



City of Galena, Illinois

AGENDA

REGULAR CITY COUNCIL MEETING

MONDAY, OCTOBER 24, 2016

6:30 P.M. – CITY HALL 101 GREEN STREET

ITEM	DESCRIPTION
16C-0428.	Call to Order by Presiding Officer
16C-0429.	Roll Call
16C-0430.	Establishment of Quorum
16C-0431.	Pledge of Allegiance
16C-0432.	Reports of Standing Committees
16C-0433.	Citizens Comments <ul style="list-style-type: none"> • Not to exceed 15 minutes as an agenda item • Not more than 3 minutes per speaker • No testimony on zoning items where a public hearing has been conducted

PUBLIC HEARINGS

None.

LIQUOR COMMISSION

None.

CONSENT AGENDA CA16-20

ITEM	DESCRIPTION	PAGE
16C-0434.	Approval of the Minutes of the Regular City Council Meeting of October 11, 2016	4-13
16C-0435.	Approval of a Resolution on the Review and Possible Release of Executive Session Minutes	14-19

CONSENT AGENDA CA16-20

ITEM	DESCRIPTION	PAGE
16C-0436.	Approval of Request for Secondary Employment by Police Officer Bill Salzman	20-21
16C-0437.	Approval of Contract with Joe Beyer for Recoating the Metal Roof of the Blacksmith Shop	22

UNFINISHED BUSINESS

None.

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
16C-0438.	Discussion and Possible Action on the Installation of a Water Main on Powder House Hill Road	23-25
16C-0439.	Discussion and Possible Action on a Request by Bret Terrell for a License to Occupy City Right-of-Way with a Fence and Parking at 1141 North West Street	26-31
16C-0440.	First Reading of an Ordinance Amending the Zoning Ordinance to Permit Vacation Rentals in the Historic District	32-46
16C-0441.	First Reading of an Ordinance Amending the Zoning Ordinance to Permit Flag Signs on Certain Commercial Properties	47-53
16C-0442.	Discussion and Possible Action on an Agreement with the Illinois Department of Revenue for the Alcoholic Liquor Enforcement Pilot Program	54-66

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
16C-0443.	Warrants	67-73
16C-0444.	Alderspersons' Comments	
16C-0445.	City Administrator's Report	
16C-0446.	Mayor's Report	
16C-0447.	Adjournment	

CALENDAR INFORMATION

BOARD/COMMITTEE	DATE	TIME	PLACE
Historic Preservation Comm.	Thurs. November 3	6:30 P.M.	City Hall, 101 Green Street
Zoning Board of Appeals	Wed. November 16	6:30 P.M.	City Hall, 101 Green Street
City Council	Mon. November 14	6:30 P.M.	City Hall, 101 Green Street

Posted: Thursday, October 20, 2016 at 3:30 p.m. Posted By:

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 11 OCTOBER 2016**16C-0404 – CALL TO ORDER**

Mayor Renner called the regular meeting to order at 6:30 p.m. in the Board Chambers at 101 Green Street on 11 October 2016.

16C-0405 – ROLL CALL

Upon roll call the following members were present: Bernstein, Fach, Hahn, Kieffer, Lincoln, Westemeier and Renner

16C-0406 – ESTABLISHMENT OF QUORUM

Mayor Renner announced a quorum of Board members present to conduct City business.

16C-0407 – PLEDGE OF ALLEGIANCE

The Pledge was recited.

16C-0408 - REPORTS OF STANDING COMMITTEE

Fach said the committee did not meet, but he reported Turner Hall was rented 19 days in September.

Lincoln had nothing to report from DMO.

16C-0409 – PUBLIC COMMENTS

John Huschik, 805 Shadow Bluff Drive wanted to address the dangerous intersection at US 20 and Norris Lane that is used by Midwest Medical Center patrons. This will become even more dangerous with the addition of Prairie Ridge. The entrance and exit should never have been allowed anywhere except across from Golf View Drive. The initial rezoning of the parcel was based on that entrance/exit. Instead the entrance was at Norris Lane. How and why did this happen? All the plans showed the correct entrance was at Golf View. The plan was approved by IDOT for traffic control at Route 20, all land was purchased and the developers of Golf View completed construction preparation and are ready to continue the work. The City remembers that the hospital was supposed to do the work but ran out of money. The City reviewed and inspected the project – did they not realize that the entrance was to be at Golf View. The project was funded by bonds issued thru the Illinois Finance Authority in the amount of \$45,485,000 and was based on the total cost of the project including the entrance at Golf View. The misconception was that IDOT would fund this but they do not pay for development project entrances.

Joanne Hezlif, Coatsworth Center, said she and other residents of the Coatsworth Center support the sale of the building to an owner who would continue its use as a senior independent living facility for residents 62 years and older with HUD assistance. They are wondering if the current formulas for determining rent will remain the same. The majority of the residents would like the building to be a 'No Smoking' facility. In fact, many believed that it was but there is nothing in writing saying that. They are wondering if this could be a condition that the new owner would have to agree to. If the City Council approves the sale are they required to post notice and potentially accept other counter bids. No matter the purchaser, they would like the new owner to continue the building's current use. Finally, if possible, they would like to meet with City Council members and the new owner as this progresses.

Beth Baranski, 1015 S Bench Street passed out surveys for the Council to complete after the Jo Daviess County Water Resource Management Plan presentation. This feedback will help in the creation of an education plan as this moves forward.

Randy Cullen, 108 S High Street said the Council will be looking at their request to make repairs to a retaining wall that is on City property and next to his property. He has previously spent thousands of dollars to repair another section of the wall and they just cannot continue to pay to repair the city wall. It is the city's responsibility to make these repairs. He is concerned that the wall will soon collapse into the yard and damage the driveway and shed and result in an insurance claim against the City. The last time a portion of the wall fell it did not damage their home. They have a bid from a very reputable contractor and it is time that the City take responsibility for their wall.

Gina Cullen, 108 S High Street said she wanted to add that not only will the driveway and the custom built shed be damaged but so will their expensive landscaping. The Council and the City need to take this seriously. They have submitted a bid but can obtain more if needed.

Bonnie Cox, 906 Third Street spoke representing the League of Women Voters. There is a conference on January 11, 2017 that will be held jointly with the Rotary. The topic is "What's Happening with our Water Supply. Register early to attend.

CONSENT AGENDA CA16-19

16C-0410 – APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 26, 2016

16C-0411 – APPROVAL OF CELL PHONE SERVICE REIMBURSEMENT FOR FIRE CHIEF POSITION

16C-0412 – APPROVAL OF CHANGE ORDER #2 FOR 2016 STREET PAVING PROGRAM

16C-0413 – APPROVAL OF A RESOLUTION ON THE REVIEW AND POSSIBLE RELEASE OF EXECUTIVE SESSION MINUTES

16C-0414 – APPROVAL OF BUDGET AMENDMENT BA16-04

Motion: Bernstein moved, seconded by Kieffer, to postpone approval of 16C-0413 until a complete list of Executive Session minutes can be included.

Motion: Hahn moved, seconded by Kieffer to approve Consent Agenda CA16-19.

Discussion: None.

Roll Call: AYES: Fach, Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Renner
NAYS: None

The motion carried.

UNFINISHED BUSINESS

16C-0398– SECOND READING AND POSSIBLE APPROVAL OF AN ORDINANCE AUTHORIZING AND DIRECTING THE SALE OF CERTAIN MUNICIPALLY OWNED REAL ESTATE (COATSWORTH BUILDING) BY THE CITY OF GALENA

Motion: Hahn moved, seconded by Westemeier, to approve the second reading and possible approval of an ordinance authorizing and directing the sale of certain municipally owned real estate, Coatsworth Building, by the City of Galena, 16C-0398.

Discussion: Hahn said he wanted to make it clear that the residents have concerns. It has been the goal of the City Council from the start to have the building remain as Senior Housing.

Lincoln asked if the public comments made tonight could be passed along to the potential buyer and if we could mention that the residents would like to meet with them before the sale. They should also know of the residents' concerns for smoking in the building.

Renner agreed. He said we would keep a list of the concerns and forward them to whomever purchases the building.

Fach said he thought this was part of the ongoing negotiations – making sure we specified qualifying items.

Roll Call: AYES: Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Fach, Renner
NAYS: None

The motion carried.

NEW BUSINESS

16C-0415– DISCUSSION AND POSSIBLE ACTION ON AN OPPORTUNITY TO ADOPT/APPROVE/SUPPORT THE COMPLETED JO DAVIESS COUNTY WATER RESOURCE MANAGEMENT PLAN

Motion: Bernstein moved, seconded by Fach to adopt, approve and support the completed Jo Daviess County Water resource management plan, 16C-045.

Discussion: An audio presentation was made.

Renner asked Baranski about the scheduled meetings.

Baranski said meetings would be at City Hall, 6:30PM, the last Thursday of the month except the first meeting will be November 17. Agendas will be posted and the meetings are open to the public.

Roll Call: AYES: Kieffer, Lincoln, Westemeier, Bernstein, Fach, Hahn, Renner
NAYS: None

The motion carried.

16C-0416– DISCUSSION AND POSSIBLE ACTION ON REPAIR TO RETAINING WALL ADJACENT TO 108 S. HIGH STREET

Motion: Fach moved, seconded by Kieffer to study and get a full engineering report from on the retaining wall problem adjacent to 108 S High Street, 16C-0416.

Discussion: Fach said this has been in front of the council many times. We should have all the facts to see what's possible. They feel the City is liable; we feel we are not. Maybe we can come to a compromise. If we are responsible maybe Public Works can complete some of the work.

Kieffer said we should get some additional estimates and speak to our insurance company.

Bernstein asked that we get further clarification on the legalities of this. The wall is on City property but we did not build it. Do we know how long it has been there or who built it? Are we even legally responsible for it?

Renner said that's a good point. If it was holding up the street it would probably be ours, but it is holding up a private driveway that was put in years ago.

Westemeier questioned if the City spent any funds on the wall or driveway when it was built?

Renner couldn't say for sure but he thought it was all done by the property owner.

Westemeier said in 2013 our insurance said they would not cover the claim. Maybe we could give them a courtesy call asking what their stance is in 2016. If insurance says they are not going to cover it then we shouldn't. He feels for the homeowner but we didn't install the driveway.

Hahn asked if we wanted an engineering report from the City Engineer.

Fach said yes that should be included on the motion. We should ask that additional estimates be obtained.

Renner said City staff should investigate further to see who put in the wall and driveway and exactly where it is located. It's not holding up a city street but a private driveway.

Nack suggested that the City determine if we feel we have any liability to maintain the retaining wall or the private drive. If we feel we do, then it would be prudent to complete the engineering reports. If we feel we have no liability, then it may not be prudent to spend the time to do the engineering studies.

Motion: Fach moved, seconded by Kieffer to withdraw the original motion.

Motion: Fach moved, seconded by Kieffer that the City determine whether any City liability exists and at the same time have the City Engineer conduct an engineering study and obtain estimates on the cost of some kind of remedial repair on the wall adjacent to 108 S High Street.

Roll Call: AYES: Lincoln, Westemeier, Bernstein, Fach, Hahn, Kieffer, Renner
NAYS: None

The motion carried.

16C-0417– DISCUSSION AND POSSIBLE ACTION ON REVISED DESTINATION MARKETING MANAGEMENT AGREEMENT WITH THE NEW DESTINATION MARKETING ORGANIZATION

Motion: Lincoln moved, seconded by Bernstein to postpone action on 16C-0417 until the County and the DMO have an approved agreement.

Discussion: None.

Roll Call: AYES: Westemeier, Bernstein, Fach, Hahn, Kieffer, Lincoln, Renner
NAYS: None

The motion carried.

16C-0418– DISCUSSION AND POSSIBLE ACTION ON REQUEST BY FEVER RIVER OUTFITTERS TO LEASE CITY PROPERTY ON SOUTH MAIN STREET FOR STORAGE OF VEHICLES, BOATS AND TRAILERS ASSOCIATED WITH THE BUSINESS

Motion: Kieffer moved, seconded by Fach to approve a request by Fever River Outfitters to lease City property on South Main Street for storage of vehicles, boats and trailers associated with the business and possibly with a 4 to 5-year lease subject to approval of final lease, 16C-0418.

Discussion: Kieffer said this looks like a good idea and if she cleans it up a bit and landscapes it will be nice.

Westemeier said this was a good location for this. We always talk about the City owning too much property. Hopefully there is a purchase sooner than later.

Lincoln asked about the wording for a lease longer than two years.

Moran said a lease longer than two years requires an ordinance to approve.

Lincoln asked which one is preferred – approval of a two-year lease followed by another two-year lease or an ordinance change.

Renner said the lessee wants to put up a building. They may not want to do that if they know there is a possibility of the Council not renewing the lease in two years.

Kieffer said we can always add lease with the option to purchase.

Fach said we are always looking to unload some City property. Why don't we make a motion to sell her the property?

Renner said selling the property would mean putting it out to bid. He would rather start out with a lease. It is currently zoned Heavy Industrial. We may want to look at that in the future and possibly reduce the use.

Hahn said we should keep in mind that there are environmental concerns as to what can and can't happen here.

Renner said the EPA had been contacted and they felt the proposal was okay. We could contact them again and have them investigate further at their cost.

Moran said it would require a resolution by the City Council to bring them in to investigate.

Bernstein said it seems this is a good opportunity to have the EPA come in and reevaluate and if any problems are found they would remediate at no cost to us.

Renner said he would feel better going that route rather than selling the land to someone who would then have problems.

Fach asked about the triangular piece.

Moran said that is the City's – it is a platted street.

Fach asked if we sold the property could all of that be included too.

Moran said it could.

Renner and the Board agreed to allow the applicant to come forward.

Deb Malone, Fever River Outfitters said the EPA has to be okay with the plan. If she wants to construct a cover for the vehicles that is fine, but disturbing the ground itself can be a big liability. To put the money into the property with an option to buy is more favorable.

Renner asked if she was looking to dig a foundation.

Malone said no – just a portable cover.

Renner said he did think we should have the EPA come in and take a look.

Bernstein asked if we should include EPA approval in the motion.

Renner said we should have an EPA report and the lease will not be executed until the final lease was been brought back to us.

Motion: Fach moved, seconded by Bernstein to amend the original motion to include contingent with an EPA report.

Renner called for roll on the amendment.

Roll Call: AYES: Bernstein, Fach, Hahn, Kieffer, Lincoln, Westemeier, Renner
NAYS: None

Motion carried.

Renner called for roll on the original motion.

Roll Call: AYES: Fach, Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Renner
NAYS: None

Motion carried

16C-0419– DISCUSSION AND POSSIBLE ACTION ON A CONTRACT WITH IIW ENGINEERING FOR DESIGN OF FRANKLIN STREET AND BENCH STREET INTERSECTION REPAIRS

Motion: Hahn moved, seconded by Kieffer to enter into an agreement with IIW Engineering for design of Franklin Street and Bench Street intersection repairs, 16C-0419 with a cost of \$15,500.

Discussion: Hahn said it makes sense to keep IIW as they have already done the emergency design for the repairs. This really needs to be repaired in early spring and summer 2017.

Roll Call: AYES: Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Fach, Renner
NAYS: None

The motion carried.

16C-0420– DISCUSSION AND POSSIBLE ACTION ON INTERSECTION IMPROVEMENTS ON US 20 AT GOLF VIEW DRIVE

Motion: Hahn moved, seconded by Westemeier to support and encourage the intersection improvements at Highway 20 and Golf View Drive and help Midwest Medical, Golf View Estates and Prairie Ridge where we can in planning and preparation.

Discussion: Kieffer said we should give our full support to the hospital, Prairie Ridge and Golf View. If nothing else, we need to get the speed limit lowered here.

Hahn agrees 100% and said he has been working with Tracy Bauer from the hospital. He brought to the meeting tonight a full set of plans for the turning lanes that were designed at the time the hospital was built. All the land has been purchased for the turning lanes and when the hospital was constructed Hahn thought the state was going to follow thru and come back within two years and complete that work. That's how he thought it was left. We need to do the best we can to help get the problem resolved.

Lincoln agreed. We should help out whoever in order to get this resolved. Originally he was somewhat against the main entrance going in across from Golf View as the site lines are not what they should be. He still pretty much feels the same - the main entrance should be at Norris Lane and the improvements made there. He doesn't see Prairie Ridge residents entering off a main entrance across from Golf View. Golf View to Scadden's corner needs improvements. Not only does the hospital entrance need to be looked at everything from Highway 20/84 to the Ramada needs to be reviewed.

Renner agreed that we should help. Coming off the four lanes down to two lanes most drivers are still going 60 plus mph in the Golf View area. At the time the hospital was built he thought IDOT wanted a frontage road.

Moran said between 2006-2008 during annexation talks there was discussion about a frontage road with a hospital entry coming closer to the 84 intersection.

Renner said we will keep pushing and moving forward. We will call Dixon and Springfield and ask for a reduced speed and maybe some additional signage.

Fach said hopefully Prairie Ridge is getting involved with this.

Kieffer said he thinks many people will still use Norris Lane.

Renner said it would be nice to have a turning lane and a lower speed limit.

Westemeier said he has heard that there are discussions to use Norris Lane and develop an entrance near the sand trap area of the golf course as the entrance into the golf course and Golf View, installing a stop light here and taking the Golf View entrances out. He agrees that the sight lines are not ideal near Golf View. We need to keep working at this and maybe come up with some new ideas.

Renner said a stop light at Golf View could be an issue.

Roll Call: AYES: Kieffer, Lincoln, Westemeier, Bernstein, Fach, Hahn, Renner
NAYS: None

The motion carried.

16C-0421– DISCUSSION AND POSSIBLE ACTION ON REDUCING THE LENGTH OF THE FALL AND SPRING OPEN BURN PERIODS OR ELIMINATING THE OPEN BURN PERIODS

Motion: Bernstein moved, seconded by Fach to reduce the length of the Fall and Spring open burn periods with a possibility of eventually eliminating the open burn periods entirely.

Discussion: Bernstein said a couple years ago we reduced the open burn period on a trial basis but there was no real follow up, so now we are pretty much back to where we started. Last year open burn was for two weeks. She has had people ask her to please eliminate the open burn. It is unpleasant, it is a health hazard and with more emphasis on clean air many municipalities are eliminating open burning.

Westemeier said he respectfully disagrees. You could limit it to ten days and if there is rain add additional days. Not everyone has a way of getting rid of the leaves and yard waste. If we don't have open burn people will start burning leaves in their fire pits which will be just like open burn.

Lincoln said he doesn't burn – he usually rakes or mows them. He likes the idea of ten days – it gives people two weekends as well as the weekdays to take care of things. This would be a good start. The burning can be unpleasant.

Bernstein said there are other things you can do with your leaves besides burning them. If open burn is continued she would like to see the city offer suggestions to residents when posting dates and regulations for open burn.

Westemeier said this is no different than someone burning in their fireplace. The City doesn't have the resources to pick up leaves. You can only mulch so much and many people have seasonal plants that they need to get rid of. It's great that the City allows people to take leaves to the landfill but again these leaves are burned. Open burn is only two times a year.

Fach said there is a problem when people burn and let it smudge and smell all night. He does appreciate being able to burn especially when he is clearing brush on the hillside behind his property.

Renner said we should make sure the regulations are published and they are being followed. If we start it on a Saturday, continue through the next week and then end on the following Sunday it should give everyone a chance to get their yards cleaned up.

Westemeier said if it rains we need to add additional days.

Renner said the open burn would not last longer than two weeks including the extensions for rain.

Fach said communication will be very important – people will need to know about the extensions.

Motion: Westemeier moved, seconded by Kieffer to amend the original motion to include Saturday to the following Sunday, nine days.

Discussion: Bernstein asked if we were really gaining anything – isn't that what we basically have.

Hahn and Lincoln said many years it has been two weeks and then extensions for rain.

Renner called for roll call on the amendment.

Roll Call: AYES: Lincoln, Westemeier, Bernstein, Fach, Hahn, Kieffer, Renner
NAYS: None

The motion carried.

Renner called for roll call on the original motion.

Roll Call: AYES: Westemeier, Bernstein, Fach, Hahn, Kieffer, Lincoln, Renner
NAYS: None

The motion carried

16C-0422– DISCUSSION AND POSSIBLE ACTION ON RENEWAL OF EMPLOYEE HEALTH, DENTAL, LIFE AND DISABILITY INSURANCE POLICIES

Motion: Kieffer moved, seconded by Fach to approve as written.

Discussion: None.

Roll Call: AYES: Bernstein, Fach, Hahn, Kieffer, Lincoln, Westemeier, Renner
NAYS: None

The motion carried.

16C-0423 – WARRANTS

Motion: Hahn moved, seconded by Fach, to approve the Warrants as presented, 16C-0423.

Discussion: None.

Roll Call: AYES: Fach, Hahn, Lincoln, Westemeier, Bernstein, Renner
ABSTAIN: Kieffer
NAYS: None
The motion carried.

16C-0424 – ALDERPERSONS’ COMMENTS

Country Fair - Kieffer said it looked like it was a good weekend – lots of people in town.

Fach wanted to congratulate the Police Department, EMT’S and all others on a successful Country Fair weekend.

Lincoln said Country Fair and Oktoberfest weekends brought a lot of visitors and should continue with the fall weekends.

Bernstein said things didn’t run smoothly everywhere – several cases of wrong way traffic on Main Street. Maybe more prominent signage would help for the busy weekends.

Coatsworth Building – Fach said he was shocked to learn that smoking was allowed in the building.

16C-0425 – CITY ADMINISTRATOR’S REPORT

Moran reported that in September the City requested that IDOT lower the speed limit in front of the hospital property. The hospital has also requested a lower speed limit.

16C-0426 – MAYOR’S REPORT

Renner said we had good weekends for Oktoberfest and County Fair and the Halloween parade will be here soon. Good to see that the repairs on Franklin and Bench will be moving ahead.

16C-0427 – ADJOURNMENT

Motion: Kieffer moved, seconded by Lincoln, to adjourn.

Discussion: None.

Roll Call: AYES: Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Fach, Renner
NAYS: None

The motion carried.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Deb Price
Deputy City Clerk

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036



MEMORANDUM

TO: Honorable Mayor Renner and City Council

FROM: Mary Beth Hyde, City Clerk

DATE: September 26, 2016

RE: Review of Executive Session Minutes

As I am sure you are all aware, municipalities are required to meet at least twice per year to review minutes of all closed sessions. I have attached a list of all closed session minutes. I have also included a list under Schedule "C" which lists all recordings of Executive Sessions which no longer need to be maintained.

Please advise if you would like to have any of these minutes opened for public inspection.

Schedule A

Minutes which the City Council have determined can not be released:

All per attached list labeled
Executive Session Minutes
09.26.16

Schedule B

Minutes which the City Council have determined can be released:

None

Schedule C

Tapes which the City Council have determined can be destroyed:

January 13, 2014
February 10, 2014
February 24, 2014
April 7, 2014
April 14, 2014
April 28, 2014
May 12, 2014
May 27, 2014
July 28, 2015
August 4, 2014
September 8, 2014



311 N. Bench Street, Galena, IL 61036-1809

Chief of Police

Lori Huntington

(815) 777-2131

FAX (815) 777-4736

TO: Mayor Renner

FROM: Chief Huntington *LH*

DATE: 10/14/16

RE: Part time employment – Lt. Salzman

Please see the attached memo from Lt. Bill Salzman requesting to work part-time for Heffernan Trucking. I have no issue with Lt. Salzman working this part time job. Lt. Salzman has never let any other part time job interfere with his work at the Galena Police Department. Please consider approving his part time employment request.

Thank you.

To: Chief Lori Huntington

Date: 10/02/16

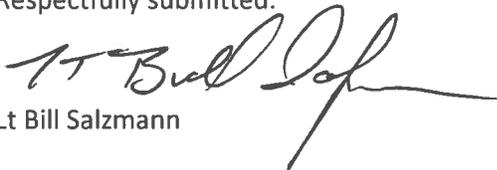
Re: Part Time Work

Chief Huntington, at this time I am requesting permission to work part time for Heffernan Trucking in Scales Mound Il. This part time employment would only be for my scheduled days off and in no way would it interfere with my job and duties here at the Galena Police Dept.

For the past 20 plus years I've work several part time jobs and at no time has there ever been an issue that has arose from any of those part time jobs.

Respectfully submitted.

Lt Bill Salzmann

A handwritten signature in black ink, appearing to read "Lt Bill Salzmann", with a long horizontal flourish extending to the right.

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036



MEMORANDUM

TO: Honorable Mayor Renner and City Council

FROM: Mark Moran, City Administrator

DATE: October 20, 2016

RE: Blacksmith Shop Roof

Last year, we completed the painting of the exterior of the Blacksmith Shop. The current budget includes up to \$8,500 for recoating the metal roof of the building. A three-step elastomeric coating process has been identified by our staff as a good option for both repairing and protecting the historic roof.

We have attempted to obtain quotes for the roof work from local contractors. Most are either too busy or not interested in the type of work specified. A single quote of \$4,500, plus material cost, was received from Joe Beyer. Prior to submitting his quote, Beyer studied the instructions for the specified product.

I recommend awarding the contract for the Blacksmith Shop roof recoating to Joe Beyer for \$4,500. Beyer has promptly and satisfactorily completed many other projects for the City in recent years.

Thank you for your consideration. Please let me know if you have any questions.



CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036



MEMORANDUM

TO: Honorable Mayor Renner and City Council

FROM: Mark Moran, City Administrator

DATE: October 18, 2016

RE: Gateway Park Subdivision Water Main

A handwritten signature in black ink, appearing to read "Mark Moran", is written over the "DATE:" line of the memorandum.

Planning continues for the construction of the Gateway Park Subdivision by owners Jim Sullivan and Alex Phillips. Construction plans for the infrastructure in the subdivision have been completed and approved. A permit for the construction of the water main has been approved by the Illinois Environmental Protection Agency (EPA). I am writing for city council guidance on an issue with the water main that could impact future development and firefighting capabilities.

The water main to be installed along Powder House Hill Road from US Route 20 to the soon to be constructed Wild Indigo Lane was designed as a 10-inch diameter pipe at the request of our staff. IIW Engineers and Surveyors recommended the 10-inch pipe in the 2015 Galena Water System Study. The installation of the water main on Powder House Hill Road was part of an improvement to provide an alternate method for filling the Horseshoe Mound reservoir and an alternative to constructing a well on the east side of Galena. The redundancy provided by the 10-inch main would provide more security to the east side water supply and firefighting capabilities on the east side.

As explained in the attached letter from the owners' attorney, Julie Mark-Helman, the Gateway Park Subdivision requires a 6-inch water main to serve the fully-developed subdivision. The owners are now asking if the city council would like them to install the 10-inch pipe and if the City would pay the difference in material and labor cost to install the 10-inch main instead of the 6-inch main.

The owners have provided detailed estimates from Louie's Trenching Service for the cost of both the 6-inch and the 10-inch pipe options. The total material and labor cost for the 6-inch option would be \$37,695. The total material and labor cost for the 10-inch option would be \$55,594, a difference of \$17,898.

Our staff believes that the City should authorize the installation of the 10-inch main and cover the cost difference of \$17,898. The larger main would move the City closer to completing the IIW recommended east side water system improvements and would provide more capacity for

future growth. Installing the main as part of the Gateway Park Subdivision project would be a very cost-effective approach.

The expense for the water main construction was not contemplated in the current budget. If the council were to approve the project, a budget amendment would be needed. The expense would be from the Water Fund which has a projected year-end fund balance of \$1.1 million.

Thank you for your consideration. Please let me know if you have any questions.

Mark Moran

From: Julie Mark-Helman <julie@helmanlawfirm.com>
Sent: Tuesday, October 18, 2016 12:30 PM
To: Mark Moran
Cc: Jim Sullivan; Alex Phillips
Subject: gateway park water line

Mark,

I am writing to you on behalf of Jim Sullivan and Alex Phillips regarding the Gateway Park Subdivision.

As you know, a 6" water pipe is required to properly serve the Gateway Park subdivision.

The city would benefit from a 10" pipe for any future development by the city. There was a request that the Water System Study (prepared for the Gateway Park subdivision) utilize a 10" pipe for this very reason. The request for the 10" pipe was made after numerous conversations between many people.

While Jim and Alex have no issue with accommodating the city of Galena's future needs and are happy to help the City out, it was always their understanding that the cost between the 6" and 10" pipe would be borne by the City. Does the city want to upgrade from a 6" to a 10", and pay for the difference between the two? This would benefit the city now, as they would not have to install a separate pipe in the future. Otherwise a 6" pipe is what would be utilized.

Please advise and please feel free to contact me if you have any questions..

Julie

Julie M. Helman
Helman Law Office
310 N. Main St. Suite 2
Galena Illinois 61036
p. 815-777-8008
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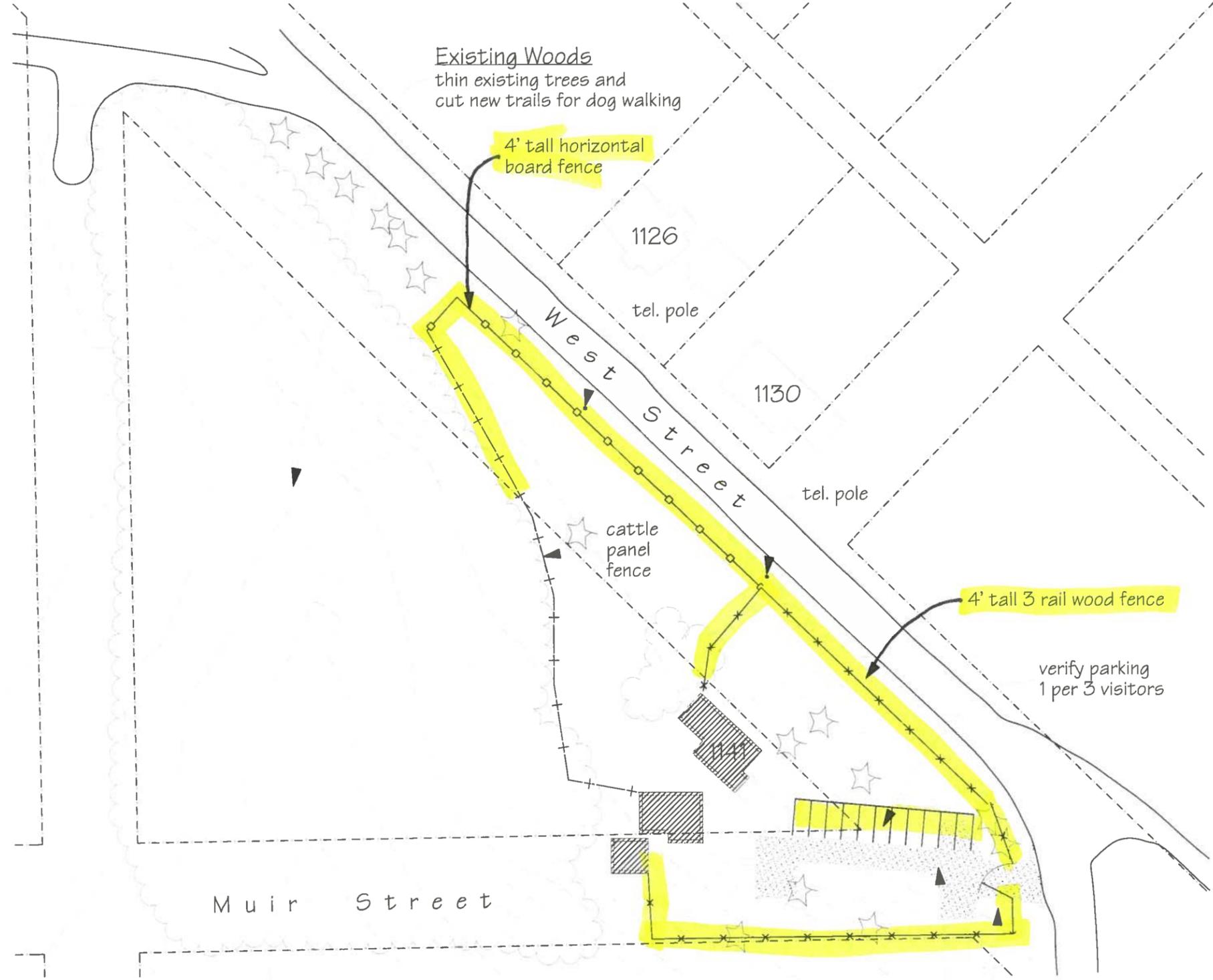
MEMORANDUM

TO: Honorable Mayor Renner, City Council and City Administrator
FROM: Matt Oldenburg, Zoning Administrator *MATT*
DATE: October 19, 2016
RE: License Request for Encroachment on N. West Street R-O-W

Summary:

The property located at 1141 N. West Street is currently for sale and interested buyers, Bret Terrell & Kimberly Eastman, have made a request to utilize the front yard along the street for their residential and proposed commercial purposes. The property is currently used as a residence and is in the Limited Agricultural zoning district. Two-thirds of the parcel is covered with timber and the remaining area is mowed lawn. Adjacent to the parcel, along North West Street, is a continuation of the mowed lawn area which is actually part of the unimproved right-of-way. The right-of-way in this area is exceptionally wide, compared to others in the City, being 100 feet in width. To the South, the property currently has a driveway area and two outbuildings that encroach in the unimproved Muir Street right-of-way. The requestor is asking for a license to install fence in the yard area, see attached map, in the right-of-way or their residential purposes. If their pending Special Use Permit request is approved, they would also utilize the area for patrons to visit the site. The parking spaces indicated on the map would also be requested in the existing driveway area for parking if the Special Use Permit is approved. The requestor is agreeable to the conditions of removing the fence and occupancy of the space, should the N. West Street right-of-way be improved in the future as needed by the City.

This license will need to be recorded with the County to take effect. If approved and the requestor does not purchase the property, the license shall become null and void and will not be recorded.



Site Plan
 1" = 30'-0"



LICENSE

MAIL TO:
Eric & Patti Faramus
1141 N. West Street
Galena, IL 61036

PREPARED BY & RETURN TO:
Joe Nack
City Attorney
101 Green St.
Galena, IL 61036

LICENSE

THIS AGREEMENT made this _____ day of _____, 2016, by and between the City of Galena, Illinois, an Illinois municipal corporation, hereinafter referred to as the “City” and Eric and Patti Faramus, 1141 N. West Street, Galena, Illinois, hereinafter referred to as “Grantees”.

RECITALS:

- A. **WHEREAS**, Grantees are the owners of the following described real estate:
 - Lots 1,2 & 3, in Block 53 of the Original Lots of Galena, Jo Daviess County, Illinois; and
- B. **WHEREAS**, Grantees own a house and an outbuilding on said property; and
- C. **WHEREAS**, approximately 100 square feet of the south side of the outbuilding is situated on a portion of the unimproved Muir Street right-of-way; another outbuilding, approximately 360 square feet, is situated completely within the Muir Street right-of-way along with the driveway access to the property.
- D. **WHEREAS**, the Grantees seek a License for the outbuildings to legally occupy the right-of-way and to construct a fence , enclosing approximately 27,000 square feet, along the North West Street and Muir Street rights-of-way, as indicated on the attached map, and
- E. **WHEREAS**, City is willing to grant to Grantees a License to for the buildings to occupy the unimproved Muir Street and to construct a fence and utilize the space in said rights-of-way; and

F. **WHEREAS**, it is the intent of the parties hereto that all burdens and benefits shall inure to the Grantees, their heirs, successors and assigns.

FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS SET FORTH HEREIN AND OTHER GOOD AND VALUABLE CONSIDERATION, THE SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED BY THE PARTIES HERETO, IT IS, THEREFORE, AGREED BETWEEN CITY AND GRANTEES AS FOLLOWS:

1. Permission is hereby granted to Grantees, their heirs, successors and assigns in ownership of the aforescribed real estate, a License for the outbuildings to occupy the portion of Muir Street where it is now located and to construct a fence, as indicated on the map, in the North West and Muir Street rights-of-way.
2. Permission is hereby granted to the Grantees, their heirs, successors and assigns in ownership of the aforescribed real estate, a License to maintain, repair or otherwise improve, subject to all applicable codes and permits, the outbuildings and fencing on a portion of the unimproved right of way of Muir Street and North West Street adjoining the above described real estate.
3. This License shall terminate only upon a decision of the Grantor to improve said unimproved portion of Muir Street and North West Street as a public street and in such a manner that requires the relocation or removal of the outbuildings and/or the fencing.
4. Grantees acknowledge and agree on behalf of themselves, their heirs, successors and assigns that by signing this License that the outbuildings and fencing located on said unimproved portion of Muir Street and North West Street shall be removed from the right-of-way of Muir Street and North West Street at the time Grantor determines the need to improve that portion of Muir Street and North West Street, under the terms set forth in Paragraph 3, and all costs of said removal shall be paid by Grantees or their heirs, successors or assigns, as the case may be.
5. The burden to pay the costs of said removal shall run with the land and shall be the liability of the owner of said real estate at the time the decision is made by Grantor to improve in accordance with Paragraph 3 the portion of unimproved Muir Street and North West Street on which said outbuildings and fencing were constructed.
6. Grantees acknowledge and agree on behalf of themselves, their heirs, successors and assigns that failure of the owner of said real estate to pay the reasonable cost of the removal said outbuildings and fencing within one hundred and twenty (120) days of notice in writing from Grantor of the amount required to accomplish said removal shall authorize the Grantor to record a lien on said real estate and Grantor may enforce said lien as enforcement of a mortgage lien is authorized under the law then in force in the State of Illinois.

State of Illinois)
) ss.
Jo Daviess County)

I, the undersigned, a Notary Public in and for the said County and State aforesaid, **DO HEREBY CERTIFY** that Carl Snodgrass and Naomi Snodgrass who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such owners they signed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this ___ day of _____, A.D. 2016.

Notary Public

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036



MEMORANDUM

TO: Honorable Mayor Renner, City Council and City Administrator

FROM: Matt Oldenburg, Zoning Administrator *MATT*

DATE: October 19, 2016

RE: Cal. No. 16A-04, Applicant: City of Galena – 101 Green Street Galena, IL 61036. Request for Text Amendment to §154.015 Definitions, Table 154.403.1 *Permitted Land Uses Table*, §154.406(D) *Principal Commercial Land Uses*, §154.406(H) *Accessory Residential Land Uses*, Table 154.601.3 *Minimum Required Parking Spaces*, to allow Guest Accommodations, Vacation Rentals.

Project Summary:

At the June 13, 2016 Council Meeting, Jonathan Miller and I addressed the Mayor and Council, asking whether the Staff should research and investigate the effects of “sharing economy” land uses, such as short term rentals other than B&B’s, Inns and Hotels/Motels.

The intent of this initiative is to evaluate the City’s current standing ordinances and determine whether we are adequately prepared to address emerging market trends as travelers utilize mobile- and web-based applications to connect with prospective hosts for overnight accommodations. A recent spike in local attempts to rent properties to travelers on a short-term basis, outside of the provisions of our ordinances, combined with an increase in short-term rental requests by existing and prospective property owners has prompted the Staff to request permission for the evaluation.

Jonathan and I have completed substantial research and, along with other Staff members, have held a public input meeting to gather facts, search for impacts of short term rentals on other communities, and gather input from members of our community. We have held two meetings with the local lodging owners and also held a public input meeting on July 19th. On July 25th, the City Council heard our presentation on findings and asked the Staff to initiate the text amendment to allow vacation rentals in certain districts by Special Use Permit only and that they will be licensed annually as the other guest accommodations uses and subject to occupancy tax.

The attached proposed ordinance is organized into two categories, a new principal commercial land use for vacation rentals that rent a single dwelling unit or multiple dwelling units; and an accessory residential land use for properties with single family dwellings that want to rent a single room as a vacation rental. My comments are included in the criteria below as a written report for the amendment application.

At their meeting on October 12, 2016, the ZBA recommended approval to the City Council for this request on a unanimous vote by the members present.

Approval Criteria & Recommendation:

In order to maintain internal consistency within this code and on the zoning map, proposed amendments to the text and zoning map must be consistent with the purposes stated herein.

In determining whether the proposed amendment shall be approved, the following factors shall be considered: *Comments are italicized.*

(1) Whether the existing text or zoning designation was in error at the time of adoption; *No text or designations were in error at time of adoption. The advent of technology and the travel / tourism needs of the market are creating need for change in allowable uses for their accommodations.*

(2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.; *New trends in travelers' wants combined with technology and the shared economy have generated the need for a proactive approach to controlling and providing for vacation rental land uses.*

(3) Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances; *Each zoning district indicated has properties that may be suitable for the proposed uses. The detailed regulations will reduce the potential for nuisances and provide for a compatible use. Additional control measures, already within the code, will further ensure that nuisance properties can be dealt with and permissions revoked.*

(4) Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines; *The proposed amendment supports the Comprehensive Plan and tourism, identified as the community's main industry.*

(5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone; *Not applicable*

(6) Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or *There is an adequate supply of land as the dwellings are already in existence.*

(7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning. *The growth of tourism and visitors to Galena, combined with the interest of vacation rental properties has indicated a*

need for the land use. If a provision is made, then it can be controlled. The benefits to the community is allowing a demographic that wishes to stay in vacation rentals to stay within the City and spend more time and money here, supporting the local economy.

The Zoning Administrator and Zoning Board of Appeals shall make recommendations and the City Council shall take final action.

(1) When the Zoning Board of Appeals or City Council deems it necessary or expedient, additional property in the zoning district may be considered for a zoning change provided that this additional property is also addressed in the public hearing notice, in accordance with § [154.919\(F\)](#).

(2) In the event of a written protest against a proposed amendment signed and acknowledged by the owners of 20% of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or across the alley or rear line therefrom or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district and filed with the City Clerk, such amendment shall not be passed except by the favorable vote of two-thirds of all of the selected members of the City Council.

Resolution No. _____

ZONING BOARD OF APPEALS

**DETERMINATION & RECOMMENDATION TO THE CITY COUNCIL
OF THE CITY OF GALENA**

REGARDING

CALENDAR NUMBER:

Cal. No. 16A-04

APPLICATION BY:

City of Galena – 101 Green Street, Galena, IL 61036

FOR:

Request for Text Amendment to 154.015 Definitions, Table 154.403.1 *Permitted Land Uses Table*, §154.406(D) *Principal Commercial Land Uses*, §154.406(H) *Accessory Residential Land Uses*, Table 154.601.3 *Minimum Required Parking Spaces*, to allow Guest Accommodations, Vacation Rentals.

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on October 12, 2016. The hearing was advertised in an edition of the Galena Gazette, in a quarter-page sized ad, that was available to the general public between 15 and 30 days prior to the hearing. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

At the June 13, 2016 Council Meeting, City Staff addressed the Mayor and Council, asking whether the Staff should research and investigate the effects of “sharing economy” land uses, such as short term rentals other than B&B’s, Inns and Hotels/Motels.

The intent of this initiative is to evaluate the City’s current standing ordinances and determine whether we are adequately prepared to address emerging market trends as travelers utilize mobile- and web-based applications to connect with prospective hosts for overnight accommodations. A recent spike in local attempts to rent properties to travelers on a short-term basis, outside of the provisions of our ordinances, combined with an increase in short-term rental requests by existing and prospective property owners has prompted the Staff to request permission for the evaluation.

Over the summer, Staff completed substantial research and held public input meetings to gather facts, search for impacts of short term rentals on other communities, and gather input from members of our community. We have held two meetings with the local lodging owners and also held a public input meeting on July 19th. On July 25th, the City Council heard a Staff presentation

on findings and asked the Staff to initiate the text amendment to allow vacation rentals in certain districts by Special Use Permit only and that they will be licensed annually as the other guest accommodations uses and subject to occupancy tax.

The attached proposed ordinance is organized into two categories, a new principal commercial land use for vacation rentals that rent a single dwelling unit or multiple dwelling units; and an accessory residential land use for properties with single family dwellings that want to rent a single room as a vacation rental.

At their meeting on October 12, 2016, the ZBA recommended approval to the City Council for this request on a unanimous vote by the members present.

PUBLIC SUPPORT AND/OR OBJECTIONS

Matt Oldenburg, Zoning Administrator, City of Galena spoke as the applicant on behalf of the City. He stated that the City is initiating this request and it started in the Spring when the Council discussed whether it would be worth allowing vacation rentals as a land use. City staff was directed to investigate, so they spent the summer researching, holding public meetings and gathering information on the subject. The product of this research and public input resulted in the proposed text amendment before us.

Oldenburg said Accommodations, Vacation Rental for Principle Commercial Land Use would allow ownership of only one single dwelling unit – vacation rental - per common ownership in a residential district. It also allows ownership of multiple vacation rental units in one building such as a downtown building with three apartments - each apartment is a vacation rental unit. Accommodations, Vacation Rental – Single Room for Accessory Residential Land Use would allow a single room rental within a single family dwelling unit and it must be owner occupied. It can be detached from the main dwelling unit if appropriate.

Oldenburg said a Special Use Permit would be necessary to operate any of the vacation rentals. High Density Residential districts were not included. The reasoning here is that nationally there is a concern that the short term rental will cause a shortage of apartments for those seeking long term rentals. If we do not allow vacation rentals in HDR the majority of our large apartment complexes would be off limits. There are a few apartment buildings in downtown commercial where multiple units would be allowed. Single room vacation rental units as an accessory land use have to be in single family homes.

Oldenburg next reviewed the changes to detailed land use regulations. A comprehensive code was developed to alleviate negative impact concerns discussed during input meetings. This gives the City control but still allows for good land use. Oldenburg noted some key points of the Principal Commercial Land Use requirements. Off street parking is required except in the downtown commercial district. If there are special circumstances someone could apply for a variance along with the special use permit. The number of guests allowed has been limited by looking at the number of original bedrooms in a historic home or the square footage and life safety codes for nonresidential buildings. Lot capacity can be used as a further control measure in relation with the neighboring properties. Parking and its impact to greenspace and the parcel

will be looked at when determining the number of allowed guests. Requirements for emergencies have been included and much of this was based on what is required by Jo Daviess County for their rental program which has worked well for many years. Approval of a Special Use Permit doesn't mean they can start renting. There is an inspection process, proof of insurance as a business, registration with State and City for hotel motel tax, an annual fee – everything a guest home is required to do. No signage would be allowed on the vacation rental property and a guest register must be maintained. Approval must submit an application for a Special Use Permit with all applicable documents just like other guest homes.

Oldenburg said Accessory Residential Land Uses will allow the single room vacation rental. A limit of two sleeping guests, owner occupied and an off street parking space for both the owner and the guest is required. Consideration for lot capacity, application contents and licensing requirements if approved are similar to Principal Commercial Land Use.

Oldenburg said Table 154.601.3 Minimum Required Parking Spaces would be adjusted. Single room rental would require one space for the guest and one for the homeowner. For Principal use it would be one space per four guests.

Ryan Dies, 226 South Bench Street, Galena, spoke in favor of the request. He stated that he would like to operate a vacation rental property in the Downtown Commercial district. He said that he is limited on being able to rent space downtown on long term basis, so the short term would work well for his scenario. He believes that this land use will benefit the City and help downtown business / building owners to make their properties more viable. He thinks it will be a great experience for visitors.

Catherine Kouzmanoff, 219 South Prospect Street, Galena, spoke in favor of the request. She stated that she is a business owner downtown and supports this amendment because she can take a building and turn it into something that works and supports the building financially. She believes that what this land use can do for Galena is we are going to be able to expose our community to more people and have more last-minute guests staying in town.

Jody McGill, 336 Spring Street, Galena, spoke in favor of the request. She stated that she has lived in the downtown area most of her life and definitely thinks this concept will help bring a new demographic to town that will be a long term benefit for the City.

Dana Meadows, 103 North Main Street, Galena spoke in favor of the request. He is the current President of the Downtown Business Association and they would like to see it go forward because, if nothing else, we would see a complete refurbishment of the buildings downtown that are in bad shape. It will also keep things as historic as possible.

No further testimony was heard in favor or against the request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Article 0, Section §154.015 sets forth *Definitions of the Zoning Code*.

- Article 4, Table §154.403.1 *Permitted Land Uses Table* sets forth the land uses and which districts they are allowed.
- Article 4, Section §154.406 (D) & (H) *Principal Commercial and Accessory Residential Land Uses* set forth the detailed land use descriptions.
- Article 6, Table 154.603.1 *Minimum Required Parking Spaces* sets forth the required parking spaces based on land use.
- Article 9, Section §154.919 sets forth the Non-Administrative Development Review Common Elements of Procedures.
- Article 9, Section §154.920 sets forth the procedures for Zoning Code Amendment and Rezoning.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by the City of Galena for a text amendment as described above should be approved for the following reasons:

- (1) Whether the existing text or zoning designation was in error at the time of adoption; *No text or designations were in error at time of adoption. The advent of technology and the travel / tourism needs of the market are creating need for change in allowable uses for their accommodations.*
- (2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.; *New trends in travelers' wants combined with technology and the shared economy have generated the need for a proactive approach to controlling and providing for vacation rental land uses.*
- (3) Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances; *Each zoning district indicated has properties that may be suitable for the proposed uses. The detailed regulations will reduce the potential for nuisances and provide for a compatible use. Additional control measures, already within the code, will further ensure that nuisance properties can be dealt with and permissions revoked.*
- (4) Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines; *The proposed amendment supports the Comprehensive Plan and tourism, identified as the community's main industry.*

- (5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone; *Not applicable*
- (6) Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or *There is an adequate supply of land as the dwellings are already in existence.*
- (7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning. *The growth of tourism and visitors to Galena, combined with the interest of vacation rental properties has indicated a need for the land use. If a provision is made, then it can be controlled. The benefits to the community is allowing a demographic that wishes to stay in vacation rentals to stay within the City and spend more time and money here, supporting the local economy.*

RECOMMENDATION

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals does recommend to the City Council of the City of Galena that this request by the City of Galena, for a Text Amendment as described above should be approved as proposed in the original application.

PASSED AND APPROVED this 12th day of October, A.D. 2016, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 1 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson

AN ORDINANCE AMENDING ARTICLE 0, SECTION §154.015 – DEFINITIONS AND ARTICLE 4, TABLE 154.403.1 – PERMITTED LAND USES AND SECTION §154.406 – DETAILED LAND USE DESCRIPTIONS OF THE CODE OF ORDINANCES OF THE CITY OF GALENA

BE IT ORDAINED by the City Council of the City of Galena, Jo Daviess County, Illinois as follows:

SECTION I: Section §154.015 – Definitions of the City of Galena Zoning Code, is hereby amended as follows

- *(Additions are shown as underlined)*

Section §154.015 - Definitions

Accommodations, Vacation Rental: Any building, or portion thereof, containing a single dwelling unit or multiple dwelling units which are available to the public for accommodating guests on a basis of less than 30 days for a charge, donation, or any other form of remuneration. Each dwelling unit constitutes a vacation rental unit. In residential districts, only one vacation rental unit may be owned; in commercial districts, multiple vacation rental units may be owned as defined by common ownership. In cases where a single guest room on a single family dwelling property is requested, it shall be considered an accessory residential land use. See section §154.406(D)(18) or §154.406(H)(9).

SECTION II: Table 154.403.1 – Permitted Land Uses of the City of Galena Zoning Code, is hereby amended as follows:

- *(Additions are shown as underlined and highlighted)*
- *Table begins on following page.*

Table 154.403.1. Permitted Land Uses

LA	CSR	LDR	MDR	HDR	NO	PO	NC	PC	GC	DC	PI	LI	HI	Type of Land Use Principal Commercial Land Uses (154.406 (D))
					P	P	P	P	P	P	P	P	P	(1) Office
					S	S	P	P	P	P	S			(2) Personal or Professional Service
S	S				S		P	P	P	P	P	P	P	(3) Artisan Studio
						S	P	P	P	P	S			(4) Sales and Service, Indoor
									P				P	(5) Sales and Service, Outdoor Display
									P					(6) Sales and Service, In-Vehicle
	S	S	S	S	S									(7) Accommodations, Bed & Breakfast
		S			S		S	S	S	S				(8) Accommodations, Small Inn
						S		S	P	S	S			(9) Accommodations, Hotel/Motel
						S	S	P	P	P	S			(10) Entertainment, Indoor Commercial
S									S			S		(11) Entertainment, Outdoor Commercial
												S	S	(12) Entertainment, Adult
								S	P	S	P	P	P	(13) Maintenance Service, Indoor
									S				P	(14) Maintenance Service, Outdoor
S									S				S	(15) Commercial Animal Boarding
									P			P	P	(16) Vehicle Repair and Maintenance
					P		P		P	P				(17) House Tour
<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>				<u>S</u>		<u>S</u>	<u>S</u>				<u>(18) Accommodations, Vacation Rental</u>

P = Permitted by Right (See section 154.402(A)) S = Permitted by a Special Use (See section 154.402 (B))

LA Limited Agricultural
 CSR Countryside Residential
 LDR Low Density Residential
 MDR Medium Density Residential

HDR High Density Residential
 NO Neighborhood Office
 PO Planned Office
 NC Neighborhood Commercial

PC Planned Commercial
 GC General Commercial
 DC Downtown Commercial
 PI Planned Industrial

LI Light Industrial
 HI Heavy Industrial

Table 154.403.1. Permitted Land Uses

LA	CSR	LDR	MDR	HDR	NO	PO	NC	PC	GC	DC	PI	LI	HI	Type of Land Use
P	P	P	P	P	P	P	P	P	P	P				(1) Day Care Home, Serving 3 to 12 Children
P	P	P	P	P	P	P	P	P	P	P				(2) Home Occupation, Minor
S	S	S	S	S	S	S	S	S	S	S				(3) Home Occupation, Major
P	P	P	P	P	P	P	P	P	P	P				(4) Private Kennel
P	P	P	P	P	P	P	P	P	P	P				(5) Outbuildings and Recreation Facilities
P	P	P	P	P	P	P	P	P	P	P				(6) Recreational Vehicle Storage
P	S													(7) Private Stable
S	S	S	S	S										(8) House Tour
S	S	S	S				S			S				(9) Accommodations, Vacation Rental – Single Room
														Accessory Agricultural Land Uses (See 154.406(I))
														Accessory Recreational & Institutional Land Uses (See 154.406(J))
														Accessory Commercial Land Uses (154.406(K))
						P		P	P	P	P	P	P	(1) Company-Provided Cafeteria
					S	S	S	S	S	S	S	S	S	(2) Company-Provided Day Care
						S		S	P		S	P	P	(3) Company-Provided On-Site Recreation
					P	S	P	S	S	P				(4) Dwelling Units Above Ground Floor
						S		S	P		P	P	P	(5) Fleet Vehicle Storage
								S	S	S				(6) Light Industrial Incident to Indoor Sales
							S	P	P	S	S			(7) Outdoor Dining
							S	S	P	S				(8) Outdoor Display, Removable
									P					(9) Outdoor Display and Storage, Permanent
								S	P					(10) Outdoor Entertainment
P = Permitted by Right (See section 154.402(A)) S = Permitted by a Special Use (See section 154.402 (B))														

LA Limited Agricultural
 CSR Countryside Residential
 LDR Low Density Residential
 MDR Medium Density Residential

HDR High Density Residential
 NO Neighborhood Office
 PO Planned Office
 NC Neighborhood Commercial

PC Planned Commercial
 GC General Commercial
 DC Downtown Commercial
 PI Planned Industrial

LI Light Industrial
 HI Heavy Industrial

SECTION III: Section §154.406 (D) – Principal Commercial Land Uses of the City of Galena Zoning Code, is hereby amended as follows:

▪ (Additions are shown as underlined)

(D) Principal Commercial Land Uses.

(18) Accommodations, Vacation Rental. Any building, or portion thereof, containing a single dwelling unit or multiple dwelling units which are available to the public for accommodating guests on a basis of less than 30 days for a charge, donation, or any other form of remuneration. Each dwelling unit constitutes a vacation rental unit. It is the intention of the City to restrict the number of vacation rentals and to encourage the use of single-family dwellings for residential purposes in order to maintain the integrity of residential neighborhoods. Therefore, no one owner, under the rules of common ownership, may own more than one vacation rental unit in residential districts; however, owners may own more than one vacation rental unit within commercially zoned districts. Vacation rentals are limited to properties within the Historic District, those deemed as Historic Landmark properties outside of the district or anomalous properties immediately adjacent to the Historic District that are non-contributing.

(a) Regulations:

1. Number of guests. In the case of structures originally constructed as a residence or to provide public accommodations, the number of original bedrooms indigenous to a particular structure will be considered. In the case of other nonresidential structures, the number of allowed guests will be determined by the size of the building and the regulations for such use found in the city's adopted Building Codes, Life Safety and Fire Codes, Electrical Code, the Americans with Disabilities Act and any other codes of the city. Off-street parking capacity, in required districts, will also be considered for the number of allowed guests.
2. Lot capacity. The capacity of a particular lot to absorb the impact of a vacation rental use shall be considered and consideration shall be given to usable lot size, topography, existing vegetation, parking requirements, the location of the rental unit(s) on the lot and the proximity of the rental unit(s) to neighboring properties in determining the number of guests to be permitted.
3. Availability and impact of parking. Parking off-street shall be required in all districts, except Downtown Commercial, and based on the capacity of allowed guests. The physical and aesthetic impact of off-street parking located on the lot shall not be detrimental to the existing character of the lot and the surrounding neighborhood. It shall be a priority to preserve green space. Generally, the capacity of a lot to accommodate off-street parking shall be related to the size and nature of the lot, as stated in (D)(18)(a)(2) above. Rental of parking spaces on property other than the lot of the vacation rental shall not be allowed.
4. Requirements For Emergencies.
 - a. Emergency Lighting: All vacation rentals shall provide adequate emergency lighting, as determined by the Fire Inspector, of the interior of the facility so as to provide any guest with sufficient light to find an appropriate exit during a fire or other emergency.
 - b. Exit Requirements: All interior and exterior exits shall open from the inside without the use of a key or special knowledge. All such exits shall be of a width of thirty inches (30") or greater and shall not be blocked or obstructed at any time.
 - c. Floor Plan: A floor plan of the building shall be maintained and displayed in prominent location in each vacation rental unit. The plan shall show the location of each guestroom and the exit locations to be used for such guestrooms in the event of fire. The licensee shall furnish a copy of the floor plan to the Zoning Department.
 - d. Emergency Telephone: Each guest house or home shall provide a landline telephone for emergency purposes. Such phone shall be available twenty-four (24) hours a day. A list of all emergency numbers shall be posted next to the telephone.

5. Additional information or requirements to be designated in special use permit. (Refer to §154.924 - Special Uses.)
 - a. No vacation rental shall commence doing business until a guest accommodation license has been issued by the city;
 - b. Proof of registration with the Illinois Department of Revenue and the City of Galena for hotel/motel taxes shall be given to the Zoning Administrator within 90 days after issuance of the guest accommodation license;
 - c. No signs advertising the vacation rental shall be displayed on the site.
 - d. Each vacation rental owner shall maintain a guest register; and
 - e. Single-room vacation rentals shall be considered an accessory residential land use. See §154.406 (H)(9).
6. Application: contents. An application for a vacation rental special use permit shall include such information as the Zoning Administrator or the Zoning Board of Appeals may require, but, at a minimum, shall include the following:
 - a. A site plan depicting all existing conditions of and proposed modifications to buildings, walks, drives, parking, landscaping, fencing and lighting. Pertinent elevations or perspective drawings may be requested for more accurate review of various details;
 - b. Photographs of the proposed vacation rental, accessory buildings and zoning lot;
 - c. Floor plan of the proposed vacation rental showing all rooms and designation of room usage.

SECTION IV: Section §154.406 (H) – Accessory Residential Land Uses of the City of Galena Zoning Code, is hereby amended as follows:

- *(Additions are shown as underlined)*

(H) Accessory Residential Land Uses.

(9) Accommodations, Vacation Rental – Single Room. A single guest room which is available to the public for accommodating guests on a basis of less than 30 days for a charge, donation, or any other form of remuneration. A single-room vacation rental may have no more than two sleeping guests and may be within or detached from the main dwelling unit. Vacation rentals are limited to only properties with Single Family Dwellings and are within the Historic District, those deemed as Historic Landmark properties outside of the district or anomalous properties immediately adjacent to the Historic District that are non-contributing.

(a) Regulations:

1. Number of guests. Single-room vacation rentals are limited to two sleeping guests.
2. Lot capacity. The capacity of a particular lot to absorb the impact of a single-room vacation rental use shall be considered and consideration shall be given to usable lot size, topography, existing vegetation, parking requirements, the location of the rental unit on the lot and the proximity of the rental unit to neighboring properties.
3. Availability and impact of parking. One off-street parking space for the guest room and one additional off-street parking space for the owner shall be required in all districts. The physical and aesthetic impact of off-street parking located on the lot shall not be detrimental to the existing character of the lot and the surrounding neighborhood. It shall be a priority to preserve green space. Generally, the capacity of a lot to accommodate off-street parking shall be related to the size and nature of the lot, as stated in (H)(9)(a)(2) above. Rental of parking spaces on property other than the lot of the vacation rental shall not be allowed.
4. Owner occupancy. The property shall be owner-occupied when guests are present.

5. Additional information or requirements to be designated in special use permit. (Refer to §154.924 - Special Uses.)
- a. No vacation rental shall commence doing business until a guest accommodation license has been issued by the city;
 - b. Proof of registration with the Illinois Department of Revenue and the City of Galena for hotel/motel taxes shall be given to the Zoning Administrator within 90 days after issuance of the guest accommodation license;
 - c. No signs advertising the vacation rental shall be displayed on the site.
 - d. Each vacation rental owner shall maintain a guest register; and
 - e. A floor plan of the building shall be maintained and displayed in prominent location in the guest room. The plan shall show the location of each room and the exit locations to be used for the guest room in the event of fire. The licensee shall furnish a copy of the floor plan to the Zoning Department.
6. Application: contents. An application for a vacation rental special use permit shall include such information as the Zoning Administrator or the Zoning Board of Appeals may require, but, at a minimum, shall include the following:
- a. A site plan depicting all existing conditions of and proposed modifications to buildings, walks, drives, parking, landscaping, fencing and lighting. Pertinent elevations or perspective drawings may be requested for more accurate review of various details;
 - b. Photographs of the proposed vacation rental, accessory buildings and zoning lot;
 - c. Floor plan of the proposed vacation rental showing all rooms and designation of room usage.

SECTION V: Table 154.601.3 – Minimum Required Parking Spaces of the City of Galena Zoning Code, is hereby amended as follows:

(Additions are shown as underlined and highlighted)

TABLE 154.601.3 MINIMUM REQUIRED PARKING SPACES	
LAND USE	REQUIRED NUMBER OF PARKING STALLS
COMMERCIAL	
... Vehicle Repair and Maintenance	1 per 300 sq. ft. of gross floor area
<u>Accommodations, Vacation Rental</u>	<u>1 per 4 guests</u>
<u>Accommodations, Vacation Rental – Single Room</u>	<u>See §154.406(H)(9)</u>

SECTION VI: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION VII: This ordinance shall be in full force and effect within ten (10) days of its passage and legal publication in pamphlet form.

SECTION VIII: Passed on the ___th day of _____, A.D., 201___, in open Council.

AYES:

NAYS:

ATTEST:

TERRY RENNER, MAYOR

MARY BETH HYDE, CITY CLERK

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036



MEMORANDUM

TO: Honorable Mayor Renner, City Council and City Administrator

FROM: Matt Oldenburg, Zoning Administrator *MATT*

DATE: October 19, 2016

RE: Cal. No. 16A-05, Applicant: City of Galena – 101 Green Street Galena, IL 61036. Request for Text Amendment to to §154.804 *Prohibited Signs* and §154.805 *Signs Exempt from Permitting*, to allow flag signs on commercial use properties except for businesses with a Main Street façade.

Project Summary:

This amendment to the Zoning Ordinance is initiated by City Council to look at allowing flag signs for commercial use in Galena.

In July 2015, the Zoning Administrator approached the Zoning Board of Appeals for clarification about the use of flag signs on commercial properties. Over the past couple of years, it was questioned whether they were allowed because it appeared that our Ordinance did not allow them, but some businesses in town have been using them for several years.

The need to investigate flag signs arose when the Zoning Administrator (ZA) started getting requests for the use of flag signs with new businesses. Each time, the ZA had to deny the application because the Ordinance didn't allow them. The ZA assumed existing flags were "grandfathered" but, after researching our records, it turned out that they have not been allowed since at least before the '90's. In the interest of being impartial, the ZA did not want to enforce the Ordinance with some and allow it for others; so, the ZA setup a work session with the Zoning Board of Appeals.

After presenting the facts to the Zoning Board, the ZA asked whether to initiate a text amendment to the Ordinance to allow flag signs for commercial properties or to enforce the Code as written. They instructed him to enforce the Ordinance, so the ZA spent the next year bringing properties into compliance and encouraged businesses to seek an amendment if they felt strongly about having flag signs. He stated that this proposal would help the businesses that are located off of the beaten path of Main Street, in commercial districts, to have a way to indicate they are open.

Subsequently, those businesses worked with a Councilmember to initiate an amendment, and Council directed Staff to bring it through the process.

At their meeting on October 12, 2016, the ZBA recommended approval to the City Council for this request on a unanimous vote by the members present.

The Zoning Administrator and Zoning Board of Appeals shall make recommendations and the City Council shall take final action.

(1) When the Zoning Board of Appeals or City Council deems it necessary or expedient, additional property in the zoning district may be considered for a zoning change provided that this additional property is also addressed in the public hearing notice, in accordance with § [154.919](#)(F).

(2) In the event of a written protest against a proposed amendment signed and acknowledged by the owners of 20% of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or across the alley or rear line therefrom or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district and filed with the City Clerk, such amendment shall not be passed except by the favorable vote of two-thirds of all of the selected members of the City Council.

Resolution No. _____

ZONING BOARD OF APPEALS

**DETERMINATION & RECOMMENDATION TO THE CITY COUNCIL
OF THE CITY OF GALENA**

REGARDING

CALENDAR NUMBER:

Cal. No. 16A-05

APPLICATION BY:

City of Galena – 101 Green Street, Galena, IL 61036

FOR:

Request for Text Amendment to to §154.804 *Prohibited Signs* and §154.805 *Signs Exempt from Permitting*, to allow flag signs on commercial use properties except for businesses with a Main Street façade.

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on October 12, 2016. The hearing was advertised in an edition of the Galena Gazette, in a quarter-page sized ad, that was available to the general public between 15 and 30 days prior to the hearing. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

This amendment to the Zoning Ordinance is initiated by City Council to look at allowing flag signs for commercial use in Galena.

In July 2015, the Zoning Administrator approached the Zoning Board of Appeals for clarification about the use of flag signs on commercial properties. Over the past couple of years, it was questioned whether they were allowed because it appeared that our Ordinance did not allow them, but some businesses in town have been using them for several years.

The need to investigate flag signs arose when the Zoning Administrator (ZA) started getting requests for the use of flag signs with new businesses. Each time, the ZA had to deny the application because the Ordinance didn't allow them. The ZA assumed existing flags were "grandfathered" but, after researching our records, it turned out that they have not been allowed since at least before the '90's. In the interest of being impartial, the ZA did not want to enforce the Ordinance with some and allow it for others; so, the ZA setup a work session with the Zoning Board of Appeals.

After presenting the facts to the Zoning Board, the ZA asked whether to initiate a text
Cal. No. 16A-05

amendment to the Ordinance to allow flag signs for commercial properties or to enforce the Code as written. They instructed him to enforce the Ordinance, so the ZA spent the next year bringing properties into compliance and encouraged businesses to seek an amendment if they felt strongly about having flag signs. He stated that this proposal would help the businesses that are located off of the beaten path of Main Street, in commercial districts, to have a way to indicate they are open.

Subsequently, those businesses worked with a Councilmember to initiate an amendment, and Council directed Staff to bring it through the process.

At their meeting on October 12, 2016, the ZBA recommended approval to the City Council for this request on a unanimous vote by the members present.

PUBLIC SUPPORT AND/OR OBJECTIONS

Matt Oldenburg, Zoning Administrator, City of Galena spoke as the applicant on behalf of the City. He stated that the City is initiating this request and gave a brief history of the background, indicated in the description above. He then described the proposed ordinance, which included changes to the regulations of strictly prohibited signs and an addition to the regulations for signs exempt from permitting.

Janet Komistra, 414 Washington Street, Galena, spoke in favor of the request. She stated that she sells out of Tin Pan Alley. Since they were asked to remove their antique flag, they found their sales were greatly reduced. She's asking that this goes through for the businesses that have been adversely impacted. She thinks that the existing ordinance is contradictory and confusing.

John Slimp, 100 Bouthillier Street, Galena, spoke in favor of the request. He stated that his business is 100% destination. After five years of having a flag sign, his customers are accustomed to seeing that flag as an indication of when they are open. When they took their flag sign down, they saw a decrease in business and got complaints from customers because they would park and walk over to the building to discover it was closed.

Bruce Dean, 303 S. Commerce Street, Galena, spoke in favor of the request. He stated that off-Main Street businesses have a disadvantage to exposure and therefore should be regulated differently.

William Karberg, 408 S. Main Street, Galena, spoke in favor of the request. He stated that he has businesses in town and wanted to speak in support of the businesses – anything we can do to make businesses viable is worth-while. He wants to point-out that all of Main Street is not “ocean-front property” because the Southern and Northern ends of the street see less traffic than the main middle section. He has also noticed a decline in business after removing his antiques flag.

Jody McGill, 336 S. Main Street, Galena, spoke in favor of the request. She thinks an open or antique flag is very valuable to a business to call-out antique stores. She thinks calling-out antique stores would be a benefit to the community.

Kenneth Robb, 525 S. Hickory Street, Galena, spoke in opposition to the request. He stated that he is not opposing open flags, per se. He thinks they are of value to a business – but his objection is to the way the proposed ordinance is written because it does not indicate a limit to how many flags a business can have. If you want to say that you’re open, one such device should be enough; there shouldn’t be multiple methods allowed.

No further testimony was heard in favor or against the request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Article 0, Section §154.015 sets forth *Definitions of the Zoning Code*.
- Article 8, Section §154.804 *Prohibited Signs* sets forth detailed regulations for prohibited signs
- Article 8, Section §154.805 *Signs Exempt from Permitting* sets forth the detailed regulations of signs exempt from permitting.
- Article 9, Section §154.919 sets forth the Non-Administrative Development Review Common Elements of Procedures.
- Article 9, Section §154.920 sets forth the procedures for Zoning Code Amendment and Rezoning.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by the City of Galena for a text amendment as described above should be approved for the following reasons:

- (1) Whether the existing text or zoning designation was in error at the time of adoption; *No text or designations were in error at time of adoption.*
- (2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.; *Does not apply.*
- (3) Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances; *The proposed amendment is compatible with the character of the community.*
- (4) Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines; *The proposed amendment supports the Comprehensive Plan and tourism, identified as the community’s main industry.*

- (5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone; *Does not apply.*
- (6) Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or *Does not apply.*
- (7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning. *There are benefits by allowing these signs for the businesses and it further benefits the community if they are successful.*

RECOMMENDATION

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals does recommend to the City Council of the City of Galena that this request by the City of Galena, for a Text Amendment as described above should be approved as proposed in the original application with the following condition:

- 1. There shall be a limit to one flag sign per business.

PASSED AND APPROVED this 12th day of October, A.D. 2016, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 1 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson

AN ORDINANCE AMENDING ARTICLE 8, SECTION §154.804 – PROHIBITED SIGNS AND §154.805 – SIGNS EXEMPT FROM PERMITTING OF THE CODE OF ORDINANCES OF THE CITY OF GALENA

BE IT ORDAINED by the City Council of the City of Galena, Jo Daviess County, Illinois as follows:

SECTION I: Section §154.804 – Prohibited Signs of the City of Galena Zoning Code, is hereby amended as follows

- *(Additions are shown as underlined)*

Section §154.804 – Prohibited Signs

- (B) *Strictly prohibited signs.* The following signs are strictly prohibited within the jurisdiction of this chapter.
- (2) Mobile and portable signs except as permitted in §154.805(N).
 - (6) Signs which rotate, revolve, or have any movable part, including signs which give the appearance of movement except as permitted in §154.805(B).
 - (7) Signs which produce movements achieved by normal wind currents, other than weather vanes unrelated to business or commerce except as permitted in §154.805(B).

SECTION II: Section §154.805 – Signs Exempt from Permitting of the City of Galena Zoning Code, is hereby amended as follows:

- *(Additions are shown as underlined)*

Section §154.805 – Signs Exempt from Permitting.

(B) Flags, as defined in §154.015; or flag signs, used to indicate whether a business is open, on commercial use properties except for businesses with a Main Street façade. Commercially used flags, other than those defined in §154.015, shall be limited to 15 square feet in area and shall not have garish colors. Such flags shall be placed so that they do not block, or interfere with, any sidewalk or public spaces.

SECTION III: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV: This ordinance shall be in full force and effect within ten (10) days of its passage and legal publication in pamphlet form.

SECTION V: Passed on the ___th day of _____, A.D., 201 __, in open Council.

AYES:

NAYS:

ATTEST:

TERRY RENNER, MAYOR

MARY BETH HYDE, CITY CLERK



311 N. Bench Street, Galena, IL 61036-1809

Chief of Police

Lori Huntington

(815) 777-2131

FAX (815) 777-4736

TO: City Administrator Mark Moran

FROM: Chief Lori Huntington

DATE: October 18, 2016

RE: Liquor License Compliance Checks

The Illinois Liquor Control Commission completed their BASSETT Training at the Galena City Hall this past month. Afterwards, I was approached by Field Supervisor Rick Cass and asked if the police department would be interested in assisting the Liquor Control Commission with liquor license compliance checks within the city limits. F/S Cass advised the Enforcement Division was having a difficult time completing all checks in the state and are starting a new program for police departments and sheriff's offices throughout the state to save time and money. Only departments that have 25 or more liquor licenses in their jurisdictions are being offered this program. The IL Liquor Control Commission would offer training for our officers for a period of 6 hours; three hours of classroom time and three hours of onsite training. After this training period, the officers will be able to conduct the checks on their own. The checks will be conducted once per year for each license holder. The IL Liquor Control Commission will pay the police department \$75 per liquor license check completed. We have 46 license holders, which would mean we would receive \$3,450.00 per year. Officer Nathan Johnson and Officer Devin Halstead will be able to do the compliance checks during their tour of duty. I have been informed by F/S Cass the checks will take about a ½ hour each and we have a year to complete the 46.

If you approve of the police department doing these checks, I would like to propose a revenue line item and expense line item for the police department in which we could put the money we receive. According to F/S Cass, there is no restriction on what we are allowed to spend the money on.

I have attached the Memorandum of Understanding F/S Cass has sent me for the Mayor to sign. This will outline what I have explained above.

If you have any questions, please let me know.

ILLINOIS DEPARTMENT OF REVENUE
CONTRACTUAL AGREEMENT
Alcoholic Liquor Enforcement Pilot Program

City of Galena
101 Green Street
Galena, IL 61036

Federal Employers Identification No: E9996-1725-07 hereinafter referred to as Contractor or Vendor, and the State of Illinois, Illinois Department of Revenue, hereinafter referred to as the Department, in consideration of the mutual covenant herein contained, agree as follows:

1. NATURE AND CONDITIONS OF ASSIGNMENT

The Contractor agrees to provide the following goods and/or services to the Department; which goods and/or services shall be expected to meet acceptable levels of performance:

In the event of a conflict between the Department's and the Contractor's terms, conditions and attachments, the Department's terms, conditions and attachments shall prevail.

- A. The Contractor agrees to conduct one Standard Compliance Inspection for each license holder listed in this Agreement. A Standard Compliance Inspection is an investigation to determine whether or not a license holder has complied with the statutes and rules as represented in the LC-13 Inspection Report copied in Addendum 2 to this Agreement. The number of alcoholic liquor license holders affected by this Agreement is determined to be 46 as listed in Addendum 1 to this Agreement.
- B. No local enforcement agent shall conduct a Standard Compliance Inspection unless the enforcement agent has attended a minimum of one training session conducted by an agent of the Department. Prior to conducting a Standard Compliance Inspection, the Department will notify the Contractor of all Contractor agents authorized to conduct Standard Compliance Inspections. Upon execution of this Agreement, the Department and Contractor will schedule training at a reasonable time to enable the performance of this Agreement.
- C. Inspections: The Contractor shall conduct one Standard Compliance Inspection annually for each alcoholic liquor license in Addendum 1.
- D. Contractor shall conduct Standard Compliance Inspections to monitor violations listed in Addendum 2. Agent of the Contractor shall sign Part 11 of Addendum 2 as "Local liquor control agent".
- E. Upon completion of the Standard Compliance Inspection, the Contractor shall enter the inspection results into the Department internet based reporting portal and/or submit to Department in writing a completed LC-13 liquor inspection report (Addendum 2) within ten (10) business days of completing the Standard Compliance Inspection. Contractor is required to enter/submit one inspection report annually for each license holder listed in Addendum 1. Inspection reports shall be electronically mailed to an address to be determined by the Department. Contractor shall return the full subsidy per license holder (\$75) for each report not submitted or entered or Department will debit the amount from next fiscal year's payment.

- F. Contractor shall make the inspecting agent available for Department questioning and testimony at an evidentiary hearing before the Illinois Liquor Control Commission if such a hearing becomes necessary as a result of the Standard Compliance Inspection.
- G. The Contractor is required to show proof of insurance meeting the requirements in section "12. Liability and Insurance" of this contract. If during the contract time period the proof of insurance document provided expires, the Contractor will provide updated proof of insurance.
- H. Request for payment for services will be made by the Department immediately after the Contractor's scheduled training has been completed or upon contract execution if the Contractor has been previously trained.
- i) Permissible expenditures of the payment include but are not limited to: payroll and payroll related expenses incurred by individuals conducting work related to the requirements with the individuals including Administrative staff, enforcement officers; travel related expenses including vehicle costs/maintenance; training costs for officers; purchase of meal allowances; software and/or equipment purchase for training; equipment purchases for inspections; and educational and/or training materials to supplement Inspection Training Guidance Manual. Questions regarding acceptable expenditures should be directed to Sean O'Leary, Department of Revenue.
 - ii) Funds must be expended by June 30, 2017.
 - iii) Any funds not expended by June 30, 2017 shall be returned to the Department within 45 days.

2. PAYMENT FOR SERVICES

The amount payable for the services rendered shall be \$75 per each retail alcoholic liquor license (See Addendum 1.) No other charge by the Contractor may be paid for services rendered under this agreement without the written approval of the Department.

3. REIMBURSEMENT FOR EXPENSES

The Contractor will not be eligible for reimbursement by the Department of any additional expenses that the Contractor accrues in performance of this Agreement.

4. GEOGRAPHIC AREA SERVED

The Contractor shall accept assignments within the following geographic area: State of Illinois: **City limits of Galena.**

5. DURATION OF AGREEMENT

This agreement shall begin on the date of execution, and remain in effect until **June 30, 2017.** No payment shall be made for services rendered prior to the effective date of this agreement.

6. TERMINATION

Each party reserves the right to terminate this contract at any time on 30 days written notice to the other party. In the event of default or non-compliance with the terms of this contract, it may be terminated immediately. In the event

of termination, the Department shall not be liable for amounts other than payments for services hereunder which have accrued up to the date of termination.

7. TAX LAW COMPLIANCE

This contract is expressly conditioned upon the Contractor being and at all time remaining in compliance with all Illinois tax laws. The Department reserves the right to conduct tax law compliance checks to determine that the Contractor is in compliance with all Illinois tax laws. In the event the Department determines that the Contractor is not in compliance with all Illinois tax laws, this contract may be terminated immediately at the Department's option.

8. VOUCHERS

The Department shall submit, on behalf of the Contractor, vouchers for payments under this agreement monthly, semi-annually, or annually; the Contractor shall account for the completion of work on such forms and under such procedures as are required by the Department. Vouchers submitted more than thirty (30) days following termination of this agreement or later than thirty (30) days following the end of the fiscal year (June 30, 2017), will not be honored by the Department.

9. EMPLOYMENT STATUS

Contractor acknowledges that for purposes of the Illinois Pension Code, the State Employees' Group Insurance Program and other benefits provided to persons who are on the regular payroll of the State, the services rendered pursuant to this agreement are not rendered as an employee of the State and amounts paid pursuant to this agreement do not constitute compensation paid to an employee for such purposes.

10. LAWS OF ILLINOIS

This contract shall be governed by Illinois law and administrative rule including the Standard Procurement Rules. Any claim against the State arising out of this contract must be filed exclusively with the Illinois Court of Claims, or if jurisdiction is not accepted, then with the appropriate state or federal court located in Sangamon County, Illinois (705 ILCS 505/1).

11. CONFIDENTIALITY

A. CONFIDENTIALITY OF TAX RETURN INFORMATION. Services provided to the Department by Vendor may require Vendor to have access to and use of documents and data which may contain tax return information. Tax returns and tax return information are confidential and may not be disclosed under Illinois or federal law, including, but not limited to, 35 ILCS 5/917, 35 ILCS 120/11, 26 U.S.C. 7213, and 26 U.S.C. 7431. These statutes provide for the imposition of criminal penalties for improper disclosure of confidential tax return information. Vendor agrees that it shall keep confidential all tax returns and tax return information that it accesses and uses in performance of its services to the Department and will not provide it to any third party unless approved in writing by the Department. Vendor agrees to protect such information from unauthorized disclosure by it and its employees and by its corporate affiliates and their employees and to strictly limit access to such information to its personnel who require said information to perform their duties. Vendor further agrees to inform its personnel having access to such information of the confidential and statutorily protected nature of tax information

and of the penalties associated with improper use or disclosure of such information.

B. CONFIDENTIALITY OF PROCESSES AND PROCEDURES. Services provided to the Department by Vendor may require Vendor to have access to and use of processes and procedures employed by the Department in its administration of the Illinois tax acts. These processes and procedures are the property of the Department and are highly confidential. Vendor agrees that it shall keep confidential any and all information concerning such systems, processes, and procedures and will not provide it to any third party. Vendor further agrees to protect such information from unauthorized disclosure by Vendor and its employees and by Vendor's corporate affiliates and their employees and to strictly limit access to such information to its personnel who require said information to perform their duties.

12. LIABILITY AND INSURANCE

The State does not assume any liability for acts or omissions of Contractor and such liability rests solely with Contractor. The State is unable to indemnify or hold harmless any contractor for claims based on the State's use of the contractor provided goods and services including software. Any liability for damages that the State might have is expressly limited by and subject to the provisions of the Illinois Court of Claims Act and to the availability of suitable appropriations. Contractor shall carry public liability, casualty and auto insurance in sufficient amount to protect the State from liability for acts of Contractor. Minimum acceptable coverage for bodily injury shall be \$250,000 per person and \$500,000 per occurrence and for property damage, \$100,000 per occurrence. Contractor shall carry Worker's Compensation Insurance in amount required by law.

If risk of loss transfers before delivery and installation at State's site, Contractor shall procure insurance chargeable to the State to cover all reasonable risks.

The State may self-insure against any and all risks.

13. APPLICABLE LAW

This agreement and contractor's obligations and services hereunder are hereby made and must be performed in compliance with all applicable federal and state laws. This agreement shall be construed in accordance with the laws of the State of Illinois.

14. LEGAL ABILITY TO CONTRACT: Vendor certifies it is under no legal prohibition on contracting with the State of Illinois, has no known conflicts of interest and further specifically certifies that:

A. Vendor, its employees and subcontractors will comply with applicable provisions of the U.S. Civil Rights Act, Section 504 of the Federal Rehabilitation Act, the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) and applicable rules in performance under this Contract.

B. Vendor is not in default on an educational loan (5 ILCS 385/3).

- C. Vendor (if an individual, sole proprietor, or partner) has informed the director of the Agency in writing if he/she was formerly employed by that agency and has received an early retirement incentive prior to 1993 under Section 14-108.3 or 16-133.3 of the Illinois Pension Code, 40 ILCS 5/14-108.3 and 40 ILCS 5/16-133.3, and acknowledges that contracts made without the appropriate filing with the Auditor General are not payable from the "contractual services" or other appropriation line items. Vendor has not received an early retirement incentive on or after 2002 under Section 14-108.3 or 16-133.3 of the Illinois Pension Code, 40 ILCS 5/14-108.3 and 40 ILCS 5/16-133.3, and acknowledges that contracts in violation of Section 15a of the State Finance Act are not payable from the "contractual services" or other appropriation line items (30 ILCS 105/15a).
- D. Vendor certifies (i) that it will offer to assume the collective bargaining obligations of the prior employer, including any existing collective bargaining agreement with the bargaining representative of any existing collective bargaining unit or units performing substantially similar work to the services covered by the contract subject to its bid or offer, and (ii) that it shall offer employment to all employees currently employed in any existing bargaining unit performing substantially similar work that will be performed under this contract (30 ILCS 500/25-80).
- E. Vendor has not been convicted of bribing or attempting to bribe an officer or employee of the State of Illinois or any other State, nor has Vendor made an admission of guilt of such conduct that is a matter of record (30 ILCS 500/50-5).
- F. If Vendor has been convicted of a felony, at least five years have passed after the date of completion of the sentence for such felony, unless no person held responsible by a prosecutor's office for the facts upon which the conviction was based continues to have any involvement with the business (30 ILCS 500/50-10).
- G. If Vendor, or any officer, director, partner, or other managerial agent of Vendor, has been convicted of a felony under the Sarbanes-Oxley Act of 2002, or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953, at least five years have passed since the date of the conviction. Vendor further certifies that it is not barred from being awarded a contract and acknowledges that the State shall declare the Contract void if this certification is false (30 ILCS 500/50-10.5).
- H. Vendor and its affiliates are not delinquent in the payment of any debt to the State (or if delinquent has entered into a deferred payment plan to pay the debt), and Vendor and its affiliates acknowledge the State may declare the Contract void if this certification is false (30 ILCS 500/50-11) or if Vendor or an affiliate later becomes delinquent and has not entered into a deferred payment plan to pay off the debt (30 ILCS 500/50-60).
- I. Vendor and all affiliates shall collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with provisions of the Illinois Use Tax Act (30 ILCS 500/50-12) and acknowledges that failure to comply can result in the Contract being declared void.
- J. Vendor certifies that it has not committed a willful or knowing violation of the Environmental Protection Act (relating to Civil Penalties under the Environmental Protection Act) within the last five years, and is therefore

not barred from being awarded a contract. If the State later determines that this certification was falsely made by the Vendor, the Vendor acknowledges that the State may declare the Contract void (30 ILCS 500/50-14).

- K. Vendor has not paid any money or valuable thing to induce any person to refrain from bidding on a State contract, nor has Vendor accepted any money or other valuable thing, or acted upon the promise of same, for not bidding on a State contract (30 ILCS 500/50-25).
- L. Vendor is not in violation of the "Revolving Door" section of the Illinois Procurement Code (30 ILCS 500/50-30).
- M. Vendor will report to the Illinois Attorney General and the Chief Procurement Officer any suspected collusion or other anti-competitive practice among any bidders, offerors, contractors, proposers or employees of the State (30 ILCS 500/50-40, 50-45, 50-50).
- N. In accordance with the Steel Products Procurement Act, steel products used or supplied in the performance of a contract for public works shall be manufactured or produced in the United States, unless the executive head of the procuring agency grants an exception (30 ILCS 565).
- O. Vendor will, pursuant to the Drug Free Workplace Act, provide a drug free workplace and Vendor and its employees shall not engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance during the performance of the Contract. This certification applies to contracts of \$5000 or more with individuals; and to entities with 25 or more employees (30 ILCS 580).
- P. Neither Vendor nor any substantially owned affiliate is participating or shall participate in an international boycott in violation of the U.S. Export Administration Act of 1979 or the applicable regulations of the U.S. Department of Commerce. This certification applies to contracts that exceed \$10,000 (30 ILCS 582).
- Q. Vendor has not been convicted of the offense of bid rigging or bid rotating or any similar offense of any state or of the United States (720 ILCS 5/33 E-3, E-4).
- R. Vendor complies with the Illinois Department of Human Rights Act and rules applicable to public contracts, including equal employment opportunity, refraining from unlawful discrimination, and having written sexual harassment policies (775 ILCS 5/2-105).
- S. Vendor does not pay dues to, or reimburse or subsidize payments by its employees for any dues or fees to any "discriminatory club" (775 ILCS 25/2).
- T. Vendor complies with the State Prohibition of Goods from Forced Labor Act, and certifies that no foreign-made equipment, materials, or supplies furnished to the State under the Contract have been or will be produced in whole or in part by forced labor, or indentured labor under penal sanction (30 ILCS 583).

- U. Vendor certifies that no foreign-made equipment, materials, or supplies furnished to the State under the Contract have been produced in whole or in part by the labor or any child under the age of 12 (30 ILCS 584).
- V. Vendor certifies that it is not in violation of Section 50-14.5 of the Illinois Procurement Code (30 ILCS 500/50-14.5) that states: "Owners of residential buildings who have committed a willful or knowing violation of the Lead Poisoning Prevention Act (410 ILCS 45) are prohibited from doing business with the State until the violation is mitigated".
- W. Vendor warrants and certifies that it and, to the best of its knowledge, its subcontractors have and will comply with Executive Order No. 1 (2007). The Order generally prohibits Vendors and subcontractors from hiring the then-serving Governor's family members to lobby procurement activities of the State, or any other unit of government in Illinois including local governments if that procurement may result in a contract valued at over \$25,000. This prohibition also applies to hiring for that same purpose any former State employee who had procurement authority at any time during the one-year period preceding the procurement lobbying activity.
- X. In accordance with Public Act 095-0307, all information technology, including electronic information, software, systems and equipment, developed or provided under this contract must comply with the applicable requirements of the Illinois Information Technology Accessibility Act Standards as published at www.dhs.state.il.us/iitaa.
- Y. Vendor has disclosed if required, on forms provided by the State, and agrees it is under a continuing obligation to disclose to the State, financial or other interests (public or private, direct or indirect) that may be a potential conflict of interest or which would prohibit Vendor from having or continuing the Contract. This includes, but is not limited to conflicts under the "Infrastructure Task Force Fee Prohibition" section of the State Finance Act (30 ILCS 105/8.40), Article 50 of the Illinois Procurement Code (30 ILCS 500/50), or those which may conflict in any manner with the Vendor's obligation under this Contract. Vendor shall not employ any person with a conflict to perform under this Contract. If any elected or appointed State officer or employee, or the spouse or minor child of same has any ownership or financial interest in the Vendor or the Contract, Vendor certifies it has disclosed that information to the State if required, on forms provided by the State, and any waiver of the conflict has been issued in accordance with applicable law and rule. A waiver is required if:
- a) the person intending to contract with the State, their spouse or child: (i) holds an elective office in Illinois; (ii) holds a seat in the Illinois General Assembly; (iii) is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority; or holds an appointed position or is employed in any of the offices or agencies of the State government and who receives compensation for such employment in excess of 60% of the salary of the Governor (currently \$106,447.20). (The conflict of interest threshold of 60% of the Governor's salary set forth in Section 50-13 does not apply to elective office holders, legislators, and officers or employees of the Capital Development Board or the Illinois Toll Highway Authority.);
 - b) the contract is with a firm, partnership, association or corporation in which a person referenced in a) above receives more

than 7.5% of the total distributable income or an amount in excess of the salary of the Governor (currently \$177,412.00).

c) the contract is with a firm, partnership, association or corporation in which a person referenced in b) above, together with their spouse or minor child, receives more than 15% in the aggregate of the total distributable income or an amount in excess of 2 times the salary of the Governor (currently \$354,824.00) from the firm, partnership, association or corporation.

Z. Vendor, as defined in Public Act 95-971, certifies that it has read, understands, and is in compliance with the Act and will not make a contribution that will violate the Act. In general, Public Act 95-0971 contains new registration and reporting requirements for certain Vendors, as well as limitations on political contributions by certain Vendors and their affiliates. These requirements shall be effective for the duration of the term of office of the incumbent Governor or for a period of 2 years after the end of the contract term, whichever is longer.

Vendor certifies, in accordance with Public Act 95-971, as applicable:

Vendor is not required to register as a business entity with the State Board of Elections.

or

Vendor has registered as a business entity with the State Board of Elections and acknowledges a continuing duty to update the registration as required by the Act. A copy of the certificate of registration is attached.

Vendor acknowledges that the State may declare this Contract void without any additional compensation due to the Vendor if this foregoing certification is false or if the Vendor (or any of its Affiliated Persons or Entities) engages in conduct that violates Public Act 95-0971.

15. BACKGROUND CHECK

The State may conduct criminal and driver history background checks of VENDOR'S officers, employees or agents who would directly supervise or physically perform the CONTRACT requirements at State facilities. Any such officer, employee or agent deemed unsuitable by the State must be replaced immediately.

16. AVAILABILITY OF APPROPRIATIONS (30 ILCS 500/20-60)

The DEPARTMENT shall use its best efforts to secure sufficient appropriations to fund this CONTRACT. However, the DEPARTMENT'S obligations hereunder shall cease immediately, without penalty or further payment being required, if the Illinois General Assembly or federal funding source fails to make an appropriation sufficient to pay such obligation. The DEPARTMENT shall determine whether amounts appropriated are sufficient. DEPARTMENT shall give CONTRACTOR notice of insufficient funding as soon as practicable. DEPARTMENT'S obligation to perform shall cease upon receipt of the notice.

17. SOLICITATION AND EMPLOYMENT

VENDOR shall not employ any person employed by the DEPARTMRNT at any time during the term of this CONTRACT to perform any work required by the terms of this

CONTRACT. As a condition of this CONTRACT, the VENDOR shall give notice immediately to the DEPARTMENT'S director if VENDOR solicits or intends to solicit for employment any of the DEPARTMENT'S employees during the term of this CONTRACT. DEPARTMENT has no authority to contractually refuse to hire VENDOR'S employees who apply to the State for employment.

18. FISCAL FUNDING

Obligations of the State will cease immediately without penalty of further payment being required if in any fiscal year the Illinois General Assembly funding source fails to appropriate or otherwise make available sufficient funds for this agreement.

19. SUBCONTRACTING AND ASSIGNMENTS

Subcontracting, assignment or transfer of all or part of the interests of contractor in the work covered by this agreement shall be prohibited without prior written consent of the Department. In the event the Department gives such consent, the terms and conditions of this agreement shall apply to and bind the party or parties to whom such work is subcontracted, assigned, or transferred as fully and completely as Contractor is hereby bound and obligated. Any contract with a subcontractor shall provide that the subcontractor shall maintain, for a minimum of five (5) years after the completion of the subcontract, adequate books, records and supporting documents to verify the amounts, recipients, and uses of all disbursements of funds passing in conjunction with the contract and that the Department of Revenue and Auditor General shall have the right to audit the books, records and supporting documents of any subcontractor within said five (5) year period. The contract shall also provide, that the subcontractor will fully cooperate with the Department or Auditor General during the course of any audit.

20. BREACH

Failure of Contractor to perform as specified is cause for immediate termination of the contract at the option of the department, without limitation upon any other relief available to the department.

21. RIGHT TO AUDIT

The Contractor is required to permit the Department, the Auditor General, or the Attorney General to inspect and audit any books, records, or papers related to the program, project, or use of which grant funds were provided.

AUDIT/RETENTION OF RECORDS (30 ILCS 500/20-65): Contractor and its subcontractors shall maintain books and records relating to the performance of the contract or subcontract and necessary to support amounts charged to the State under the contract or subcontract. Books and records, including information stored in databases or other computer systems, shall be maintained by the Contractor for a period of three years from the later of the date of final payment under the contract or completion of the contract, and by the subcontractor for a period of three years from the later of final payment under the term or completion of the subcontract. If federal funds are used to pay contract costs, the Contractor and its subcontractors must retain its records for five years. Books and records required to be maintained under this section shall be available for review or audit by representatives of: the procuring Agency, the Auditor General, the Executive Inspector General, the Chief Procurement Officer, State

of Illinois internal auditors or other governmental entities with monitoring authority, upon reasonable notice and during normal business hours. Contractor and its subcontractors shall cooperate fully with any such audit and with any investigation conducted by any of these entities. Failure to maintain books and records required by this section shall establish a presumption in favor of the State for the recovery of any funds paid by the State under the contract for which adequate books and records are not available to support the purported disbursement. The Contractor or subcontractors shall not impose a charge for audit or examination of the Contractor's books and records.

"The Contractor certifies under oath that all information in the grant agreement is true and correct to the best of the Contractor's knowledge, information, and belief; that the funds shall be used only for the purposes described in the grant agreement; and that the award of the grant funds is conditioned upon such certification."

Executed this _____ day of _____, 20_____.

Contractor

Manager, Department of Revenue

Contractor, (printed name)

Ivan Fernandez
Manager, Department of Revenue
(printed name)

Title

Date

Date

Director, Department of Revenue

Printed Name

Date

TAXPAYER IDENTIFICATION NUMBER

I certify that:

- 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- 3. I am a U.S. person (including a U.S. resident alien).

- *If you are an individual, enter your name and SSN as it appears on your Social Security Card.*
- *If you are a sole proprietor, enter the owner's name on the name line followed by the name of the business and the owner's SSN or EIN.*
- *If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's name on the name line and the d/b/a on the business name line and enter the owner's SSN or EIN.*
- *If the LLC is a corporation or partnership, enter the entity's business name and EIN and for corporations, attach IRS acceptance letter (CP261 or CP277).*
- *For all other entities, enter the name of the entity as used to apply for the entity's EIN and the EIN.*

Name:

Business Name: City of Galena

Tax Exemption Identification Number: E9996-1725-07

Social Security Number

or

Employer Identification Number:

Legal Status (check one):

- | | |
|--|---|
| <input type="checkbox"/> Individual | <input checked="" type="checkbox"/> Governmental |
| <input type="checkbox"/> Sole Proprietor | <input type="checkbox"/> Nonresident alien |
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Estate or trust |
| <input type="checkbox"/> Legal Services Corporation | <input type="checkbox"/> Pharmacy (Non-Corp.) |
| <input type="checkbox"/> Tax-exempt | <input type="checkbox"/> Pharmacy/Funeral Home/Cemetery (Corp.) |
| <input type="checkbox"/> Corporation providing or billing
medical and/or health care services | <input type="checkbox"/> Limited Liability Company (select applicable tax classification) |
| <input type="checkbox"/> Corporation NOT providing or billing
medical and/or health care services | <input type="checkbox"/> D = disregarded entity |
| | <input type="checkbox"/> C = corporation |
| | <input type="checkbox"/> P = partnership |

Signature: _____

Date: _____

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Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
ANGER, RICK (120315)							
101016	1	Invoice	TRAFFIC CONTROL COU	10/10/2016	105.00		01.21.540.01
Total ANGER, RICK (120315):					105.00		
AT & T (LOCAL) (103)							
101516	1	Invoice	POOL/PHONE	10/15/2016	32.67		59.55.552.00
101516	2	Invoice	PUBLIC WORKS/PHONE	10/15/2016	48.05		01.41.552.00
101516	3	Invoice	FIRE DEPARTMENT/PHO	10/15/2016	25.46		22.22.552.00
101516	4	Invoice	EMS/PHONE	10/15/2016	32.67		12.10.552.00
101516	5	Invoice	POLICE/PHONE	10/15/2016	621.07		01.21.552.00
101516	6	Invoice	FIRE DEPARTMENT/PHO	10/15/2016	32.46		22.22.552.00
101516	7	Invoice	FINANCE/PHONE	10/15/2016	354.29		01.13.552.00
101516	8	Invoice	FLOOD CONTROL/PHON	10/15/2016	32.67		20.25.515.00
101516	9	Invoice	FINANCE/PHONE	10/15/2016	119.53		01.13.552.00
Total AT & T (LOCAL) (103):					1,298.87		
AT & T LONG DISTANCE (119065)							
101516	1	Invoice	PUBLIC WORKS/LONG DI	10/15/2016	.18		01.41.552.00
101516	2	Invoice	FIRE DEPARTMENT/LON	10/15/2016	.19		22.22.552.00
101516	3	Invoice	POLICE/LONG DISTANCE	10/15/2016	7.51		01.21.552.00
101516	4	Invoice	ADMINISTRATION/LONG	10/15/2016	53.87		01.13.552.00
Total AT & T LONG DISTANCE (119065):					61.75		
BONNELL INDUSTRIES INC. (854)							
0170387	1	Invoice	BARRICADES	10/06/2016	375.24		01.41.652.04
Total BONNELL INDUSTRIES INC. (854):					375.24		
BROUGHTON AUTO REPAIR (120279)							
13177	1	Invoice	TOWING CARS FOR EXT	09/21/2016	180.00		22.22.929.00
Total BROUGHTON AUTO REPAIR (120279):					180.00		
BUSINESS TELEPHONE SUPPLY (453)							
995837	1	Invoice	PHONE SYSTEM MAINTE	10/11/2016	191.48		01.13.511.01
Total BUSINESS TELEPHONE SUPPLY (453):					191.48		
CARD SERVICE CENTER (119840)							
101516	1	Invoice	LED LIGHTS	10/15/2016	108.35		01.13.511.02
101516	2	Invoice	SUPPLIES	10/15/2016	1,447.44		01.13.511.06
101516	3	Invoice	OFFICE SUPPLIES	10/15/2016	140.93		01.13.651.02
101516	4	Invoice	JANITOR SUPPLIES	10/15/2016	66.39		01.13.654.00
101516	5	Invoice	TRAINING	10/15/2016	450.00		01.14.563.00
101516	6	Invoice	CREATIVE CLOUD	10/15/2016	21.24		01.16.563.00
101516	7	Invoice	OFFICE SUPPLIES/POLIC	10/15/2016	259.39		01.21.651.00
101516	8	Invoice	TRAIL CAMERAS	10/15/2016	275.90		01.21.652.03
101516	9	Invoice	FLAG POLE	10/15/2016	1,236.40		01.41.929.00
101516	10	Invoice	TRAINING	10/15/2016	39.00		01.46.563.00
101516	11	Invoice	ELECTRIC VEHICLE	10/15/2016	649.00		51.42.831.01
101516	12	Invoice	SUPPLIES	10/15/2016	170.26		51.42.929.00

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
101516	13	Invoice	SUPPLIES	10/15/2016	13.99		58.54.654.01
101516	14	Invoice	JUNIOR LIFE SAVING BO	10/15/2016	26.91		59.55.563.00
101516	15	Invoice	SUPPLIES	10/15/2016	28.16		59.55.652.04
101516	16	Invoice	SUPPLIES	10/15/2016	186.28		58.54.532.00
Total CARD SERVICE CENTER (119840):					5,119.64		
CUB SCOUT PACK 93 (119712)							
101316	1	Invoice	COUNTRY FAIR PARKIN	10/13/2016	1,200.00		01.13.911.00
Total CUB SCOUT PACK 93 (119712):					1,200.00		
DOIG, KATHLEEN (119339)							
102416	1	Invoice	MARKET HOUSE RESTR	10/24/2016	225.00		01.13.511.06
Total DOIG, KATHLEEN (119339):					225.00		
GALENA ARC (850)							
102116	1	Invoice	HAHN COUNCIL SALARY	10/21/2016	100.00		01.11.432.00
Total GALENA ARC (850):					100.00		
GALENA CHRYSLER (82)							
64830	1	Invoice	SQUAD 2 MAINTENANCE	09/09/2016	200.21		01.21.513.06
64844	1	Invoice	SQUAD 5 MAINTENANCE	09/12/2016	29.86		01.21.513.06
Total GALENA CHRYSLER (82):					230.07		
GALL'S, INC. (712)							
006178260	1	Invoice	UNIFORMS/TONY	10/04/2016	31.51		01.21.471.15
Total GALL'S, INC. (712):					31.51		
GHS AFTER PROM (750)							
101316	1	Invoice	COUNTRY FAIR PARKIN	10/13/2016	410.00		01.13.911.00
Total GHS AFTER PROM (750):					410.00		
GHS KEY CLUB (120311)							
101716	1	Invoice	COUNTRY FAIR PARKIN	10/17/2016	420.00		01.13.911.00
Total GHS KEY CLUB (120311):					420.00		
GHS MUSIC BOOSTERS (119711)							
101316	1	Invoice	COUNTRY FAIR PARKIN	10/13/2016	4,108.00		01.13.911.00
Total GHS MUSIC BOOSTERS (119711):					4,108.00		
GLOBAL REACH INTERNET PROD. (119792)							
78126	1	Invoice	WEBSITE HOSTING FEE	09/01/2016	155.00		01.13.512.05
Total GLOBAL REACH INTERNET PROD. (119792):					155.00		

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
GOLDEN, TOM (P.E.) (119801)							
101316	1	Invoice	DESIGN	10/13/2016	500.00		51.42.512.00
Total GOLDEN, TOM (P.E.) (119801):					500.00		
GUY'S TRUCK & TRACTOR SERVICE (119033)							
GWI007649	1	Invoice	REPAIRS ENGINE 113	10/07/2016	749.72		22.22.613.00
GWI007680	1	Invoice	2011 INTERNATIONAL	10/13/2016	1,028.88		01.41.613.06
Total GUY'S TRUCK & TRACTOR SERVICE (119033):					1,778.60		
HALSTEAD, MARY L. (119966)							
102416	1	Invoice	CITY HALL JANITOR	10/24/2016	240.00		01.13.511.07
102416	2	Invoice	PUBLIC RESTROOMS AT	10/24/2016	225.00		01.13.511.08
102416	3	Invoice	PARKS RESTROOMS	10/24/2016	675.00		17.52.422.00
Total HALSTEAD, MARY L. (119966):					1,140.00		
HD SUPPLY WATERWORKS, LTD. (119090)							
G240977	1	Invoice	PRAIRIE RIDGE METER	10/13/2016	3,627.87		51.42.929.00
Total HD SUPPLY WATERWORKS, LTD. (119090):					3,627.87		
HEALTHCARE SERVICE CORPORATION (118931)							
100116	1	Invoice	HSA/FAMILY/EMPLOYEE	10/01/2016	4,361.00		01.218.0
100116	2	Invoice	PPO/BLUE CROSS BLUE	10/01/2016	396.00		01.218.0
100116	3	Invoice	HEALTH INSURANCE	10/01/2016	29,833.18		01.13.451.00
100116	4	Invoice	W/BBLUE CROSS/BLUE S	10/01/2016	1,014.15		78.32.464.02
Total HEALTHCARE SERVICE CORPORATION (118931):					35,604.33		
HYDE, MARY BETH (101)							
082416	1	Invoice	TRAVEL REIMBURSEME	08/24/2016	78.04		01.14.562.00
101816	1	Invoice	TRAVEL REIMBURSEME	10/18/2016	700.92		01.14.562.00
Total HYDE, MARY BETH (101):					778.96		
IL ENVIRON. PROTECT. AGENCY (119041)							
091316	1	Invoice	TOWER LOAN	09/13/2016	63,218.36		51.42.716.00
091316	2	Invoice	TOWER LOAN	09/13/2016	17,829.93		51.42.720.01
Total IL ENVIRON. PROTECT. AGENCY (119041):					81,048.29		
JDWI (235)							
41268	1	Invoice	SR. VAN SERVICES	09/30/2016	833.00		01.13.542.00
Total JDWI (235):					833.00		
JO CARROLL ENERGY, INC. (397)							
101516	1	Invoice	ELECTRIC (STREET LIGH	10/15/2016	542.83		15.41.572.00
101516	2	Invoice	PUBLIC WORKS/ELECTRI	10/15/2016	385.83		01.41.571.01
101516	3	Invoice	PARKS/ELECTRIC	10/15/2016	215.52		17.52.571.01
101516	4	Invoice	FIRE/ELECTRIC	10/15/2016	71.16		22.22.576.01
101516	5	Invoice	POOL	10/15/2016	186.88		59.55.571.01

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
Total JO CARROLL ENERGY, INC. (397):					1,402.22		
JODAVIESS CTY CIRCUIT CLERK (119752)							
090216	1	Invoice	RECORDING FEES	09/02/2016	85.00		01.14.553.00
100416	1	Invoice	RECORDING FEES	10/04/2016	52.00		01.14.553.00
Total JODAVIESS CTY CIRCUIT CLERK (119752):					137.00		
KERN, DAVE (120314)							
101016	1	Invoice	TRAFFIC CONTROL CO	10/10/2016	203.00		01.21.540.01
Total KERN, DAVE (120314):					203.00		
KUHN, BRIAN (236)							
101916	1	Invoice	CLOTHING	10/19/2016	196.18		01.41.471.09
Total KUHN, BRIAN (236):					196.18		
LAWSON PRODUCTS, INC. (627)							
9304431620	1	Invoice	SUPPLIES	10/11/2016	264.60		01.41.652.00
Total LAWSON PRODUCTS, INC. (627):					264.60		
LEIBOLD AUTO CENTER OF GALENA (943)							
24917	1	Invoice	REPAIRS	09/29/2016	110.49		22.22.613.00
Total LEIBOLD AUTO CENTER OF GALENA (943):					110.49		
LEXISNEXIS RISK SOLUTIONS (376)							
1343164-201	1	Invoice	INVESTIGATION PROGR	09/30/2016	30.50		01.21.652.03
Total LEXISNEXIS RISK SOLUTIONS (376):					30.50		
MCFADDEN, JOHN (120313)							
101016	1	Invoice	TRAFFIC CONTROL COU	10/10/2016	203.00		01.21.540.01
Total MCFADDEN, JOHN (120313):					203.00		
MEDICAL ASSOCIATES CLINIC (1120)							
33919	1	Invoice	CDL PHYSICAL	10/01/2016	111.00		01.41.563.00
Total MEDICAL ASSOCIATES CLINIC (1120):					111.00		
MIDWEST BUSINESS PRODUCTS (38)							
336617	1	Invoice	COPIER	10/13/2016	419.94		01.21.512.03
Total MIDWEST BUSINESS PRODUCTS (38):					419.94		
MONTGOMERY TRUCKING (133)							
147073	1	Invoice	DUMPSTER RENTAL	10/01/2016	45.00		22.22.929.00
Total MONTGOMERY TRUCKING (133):					45.00		

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
MOTOROLA SOLUTIONS - STARCOM (119812)							
2573183120	1	Invoice	MONTHLY RATE FOR ST	10/01/2016	10.00		01.21.549.00
Total MOTOROLA SOLUTIONS - STARCOM (119812):					10.00		
OPENING SPECIALISTS, INC. (119959)							
71434	1	Invoice	LOCK REPLACEMENT	10/12/2016	1,765.15		58.54.511.00
Total OPENING SPECIALISTS, INC. (119959):					1,765.15		
QUILL CORP. (686)							
9663515	1	Invoice	OFFICE SUPPLIES/POLIC	09/30/2016	50.97		01.21.651.00
9663515	2	Invoice	OFFICE SUPPLIES/POLIC	09/30/2016	35.99		01.21.651.00
9663515	3	Invoice	OFFICE SUPPLIES/POLIC	09/30/2016	39.98		01.21.652.03
9701531	1	Invoice	OFFICE SUPPLIES/POLIC	10/04/2016	39.98		01.21.651.00
Total QUILL CORP. (686):					94.94		
RUNDE AUTO GROUP (120009)							
083016	1	Invoice	NEW TRUCK	08/30/2016	25,302.00		01.41.840.01
Total RUNDE AUTO GROUP (120009):					25,302.00		
SANDRY FIRE SUPPLY, L.L.C. (118920)							
51570	1	Invoice	NEW HOSE ENGINE 111	09/20/2016	3,716.46		22.22.840.00
Total SANDRY FIRE SUPPLY, L.L.C. (118920):					3,716.46		
SCHULTZ, MARLO (1252)							
101916	1	Invoice	GRANT PARK SEEDING	10/19/2016	52.50		17.52.820.06
Total SCHULTZ, MARLO (1252):					52.50		
SINAGRA, KEVIN (120196)							
101916	1	Invoice	CLOTHING REIMBURSE	10/19/2016	265.80		01.41.471.09
Total SINAGRA, KEVIN (120196):					265.80		
STEPHENSON SERVICE CO. (119230)							
093016	1	Invoice	FUEL	09/30/2016	570.21		01.41.655.00
Total STEPHENSON SERVICE CO. (119230):					570.21		
STRONG, MATT (120312)							
101216	1	Invoice	CANCELLATION/RENT/D	10/12/2016	1,800.00		58.54.929.00
Total STRONG, MATT (120312):					1,800.00		
SUPERIOR WELDING SUPPLY (181)							
L4331677	1	Invoice	WELDING SUPPLIES	10/01/2016	200.00		01.41.652.02
Total SUPERIOR WELDING SUPPLY (181):					200.00		

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
TOP NOTCH PLUMBING, HEATING (625)							
107323	1	Invoice	GREASE TRAP CLEANIN	09/30/2016	669.29		58.54.511.00
107360	1	Invoice	ELECTRIC CHARGE STA	10/04/2016	467.45		51.42.831.01
107378	1	Invoice	EV CHARGER	10/05/2016	400.00		01.45.532.00
Total TOP NOTCH PLUMBING, HEATING (625):					1,536.74		
TOTALFUNDS BY HASLER (119730)							
101516	1	Invoice	POSTAGE	10/15/2016	542.38		01.13.551.00
TOTALFUNDS BY HASLER (119730):					542.38		
TRI-STATE APPAREL (120154)							
116529	1	Invoice	COUNTRY FAIR SIGN	10/04/2016	5.00		01.13.911.00
Total TRI-STATE APPAREL (120154):					5.00		
TRI-STATE PORTA POTTY, INC. (908)							
2612	1	Invoice	PORTA POTTY RENTAL	10/11/2016	95.00		22.22.652.00
5540	1	Invoice	PORTA POTTY RENTAL	10/11/2016	95.00		22.22.652.00
5549	1	Invoice	PARKS/PORTA POTTY	10/11/2016	95.00		17.52.579.01
6220	1	Invoice	PORTA POTTY RENTAL	10/11/2016	95.00		22.22.652.00
Total TRI-STATE PORTA POTTY, INC. (908):					380.00		
UPS STORE GALENA, THE (1260)							
100716	1	Invoice	POSTAGE	10/07/2016	12.95		01.21.551.00
Total UPS STORE GALENA, THE (1260):					12.95		
VERIZON WIRELESS (316)							
101516	1	Invoice	FIRE DEPARTMENT/VERI	10/15/2016	76.02		22.22.655.00
101516	2	Invoice	VERIZON JET PACK FOR	10/15/2016	38.03		01.21.652.03
101516	3	Invoice	PAY & DISPLAY	10/15/2016	25.09		01.21.537.00
Total VERIZON WIRELESS (316):					139.14		
WAHLERS, DALE (120316)							
301026	1	Invoice	FLAGS FOR DOWNTOWN	10/16/2016	431.95		01.41.652.00
Total WAHLERS, DALE (120316):					431.95		
WAL-MART COMMUNITY (CC) (1258)							
101516	1	Invoice	MARKET HOUSE RESTR	10/15/2016	18.44		01.13.511.06
101516	2	Invoice	SUPPLIES	10/15/2016	25.94		01.21.513.06
101516	3	Invoice	OFFICE SUPPLIES	10/15/2016	120.66		01.21.651.00
101516	4	Invoice	SUPPLIES	10/15/2016	46.24		01.21.652.02
101516	5	Invoice	SUPPLIES	10/15/2016	23.81		01.21.655.00
101516	6	Invoice	MISC.	10/15/2016	54.52		01.41.652.00
101516	7	Invoice	OFFICE SUPPLIES	10/15/2016	35.78		58.54.654.01
101516	8	Invoice	SUPPLIES	10/15/2016	41.62		01.21.652.03
Total WAL-MART COMMUNITY (CC) (1258):					367.01		

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
WEBER PAPER COMPANY (40)							
D015873	1	Invoice	SUPPLIES/RESTROOM	10/10/2016	506.61		01.13.511.06
Total WEBER PAPER COMPANY (40):					506.61		
WEX BANK (119104)							
101516	1	Invoice	PUBLIC WORKS-GAS	10/15/2016	1,289.30		01.41.655.00
101516	2	Invoice	PARKS-GAS	10/15/2016	232.44		17.52.655.03
101516	3	Invoice	POLICE-GAS	10/15/2016	1,281.94		01.21.655.00
101516	4	Invoice	BUILDING-GAS	10/15/2016	29.48		01.46.655.00
101516	5	Invoice	FIRE-GAS	10/15/2016	135.20		22.22.655.00
Total WEX BANK (119104):					2,968.36		
WHITE CONSTRUCTION CO., INC. (119359)							
102416	1	Invoice	TURNER HALL JANITORI	10/24/2016	350.00		58.54.536.00
Total WHITE CONSTRUCTION CO., INC. (119359):					350.00		
ZARNOTH BRUSH WORKS INC. (212)							
0161915	1	Invoice	SWEEPER	09/29/2016	128.25		01.41.613.11
Total ZARNOTH BRUSH WORKS INC. (212):					128.25		
Grand Totals:					183,790.99		

Report GL Period Summary

Vendor number hash: 3850082
 Vendor number hash - split: 7210281
 Total number of invoices: 67
 Total number of transactions: 118

Terms Description	Invoice Amount	Net Invoice Amount
Open Terms	183,790.99	183,790.99
Grand Totals:	183,790.99	183,790.99