

**CITY OF BYRON
MINUTES OF THE REGULAR COUNCIL MEETING
WEDNESDAY, JANUARY 18, 2023, 6:30 PM
BYRON CITY HALL**

1. **CALL TO ORDER** – Mayor Rickard called the meeting to order at 6:30 p.m.
2. **PLEDGE OF ALLEGIANCE** – Led by Mayor Rickard
3. **ROLL CALL – Aldermen present:** Todd Isaacs, Emily Gerdes, Mittzi Fulrath, Zeke Hobbie, Jessica Nehring, Michael Gyorkos, Christy Hanlin. Seven members present.

Aldermen Absent: None

PRESENT:	Mayor John Rickard City Clerk Caryn Huber City Attorney Aaron Szeto City Administrator Brian Brooks Dir. of Public Works Aaron Vincer Dir. of Econ. Dev. Larry Hewitt Police Chief Todd Murray Engineer Jason Stoll Citizens Bill Pirnat, Pam Kultgen, Kurt Larson (CORD), Jim Pozzi (Republic), Kevin Wills (Bernardi Securities)
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4. **REVERENCE PERIOD** – Mayor Rickard led the Council in prayer.
5. **APPROVAL/AMENDMENTS TO AGENDA** – Motion by Alderman Hanlin to approve, as presented, the January 18, 2023, agenda. Seconded by Alderman Nehring. Roll call vote: Gerdes, AYE; Fulrath, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE. Motion passed: AYE, 7; NAY, 0; ABS 0.
6. **MINUTES** –
 - a. **January 4, 2023 – City Council Regular Meeting Minutes** – Motion by Alderman Fulrath to approve, as presented, the January 4, 2023 City Council Regular Meeting Minutes. Seconded by Alderman Hanlin. Roll call vote: Fulrath, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE. Motion passed: AYE, 7; NAY, 0; ABS 0.
7. **PUBLIC COMMENT** – Jim Pozzi, Municipal Services Manager, Republic Services, addressed the council. On December 16, 2022, Republic acquired Moring Disposal. Mr. Pozzi stated that Republic will honor the city's contract with Moring, and residents can expect the same trucks, the same staff, and all other day to day operations to remain the same. Questions and concerns can be directed to the Forrester office, as before. He invited council members to view their recycling requirements at recyclingsimplified.com.
8. **TREASURER'S REPORT** – Treasurer Huber stated that the January 2023 Treasurer's Report is in Dropbox.

9. **LIST OF BILLS** – Alderman Gerdes asked if we are reimbursed for boarding by the owners of lost dogs. Chief Murray replied that we are, provided they can be located. Alderman Isaacs asked about charges from MOBOTREX in the amount of \$840.00. Director Vincer said that these charges are for failed buttons on crosswalks. He will submit to IDOT for reimbursement. **Alderman Hanlin motioned to approve the List of Bills dated 1/18/23, in the amount of \$64,581.07. Motion seconded by Alderman Isaacs. Roll call vote: Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE. Motion passed: AYE, 7; NAY, 0; ABS 0.**
10. **MAYOR’S REPORT** – No Report.
11. **CITY ADMINISTRATOR’S REPORT** – Brian Brooks reported that he has spent the last week and a half familiarizing himself with the city operations and meeting with leaders of other government organizations. He is considering holding Administrative Round Table meetings quarterly.
12. **CITY ATTORNEY’S REPORT** – In court today, a petition for deed was approved for 412 E. 2nd St. We are waiting for the judge to sign the deed and then it will be recorded.
13. **CITY ENGINEER’S REPORT** – All items are on agenda.
14. **DIRECTOR OF ECONOMIC DEVELOPMENT REPORT** – Director Hewitt reported that there is interest in the Spahn & Rose property. • Mayor Rickard, Administrator Brooks, Director Hewitt and Director Vincer met with the owner of the property at 110 S. Peru St. regarding parking across from the entrances of Hairy Cow Brewery. • He spoke with the new Dragway owner regarding the possibility of having fireworks at that location. They will schedule a meeting to discuss further.
15. **DIRECTOR OF PUBLIC WORKS REPORT** – Director Vincer reported that the Public Works department will be repairing and replacing several bent posts and street signs on Mill Road. • There has been a failure with the HVAC system at the Headworks building. • There is damage to the clarifier at the wastewater treatment plant. • There is quite a bit left in the salt budget. He pre-bought \$32,000 of salt and has \$22,000 left. Director Vincer thanked the Byron Police Department for working with the snowplow drivers to update them on road conditions.
16. **POLICE CHIEF REPORT** – Chief Murray reported that there have been reports of theft from unlocked vehicles and some property damage. • Officer Hankins is in his second week of training.
17. **COMMITTEE REPORTS**
- a. **Community Services** – No report.
 - b. **Public Safety** – No report. Items covered by Chief Murray in his report.
 - c. **Administrative** – No report.
18. **CONTINUING BUSINESS**
- a. **Sunshine Park Purchase** – Attorney Szeto has received a notice of termination letter from HCB (in Dropbox). Because the buyer is within the due diligence period, he will have his earnest money returned. Mr. McLester is working on a project in South Dakota that is consuming his time and attention. Even though the size of their parking lot meets the parking standards for a 5,000 sq. ft. building, they may still request land to add additional

parking. The neighbor at 110 S. Peru is concerned about vehicles parking directly across from the entrances to the current parking lot. Parking in this area causes reduced visibility and pinches traffic. Because of this safety hazard, no parking signs will be added on this part of the street. Alderman Gerdes asked if the parking lot in front of the building could be extended (towards Route 2), however, the planned reconstruction on Route 2 may reduce this land. Director Hewitt added that there is a 66 ft. street right of way that is located between the park and the restaurant. Administrator Brooks explained that just because he terminated the contract, it does not mean our conversations with Mr. McLester will end. Director Hewitt said there are three parking categories when considering parking requirements. He suggested that the council may want to reexamine those requirements.

b. **Wastewater Treatment Plant** – Nothing new to report.

c. **TARP Grant-Colfax St.** – Engineer Stoll reported that the bid date for this project is January 27 at 11am. There are several paving companies outside of the area that have expressed interest in bidding on the job. Bids and recommendations will be ready for council review in February.

d. **Constellation Sewer Extension** – Engineer Stoll reported that Constellation is currently in discussions regarding the project budget. There have been significant cost increases since the first estimates were received in 2019. There are discussions on the best path to take to get from the plant to Walden Road. Once the sewer line gets to Walden Road, the path from there to and across the river has been agreed on.

e. **Water/Sewer Rate Review** – Alderman Isaacs explained that with the costs for the new sewer plant increasing, we need to reevaluate our water/sewer rates. He is anticipating that we will need a loan for \$20,000,000 (our original estimate was \$14,500,000). With 15% forgiveness, an EPA loan would be \$17,000,000 at an estimated 1.9%. Instead of a payment of \$465,000 annually as originally calculated, it will likely now be \$754,000. If the loan doesn't start until 2026, a 3% raise would allow several years to build cash reserves. Currently, rates are raised twice a year, once for the cost of living increase, and once for our planned rate increases. Alderman Isaacs asked if we should consider combining the increases and only raise rates once per year. The document that Alderman Isaacs presented is a draft, and he invited council members to add input. The capital improvement charge of \$10 is scheduled to stop on May 1, 2025, however, there is a significant rate increase indicated at that point. Discussions will continue in committee.

f. **Comprehensive Plan** – Attorney Szeto is writing an RFP.

g. **Public Works Building-CORD Contract Approval** – Attorney Szeto presented the revised version of the CORD contract that was to incorporate our suggested changes. Some of the language does not exactly reflect what was discussed, and Attorney Szeto will follow up on these. Rather than hold the contract for another month, Attorney Szeto asked if the council would be comfortable approving the contract subject to a revised version meeting all additional staff changes as made by them. If all changes are not agreed upon, the contract will not be approved. A \$30,000 engineering expense is separate from the CORD contract. **Alderman Isaacs motioned to approve the CORD contract subject to staff's additional changes being met. Motion seconded by Alderman Fulrath. Roll call vote: Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Hobbie, AYE. Motion passed: AYE, 7; NAY, 0; ABS 0.**

h. **Byron Forest Preserve Agreement** – Director Vincer stated that the Forest Preserve Board will meet on Monday. He hopes to have a report by next meeting. Attorney Szeto spoke with Forest Preserve Director Tucker. The Forest Preserve attorney has changes they would like to make having to do with the use of the quarry, and the removal of the clause regarding prevailing party being subject to attorney's fees. Alderman Isaacs expressed concern that our agreement with the Forest Preserve is not finalized, yet we just approved a contract to start the building process with CORD. He suggested adding a clause concerning this in the CORD contract. Attorney Szeto explained there is a condition

in the contract currently, and Engineer Stoll added that many contracts include a “notice to proceed” requirement. Council members did not have any objection to the changes proposed by the Forest Preserve attorney.

i. **2023 Streets Program** – Engineer Stoll stated that the proposed 2023 Streets Program is complete. He will present at the next Community Services Committee meeting.

j. **Sale of Surplus Property – Detention Pond** – A copy of the deed and the PTAX form are included in Dropbox for the detention pond being deeded to Gregory Myers. Once Mr. Myers pays the agreed upon \$1,200 and recording fees, the city will have it recorded. The deed stipulates that the land must remain a detention pond, and no structures are to be built on it. Mr. Myers has agreed to maintain the property.

k. **Bergagna Alley Vacation – 113 E. 2nd St. North Side Alley** – Fehr Graham will prepare the vacation plat and Attorney Szeto will prepare the necessary vacation ordinance.

l. **An Ordinance Providing for the issue of an amount not to exceed \$395,000 General Obligation Bonds, Series 2023, for the purpose of financing certain capital expenditures in and for the City, providing for the levy of a direct annual tax sufficient to pay the principal and interest on said bonds.** – Kevin Wills, Bernardi Securities, updated council on the bond process. The city’s last property tax bonds were paid off last December and we are issuing an additional 2-year bond for \$350-\$360,000. A public hearing was held last month, and the Ordinance is the final step in the process to authorize the issuance of the bonds to a purchaser, yet to be identified, in the next several weeks. The ordinance gives the authority to the Mayor, the Clerk/Treasurer or the City Administrator to lock in the bond purchase when ready. Ice Miller, bond counsel, has issued the term sheet which is used to send to 20-25 institutions throughout the state. Interested institutions will then submit a bid and those bids will be reviewed to see who has the lowest interest rate within the parameters set in the ordinance. The bond and interest component of our tax rate will remain consistent with the prior year (and may be slightly less because of the increase in our EAV). **The Administrative Committee recommends council approval of Ordinance 2022-12 regarding the issue of general obligation bonds, series 2023, not to exceed \$395,000. Roll call vote: Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Hobbie, AYE; Nehring, AYE. Motion passed: AYE, 7; NAY, 0; ABS 0.**

19. NEW BUSINESS –

a. **Resolution Regarding TIF Districts** – A bill is in the Illinois Senate that would modify TIF Districts, making it more difficult to extend, establish and maintain a TIF District. The Illinois Municipal League is against the bill, and is asking municipalities to pass an ordinance in support of the current structure of TIF Districts. Because of time sensitivity, the Mayor asked that council consider waving first read of the ordinance. **Alderman Hanlin motioned to waive first read on the Resolution regarding TIF Districts. Motion seconded by Alderman Nehring. Roll call vote: Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE. Motion passed: AYE, 7; NAY, 0; ABS 0. Alderman Hanlin motioned to approve Resolution 2022-11 regarding TIF Districts. Motion seconded by Alderman Fulrath. Roll call vote: Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE. Motion passed: AYE, 7; NAY, 0; ABS 0.**

20. COUNCIL TALK – None

21. COMMUNICATION –

a. Regular City Council Meeting – Wednesday, February 1, 6:30 pm.

22. **ADJOURN** – Alderman Fulrath motioned to adjourn. Motion seconded by Alderman Isaacs. Roll call vote: Gerdes, AYE; Fulrath, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0.

Mayor Rickard adjourned the City Council meeting at 7:39 pm.

Respectfully Submitted,

Caryn A. Huber

City Clerk of Byron, Illinois

MAYOR JOHN RICKARD	CITY CLERK CARYN A. HUBER
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