

**CITY OF BYRON
MINUTES OF THE REGULAR COUNCIL MEETING
WEDNESDAY, DECEMBER 2, 2020
MEETING HELD VIA ZOOM DUE TO COVID-19 RESTRICTIONS
6:30 PM**

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, Dan Reilly, Zeke Hobbie, Jessica Nehring, Michael Gyorkos, Christy Hanlin (All aldermen participated electronically). Eight members present by roll call vote. **Quorum established.**

* - denotes start of the roll call

Aldermen Absent: None

PRESENT:	Mayor John Rickard (participating in person at City Hall)
City Clerk	Caryn Huber (participating in person at City Hall)
City Attorney	Aaron Szeto (participating electronically)
Police Chief	Todd Murray (participating in person at City Hall)
Dir. of Public Works	Aaron Vincer (participating electronically)
Dir. of Econ. Dev.	Larry Hewitt (participating electronically)
City Engineer	Jason Stoll (participating electronically)
Citizens	Pam Kultgen, Bill Pirnat, Sharon Uslan (ENGIE), Mike Wilder (WIPFLI) (All participating electronically)

4. **REVERENCE PERIOD** – Mayor Rickard led the Council in prayer.
5. **APPROVAL/AMENDMENTS TO AGENDA** –Alderman Isaacs asked to add **Budget Comparison** under new business. Mayor Rickard changed the wording on item 17e. to **Resolution Naming ENGIE as qualified provider (instead of chosen provider). Motion by Alderman Reilly to approve, as amended, the December 2, 2020, agenda. Seconded by Alderman Gerdes.** Roll call vote: **Gerdes, AYE; Fulrath, AYE; Reilly, AYE; Hobbie, AYE; Nehring, AYE. Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Motion passed: AYE, 8; NAY, 0; ABS 0.**
6. **MINUTES -**
 - a. **November 18, 2020-Regular City Council Meeting – Motion made by Alderman Nehring to approve, as presented, the November 18, 2020, Regular City Council Meeting Minutes, seconded by Alderman Hanlin.** Roll call vote: **Fulrath, AYE; Reilly, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE. Motion passed: AYE, 8; NAY, 0; ABS 0.**
7. **PUBLIC COMMENT** – None
8. **TREASURER’S REPORT** – Treasurer Huber reported that income for the month of November is included in Dropbox. There are no significant decreases compared to last year. She noted that Local use tax is up by 38%, and video gaming is up by 36% compared to November of 2019. • We have submitted our COVID expenses to the CURE program,

and have been informed that our request for \$145,498 has been approved. This completes our total allotment of \$154,823.

9. **LIST OF BILLS** – Alderman Isaacs asked about the charge from Helm Service in the amount of \$10,273.00, and the charge from Entre in the amount of \$8,207.75. Chief Murray explained that the charge from Helm is for bathroom upgrades to touchless toilets and sinks in City Hall bathrooms, and the charge from Entre is for five laptops, docking stations, cameras and warranties to allow employees to be able to work from home. Both of these charges will be taken out of CURE funding, as they are in response to the COVID-19 pandemic. **Alderman Hanlin motioned to approve the list of bills dated December 2, 2020, in the amount of \$174,356.90. Seconded by Alderman Isaacs.** Roll call vote: **Reilly, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE. Motion passed: AYE 8; NAY 0; ABS 0.**
10. **MAYOR'S REPORT** – Mayor Rickard said that, unless there is pressing business, the December 16 City Council meeting will be cancelled. • Because of this, he asked council to consider implementing the Declaration of Local Emergency later in the agenda.
11. **CITY ATTORNEY'S REPORT** – Mayor Rickard welcomed City Attorney Aaron Szeto. He has left contact information with Clerk Huber, and he looks forward to working with the mayor and council.
12. **CITY ENGINEER'S PROJECT STATUS** – Engineer Stoll reported that 2021 street project recommendations, options and cost estimates were presented at committee earlier this evening. The range of costs, depending on which projects are chosen, is \$440,000 to \$640,000. Committee members will look at the streets and discuss further in January.
13. **REPORT OF DIRECTOR OF ECONOMIC DEVELOPMENT** – Director Hewitt reported that City Hall is closed, and employees are splitting the time they are working at the office in order to avoid having contact with each other as much as possible. City Hall business is continuing, however, and employees are available to process payments, permits, answer questions, etc. • The Chamber hosts Miracle on 2nd St. Friday night.
14. **DIRECTOR OF PUBLIC WORKS REPORT** – Director Vincer reported that the department has been completing maintenance work. • The water and sewer increase was announced to the public on Monday. He has received little feedback to date. The increase will be seen on the February bills.
15. **POLICE CHIEF REPORT** – Chief Murray reported that he and the mayor will be having a zoom meeting with bar owners early next week. There has been a rise in disturbances and intoxicated patrons, and these will be addressed. They have discussed changing our ordinance temporarily to reflect state recommendations. Alderman Hobbie asked Chief Murray to elaborate on which ordinance is under consideration. He replied it would be the ordinance listing the allowed hours of operation. Closing time would be 11pm, which is in line with state recommendations. Alderman Fulrath asked if bar owners are required to have their servers take Bassett Training. Chief Murray reported it is not a state requirement, but we could mandate if we chose. • Vaccinations for COVID-19 should be available soon, and his department has been contacted in regard to providing vaccinations for police officers.
16. **COMMITTEE REPORTS**
 - a. **Community Services** – Alderman Fulrath reported that the committee discussed the 2021 Streets Program. The also discussed ENGIE, which is listed later in the agenda.

- b. **Public Safety** – No report.
- c. **Administrative** – Alderman Hanlin reported that Mike Wilder from WIPFLI gave a presentation on the audit, and is at this meeting to answer questions. Jeannie's Just Sew will likely be applying for a TIF application for façade improvements in the near future.

17. CONTINUING BUSINESS –

a. **Declaration of Local State of Emergency** – Given the increased activity of COVID-19, the situation with our downtown bars, and the fact that the council will not meet again until January, the mayor recommends that we put the Declaration of Local State of Emergency into effect until the council meets again. **Alderman Gerdes motioned to support the mayor's recommendation to put the Declaration of Local State of Emergency into effect. Seconded by Alderman Hanlin.** Roll call vote: **Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Reilly, AYE. Motion passed: AYE 8; NAY 0; ABS 0.**

b. **Ordinance 2020- Amendments to Byron Municipal Code Chapter 17** - Alderman Hanlin reported that the committee has been reviewing changes to the Byron Municipal Code Chapter 17, which has to do with the zoning code. Attorney Szeto has informed the committee that the Zoning Board of Appeals needs to review and approve the changes before it goes before council for approval. A ZBA meeting will be scheduled for January.

c. **Audit Approval** – Mike Wilder from WIPFLI gave a brief presentation of the city's 2019-2020 audit, which included a communications letter and financial statements. Alderman Reilly motioned to accept the 2019-2020 audit as presented. Seconded by Alderman Isaacs. Roll call vote: **Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Reilly, AYE; Hobbie, AYE. Motion passed: AYE 8; NAY 0; ABS 0.**

d. **Comcast Franchise Renewal** – Mayor Rickard has received a letter from Comcast regarding the renewal of our franchise agreement. The original agreement is in Dropbox. Attorney Szeto has reviewed the agreement and feels it is lacking some verbiage that should be added during the renewal negotiations. The agreement does not expire until 2023.

e. **Resolution naming ENGIE as qualified provider**—Alderman Fulrath reported that the committee is not making a recommendation, but would like to have open discussion at council. Director Vincer recommends the naming of ENGIE as qualified provider, as it allows us to negotiate the next phase without entering into any contracts. Once they are named, a plan can be made and we can proceed with the first project. A Resolution is included in Dropbox. Alderman Isaacs asked if we should wait until we have a facility plan. Director Vincer said that ENGIE can work with Fehr-Graham on the facility plan, as they have already done much of the research in preparation of their RFP. Attorney Szeto has studied the Energy statute that the program falls under. After choosing a qualified provider, you enter into negotiations into a formal contract to hire them. A facility plan is needed to get any IEPA funding. If we do not receive funding, we can cancel the contract. Alderman Isaacs asked if we are obligated to proceed with ENGIE if a contract cannot be agreed on. Attorney Szeto said that if we are negotiating in good faith, the agreement can be cancelled if we cannot agree on terms. Alderman Isaacs questioned why only two bids were received on what could potentially be a big project. Alderman Fulrath said there are not many companies that are qualified to bid this type of project. **Alderman Gerdes motioned to approve Resolution 2020-5, naming ENGIE as qualified provider. Seconded by Alderman Fulrath.** Roll call vote: **Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Reilly, AYE; Hobbie, AYE; Nehring, AYE. Motion passed: AYE 8; NAY 0; ABS 0.**

f. **UTVs on City Streets** – Discussion will continue at the January Public Safety Committee meeting.

18. NEW BUSINESS –

a. **Budget Comparison** – Alderman Isaacs included a report in Dropbox that shows the percentage of budget used through October 31, which is halfway through our fiscal year. Items that are highlighted have exceeded 50% and should be reviewed. We will take another look at this in 2-3 months.

19. COUNCIL TALK – Alderman Nehring asked about Miracle on 2nd Street, which is scheduled for Friday, December 4. Even though the event will be held entirely outside, she expressed concern that nothing has been mentioned about the need to wear masks. Alderman Gerdes asked Attorney Szeto if we are liable, since council approved the event, for possible COVID exposure. He doesn't feel we have any more liability than we would under normal circumstances. Director Hewitt, as a member of the Chamber board, said all businesses will be outside, and hayrides have been cancelled. Alderman Gerdes asked if the fact that we reinstituted the Declaration of Local Emergency makes a difference in how we view the event. Attorney Szeto said it does not. • Alderman Gerdes asked if funds that would normally have been spent on a Christmas party could be donated to our local food pantries. Attorney Szeto stated that the IML advises that the funds not be used for charitable contributions. Ultimately it is the city's decision, but best practice is to not use funds in this manner.

20. EXECUTIVE SESSION - Mayor Rickard advised there was no need for an Executive Session.

21. COMMUNICATION –

a. Next Regular City Council Meeting – Wednesday, January 6, 2020 at 6:30pm.

Alderman Isaacs motioned to adjourn. Seconded by Alderman Reilly. Roll call vote: Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Reilly, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE. Motion passed: AYE 8; NAY 0; ABS 0. Mayor Rickard adjourned the City Council meeting at 7:56 pm.

Respectfully Submitted,

Caryn A. Huber

City Clerk of Byron, Illinois

MAYOR JOHN RICKARD	CITY CLERK CARYN A. HUBER
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