned and Cody would be taking over that position, so that could be why the Village had not seen a bill yet. Trustee Hibshman seconded the motion. President Byro asked for questions or discussion. There was none. Roll call vote taken. All voted yea.

President Byro said he had nothing else. Trustee Elliot made a motion to adjourn. Trustee Hopkins seconded the motion. All voted in favor. President Byro adjourned the meeting at 8:04:09 pm.