

**CITY OF BYRON
MINUTES OF THE REGULAR COUNCIL MEETING
WEDNESDAY, OCTOBER 4, 2023, 6:30 PM
BYRON CITY HALL**

1. **CALL TO ORDER** – Mayor Rickard called the meeting to order at 6:30 pm.
2. **PLEDGE OF ALLEGIANCE** – Led by Mayor Rickard
3. **ROLL CALL – Aldermen present:** Todd Isaacs, Emily Gerdes, Ron Boyer, Jessica Nehring, Michael Gyorkos, Christy Hanlin. Six members present.

Aldermen Absent: Mittzi Fulrath

PRESENT:	Mayor	John Rickard
	City Administrator	Brian Brooks
	City Attorney	Aaron Szeto
	Police Chief	Todd Murray
	Public Works Dir.	Aaron Vincer
	City Engineer	Jason Stoll
	Citizens	Heriberto Santiago, Rosemary Curbeam, Lindsey Fish (Sikich), Jimmy Snodgrass, Orlando Dowell

4. **REVERENCE PERIOD** – Mayor Rickard led the Council in prayer.
5. **APPROVAL/AMENDMENTS TO AGENDA** – Motion by Alderman Hanlin to approve, as presented, the October 4, 2023, agenda. Seconded by Alderman Gerdes. Roll call vote: Gerdes, AYE; Boyer, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE. Motion passed: AYE, 6; NAY, 0; ABS, 0.
6. **MINUTES** –
 - a. **September 20, 2023 – City Council Regular Meeting Minutes** – Motion by Alderman Hanlin to approve, as presented, the September 20, 2023, City Council Regular Meeting Minutes. Seconded by Alderman Boyer. Roll call vote: Boyer, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, ABS. Motion passed: AYE, 5; NAY, 0; ABS 1.
7. **PUBLIC COMMENT** – Mayor Rickard explained that each speaker is allowed three minutes to speak, with a total of 15 minutes allotted to public comment. He explained the reasoning behind the decision at the last meeting to hold Trick or Treating hours on Sunday, October 29 from 4-7pm. Mayor Rickard said he had been contacted by residents with concerns about getting their children home and ready after school. Scheduling Trick or Treating on the weekend also allowed the hours to start earlier, therefore having more daylight hours. He explained that many parents are home on Sunday, and this allowed more parents to participate with their children.

Orlando Dowell addressed the Council. Mr. Dowell stated that, as long as he can remember, Halloween has been celebrated on the 31st. Other residents that he has spoken

with are against moving the day of Trick or Treating. He feels that the Council is trying to micromanage and is taking away a time-honored tradition. Byron and Pecatonica are the only towns that have made the change. He feels that it is up to parents and teachers to adjust their schedules to accommodate the holiday. Mr. Dowell also believes that conflicts with religious activities could occur on Sunday.

Jimmy Snodgrass – Mr. Snodgrass thanked the council for putting the Trick or Treat hours back on the agenda. He stated that in a world where everything is changing around us, Byron has always been a community that sticks to its traditions and takes pride in them. Subdivisions and neighborhoods have coordinated in the past, and several homes prepare and offer food. The council's decision to change the date has upset a lot of residents. As a Marine, a patriot, and a traditionalist, he appreciates when traditions remain the same.

8. **TREASURER'S REPORT** – No report.
9. **LIST OF BILLS** – Alderman Isaacs motioned to approve the list of Bills dated 10/4/23 in the amount of \$89,746.43. Motion seconded by Alderman Nehring. Roll call vote: Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Boyer, AYE. Motion passed: AYE, 6; NAY, 0; ABS, 0.
10. **MAYOR'S REPORT** – Mayor Rickard attended the IML Conference two weeks ago. He attended a crisis management workshop, as well as a workshop discussing readying your community for retail development. The conference will move next year to the Hyatt Regency in Chicago.
11. **CITY ADMINISTRATOR'S REPORT** – No report. All items are on the agenda.
12. **CITY ATTORNEY'S REPORT** – No report. All items are on the agenda.
13. **CITY ENGINEER'S REPORT** – Engineer Stoll reported that work on Merchant St. (replacement of three sanitary manholes and resurfacing) will begin next week, weather permitting. It will be finished by the end of the month.
14. **DIRECTOR OF PUBLIC WORKS REPORT** –
 - a. Public Works Building Update – No updates.
 - b. Wastewater Treatment Plant – A meeting with Engineer Matt Johnson will be scheduled to review design plans and receive updated cost estimates.
 - c. Other – A new roof was installed on the City Hall building last week. The Public Works department has been replacing missing and damaged street signs. A failed water service occurred on Southfield Lane on our side of the curb stop. One of the lift stations experienced electrical issues last week. Director Vincer congratulated his newest hire, Austin Yuill, as he and his wife are expecting a baby this week.
15. **POLICE CHIEF REPORT** – Chief Murray reported that the City Hall generator has been delivered and put in place, but not yet connected to the building. HVAC work is almost complete. We are still waiting for the boiler on the first floor.
16. **COMMITTEE REPORTS** –
 - a. **Community Services** – All items are on the agenda.
 - b. **Public Safety** – No report.
 - c. **Administrative** – No report.

17. CONTINUING BUSINESS

a. **Trick or Treat Day and Hours Decision** – Mayor Rickard asked the council if they would like to reconsider changing the Trick or Treat hours back to the 31st. Alderman Nehring would like to reconsider. Alderman Isaacs did not appreciate some of the statements that were made on social media and explained that agendas and contact information for Aldermen are accessible on the City's website. He does think that following up school celebrations with Trick or Treating makes sense. Roscoe has changed back to having Trick or Treating on Halloween after getting an influx of Trick or Treaters from other communities. He is in favor of changing the date back to Halloween but would appreciate it if residents would first contact their Aldermen and ask questions before posting on social media. Alderman Boyer was not able to join his children when they were young because he would typically get home late. This was one of his considerations when a change was discussed. His concerns have to do with public safety, and he did not consider the possibility of being inundated with non-residents by holding it on a Sunday. He is not opposed to changing back to Halloween. Alderman Gerdes appreciates being a part of City Council, however, it did not feel good to read recent negative social media comments. The community elects the Aldermen, and the Aldermen choose to take time away from their families to be there. They are not trying to upset everyone, yet it is impossible to make everyone happy. She asked that if a situation like this should come up again, that residents reach out to their Alderman. The Aldermen are trying to make Byron a better place.

Alderman Gerdes motioned to move Trick or Treating back to Tuesday, October 31 from 5-8 pm. Motion seconded by Alderman Gyorkos. Roll call vote: Gyorkos, AYE; Hanlin, NAY; Isaacs, AYE; Gerdes, AYE; Boyer, AYE; Nehring, AYE. Motion passed: AYE, 5; NAY, 1; ABS, 0.

b. **221 N. Walnut St. Sidewalk Replacement** – Administrator Brooks reported that concrete lifting of the ramp will take place tomorrow. If the ramp is stabilized, we can proceed with the sidewalk project.

c. **Fehr Graham 221 N. Walnut St. Sidewalk Engineering Proposal** – Hold until after ramp work is done.

d. **Audit Approval** – Lindsey Fish, Senior Manager at Sikich, was in attendance to present the 2022-2023 audit. She presented four reports – the Annual Financial Report, the TIF Financial Report, the Auditor's Communication to the City Council, and a Communication of Material Weakness in Internal Control. The auditors cited a deficiency in internal control regarding segregation of duties regarding the accounting function. This is common in organizations with a limited staff, and Ms. Fish stated that it is important for the council to continue to monitor financial transactions. The audit report stated that Sikich has issued a clean, unmodified opinion, which is the highest level of assurance they can provide. Ms. Fish continued by reviewing the audit, highlighting the statement of net position, the statement of assets, liabilities and fund balances, statement of revenues collected, and notes to financial statements. She also highlighted the last page of the report which outlines changes in net pension liabilities. As of December, 2022, we had a net pension liability of \$1.1 million and we are 80% funded. As a result, we should see our employee contribution rate lowered. She added that performing the audit was a smooth process. Mayor Rickard thanked Ms. Fish for conducting the audit in such a timely manner. **The Administrative Committee recommends council approval of the 2022-2023 audit. Roll call vote: Isaacs, AYE; Gerdes, AYE; Boyer, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE. Motion passed: AYE, 6; NAY, 0; ABS, 0.**

e. **Fehr Graham Proposal for Engineering-Source Water Protection Plan** – A Source Water Protection Plan is required by the IEPA by July of 2024. Fehr Graham has presented a proposal for \$5,000. Administrator Brooks mentioned that this was a reduced rate provided by Fehr Graham. Director Vincer stated that the item can be covered in the budget. **Alderman Gerdes stated that the Community Services Committee**

recommends council approval of the Fehr Graham Proposal for Engineering Services of the Source Water Protection Plan. Roll call vote: Gerdes, AYE; Boyer, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE. Motion passed: AYE, 6; NAY, 0; ABS, 0.

f. **Ordinance Regarding Allowing UTVs in Park District Parking Lots –**
Ordinance will be reviewed by Administrative Committee.

18. NEW BUSINESS –

a. **Fehr Graham Final Pay Estimate to Rock Road Companies –** Alderman Gerdes stated that the Community Services Committee recommends bypass of first read and approval of payment for \$216,991.97 to Rock Road Companies for HMA resurfacing. Roll call vote: Boyer, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE. Motion passed: AYE, 6; NAY, 0; ABS, 0.

19. COUNCIL TALK – Alderman Hanlin stated that she has had difficulty hearing when she has had to call in to a meeting. Some people are hard to hear, and there is a high-pitched noise the entire time she is on the phone line. Chief Murray will look into this. Alderman Gerdes suggested the possibility of using Zoom again.

20. EXECUTIVE SESSION - Executive Session pursuant to 5 ILCS120/2(c)(2) of the Illinois Open Meetings Act to discuss Collective Negotiating/Bargaining and 5ILCS120/2(c)(21) of the Illinois Open Meetings Act to Review Closed Session Minutes. – Alderman Isaacs motioned to go into Executive Session at 7:11 pm. Motion seconded by Alderman Gerdes. Roll call vote: Boyer, AYE; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE. Motion passed: AYE, 6; NAY, 0; ABS, 0. Mayor Rickard, Administrator Brooks and Attorney Szeto remained.

21. RECONVENE REGULAR CITY COUNCIL MEETING – Council returned from Executive Session at 7:46 pm. Council members present: Gerdes, Boyer, Nehring, Gyorkos, Hanlin, Isaacs. Also present: Mayor Rickard, Administrator Brooks, Attorney Szeto. Mayor Rickard stated there was no action taken in Executive Session.

22. APPROVAL OF EXECUTIVE SESSION MINUTES –

a. **August 16, 2023-Executive Session Minutes –** Alderman Isaacs motioned to approve, but not release, the Executive Session minutes from August 16, 2023. Motion seconded by Alderman Gyorkos. Roll call vote: Boyer, ABS; Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE. Motion passed: AYE, 5; NAY, 0; ABS, 1.

21. COMMUNICATION –

a. **Regular City Council Meeting –** Wednesday, October 18, 6:30 pm.

22. ADJOURN – Alderman Isaacs motioned to adjourn. Motion seconded by Alderman Nehring. Roll call vote: Nehring, AYE; Gyorkos, AYE; Hanlin, AYE; Isaacs, AYE; Gerdes, AYE; Boyer, AYE. Motion passed: AYE, 6; NAY, 0; ABS, 0.

Mayor Rickard adjourned the City Council meeting at 7:48 pm.

Respectfully Submitted,

Caryn A. Huber

City Clerk of Byron IL

MAYOR JOHN RICKARD	CITY CLERK CARYN A. HUBER
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