

Village of Byron
Regular Council Meeting Minutes
August 14, 2023

Meeting called to order at: 7:00 pm by President Bessenbacher

Pledge of Allegiance Led By: President Bessenbacher

Roll Call – Present: Campbell, Chapman, Guttersohn, Kinaitis, and Bessenbacher. Attorney Clint Stevenson, Warren present. Orr, McDowell and Ketchum absent.

Approval of Agenda: Motion to approve the agenda with the addition of C2ae (Parks and Recreation 5 Year Plan) under DDA, by Guttersohn; seconded by Kinaitis. Voice Vote: Ayes Campbell, Chapman, Guttersohn, Kinaitis, and Bessenbacher. Orr and McDowell absent. Nays: None. Motion Passed.

Approval of Minutes: Approval of July 10, 2023 minutes as written; motion by Guttersohn; seconded by Kinaitis. Voice Vote: Ayes Campbell, Chapman, Guttersohn, Kinaitis, and Bessenbacher. Orr and McDowell absent. Nays: None. Motion Passed.

Public Comments-Agenda Items: None

Treasurers Report –Bessenbacher read report. Campbell motioned to accept report pending audit; seconded by Guttersohn. Roll Call Vote: Ayes Campbell, Chapman, Guttersohn, Kinaitis, and Bessenbacher. Orr and McDowell absent. Nays: None. Motion Passed. Reed reported Franchise Fees of \$1,296.06 received.

Approval of Bills: Campbell reported total of 40 Checks with 0 voided. 116E-118E and 28096-280132 for a total of \$29,797.73. Kinaitis motioned to pay the bills; seconded by Guttersohn. Roll Call Vote: Ayes Campbell, Chapman, Guttersohn, Kinaitis, and Bessenbacher. Orr and McDowell absent. Nays: None. Motion Passed. Reed informed of the water debt invoice totaling \$52,013.12.

Bills Awaiting Approval (Blue Folder)- None

Committee Reports: None

Police Report- Guttersohn read report. Campbell asked why are car made a stop in Durand and Bessenbacher said they had cars down and used ours.

DPW Report –Warren read the report and Bessenbacher explained the auditor said dam sensor can be purchased out of equipment fund. Guttersohn motioned to purchase dam sensor out of equipment fund for \$6,000.00; seconded by Kinaitis. Roll Call Vote: Ayes Campbell, Chapman, Guttersohn, Kinaitis, and Bessenbacher. Orr and McDowell absent. Nays: None. Motion Passed. Reed said hydrant flushing will be published in the Argus on August 16, 2023 and post cards were included in water/sewer billing. Warren also provided Inclement Weather Procedure.

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Cemetery Report: Bessenbacher read report. Clint explained ordinances and what could be done, he will work on ordinances. New pricing discussed and Clint will address the issue. Trail cams discussed due to thief of items in cemetery.

DDA Report: Rob talked about combining the Pocket Park and Parks and Recreation 5 Year Plan and the cost of \$20,000.00 would be split with the DDA. C2ae, Pierre when over the contract and how the billing would only occur for work done, progressive billing and that the contract could be cancelled or updated any time. He explained that the DNR likes to see us working together for grants and Vandemark explained the steps. Pierre asked council what would be possible hold ups and council replied budget. Would like to public feed back and crowd funding possible with a 50-50 MEDC match. Clint reviewed the contract and said the following would have to be deleted before Village could approve the contract: K) taken completely out, L-3) Owner shall indemnify and hold harmless C2AE and its officers, directors, employees, and sub-consultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by C2AE, M) Owner also agrees that owner and C2AE and its sub-consultants shall be included as indemnified parties by the contractor in owner-contractor agreement and shall be made additional insureds under the contractor's policies of general liability insurance, N) Owner agrees, notwithstanding any other provision of the agreement, to the fullest extent permitted by law, to indemnify and hold harmless C2AE, its officers, directors, employees and sub-consultants (collectively, C2AE) from and against any and all claims, suits, demands, liabilities, losses, damages or cost, including reasonable attorneys' fees and defense cost arising out of or in any way connected with the detection, presence, handling, removal, abatement, or disposal of any asbestos or hazardous or toxic substances, products or materials that exist on, about or adjacent to the project site, whether liability arises under breach of contract or warranty, tort, including negligence, strict liability or statutory liability or any other cause of action, except for the sole negligence or willful misconduct of C2AE and R) In addition, owner agrees, to the fullest extent permitted by law, to defend, indemnify, and hold harmless C2AE, its officers, directors, employees and sub-consultants against all damages, liabilities or cost, including reasonable attorneys' fees and defense cost, arising out of or in any way connected with the performance of such services by other persons or entities and from any and all claims arising from modifications, clarifications, interpretations, adjustments of changes made to the contract documents to reflect changed field or other conditions, except for claims arising from the sole negligence or willful misconduct of C2AE. Guttersohn motioned to accept the contract with the listed exceptions removed as advised by Village attorney, Clint Stevenson, and that the Village will pay up to \$10,000.00 and \$10,000.00 from the DDA; seconded by Chapman. Roll Call Vote: Ayes Campbell, Chapman, Guttersohn, Kinaitis, and Bessenbacher. Orr and McDowell absent. Nays: None. Motion Passed.

Commissioner Report: Howard said veterans opening August 24, 2023 from 2-4. Court house on going and will be done in October. He then discussed the 9-day early voting and how the County is working on handling it. The early vote is only for Federal and State elections.

911 Commission: None

Old Business:

