

**CITY OF BYRON
MINUTES OF THE REGULAR COUNCIL MEETING
WEDNESDAY, JANUARY 5, 2022
BYRON CITY HALL
6:30 PM**

1. **CALL TO ORDER** – Mayor Rickard called the meeting to order at 6:31 p.m.
2. **PLEDGE OF ALLEGIANCE** – Led by Mayor Rickard
3. **ROLL CALL – Aldermen present:** Todd Isaacs (by phone), Emily Gerdes, Mittzi Fulrath, Cheryl Metz, Zeke Hobbie, Jessica Nehring (by phone), Michael Gyorkos, Christy Hanlin. Eight members present. **Quorum established.**
Aldermen Absent: None

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 (by phone)
	City Engineer	Jason Stoll
	Citizens	Bill Pirnat, Pam Kultgen

4. **REVERENCE PERIOD** – Mayor Rickard led the Council in prayer.
5. **APPROVAL/AMENDMENTS TO AGENDA** – **Motion by Alderman Gyorkos to approve, as presented, the January 5, 2022, agenda. Seconded by Alderman Fulrath.** Roll call vote: **Gerdes, AYE; Fulrath, AYE; Metz, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE.** Motion passed: **AYE, 8; NAY, 0; ABS 0.**
6. **MINUTES** –
 - a. **December 1, 2021 City Council Regular Meeting Minutes - Motion by Alderman Hanlin to approve, as presented, the December 1, 2021, City Council Regular Meeting Minutes. Seconded by Alderman Metz.** Roll call vote: **Fulrath, AYE; Metz, 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 stated that the Treasurer’s Report for November is in Dropbox, as well as the monthly revenue and tax comparisons for the month of December. • The annual Treasurer’s Report has been published in the Ogle County Life, and has been filed with the County Clerk. A copy is in Dropbox. • After discussions with Alderman Isaacs, we opened two \$500,000 CDs (at .2%) with funds from the 1% local use tax account. Term for each is six months. Treasurer Huber added that she checked local banks for rate comparison. • Treasurer Huber and Alderman Isaacs met with Scott Mincemoyer, Chief Financial Officer for Byron Bank, regarding concerns about

unprotected funds (brought to our attention in the audit). Scott will increase Byron Bank's pledge from \$3 million to \$6 million, and will review our pledge status monthly.

9. LIST OF BILLS –

a. **Motion by Alderman Hanlin to approve the lists of bills dated December 15, 2021 (1 and 2), in the amounts of \$101,180.61 and \$487.98. Seconded by Alderman Gyorkos. Roll call vote: Metz, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE. Motion passed: AYE, 8; NAY, 0; ABS 0.**

b. **Motion by Alderman Fulrath to approve the list of bills dated January 5, 2022, in the amount of \$446,194.14. Seconded by Alderman Hanlin. Roll call vote: Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Metz, AYE. Motion passed: AYE, 8; NAY, 0; ABS 0.**

10. MAYOR'S REPORT – Mayor Rickard reported that the bar owners have withdrawn their request for extended bar hours for spring. • Public works has hired two new snow plow drivers.

11. CITY ATTORNEY'S REPORT – Attorney Szeto reported that we have received the property tax exemption certificate for the Rush property. We will, however, owe property taxes from January 1, 2021 through the date of purchase.

12. CITY ENGINEER'S REPORT – Engineer Stoll reported that they are making progress on the Mill Road Rec Path project. Surveys are complete and design work has begun. Bids should go out in February, and the goal is to have the new path opened by the start of school next Fall. • Work on the streets plan is continuing.

13. DIRECTOR OF ECONOMIC DEVELOPMENT REPORT – Director Hewitt reported that Fehr-Graham has been working on a grant to improve the downtown. • Dollar General should be opening in about a month. • A business has purchased the Jeannie's Just Sew building, and it will be available for rent for meetings, etc. • A group from ALS is interested in holding their annual walk in Byron, and are looking into holding the event in conjunction with ByronFest. The event will be held at the schools, and 400-500 people are expected to attend.

14. DIRECTOR OF PUBLIC WORKS REPORT – Director Vincer reported that the department has been plowing, and may need to hire an additional one or two drivers. • Bills from Engel Electric on the list of bills represent electrical work needed at Headworks. Engel also did street light repairs prior to Miracle on 2nd St. • One snow plow is still out for repairs. Parts are backordered. • There is a broken water main along the side rail of the train tracks at Tower Rd. and 7th St. The repair will involve directional drilling and permitting with the EPA and the railroad. He is working with Engineer Stoll to determine costs. • Director Vincer was asked to look into pricing for a leaf vacuum. He located several used vehicles, and the average price is \$35,000. Alderman Gyorkos asked where the leaves would be disposed of. Alderman Vincer believes we can dump in our quarry by the Forest Preserve, however, he will continue to research. • Alderman Gyorkos also inquired about the "strobing" light at the corner of Colfax and Blackhawk. The light does not belong to the city, but Alderman Vincer will attempt to contact the building owner.

15. POLICE CHIEF REPORT – Chief Murray reported that the new officer will begin training on January 16. • The squad car that is being outfitted is almost complete. • The search for an additional squad car is ongoing. • A tobacco license has been issued to Dollar General.

16. COMMITTEE REPORTS

- a. **Community Services** – All items are on the agenda. Alderman Fulrath asked that the Streets Plan be put on the council agenda for the next meeting.
- b. **Public Safety** – No report.
- c. **Administrative** – Alderman Hanlin reported that Jerry Funk from WIPFLI gave an overview of the audit with the committee tonight. He would be happy to answer any questions about the audit, and is willing to appear before council if needed. The committee is recommending approval of the 2020-2021 audit later in the agenda. • Work on the City Hall parking lot is being discussed. • The COVID policy was discussed in committee and is being held over until next month.

17. CONTINUING BUSINESS

- a. **Mill Road Rec Path** – Update given in engineer's report.
- b. **2020-2021 Audit** – Alderman Hanlin reported that the Administrative Committee recommends council approval of the 2020-2021 Audit. Roll call vote: Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Metz, AYE; Hobbie, AYE. Motion passed: AYE, 8; NAY, 0; ABS 0.
- c. **Wastewater Treatment Plant** – Engineer Stoll reported that they have had initial conversations with EPA regarding the facility plan.
- d. **Water/Sewer Rate Ordinance** – Alderman Fulrath reported that the Community Services Committee recommends council approval of the Ordinance Regarding Water and Sewer Service Charges. Roll call vote: Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Metz, AYE; Hobbie, AYE; Nehring, AYE. Motion passed: AYE, 8; NAY, 0; ABS 0.
- e. **Ordinance Regarding Water-Sewer Capital Improvement Fee** – Alderman Fulrath reported that the Community Services Committee recommends council approval of the Ordinance Regarding Water and Sewer Capital Improvement Fees. Roll call vote: Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Metz, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE. Motion passed: AYE, 8; NAY, 0; ABS 0.
- f. **UTV Ordinance and application** – Alderman Hanlin reported that the Administrative Committee has moved that this agenda item go before council. It does not come with a committee recommendation. Alderman Gerdes asked to verify that no additional changes need to be made to the ordinance or application. Attorney Szeto confirmed that all requested changes have been made. Alderman Gerdes asked to verify that the ordinance can be repealed if the city does not benefit from allowing UTVs in Byron. The mayor verified that the ordinance can be repealed later if needed. **Alderman Gerdes motioned to approve the UTV Ordinance (2021-17) and Application. Motion seconded by Alderman Hobbie. Roll call vote: Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Metz, AYE; Hobbie, AYE; Nehring, NAY; Gyorkos, AYE; Hanlin, NAY. Motion passed: AYE, 6; NAY, 2; ABS 0.**
- g. **Ordinance Regarding Performance Bonds for ROW Excavations** – Attorney Szeto said the committee has reviewed this ordinance and has asked to make a change. It will be brought to committee next month for final review.
- h. **City Hall Parking Lot** – Engineer Stoll reported that this item is on the streets project list for this year.
- i. **Ordinance Providing for Installation and Operation of Solar Energy Systems** – The committee has recommended passage of the Ordinance, however, since it is an amendment to the zoning code, it has to go before the Zoning Board first for their review and recommendation.

18. NEW BUSINESS

- a. **Adjustment to Pay Scale** - Item is still in committee.
- b. **COVID Policy** – Item is still in committee.
- c. **Ordinance Abating Tax Levy on G.O. Bonds Series 2014A** –Alderman Hanlin motioned to bypass first read on the Ordinances Abating Tax Levy on Bond Series 2014 A and B. Motion seconded by Alderman Metz. Roll call vote: Gerdes, AYE;

Fulrath, AYE; Metz, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE. Motion passed: AYE, 8; NAY, 0; ABS 0. • Alderman Hanlin reported that the Administrative Committee commends council approval of the Ordinance to Abate the Tax Levy on G.O. Bonds Series 2014A. Roll call vote: Fulrath, AYE; Metz, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE. Motion passed: AYE, 8; NAY, 0; ABS 0.

d. Ordinance Abating Tax Levy on G.O. Bonds Series 2014B – Alderman Hanlin reported that the Administrative Committee commends council approval of the Ordinance to Abate the Tax Levy on G.O. Bonds Series 2014B. Roll call vote: Metz, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE. Motion passed: AYE, 8; NAY, 0; ABS 0.

Items e. and f. will be discussed after Executive Session.

19. **COUNCIL TALK** – Alderman Fulrath asked about the status of NextSite. Mayor Rickard and Director Hewitt have not spoken to them recently. No money has been paid to them. • Alderman Fulrath asked about the status of electric aggregation. Mayor Rickard said at this point we are continuing as we have been. • Alderman Fulrath asked about time of bar closing on New Year's Eve. Chief Murray responded that it is 3am per our ordinance. • Alderman Fulrath asked if any conversations were had with Moring when, just prior to Christmas, they came exceptionally early and residents were reluctant to put their garbage out due to high winds the previous day. Several residents missed the pick up as a result. Mayor Rickard suggested this be addressed in the new contract. • Alderman Gerdes asked about the status of the COVID policy. Alderman Hanlin replied that the committee would like to give more thought to unvaccinated people receiving COVID pay, as opposed to having to take PTO time. • Alderman Gerdes asked about posting the fact sheet regarding water and sewer increases in the newspaper. Mayor Rickard will put the information in a press release format and send it to the paper. • Chief Murray asked that we schedule and publish an implementation date when UTV stickers will be available since we are not ready to accept applications yet.
20. **EXECUTIVE SESSION** – Mayor Rickard announced that the council will be going into Executive Session for the purpose of discussing Section 2(c)(11) Pending, Probable or Imminent Litigation and Section 2 (c)(21) Review of Closed Meeting Minutes. **Alderman Fulrath motioned that council adjourn into Executive Session at 7:16 pm. Motion seconded by Alderman Gyorkos. Roll call vote: Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Metz, AYE. Motion passed: AYE, 8; NAY, 0; ABS, 0.** Mayor Rickard asked Clerk Huber, Attorney Szeto, and Chief Murray to remain.

City Council returned into open session at 7:26 pm. **Roll call: Isaacs, AYE; Gerdes, AYE; Fulrath, AYE; Metz, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE. Eight Aldermen present, zero absent. Others present: Mayor Rickard, Clerk Huber, Attorney Szeto, Chief Murray.**

NEW BUSINESS (Continued)

e. Resolution Approving Settlement Agreement Regarding Lindquist v. Byron – Motion by Alderman Metz to approve Resolution 2021-06, Approving the Settlement Agreement Regarding Lindquist v. Byron. Motion seconded by Alderman Gyorkos. Roll call vote: Gerdes, AYE; Fulrath, AYE; Metz, AYE; Hobbie, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE. Motion passed: AYE, 8; NAY, 0; ABS, 0.

f. Resolution Regarding the Release of Executive Session Minutes – Motion by Alderman Hobbie to approve Resolution 2021-07, Regarding the Release of Executive Session Minutes. Motion seconded by Alderman Gerdes. Roll call vote:

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

21. COMMUNICATION –

- a. **Regular City Council Meeting** – Wednesday, January 19, 2022, 6:30 pm
- b. **Committee of the Whole** (Surf Broadband) – Wednesday, January 19, 2022, 5:30 pm

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

Mayor Rickard adjourned the City Council meeting at 7:28 pm.

Respectfully Submitted,

Caryn A. Huber

City Clerk of Byron, Illinois

MAYOR JOHN RICKARD	CITY CLERK CARYN A. HUBER
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