

**CITY OF BYRON
MINUTES OF THE REGULAR COUNCIL MEETING
WEDNESDAY, JUNE 21, 2023, 6:30 PM
BYRON CITY HALL**

1. **CALL TO ORDER** – Mayor Rickard called the meeting to order at 6:30 pm.
2. **PLEDGE OF ALLEGIANCE** – Led by Mayor Rickard
3. **ROLL CALL – Aldermen present:** Todd Isaacs, Emily Gerdes, Mittzi Fulrath, Ron Boyer, 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
	Public Works Dir.	Aaron Vincer
	Police Chief	Todd Murray
	City Engineer	Jason Stoll
	Citizens	Pam Kultgen, Bill Pirnat, Herberto Santiago, Gary Treese, Brian Malone, Jim Engelhardt

4. **REVERENCE PERIOD** – Mayor Rickard led the Council in prayer.
5. **APPROVAL/AMENDMENTS TO AGENDA** – Motion by Alderman Hanlin to approve, as presented, the June 21, 2023, agenda. Seconded by Alderman Isaacs. Roll call vote: Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE. Motion passed: AYE, 7; NAY, 0; ABS 0.
6. **MINUTES** –
 - a. **June 7, 2023 – City Council Regular Meeting Minutes** – Motion by Alderman Hanlin to approve, as presented, the June 7, 2023, City Council Regular Meeting Minutes. Seconded by Alderman Nehring. Roll call vote: Fulrath, AYE; Boyer, ABS; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE. Motion passed: AYE, 6; NAY, 0; ABS 1.
7. **PUBLIC COMMENT** – None
8. **TREASURER'S REPORT** –Treasurer Huber stated that the tax revenue comparisons are in Dropbox.
9. **LIST OF BILLS** – Alderman Isaacs asked about the charge from Republic. Republic bought out Moring Disposal. Alderman Isaacs also asked about the charges from Entre. Chief Murray said that \$2,724.00 is for annual Microsoft licenses and the balance is for monthly monitoring. The licenses were split between the City Hall and Police accounts. Chief Murray added that we are up to date on payments to Helm for work already completed but are still waiting on approximately \$20,000 worth of equipment. **Alderman Hanlin motioned to**

approve the List of Bills dated 06/21/23, in the amount of \$128,024.29. Motion seconded by Alderman Nehring. Roll call vote: Boyer, 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** – All items are on the agenda.

12. **CITY ATTORNEY'S REPORT** – All items are on the agenda.

13. **CITY ENGINEER'S REPORT** – Engineer Stoll stated that the 2023 Streets Maintenance Program begins tomorrow with the laying of pavement fabric on Perene, S. Maple, Glacier Dr., Old Hunter Run, Luther Drive and Allison Circle. The fabric is in preparation for slurry seal on these roads. After ByronFest, resurfacing work will begin on Colfax/Tower Rd., Merchant St., Mineral St. and N. Fox Run.

14. **DIRECTOR OF PUBLIC WORKS REPORT** – Director Vincer reported that crack sealing is done. • The department will be upgrading water meters that have reached 1.5 million units. • The department has been trimming and spraying weeds. • The street sweeper has not been operating recently. The city sweeper does not put out a lot of water and therefore creates significant dust. Any time it sprinkles or rains, the sweeper is sent out. • One of four generators (lift station on Mill Rd.) has been received and will be installed soon. We expect the others in fall. • Director Vincer reminded council that slurry seal improves as people drive on it. • Administrator Brooks requested the scheduling of a Committee of the Whole meeting to discuss financing of the new Public Works building and the water/sewer rate study. A Committee of the Whole Special Meeting was scheduled for Wednesday, June 28 at 6:30 pm.

15. **POLICE CHIEF REPORT** – Chief Murray reported that he will be hiring a part time police officer. The officer is also a full time Sheriff's Deputy. • The Police Department is addressing the vandalism at Johnson Park, under bridges and on Crest Ct. They have an idea who is responsible. • The insurance company and property owner are working to get the burned-out house on 3rd St. removed.

16. **COMMITTEE REPORTS**

- a. **Community Services** – No report.
- b. **Public Safety** – No report.
- c. **Administrative** – All items are on the agenda.

17. **CONTINUING BUSINESS**

- a. **Peru St. ROW Vacation and Possible Land Sale** – Nothing to report. Item will be removed from the agenda for now.
- b. **Annual Employee Wage Increases** – Nothing to report.
- c. **Comprehensive Plan Proposal Recommendation** – Administrator Brooks spoke to the planner at Chastain and discussed ways to reduce the cost of updating the comprehensive plan. By reducing the number of stakeholder and city council meetings and providing our own engineering and utility information, he was able to reduce the cost to \$65,000. Alderman Isaacs agrees that a Comprehensive Plan is useful but questioned how much. Mayor Rickard stated that a Comprehensive Plan is needed in order to apply for some grants. Some communities use it on a regular basis, and some only sporadically. Administrator Brooks added that it establishes the City's territorial jurisdiction with the

county. Attorney Szeto added that having a Comprehensive Plan can be very useful if it properly represents the community's personality and the community keeps to the vision established in the plan. Administrator Brooks can explore additional ways to reduce the price, but he didn't think the cost would go much below \$65,000. He would like to see an updated plan. **Alderman Hanlin motioned to move forward with discussions with Chastain, with Administrator Brooks to continue to negotiate a price not to exceed \$65,000.** Administrator Brooks clarified that the motion allows him to continue negotiations. An agreement will follow that will need to be voted on. **Motion seconded by Alderman Nehring. Roll call vote: Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, NAY; Gerdes, NAY; Fulrath, AYE; Boyer, AYE. Motion passed: AYE, 5; NAY, 2; ABS, 0.**

d. **412 E. 2nd St. Demo** – Mayor Rickard stated that a proposal from Steve Benesh is in Dropbox for the demolition of the house at 412 E. 2nd St. Director Vincer asked several companies for a bid but received only one from Benesh. **Alderman Hanlin motioned to accept the demolition bid for \$25,000 from Steve Benesh. Motion seconded by Alderman Isaacs. Roll call vote: Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Nehring, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0.**

e. **221 N. Walnut St. Sidewalk Replacement TIF Agreement** – The council had previously agreed to offer a TIF Agreement to fix the ramp at 221 W. Walnut St. After engineering work, there are questions about the positioning of the ramp to make it ADA compliant. If kept in the same place, the end of the ramp ends in the alley. Building owner Brad Miller had suggestions to move the entry doorway in order to reposition the ramp out of the alley. Fehr Graham will take a look to see if this is possible. Discussions will continue.

f. **Mural** – Clerk Huber stated that two concepts for our next downtown mural are in Dropbox. The drawings are from Fatherless, an artist cooperative from the Rockford area. This mural will be painted on the south side of the Orthopedic Rehab building on Union St. The Painter's Union has agreed to donate their time to paint the base coat. Clerk Huber stated that she is looking for approval to continue with finalizing the design, at which time she hopes to get sponsors to help defray the cost of the mural. The focal point of the mural is a lantern (representing the Underground Railroad and the energy from the nuclear plant) with other elements of Byron represented in an abstract way. The Administrative Committee suggested moving forward with the design. The cost of the design is \$10,000. Discussion continued with Aldermen expressing varying thoughts on the design. Clerk Huber discussed the committee's desire to have different artistic styles represented in the city's murals, with this abstract concept contrasting with the more realistic style of our first mural. Mayor Rickard suggested having a QR Code available at the mural that would explain the various elements of the mural. Clerk Huber also suggested using Facebook and other publicity to introduce people to the design. **Alderman Isaacs motioned to move forward with the mural concept that is purple in color, with further discussion to be held on the design. Motion seconded by Alderman Nehring. Roll call vote: Hanlin, AYE; Isaacs, AYE; Gerdes, NAY; Fulrath, NAY; Boyer, AYE; Nehring, AYE; Gyorkos, NAY. Motion passed: AYE, 4; NAY, 3; ABS, 0.**

g. **Bergagna Alley Vacation Reconsideration** – The Community Services Committee met with the parties involved. An alley vacation was previously approved on the north end of the building at 113 E. 2nd St. The approval was granted without knowing that the neighbor to the east uses the alley to access the back of their property. It was suggested that the original vacation of the east-west alley be rescinded and instead, vacate the north south alley on the east side of the building. The parties are reviewing the proposition and will let Administrator Brooks know if they want to proceed.

h. **Merchant St. Bid for Replacing Three Manholes** – Director Vincer stated that, as part of researching the resurfacing of Merchant St., it was discovered that three of the

manholes are old and made of brick. The brick is starting to fall into the main sanitary sewer trunk line to the WWTP. Director Vincer does not want to pave the road only to have the manholes fail and then have newly resurfaced streets that need to be dug up to repair the manholes. A bid was received from Martin & Co. for \$66,000. They were the low bidder on this part of the project (alternate bid 3). The bid was not able to be awarded to them at that time because of the way the bidding process was set up and the low bidder on the base bid was to be awarded the entire project. That low base bidder has relinquished rights to this alternate. Engineer Stoll stated that the project could be put out to bid again if the council prefers, however it would delay the project by several weeks. The Merchant St. paving was scheduled to be done at the end of last summer, however, the contractor ran out of time and it was rescheduled as part of this year's streets projects. Engineer Stoll added that if the same company does both the repaving and the manholes, they are responsible if either of them fails. Director Vincer stated that water and sewer have been operating on a "run to fail" basis and he would like to be more proactive before we reach system failures. Alderman Gerdes asked where the money will come from since it is not budgeted. Alderman Isaacs stated that there is \$141,000 in the water/sewer depreciation account. \$20,000 more will be added this year. He suggested taking the money out of this account. **Alderman Hanlin motioned to move forward with the manhole project. Motion seconded by Alderman Isaacs. Roll call vote: Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0. • Alderman Gyorkos motioned to bypass the bidding process since the project had already been bid. Alternate bids previously received were as follows: Martin & Co. \$58,800; Rock Road \$89,754.88; Curran \$100,000. Motion seconded by Alderman Hanlin. Roll call vote: Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0. • Alderman Boyer motioned to award the project to Martin & Co. at a cost of \$66,000. Motion seconded by Alderman Hanlin. Roll call vote: Fulrath, AYE; Boyer, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0. • Alderman Hanlin motioned to fund the project from the Water/Sewer Depreciation Fund. Boyer, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0.**

i. **Resolution Approving Membership Renewal in IML 2023 – Motion by Alderman Isaacs to approve membership renewal in IML 2023. Motion seconded by Alderman Hanlin. Roll call vote: Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Boyer, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0.**

j. **Resolution Approving Attendance at IML Conference 2023 – Alderman Isaacs motioned to approve attendance at the 2023 IML Conference. Motion seconded by Alderman Hanlin. Roll call vote: Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Nehring, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0.**

k. **Audit Update and Letter of Engagement –** Administrator Brooks expects to have a letter of engagement by next week. We have already started the audit process with Sikich.

18. NEW BUSINESS –

a. **Fehr Graham 221 N. Walnut St. Sidewalk Engineering Proposal –** Administrator Brooks stated that this proposal is for designing the ramp at 221 N. Walnut St. Funds will be taken from the TIF account. Alderman Fulrath questioned if this can be approved considering the possible redesign of the doorway. Discussion will continue

b. **Velvet Poppy TIF Grant Application** – The Administrative Committee recommends council approval of the TIF Grant Application for an awning at the Velvet Poppy at 115 W. Second St. A TIF Development Agreement will be forthcoming.

c. **Fireworks Contribution** – Alderman Hanlin stated that the Administrative Committee recommends council approval for a city donation of \$500 towards the July 2 Fireworks display. The donation will be made from Tourism funds. **Alderman Hanlin motioned to bypass the first read. Motion seconded by Alderman Gyorkos. Roll call vote: Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Nehring, AYE; Gyorkos, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0.** • The Administrative Committee recommends council approval of a \$500 donation to the July 2 fireworks display. Roll call vote: Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0.

19. **COUNCIL TALK** – Alderman Isaacs thanked all the committee chairs for their service.

20. **EXECUTIVE SESSION** - Executive Session pursuant to 5 ILCS120/2(c)(5) of the Illinois Open Meetings Act to discuss Collective Negotiating/Bargaining and 5ILCS120/2(c)(21) of the Illinois Open Meetings Act to Review Closed Session Minutes. – Alderman Hanlin motioned to go into Executive Session at 7:51 pm. Motion seconded by Alderman Isaacs. Roll call vote: Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0. Mayor Rickard, Administrator Brooks, Attorney Szeto and Clerk Huber remained.

Council returned from Executive Session at 8:33 pm. Council members present: Fulrath, Boyer, Nehring, Gyorkos, Hanlin, Isaacs, Gerdes. Also present: Mayor Rickard, Administrator Brooks, Attorney Szeto, Clerk Huber. Mayor Rickard stated there was no action taken during Executive Session.

Motion by Alderman Hanlin to approve, but to not release, the 1/5/22, 4/6/22, 9/7/22, 5/17/23 and 6/7/23 Executive Session minutes. Motion seconded by Alderman Fulrath. Roll call vote: Boyer, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE. Motion passed: AYE, 7; NAY, 0; ABS, 0.

21. **COMMUNICATION** –

a. Regular City Council Meeting – Wednesday, July 5, 6:30 pm.

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

Mayor Rickard adjourned the City Council meeting at 8:34 pm.

Respectfully Submitted,

Caryn A. Huber

City Clerk of Byron, Illinois

MAYOR JOHN RICKARD	CITY CLERK CARYN A. HUBER
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