

**CITY OF BYRON
MINUTES OF THE REGULAR COUNCIL MEETING
WEDNESDAY, MARCH 1, 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 Engineer Jason Stoll Citizens Caitlin Vaughan, Herb Santiago, Sheila McCammond, Bradley Cox, Rick Roberson, Shirlee Aldrich, Ron Boyer
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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 March 1, 2023, agenda. Seconded by Alderman Fulrath. Roll call vote: Gerdes, ABS; Fulrath, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE. Motion passed: AYE, 6; NAY, 0; ABS 1.
6. **MINUTES** –
 - a. **February 15, 2023 – City Council Regular Meeting Minutes** – Motion by Alderman Hanlin to approve, as presented, the February 15, 2023 City Council Regular Meeting Minutes. Seconded by Alderman Hobbie. Roll call vote: Fulrath, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, ABS. Motion passed: AYE, 6; NAY, 0; ABS 1.
7. **PUBLIC COMMENT** – None
8. **TREASURER'S REPORT** – No report.
9. **LIST OF BILLS** – Alderman Isaacs asked about the charge from B&F Construction Code Services for \$600. Administrator Brooks stated that this is for the plan review for Cox's Roost and will be reimbursed by them. Alderman Isaacs also asked about the \$2,000 charge from the Illinois Department of Natural Resources. Administrator Brooks explained that this was for the application fee for the boat dock grant. If the grant is not approved later tonight, the fee will not be paid. Alderman Isaacs asked about the charge from BP Roofing Solutions. This was for a roof leak on part of the building where the roof has not been

replaced. **Alderman Hanlin motioned to approve the List of Bills dated 03/01/23, in the amount of \$74,905.41. 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** – Mayor Rickard announced that a budget meeting with department heads is scheduled for Saturday, March 4. Alderman Isaacs and Alderman Fulrath will attend. The mayor asked if other aldermen were planning on attending, as we will need to post the meeting if more than two aldermen are present. • Mayor Rickard administered the Oath of Office to Ron Boyer, Alderman, Ward 1. Alderman Boyer joined the meeting at 6:40 pm. Eight Aldermen present.
11. **CITY ADMINISTRATOR'S REPORT** –Administrator Brooks reported that he has been working on the budget in preparation for Saturday's meeting. He stated that Engineer Stoll informed us that another grant opportunity is available through Senator Duckworth's office. The grant application, due March 10, will be for approximately \$2 million and could be used to replace undersized watermain in the older parts of town. We were awarded a legislative grant from Senator Kitzinger's office that will be used for the same purpose. Engineer Stoll is waiving the grant preparation fee. There are no match obligations. All other items are on the agenda.
12. **CITY ATTORNEY'S REPORT** – No report. All items are on the agenda.
13. **CITY ENGINEER'S REPORT** – No report. All items are on the agenda.
14. **DIRECTOR OF ECONOMIC DEVELOPMENT REPORT** – No report.
15. **DIRECTOR OF PUBLIC WORKS REPORT** – Director Vincer reported that he will be touring his last treatment plants next week. A meeting with Engineer Matt Johnson to begin design work will follow. The Forest Preserve Board has approved the location of the Public Works building. A meeting is scheduled next Monday to begin the design of the building. • The elevator has been repaired again at a cost of \$6,000.
16. **POLICE CHIEF REPORT** – Sergeant Jeremy Boehle reported in Chief Murray's absence. Officer Henderson was involved in a pursuit and sustained damage to his vehicle. He was not injured. The vehicle will be taken in tomorrow for an estimate and repairs.
17. **COMMITTEE REPORTS**
 - a. **Community Services** – All items are on the agenda.
 - b. **Public Safety** – No report.
 - c. **Administrative** – All items are on the agenda.
18. **CONTINUING BUSINESS**
 - a. **Water/Sewer Rate Review** – No updates.
 - b. **Comprehensive Plan** – Attorney Szeto has written an RFP for the Comprehensive Plan. It is in Dropbox. The Community Services Committee agreed to release the RFP and to allow 60 days for responses.
 - c. **Byron Forest Preserve Agreement** –Alderman Fulrath reported that the Forest Preserve has approved the proposed intergovernmental agreement and **the Community Services Committee voted to recommend council approval on authorizing the mayor to sign the agreement. Roll call vote: Nehring, AYE; Gyorkos, AYE; Hanlin, AYE;**

Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Hobbie, AYE. Motion passed: AYE, 8; NAY, 0; ABS, 0.

d. **Bergagna Alley Vacation – 113 E. 2nd St. North Side Alley – Alderman Hanlin reported that the Administrative Committee recommends council approval of the alley vacation at 113 E. 2nd St. Roll call vote: Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Hobbie, AYE; Nehring, AYE. Motion passed: AYE, 8; NAY, 0; ABS, 0.**

e. **Sam's Drive In Liquor License/Video Gaming –** Alderman Fulrath stated there is a letter and drawing in Dropbox explaining proposed changes to Sam's Drive In. The committee recommends discussing as a full council and asked if there were any questions. The food will be served out of a window. There will be no inside dining, but there will be an outside deck area for dining. Restrooms will be available inside but will be separate from the gaming area. Alderman Hanlin asked if alcohol will be served outside since there is a different liquor license needed. Ms. Aldrich added that the difficulty of hiring staff and the increased minimum wage requirements are prohibitive to keeping the dining room open. Even if the gaming is not approved, she cannot staff the dining area and therefore will not be able to accommodate inside seating. Alderman Gyorkos asked if the gaming area will be visible to outside diners. Ms. Aldrich said no. She plans to put up a wall $\frac{3}{4}$ of the way to the ceiling (keeping the upper portion open for ventilation purposes). Alderman Gyorkos asked if the outside drive-in speakers will still be operational. Ms. Aldrich explained that they haven't worked in years and will be removed. Repairs would be close to \$80,000. She will be repaving the parking lot. Alderman Boyer asked if adult diners would be able to order drinks and food and sit inside. Ms. Aldrich said that space will be limited, but there may be several seats available. She added that serving alcohol is not her objective but is required as part of the gaming license. **Alderman Fulrath motioned to keep the subject in committee for discussion while Ms. Aldrich finalizes plans. Motion seconded by Alderman Gyorkos. Roll call vote: Hanlin, AYE; Isaacs, NAY; Gerdes, NAY; Fulrath, AYE; Boyer, AYE; Hobbie, NAY; Nehring, AYE; Gyorkos, AYE. Motion passed: AYE, 5; NAY, 3; ABS, 0.** Alderman Isaacs and Alderman Hobbie expressed concern that the committee had refused a license recently for the same purpose. Mayor Rickard asked that all discussion be voiced prior to voting.

f. **Resolution in Support of Ogle County Economic Development Corporation – Alderman Hanlin stated that the Administrative Committee recommends council approval of the Resolution in Support of Ogle County Economic Development Corporation. Roll call vote: Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE. Motion passed: AYE, 8; NAY, 0; ABS, 0.**

g. **Frontier Construction and Utility Use Agreement and Permit –** No updates.

h. **TARP Grant Intergovernmental Agreement –** Engineer Stoll stated that this is an agreement required by IDOT to release grant funds to the city. **Alderman Fulrath motioned to approve the mayor signing the TARP Grant Intergovernmental Agreement. Motion seconded by Alderman Hanlin. Roll call vote: Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE. Motion passed: AYE, 8; NAY, 0; ABS, 0.**

i. **Peru St. ROW Vacation –** Alderman Hanlin reported that the Peru St. ROW vacation agenda item will stay in committee. Attorney Szeto and Administrator Brooks will discuss several conditions with the developer to see if they want to proceed based on those conditions.

j. **BAAD Grant Acceptance –** A BAAD grant for \$200,000 for improvements to the boat dock grant has been awarded to us with a \$35,000 match. Administrator Brooks stated that there are two documents that need to be signed: A grant agreement, and a notice of state award that requires us to accept the grant. A \$2,000 grant acceptance fee is

required. **Alderman Fulrath stated that the Community Services Committee recommends council approval to authorize the mayor to sign the grant agreement and acceptance. Engineering costs are to be determined. Roll call vote: Fulrath, AYE; Boyer, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE, Isaacs, AYE; Gerdes, AYE. Motion passed: AYE, 8; NAY, 0; ABS, 0.**

k. **Engineer Services Agreements** – Administrator Brooks stated that some engineering agreements have, in the past, been signed by the Mayor and some have gone before council for a vote. After speaking with Attorney Szeto, he has decided to bring all engineering agreements before council.

a. **RAISE Grant Preparation** – \$25,000. This grant has been submitted and was signed previously.

b. **Annual Engineering Services** – \$26,400 (\$2,200 per month for 12 months)

c. **Streets Program – 2023** – \$65,000

d. **Public Works Building** – \$35,400

Each of these agreements comes with a recommendation from the Community Services Committee for council approval. Roll call vote: Boyer, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE, Isaacs, AYE; Gerdes, AYE; Fulrath, AYE. Motion passed: AYE, 8; NAY, 0; ABS, 0.

19. NEW BUSINESS –

a. **Byron Rocks 5K/10K Proposal** – Sheila McCammond from the Byron Chamber of Commerce presented a proposal for the chamber's annual 5K/10K run on May 6. They are asking for barricades and approval to close the city hall parking lot beginning at 2am on race day. They are also asking that the mayor be given the authority to approve any last-minute schedule changes. **Alderman Isaacs motioned to bypass first read of the request. Motion seconded by Alderman Hanlin. Roll call vote: Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE, Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Boyer, AYE. Motion passed: AYE, 8; NAY, 0; ABS, 0. Alderman Hanlin stated that the Administrative Committee recommends council approval of the Byron Rocks 5K/10K Proposal. Roll call vote: Nehring, AYE; Gyorkos, AYE; Hanlin, AYE, Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Hobbie, AYE. Motion passed: AYE, 8; NAY, 0; ABS, 0.**

b. **Intergovernmental Agreement with Park District** – Administrator Brooks stated that the Park District has asked to borrow equipment for their improvements at Johnson Park. We have no opposition to them using equipment or personnel, but there is no intergovernmental agreement in place at this time. The agreement outlines liability responsibility when using each other's equipment. This document has not been presented to the Park District yet. Administrator Brooks is not seeking approval tonight, but has asked council to review the document and contact him with comments or questions. He hopes to establish intergovernmental agreements with other agencies as well.

c. **Resolution Approving a Repayment Agreement** – Attorney Szeto stated that when police officers begin employment, they sign a document stating that if they leave the department within a certain period of time, they will reimburse the city for training and other expenses. This agreement is for an officer who has left the department. It allows him to repay the amount owed over a three year period of time. Attorney Szeto asked to bypass first read since the repayments have already begun. **Alderman Fulrath motioned to bypass first read. Motion seconded by Alderman Hanlin. Roll call vote: Gyorkos, AYE; Hanlin, AYE, Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Hobbie, AYE; Nehring, AYE. Motion passed: AYE, 8; NAY, 0; ABS, 0. The Administrative Committee recommends council approval of the repayment agreement. Roll call**

vote: Hanlin, AYE, Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE. Motion passed: AYE, 8; NAY, 0; ABS, 0.

- 20. COUNCIL TALK –** Alderman Hanlin reported that the Administrative Committee discussed changing their meeting to the third Wednesday of the month. Attorney Szeto will prepare an ordinance and it will be added to the agenda. The April meeting will still be held on Wednesday, April 5. • Alderman Hobbie stated that he will not be able to attend/chair the March 15 Public Safety Committee meeting.

21. COMMUNICATION –

- a. Regular City Council Meeting – Wednesday, March 15, 6:30 pm.

- 22. ADJOURN –** Alderman Isaacs motioned to adjourn. Motion seconded by Alderman Fulrath. Roll call vote: Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Boyer, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE. Motion passed: AYE, 8; NAY, 0; ABS, 0.

Mayor Rickard adjourned the City Council meeting at 7:18 pm.

Respectfully Submitted,

Caryn A. Huber

City Clerk of Byron, Illinois

MAYOR JOHN RICKARD	CITY CLERK CARYN A. HUBER
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