

MINUTES
BOARD MEETING

Monday October 19th, 2020, 6:00 P.M.
VILLAGE OF PORT BYRON IL
Meeting conducted via Zoom

The Village Board Meeting was called to order by Mayor Bruce Peterson at 6:03 p.m. on Monday, October 19th, 2020. Via Zoom meeting/Trustees present

ROLL CALL / ESTABLISHMENT OF QUORUM / PLEDGE OF ALLEGIANCE

Roll Call #1: Present: Trustees Wayne Oney, Patty Lindley, Dustin Sloan, Gerry Meade, Bo Mathis, Brian Bitler

Absent: None

Mayor Bruce Peterson

Also Present: Sarah Gorham, Attorney; Brent Mendoza, Officer

GALLERY

Mitch Hausenour (Boy Scout) reported on the Old Gazebo project. He said that there were over 30 volunteers. There are two panels that have been ordered for the roof, once they arrive it will be completed. He kept the repair costs under the \$500.00 allowed budget and is requesting reimbursement of \$477.00 (already Board approved).

COMMITTEE REPORTS

A. PUBLIC INFORMATION/FINANCE COMMITTEES

1. VILLAGE FINANCE WAYNE ONEY

- a. Annual Treasurer's Report
- b. 0920 Treasurer's reports including P&L and check registers (C/A Item C)

Trustee Oney reported that the Annual Treasurer's Report has been completed.

Trustee Oney reported on the monthly Treasurer's report and the P&L report. He did comparisons to the prior month numbers and everything looks accurate.

2. TIF BRUCE PETERSON

Clerk Engels reported that she has worked with Kathy Orr and the Annual TIF Report has been completed and filed with the state.

3. ECONOMIC DEVELOPMENT PATTY LINDLEY

Trustee Lindley reported that Economic Development attempted to hold their last meeting via zoom. The meeting was not successful due to technical issues. They are planning on a November meeting.

4. MSA/ IRDC COMMITTEE WAYNE ONEY/JARED FLUHR

- a. N Shore Dr & N River Dr sanitary sewer extension preliminary engineering report proposal re-consideration
 - b. Consideration of Downtown Streetscape concept and parking layout
 - c. Resolution for Downtown Streetscape ITEP grant application
 - d. Survey to N Shore & N River Dr residence
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Trustee Oney reported that he would like the Board to re-consider the sanity sewer extension preliminary engineering proposal. At the last meeting \$12,500 was approved for phase one plans. He would like the board to approve a higher amount so that the soil boring and more research can be done. He is requesting an addition \$13,000 to complete this.

Trustee Bitler said that we should not have taken action to approve the \$12,500 at the last meeting until it was confirmed that Mayor Peterson's tie vote was not bias, and that clarification needs to be made.

Attorney Gorham asked if we signed a scope of work with MSA. Clerk Engels said it has not been signed.

Trustee Oney opened the floor up to discussion the previous \$12,500 vote approval.

Trustee Bitler thinks that the tie vote gives the Village rights to be concerned. He feels that the vote needs to be done again. He does not think the Village will be able to afford the job to begin with, even with TIF funds.

Trustee Lindley agreed with Brian, saying that if this project is going to take place that other projects are going to have to be dropped in her opinion, due to lack of funds. She would like the TIF budget reviewed.

Trustee Oney said that he could put together a presentation that shows the TIF budget and what is projected to be coming out over the next 7 years and what will be coming in to show what will be available.

Trustee Oney said that if legally there was bias on Bruce voted since he has vested interest living on N. Shore Dr., then there should be another vote.

Mayor Peterson said that he gained an opinion from TIF attorney Kathy Orr and IML that he is directed to comply with the 2008 comprehensive plan, which includes a plan to extend water/sewer. He said that he would have to benefit in order to be considered bias. He said his family nor household would benefit.

Trustee Sloan said that he feels that the perception of residents of the Village is that Mayor Peterson lives on the road that he voted on to get water/sewer and that he is also TIF Administrator. He feels that is why people are questioning being bias. Sloan said there is a cost benefit for Peterson due to him not being up to EPA standards and it will cost twenty some thousand dollars to get up to standard, so he feels that he is financially going to benefit from water/sewer extension.

Attorney Gorham reported that she talked to Attorney Orr and she said that she does not feel that Mayor Peterson is bias. Attorney Gorham asked Attorney Orr to put her opinion in writing so that her opinion could be reviewed. Gorham said that it would be in Mayor Peterson's discretion on rather or not he voted fairly and is biased. Her opinion is to do whatever is not risk adverse.

Trustee Lindley said that at the last meeting Mayor Peterson said "Am I bias, yes I am" and her concern is that now he is saying that his vote was not biased. Trustee Lindley said that it was agreed upon at the last P&Z meeting that the comprehensive plan is going to be re-written when the census results are available. She would like to see the budget for the TIF since at the beginning of the year this project was not included.

Mayor Peterson said that he will present the TIF reports at the next meeting.

Trustee Oney believes that this is not a full vote on rather to do the project, but to gain tools to identify costs and information associated with the project.

Trustee Oney motioned to rescind payment to MSA in the amount of \$12,500 to complete the phase 1 scope of work for the North Shore Dr./North River Dr. water/sewer extension, until TIF accounting is completed and presented, seconded by Trustee Mathis

**Roll Call #1: Ayes: Trustee Oney, Meade, Mathis, Sloan, Lindley, Bitler
Nays: None
Absent: None
Mayor Bruce Peterson declared the motion passed**

Jared Fluhr presented the new parking layout renderings that were recommended to the Board from the Downtown Streetscape Committee meeting. The plan presented parallel parking on both sides of main street. This will be the concept moving forward.

Trustee Oney has requested parking lot use during closed hours from Black Hawk Bank and they have agreed to allow patrons to park there.

Trustee Oney motioned to approve the Downtown Streetscape Committee's recommendation for parallel parking, seconded by Trustee Lindley

**Roll Call #2: Ayes: Trustee Oney, Lindley, Meade
Nays: Trustee Sloan, Mathis, Bitler
Absent: None
Mayor Bruce voted Aye, due to tie and declared the motion passed**

Jared Fluhr presented resolution #191020 to approve to apply for the ITEP grant application. This commits the Village's half of cost for the Downtown Streetscape Project if they give the Village the award.

Trustee Lindley asked what amount was allocated from TIF funds for this project. Jared Fluhr responded that \$4.3 million was allocated.

Trustee Lindley clarified that if we do not approve this resolution to move onto phase 2 of this project, then we have to pay back the \$97k grant already received for phase 1 engineering.

Trustee Oney motioned to approve resolution #191020, seconded by Trustee Meade

**Roll Call #3: Ayes: Trustee Oney, Lindley, Meade
Nays: Trustee Sloan, Mathis, Bitler
Absent: None
Mayor Bruce voted Aye, due to tie and declared the motion passed**

Trustee Sloan reported that he believes that the Village should send an anonymous survey to the residents of N Shore and N River drive to get resident opinions on if they would like water and sewer to their homes.

Mayor Peterson asked Trustee Bitler that if he were to send out a survey to residents on N High, what does he think the response would be for forced hook-up

Trustee Bitler reported that before water/sewer was installed on N High, that the residents on that street received a survey and the consensus was that they did not want it. The Board put it in anyway, with agreement that residents would not have to hook up unless something happened to their well or septic. He reported that the Board then turned around and are now implementing forced hook-up.

Trustee Oney has heard many residents on N Shore Dr and N River Dr report that they have good water in their wells and do not want it. However, they would like sewer.

Mayor Peterson reported that he does not feel surveys should be sent out to residents to determine what the best interest of the Village should be, and the Village should follow the comprehensive plan. Trustee Mathis reported that at the last meeting the Board voted for \$12,500 and not they want almost double to complete the evaluation. He has concerns about all the rising costs associated with the study, for something that residents might not even want.

Trustee Sloan asked how much it would be to just have the soil boring done to see how much work and the cost to place sewer and water lines would be. Jared Fluhr responded that would cost about \$5,800.

Trustee Sloan still believes that there should be a survey. Mayor Peterson said it is part of the process if it is elected that the Village will move forward.

5. PLANNING/ZONING COMMITTEE GERRY MEADE

Trustee Meade reported that there was a meeting on October 14th. Census and creating a new Comprehensive plan were discussed. Next meeting is November 11th.

6. ORDINANCE, GRANTS & AUDITS PATTY LINDLEY

Trustee Lindley discussed 305 N High Street and the condition of the weeds. She is reminding that we have had several issues where we have not been able to go beyond writing letters in the past. She said that if we need to mow that we have the right to go onto the property and uphold our ordinances if we follow our ordinances.

7. PERSONNEL BRIAN BITLER

- a. Water Clerk position posted on Indeed and Facebook
- b. Work environment issues

Clerk Engels reported that the Water Clerk position has been posted and resumes have been received. She asked if any of the Trustee's would like to be present for the interviews that will be scheduled. Trustee Bitler requested to be present.

Trustee Bitler requested that we do background checks on potential candidates.

Trustee Bitler reported that at the last meeting Mayor Peterson reported that he had talked to those that work for the Village that he had problems with. Trustee Bitler said that Mayor Peterson did not talk with Eric Sikkema and that Eric asked Bitler the other day why the Mayor still has not spoken with him since their argument.

Mayor Peterson reported that he did talk to Eric Sikkema. Mayor Peterson said that Eric has not been at any IRDC or Board Meeting in a few months. He stated that his requests to staff have not been fulfilled and that he has confronted them.

Trustee Bitler responded that it is not Eric's job to be here that Don Loy is the one that is to attend the meetings. Bitler also suggested that we implement work orders to avoid requests from falling through the cracks.

Trustee Lindley said that the Mayor is to be head of the employees. If the other Trustee's act as administrator, it takes away from the creditability of the Mayor. Trustee's are not to make rules for the employees. Trustee Oney did not agree that other Trustee's should not have authority as well. Trustee

Lindley says that if the employee's have a problem that they should bring it to the Board meeting for review. Trustee Bitler said that asking the employees to do that will bring the Village to a standstill. The employees will sit until their next work order is delivered.

Trustee Sloan reported that there have been complaints from multiple employees of a hostile working environment brought to his attention. He received complaints about the Mayor that include: Very argumentative when we do not agree, including yelling cursing, pounding hand on table etc., Threats of terminating anyone without permission at any time, Asking staff to complete tasks that are not part of their job duties and getting angry when they are not agreed upon, asking to complete things that are not legal, using intimidation to dominate situations. Arguing about situations over and over again and expecting different results from those arguments, obsessively concerned about employees completing things that are important to only the Mayor i.e. weeds, grass and pulling people away from their job duties from 1-3 hours a day to complete the projects that he thinks are important. Trustee Sloan says that the work environment needs to change.

Trustee Oney says that a process to hold everyone accountable has been the missing piece at the Village to hold people accountable. He feels this will relieve frustration that leads to confrontation.

Trustee Bitler said that Bruce is the Mayor and if the Mayor gives a direct order and unless it is unsafe or illegal then it needs to be completed.

Mayor Peterson said that he will have a staff meeting and see what the chain of command is going to be.

Trustee Sloan said that no one will ever deny that Mayor Peterson is committed to the Village, he is still concerned about his actions with employees.

B. PUBLIC WORKS DON LOY/ERIC SIKKEMA

- 1. PUBLIC WORKS (RECYCLING/REFUSE, BLDG. & GROUNDS/STREETS & STREET LIGHTS DUSTIN SLOAN/BRIAN BITLER/BO MATHIS**
 - a. Tree removal – Nelson's Tree Service - \$900.00
 - b. Tires for Gary – McCarty's Auto Shop
 - c. Tree planting along bike path – Meyer Landscaping – \$2,059.77 (Mayor to pay \$1,000.00)
 - d. Sidewalk repair in front of Jimmie Lee's – MidAmerican Basement - \$750.00

Trustee Bitler reported that the big 550 truck needs new tires, and they will be from \$2k-\$2,500 and that that request will be coming through soon.

Gary Doyle's Village truck needs new tires due to metal belts being exposed. He received several quotes and McCarty's Auto shop has the best tires for cost.

Trustee Sloan motioned to replace Gary's tires through McCarty's Auto Shop up to \$800.00, seconded by Trustee Oney

**Roll Call #4: Ayes: Trustee Sloan, Oney, Mathis, Meade, Bitler, Lindley
 Nays: None
 Absent: None
 Mayor Bruce declared the motion passed**

Clerk Engels reported that trees need to be removed located at Whitetail in Byron woods. Trustee Bitler questioned if they are our trees. The tree removal was tabled until the next meeting until location could be established.

Mayor Peterson reported that he would like to have 4 red sunset maples along the bike path from the park area to the garden area.

Trustee Lindley raised concerns about these trees would block the view of the river for the residents living there.

Trustee Bitler raised concerns about the trimming and maintenance of the trees. He reported that the maintenance staff is already busy enough to add more landscaping responsibilities on them. Mayor Peterson said that the maintenance staff would not be responsible for these trees.

Trustee Oney motioned to have Meyer's plant 4 trees along the bike path, totaling \$2,059.77 (Mayor to pay \$1,000.00 out of pocket), seconded by Trustee Meade

**Roll Call #5: Ayes: Trustee Oney, Meade, Bitler
Nays: Lindley
Abstain: Sloan, Mathis
Absent: None
Mayor Bruce voted Aye, due to tie and declared the motion passed**

Trustee Bitler reported that he has had complaints about a sidewalk repair that is needed in front of Jimmie Lee's. He also has tripped over the sidewalk damage.

Trustee Lindley motioned to have the sidewalk in front of Jimmie Lee's repaired by MidAmerican Basement in the amount of \$750.00, seconded by Trustee Bitler

**Roll Call #2: Ayes: Trustee Lindley, Bitler, Sloan, Oney, Meade, Mathis
Nays: None
Absent: None
Mayor Bruce declared the motion passed**

2. WATER/SEWER BRIAN BITLER

- a. Water billing software
- b. Approval of Solar Educational Development

Water Clerk Carol reported that she has received several different quotes for new billing software. After completing demos, for several different software companies, it appears that our software has the same functions as new software. The quotes that were received range from \$20k-\$30k. After completing demos, her recommendation is to stay with our current software and pay for updates and training for office staff. The training and update will cost around \$3k.

Trustee Lindley motioned to keep our current billing software and cover the costs of training for office staff and updates, up to \$3,000, seconded by Trustee Sloan

**Roll Call #6: Ayes: Trustee Lindley, Sloan, Oney, Meade, Mathis, Bitler
Nays: None
Absent: None
Mayor Bruce declared the motion passed**

Trustee Oney reported that he has worked with Tri-City Electric to create a Solar Educational Plan that

must be completed to obtain our grant money for the WWTP Solar Panels. His plan is to put a large TV outside (on public restroom wall, facing the road) that has an educational video about our solar panel program and savings etc. Inside the conference room Tri-city will place a new projector and screen that will be available for students to attend via field trips and also gain education on our solar panels. The cost for both projects is \$28,230.45.

Trustee Oney motioned to pay Tri-City Electric \$28,230.45 to complete the Solar Education Plan, seconded by Trustee Mathis

**Roll Call #7: Ayes: Trustee Oney, Mathis, Lindley, Sloan, Meade, Bitler
Nays: None
Absent: None
Mayor Bruce declared the motion passed**

3. CEMETERY GERRY MEADE

4. ADMINISTRATIVE

a. Minutes from 100520 Board Meeting (C/A Item A)

V REVIEW ITEMS ON CONSENT AGENDA

A	Approve	Minutes from the 100520 Board Meeting
B	Receive	Minutes from 110919 Economic Development Meeting
C	Receive	0920 Treasurer's reports including P&L and check registers

VI MOTION TO APPROVE CONSENT AGENDA

**Trustee Sloan made a motion to approve the Consent Agenda, seconded by Trustee Oney
All "Ayes", no "Nays" - Mayor Peterson declared motion approved**

VII CORRESPONDENCE

a. Office hours on voting day

Clerk Engels reported that IML filed a lawsuit against the Illinois State Board of Elections to close municipalities (like other government businesses) on voting day. The judge ordered that all municipalities have the option to close if they want too. Engels said that her and Deputy Clerk Guardia would like to keep the office open and to go vote individually.

**Trustee Bitler made a motion to approve keeping the Village office open on voting day,
seconded by Trustee Oney
All "Ayes", no "Nays" - Mayor Peterson declared motion approved**

VIII OLD BUSINESS

None

IX NEW BUSINESS

None

X GALLERY – QUESTIONS, COMMENTS (Comments must be limited to 5 minutes per person, 30 minutes per subject.)

None

XI COMMENTS FROM THE MAYOR

None

XII ADJOURN

Trustee Sloan made a motion to adjourn, seconded by Trustee Bitler

All Ayes, No Nays – Mayor Peterson declared the meeting adjourned at 8:47pm

Approved (Date)

Mayor – Bruce Peterson

Village Clerk – Jamie Engels