

**CITY OF BYRON
MINUTES OF THE REGULAR COUNCIL MEETING
WEDNESDAY, APRIL 6, 2022, 6:30 PM
BYRON CITY HALL**

1. **CALL TO ORDER** – Mayor Rickard called the meeting to order at 6:33 p.m.
2. **PLEDGE OF ALLEGIANCE** – Led by Mayor Rickard
3. **ROLL CALL – Aldermen present:** Todd Isaacs, Mittzi Fulrath, Cheryl Metz, Zeke Hobbie, Jessica Nehring, Michael Gyorkos (6:35pm arrival after roll call), Christy Hanlin. Six members present for roll call. Seven members present at meeting. **Quorum established.**
Aldermen Absent: Emily Gerdes

PRESENT:	Mayor	John Rickard
	City Clerk	Caryn Huber
	City Attorney	Aaron Szeto
	Police Chief	Todd Murray
	Dir. of Econ. Dev.	Larry Hewitt
	Dir. of Public Works	Aaron Vincer
	City Engineer	Jason Stoll
	Citizens	Sarah Downs (Byron Chamber)

4. **REVERENCE PERIOD** – Mayor Rickard led the Council in prayer.
5. **APPROVAL/AMENDMENTS TO AGENDA** – Mayor Rickard added two items to the agenda: Insurance Agent under new business (g), and Street Bids under new business (h).
Motion by Alderman Fulrath to approve, as amended, the April 6, 2022, agenda.
Seconded by Alderman Isaacs. Roll call vote: **Fulrath, AYE; Metz, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE.** Motion passed: **AYE, 7; NAY, 0; ABS 0.**
6. **MINUTES** –
 - a. **March 16, 2022 City Council Regular Meeting Minutes - Motion by Alderman Hanlin to approve, as presented, the March 16, 2022, City Council Regular Meeting Minutes. Seconded by Alderman Metz.** Roll call vote: **Metz, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Fulrath, ABS.** Motion passed: **AYE, 6; NAY, 0; ABS 1.**
 - b. **March 16, 2022 Committee of the Whole Special Meeting Minutes – Motion by Alderman Nehring to approve, as presented, the March 16, 2022, Committee of the Whole Special Meeting Minutes. Seconded by Alderman Hanlin.** Roll call vote: **Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Fulrath, ABS; Metz, AYE.** Motion passed: **AYE, 6; NAY, 0; ABS 1.**
7. **PUBLIC COMMENT** – None
8. **TREASURER’S REPORT** – Treasurer Huber stated that the monthly revenue is in Dropbox. She pointed out that our 5th (out of 6) payment was received from Rebuild America, and it is included with the MFT income. \$206,114 of \$247,337 has been received. She also stated that Aldermen have received their annual Statement of Economic Interests. It is different than in previous years as they are asking for more information. Attorney Szeto

added that there has been a lot of conversation about the new form across the state, and many are upset that they have to provide information about their investments, etc. The State of Illinois was supposed to provide additional guidance, but they have not. The Illinois Municipal League has published guidelines based on their interpretation of the questions on the form. Attorney Szeto suggested keeping information general. For instance, the value of investments is not necessary to list, nor are addresses of investment property. • Clerk Huber also introduced the new microphone system. The system we were using was borrowed from Davis Junction to see if it would suit our needs, and when it did, we purchased a system of our own that had enough mics for everyone. The mics should have a green light on when talking. Press and release to mute. Press and hold down to turn off.

9. **LIST OF BILLS** – Alderman Isaacs asked about the Fehr-Graham charge for work on Colfax St. Engineer Stoll said it was for work by the railroad tracks on Colfax. Alderman Metz asked why there is more than one listing for city hall cleaning. Chief Murray explained that Kelly Neslund is our regular cleaner, and Kim Dickinson is her substitute. **Motion by Alderman Isaacs to approve the list of bills dated April 6, 2022, in the amount of \$90,976.97. Seconded by Alderman Hobbie. Roll call vote: Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Fulrath, AYE; Metz, AYE; Hobbie, AYE. Motion passed: AYE, 7; NAY, 0; ABS 0.**
10. **MAYOR'S REPORT** – Mayor Rickard reported that Michelle Wills, Chief Murray's Assistant, will be retiring at the end of May. Chief Murray has found a replacement. The name will be announced once they have given notice to their current employer. She will begin May 9 in order to train for several weeks with Michelle Wills. Beginning pay will be \$16.44/hour. Another police officer has been hired and will begin Academy training in May. He will be hired prior to training in order to begin getting experience in the field. • Sarah Downs from the Byron Chamber of Commerce presented the 2022 plan for ByronFest. The only item that is different from previous years is that they would like to schedule the parade on Saturday instead of Sunday. The ByronFest Committee is hoping that the move will increase parade participation and increase audience attendance. **Alderman Gyorkos motioned to approve the ByronFest proposal as presented. Alderman Nehring seconded. Roll call vote: Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Fulrath, AYE; Metz, AYE; Hobbie, AYE; Nehring, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0.**
11. **CITY ATTORNEY'S REPORT** – No report. All items are on the agenda.
12. **CITY ENGINEER'S REPORT** – Engineer Stoll asked that the City Hall Parking Lot be added to the Community Services Committee agenda for May. He expects to have bids back for the project at that time. All other items are on the agenda.
13. **DIRECTOR OF ECONOMIC DEVELOPMENT REPORT** – Director Hewitt reported that building permits are starting to increase. No new home construction is taking place right now. Inventory on available lots is low. We currently pay building inspector Casper Manheim \$1,200/mo. Director Hewitt is proposing a raise to \$1,300/mo. in the 2022-2023 budget.
14. **DIRECTOR OF PUBLIC WORKS REPORT** – Director Vincer reported that the sewer plant has brought in an additional \$6,464 in revenue in dump fees. A waste hauler is temporarily dumping food waste. Director Vincer hopes to receive a total of \$10,000 for this service before it is no longer needed. • Two pumps have failed at the sewer plant. One is under warranty and one was not. • The department has conducted 278 inspections for lead and have found none. They are approximately 1/3 of the way through the project. • The

department is conducting truck safety inspections and sewer cleaning. The street sweeper is operating. • Hydrant flushing, normally done at this time of year, will be postponed until the watermain under the railroad tracks is repaired. At this point, we are waiting for the railroad to issue a permit. • Director Vincer is looking for a part time employee for the summer.

- 15. POLICE CHIEF REPORT** – Chief Murray reported that the newly graduated officer will be sworn in in May. The officer that begins Academy in May will be sworn in upon his graduation. Fifteen applications have been received for a new officer. One is already a certified police officer. • As of today, 45 UTV permits have been issued. • Chief has received encouraging reports from Dodge regarding the availability of squad cars going forward. • Tobacco and Liquor license renewals are going out. With them will be a reminder about the increase in gaming machine fees.

16. COMMITTEE REPORTS

- a. **Community Services** – No report. All items are on the agenda.
- b. **Public Safety** – No report.
- c. **Administrative** – Most items are on the agenda. The committee met with Steve Moring this evening to discuss the garbage contract.

17. CONTINUING BUSINESS

- a. **Mill Road Rec Path** – Engineer Stoll reported that bids have been received for the Mill Road Rec Path project. Bids came from three qualified contractors. Engineer's estimate for the project was \$415,650. Martin & Co. was the low bid at \$348,021.45. Engineer Stoll recommends that we accept Martin & Co.'s bid. **The Community Services Committee recommends bypassing the first read and acting on the recommendation this evening. Roll call vote: Hanlin, AYE; Isaacs, AYE; Fulrath, AYE; Metz, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0. The Community Services Committee recommends council approval to award the contract to Martin & Co. at \$348,021.45 for the Mill Road Rec Path project.** Alderman Isaacs noted that a portion of the money will come from the general fund, and the rest from Rebuild America MFT funds. **Roll call vote: Isaacs, AYE; Fulrath, AYE; Metz, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0.** Engineer Stoll added that Martin is ready to begin work on the project. They estimate it will take six weeks to complete. Part of the project includes a fully controlled stop sign at Mill Rd. and Old Hunter Run. The contractor will post stop signs at that location during construction so motorists will become accustomed to the new stop.
- b. **Wastewater Treatment Plant – Fehr Graham Agreement** – Engineer Stoll reported that a tour of the treatment plant in South Beloit is planned for Tuesday. Aldermen are welcome to attend, and are asked to RSVP with the mayor in case the event needs to be posted as a meeting. A kick off meeting will be scheduled shortly after that.
- c. **City Hall Parking Lot** – Engineer Stoll reported that the design is being worked on and bids should be back by May.
- d. **UTV Ordinance** – Nothing new to report.
- e. **Surf Broadband** – Surf Broadband is currently reviewing our proposed changes to the contract. Attorney Szeto will follow up with them.
- f. **Leaf Burning Ordinance** – The proposed amendment to the leaf burning ordinance allows for city council to temporarily amend burning dates if necessary. **The Administrative Committee recommends council approval on the amendment to the leaf burning ordinance. Roll call vote: Fulrath, AYE; Metz, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0.**

g. **Sunshine Park Purchase** – Director Hewitt reported that there have been conversations with the prospective buyer. Attorney Szeto has been in touch with their attorney. There is a small parcel that was deeded incorrectly and appears to be owned by Quality Metal. A title commitment will need to be done to verify ownership. All of the land surrounding the parcel was deeded to the city years ago. Attorney Szeto added that we will need to have a redevelopment agreement that will outline the project, timeline, etc., in addition to the contract. If we cannot come to terms on the redevelopment agreement, the buyer can back out of the purchase. Director Hewitt added that there was a stipulation in the Quality Metal contract that if the city sells the land, the proceeds need to be used for a park or equivalent.

h. **2022-2023 Budget Approval** – Alderman Isaacs stated that the budget ordinance is in its final form. The only thing that will change is the addition of \$75,000 (salary and benefits) for a new employee that will be cross-trained in utility and accounts payable/receivable and will serve as an assistant to the Mayor and Director Hewitt. Alderman Isaacs will also add UTV revenue to the general fund for police expenditures. He added that we also have \$204,438 that was not transferred from water & sewer to the sewer capital account from May 2019 to April 2020. The transfer will need to be made this year in order to help pay engineering costs on the new sewer plant. This item is under new business tonight, and will be voted on at the next meeting.

i. **Bond Refinancing/Ordinance** – Item is still in committee.

18. NEW BUSINESS

a. **TARP Grant – Fehr-Graham Agreement for Preliminary Engineering** – The cost of the preliminary engineering for this project is \$38,000, which will eventually be paid out of the TARP Grant once the funds are received. **The Community Services Committee recommends bypassing first read on approving payment for preliminary engineering on the TARP project. Roll call vote: Metz, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Fulrath, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0. The Community Services Committee recommends council approval to authorize payment for preliminary engineering for the TARP project to Fehr-Graham in the amount of \$38,000. Roll call vote: Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Fulrath, AYE, Metz, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0.**

b. **TARP Grant – IDOT Agreement for Construction Engineering** – This is on the agenda for first read.

c. **HVAC Upgrades** – Alderman Hanlin reported that the **Administrative Committee recommends council approval of the HVAC upgrades at a total cost of \$95,878.00. Roll call vote: Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Fulrath, AYE, Metz, AYE, Hobbie, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0.**

d. **Local Use Tax Funds – Change Use from Roads to General Fund** – Alderman Isaacs stated that the Local Use Tax Funds have previously been used for roads. The 1% sales tax that is also going to roads has been increasing more than expected, and he is proposing that the Local Use Tax (approximately \$100,000 annually) be used in the general fund, rather than designating it for roads. Alderman Metz asked how this will affect our street plan for the next five years. Alderman Isaacs replied that the 1% sales tax, as well as our bond every two years, should cover roadwork that is planned in the next several years. Mayor Rickard added that if we find we need additional road funds, the budget can be adjusted. Alderman Fulrath is not in favor of re-designating the funds and feels that residents would not be in agreement considering that shape of the roads. Alderman Isaacs stated that council publically designated the 1% sales tax to roads, and that will not change. The use of the Local Use Tax was never formally designated to anything specific. Engineer Stoll added that the cost of chip sealing one city block is \$16,000, and re-

designating \$100,000 would be the equivalent of eliminating six city blocks from the streets plan per year. Chief Murray said that Alderman Fulrath may have been thinking of the utility tax, which was designated for roads. The Telecommunications tax was originally split between city hall, police and roads. Alderman Isaacs stated that as of February, there is \$1.4 million in the road and bridge account. We will still collect next year's sales tax as well. The high amount is a result of being conservative during COVID. Some of those funds will be used on the Mill Road Rec Path this year, and \$350,000 will go to the Colfax project next year. **Using Local Use Tax Funds in the general fund, instead of roads, was approved by general consensus.**

e. **Transfer Sewer Improvement Fund from Water and Sewer** – Alderman Hobbie asked if there is a document or something he could look at regarding the movement of these funds. Alderman Isaacs said this money usually gets transferred every month, however, the money was not transferred in fiscal year 2019-2020. Deb Johnson, Water and Sewer Billing, could verify this. The transfer of these funds is to “clean up” the accounts and transfer the money to where it should be. This item will be covered in an ordinance being drafted by Attorney Szeto.

f. **2021-22 Budget Account Transfers and Balance Increases** – Attorney Szeto will draft an ordinance to adjust items in the 2021-2022 budget.

g. **Insurance Agent** – Chad Nelson was our insurance broker for many years. He switched firms about a year ago, and had a non-complete clause that has now expired. He has asked to be considered as our broker again. This move will not change any coverage or companies, it would just change the broker of record. The firm is CoyleKylie from Rockford. Mayor Rickard said the TAS committee is in favor of the change. It will be voted on at the next council meeting.

h. **Street Bids** – The Community Services Committee is recommending council approval on bids for skip patching (Martin & Co.) and slurry seal (Struck & Irwin). The item is on the agenda for first read.

19. COUNCIL TALK – Mayor Rickard spoke at the Chamber of Commerce 1st Tuesday luncheon and discussed current projects of the city. With the grants that have been received, and the grants that are still pending, we have over \$6 million in projects planned. The mayor thanked the personnel that assist with the grants.

20. EXECUTIVE SESSION

a. **Section 2(c)(1)-Considering the appointment, employment, compensation, discipline, performance or dismissal of specific employees** – Alderman Hanlin motioned to go into Executive Session. Motion seconded by Alderman Metz. Roll call vote: Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Fulrath, AYE, Metz, AYE, Hobbie, AYE, Nehring, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0.

Council returned to open session at 7:59 pm. Aldermen present by roll call: Alderman Hanlin, Alderman Isaacs, Alderman Fulrath, Alderman Metz, Alderman Hobbie, Alderman Nehring, Alderman Gyorkos. Seven members present.
Aldermen absent: Emily Gerdes

21. COMMUNICATION –

- a. Public Hearing – Budget – Wednesday, April 20, 2022, 6:25 pm
- b. Regular City Council Meeting – Wednesday, April 20, 2022, 6:30 pm

22. ADJOURN – Meeting was adjourned by unanimous consent. Roll call vote: Isaacs, AYE; Fulrath, AYE; Metz, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0.

Mayor Rickard adjourned the City Council meeting at 8:00 pm.

Respectfully Submitted,

Caryn A. Huber

City Clerk of Byron, Illinois

MAYOR JOHN RICKARD	CITY CLERK CARYN A. HUBER
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