



City of Galena, Illinois

AGENDA

REGULAR CITY COUNCIL MEETING

MONDAY, DECEMBER 12, 2016

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

ITEM	DESCRIPTION
16C-0494.	Call to Order by Presiding Officer
16C-0495.	Roll Call
16C-0496.	Establishment of Quorum
16C-0497.	Pledge of Allegiance
16C-0498.	Reports of Standing Committees
16C-0499.	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 CA16-23

ITEM	DESCRIPTION	PAGE
16C-0500.	Approval of the Minutes of the Regular City Council Meeting of November 28, 2016	5-10

CONSENT AGENDA CA16-23

ITEM	DESCRIPTION	PAGE
16C-0501.	Approval of Budget Amendment BA17-06 for Electronic Filing Fees and Park Fund Deficit Transfer	11-12
16C-0502.	Approval of an Agreement with Jo Daviess County Country Fair Charities, Inc. for the Use of Grant Park for the 2017 Country Fair, October 5-8, 2017	13-16
16C-0503.	Approval of Contract with Louie’s Trenching Service for Emergency Snow Removal Services	17

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
16C-0484.	Second Reading and Possible Approval of an Ordinance Amending Chapter 93, “Fire Prevention and Safety Requirements for Bed And Breakfast Establishments” and Chapter 112, “Bed and Breakfast Establishments” of the Code of Ordinances	18-23
16C-0487.	Second Reading and Possible Approval of an Ordinance Establishing a Travel Reimbursement Policy in Accordance with the Local Government Travel Expense Control Act	24-33
16C-0488.	Second Reading and Possible Approval of the 2016 Tax Levy Ordinance—For Taxes to be Collected in 2017	34-40

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
16C-0504.	Discussion and Possible Action on Appeal of a Decision by the Zoning Board of Appeals on Zoning Calendar No. 16S-05, a Request by Adam Johnson, Bret Terrell and Kim Eastman for a Special Use Permit to Allow Outdoor Commercial Entertaining and Commercial Animal Boarding in a Limited Agricultural District at 1141 North West Street	41-71
16C-0505.	Presentation of “Final Report to the City Council” by the 2015 Deer Committee	72-103
16C-0506.	First Reading of an Ordinance Authorizing the Sale of Certain Personal Property—The Coatsworth Property—Owned by the City of Galena	104-105

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
16C-0507.	Discussion and Possible Action on a Resolution Confirming Reservation of Funds for Phase 3 of the Galena River Trail Project	106-107
16C-0508.	First Reading of an Ordinance in Connection with Rights and Responsibilities Related to Locally Imposed and Administered Taxes of the City of Galena, Illinois	108-117
16C-0509.	Warrants	118-123
16C-0510.	Alderspersons' Comments	
16C-0511.	City Administrator's Report	
16C-0512.	Mayor's Report	
16C-0513.	Adjournment	

CALENDAR INFORMATION

BOARD/COMMITTEE	DATE	TIME	PLACE
Zoning Board of Appeals	Wed. December 14	6:30 P.M.	City Hall, 101 Green Street
City Council	Tues. December 27	6:30 P.M.	City Hall, 101 Green Street
Historic Preservation Comm.	Thurs. January 5	6:30 P.M.	City Hall, 101 Green Street

Posted: Tuesday, December 8, 2016 at 3:30 p.m. Posted By:

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 28 NOVEMBER 2016

16C-0471 – 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 28 November 2016.

16C-0472 – ROLL CALL

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

Absent: Westemeier

16C-0473 – ESTABLISHMENT OF QUORUM

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

16C-0474– PLEDGE OF ALLEGIANCE

The Pledge was recited.

16C-0475 - REPORTS OF STANDING COMMITTEE

Destination Marketing Organization – The County Board has approved the contract for the DMO. The agreement has been sent to John Hay and Craig Brown, attorney for the DMO. Nothing has been received back. The contract should be back at the city level shortly.

16C-0476 – PUBLIC COMMENTS

James Wirth, 121 S. High Street – Wirth addressed the Council with two concerns on item 16C-0484. Wirth advised he talked to Alderman Westemeier with regard to the vacation rentals. Wirth's impression is that Westemeier doesn't anticipate there will be a large volume of persons coming forward requesting an increase in the number of rentals in the downtown for overnight vacation rentals. Wirth urged the Council to look at contingencies in the event that turns out to be untrue and it turns out to be very popular. One concern is how the additional parking will be handled. If this turns out to be successful and multiple spaces are converted what would be fair in terms of how additional parking should be addressed. If a new parking structure or shuttle would be required, who would pay for that. Would it be the general taxpayers or those generating the additional need for parking? Wirth urged the City to require anyone with vacation rentals to come forward at least once per year and state their intention to renew their license.

PUBLIC HEARING

16C-0477 – PUBLIC HEARING ON THE 2016 PROPERTY TAX LEVY

Motion: Lincoln moved, seconded by Bernstein, to open the Public Hearing on the 2016 Property Tax Levy, 16C-0477.

Discussion: None.

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

The motion carried.

Testimony: None.

Motion: Lincoln moved, seconded by Bernstein, to close the Public Hearing on the 2016 Tax Levy, 16C-0477.

Discussion: None.

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

The motion carried.

CONSENT AGENDA CA16-22

16C-0478 – APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 14, 2016

16C-0479 – ACCEPTANCE OF SEPTEMBER AND OCTOBER 2016 FINANCIAL REPORTS

Motion: Kieffer moved, seconded by Hahn, to approve Consent Agenda CA16-22 with the corrections to the minutes.

Discussion: None.

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

The motion carried.

NEW BUSINESS

16C-0480– PRESENTATION OF THE FISCAL YEAR 2015-16 ANNUAL FINANCIAL REPORT BY O’CONNOR AND BROOKS

Pat McCarthy presented the Fiscal Year 2015-16 Annual Financial Report.

16C-0481 – OPENING OF BIDS AND DISCUSSION AND POSSIBLE ACTION ON THE SALE OF THE COATSWORTH PROPERTY

A bid was received from Coatsworth Associates. The bid was read aloud. The amount was \$50,000 with conditions.

Motion: Hahn moved, seconded by Kieffer, to accept the bid and direct staff to draw up an ordinance for the sale of the Coatsworth property.

Discussion: None.

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

The motion carried.

16C-0482– DISCUSSION AND POSSIBLE ACTION ON A CONTRACT FOR WELL #6 UPGRADE

The following bids were received:

	Peerless Service Co.	Lyons Well Drilling	Cahoy Group
Base Bid	\$31,350	\$55,650	\$49,274
Adjusted Base Bid	\$31,350	\$56,150	\$48,207

Motion: Kieffer moved, seconded by Hahn, to approve the base bid from Peerless Service Company for the sum of \$31,350 to upgrade well #6, 16C-0482.

Discussion: The amount budgeted was \$25,000. The additional money will come from the water fund which has a significant fund balance.

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

The motion carried.

16C-0483– DISCUSSION AND POSSIBLE ON CONTRACT FOR REPLACEMENT OF THE TURNER HALL STAGE FLOOR

The following bids were received:

Contractor	Amount
White Construction	\$9,600
Faulkner Construction	\$9,800

Motion: Fach moved, seconded by Bernstein, to approve the bid of \$9,600 from White Construction to replace the stage floor and complete associated work at Turner Hall.

Discussion: None.

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

The motion carried.

16C-0484– FIRST READING OF AN ORDINANCE AMENDING CHAPTER 93, “FIRE PREVENTION AND SAFETY REQUIREMENTS FOR BED AND BREAKFAST ESTABLISHMENTS” AND CHAPTER 112, “BED AND BREAKFAST ESTABLISHMENTS” OF THE CODE OF ORDINANCES.

Motion: Bernstein moved, seconded by Hahn, to approve the first reading of an ordinance amending Chapter 93, “Fire Prevention and Safety Requirements for Bed and Breakfast Establishments” and Chapter 112, “Bed and Breakfast Establishments” of the Code of Ordinances, 16C-0484.

Discussion: None.

Roll Call: AYES: Fach, Hahn, Kieffer, Lincoln, Bernstein, Renner

NAYS: None
ABSENT: Westemeier

The motion carried.

16C-0485 – DISCUSSION AND POSSIBLE ACTION ON LOCAL AGENCY PARTICIPATION AGREEMENT FOR FEDERAL PARTICIPATION IN THE GALENA RIVER TRAIL PHASE 3 PROJECT

Alderman Hahn recused himself from the table at 7:24 p.m.

Motion: Kieffer moved, seconded by Lincoln to approve the Local Agency Participation Agreement for federal participation in the Galena River Trail Phase 3 Project, 16C-0485

Discussion: None.

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

The motion carried.

16C-0486– DISCUSSION AND POSSIBLE ACTION ON CONTRACT FOR GALENA RIVER TRAIL PHASE 3 PROJECT

Contractor	Base Bid
Louie’s Trenching Service	\$1,644,888.65
Civil Constructors	\$1,700,925.47
Fischer Excavating	\$1,797,846.73

Motion: Kieffer moved, seconded by Fach, to approve the Galena River Trail Phase 3 bid from Louie’s Trenching Service in the amount of \$1,644,888.65, 16C-0486.

Discussion: None.

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

The motion carried.

Alderman Hahn returned to the table 7:27 p.m.

16C-0487– FIRST READING OF AN ORDINANCE ESTABLISHING A TRAVEL REIMBURSEMENT POLICY IN ACCORDANCE WITH THE LOCAL GOVERNMENT TRAVEL EXPENSE CONTROL ACT

Motion: Hahn moved, seconded by Bernstein, to approve the first reading of an ordinance establishing a travel reimbursement policy in accordance with the Local Government Travel Expense Control Act.

Discussion: Council agreed language should be added that there will be no reimbursement for alcohol.

Amended

Motion: Hahn moved, seconded by Fach, to direct staff to add language for no reimbursement for alcohol.

Discussion: None.

Amended

Motion

Roll Call:

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

The motion carried.

Main

Motion

Roll Call:

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

The motion carried.

16C-0488– FIRST READING OF THE 2016 TAX LEVY ORDINANCE – FOR TAXES TO BE COLLECTED IN 2017

Motion: Hahn moved, seconded by Bernstein, to approve the first reading of the 2016 Tax Levy Ordinance for taxes to be collected in 2017.

Discussion: Moran noted a correction to the Parks Fund on Page 7. The total amount of \$21,143 should be under Personnel Services – Salaries.

Roll Call:

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

The motion carried.

16C-0489 – WARRANTS

Motion: Fach moved, seconded by Lincoln, to approve the Warrants as presented with the addition of the following:

Earl Thompson Masonry	Turner Hall Exterior Cleaning	\$10,000
Earl Thompson Masonry	Fire Department Exterior Cleaning/Front	\$3,400
Earl Thompson Masonry	Fire Department Exterior Cleaning/Side	\$2,775

Discussion: Bernstein questioned what the large payment to Illinois Risk Management Association was for. Moran advised this was the City’s annual responsibility.

Roll Call:

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

The motion carried.

16C-0490 – ALDERPERSONS’ COMMENTS

Annexation – Fach stated he is still hot on annexation.

Destination Market Organization – Lincoln is pleased the County Board made the decision to accept the contract for a single DMO. A lot of years, a lot of people and a lot of time has gone into trying to get this worked out. This will be a great thing for the town and the county as a whole.

Thank you – Lincoln thanked everyone for the support given to his family over the past few weeks.

Alley – Bernstein advised she received a complaint with regard to the street/alley behind Galena Green. She recommended it be added to the Capital Improvement Plan.

16C-0491 – CITY ADMINISTRATOR’S REPORT

Highway 20/Hospital – Moran advised after the last meeting he shared the comments made by Mr. Pariser with the hospital. The hospital has advised they are in the process of updating the cost estimates for the intersection improvements and once that is complete they will pull together the stakeholders.

East Side Bulk Tanks – As of last week, the tanks have been removed. All that is left to do is remove the old concrete and the building.

Thank you – Moran thanked the Fire Department for their help in hanging the Christmas wreaths downtown. It is definitely a lot of work and not as simple as it appears.

Thank you – Moran thanked Andy Lewis, Matt Oldenburg and Craig Albaugh for their work on the bike trail project. They have been working on this for 5-6 years now. It is hard to convey how challenging it has been from the staff perspective with regard to working with IDOT and the federal government.

16C-0492 – MAYOR’S REPORT

Mayor Renner also thanked Mark Moran for his work on the bike trail and announced that he escorted Santa into Galena. Santa is in town!

16C-0493 - ADJOURNMENT

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

Discussion: None.

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

The motion carried.

The meeting adjourned at 7:38 p.m.

Respectfully submitted,



Mary Beth Hyde, MMC
City Clerk



City of Galena, Illinois

Budget Amendment No. 17-06

Fiscal Year 2016-17

Line Item Title	Line Item No.	Beginning Balance	Increase	Decrease	Ending Balance
E-Citation Fees	01.359.5	\$ -	\$ 500		\$ 500
E-Citation Fees	01.21.914.04	\$ -	\$ 500		\$ 500
Transfer to Parks Fund	01.99.999.05	\$ 123,680	\$ 158,935		\$ 282,615
Transfer in Parks	17.399.0	\$ 123,680	\$ 158,935		\$ 282,615

Justification:

This budget amendment includes the following proposed changes to the current budget:

1. State statute has established an "electronic citation" fee for the process of transmitting traffic, misdemeanor, municipal ordinance, conservation, or other citations and law enforcement data via electronic means to the circuit court clerk. The fee is to be paid by the defendant in any traffic, misdemeanor, municipal ordinance, or conservation case upon a judgment of guilty or grant of supervision. A portion of the fee is distributed to the arresting agency (City of Galena) to defray expenses related to the establishment and maintenance of electronic citations. The proposed budget amendment creates a new line item in the General Fund Police budget to receive the revenue and an offsetting expense line item for related expenses.
2. In the October 5, 2016 letter to the Mayor and Council from our auditor, O'Connor Brooks, it was recommended that a transfer be made to cover a negative fund balance in the Parks Fund at fiscal year 2015-16 year-end. The negative balance was carried forward from a prior year where the year-end transfer was not made. The proposed budget amendment would transfer \$158,935 from the General Fund to the Parks Fund. The annual fund deficit in the Parks Fund is always accounted for in our projections of year-end fund balances.

Effect of Budget Amendment on Budget:

Fund	Approved Budget	Budget After Previous Amendments	Budget After Proposed Amendment
General Fund Revenues	\$ 3,916,870	\$ 3,926,495	\$ 3,926,995
General Fund Expenses	\$ 3,911,742	\$ 3,955,515	\$ 4,114,950
General Fund Total	\$ 5,128	\$ (29,020)	\$ (187,955)
Other Fund Revenues	\$ 6,365,971	\$ 6,386,416	\$ 6,545,351
Other Fund Expenses	\$ 6,525,945	\$ 6,595,823	\$ 6,595,823
Other Fund Total	\$ (159,974)	\$ (209,407)	\$ (50,472)
Total Budget Surplus/(Deficit)	\$ (154,846)	\$ (238,427)	\$ (238,427)

Approved by City Council on _____

 Mark Moran
 Budget Officer



City of Galena, Illinois

*Summary of Budget Amendments
Fiscal Year 2016-2017*

Date	Line Item Title	Line Item No.	Beginning Balance	Increase	Decrease	Ending Balance	Amendment Number	Reference Number ¹
06-27-16	Grant (Third and Rives Sewer)	52.347.0	\$ -	\$ 15,000		\$ 15,000	BA17-01	1097
06-27-16	Third and Rives Sewer	52.43.850.05	\$ -	\$ 22,233		\$ 22,233	BA17-01	1098
06-27-16	Computer/Software Upgrade	01.21.684.00	\$ -	\$ 24,068		\$ 24,068	BA17-01	1099
06-27-16	Galena Foundation Donation	17.383.5	\$ -	\$ 2,745		\$ 2,745	BA17-01	1100
06-27-16	Galena Foundation Project	17.52.890.00	\$ -	\$ 2,745		\$ 2,745	BA17-01	1101
07-11-16	Sidewalk Replacement	01.41.830.01	\$ 110,700	\$ 11,860		\$ 122,560	BA17-02	1102
07-11-16	Meeker Street Bridge	01.41.890.04	\$ 15,000		\$ 6,000	\$ 9,000	BA17-02	1103
07-11-16	Liquor Licenses	01.321.0	\$ 65,625	\$ 6,125		\$ 71,750	BA17-02	1104
09-12-16	Maintenance Projects	15.41.614.05	\$ -	\$ 10,000		\$ 10,000	BA17-03	1105
09-12-16	Galena Foundation Donation	17.383.5	\$ 2,745	\$ 2,700		\$ 5,445	BA17-03	1106
09-12-16	Park Improvements	17.52.820.06	\$ 10,000	\$ 2,700		\$ 12,700	BA17-03	1107
10-11-16	Misc. Revenue Public Works	01.389.3	\$ 25,000	\$ 2,500		\$ 27,500	BA17-04	1108
10-11-16	Public Works Contingencies	01.41.929.00	\$ -	\$ 2,500		\$ 2,500	BA17-04	1109
10-11-16	DUI Fund Expense	01.21.914.00	\$ 1,500	\$ 3,000		\$ 4,500	BA17-04	1110
10-11-16	Employee Health Insurance	01.13.451.00	\$ 343,000	\$ 3,000		\$ 346,000	BA17-04	1111
10-11-16	Employee Dental Insurance	01.13.451.01	\$ 17,450	\$ 190		\$ 17,640	BA17-04	1112
10-11-16	Employee HSA Accounts	01.13.451.02	\$ 80,500	\$ 4,155		\$ 84,655	BA17-04	1113
10-11-16	Sales Tax Projects (Street Paving)	41.61.860.02	\$ 307,000	\$ 7,200		\$ 314,200	BA17-04	1114
10-11-16	Sidewalk Replacement	01.41.830.01	\$ 122,560		\$ 25,105	\$ 97,455	BA17-04	1115
10-11-16	Consulting Services (Engineering)	01.45.532.00	\$ 5,000	\$ 25,105		\$ 30,105	BA17-04	1116
11-14-16	Misc. Police Revenue	01.389.2	\$ 10,000	\$ 1,000		\$ 11,000	BA17-05	1117
11-14-16	Misc. Police Grant Expense	01.21.830.04	\$ 5,000	\$ 1,000		\$ 6,000	BA17-05	1118
11-14-16	Pay and Display Machine	53.48.830.01	\$ -	\$ 25,000		\$ 25,000	BA17-05	1119
11-14-16	Downtown Sidewalk Replacement	01.41830.01	\$ 97,455		\$ 44,000	\$ 53,455	BA17-05	1120
11-14-16	Street Improvement Program	01.41.860.00	\$ -	\$ 44,000	\$ 44,000	\$ 44,000	BA17-05	1121
12-12-16	E-Citation Fees	01.359.5	\$ -	\$ 500		\$ 500	BA17-06	
12-12-16	E-Citation Fees	01.21.914.04	\$ -	\$ 500		\$ 500	BA17-06	
12-12-16	Transfer to Parks Fund	01.99.999.05	\$ 123,680	\$ 158,935		\$ 282,615	BA17-06	
12-12-16	Transfer in Parks	17.399.0	\$ 123,680	\$ 158,935		\$ 282,615	BA17-06	

1 Reference Number confirms that the budget amendment has been updated to the General Ledger.

CITY OF GALENA, ILLINOIS

312 ½ North Main Street, Galena, Illinois 61036



MEMORANDUM

TO: Honorable Mayor Renner and City Council

FROM: Mark Moran, City Administrator

DATE: December 8, 2016

RE: Country Fair Contract

A handwritten signature in black ink, appearing to read "Mark Moran", is positioned to the right of the "FROM:" line.

Jo Daviess Country Fair Charities proposes to utilize Grant Park on October 5, 6, 7 and 8 for the annual Country Fair. Only one change is proposed from the approved contract for the current year. To improve safety, the fair board proposes to restrict dogs from the park during the operational hours of the fair. Service dogs under the control of their owners would be permitted. I am not aware of any issues with the event that would necessitate any other changes to the agreement.

Please let me know if you have any questions.

USE AGREEMENT FOR GRANT PARK DURING COUNTRY FAIR 2017

This Agreement made and entered into this ____ day of _____, 2017 between the City of Galena, a Municipal Corporation, (hereinafter referred to as "City") and the Jo Daviess County Country Fair Charities Inc. (hereinafter referred to as "user") for the exclusive use of Galena's Grant Park for a craft fair on October 05 and 06, 2017 and the weekend of October 07 and 08, 2017.

It is mutually agreed that this Agreement grants the User and its exhibitor's exclusive use of Grant Park for the sole and only purpose of sponsoring a craft fair.

In consideration of the privileges hereinafter granted by the City, User is hereby granted the right to occupy Grant Park for the purposes set forth below, subject to the terms and conditions of this Agreement:

1. City shall permit User the exclusive use of Grant Park for set up on October 05 & 06, 2017 and the weekend of October 07 and 08, 2017, to conduct a craft fair. Dogs will be restricted during the hours of Country Fair October 07 and 08, 2017. Service Dogs for persons with disabilities will be permitted when accompanying their owners.

2. User shall be required to deposit the amount of Five Hundred and 00/100 Dollars (\$500) with the City of Galena as and for a security deposit for the premises. City shall have the right, but not the obligation to apply the security deposit in whole or in part as payment for such amounts as are reasonably necessary to remedy User's defaults of the covenants or agreements contained herein or to correct damages that occur to the Park. User's potential liability is not limited to the amount of the security deposit.

3. User shall be responsible for park setup, daily clean-up and maintenance related to the use and occupancy of Grant Park. User shall not be responsible for damage to Park structures, equipment, grass and foliage.

4. User agrees to pay to City for the rights and privileges herein granted, sum equal to 50 percent of the net gate donation to the Fair for each day of the Fair, with the total not to exceed \$10,000.00

The amount due to the City must be settled within (30) days of the Fair.

5. User agrees that authorized City personnel shall have access to the premises at all times.

6. User further agrees to indemnify and save harmless City, its officers, agents and employees from any and all claims, causes of actions and suits accruing or resulting from any damage, injury or loss to any person or persons, caused by, arising out of, or in any way connected with exercise of the User (and its exhibitors) of the privileges here granted.

7. It is mutually agreed that this Agreement and the privileges granted here or any part of this Agreement cannot be assigned or otherwise disposed of without written consent of the City.

8. It is mutually understood and agreed that no alteration or variation of the terms of this Agreement shall be valid, unless made in writing and signed by the parties, and that no oral understandings or agreements not incorporated here and no alterations or variations of the terms of this Agreement, unless made in writing and signed by the parties, shall be binding upon any of the parties.

9. The privileges here granted shall be granted according to the laws of the State of Illinois and the ordinances of the City of Galena.

10. The City reserves the right to regulate parking of all motor vehicles in Grant Park. No automobiles, trucks or trailers will be permitted to park overnight at Grant Park without a special vehicle permit, issued through the Chief of Police.

11. All food and drink stands must comply with applicable State and local food laws.

12. Dumpsters will be furnished and disposal fees paid by User; User must keep covered, at all times, garbage cans and dumpsters. User shall keep Grant Park free of refuse, litter and waste matter.

13. User shall provide and pay for port-a-potties in Grant Park in a sufficient number to accommodate the anticipated crowd as specified in the Illinois Plumbing Code.

14. User will require all exhibitors to post in a conspicuous manner, at their stand, a valid itinerant merchant permit, issued pursuant to Chapter 110 of the Galena Code of Ordinances and an Illinois sales tax permit.

15. All materials and equipment of User and exhibitors must be removed from Grant Park within twenty-four (24) hours of the closing of the Craft Fair.

16. User will provide insurance coverage insuring the Park and all facilities thereon for all hazards in an amount not less than \$1,000,000 and furthermore, agrees to name the City of Galena as an additional insured on said policy. Said insurance is for the purpose of insuring both User and the City against any liability or other claims that may be made due to acts occurring in or on the aforescribed real estate or in connection with any activities conducted thereon. A copy of said coverage shall be provided to the City prior to the date of the Craft Fair.

17. User will provide security service and will exercise reasonable precaution for the protection of City property and the property of the exhibitors.

18. This contract may be renewed for the following year upon receipt of written request by Jo Daviess County Country Fair Charities Inc.- Galena Country Fair within fifteen (15) days of close of the event.

IN WITNESS the parties have caused this Agreement to be executed on the ____ day of _____, 2016.

**CITY OF GALENA
CHARITIES INC.**

JO DAVIESS COUNTY COUNTRY FAIR

BY: _____
Terry Renner, Mayor

BY: _____
Ron Smith, Chair Person

ATTEST:

CITY OF GALENA, ILLINOIS

101 Green Street, PO Box 310, Galena, Illinois 61036



MEMORANDUM

TO: Honorable Mayor Renner and City Council

FROM: Andy Lewis, City Engineer *ALewis*

DATE: 7 December 2016

RE: Emergency Snow Removal
Approval of Quotes

Request for quotes for emergency snow removal this winter season were sent to two contractors. One quote was received, with hourly rates detailed as follows:

#	Contractor	Equipment Item Cost \$/hour		
		End Loader	Dump Truck	Skid Steer
1	Louie's Trenching Service	175.00	90.00	110.00

The quote from Louie's Trenching Service represents the only option for snow removal.

I recommend the city council approves the quoted hourly rates from Louie's Trenching Service for emergency snow removal.

Ordinance #-16-_____

AN ORDINANCE AMENDING CHAPTER 93, "FIRE PREVENTION AND SAFETY REQUIREMENTS FOR BED AND BREAKFAST ESTABLISHMENTS" AND CHAPTER 112, "BED AND BREAKFAST ESTABLISHMENTS" OF THE CODE OF ORDINANCES OF THE CITY OF GALENA, ILLINOIS

WHEREAS, on November 14, 2016, the City Council approved an amendment to the text of the Galena Zoning Ordinance to permit vacation rentals in certain zoning districts; and

WHEREAS, it is the intent of the City Council to license vacation rentals in the same manner and subject to the same fire, safety, licensing, inspection, and insurance standards as bed and breakfast establishments; and

WHEREAS, Chapter 93 of the Galena Code of Ordinances sets forth the fire and safety requirements for bed and breakfast establishments; and

WHEREAS, Chapter 112 of the Galena Code of Ordinances sets forth the licensing, inspection, and insurance requirements for bed and breakfast establishments; and

WHEREAS, the City Council seeks to amend Chapter 93 and Chapter 112 to make the requirements therein applicable to vacation rentals.

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

SECTION I: Chapter 93, entitled "**FIRE PREVENTION AND SAFETY REQUIREMENTS FOR BED AND BREAKFAST ESTABLISHMENTS**", of the Galena Code of Ordinances shall be amended as shown in Exhibit A, attached hereto and made a part hereof.

SECTION II: Chapter 112, entitled "**BED AND BREAKFAST ESTABLISHMENTS**", of the Galena Code of Ordinances shall be amended as shown in Exhibit B, attached hereto and made a part hereof.

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

SECTION IV: This ordinance shall be in full force and effect on the date of adoption.

SECTION V: Passed on this ____ day of _____, A.D., 2016, in open session.

TERRY RENNER, MAYOR

ATTEST:

Mary Beth Hyde, City Clerk

EXHIBIT A

CHAPTER 93: FIRE PREVENTION

**FIRE PREVENTION AND SAFETY REQUIREMENTS FOR GUEST ACCOMMODATIONS
~~BED AND BREAKFAST ESTABLISHMENTS~~**

§ 93.40 COMPLIANCE REQUIRED.

No person shall operate a guest accommodations, ~~house or a bed and breakfast establishment~~ (hereinafter called "guest house"), or a guest suite, as defined under the Galena Zoning Ordinance, unless the guest accommodation ~~house or guest suite~~ complies with the fire prevention and safety requirements set out in this subchapter. ~~Notwithstanding the foregoing, the owner of a guest house for which a special use permit is in effect as of the effective date hereof shall have until May 1, 1988 to comply with all of the requirements of this subchapter, except that such owner shall have until January 1, 1989 to comply with the requirements of § 93.42 hereof.~~

('69 Code, § 7-60) (Ord. 0-88-06, passed 2-22-88; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 10.99

Cross-reference:

Guest Accommodations ~~Bed and breakfast establishments~~, see Chapter 112

§ 93.41 MINIMUM REQUIREMENTS.

Bed and Breakfasts and Vacation Rentals ~~A guest house~~ shall meet the requirements for one- and two-family dwellings set out in chapter 22 of the NFPA 101 Life Safety Code, and the additional requirements set forth in this chapter. A Small Inn ~~guest suite~~ shall meet the requirements for lodging set out in chapter 20 of the NFPA 101 Life Safety Code, and the additional requirements set forth in this chapter. In buildings where a guest accommodation ~~suite~~ is not the only use, the other use(s) shall meet the NFPA requirements applicable to that use(s).

('69 Code, § 7-61) (Ord. 0-88-06, passed 2-22-88; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 10.99

§ 93.42 SMOKE DETECTORS.

- (A) Smoke detectors must be either permanently wired into the guest accommodation ~~house or guest suite~~ structure's AC power line, with battery back-up or be otherwise interrelated so as to comprise a system that is in the sole judgment of the Chief of the Galena Fire Prevention Bureau of equal or greater value. In the event that a smoke detector system is once approved by the Chief of the Fire Prevention Bureau, it shall thereafter be deemed to be a system that complies with the requirements of this section. Multi-station units shall be wired or otherwise constituted so that the activation of one detector will activate all of the detectors in the guest accommodation structure ~~house or guest suite~~ or will activate other centrally located warning devices in the structure. Smoke detectors shall be installed as follows: one in each guest room used for sleeping purposes; one in each hallway or corridor on each floor; one in each living room or lounge area; one in each dining room; one in basement and in each workshop area. There shall be at least one

smoke detector on each floor of the guest accommodation structure ~~house or guest suite~~, but excluding unoccupied attics.

- (B) The guest accommodation ~~house or guest suite~~ owner shall provide such periodic written reports relating to smoke detector testing and maintenance as shall be required by the Fire Prevention Bureau.

('69 Code, § 7-62) (Ord. O-88-06, passed 2-22-88; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 10.99

§ 93.43 REQUIREMENTS FOR CERTAIN ROOMS.

- (A) All guest rooms located above the second floor or in the basement must have two exits approved by the Fire Prevention Bureau. All vertical openings to any such floor or basement in which a guest room is located shall be enclosed with enclosures continuous from floor to floor, which enclosures shall be by fire barriers such as walls or partition assemblies. Any such fire barrier shall have a minimum of one hour fire resistance rating.
- (B) Passageways used for exiting from any such floor or basement and stairways used for exiting from any such floor or basement shall be enclosed by materials that have a minimum of one hour fire resistance rating.
- (C) Self-closing doors approved by the Fire Prevention Bureau shall be used in any such stairway used for exiting from any such floor or basement.

('69 Code, § 7-63) (Ord. O-88-06, passed 2-22-88; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 10.99

§ 93.44 WORKSHOP AREAS.

Any workshop or other area determined by the Fire Prevention Bureau to contain equipment or materials constituting a potential fire hazard shall be enclosed with fire resistant materials.

('69 Code, § 7-64) (Ord. O-88-06, passed 2-22-88; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 10.99

§ 93.45 INTERIOR FINISHES.

All interior finishes and floor coverings in the guest accommodation ~~house or guest suite~~ shall meet Life Safety Code regulations so as to restrict the spread of fire. Cellular, foam, plastic and other similar materials shall not be used for interior finishes.

('69 Code, § 7-65) (Ord. O-88-06, passed 2-22-88; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 10.99

§ 93.46 EXIT REGULATIONS AND FLOOR PLAN.

- (A) All hallways, corridors and stairways used as exits shall be adequately lighted at all times. Emergency lighting shall meet section 5-9 of the NFPA 101 Life Safety Code.
- (B) A kitchen exit shall not be considered as an approved fire exit in a guest house where breakfast is served.
- (C) All interior and exterior exits shall open from the inside without the use of a key or special knowledge. All such exits shall be the width of a normal door and shall not be blocked or obstructed at any time.
- (D) A floor plan of the guest accommodation ~~house or guest suite~~ shall be maintained in each guest room, which plan shall show the location of each such guest room and the exit locations to be used for such guest room in the event of fire.

('69 Code, § 7-66) (Ord. O-88-06, passed 2-22-88; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 10.99

EXHIBIT B

CHAPTER 112: GUEST ACCOMMODATIONS ~~BED AND BREAKFAST ESTABLISHMENTS~~

§ 112.01 DEFINITIONS.

GUEST ACCOMMODATIONS. *A Bed and Breakfast, Small Inn or Vacation Rental as defined in the Zoning Code of Ordinances.* ~~**BED AND BREAKFAST.**—An owner-occupied single family dwelling, having historic or architectural significance, providing accommodations for a charge to the public with no more than five guest rooms for rent that shall afford its guests the opportunity to visit with the owner in a home-like environment.~~

~~—**GUEST SUITE** or **GUEST APARTMENT.**—A building or portion thereof designed or used for purposes of accommodating guests, with a group of rooms common to an apartment, though a kitchen may or may not be provided. A guest suite or guest apartment must be supervised within the building or on-site.~~

~~—**LODGING.**—Buildings or groups of buildings under the same management that provide sleeping accommodations for a total of 16 or fewer persons on either a permanent or transient basis, with or without meals.~~

(Ord. O-98-01, passed 1-26-98; Am. Ord. O-98-05, passed 2-23-98)

§ 112.02 LICENSE REQUIRED.

No person shall operate guest accommodations ~~a bed and breakfast establishment (hereinafter called "guest house"), a guest suite or a place of lodging as defined above,~~ without first having obtained a license ~~for the guest house, guest suite or lodging establishment~~ from the city. A license ~~for a guest house or guest suite~~ may not be issued until the owner has obtained a special use permit for the appropriate land use ~~guest house or guest suite~~ from the city. There shall be a total limit of 20 licenses issued for Accommodations, Vacation Rentals / Vacation Rentals – Single Room in residential zoning districts in the City.

('69 Code, § 12-108) (Ord. O-88-5, passed 2-22-88; Am. Ord. O-98-01, passed 1-26-98; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 110.99

§ 112.03 INSPECTION REPORTS REQUIRED TO OBTAIN LICENSE.

No license shall be issued until the following inspection reports have been filed with the city:

- (A) A fire inspection report from the Fire Chief stating that the guest accommodation ~~house or guest suite~~ complies with fire and life safety regulations applicable to guest accommodations ~~houses or guest suites~~, as provided for in Chapter 93 of this code, and that the ~~lodging~~ establishment complies with the fire and life safety regulations, as provided for in the NFPA Life Safety Code.
- (B) A health inspection report from the Jo Daviess County Health Department stating that the guest accommodation ~~house, guest suite or lodging establishment~~ complies with state and county public health regulations. ~~Health inspections shall only be required for guest suites located in the same building as a food service business.~~
- (C) A Building Department report from an authorized Galena Building Official stating that the guest

accommodation ~~house, guest suite or lodging establishment~~ complies with applicable Building Code, Electrical Code and Plumbing Code regulations. ~~applicable to guest houses, guest suites or lodging. Guest houses and guest suites shall be subject to the same regulations applicable to single family dwellings.~~ In buildings where a guest accommodation ~~suite~~ is not the only use, separation of the uses shall be in accordance with the most restrictive regulation for the subject uses.

('69 Code, § 12-109) (Ord. O-88-5, passed 2-22-88; Am. Ord. O-98-01, passed 1-26-98; Am. Ord. O-98-05, passed 2-23-98)

§ 112.04 LIABILITY INSURANCE.

Prior to obtaining a guest accommodations ~~house or lodging~~ license, the owner shall provide the city with proof that liability insurance coverage in an amount of not less than \$500,000 per occurrence exists with respect to such establishment.

('69 Code, § 12-110) (Ord. O-88-5, passed 2-22-88; Am. Ord. O-98-01, passed 1-26-98; Am. Ord. O-98-05, passed 2-23-98)

§ 112.05 INITIAL LICENSE AND ANNUAL LICENSE AND FEES.

- (A) Each applicant for a guest accommodations ~~house, guest suite or lodging~~ license shall pay an initial license fee of \$150. Said fee shall be paid prior to the inspections being made pursuant to § 112.03 hereof. Said fee shall be non-refundable, even if the ~~guest house, guest suite or lodging~~ license is never issued.
- (B) Prior to March 1 of each year, each guest accommodations ~~owner~~ ~~house owner, guest suite licensee or lodging licensee~~ who wishes to renew ~~their~~ ~~his~~ license for the next fiscal year beginning May 1, shall pay an annual license fee of \$130. Upon payment of said fee, reports in accordance with § 112.03 hereof shall again be completed and submitted to the city prior to May 1 of such year. An annual guest accommodations ~~house, guest suite or lodging~~ license shall be issued upon payment of the license fee and upon the filing of said inspection reports.

('69 Code, § 12-111) (Ord. O-88-5, passed 2-22-88; Am. Ord. O-98-01, passed 1-26-98; Am. Ord. O-98-05, passed 2-23-98)

§ 112.06 DISPLAY AND FORM OF LICENSE.

The guest accommodations ~~house, guest suite or lodging~~ license shall be conspicuously displayed near the area within the ~~guest house, guest suite or lodging~~ establishment. The guest accommodations ~~house, guest suite or lodging~~ license shall be in such form and shall include such information as may be prescribed from time to time by the city.

('69 Code, § 12-112) (Ord. O-88-5, passed 2-22-88; Am. Ord. O-98-01, passed 1-26-98; Am. Ord. O-98-05, passed 2-23-98)

Penalty, see § 110.99

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036



MEMORANDUM

TO: Honorable Mayor Renner and City Council

FROM: Mark Moran, City Administrator 

DATE: November 30, 2016

RE: Travel Reimbursement Policy.

As suggested at the November 28 meeting, I have updated the proposed Travel Reimbursement Policy to clarify that alcoholic beverages are not a reimbursable expense under any circumstances.

I recommend you complete the second reading and adopt the ordinance as required by the Local Government Travel Expense Control Act. Please let me know if you have any questions. Thank you.

ORDINANCE NO. 16-_____

**AN ORDINANCE ESTABLISHING A TRAVEL REIMBURSEMENT POLICY
IN ACCORDANCE WITH
THE LOCAL GOVERNMENT TRAVEL EXPENSE CONTROL ACT
(PUBLIC ACT 099-0604)**

WHEREAS, the City of Galena is a non-home rule unit of local government; and

WHEREAS, Public Act 099-0604 established the Local Government Travel Expense Control Act, which requires all non-home rule units of local government to adopt by resolution or ordinance a policy governing reimbursement of all travel, meal, and lodging expenses of officers and employees; and

WHEREAS, the City Council of the City of Galena find it to be in the best interest of the City to adopt such a policy.

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

SECTION 1: The above recitals are incorporated into and made part of this Ordinance.

SECTION 2: The City Council of the City of Galena repeals 2.13 of the Employee Handbook.

SECTION 3: The City Council of the City of Galena adopts the “Reimbursement of Travel, Meal and Lodging Expenses Policy” attached as Exhibit A.

SECTION 4: All ordinances, resolutions, and regulations in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance is effective beginning January 1, 2017.

Ayes:

Nays:

Absent

Abstain

Adopted this ____ day of _____, 2016.

Terry Renner, Mayor

Mary Beth Hyde, City Clerk

Exhibit A

1. Policy Governing Reimbursement of Employee and Officer Travel, Meal and Lodging Expenses

A. Purpose.

The City Council of the City of Galena will reimburse employee and officer travel, meal, and lodging expenses incurred in connection with pre-approved travel, meal, and lodging expenses incurred on behalf of the City. Employees and officers are expected to exercise the same care in incurring expenses for official business as a prudent person would in spending personal funds.

B. Definitions.

"Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

"Travel" means any expenditure directly incident to official travel by employees and officers of the City or by wards or charges of the City involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

C. Authorized Types of Official Business.

Travel, meal and lodging expenses shall be reimbursed for employees and officers of City only for purposes of official business conducted on behalf of the City, which includes but is not limited to off-site or out-of-town meetings related to official

business and pre-approved seminars, conferences and other educational events related to the employee's or officer's official duties. If you are unsure whether an expense is reimbursable, please contact the City Administrator to discuss the proposed travel.

Employees and officers may be authorized to attend professional conferences and meetings on work related topics. Employees shall submit requests for conference or meeting attendance to the City Administrator for approval. Approval for conferences is subject to budgetary constraints and the City Administrator's discretion. The City Administrator may pre-approve expenses for conferences and travel by including them in the annual budget.

D. Categories of Expenses.

1. **Airfare** – Air travel must be pre-approved by the City Administrator. Travelers are expected to obtain the lowest available airfare that reasonably meets business travel needs. Travelers are encouraged to book flights at least thirty (30) days in advance to avoid premium airfare pricing. Only coach or economy tickets will be paid or reimbursed. The traveler will pay for the difference between higher priced tickets and coach or economy tickets with his or her personal funds.
2. **Personal Automobiles** –Travelers shall use City vehicles for travel unless the use of a personal vehicle is pre-approved by the City Administrator. Mileage reimbursement for personal vehicles will be based on mileage from the work location office to the off-site location of the official business, not from the employee's or officer's residence. When attending a training event or other off-site official business directly from an employee's or officer's residence, no reimbursement will be made if the distance is less than the mileage of a normal commute to the workplace. If the distance is higher than the employee's or officer's normal commute, reimbursement will be paid based on the differential of the commute less the mileage of a normal commute to the workplace. An employee or officer will be reimbursed at the prevailing IRS mileage rate. The traveler will only be reimbursed up to the price of a coach airfare ticket if they drive to a location for which airfare would have been less expensive.

3. **Automobile Rentals** – Travelers will be reimbursed for the cost of renting an automobile including gasoline expense only as provided in this section. Travelers using rental cars to conduct official business are required to purchase insurance through the rental agency. Car rental insurance will cover the vehicle during personal use, e.g., using the vehicle after the conference has ended. Compact or mid– size cars are required for two or fewer employees or officers traveling together and a full– size vehicle may be used for three or more travelers. The traveler must refuel the vehicle before returning it to the rental company.
4. **Public Transportation** – In the case of local training or official business where an employee or officer chooses to use public transportation, reimbursement for use of public transportation shall be the cost of the public transportation plus any mileage in accordance with this policy.
5. **Other Transportation** – The traveler should utilize hotel shuttle service or other shuttle services, if available. If none are offered, the use of the most economic transportation is encouraged.
6. **Hotel/Motel Accommodations** – The traveler will be reimbursed for a standard single-room at locations convenient to the business activity. Hotel/motel accommodations are to be reserved in advance and secured at a moderate or conference rate. Reimbursement for lodging shall be limited to the number of nights required to conduct the assigned City business. If a conference, for example, opens on a Sunday evening and closes Thursday noon, reimbursement for Sunday through Wednesday night would be allowed. In the event of a change in plans or a cancellation, the traveler must cancel the hotel/motel reservation so as not to incur cancellation charges. Cancellation charges will not be reimbursed by the City unless approved by a vote of the City Council.
7. **Meals**—Meal expenses and reimbursements are limited to the current U.S. General Services Administration (GSA) per diem rate for the location of travel at the time the expense is incurred. Receipts shall be submitted to substantiate all expenses within 14 days after expenses are incurred. Any amount of the per diem allowance which was not spent by the traveler shall be returned to the City at the time receipts are submitted. Meals provided by a conference or seminar should be deducted from the per diem allowance. Partial reimbursement may be made for departure and return days based on time. Meals during in-state travel that are not part of an overnight stay will be reimbursed at the actual cost not to exceed the GSA meal rate. If not already applied by the establishment, gratuity must be calculated on the amount of the bill before sales tax. The maximum reimbursement for gratuities is 20%. Alcoholic beverages are not reimbursable under any circumstances.

8. **Vacation in Conjunction with Business Travel** – In cases where vacation time is added to a business trip, any cost variance in airfare, car rental, lodging and/or any other expenses must be clearly identified on the Travel, Meal, and Lodging Expense Report form and paid by the traveler.
9. **Accompanied Travel** – Family members may accompany the traveler when traveling on official City business. However, no expenses attributable to any family member will be reimbursable. All expenses will be calculated as if the traveler were traveling alone, using the minimum costs to the City for lodging, meals, and transportation.
10. **Parking** – Parking fees at a hotel/motel or incidental to other travel will be reimbursed only with a receipt.
11. **Entertainment Expenses** - No employee or officer of the City shall be reimbursed for any entertainment expense, unless ancillary to the purpose of the program, event or other official business.

E. **Approval of Expenses.**

1. **Expenses for Members of the City Council, Officials or Employees.** Travel, meal, and lodging expenses to be reimbursed to any member of the City Council or any official or employee must be approved by roll-call vote at an open meeting of the City Council as part of the warrant approval process. Travel, meal and lodging expenses which are included in the annual budget and which are paid in advanced as a per diem allowance are also subject to this requirement at the next available council meeting. Documentation of expenses must be provided in accordance with Sections C, D and F of this policy. Any excess from the per diem allowance must be repaid as provided in this policy.
2. **Other Expenses.** All other expenses that do not fall within paragraphs E.1 and E.2 are subject to the City Council's approval.

F. **Documentation of Expenses.**

Before an expense for travel, meals, or lodging may be approved under Section E of this Policy, the following minimum documentation must first be submitted, in writing, to the City Clerk on a Travel, Meal, and Lodging Expense Reimbursement Form:

- (1) an estimate of the cost of travel, meals, or lodging if expenses have not been incurred or a receipt of the cost of the travel, meals, or lodging if the expenses have already been incurred;
- (2) the name of the individual who received or is requesting the travel, meal, or lodging expense;
- (3) the job title or office of the individual who received or is requesting the travel, meal, or lodging expense; and
- (4) the date or dates and nature of the official business for which the travel, meal, or lodging expense was or will be expended.

All documents and information submitted under this Section are public records subject to disclosure under the Freedom of Information Act.

G. Travel, Meal, and Lodging Expense Reimbursement Form.

The City hereby adopts as its official standardized form for the submission of travel, meal, and lodging expenses the Travel, Meal, and Lodging Expense Reimbursement Form attached hereto and incorporated herein as Attachment 1.

H. Maximum Reimbursement.

The maximum total amount the City will reimburse a traveler for a single trip is \$2,000.00. The maximum amount may be increased because of emergency or other extraordinary circumstances when approved by the City Council at a roll call vote at a meeting.

[END]



Travel, Meal and Lodging Expense Reimbursement Form

Name _____ Job Title _____ Department _____ Per Mile Reimbursement \$0.55 Total Reimbursement Due \$0.00	Date Submitted _____ Expense _____ Submitted By (Signature) _____ Authorized By (Signature) _____
--	--

Date	Description of Expense	Airfare	Lodging	Ground Transportation (Gas, Rental Car, Taxi)	Meals & Tips	Conferences, Seminars, Training	Miles (Personal Car Only)	Mileage Reimbursement	Miscellaneous	U.S. \$
								\$0.00		\$0.00
								\$0.00		\$0.00
								\$0.00		\$0.00
								\$0.00		\$0.00
								\$0.00		\$0.00
								\$0.00		\$0.00
								\$0.00		\$0.00
								\$0.00		\$0.00
								\$0.00		\$0.00
								\$0.00		\$0.00
Total Mileage Reimbursement:								\$0.00	Total Reimbursement:	\$0.00

All Receipts Must be Attached

See Reverse Page for Detailed Travel Reimbursement Schedule Rules

Travel Reimbursement Schedule

Airfare Air travel must be pre-approved by the City Administrator. Travelers are expected to obtain the lowest available airfare that reasonably meets business travel needs. Travelers are encouraged to book flights at least thirty (30) days in advance to avoid premium airfare pricing. Only coach or economy tickets will be paid or reimbursed. The traveler will pay for the difference between higher priced tickets and coach or economy tickets with his or her personal funds.

Lodging The traveler will be reimbursed for a standard single-room at locations convenient to the business activity. Hotel/motel accommodations are to be reserved in advance and secured at a moderate or conference rate. Reimbursement for lodging shall be limited to the number of nights required to conduct the assigned City business. If a conference, for example, opens on a Sunday evening and closes Thursday noon, reimbursement for Sunday through Wednesday night would be allowed. In the event of a change in plans or a cancellation, the traveler must cancel the hotel/motel reservation so as not to incur cancellation charges. Cancellation charges will not be reimbursed by the City unless approved by a vote of the City Council.

Ground Transportation: Personal Automobiles Travelers shall use City vehicles for travel unless the use of a personal vehicle is pre-approved by the City Administrator. Mileage reimbursement for personal vehicles will be based on mileage from the work location office to the off-site location of the official business, not from the employee's or officer's residence. When attending a training event or other off-site official business directly from an employee's or officer's residence, no reimbursement will be made if the distance is less than the mileage of a normal commute to the workplace. If the distance is higher than the employee's or officer's normal commute, reimbursement will be paid based on the differential of the commute less the mileage of a normal commute to the workplace. An employee or officer will be reimbursed at the prevailing IRS mileage rate. The traveler will only be reimbursed up to the price of a coach airfare ticket if they drive to a location for which airfare would have been less expensive.

Ground Transportation: Automobile Rentals Travelers will be reimbursed for the cost of renting an automobile including gasoline expense only as provided in this section. Travelers using rental cars to conduct official business are required to purchase insurance through the rental agency. Car rental insurance will cover the vehicle during personal use, e.g., using the vehicle after the conference has ended. Compact or mid-size cars are required for two or fewer employees or officers traveling together and a full-size vehicle may be used for three or more travelers. The traveler must refuel the vehicle before returning it to the rental company.

Ground Transportation: Public Transportation The traveler should utilize hotel shuttle service or other shuttle services, if available. If none are offered, the use of the most economic transportation is encouraged. In the case of local training or official business where an employee or officer chooses to use public transportation, reimbursement for use of public transportation shall be the cost of the public transportation plus any mileage in accordance with this policy.

Meals and Tips Meal expenses and reimbursements are limited to the current U.S. General Services Administration (GSA) per diem rate for the location of travel at the time the expense is incurred. Receipts shall be submitted to substantiate all expenses within 14 days after expenses are incurred. Any amount of the per diem allowance which was not spent by the traveler shall be returned to the City at the time receipts are submitted. Meals provided by a conference or seminar should be deducted from the per diem allowance. Partial reimbursement may be made for departure and return days based on time. Meals during in-state travel that are not part of an overnight stay will be reimbursed at the actual cost not to exceed the GSA meal rate. If not already applied by the establishment, gratuity must be calculated on the amount of the bill before sales tax. The maximum reimbursement for gratuities is 20%. Alcoholic beverages are not reimbursable under any circumstances.

Conferences and Seminars The actual cost of registration, including any ancillary and optional sessions or events.

Mileage An employee or officer will be reimbursed at the prevailing IRS mileage rate.

Miscellaneous Family members may accompany the traveler when traveling on official City business. However, no expenses attributable to any family member will be reimbursable. All expenses will be calculated as if the traveler were traveling alone, using the minimum costs to the City for lodging, meals, and transportation. Parking fees at a hotel/motel or incidental to other travel will be reimbursed only with a receipt. No employee or officer of the City shall be reimbursed for any entertainment expense, unless ancillary to the purpose of the program, event or other official business.

**ORDINANCE NO. 0-16-__ 2016 TAX LEVY ORDINANCE
FOR TAXES TO BE COLLECTED IN 2017**

An Ordinance levying taxes for all corporate purposes for the City of Galena, Jo Daviess County, Illinois, for the fiscal year beginning May 1, 2017, and ending April 30, 2018.
County, Illinois.

BE IT ORDAINED BY the Mayor and City Council of the City of Galena, Illinois:

SECTION I: That the amount hereinafter set forth, or so much thereof as may be authorized by law, and the same are hereby levied upon all property subject to taxation within the municipality as that property is assessed and equalized for the current year and for such purposes as: Parks & Recreation; General Corporate; Garbage Disposal; Flood Control; Fire Protection; Annual Audit; Illinois Municipal Retirement Fund; Social Security; Chlorination; Street Lighting; Water Treatment; Street & Bridge; Police Protection; Unemployment Insurance; Worker's Compensation; City Tort Judgment & Liability; Emergency Services and School Crossing Guards for the City of Galena, Jo Daviess County, Illinois for the fiscal year beginning May 1, 2017, and ending April 30, 2018.

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
General Fund			
Administration			
Personnel - Salaries	164,674	164,674	0
Personnel - Elected	17,500	500	17,000
Professional Services	507,500	507,500	0
Communications	1,750	1,750	0
Professional Development	3,000	3,000	0
Debt Service	504,761	504,761	0
Capital Outlays	0	0	0
Other Expenditures	194,890	194,890	0
Total	1,394,075	1,377,075	17,000

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
General Fund			
Finance			
Personnel - Salaries	89,805	89,805	0
Insurance Benefits	445,450	132,603	312,847
Maintenance Services	26,500	26,500	0
Professional Services	62,235	62,235	0
Communications	12,400	12,400	0
Professional Development	2,350	2,350	0
Service Charges	9,700	9,700	0
Other Contractual Services	22,000	22,000	0
Maintenance Supplies	7,500	7,500	0
Capital Outlays	0	0	0
Total	677,940	365,093	312,847

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
General Fund			
City Clerk			
Personnel - Salaries	9,100	0	9,100
Maintenance Services	0	0	0
Professional Services	4,500	4,500	0
Communications	1,700	1,700	0
Professional Development	2,800	2,800	0
Service Charges	0	0	0
Other Contractual Services	0	0	0
Maintenance Supplies	0	0	0
Capital Outlays	800	800	0
Total	18,900	9,800	9,100

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
General Fund			
Zoning			
Personnel - Salaries	70,273	44,623	25,650
Personnel - Elected	1,900	1,900	0
Professional Services	1,500	1,500	0
Communications	950	950	0
Professional Development	350	350	0
Maintenance Supplies	500	500	0
Capital Outlays	2,000	2,000	0
Other Expenditures	0	0	0
Total	77,473	51,823	25,650

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
General Fund			
Building			
Personnel - Salaries	64,391	57,391	7,000
Other Benefits	0	0	0
Maintenance Services	0	0	0
Professional Services	12,000	12,000	0
Communications	400	300	0
Professional Development	4,800	4,800	0
Maintenance Supplies	0	0	0
General Supplies	0	0	0
Other Expenditures	2,000	1,500	0
Total	83,591	75,991	7,600

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
General Fund			
Engineering			
Personnel - Salaries	23,518	23,518	0
Professional Services	10,000	7,000	3,000
Professional Development	2,000	2,000	0
Capital Outlays	1,100	1,100	0
Total	36,618	33,618	3,000

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
General Fund			
Police			
Personnel - Salaries	637,183	637,173	10
Other Benefits	9,350	9,350	0
Maintenance Services	7,000	7,000	0
Professional Services	27,300	27,300	0
Communications	9,800	9,800	0
Professional Development	8,200	8,200	0
Service Charges	9,300	9,300	0
Maintenance Supplies	17,200	17,200	0
General Supplies	5,000	5,000	0
Capital Outlays	37,260	37,260	0
Other Expenditures	14,800	14,800	0
Total	782,393	782,383	10

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
General Fund			
Public Works			
Personnel - Salaries	388,602	325,008	63,594
Other Benefits	2,100	2,100	0
Maintenance Services	54,400	54,400	0
Professional Services	8,400	8,400	0
Communications	1,600	1,600	0
Professional Development	500	500	0
Service Charges	28,700	28,700	0
Maintenance Supplies	57,000	57,000	0
General Supplies	28,800	28,800	0
Debt Service	0	0	0
Capital Outlays	270,650	270,650	0
Total	840,752	777,158	63,594
General Fund Grand Total	3,911,742	3,472,941	438,801

REF: General Corporate Tax (65ILCS 5/8-3.1)	438,271
REF: Police Protection Tax (65ILCS 5/11-1-3 & 5.1)	10
REF: School Cross Guards Tax (65ILCS 5/11-80-23)	10
REF: Street Lighting Tax (65ILCS 5/11-80-5)	10
REF: Street & Bridges (65ILCS 5/11-81-2)	0
Total Corporate Levy	438,301

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
Annual Audit			
Annual Audit	30,350	13,350	17,000
Book Reconciliation	560	560	0
Total	30,910	13,910	17,000

REF: Audit Tax (65ILCS 5/8-8-8) **17,000**

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
Emergency Services			
Ambulance Service	0	0	0
Siren Maintenance	1,000	600	400
Communication	350	243	107
Electric	1,550	1,200	350
Capital Outlays	0	0	0
Total	2,900	2,043	857

REF: Emergency Services & Disaster Operations Tax (65ILCS 5/8-3-16) **857**

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
Garbage Collection			
Personnel Services - Salaries	9,280	9,280	0
Insurance Benefits	0	0	0
Pension Benefits	0	0	0
Professional Services	222,940	222,930	10
Communications	4,000	4,000	0
Professional Development	0	0	0
General Supplies	0	0	0
Other Expenditures	6,250	6,250	0
Total	242,470	242,460	10

REF: Garbage Disposal Tax (65ILCS 5/11-19-4) **10**

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
Workers' Compensation			
Workers' Compensation Insurance	96,150	0	91,500
Total	96,150	0	91,500

REF: Workers' Compensation and Occupational Disease (7451LCS 10/9-107) **91,500**

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
Liability Insurance			
Insurance Benefit	0	0	0
City Building & Content	50,100	14,450	35,650
Public Official's Liability	350	50	300
Automobile Insurance	21,100	1,250	19,850
Tort Insurance	71,700	1,700	70,000
Inland Marine	3,700	200	3,500
Boiler & Machinery	3,000	300	2,700
Employee Crime	0	0	0
Employee's Bond	0	0	0
Treasurer's Bond	0	0	0
Total	149,950	17,950	132,000

REF: City Tort Judgment & Liability Insurance Fund (745 ILCS 10/9-107) **132,000**

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
Parks Fund			
Personnel Services - Salaries	81,101	59,958	21,143
Maintenance Services	10,000	10,000	0
Professional Services	2,000	2,000	0
Professional Development	0	0	0
Service Charges	3,500	3,500	0
General Supplies	11,500	11,500	0
Debt Service	53,050	53,050	0
Capital Outlays	1,587,800	1,587,800	0
Other Expenditures	0	0	0
Total	1,748,951	1,727,808	21,143

REF: Parks Tax (651LCS 5/11-98-1) **21,143**

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
Social Security			
Social Security Tax	136,400	0	136,000
Total	136,400	0	136,000

REF: Social Security Fund (40LCS 5/21-110 & 110.1) **136,000**

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
Flood Control Fund			
Personnel Services - Salaries	40,975	975	40,000
Insurance Benefits	0	0	0
Pension Benefits	0	0	0
Maintenance Services	10,500	0	10,500
Professional Services	0	0	0
Communications	0	0	0
Professional Development	0	0	0
Service Charges	3,000	0	3,000
Maintenance Supplies	2,000	0	2,000
General Supplies	0	0	0
Capital Outlays	13,500	0	13,500
Other Expenditures	1,000	0	1,000
Total	70,975	975	70,000

REF: Levee Tax (65LCS 5/11-112-1 & 2) **70,000**

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
Fire Protection Fund			
Personnel Services - Salaries	35,400	0	35,400
Insurance Benefits	2,500	0	2,500
Pension Benefits	0	0	0
Maintenance Services	3,700	0	3,700
Professional Services	3,025	0	3,025
Communications	1,850	0	1,850
Professional Development	8,500	0	8,500
Service Charges	15,700	0	15,700
Other Contractual Services	0	0	0
Maintenance Supplies	11,250	0	11,250
General Supplies	13,500	250	13,250
Capital Outlays	216,500	-30,449	246,949
Other Expenditures	8,190	0	8,190
Total	320,115	-30,199	350,314

REF: Fire Protection Tax (65ILCS 5/11-71 & 3) **350,314**

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
Water Fund			
Personnel Services - Salaries	80,406	80,396	10
Insurance Benefits	0	0	0
Pension Benefits	0	0	0
Maintenance Services	0	0	0
Professional Services	0	0	0
Communications	2,500	2,500	0
Professional Development	0	0	0
Service Charges	5,000	5,000	0
Other Contractual Services	330,000	330,000	0
Maintenance Supplies	0	0	0
General Supplies	400	400	0
Debt Service	162,100	162,100	0
Capital Outlays	68,000	68,000	0
Other Expenditures	36,380	36,380	0
Total	684,786	684,776	10

REF: Waterworks System Tax (65ILCS 5/11-131-1) **10**

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
Sewer Fund			
Personnel Services - Salaries	63,468	63,468	0
Insurance Benefits	0	0	0
Pension Benefits	0	0	0
Maintenance Services	1,500	1,500	0
Professional Services	30,705	30,695	10
Communications	1,500	1,500	0
Professional Development	0	0	0
Other Contractual Services	330,000	330,000	0
Maintenance Supplies	0	0	0
General Supplies	300	300	0
Debt Service	602,145	602,145	0
Capital Outlays	24,000	24,000	0
Other Expenditures	55,475	55,475	0
Total	1,109,093	1,109,083	10

REF: Chlorination of Sewage Tax (65ILCS 5/11-142-3) **10**

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
Illinois Municipal Retirement Fund			
Pension Benefits	167,250	66,250	101,000
Personal Property Replacement Tax (Library)	9,300	9,300	0
Total	176,550	75,550	101,000
REF: Illinois Municipal Retirement Fund (40 ILCS 5/7-171)			101,000

FUND	AMOUNT BUDGETED \$	FROM OTHER SOURCES \$	AMOUNT LEVIED \$
Unemployment Insurance			
Unemployment Payments	11,500	6,500	5,000
Total	11,500	6,500	5,000
Unemployment Compensation Fund (745ILCS 10/9-1-7)			5,000

TAX LEVY SUMMARY			AMOUNT LEVIED \$
General Corporate Tax			438,271
Police Protection Tax			10
School Cross Guards			10
Street Lighting			10
Street & Bridges Tax			0
Annual Audit Tax			17,000
Emergency Services Tax			857
Garbage Disposal Tax			10
Worker's Compensation Tax			91,500
City Tort Judgment & Liability Insurance			132,000
Parks & Recreation Tax			21,143
Social Security Tax			136,000
Flood Control Tax			70,000
Fire Protection Tax			350,314
Water Treatment Tax			10
Chlorination Tax			10
Illinois Municipal Retirement Fund			101,000
Unemployment Insurance Tax			5,000
TOTAL TAX LEVY			1,363,146

SECTION II: That the amount levied for each object and purpose is placed in a separate column under the heading, "Amount Levied," which appears over same being as follows, to-wit:

SECTION III: That if any section, subdivision or sentence of this ordinance shall for any reason be held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance.

SECTION IV: That this ordinance shall be in full force and effect after its adoption as provided by law.

Adopted this 12th day of December, 2016 pursuant to a roll call vote by the City Council of the City of Galena, Jo Daviess County, Illinois.

AYES:

NAYS:

ABSENT:

ABSTAIN:

Terry Renner, Mayor

ATTEST:

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: December 7, 2016

RE: Cal. No. 16S-05, Applicant: Adam Johnson, 211 Fourth Street, Galena, IL 61036 and Owner: Bret Terrell & Kim Eastman – 1141 North West Street, Galena, IL 61036. Location: Parcel: 22-101-007-00, Lots 1,2 & 3, in Block 53 of the Original City of Galena, Jo Daviess County, Illinois. Common Address is 1141 North West Street, Galena, IL 61036. Request for Special Use Permit to allow Outdoor Commercial Entertainment and Commercial Animal Boarding in a Limited Agriculture District.

Summary:

At their regular meeting on November 9, 2016, the ZBA denied a request by Adam Johnson, on behalf of Bret Terrell and Kim Eastman, for a two-part Special Use Permit to allow Outdoor Commercial Entertainment and Commercial Animal Boarding at 1141 North West Street, a property situated in the area commonly known as "School Section".

The applicant requests an appeal hearing with the City Council to reconsider and approve the request.

Attached, you will find: a narrative from the applicant which states his reasons for the appeal; a decision document with Findings of Fact; and the original packet issued to the ZBA for the request. No new testimony or evidence shall be considered for this appeal.

I will be available at the hearing to interpret any material or answer any questions you might have.

Appeal to the City Council

To: Galena City Council

From: Adam Johnson, applicant

Date: November 23, 2016

RE: Cal. No. 16S-05, Appeal of Zoning Board denial of request to for Special Use permits to allow Outdoor Commercial Entertainment and Commercial Animal Boarding in Limited Agriculture District.

Summary:

Per Galena Zoning Ordinance 154.926 (D) (3)a, as applicant, I am providing a written request that explains the rationale of my appeal based on the criteria provided in division 154.926 (D) (1). I am providing combined appeal documents for the separate Special Use requests that were denied at the November 9, 2016 Zoning Board meeting. Because the uses could exist independently, I ask that the City Council grant my appeal for both or separately as the City Council would care to rule.

On the advice of the City Attorney, provided to me at our pre-appeal meeting with the Zoning Administrator, I will attempt to be as thorough as possible to provide the City Council with the all the pertinent facts as were presented in the request for Special Use. Therefore, I will review the Approval Criteria for Special Use and point out where the criteria provided in division 154.926 (D) (1) applies and supports my appeal.

To preview my arguments based on the Appeal approval criteria, I would state that the Zoning Board:

1. 154.926 (D) (1) (a) 1, Acted in a manner inconsistent with the Zoning Ordinance and Galena Comprehensive Plan by not supporting an existing business and the proposed use in a Limited Agricultural District, where this would be the proper zoning district for the use. The business owner worked with the Zoning Administrator and looked for a new location, at the Zoning Administrator's direction, in Limited Agriculture Districts where Commercial Outdoor Entertainment and Commercial Animal Boarding are allowed by Special Use permit. The Zoning Board should have recognized that this is an established existing business and that after a directed search for a new location, that this is the best location available to relocate the business. Commercial Animal Boarding and the viewing of animals as Commercial Outdoor Entertainment are both basically agricultural uses by nature, and where not causing any significantly more intense use, should be allowed by Special Use permit. The Comprehensive Plan Vision Statements support a diversified economy and an improved business environment for tourism by retaining existing businesses.

2. 154.926 (D) (1) (a) 3, Failed to fully consider mitigating measures or revisions offered by the applicant that would have alleviated some reasons for the opposition stated by the public and treated the application as though it were in a residential district instead of the more diverse Limited Agricultural District. Providing additional landscaping and moving the location of the existing driveway will provide additional privacy and decrease the danger of traffic rounding the corner at the top of the hill. Much concern was expressed about the dogs being viewed by passing cars and causing distraction, landscaping limiting the view from the street would help with that concern. People expressed concerns about the existing driveway location being at the bend in the road at the top of the hill, moving the driveway would help with that concern. These concerns will not prevent the adjoining property owners from use or enjoyment of their properties or cause any unreasonable privacy concerns. The expectations for privacy, use and enjoyment, and compatible design should be different in a Limited Agriculture District than a Residentially Zoned District.

3. 154.926 (D) (1) (a) 4, Acted arbitrarily when the Zoning Board made the assumption that the business owner's stated goals for the relocation of the business and proposed business plan of only allowing visitors on site by appointment at pre-designated times would revert to the current business model

over time, and therefore cause disturbance to the neighbors. Given the business owner's insistence that the current business model does not work well because walk-on visitors disturb and degrade the paid visitor's experience, who was already on site, by drawing the dog's attention away from the paid visitor, the business owner's statements and willingness to agree to restrictions placed on the Special Use permit should be honored. The Special Use permit should be issued based on those restrictions and the firm understanding that they will be followed by the business owner.

Because of these reasons, I would ask that the City Council overturn the Zoning Board denial of the Special Use requests so that the owner could make immediate best use of his property.

Statement on Memo by Zoning Administrator:

The applicant thanks the Zoning Administrator for the completeness of the staff memo and its recommendation to approve both Special Use permits. The memo represents the effort that the Zoning Administrator underwent to assist the business owner in finding a new location which suited the business.

Items about the request that were corrected or amended include the deletion of use of the site for activities after sunset including campfires and the correction that selfies are not allowed with the dogs.

Review of Special Use Approval Criteria #1: Site Plan Review Standards in 154.914.

These criteria were agreed by Zoning Board to have been met. The Site plan has been reviewed by the Zoning Administrator and complies with the review criteria.

154.914 Site Plan Review Criteria are as follows:

154.914 (A) The proposed site plan satisfies the purpose of having a site plan by providing a graphic plan showing the proposed project as required for review.

154.914 (B) The proposed site plan is provided because it is specifically required for review of Special Use requests.

154.914 (C) (1) The proposed project complies with the Comprehensive Plan and other plans and policies adopted by the City. The Comprehensive Plan Vision Statements support a diversified economy and an improved business environment for tourism by retaining existing businesses.

154.914 (C) (2) There are no other codes or regulations that are applicable to the site with which the proposed project must comply.

154.914 (C) (3) There are no previous approvals that have been granted with which the proposed project must comply.

154.914(C) 4 (a) The proposed project complies with the development standards of the underlying zoning district, including all building & design requirements. The business owner stipulates that all buildings codes must be met before commercial occupancy can be granted.

154.914(C) 4 (b) The proposed project complies with the general land use regulation in 154.405 as follows:

154.405(A) The proposed project will comply with the Land use regulation and requirements when a Special Use permit is granted. Listed below are the uses allowed in a Limited Agriculture District.

Given the uses permitted by right in Limited Agriculture District, the proposed uses of Commercial Animal Boarding and Commercial Outdoor Entertainment will be limited and restricted in comparison to insure compatibility. Some uses, the Day care home, specifically, and active outdoor recreation could create much more traffic and disturbance for the neighbors than the proposed project.

Limited Agriculture is not defined to be a residential zoning district but as a district for preserving and protecting agricultural uses. Residential zoning districts are much more limited in the uses allowed than Limited Agricultural Districts, which allows more diverse uses including agricultural uses.

Uses Permitted by Right

Single Family Detached on 35 acres
Small Group Institutional Residential
Cultivation
Husbandry
On-site agricultural retail
Selective cutting
Outdoor Recreation, public active & passive
Public services and utilities
Day care home 3 to 12 children
Home occupation, minor
Private Kennel, 3 animals
Outbuildings & recreational facilities
Recreational vehicle storage
Private Stable
Caretaker's residence
Lawn care
On-site parking lot

Uses permitted with Special Use

Mobile Home
Agricultural services
Clear cutting
Recreational outdoor campground
Outdoor institutional
Artisan Studio
Commercial outdoor entertainment
Commercial animal boarding
Waster disposal facility
Composting operation
Home occupation, major
House Tour

154.405 (B) The proposed project would be well under the density and intensity regulation for the site. The lot size of 80,000+ s.f. is double the 40,000 s.f. requirement. The lot frontage exceeds the requirements. The project meets the minimum building separation & maximum building height requirements. The project meets the nonresidential density standards with an FAR of 0.02, 0.25 maximum is allowed, and a landscaping ratio of 90%, 50% minimum is allowed.

154.405 (C) The proposed projects meets all the bulks standards, except for the existing front setback, which is less than the required 40 feet which is allowed as a grandfathered situation.

154.405 (D) The proposed project meets the Landscaping and bufferyard requirements. The existing landscaping was determined to be adequate for the project with limited building and parking development proposed. Buffer yards are not required in LA and a Type IV bufferyard is

only required for Commercial Outdoor Entertainment along borders abutting residentially zoned properties, which the property does not.

The Zoning Board failed to consider the business owner's willingness to provide additional landscaping as a possible mitigating effort to screen the dogs from public view. Additional landscaping could be placed all along West Street to screen the view of the dogs from drivers and the neighbors.

154.405 (E) The proposed project meets all of the Performance standards and requirements. The site plan indicates the location of parking as determined by the Zoning administrator, even though the request states that the business will not be allowing walk-on visitors. The conflict between showing the parking requirements and the business model which proposes no need for customer parking is accepted as a compromise by the business and the zoning administrator.

The proposed project will not exceed acceptable levels of noise or odor nuisance. The business owner states and has demonstrated at the existing business location that his dogs do not cause disturbance by excessive barking. The existing business site is kept clean of dog feces and so there are no offensive odors. The mere existence of the dogs on the property does not constitute a nuisance or disturbance. Existing dogs in the area can be heard barking on the site.

154.405 (F) The proposed project meets the Signage regulation and requirements. The owner proposes to use very little signage on the site. Signage at the gate and placed around the site will indicate that the site is private property and entry is by appointment only through the booking of a tour. No other business advertisement will be placed on the site.

The Zoning Board failed to consider the effect of using private property signage to discourage and prevent walk-on visitors to the site. Accepting additional signage and the Business owner's stated purpose to prevent walk-on visitors, and placing those requirements within the Special Use permit, would mitigate the proposed use and require the Business owner to comply.

154.405 (G) The proposed project and application has complied with the Procedural regulation & requirements. The applications were accepted by the Zoning Administrator and reviewed by the Zoning Board according to the required procedures.

154.405 (H) The proposed project complies with the required number of principal structures on the lot, which in LA is one.

154.405 (I) The proposed project complies by having less than 5 nonresidential land uses in one building and not having a residential use share a structure with a nonresidential land use.

154.914(C) 4(c) The proposed project complies with natural resource protection in 154.501-154.510. The project does not disturb any significant area or threaten any natural resources. No steep slope areas will be disturbed.

154.914(C) 4(d) The proposed project complies with the parking, lighting & landscaping standards, see above under 154.405.

154.914(C) 4(e) The proposed project complies with Compliance provision in section 154.701. The project will not produce smoke emissions, particulate matter, airborne hazardous materials, vibration, glare or heat, sewage waste, no storage of combustibles, excessive noise, odor, electromagnetic radiation or hazardous or noxious materials.

Experience with the existing business demonstrates that the noise and odor have not been a problem at the existing site and those conditions are expected to be maintained at the new location.

Review of Special Use Approval Criteria #2: District Standards in 154.201 through 209.

These criteria were agreed by Zoning Board to have been met.

154.201(A) (1) The proposed project meets the defining characteristics of the Limited Agricultural District at the proposed site. The LA district seeks to preserve and protect limited agricultural uses indefinitely and as well as keep residential development very limited by requiring 35 acres per new residence built. The proposed use is more in keeping with the agricultural nature of the district, proposing the land be used for boarding animals, in this case dogs. Other animals are occupying nearby land and cultivation is also occurring in the district.

The proposed project meets the density and bulks standards for the LA district except for the front yard setback, which is existing and allowed as a grandfathered condition.

Review of Special Use Approval Criteria #3: Specific Standards in 154.406.

These criteria were agreed by Zoning Board to have been met.

154.406 (11) Entertainment, Outdoor Commercial specific standards are met. Because the proposed project is not abutting a residentially zoned property no additional specific standards apply.

154.406(15) Commercial Animal Boarding specific standards are met. Each animal will be provided with an indoor containment area and no shows will be permitted without the Commercial Outdoor Entertainment Special Use permit.

Review of Special Use Approval Criteria #4: Availability of complementary uses.

The Zoning Board had some discussion about these criteria and voted that the proposed project did not meet these criteria, but I believe that the Zoning Board was in error because they treated the district as if it were residential in nature and that a residential character is the character of the district.

This is inconsistent with the Zoning Ordinance. Limited Agriculture is not meant to encourage residential use or be residential in character, as indicated by the requirement of 35 acres of land per new house and the diversity of nonresidential uses allowed which are not allowed in residentially zone districts. The LA District zoning is meant to support low impact uses that have an agricultural connection but also outdoor recreation, recreational vehicle storage, parking lots and other non-residential use by right. A Special Use permit requirement is placed on commercial uses, such as outdoor commercial entertainment and animal boarding, to insure that proper control is placed on the business, but they should be considered compatible in the LA District.

I believe that complementary uses do exist for Plumery Tails and they are the uses which support every tourist business in the City, including restaurants, hotels, motels, B&Bs, other entertainment venues and historical attractions. The business connects to those complementary uses by picking up and dropping off its customers in downtown Galena.

Additional complimentary uses are all the dog related business and services which the existing business uses and supports from veterinarians to groomers to fencing installers. Plumery Tails supports local businesses.

Review of Special Use Approval Criteria #5: Compatibility with adjoining properties.

The Zoning Board had some discussion about these criteria and voted that the proposed project did not meet these criteria, but I believe that the Zoning Board was in error again because they treated the district

as if it were residential in nature and that a residential character is the character of the district. The Zoning Board should have acknowledged the different expectations for land use between Limited Agriculture Districts and Residentially zone districts.

5(a) Protection of Privacy:

I believe that the proposed project does provide reasonable visual and auditory privacy for all dwelling units located adjacent to the site. Fences and landscaping are already proposed.

The Zoning Board failed to consider additional landscaping to provide additional privacy for the houses across the street from the site.

I believe that the residences in Limited Agriculture should not have the same expectations to the right of privacy that residences in Residential Zoning Districts enjoy, but should share similar expectations to privacy that residences within mixed use, commercial districts or the downtown enjoy. In a zoning district with more diverse allowed uses, residences should expect those diverse uses to impact on their privacy differently than in a district solely zoned for residential development. Residences in a Limited Agriculture District should expect more diverse land uses and the more diverse activity that accompanies them.

West Street is a busy street by rural standards and a fair amount of traffic passing by these properties. The volume of traffic on West Street also should lower the expectation for privacy along the street.

Commercial Outdoor Entertainment may have some impact on privacy on adjoining property, but considering that the visitors will be brought in a van to the site to interact with dogs which will engage the visitors attention, the expectation that the visitors will be impacting the neighbors privacy should be limited.

Commercial Animal Boarding does not have a component which will impact the privacy of adjacent properties. The addition of animals to the property should cause no concerns about privacy whether the animals are dogs or cows or horses.

5(b) Protection of Use and Enjoyment:

I believe that the proposed project will have little, if any, impact on the use and enjoyment of adjoining properties. The Zoning Board overstated the concerns that were expressed during the public hearing and lost sight of what should be acceptable uses in a Limited Agriculture District.

The concern of the business owner driving a van back and forth to downtown Galena possibly up to eight times a day for business does not represent a large increase in traffic. The offer to move the driveway to a safer location away from the corner at the top of the hill should help to ease that concern further.

The concern that fans of Plumery Tails or other drivers distracted by the dogs will drive by slowly, causing congestion, is not a concern limited to the sight of large dogs alone. Galena is a very picturesque town and people slow down and look at a lot of sights. The Zoning Chair related his own experiences driving his grandchildren around in the country and stopping to look at cows and horses. The Plumery Tails dogs are not such a different or distracting sight in context of the rural landscape where there can be any number of distractions.

The concern that fans of Plumery Tails will try to walk-on without an appointment are not warranted. The business should be allowed the chance to stand by its own proposed restrictions against walk-on visitors being allowed on site.

Further, I believe that the denial of the Special Use permits will prevent the business owner from the use and enjoyment of his property by denying uses in keeping with the character of the Limited Agriculture District. The Commercial Outdoor Entertainment and Commercial Animal Boarding uses proposed will be restricted and limited by the Special Use permit to prevent nuisances that would affect the neighbors.

Protection of the right to use the property in an allowed use should be more important in the priorities of the City according to the goals expressed comprehensive plan. The undeveloped property in the area in Limited Agriculture most likely will not be developed into residential because you are required to have 35 acres to build a new house. There is no real plan for the City to improve the infrastructure and rezone the district into Low Density Residential and so limited agricultural uses should be accepted and encouraged to develop the land to the greatest value. Therefore this property in LA should be allowed commercial uses as Special Uses because they would be the higher uses for the district.

The Commercial uses not only increase the property value but also promote tourism and increase the local economy by the limited development that the proposed use will require. Promoting tourism with a unique business which draws repeat customers helps to increase the tourism economy for the whole City, and in this case also helps improve the business and relocates it from a poor location which is detrimental to the business and public safety. The unique nature of the business increases the local economy through the continuous use of local services for the care of the dogs including veterinary and grooming services. The proposed project will require a large investment in fencing and other improvements.

5(c) Compatible design and integration:

The elements of the plan are in harmony with the existing and nearby anticipated development. Most of the elements are existing. New elements are minimal and set away from the street on the site. The use will not produce any nuisance or noxious emissions.

The Commercial Outdoor Entertainment use proposed requires no design or structure that is incompatible with the preservation and protection of agricultural activities. The minimal proposed traffic increase will not required any additional facilities or infrastructure.

Commercial Animal Boarding is rural in nature and compatible with the preservation and protection of agricultural activities. Commercial Animal Boarding is easily integrated into the rural agricultural setting. The inclusion of the dogs does not distract from the agricultural activities in the area.

In Conclusion:

The Zoning Board was positive and complimentary about the existing business, but expressed concerns about the impact of the Commercial Outdoor Entertainment use on the nearby residential properties. I believe that those concerns were weighted incorrectly in relation to the Limited Agriculture District.

I believe that the request for the Commercial Animal Boarding received little real discussion and its impact on the nearby residential properties would be minimal if not non-existent. The Special Use permit for Commercial Animal Boarding should be allowed simply as a complimentary agricultural use.

I believe that the City would be better served to grant the Special Use permits requested for Outdoor Commercial Entertainment to allow this existing business to relocate to its new location. The Comprehensive Plan Vision statement and Goals supports strengthening existing businesses and the diversifying tourist economy. The additional mitigating measures proposed would provide additional privacy and safety for the neighboring properties. And the restrictions provided in the Special Use permit will prevent the business from allowing walk-on visitors and discouraging additional traffic to the area reducing disturbance to the surrounding properties.

For these reasons I ask the City Council to overturn the Zoning Board's findings of fact and grant the Special Use permits requested.

DECISION

**ZONING BOARD OF APPEALS
OF THE CITY OF GALENA**

REGARDING

CALENDAR NUMBER: 16S-05

APPLICATION BY: Adam Johnson, 211 Fourth Street, Galena, IL 61036 and
Owner: Bret Terrell & Kim Eastman – 1141 North West
Street, Galena, IL 61036.

FOR: A Special Use Permit to allow Outdoor Commercial
Entertainment and Commercial Animal Boarding in a
Limited Agriculture District.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on November 9, 2016. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. 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

The applicant is requesting a Special Use Permit to allow Plumery Tails, a local book and gift store including interactive experiences with Malamute dogs, to operate at 1141 N West Street. The nature of the request is two-fold: to allow Outdoor Commercial Entertainment, which is suitable for the proposed land uses, and also Commercial Animal Boarding, which will allow the owner to house and maintain his eight Malamute dogs with room for expansion up to a maximum of 12 dogs.

The business currently operates at 700 Spring Street and has reached its maximum growth potential on the site. The proposed location will allow the business owners to expand their area of operations and also be located away from the major tourist flows. The attraction of their business has created potential issues along Highway 20 due to a dangerous access point onto the property, which has high visibility from the highway. Additionally, the business owner has issues with people trying to access the property to see the dogs, even when they are closed. The new proposed property will allow them to be “off the beaten path” and then they can bring people to the site by shuttle on an appointment-only basis.

The Commercial Animal Boarding portion of the request is to establish a formal limit on how many dogs can be at the property; the owner is requesting a limit of 12. The purpose of this request is to allow readers of his books to interact with the books' subjects, the Malamutes. Also, the owner would like to rescue other Malamutes that are not properly cared-for. According to the owner, having more, rather than fewer dogs, works better for the interactions with visiting groups because they can have a one-on-one experience; whereas having less dogs per group person overwhelms the Malamutes when more than a couple of people are trying to interact with them.

Lastly, some of the activities requested by the business owner to occur at the site are: interaction with the Malamutes; sled rides; campfires (s'mores); trail walks and photo opportunities. The main interaction area for the Malamutes will be in the back yard behind the house. Further behind the house is a wooded area, which the owner wishes to implement a looped trail that is bounded by split-rail fence to keep the Malamutes and guests on the path. The campfire portion is for occasional evenings when guests can come to the property and sit around the campfire and relax with the Malamutes. The site will also have a small shed / outbuilding that will have the books / gifts for the visitors. The visitors will be picked-up at a location downtown and brought to the site in a shuttle van and later returned downtown. The site will not be open to walk-in traffic.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. The existing shed on the property will be taken down and a new one will be put in its place. The business owner has recently received permission by license from the City Council to conduct activities, place fencing and utilize the right-of-way along Muir Street and N West Street.

The Building Department and Staff will ensure that the site improvements meet current building, electrical and life safety codes. No further site improvements are required as the site has adequate landscaping and lighting already.

Staff recommends approval of this request.

Land uses surrounding the property include residences and agricultural operations.

PUBLIC SUPPORT AND/OR OBJECTIONS

In accordance with Article 9, Table 154.918.1 of the City of Galena Zoning Ordinance, a public hearing was held for the Special Use Request. The Zoning Board of Appeals heard testimony regarding the application from the applicant and the public.

Since the Zoning Board of Appeals is not bound by the strict rules of evidence, substantial latitude is procedurally given in all cases to the kind of evidence that may be made a part of the record. In this case, all testimony and exhibits entered into the record were evaluated and given weight by Board members on the basis of credibility and factuality.

The following persons presented testimony during the public hearings. Their testimony was recorded in the official minutes of the hearing, which are hereby made a part of the findings.

Testimony Presented on Behalf of the Applicant and in Support of the Proposal:

- **Adam Johnson, 211 Fourth Street** – spoke as the applicant in favor of the request. He stated that he is representing Bret Terrell and Kim Eastman in the request for a special use permit for outdoor commercial entertainment and commercial animal boarding to allow them to have up to 12 dogs on the property. They’re looking at moving an existing business, located on the highway, to a better location that is safer and also to restrict how many visitors come to their site. The visitors will be brought to the site by appointment only, after being picked-up downtown. This will improve the experience for the visitors. This will benefit Galena by expanding the existing business and having it more structured. It will also bring more visitors downtown when they’ll be picked-up. The Council also recently approved the use of the right-of-way next to the property to allow fencing and they think it will be a good use for the property. He believes this application covers all applicable codes in the City Ordinances.

Baranski asked if the City Council approved the use of the property already?

Oldenburg stated that the applicant wanted to use the practical portion of the yard surrounding the dwelling at the property. The right-of-way adjacent to the East is about 100 feet wide, so although the yard is up to the street, most of it is public right-of-way. There is also unimproved right-of-way along Muir Street that was part of the request. The applicant had to request permission by license from the City in order to utilize that space and to install any future fencing. The City Council approved that request for the residential uses, and also any commercial use pending approval for commercial uses by the ZBA.

Jansen asked if Muir Street was not in use?

Oldenburg stated that Muir Street, adjacent to the Southern property line, was unimproved. The right-of-way along North West Street is about 20-some feet wide, but the rest of the 100 feet right-of-way is unimproved; a lot of it is what would practically be the front yard of that property.

Nybo asked about the approval criteria and if the plan provides reasonable auditory and visual protection to surrounding properties?

Oldenburg stated that there are line-of-sight considerations to the visual protection of adjacent properties such as landscaping and bufferyards. The plan is to have fencing on the perimeter of the property as well as existing landscaping, with large spruce trees around the house, that should break-up the visual aspect. As far as the audible protection, Staff considered the history of the property the applicant has now; there hasn’t been complaints about barking/howling in the past.

Baranski asked about the scheduling and operations of the business. He wanted to know the frequency and size of groups that will visit the site.

Johnson stated that visits would be at 2 hour intervals and they would be picked-up downtown with appointments made by phone / internet.

- **Bret Terrell, 700 Spring Street** – spoke in favor of the request. He stated that the frequency of trips to the site is 4 loads per day – currently, there is no control on how people come and go to their

present location; this way, there will be control on access to the property. The tour times would be: 9:00 AM, 11:00 AM, 2:00 PM and 4:00 PM only. The visitors will be picked-up downtown, given a van ride to the property while filling-out a waiver along the way. The route will be to take Dewey Avenue to Buckhill to Donnegan to divert tourists from knowing the easy route off of Field Street. This will reduce having passers-by from easily finding them.

Rosenthal asked whether people could just plug the address into their GPS and come there anyway?

Terrell stated that he has no intention to put their address on anything. The only way people can contact them is by phone number or their brochure information; they have a PO Box.

Baranski asked if they were attempting to have a secret location?

Terrell said, “Absolutely”.

Kimberly Eastman, 700 Spring Street, approached the podium. She stated that they will have a closed gate with posted appointment times. If the gate is closed, people can't come in and out. They understand that the neighbors want peace and quiet, which is what they (applicants) want as well.

Bochniak asked about the other parts of the request, besides the appointments – like the campfires, etc.

Terrell stated that they've discussed it and they rescind the activities requested outside of the appointment times. The reason they charge people to visit with their dogs is because he is a writer of children's books and the protagonists of his books are his Malamutes. Visitors to his book store wanted to interact with the dogs and he began charging as a deterrent so they wouldn't want to interact with them. However, people gladly paid and said the experience was cathartic. They started doing extra activities in order to feel like they were giving value to the customer rather than only letting them visit with the dogs. They also have kids' activities aside from interacting with the dogs because of height requirements for safety. He wanted to make trails for them through the woods so they have something to do, but it wasn't compliant with zoning at the current property. He further explained that they will just stick with charging \$15 and letting people having the experience of being with the dogs rather than expanding activities.

Baranski asked about the number of dogs. He feels agnostic about the request for 12 dogs because we don't have a formula for how many dogs are allowed, outside of the residential requirements. How did the applicant arrive at 12 as the number?

Terrell stated he wanted 12 because he couldn't have 24. He loves the dogs; he has a cohesiveness with them that attracts other people and keeps bringing them to Galena to experience it. They consider his business as their number one stop.

Baranski asked how big the property was?

Terrell said about 3 acres.

Baranski pondered about the number of dogs per acre. How many is too much?

Terrell stated that the property they are at now is about an acre and a quarter and they have eight dogs. It's the front yard, about a half-acre, that they're the most happy in. They don't care for the kennel but rather love being out in the yard. This is what attracts people when they see them in the yard. The dogs live in the house with them – they do not have an issue fitting them all in that little house.

Nybo asked whether they were renting the present property?

Terrell stated that they were.

Nybo asked whether they were going to be owners of the proposed property?

Terrell and Eastman stated yes, they closed on the 5th of November.

Rosenthal asked about the fence on the back side of the property – is that a solid fence?

Terrell stated that it was a mesh fence, which was recommended. Their dogs will not go through a fence.

Rosenthal asked whether there was livestock on the other side of the fence – how will their dogs react to the livestock on the other side?

Terrell said they haven't been in the presence of livestock thus far, but it is up to him to control them. They currently have deer and raccoons, etc. in their backyard and they don't have issues. They only times their dogs bark is when they play with each other, but it's not a lot. Their breed is not known for barking.

- **Trish McDonald, 480 Arlington Street, Dubuque** – McDonald stated that she's known Kim & Bret for over two years and found them driving by the current location. She continues to be amazed how cohesive they are in how they bring a new dog into the pack as they've grown their family. Malamutes are a breed that is indigenous to North America and they were bred in Alaska by Inuits as a true family unit because they serve each other. It's amazing to see how they interact with Bret & Kim and it is truly therapeutic for visitors. She can understand if people can have reservations about the dogs, but once you're around them you will see that they are a wonderful addition. She knows that Kim & Brett are determined to be good neighbors and provide a business that adds to the Galena economy. It brings people to stay here and shop and eat.

Jansen asked Terrell whether the local book and gift store would stay at the present location or move up to the new property.

Terrell stated that it will be up at the new property and accessible only by appointment.

- **Antonio Morel, 225 North Trace, Galena** – spoke in favor of the request. He stated that he's known the applicants for about 3 years. Driving on Spring Street, he has seen a couple that has taken a depressed property and beautified it with a lot of hard work and dedication. These dogs are

big and intimidating, but once you get to know them, you'll see what a great trainer Terrell is and how caring he is with the dogs and how gentle they are. His business is an asset to Galena – he knows, he owns Kaladi's, and people come and ask about the dogs at his business. It's a great thing to have the applicants here. The dogs do not bark – only at noon, they howl for about 30 seconds at the noon whistle.

- **Candice LeBowe, 734 North Pilot Knob Road** – spoke in favor of the request. She stated that she has 15 acres and has three cats. She has visited Plumery Tails four times with family and friends and wants everyone to know that she's invited them to her property. She said that there's no indication of dog feces at their site, that the owners take care of it and keep things clean. She would be proud to have them as neighbors.
- **Ramon & Emily Ascencio, 2626 N. Troy, Chicago** – spoke in favor of the request. Ramon stated that they are not from here, they are both from Chicago and are police officers. They are used to dealing with dogs and vicious animals – these dogs are nothing of the sort. They come to Galena about 6 times a year, they love the town and to visit. They've made friends with the local business owners, including Bret & Kim. They are dog lovers and noticed Plumery Tails on their way to Dubuque and they've stopped every visit since. The degree of social order that is in place with these dogs is astounding; they have family members that are normally terrified of dogs, that they brought to Plumery Tails, and they ended-up having the time of their life. Coming from a person that has experience dealing with dogs that are bred for fighting and are mistreated in Chicago, these are some of the best conditions he has seen for animals at Plumery Tails. There is a catharsis that comes from encountering the dogs. It's one of the main reasons why they keep coming back to Galena.
- **Kyle Reinhart, 1406 Amherst Dr., Schaumburg** – Reinhart stated that he is currently a student at UW Platteville and regularly visits Plumery Tails. He comes to Galena every weekend that he can to visit with the dogs. They are therapeutic for him and the atmosphere there is family.
- **Mary Leibold, 145 Arrowhead Ct., East Dubuque** – spoke in favor of the request. She met Bret & Kim about 8 years ago and became hooked on their books and dogs. When Bret started increasing the pack, she began making visits to Galena to see them. She's never felt unsafe around the dogs or that she would be knocked-over. The dogs are cared-for better than most children. As far as dog messes in the yard, she doesn't look for it in their yard because they keep it cleaned up. She can't see anything but a benefit to the neighborhood and Galena if they are allowed this request.

Testimony Presented in Opposition to the Proposal:

- **Phil Karberg, 622 Turney Street, Galena** – spoke in opposition to the request. He stated that we've lost sight of why we are here. We are not here because they are good with their dogs, but to find-out why they can move to school section. They want to add up to 12 dogs total – and they're saying no one can find the place? There's a pool and parks at the bottom of the hill – it's not going to be hard to find it. People are going to do the same thing in school section as on Spring Street, when they see the dogs from the road, they're going to want to stop. It won't be a private setting in school section anymore if this passes. It's going to add a lot of traffic.

Baranski asked if it would make a difference to him if the request were for fewer dogs?

Karberg said its more of the spectacle of what they're doing. It's an attraction that the neighborhood wouldn't want.

Rosenthal asked what if it wasn't a business and they just lived there with the dogs?

Karberg said it would be better – even if they're still a spectacle for passers-by, they wouldn't be able to interact with them in the way if it were a business.

Baranski asked if there is still a restriction on the number of dogs allowed on the property?

Oldenburg stated that there is a limit to three dogs for the property as a residential use.

Nybo asked if the property is residential or limited ag?

Oldenburg stated that the property is zoned as limited ag. The way private kennel reads, residential areas have a limit. Limited Agriculture district is a conservation district, technically, but this property is near other residences (existing non-conforming) in the district. If the request is denied, it's an issue that will have to be addressed.

Rosenthal asked again if they are limited to so many dogs by what they're zoned.

Oldenburg said yes. They will have to figure out what to do if it doesn't pass. The City will have to enforce the rule with them if they move in with the dogs over the limit. They may have to do another process for the private residence to allow the dogs.

Jansen asked if they have eight dogs, will they be able to keep them there legally?

Oldenburg said the way he interprets the Code, it is not allowed.

- **Robert Stocks, 702 Turney Street, Galena** – Stocks spoke in opposition to the request. He stated that he lives in the neighborhood across the field from the property in question. He doesn't understand why a commercial zoning request could be considered in a quiet residential area. If this were approved, could another commercial request come in after?

Oldenburg stated that the zoning district that comprises most of that area is Limited Agriculture, so certain land uses are allowed by right or special use permit. On the table of land uses, in the ordinance, these land use requests are allowed by special use permit in the Limited Agriculture district. If it was approved, the use can run with the land, however the Board can condition the use.

Stocks also stated that the driveway to the property is accessed at a narrow intersection in the road and is dangerous.

- **Bill Gehrts, 506 Jo Daviess Street, Galena** – spoke in opposition to the request. He is not opposed to people having pets. As a resident of the neighborhood, he's concerned about the noise. He thinks people will stop at this new property, just like the highway property. Currently its zoned as Limited Agriculture – the reality is, it's residential. He thinks it would be detrimental for the area to change

from what it is now. Over the years, there's been talk of a dog park – having 12 dogs in one spot would be similar to a dog park.

Bochniak stated that people will stop to take a picture of a cow, so he's not concerned about the issue of people taking pictures of the dogs. He thinks it's their intent to keep it a closed, private residence and business.

Gehrts stated that there's a curve at the top of the hill, right where the house is – if people stop to take a photo from the road, it will be dangerous. That's his concern.

Baranski asked Gehrts if he was comparing this site to the property on the highway?

Gehrts said yes, he was.

Baranski asked about his earlier mention, comparing this request to a dog park. What about a dog park was he in objection to?

Gehrts stated that having a dog park next to a residential neighborhood would create noise and have more people driving by. He doesn't think this is the right place for it.

Phil Karberg approached the podium again and stated that the fence parallels the road, it's right there along the road that people will see the dogs.

- **Merril Henrichs, 725 Meeker Street, Galena** – Henrichs stated that his mother lives across the street where this is located. We know that the area is zoned agriculture as it has been for a long time. Approximately 30 years ago, his father applied to put a commercial business up there at the top of the hill on his property and was turned down because they were concerned about traffic going in and out at the top of the hill. As mentioned before, that driveway is difficult to get in and out of and could cause a problem. His mother owns 43 acres up there – what is your response going to be if he comes to the ZBA and asks to put commercial up there? What happens if LaVerne Greene requests to put something commercial up there? Are they going to get turned down? Once you open it up, you open it to everybody who wants to put in a business. People found the dogs where they were before, they'll find them at this location. They will find them with social media. That section up there has always been limited agriculture and business has been denied there in the past. If you allow this you open it up for more.
- **LaVerne Greene, 900 Ridge Street, Galena** – Greene stated that his family has lived up there for over 75 years and he's owned property up there for over 45 years. He doesn't see why we want to make something commercial from ag – it's been that way forever. He doesn't know why we are even thinking about doing it. It's not what we need to do. We should stay where we are – it's been that way forever. We don't know what else you're going to open up by doing it. He thinks it's time we say, hey, let's leave it like it is.
- **Adam Langbecker, 1130 North West Street, Galena** – He stated that he owns the property directly across the street. He said that these dogs weigh anywhere from 60 – 100 pounds, 22-27 inches tall at the shoulder; the proposed fence around the property is four feet tall. Although it may not be common for these dogs to jump out, it is not beyond reason that they could jump over it.

Illinois Malamute Association says that Malamutes have a high prey drive – no outside furred or feathered animal is safe. He has a significant amount of wildlife in his area – he believes it is going to cause additional ruckus. At the top of the hill there is some necessity to maintain speed in questionable conditions – with his driveway directly across, when they put a gate up there – he believes he will have folks turning around in his driveway, which will impact his driveway. He had a delivery person knock on his door already looking for Ms. Eastman – so there is confusion already. Coming out of his driveway, you have about 5 seconds to recognize oncoming traffic. They are a family friendly business – average age, according to the Center for Disease Control, is 12-13 years of age before a child reaches 5 feet tall. It's difficult for him to consider it a family friendly business if children cannot interact with the dogs directly and they're writing books targeted towards children. You will also have increased foot traffic at the site without sidewalks there. There will be increased howling and barking along with having 15+ people there. This will impact his privacy. He fears that they are incurring liability on the City by using the right-of-way. He noted that you can take selfie's on their application, but on their website it says that you cannot take selfie's. They say it will increase tourism traffic to Galena – at their current location it may be accurate, but at the proposed location it wouldn't if they are not visible. He thinks the quiet nature of the neighborhood will be ruined by the proposed use. It will also decrease the property value, the beauty and the chance for him to sell his home at a point in the future.

- **Amy Beegle, 504 Jo Daviess Street** – She stated that she's lived there for 5 years and bought her house during the flood of 2011. Her concern is the feces coming down the hill. Let's say that it rains for 5 days in a row, are they really going to be out in the rain – picking up the piles of poop? She doesn't think so – it will wash down the hill, into the people's yards behind her and progress into her yard. Her dog doesn't even poop in her yard, they go across the street to Rec Park, she picks it up, that way she has nothing to step in when she mows her lawn. Secondly, when she bought her house, she had to ask her neighbors if she could put in a fence. She did not receive a letter of any kind of this in the mail and she is curious if she had to ask to put in a simple fence, why weren't the neighbors within a mile, or half of a mile notified this was going to be happening in their yard? People will find them, they will not be able to keep it secret.

Oldenburg noted that the notice goes to surrounding property owners within 250 feet of the property, so she would not be within that range. It is published in the paper.

- **Katie Wiene 507 Jo Daviess Street, Galena** – she stated that they chose to move to Jo Daviess Street because it is quiet and they enjoy that. She asked whether people would be shuttled and if the parking spaces on the plan were for people parking there?

Oldenburg stated that he had them indicate parking space available to cover 15 people at the site, however, if they are going to shuttle people to the site, the spaces will not be necessary.

Wiene asked where the visitors will be picked-up in town?

Oldenburg stated that they will be picked-up at designated loading points downtown, such as the one near the Post Office.

Wiene asked if there will now be a line of vans downtown?

Oldenburg stated that they are using just one van. There are other businesses that have similar operations for pickup, such as Amelia's Ghost Tours, Countryside Tours, taxis, etc. It's a designated loading zone on a public street.

Wienen asked whether they discontinue shuttling people – do they lose their permit?

Oldenburg stated that it could be conditioned to approve it that way. If they alter the plan, then they would need further approval. If they violated a condition, they would possibly be revoked.

Wienen said she would like to see that condition. Also, they pay amusement tax and she assumes that by their tax payment on record, there would be 400 people going through the site in a month. She would like the board to consider that. They have concerns about the feces; they're not as concerned about the dogs, their main concern is the increase in traffic on the road because of the business and the corner is dangerous.

Rosenthal asked about all of the concern with the feces – what happens to all of the horse feces that is already there?

Wienen guessed it washes into their yard when it rains.

Rosenthal asked if the horse owners are picking it up? It's bothering him that there's opposition to dogs being there when there's horses up above already with no issues with their feces.

Amy Beegle approached the podium again and stated that the difference between horse feces and dog feces is that horse feces is fertilizer. Dog feces isn't, it's plain and simple. She can fertilize her yard with horse poop. If she's planting a garden in her yard – horse feces is going to help it, dog feces is going to ruin it. It's plain and simple. Where those horses are, it is actually farther off.

Merrill Henrichs approached the podium again and asked to confirm whether they're bringing up to 15 people to the site per time? (confirmed) Under the request, are they required to have a separate bathroom facility if it's a commercial business?

Oldenburg stated that the restrooms in the house, since there are no alterations, would be used. It is possible for them to use a porta-potty down by the shed, with proper screening. It's a grey area for the City because we do not have a plumbing inspector, which that falls under. The Illinois State Plumbing Code determines the restroom. The City looks at ADA compliance in restrooms if they are required.

Henrichs asked if there would have to be water and sewer main run up to the site because of the new commercial business?

Oldenburg stated no, there is existing development there already so no water & sewer is needed.

Henrichs asked if adding a commercial business to the septic system will add stress to the system, where is it going to go?

Baranski stated that if it got to that point, you would look at the plumbing code and a decision would be made about any adjustments needed to the system to accommodate any increase in load. It can be done to have well and septic.

Henrichs said now you have a porta-potty, which will detract from how pristine the area looks. It's supposed to be a nice looking property and now it's going to have a porta-potty on it. Now people are going to stop and take pictures of the porta-potty?

- **Paula Kaiser, 1808 Field Street, Galena** – stated she doesn't want a business behind her. If there's one, then there's going to be another and another and another. She has a dog, they can't guarantee their dogs aren't going to jump the fence and come down to her yard and attack her dogs and her grandchildren. She doesn't want a business in her backyard.

Phil Karberg approached the podium again and stated that regarding ADA compliance, he's been in the trades all of his life. Any time there's been a commercial job or an improvement to a commercial job, a public place has to have a men's and women's ADA compliant bathroom before it opens. They don't open the door until it's done. That's been every job he's ever been on.

Baranski stated he's not disagreeing. Before they were approved, if it were open, they would have to comply with the Illinois Plumbing Code and Illinois ADA standards. In those books, it will determine which type of facility – if it is required, what is required and what it would need to be. That is a building department issue, not a zoning issue – it's beyond the zoning board.

Karberg stated that regarding the septic system, it is based on the gallons used. Do they have the property there to absorb the impact of more people on the system? It's something that needs to be considered.

Baranski said yes, it needs to be determined by an engineer. There are multitudes of systems that can be employed, but again, it's something that the building department covers.

Karberg asked if it is something that has to be approved?

Oldenburg stated it's not a zoning criteria.

- **Gerry Greiner, 1126 North West Street, Galena** – stated that she lives right across the street from them. She stated that you have to get the color of your roof approved, the house approved – did they get the fence approved?

Oldenburg stated that they did get approval for the fence as an appropriate fence type with a building permit.

Greiner stated that she is against it. She hopes the board considers turning it down.

Testimony Presented in Rebuttal:

- Adam Johnson thanked everyone for their testimony. Looking at the pro's, there's been a lot of testimony that these people have spent a lot of time and money improving their business. It's been

these people that keep coming back and spending their money in town. They don't want to run a business where visitors come and there's dog feces all over the place – it is a clean and well-run business. This isn't zoned as a residential district, it is near residences but it is zoned as Limited Agriculture. Horses and livestock and other limited ag uses would be similar to the proposed use with dogs in a fenced-in area. Outdoor Entertainment and Commercial Animal Boarding are allowed in this district. There are other uses within Outdoor Entertainment that are far noisier and more intense than what they are proposing and it has been determined that they would be possibly acceptable in Limited Ag. This is going to be by appointment only – not open to walk-in. Terrell has stated that he has other responsibilities and this is complimentary to his writing of children's books. People driving by are not going to be encouraged to stop. By picking up people and dropping them off downtown – he is limiting traffic along the street. If you look at residential as opposed to limited ag – this isn't going to be residential. These people are living in limited ag, not residential.

- Kim Eastman stated she understands everyone's concern – she would be a little nervous as if she heard eight dogs were moving into the area. The height of the fence wasn't determined by them – if it were up to them, they would have a 6-foot privacy fence where no one could see their dogs; but that was determined by the City code. Their dogs do not jump fences. Bret is cutting down trees to enhance the beauty and make it clearer for drivers to see around the corner. The new fencing is different than what is on Spring Street. The new fencing will be four panel fence and a barrier fence. We do not want the traffic any more than you do. They have turned away a lot of business and are not driven by the dollar. They have jobs – this business is supposed to be putting books into the hands of children and pictures taken with the dogs. It turned out that the public demanded more interaction with them – which is why they went down this road. It is meant to give people memories of a lifetime. They want to control it by bringing people in by appointment only. We are not open after dark, so you won't have to worry about noise problems – we will probably only be open until 4:00. They will only be open Thursday through Monday and by appointment only. As far as the restrooms go – they've rented a porta-potty for the past 6 months at \$135 – Matt is right, they have to screen it and put it behind a fence, so no one can see it. It seems people only use it 3-4 times per month; it is not worth even renting it, hardly anyone used it. The dog feces running down the hill is not even a thought for her – they do clean their yard in the pouring rain or 30 below, it doesn't matter, they clean it up. She doesn't want her dogs walking through that. Every night, they sleep in the house with them and don't bark outside in the evening. She is not clear on the amusement tax questions – they charge for people to see their dogs but if people buy merchandise they let them see them for free.

Bochniak asked if they are keeping the dogs in the backyard?

Eastman said yes – they're putting a fence in the front yard to keep people out, not to put the dogs out front. They want to keep fencing up to keep people from seeing them.

Terrell stated that as far as the fencing, they've put up stage 1 fencing to contain the dogs. When they put the fences up, they did that to keep people from coming onto the property. For the first year and a half – he didn't have fencing up on highway 20; he would sit outside and dogs would watch deer across the street and wouldn't chase after them. His dogs have never jumped the fence in 3 years. If he leaves the gate open, they'll get out but he calls them and they come back. When he is out walking the dogs and they approach people, he tells them to stop and wait until people walk by and they obey him. They are well behaved dogs – they are not jumping fences and running after children.

His dogs are quite a site, no matter where they move – people will always want to see them. This is a discrete area where they want to move – the tourists will not know where they are at as easily, it will most likely be locals that would know where they're at.

Bochniak asked if they've had issues with their neighbors where they are at now?

Terrell stated that people behind them that commented how they will miss them when they move. They miss even the howling at the noon whistle. People say all the time on how their dogs are quiet. They have a lot of great reviews online and they have 3000+ likes on FaceBook. His dogs are well-behaved and are not going to be disturbing.

Nybo asked if he has a backup plan.

Terrell stated he has a plan – he's not going to sit back and let them be taken. They want Galena to be a happy place to be.

Nybo clarified – what he is asking is, if they are denied – do they have a backup plan?

Terrell stated that he's a tree trimmer and he writes books. This all came about by demand from the public. His plan is he goes back to work, but his dogs are still going to be there. If people have curiosity, they'll go to look at the dogs.

Nybo asked, if you have another location – could you transport the dogs to another location?

Terrell said the situation is they are like their children, they are not dogs to them. They sleep with them, they eat with them, they stay with them. He has been demanded by the public to be home with them – whether he has 4 or 8 or 12. A lot of them are rescue dogs that came from bad homes.

Nybo asked to clarify his question.

Terrell said his plan B is to go back to tree trimming.

Eastman stated that their plan B is to move away from Galena.

Nybo asked if you live at this residence with the animals, can you bring the animals to a place like you have on Spring Street but a different location.

Terrell said that they have tried that, but when they looked at it with Matt they found they would have to go through the same process anywhere else in town.

Eastman said they tried going through the County and finding a place outside of town, away from residents. County said it could not happen, it wouldn't be granted. They've been working with Matt, trying to find the best place in town for the use and this was the possible one.

- Adam Langbecker asked to clarify about the 10-minute waiver. It sounds like there's a lot of liabilities involved with that as well as a lot of restrictions. There is a pool just minutes away – your increased foot traffic to the site will be from local kids during the summer that will walk up there to see the dogs.

Terrell stated that the waiver is about conduct on the premises. They ask that you don't run with the dogs. They say that they don't allow selfies so they are not distracted and focus on the dogs. They ask that you don't scream or yell at the dogs or give them commands. He is the master of the pack and they only listen to him. The waiver is primarily do's and don'ts for everyone's safety. If the rules are broken, they ask them to leave.

- Merrill Henrichs stated that Adam Johnson likened the dogs to livestock – that is not the case. It's been agriculture for the last 50 years and his father's request has been the only commercial request during that time. There's horses, machinery, beef cattle, corn and hay. Either it's agricultural or if you allow commercial, you will be answering for more requests for commercial.
- Adam Johnson rebutted that there are a lot of different uses allowed in agriculture and if people want to come and request those allowed uses, he's all for it.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.201(A)(1) provides a definition and description of the Limited Agricultural District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (D)(11) defines and outlines the regulations for Outdoor Commercial Entertainment as principal commercial land use.
- Section 154.406 (D)(15) defines and outlines the regulations for Commercial Animal Boarding as a principal commercial land use.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.919 (L)(2) sets forth the general regulations of Non-administrative review and the criteria to initiate the Special Use Permit in order to request expansion.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

CONCLUSIONS

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in the Limited Agricultural District.
2. Outdoor Commercial Entertainment land use is allowed only by Special Use Permit in the Limited Agricultural District.
3. Commercial Animal Boarding land use is allowed only by Special Use Permit in the Limited Agricultural District.
4. The Limited Agricultural District is intended to permit development of a highly rural community character. The land use standards for this district permit extremely low density single-family residential development at a density of one dwelling unit for every 35 gross acres, as well as a limited variety of agricultural and agricultural support land uses. Density and intensity standards for this district are designed to ensure that development which requires even

a minimum of urban services does not occur until such services are available. As such, the Limited Agricultural District shall either serve as a designation which preserves and protects agricultural activities indefinitely, or as a holding zone which provides for an interim land use that will easily permit further development at the appropriate time.

5. The applicant seeks a Special Use Permit to allow Outdoor Commercial Entertainment and Commercial Animal Boarding in the Limited Agricultural District.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Adam Johnson on behalf of Bret Terrell and Kimberly Eastman for a Special Use Permit to allow Outdoor Commercial Entertainment and Commercial Animal Boarding should be denied for the following reasons:

1. The site plan review meets the applicable criteria for this request.
2. The request meets the district standards for the Limited Agricultural District and is congruous to the defining characteristics of the district.
3. The request meets the detailed land use regulations established for Outdoor Commercial Entertainment and Commercial Animal Boarding uses.
4. Complimentary uses are available for Outdoor Commercial Entertainment but not for Commercial Animal Boarding.
5. The request is not compatible with adjoining properties through:
 - a. The protection of privacy will not be maintained;
 - b. The elements of the plan are not designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;
 - c. The elements of the plan will not coexist in a harmonious manner with nearby existing properties, with the exception that the Commercial Animal Boarding could possibly be compatible.

DECISION

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that the request by Adam Johnson on behalf of Bret Terrell and Kimberly Eastman for a Special Use Permit to allow Outdoor Commercial Entertainment and Commercial Animal Boarding should be denied.

PASSED AND APPROVED this 9th day of November, A.D. 2016, by the Galena Zoning Board of Appeals by a vote of 4 ayes, 1 nay, 0 absent, 1 abstain, 1 recused.

John Rosenthal, Chairperson

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: November 4, 2016

RE: Cal. No. 16S-05, Applicant: Adam Johnson, 211 Fourth Street, Galena, IL 61036 and Owner: Bret Terrell & Kim Eastman – 1141 North West Street, Galena, IL 61036. Location: Parcel: 22-101-007-00, Lots 1,2 & 3, in Block 53 of the Original City of Galena, Jo Daviess County, Illinois. Common Address is 1141 North West Street, Galena, IL 61036. Request for Special Use Permit to allow Outdoor Commercial Entertainment and Commercial Animal Boarding in a Limited Agriculture District.

Summary:

The applicant is requesting a Special Use Permit to allow Plumery Tails, a local book and gift store including interactive experiences with Malamute dogs, to operate at 1141 N West Street. The nature of the request is two-fold: to allow Outdoor Commercial Entertainment, which is suitable for the proposed land uses, and also Commercial Animal Boarding, which will allow the owner to house and maintain his eight Malamute dogs with room for expansion up to a maximum of 12 dogs.

The business currently operates at 700 Spring Street and has reached its maximum growth potential on the site. The proposed location will allow the business owners to expand their area of operations and also be located away from the major tourist flows. The attraction of their business has created potential issues along Highway 20 due to a dangerous access point onto the property, which has high visibility from the highway. Additionally, the business owner has issues with people trying to access the property to see the dogs, even when they are closed. The new proposed property will allow them to be “off the beaten path” and then they can bring people to the site by shuttle on an appointment-only basis.

The Commercial Animal Boarding portion of the request is to establish a formal limit on how many dogs can be at the property; the owner is requesting a limit of 12. The purpose of this request is to allow readers of his books to interact with the books’ subjects, the Malamutes. Also, the owner would like to rescue other Malamutes that are not properly cared-for. According to the owner, having more, rather than fewer dogs, works better for the interactions with visiting groups because they can have a one-on-one experience; whereas having less dogs per group person overwhelms the Malamutes when more than a couple of people are trying to interact with them.

Lastly, some of the activities requested by the business owner to occur at the site are: interaction with the Malamutes; sled rides; campfires (s’mores); trail walks and photo opportunities. The main interaction area for the Malamutes will be in the back yard behind the house. Further behind the house is a wooded area, which the owner wishes to implement a looped trail that is bounded by split-rail fence to keep the Malamutes and guests on the path. The campfire portion is for occasional evenings when guests can come to the property and sit around the campfire and relax with the Malamutes. The site will also have a small shed / outbuilding that will have the books / gifts for the visitors. The visitors will be picked-up at a location downtown and brought to the site in a shuttle van and later returned downtown. The site will not be open to walk-in traffic.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. The existing shed on the property will be taken down and a new one will be put in its place. The business owner has recently received permission by license from the City Council to conduct activities, place fencing and utilize the right-of-way along Muir Street and N West Street.

The Building Department and Staff will ensure that the site improvements meet current building, electrical and life safety codes. No further site improvements are required as the site has adequate landscaping and lighting already.

Staff recommends approval of this request.

Land uses surrounding the property include residences and agricultural operations.

Approval Criteria & Recommendation:

The purpose of a special use review is to provide an opportunity to utilize property for an activity, which under usual circumstances, could be detrimental to other permitted uses and which normally is not permitted within the same district. A special use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special use is not a use by-right and one that is otherwise prohibited without approval of a special use permit.

The application shall demonstrate that the proposed development will comply with the following:

- (1) *Site plan review standards.* All applicable site plan review criteria in § 154.914.
- (2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district;
- (3) *Specific standards.* The land use regulations established in § 154.406;
- (4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.
- (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:
 - (a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;
 - (b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.
 - (c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving

coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration at the next Board meeting.

CITY OF GALENA, ILLINOIS



PAID

OCT 24 2016 Cooh

Request for Special Use Permit

Name: Adam Johnson CITY OF GALENA

Address of Applicant: 211 Fourth Street Galena IL 61036
City State Zip

Phone #: 815/281-1577 Email: adamizso333@gmail.com

Name of Property Owner (if different from applicant): Bret Terrell & Kim Eastman

Address of Interest: 1141 N. West Street

Present Use of Property: Residential Proposed Use: Outdoor Commercial Entertainment
Commercial Animal Boarding

Zoning District: Limited Agricultural (LA) Within Historic District?: Yes No

Reason for Special Use

Please Note: The following questions must be answered completely. If additional space is needed, place attach extra pages to the application.

Please provide a written statement explaining the nature of the proposed special use: _____

Outdoor Commercial Entertainment concsists of an existing business Plumery Tails which is family oriented and kid friendly. Acivities offered include interaction with dogs and outdoor activities, sled rides, campfires, trail walks, and selfies. New buildings will include a small gift shop for souvenirs. Typical hours will be during daylight hours 9 to 5 on weekdays and 9 to 7 on the weekends but not later than sundown in the winter. Campfire hours to be within the evening hours, no later than 9 pm on any night.

Facilities will be expanded for the existing dogs and allow for the acceptance and care for rescue dogs. The commercial animal boarding use will be limited to the owner's Malamute dogs and rescue dogs as needed. No other animal boarding is intended.

Explain how the propose use or expansion is necessary or desirable to provide a service or facility which is in the interest of the public convenience: _____

New Location will allow the expansion of an existing business and improve the experience of the visitor. Expanding the business increases tourist traffic to Galena and benefits other businesses. Facilities will be expanded for the existing dogs and allow for the acceptance of rescue dogs.

Explain how the proposed use or expansion will contribute to the general welfare of the neighborhood or community: _____

Plumery Tails has been a popular business along Highway 20 and moving to a new location will benefit the City by allowing an existing business to expand. The new location will be more appropriate for Outdoor Commercial Entertainment because it will cause less distraction on the highway and for the business. Visits will be more structured and by appointment, allowing visitors more focused attention with the dogs and avoiding sudden new visitors. The owner will pick up visitors by appointment at a pre-determined location downtown and transport up to 15 people to the site. After the activities the visitors will be returned to the downtown location.

The new site allows for new kennels to be built with expanded facilities which will provide space for rescue dogs.

The present site on Highway 20 will be returned to a more appropriate business use which will cause less distraction.

Will the proposed use or expansion create noise, glare, vibration, odor, or in any other way be detrimental to the health, safety, morals, or general welfare of persons working or residing in the vicinity?

Yes No If yes, please explain: _____

Supplemental Data

1. Provide photographs showing various pertinent views of the existing site and buildings.
2. Provide a map that shows the location of the property in the broad context of the City or neighborhood.
3. Provide building, structure, and sign plans to such a scale that all pertinent features are legible, if applicable.
4. Identify the general land use, zoning, and any special characteristics of the adjacent properties to the north, south, east, and west.

North: Limited Agricultural (LA), 2 residences across West Street

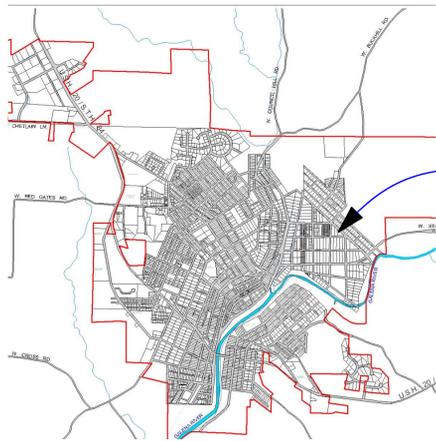
South: Limited Agricultural (LA), vacant

East: Limited Agricultural (LA)

West: Limited Agricultural (LA)



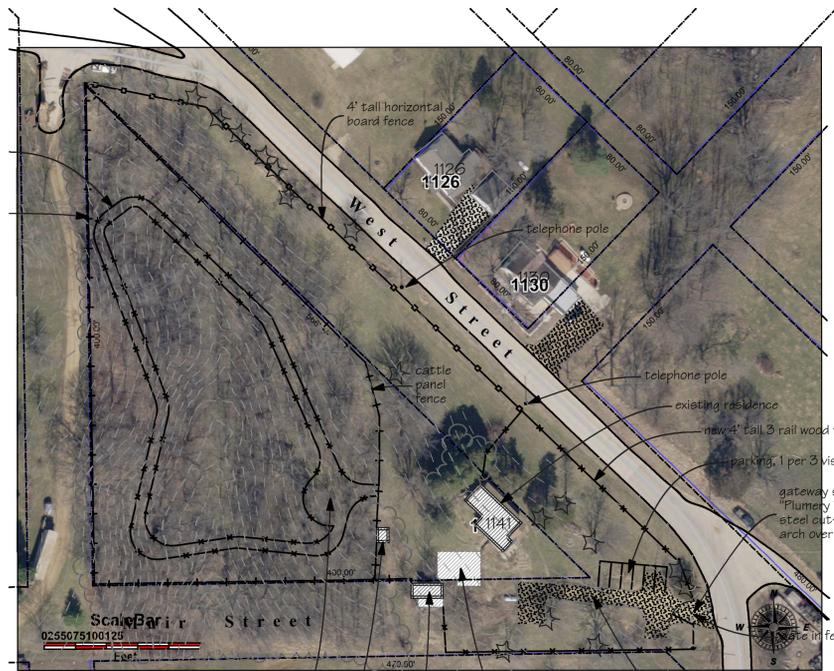
CITY OF GALENA
JO DAVIESS CO., ILLINOIS
BASE VIEW
MAP #1



Existing Woods
thin existing trees & cut
new trails for dog walking
with 3 rail fence along trail

cattle mesh fence around
perimeter of woods

1141 N. West Street



new campfire area to be determined,
verify best location within existing trees

new 10' x 12' tool shed

remove existing unsound garage

reconfigure existing
drive as needed

replace existing unsound shed with new 12' x 26'
gift shop on concrete slab on same location

Site Plan



new campfire area to be determined,
verify best location within existing trees

new 10' x 12' tool shed

replace existing unsound shed with new 12' x 26'
gift shop on concrete slab on same location

Site Plan

1" = 30'-0"



4' tall horizontal
board fence

1126

telephone pole

1130

telephone pole

existing residence

new 4' tall 3 rail wood fence

parking, 1 per 3 visitors

gateway signage
"Plumery Tails"
steel cut-out
arch over drive

gate in fence

reconfigure existing
drive as needed

remove existing unsound garage

Adam Johnson Architecture
211 Fourth Street, Galena, Illinois 61036-2400
© adamjzso33@gmail.com 815/281-1577
Drawings remain the sole property of the Architect. reproduction & use by permission only.



Site Plan for Special Use Review for
New Location for Plumery Tails
1141 North West Street, Galena, Illinois 61036

10/23/16
revisions:

sheet
1
of 1

2/13/16 adamjzso33@gmail.com

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City of Galena - 2015 Deer Committee
Final Report to the City Council
December 6, 2016

Galena lies nestled within the natural beauty of Jo Daviess County, and because of the rugged terrain, there are places within the city that - while often platted for roads and subdivisions as if flat - have remained undeveloped natural areas within the corporate limits. These natural areas are appreciated by both residents and wildlife, but citizen concerns about the deer within the city have resulted in the desire for a deer management plan. This report contains reference information compiled over a 14-month period and a recommended management plan based on that information for Galena City Council consideration.

On September 10, 2015, the Galena City Council completed the process of appointing the members of the 2015 Deer Committee. The committee members appointed were: John Cox, Beth Baranski, Carmen Ferguson, Kirk Foecking, and Mary Hartman. Mary Hartman served for several months but was unable to continue due to business and family commitments.

The Council assigned John Cox as chair and the Committee immediately began its work, holding our first meeting on October 21, 2015. The final meeting was held on December 6, 2016.

The Committee was given a list of assigned tasks that serve as the table of contents for this report.



The committee provides its "findings" to the City Council within each section of the following:

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1. Engage the public in an open process of study and discussion

Members of the Deer Committee made commitments to begin and remain open-minded on issues, to attend committee meetings to be sure all members are on the same page, to follow Robert's Rules of Order, to vote if necessary but maintain a goal of consensus, and to sign the Final Report to send to the City Council. We committed to a totally open process and agreed that we would post all information (some from presenters and some from citizens and others) on the city website unless it was not technologically achievable. We have done so and you are urged to take a look at the City webpage on the 2015 Deer Committee, where our materials are posted.

We have met once per month (except for October, 2016) on the third Wednesday with our meetings published as required under the Open Meetings Act. We have placed our approved meeting notes on the webpage as well. We have reached out to what we believed were relevant presenters to assist us in accumulating information to fulfill the tasks you have assigned. Complete meeting notes are available on the city website at http://www.cityofgalena.org/en/your_government/agendas_and_minutes/2015_deer_committee/Meeting_topics/presentations have been as follows:

October 21, 2015	Committee discussion to establish a plan of action and proposed meeting agendas
November 19, 2015	Presentation on the Galena Territory Association deer management program by Joe Mattingley, Rich Mattas, and Emily Lubcke
December 16, 2015	Presentation on Apple Canyon Lake deer management program by Jim Petelle and John Schereson, members of their Deer Management Committee
January 20, 2015	Presentation on Lyme disease and other deer related issues by Laura Simon, Wildlife Ecologist for the Humane Society of the United States
February 17, 2016	Presentation on Deer Chronic Wasting Disease and other matters by Doug Dufford, Illinois Department of Natural Resources
March 16, 2016	Presentation on issues the Galena Police Department deals with related to deer by Lori Huntington, Galena Chief of Police
April 20, 2016	Committee discussion on how to determine deer population and benefit of an interim report to the City Council
May 18, 2016	Presentation on how to feed the birds without feeding the deer by Julie Bruser, Wild Birds Unlimited
June 15, 2016	Committee discussion on possible citizen survey
July 20, 2016	Presentation on general issues of wildlife management by Peggy Doty, University of Illinois Extension Educator from Ogle County

August 17, 2016	Presentation on how to garden, choose plants, and other information related to dealing with wildlife near one's own garden, by Krista Ginger, University of Illinois Extension Master Gardener
September 21, 2016	Presentation to consider assistance from local hunters to manage the deer population by Bob Buman, hunter
October 19, 2016	Meeting cancelled
November 16, 2016	Discussion with property owners of land surrounding the City of Galena to consider approval by those property owners and the Department of Natural Resources of hunting those properties with assistance from local hunters with the goal of managing the deer population
December 1, 2016	Committee works to complete Final Report
December 6, 2016	Committee works to complete Final Report

2. Committee to take whatever time needed to do the job

In discussions with the Mayor at the time the committee was formed by the City Council, the committee was advised to take whatever time the committee needed to fulfill the various commitments made in agreeing to proceed with the Council's direction. The Mayor urged the committee to meet at City Hall as often as the committee deemed necessary to do the research and hold public hearings to receive and process information regarding the various issues confronted in working to complete the committee's assigned tasks.

The committee members determined that the hearings held to date and the information accumulated through the research done and study completed are sufficient to allow the committee to provide this Final Report to the Mayor and City Council. Although the committee is not opposed to further efforts if requested by the city leaders, the committee feels that this report should provide those leaders with sufficient information to make decisions on how to proceed with the recommendations provided in this report.

The committee wishes to express its appreciation to all presenters who came to our public hearings, to city staff for their patient assistance in distributing information to the general public and in our use of city facilities to complete our work, to the staff of Galena Gazette for attending our hearings and sharing their views of the work we have done, and, especially, to the citizens who took the time to come to our meetings and contribute their input as we proceeded. We particularly wish to thank Bill Grosshans for his help and assistance with our work and for his assistance to Beth Baranski in the weekly deer counts done to get us some basic data on the deer population in Galena.

3. Carefully review information previously accumulated by the City.

Our committee carefully reviewed the information and found:

The first committee began meeting on July 24, 2013 and met 4 times. At the first meeting the Galena Territory Association (GTA) presented information about their deer culling program and the committee decided to invite Marty Jones from the Illinois Department of Natural Resources (IDNR) to meet with them. They desired to move forward in time for the city to schedule a helicopter deer census with the GTA in December or January.

Marty Jones, from the IDNR came to the second meeting and suggested that a survey be done to assess the extent of the problem. Jones explained that if there is an overpopulation problem and a culling program is established, it would need to be a long-term program. Mark Moran suggested that the city staff prepare a report for the committee summarizing what has been learned through research, public input and from the IDNR.

At the third meeting they reviewed the committee progress report and recommendation prepared by staff. Committee member, Bill Salzman presented four maps showing locations of injured deer and deer/vehicle accidents. They presented the progress report to the city council at their September meeting.

The last meeting was held on January 14, 2014. The results of the community survey regarding the deer population was discussed. They were disappointed that there were only 92 responses. They decided to move forward with a permit application to the IDNR for culling up to 25 deer in the winter of 2015.

Our committee reviewed the results of the deer survey and the map of deer locations presented to the city by the committee.

Mark Moran prepared an application for a Deer Population Control Permit which was granted to Galena. Photographs of deer damage to property and maps of deer/vehicle accidents were included. On February 9, 2015 the culling program was suspended after one deer was killed by the City's sharpshooter and one was wounded and never found. The cost of the overall program was \$1,264.38 (see Appendix A). A petition, Rethink Deer Culling in Galena, was presented to the council.

Much information about Deer Population Control permits were included in the committee report including sharpshooter qualification/testing procedures as well as an article by Doug Dufford, IDNR district wildlife biologist – Natural Area Protection – A Case for Deer Management.

The 2013 Deer Committee studied what other communities were doing about deer over-population. Included were the Galena Territory, the city of Dubuque, the city of Rock Island, and the city of Peoria. The committee presented a list of plants that deer don't prefer, a deer repellent recipe, and copies of petitions regarding deer, both pro and con for culling.

An excellent summary of the issues that led the 2013 Deer Committee to seek a deer population control permit from the Illinois Department of Natural Resources can be found on the City of Galena website under the title of "Committee Information Packet Vol. 1"

4. Show findings are accurate with the “Facts on the Ground.”

Deer Incident Reports

The number of deer incidents documented by the Galena Police Department has tripled from 2010 to 2016 (see Figs. 1-3) A table containing detailed information supporting these graphs is available in Appendix B.

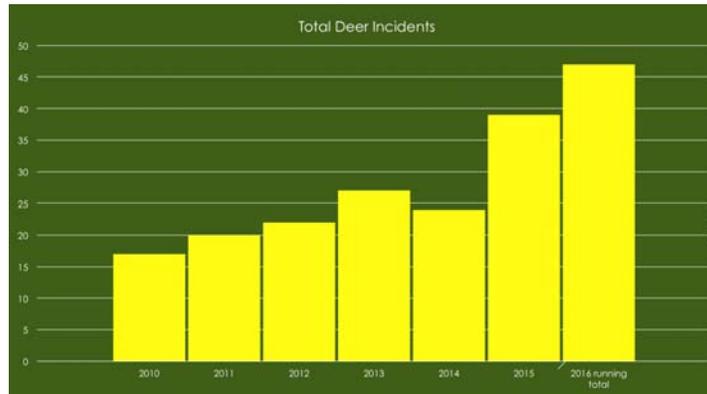


Figure 1. Total Deer Incidents

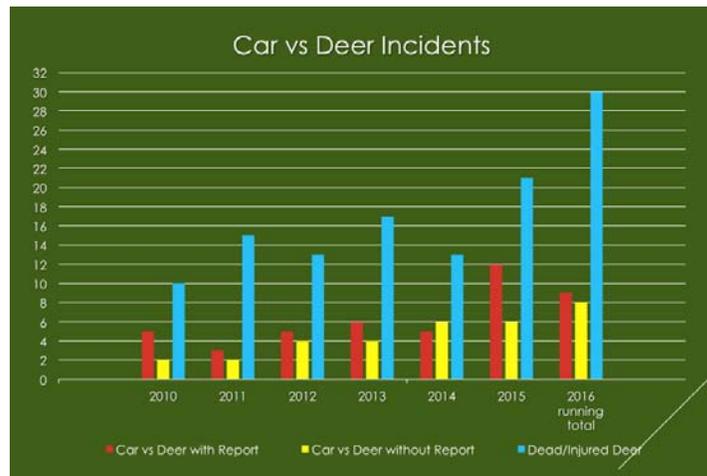


Figure 2. Car vs. Deer Incidents

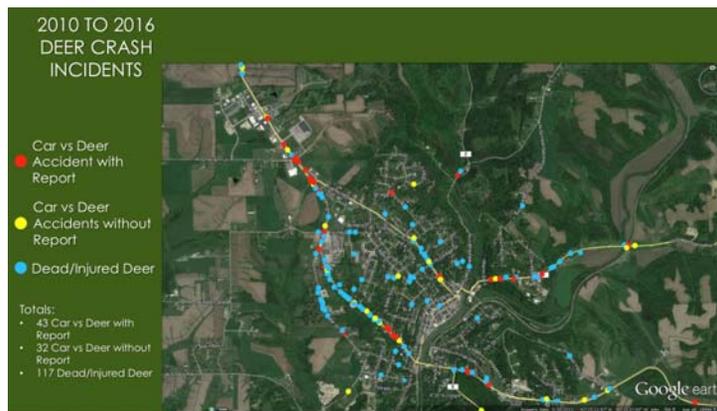


Figure 3. 2010 to 2016 Deer Crash Incidents

Referendum Results

In the March 15th Primary Election, Galena voters were asked to vote on a deer management question. The question and the results are shown in Figure 4.

CITY OF GALENA		
ADVISORY QUESTION REGARDING DEER POPULATION MANAGEMENT “SHOULD THE CITY OF GALENA SPEND PUBLIC FUNDS TO ANNUALLY COUNT THE NUMBER OF DEER IN THE CITY LIMITS, AND IF THOSE COUNTS DETERMINE THAT DEER ARE OVERPOPULATED BY ILLINOIS DEPARTMENT OF NATURAL RESOURCES STANDARDS, SHOULD THE CITY OF GALENA SPEND PUBLIC FUNDS TO ANNUALLY REDUCE THE DEER POPULATION BY LETHAL MEANS?”		
PRECINCT	YES	NO
East Galena	84	143
Rawlins	23	22
West Galena 1	152	253
West Galena 2	152	170
West Galena 3	229	209
TOTAL VOTES	640	797

Figure 4. Referendum Results

The Number of Deer

It seems to be generally accepted that the actual number of deer in the City is an important reference point for the development of a deer management plan. An aerial count is needed.

Doug Dufford, Wildlife Disease Program Manager for the Illinois Department of Natural Resources, suggests that 20-40 deer per square mile is generally considered a reasonable biological carrying capacity in a rural setting with good habitat. He has provided a map showing deer habitat areas in Galena based on criteria established by researchers at Southern Illinois University-Carbondale that includes woodland acreage plus potential forage habitat. This map indicates that there are approximately 1.96 square miles of deer habitat within the city limits (fig. 9 on page 10). The City of Galena is about 4 square miles, and therefore, using the lower end of the recommended range (20 deer per square mile) because Galena is a developed area, a reasonable initial reference point for considering biological carrying capacity would be 40-80 deer. The cultural carrying capacity based on human tolerance for the deer at any given population level is a different matter, may fluctuate over time, and has yet to be established for the City of Galena.

In order to provide a reference point for trying to answer the question - “How many deer are there in Galena?” the Committee recommended and the City Council agreed to obtain a winter helicopter aerial count working in conjunction with the Galena Territory's annual aerial count. Insufficient snowfall (4" is desired) in the winter of 2015/2016 precluded this count from taking place. A drone count was considered, but the drone doesn't make enough noise to startle the deer into motion.

In attempt to provide an alternative reference, a program for driving around town and counting the deer (similar to the approach used at Apple Canyon Lake) was created. A methodology was established to eliminate as many variables as possible (see Appendix C), and this regular count was conducted with the thought that it might help frame the general number of deer in town, could help us understand seasonal changes, and also might help identify specific locations that tend to have more deer than others. It will be interesting to see how the driving counts done as winter approaches compare with a winter aerial count (if one is conducted).

Leonard Lee Rue III's book, *The Deer of North America*, recommended by Rich Mattas during the Galena Territory Association's presentation to our committee, contains an Appendix with information about "Deer Activity Cycles" describing the seasonal changes that play a role in the number of deer that may be seen at any given time. Some of that information is paraphrased here for reference:

- January - most bucks have lost their antlers and are indistinguishable from does
- February - hardest month on deer and they can be seen feeding more in the daytime. They may hole up in areas sheltered from the wind where snow is not as deep.
- March - deer may stay in fields and open areas midday because of reduced human pressure. Because food is still scarce they can be seen any time of day.
- April - the deer are very hungry and feed into midmorning and start again at about 3 p.m.
- Mid-May through the end of June - does can be seen almost any time of day
- June - poor time to see deer as does that have given birth are secretive and bucks are still in seclusion
- July - deer observation picks up with fawns following does around and yearling females rejoining their mothers, and bucks become more active
- August - deer tend to feed when it is cooler
- September - deer are active in daylight hours until bow hunting season opens
- Last week of September and the first two weeks of October, all of the deer seem to virtually disappear. They abandon their regular haunts and trails, stop feeding on corn, soybeans, alfalfa and orchards because acorns are available. Gun hunting season makes them more secretive.
- November - the last week and a half of October, all of November and first two or three weeks of December make up the rutting season when the bucks are most active. They expand their range, throw caution to the wind, and can be seen at any time of the day. Hunting keeps the does and their young out of sight during most of the daylight hours.
- December - usually a poor month to see deer as almost all deer activity takes place under cover of darkness

The table below (Fig. 5) shows the number of deer seen in the driving counts conducted from April 18th through November 28th, 2016 - a total of 23 counts, ranging from individual count totals of 6 to 30 (with

the highs and lows in each precinct highlighted), and documents notable conditions and recorded identification of fawns and bucks.

2016 Galena Driving Deer Count								
Date	Time	Precinct					Total	Comments
		Rawlins	West Galena I	West Galena II	West Galena III	East Galena		
April 18, 2016	a.m.	0	6	0	7	1	14	
May 2, 2016	a.m.	0	8	0	6	0	14	
May 12, 2016	a.m.	0	0	0	9	0	9	visibility still good but foliage filling in
May 12, 2016	p.m.	0	4	0	6	0	10	
May 16, 2016	a.m.	0	3	0	9	0	12	
May 16, 2016	p.m.	4	10	0	14	2	30	
May 31, 2016	a.m.	0	6	3	0	0	9	
June 13, 2016	a.m.	0	4	1	4	3	12	
June 27, 2016	a.m.	0	8	1	10	0	19	4 fawns
July 11, 2016	a.m.	0	7	3	13	0	23	13 fawns
July 25, 2016	a.m.	1	4	0	9	2	16	6 fawns
August 8, 2016	a.m.	9	1	0	14	0	24	11 fawns, 1 buck
August 15, 2016	a.m.	0	3	0	15	2	20	8 fawns, 2 bucks
August 29, 2016	a.m.	8	8	1	11	0	28	3 fawns, 1 buck
September 12, 2016	a.m.	6	12	0	10	0	28	
September 26, 2016	a.m.	0	11	1	9	0	21	beautiful morning
October 3, 2016	a.m.	8	0	4	11	0	23	foggy this morning
October 10, 2016	p.m.	0	5	0	10	0	15	
October 19, 2016	p.m.	2	3	0	5	0	10	
November 7, 2016	a.m.	3	0	0	3	0	6	
November 14, 2016	a.m.	3	7	0	9	0	19	Great moon!
November 21, 2016	a.m.	0	9	0	18	0	27	18th-20th shotgun hunting weekend
November 28, 2016	a.m.	0	8	0	0	0	8	Wiener Park closed for winter, cloudy
December 5, 2016	a.m.	0	12	0	5	0	17	Snow covered
							0	
							0	

Figure 5. 2016 Driving Deer Count

The graph below (Fig. 6) depicts the driving count totals from April 18th through December 5th, 2016. As a matter of reference, a goal of 20 deer per square mile is used by the City of Dubuque, 20 deer per square mile is the high range goal of the Galena Territory (12-20 deer per square mile), and the low range goal of the Apple Canyon Lake Property Owners Association (20-30 deer per square mile). In Dubuque, the Galena Territory, and Apple Canyon Lake, the entire square mile area is used to determine the carrying capacity of the area in terms of number of deer per square mile.

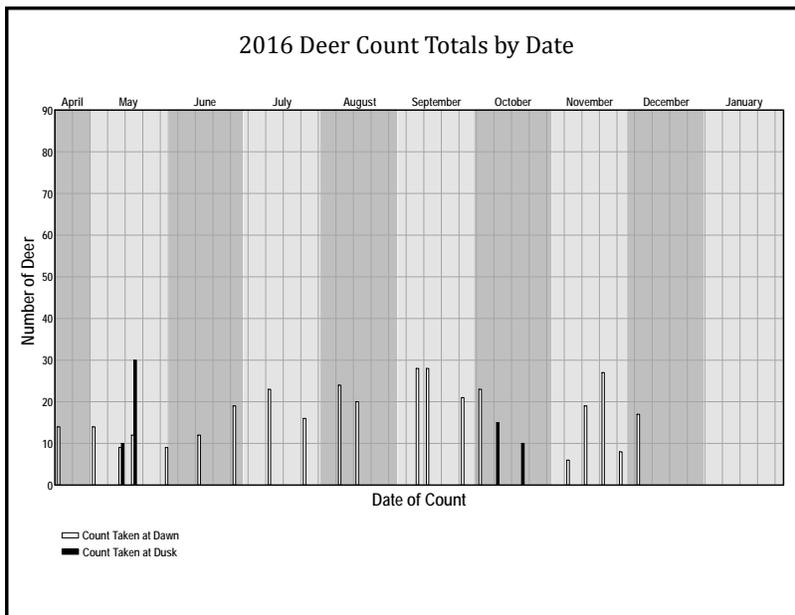


Figure 6. 2016 Deer Count Totals by Date

The map below (Fig. 7) shows the range of deer totals per count seen in each precinct of the City from April 18th through November 14th, 2016.

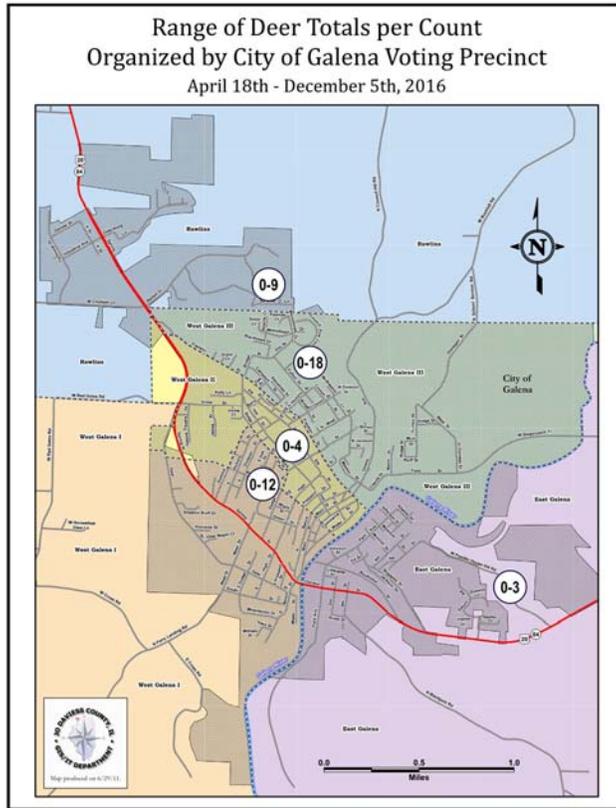


Figure 7. Range of Deer Totals by Precinct

The map below (Fig. 8) shows the range of deer totals per count seen in each precinct of the City from April 18th through November 28th, 2016 relative to wooded areas in and around the community.

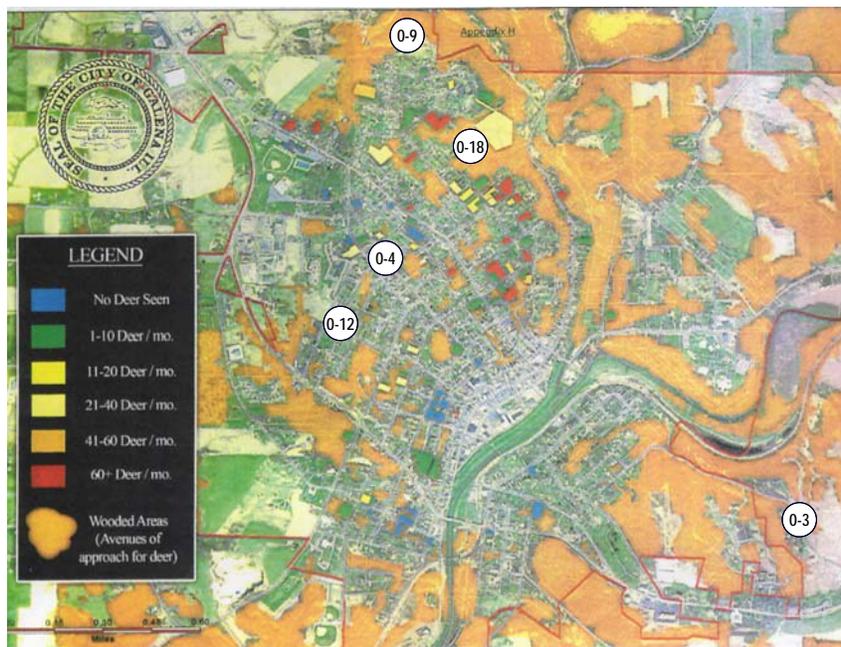


Figure 8. Range of Deer Totals Relative to Wooded Areas

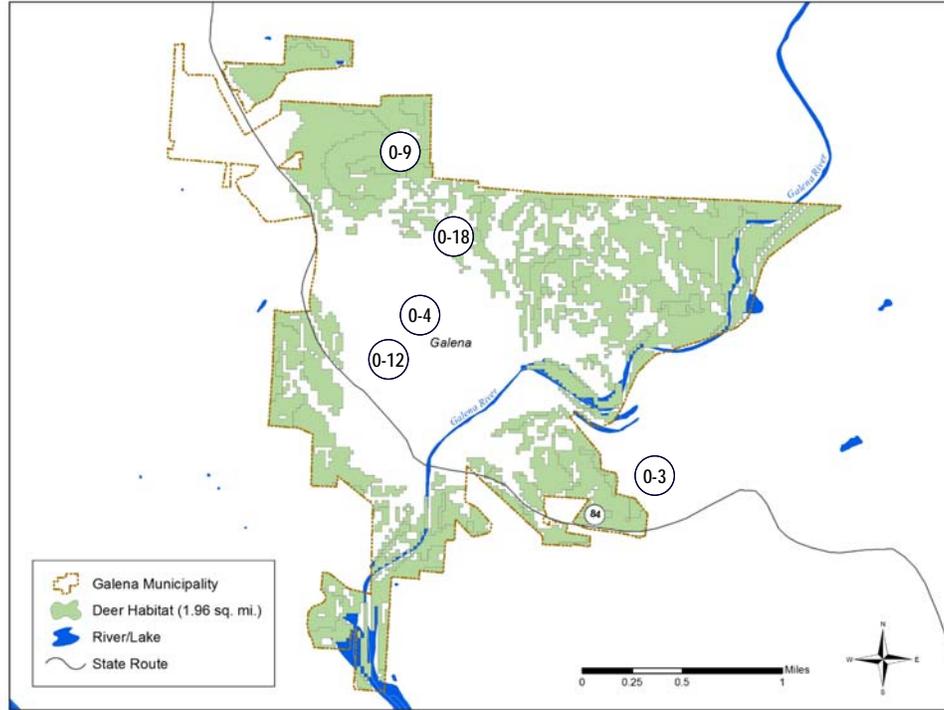


Figure 9. Deer Habitat Areas within the City of Galena and general locations of deer numbers per count.

5. Relevance of Lyme disease issue.

Lyme Disease is an issue in Jo Daviess County, and while deer play a role in the life cycle of the Black-legged tick that carries the disease-causing bacterium *Borrelia burgdorferi*, reducing deer populations is not the approach recommended by the Centers for Disease Control and Prevention, the Humane Society of the United States, scientists at the Illinois Natural History Survey, or the Jo Daviess County Health Department. A vigorous educational program to inform citizens on how to protect themselves is considered the best way to reduce the incidence of Lyme disease. Therefore, while Lyme disease is certainly a concern, for the purposes of this report, it is not seen as a consideration in the development of a deer management plan for the City of Galena.

The Jo Daviess County Health Department records the number of Jo Daviess County residents that have been diagnosed with Lyme disease. Recorded incidence over the past 10 years is as follows: 2006-1, 2007-9, 2008-7, 2009-1, 2010-0, 2011-0, 2012-4, 2013-14, 2014-8, 2015-14. It is likely that there are additional resident cases that go undiagnosed and also that visitors to the county may contract Lyme disease (cases are recorded in the infected person's county of residence). However, the Health Department records provide a reference point. The records are kept by county only, so a breakdown for the City of Galena is not available.

The Black-legged tick has an interesting life cycle, transforming from a larvae to a nymph and then to an adult over a two-year period. The tick feeds on the blood of a host animal at each stage, starting with small creatures (e.g. mice and other rodents, birds, and even lizards), moving to mid-size hosts (e.g. raccoons, possum, skunks), and finally to large hosts (e.g. deer and humans). Deer are the preferred large host for the tick, however the ticks have been found to be very adaptable in their quest for a suitable host, and with the exception of the elimination of deer on an island, studies do not support the theory that reducing the deer population reduces the number of black-legged ticks.

The following served as references for this report, and may be helpful should the City Council choose to proceed with the development of an educational program to prevent Lyme disease:

- The Centers for Disease Control and Prevention (<http://www.cdc.gov/lyme/toolkit/index.html>)
- Laura Simon (who presented to our committee) no longer works with The Humane Society of the United States, but Marc Ayers, Illinois State Director - HSUS has offered to be of assistance. (mayers@humanesociety.org)
- Nohra E. Mateus-Pinilla, Veterinary Epidemiologist and Director of the Veterinary Epidemiology Laboratory at the University of Illinois, Prairie Research Institute, Illinois Natural History Survey. (217/333-6856, nohram@illinois.edu)
- Lori Stangl, RN, BSN, Director of Clinical Services, Jo Daviess County Health Department (815/777-0263, lstangl@jodaviess.org)

6. Relevance of Deer Chronic Wasting Disease.

Doug Dufford, of the Illinois Department of Natural Resources, provided the committee with his commentary on Chronic Wasting Disease (CWD) including how it is spread and how close the disease is to Galena and its surroundings. The Illinois Department of Natural Resources is working hard to slow the spread of this disease that can devastate deer herds until a cure can be found.

There are potential disease concerns about the bait (and feeding deer in general), since this may cause unnatural congregation of deer feeding at the same source. This results in increased risk of disease transmission through direct (animal to animal) contact, and through saliva or wastes deposited at the bait site.

Doug advised that Chronic Wasting Disease is a neurological disease. It is caused by an infectious protein called prion and is always fatal. He told us that there is no current treatment for the disease but that there is research progressing and one deer has survived to date. Once infected, a deer will die within 18 months to 2 ½ years. The disease can only be confirmed through testing. Infected deer appear healthy until the final stages of the disease. Over time, the prions become integrated with the neural tissue and normal neuron function breaks down, resulting in weight loss, salivation, and loss of coordination. The prions build up and can be shed in fluids: saliva, feces, and urine. The disease is transferred primarily through saliva. Deer are social animals. They nuzzle and lick each other. The disease can quickly spread, infecting entire family groups. So far, there has been no known affect on humans.

Management involves trying to lower the deer density through localized population reduction. The goals are lowered densities, a younger age structure in the population, a higher population turnover rate, and a low emigration rate.

The disease entered Illinois northeast of Rockford and has been spreading west into Jo Daviess County. A deer has been identified with the disease about three (3) miles south of Elizabeth. At some time CWD may very well reach Galena. If it arrives, the health of the entire Galena herd is at risk. Once the disease is confirmed in Galena, the IDNR will take action as it sees fit. We need to be vigilant to protect the health of the herd, and to cooperate fully with the IDNR's efforts to slow the spread of the disease.

7. Answer the question, “Is There a Problem?” and, if so, what is it?

There is a problem in Galena related to the deer and other wildlife populations inside the city limits. based on the following findings:

1. There are citizens who are experiencing deer damage to their property located inside the city limits.
2. There are accidents along Spring Street that are related to the presence of deer inside the city limits.
3. There are multiple incidents of deer being impaled on fences inside the city limits.
4. There are citizens illegally feeding the deer.

The committee has identified the following items of disagreement in the community:

1. There are mixed opinions on how serious the problem is.
2. There are disputes on how best to resolve the problem.
3. There is disagreement on whether or not the City Council should expend public funds to attempt to deal with the problem.

The committee has learned that:

1. Not all areas of Galena are being affected in the same way by the increase in deer population.
2. There is a limit to the number of deer that can live healthily in any given area.
3. If the number of deer within the city limits is not detrimental to deer health, then problems regarding the deer population must be evaluated in consideration of quantified human tolerance.
4. Without an accurate and accepted means of counting the deer inside the city limits, it remains a difficult task to define the problem and identify fact-based solutions.

Based on an advisory referendum question submitted to the public in the spring election of 2016, the majority of voters who participated in the election voted to discourage the City Council from expending public funds to deal with wildlife populations inside the city limits.

Attached, as Appendix B is the updated report from the Chief of Police on deer issues, which continue to arise inside the city limits.

8. Investigate how other communities have handled the issue.

The 2015 Deer Committee researched efforts in the following communities to deal with deer population issues:

1. Galena Territory Association (GTA) Deer Management Program presented by Joe Mattingly, GTA CEO, Dave Oldenburg, and Emily Lubke. The GTA began an investigation in 1988 when the deer population exploded after hunting was prohibited. There was extensive damage to landscapes, golf course, and woodland. There was a peak of 31 vehicular/deer accidents in 1992. The GTA explored options for deer control including regulated hunting, bow and gun. Live capture and euthanasia as well as trap and relocate were looked at. Sharpshooting was examined and considered to be the best solution. The Illinois Department of Natural Resources (IDNR) recommended a density of 12-20 deer per square mile based on knowledge of deer health and fitness, and their impact on plants, wildlife, and healthy ecological systems. There was an estimated 1,000 deer in the 10.265 square miles of the Territory.

In 1991 a sharp shooter program was begun. Safety was the top priority when considering culling methods. The use of a rifle was selected because of its accuracy and range. The IDNR identified the shooting zones. They looked at the cover density and selected areas with adjacent open areas safe for shooting. They avoid rental areas. There were 600 deer culled the first year. The cost per deer was estimated to be \$150. The meat is donated to local food pantries.

In a review of the program in 2012 it was determined that the sharpshooter be more visible by wearing an orange vest and having a flashing strobe light on the vehicle. Property owners are asked for permission to shoot on their property and to access their property to pick up dead deer. They have maintained the same program since 1991, culling every year for consistency. There are 50 to 100 deer culled annually. Every year an aerial count is done when there is at least 4" of snow on the ground.

The program objectives are to maintain the number of deer/vehicle accidents at less than 20 per year, maintain deer browsing of native plants at less than 20%, and maintain deer damage to ornamental plantings such that 75% of residents are satisfied, and promote an understanding of the need for management. Every three years a browse study of the woodland areas is done. Ongoing efforts continue to educate the community about the program, emphasizing not feeding the deer or putting out salt licks. Overall, the GTA believes that their management program has been a success.

More info about their program can be found on our deer committee website dated 12/7/2015 which includes: GTA deer culling costs, browsing data, and culling maps.

2. Apple Canyon Lake (ACL) - Jim Petelle and John Schereson, members of the Apple Canyon Property Owners Association, gave our committee a report on their deer management program as well as copies of the ACL Property Owners' Association Rules and Regulations regarding deer archery hunting in specified resort common areas.

In response to complaints about property damage and vehicular accidents, a deer management committee was formed. They met 2 to 3 years before their deer management program was started in 2010. They worked with Doug Dufford, wildlife biologist, with the IDNR. They discovered that they should have 20-30 deer per square mile. Their territory is comprised of 3.4 square mile whose deer carrying capacity was 80-90 deer. They had four times that many deer.

They chose archery over rifle because they felt the proximity to houses was an issue. Their archery program culls 50-60 deer per year in designated areas from elevated stands during regular hunting

season. Participating archers adhere to strict requirements above and beyond what the state of Illinois requires. In addition to their archery program they offer a youth archery program every summer in conjunction with the boy scouts.

In their second year, they did an aerial count, and since then they do an annual roadway count when there is snow on the ground. People drive around 4 quadrants in the evening during a one and a half hour period to count deer. They still have twice the number of deer they should have according to IDNR recommendations.

They offer a public presentation about their deer management program every year to educate the public and to get their buy -in for their program. They believe that a culling program must be maintained every year to be effective. There are fewer vehicular accidents and less property damage. Based on comments received at their meetings and in their paper, The Apple Core, the program seems to be generally well received. They collected \$2,500 - \$3,000 in hunter fees, and the program cost was \$1,200.

More detailed information can be found on our deer committee website: minutes from our 12/16/2015 meeting, ACL Rules and Regulations for Hunting were listed as ACL Management Program.

Also listed on our deer committee website is information from other communities that we investigated:

3. Austin, Texas

In 2009 Austin became the largest city in the U.S. to become a certified, wildlife habitat by the National Wildlife Federation. In 2011 they enacted a “no-kill” policy declaring “The City of Austin will practice tolerance and co-existence with deer and will promote this policy through a multi-tiered program of education, awareness and humane, non-lethal conflict management.” Education on methods of exclusion, deterrents and conflict management with white-tail deer and other wildlife is provided.

Austin has 931,830 residents so it does not compare to Galena, but the Austin Animal Advisory Commission made a number of recommendations that could be very useful in helping Galena deal with our deer population. That information is also on the deer committee website.

4. Lincolnshire, Illinois

Lincolnshire is a northern suburb of Chicago with a population of 7,275. They previously culled deer, but discontinued in 2011 since their data suggested they didn’t need to cull. Before 2011 they compiled an annual report of residential complaints, plant data (browsing numbers), deer/vehicle accidents, and they paid a natural areas maintenance contractor to collect browsing data.

5. Clifton, Ohio

Clifton is part of Cincinnati. They are engaged in a 5 year pilot study on a non-lethal fertility control program that began in 2014. In their first year 41 does were sterilized and tagged (an estimated 90% of their total herd) and 3 male fawns were tagged. Their hope is to control their deer population through sterilization. They set up bait stations, and performed field surgery. Many people including wildlife biologists, veterinarians, and volunteers were involved in the first event. This year for two weeks after the event strategically located cameras will take thousands of photos which will be examined by wildlife biologists to estimate with high reliability the number of deer. The costs were not clearly shown, but this year they expected the costs to be \$15,000 more than last year and they were seeking grants and donations to cover the expense.

Their 2014 deer estimate was 60-65 deer, but they felt they had double that amount. Again, this community is not very relative to Galena, but their research is worth following even though they are in the beginning stages.

6. Rochester Hills, Michigan

Rochester Hills created a program to reduce deer-car collisions including highly-visible deer warning signs at collision hot spots, removal of sightline barriers, and a "Don't Veer for Deer" educational campaign. Over several years, they achieved a 25% reduction in deer-vehicle collisions in spite of a 34% increase in the deer population. The program costs \$2,000 per year.

9. Options to reduce the number of deer in herd if determined appropriate.

If the herd needs to be reduced there are several options. Some are more practical than others. We heard from many sources. These are some of the things that have been tried:

1. Attempts to capture and relocate deer have been shown to be deadly to the deer. They struggle and injure themselves and need to be put down.
2. Capturing and sterilizing or neutering deer is much too expensive and is ineffective in reducing deer population.
3. Sharpshooters have been used in the Galena Territory. They have been successful in reducing the herd. The Territory herd is now healthy and sustainable. Only proven marksmen can be used, in specified firing zones. Due to a lack of natural predators, the culling needs to be a long-term program to control the herd. Also because of IDNR rules sharpshooter culling is expensive.
4. Bow Hunters are used in many communities. They utilize normal hunting seasons. Apple Canyon Lake actually makes money through bow hunting. Each hunter has to pass safety and accuracy tests, then pay for deer permits. They can keep and process the deer they shoot. For separation each hunter is assigned a specific area. Following the rules implemented by Apple Canyon Lake has resulted in a safe and effective deer management program.
5. Re-introducing natural predators to Galena can also reduce the deer population. This does not require bringing predators to Galena. They are already being attracted to the area. It only involves not taking steps to stop them.
6. The Galena herd is already being reduced involuntarily. Deer are killed in vehicle accidents and by being impaled on fences.
7. Plants that deer like to eat are getting scarcer in Galena. Some people are actively planting deer resistant plants. Others are not replacing plants that have been over browsed by deer. Either way there is less for deer to eat. Reducing the food supply could result in some deer leaving the city. Additional benefit will be derived from plantings that do not attract deer and are not a useful food source for the deer population.
8. Stricter municipal ordinance prohibiting the feeding of deer within the city limits.

10. Committee Recommended Deer Management Program

Based on the above-itemized findings, the committee recommends the following options to the City Council and urges adoption of as many as the council deems appropriate to assist in managing deer and other wildlife in the city limits:

1. Count the deer

The City should:

- Conduct an aerial deer count, working in conjunction with the Galena Territory Association's deer count.
- Evaluate the number of deer counted against the 20 deer per square mile reference point.
- Estimate the degree of accuracy of the driving count for future counts.
- Conduct annual driving counts on a regular basis.
- Conduct an aerial count again in 2 years (winter 2018-19) if the number of deer-vehicle accidents in the 2018 calendar year exceeds 20.

2. Educate Citizens

The City should:

- Contract with the University of Illinois Extension to provide natural resource education presentations at City Hall each winter that are free to the public. Topics might be drawn from those in the Extension's Master Naturalist program, such as "Urban Areas and Wildlife," "Agricultural Lands and Wildlife," "Understanding the Natural World," and "Understanding Prairie in the Prairie State." The Master Gardeners program on Deer Resistant Plantings should be repeated on a regular basis. Include education along the lines of the "Veer for Deer" program used successfully in Rochester, MI.
- Invite the formation of a citizen advisory committee to make ongoing recommendations to the City Council on natural resource issues (including wildlife management), and to assist in educating the public on natural resource matters.
- Offer a survey to the citizens each year (see recommended survey in Appendix D). Evaluate the number of responses to the question, "Are levels of deer damage tolerable?"

3. Install Deer Warning Signage

The Illinois Department of Transportation will not install deer warning signs, but the City may do so in consultation with the department. The City should install deer-warning signs along roadways with high deer-vehicle incident rates (e.g. Gear St., U.S. 20, Franklin St., and Stagecoach Trail - see Fig. 3, p. 7).

4. Maintain Deer Health

The City should:

- Follow the progression of Chronic Wasting Disease in deer in Jo Daviess County and cooperate with the Illinois Department of Natural Resources should infected animals be documented in or near the City.
- Manage the deer population by encouraging increased hunting on private properties surrounding the City of Galena, and open City properties on the periphery of the City (e.g. Gateway Park, the acreage north of Indian Ridge subdivision) to hunting during the regular hunting season.

- Determine the number of deer within the city limits (through aerial or driving counts, or both) per square mile each year. If the number is found to exceed 20 deer per square mile, consider special City permission working with the IDNR to implement a bow-hunting program in select areas within the city. Neither the hunters interviewed nor the committee recommends using firearms within the city limits to reduce the deer population. The Apple Canyon Lake program for testing and certifying bow hunters is a good reference. The City of Dubuque's program for identifying areas within the City limits suitable for deer hunting is a good reference.

5. Improve the Ability to Enforce the Prohibition of Deer Feeding

The City of Galena should pass an ordinance that will assist law enforcement in stopping the feeding of deer inside the City limits. Recommended sample ordinance language is provided in Appendix E.

6. Monitor Overall Situation

The City should annually review information about the number of deer, number and nature of deer incidents, status of Chronic Wasting Disease in the area, and citizen opinion. A sample annual report is provided as Appendix F.

7. Evaluate the Galena Deer Management Plan

In 3 years (December 2019) evaluate the effectiveness of the Galena Deer Management Plan as written and modify as appropriate.

11. Cost Implications and staff time for deer population management

Costs:

1. Count the deer

The cost of a driving count would be minimal if conducted by volunteers (similar to the annual bird count conducted by the Jo Daviess Conservation Foundation). The cost of the aerial count = \$1,500. If an aerial count is conducted once every two years, the maximum annual expense at current rates would be \$750 per year.

2. Educate Citizens

The University of Illinois Extension will provide 2-hour programs that are free to citizens as desired by the City, will promote those programs, and will handle online registrations for the programs. They would ask the City to host the programs and help promote them. The cost per program event would be in the range of \$150-\$250. Assuming three programs at the higher cost, the annual expense would be \$750.

There are minimal anticipated costs for the formation of a citizen advisory committee to make ongoing recommendations to the City Council on natural resource issues.

An online survey (e.g. Survey Monkey) would be free. There would be some additional expense for city staff to analyze the data.

The cost for an annual mailing of the survey including an addressed return envelope to 1900 households is approximately \$2,000. There would be additional expense for the city staff to compile and analyze the survey data.

3. Install Deer Warning Signage

The purchase and installation price for a standard sign is approximately \$300 per sign, and the Police Department should identify appropriate locations.

4. Maintain Deer Health

There is no cost involved in following the progression of Chronic Wasting Disease in deer in Jo Daviess County and cooperating with the Illinois Department of Natural Resources should infected animals be documented in or near the City beyond the minimal staff time required to accomplish this.

5. Improve the Ability to Enforce the Prohibition of Deer Feeding

The ordinance should allow for clear enforcement of the prohibition on feeding deer. Revenue may be generated through the collection of fines.

6. Monitor Overall Situation

A sample annual report is provided as Appendix F. There is no cost involved in putting together the annual report beyond the minimal staff time required to accomplish this.

7. Evaluate the Galena Deer Management Plan

There is no cost involved in evaluating the Galena Deer Management Plan beyond the minimal staff time required to accomplish this.

The Committee recommends the following ACTION PLAN:

Winter 2016-17

- Conduct aerial count in conjunction with Galena Territory Association
- Contract with University of Illinois Extension to provide three educational programs
- Adopt ordinance language regarding prohibition of feeding deer
- Offer Citizen Survey

Summer 2017

- Install deer-crossing signs in strategic locations

Winter 2017-18

- Conduct driving count
- Work with landowners just outside the city limits to increase hunting on their properties.
- Open City properties on the periphery of the community to hunting (e.g. Gateway Park, the area north of Sproule Lane)
- Contract with University of Illinois Extension to provide three educational programs
- Offer Citizen Survey

Winter 2018-19

- Evaluate number of deer-vehicle collisions
- If deer-vehicle collisions are over 20, conduct aerial count
- If deer-vehicle collisions are under 20, conduct driving count
- Work with landowners just outside the city limits to increase hunting on their properties.
- Open City properties on the periphery of the community to hunting (e.g. Gateway Park, the area north of Sproule Lane)
- Contract with University of Illinois Extension to provide three educational programs.
- Offer Citizen Survey

CITY OF GALENA, ILLINOIS

DEER POPULATION CONTROL ACTIVITY REPORT: February 9, 2015



Date	Time Out	Time In	Total Hours	Employee	Department	Vehicle	Mileage	Temperature	Weather	Location	Shots Fired	Doe	Buck	Tag #	Notes
1-1-13-15			2.00	Bill Salzmann		#5	10	NA	NA	NA	NA	NA	NA	NA	Met with property owners in shooting areas
1-1-13-15			2.00	Bill Salzmann	Police	#5	8	NA	NA	1-4	NA	NA	NA	NA	Baiting
1-14-15	4:15 PM	5:00 PM	0.45	Bill Salzmann	Police	#2	4.9	24	Clear	NA	NA	NA	NA	NA	Met with Hoogerwerf of DNR regarding feeding law. Checked locations where residents reported to be feeding.
1-20-15	8:00 AM	10:30 AM	2.50	Bill Salzmann	Police	#5/PW pickup	27.5	30	Clear	1-4	0	NA	NA	NA	Saw deer at feeding locations, did not take shots
1-26-15	10:00 AM	11:00 AM	1.00	Mark Moran	Administration	NA	NA	NA	NA	NA	NA	NA	NA	NA	Prepare activity report template
1-28-15	8:00 AM	12:00 PM	4.00	Bill Salzmann	Police	#5	8.3	25	Clear	4	1	NA	NA	NA	Deer wounded but not recovered. Tracked unsuccessfully.
1-28-15	8:00 AM	12:00 PM		Bill Salzmann	Police	#5		25	Clear	2	1	Doe(F)	NA	134867	Field dress and transported to Territory
1-28-15	11:00 AM	11:30 AM	0.50	Kevin Sinagra	Public Works			NA	NA	NA	NA	NA	NA	NA	Met with Bill Salzmann to give him access to Gator.
1-28-15	8:00 AM	11:00 AM	3.00	Mark Moran	Administration	NA	NA	NA	NA	NA	NA	NA	NA	NA	Field emails and calls regarding culling.
1-29-15	8:00 AM	4:30 PM	1.00	Mark Moran	Administration	NA	NA	NA	NA	NA	NA	NA	NA	NA	Field emails, calls, and office visits regarding culling.
1-29-15	8:00 AM	4:30 PM	1.00	Mark Moran	Administration	NA	NA	NA	NA	NA	NA	NA	NA	NA	Field emails, calls, and office visits regarding culling.
2-2-2-9-15	8:00 AM	4:30 PM	6.00	Mark Moran	Administration	NA	NA	NA	NA	NA	NA	NA	NA	NA	Field emails, calls, and office visits regarding culling.
TOTAL			23.45				58.7				2	1	0		

DEER POPULATION CONTROL COSTS

Employee Rate	Employee Cost	Vehicle Cost	Ammunition Cost	Processing Cost	Total Cost
\$37.04	\$74.08	\$5.60			\$79.68
\$37.04	\$74.08	\$4.48			\$78.56
\$37.04	\$16.67	\$2.74			\$19.41
\$37.04	\$92.60	\$15.40			\$108.00
\$57.72	\$57.72				\$57.72
\$37.04	\$148.16	\$4.65	\$120.00		\$272.81
\$25.99	\$13.00				\$13.00
\$57.72	\$173.16				\$173.16
\$57.72	\$57.72				\$57.72
\$57.72	\$57.72				\$57.72
\$57.72	\$346.32				\$346.32
TOTAL	\$1,111.22	\$32.87	\$120.00	\$0.00	\$1,264.10

Notes:
 1. Employee Rate includes: base wage, Social Security, Medicare, retirement, health insurance and dental
 2. \$0.56 per mile for vehicle cost.

Appendix B: Galena Police Department Deer Incident Report Tables

2010	Accident with report	Accident w/ no report	Reported dead/ found dead	Reported injured Put down	Reported injured Ran away	Reported injured Unable to locate	Total
January	1					4	5
February					1		1
March							0
April							0
May							0
June							0
July							0
August	1	1				2	4
September	1				1	1	3
October					1		1
November	2	1					3
December							0
Total	5	2	0	0	3	7	17
2011	Accident with report	Accident w/ no report	Reported dead/ found dead	Reported injured Put down	Reported injured Ran away	Reported injured Unable to locate	Total
January				1		1	2
February					1		1
March							0
April						1	1
May							0
June			1				1
July	1		2				3
August					1		1
September			1				1
October		1					1
November	2				1		3
December		1	1	1		2	6
Total	3	2	5	2	4	4	20

2012	Accident with report	Accident w/ no report	Reported dead/ found dead	Reported injured Put down	Reported injured Ran away	Reported injured Unable to locate	Total
January			1				1
February		1					1
March			1			1	2
April							0
May						1	1
June							0
July				2			2
August					1		1
September				1			1
October		2		2			4
November	2	1	1		1		5
December	3		1				4
Total	5	4	4	5	2	2	22
2013	Accident with report	Accident w/ no report	Reported dead/ found dead	Reported injured Put down	Reported injured Ran away	Reported injured Unable to locate	Total
January		1	1	3			5
February				1			1
March		2	1	1			4
April					1		1
May							0
June	1		2				3
July							0
August							0
September	1	1	1			2	5
October	2		1	1		1	5
November	2		1				3
December							0
Total	6	4	7	6	1	3	27

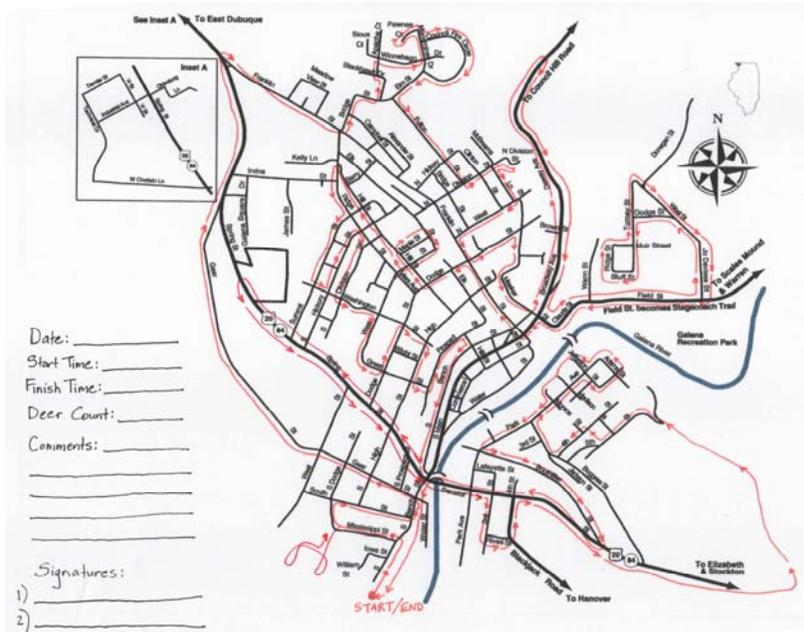
2014	Accident with report	Accident w/ no report	Reported dead/ found dead	Reported injured Put down	Reported injured Ran away	Reported injured Unable to locate	Total
January		1			1		2
February					1		1
March	1						1
April		2					2
May							0
June	1				1		2
July			1				1
August		1	1				2
September	1			1	1		3
October		1	1		1		3
November	1	1		1	1	1	5
December	1			1			2
Total	5	6	3	3	6	1	24
2015	Accident with report	Accident w/ no report	Reported dead/ found dead	Reported injured Put down	Reported injured Ran away	Reported injured Unable to locate	Total
January	2	1	1	1		1	6
February	1	1	1	1		2	6
March	1	1				1	3
April				1		1	2
May							0
June							0
July	2		1	1			4
August					1		1
September	1					1	2
October	2	1	1	1			5
November	3	2	1				6
December			1	2		1	4
Total	12	6	6	7	1	7	39

2016	Accident with report	Accident w/ no report	Reported dead/ found dead	Reported injured Put down	Reported injured Ran away	Reported injured Unable to locate	Total
January	1	1	2	3	1	2	10
February	1	2	1	1	1		6
March	3	1	1				5
April		1	2				3
May	1				2		3
June	1		3	1	1		6
July		2			1		3
August							0
September	1	1	2	1	1		6
October			2	1			3
November	1			1			2
December							
Total							
2017	Accident with report	Accident w/ no report	Reported dead/ found dead	Reported injured Put down	Reported injured Ran away	Reported injured Unable to locate	Total
January							
February							
March							
April							
May							
June							
July							
August							
September							
October							
November							
December							
Total							

Appendix C: Driving Deer Count Methodology

At the January 2016 Deer Committee meeting, representatives from the Apple Canyon Lake Property Owners Association explained that after having completed an initial aerial count of the deer in the resort, they have adopted an ongoing driving count system. In order to provide a reference point for trying to answer the question - "How many deer are there in Galena?" - a program for driving around town and counting the deer has been created. The following methodology has been established to eliminate as many variables as possible:

- Beth Baranski and Bill Grosshans have agreed to conduct the driving counts together in order to ensure consistency and to confirm each other's deer sightings. Beth is a member of the Deer Committee, and Bill is a regular audience member at Deer Committee meetings and follows the proceedings closely.
- The same route is driven through Galena each time. The route takes about an hour and 30 minutes.



- As deer are spotted, the number of deer is marked on the appropriate map location and circled. If Beth and/or Bill feel there is any question that deer may have moved and might be double-counted, they are not included in the total.
- The count is conducted only when both Beth and Bill are available, either during the morning or evening twilight. The morning counts are begun about 5-10 minutes after morning civil twilight and the evening counts are started about one hour and thirty-to-thirty-five minutes before the end of evening civil twilight (referencing times at sunrisesunset.com).
- The date, time of start and finish, deer count, and any comments are recorded on the map and signed by both Bill and Beth.

This regular count is being conducted with the thought that it may help frame the general number of deer in town, could help us understand seasonal changes, and also may help identify specific locations that tend to have more deer than others. It will be interesting to see how the driving counts done as winter approaches compare with a winter aerial count (if one is conducted).

Appendix D: Survey Regarding Wildlife in Galena

1. Do you see deer in your yard? Yes No

2. Do the deer cause damage to the landscaping and/or gardens on your property? Yes No

3. Are current levels of deer damage tolerable? Yes No

4. What measures have you taken to “deer-proof” your property?
 - a. Fencing
 - b. Deer-resistant plants
 - c. Repellents/sprays
 - d. Visual repellents
 - e. Motion-detection sprinklers
 - f. Other *Describe* _____
 - g. None

5. Would you support controlled, safe, bow and arrow culling of deer inside Galena city limits?
 Yes No

6. What other wildlife do you see on your property? *Types* _____

7. Do such wildlife cause damage to your property? *Describe* _____

8. Which Galena Precinct do you vote in?
 - East Galena
 - Rawlins
 - West Galena I
 - West Galena II
 - West Galena III

9. Other comments?

Appendix E: Ordinance to Deal With Feeding Deer Inside the City Limits

The 2015 Deer Committee (committee) has discussed the issue of the difficulty of enforcing an ordinance on feeding deer with the police department and the City Attorney. It is clear that there are difficulties in enforcement of the statute of the State of Illinois related to illegally feeding deer. It seems that the problem is proof of intent to feed the deer.

The committee hereby recommends that the City Council discuss with the City Attorney under its police power authority using Chapter 95 of the City Code of Ordinances entitled Nuisances. Specifically, the committee recommends that Section 95.01 of the code be amended to add the following paragraph thereto:

(K) To knowingly, purposefully or intentionally disburse food on the ground, at any feeding station, in a feeding device, or in a container of any kind, or provide a salt or mineral lick, or by any other means provide food to deer on any public or private property. A person shall be deemed to have knowingly, purposely or intentionally fed deer, cause deer to be fed or provided food to deer, if the person places, or allows to be placed, wheat, pellets, livestock feed, corn in any form, fruit, vegetables, hay or alfalfa, human food scraps, any form of wildlife seed, birdseed or livestock feed, or any other edible matter that deer will consume on the ground or within the reach of deer. "Within the reach of deer" shall be defined as having been located less than five (5) feet above the ground unless such items are screened or protected in a manner that prevents deer from feeding on them.. This prohibition shall include allowing residue that deer will consume to remain underneath a birdfeeder. This prohibition shall not include live vegetation such as ornamental landscaping, flowers, trees, vines, vegetable gardens, edible matter located either in an enclosed building or stored in a securely sealed package, or unmodified commercially purchased bird feeders or their equivalent when placed out of the reach of the deer.

The committee further recommends that the Council amend Section 95.99 (A) to add the following language following the word "misdemeanor" therein:

"except that Section (K) thereof shall be punished as provided in Section 10.99." (This section authorizes a fine of up to \$750).

It is the view of the committee that publication of the suggested amendments to the Nuisance ordinance will lead to stopping any feeding of deer within the city limits.

Appendix F: Sample Annual Report for Galena Deer Management Plan

Updated information should be provided to the Galena City Council each year as a reference for deer management decision-making.

Number of Deer

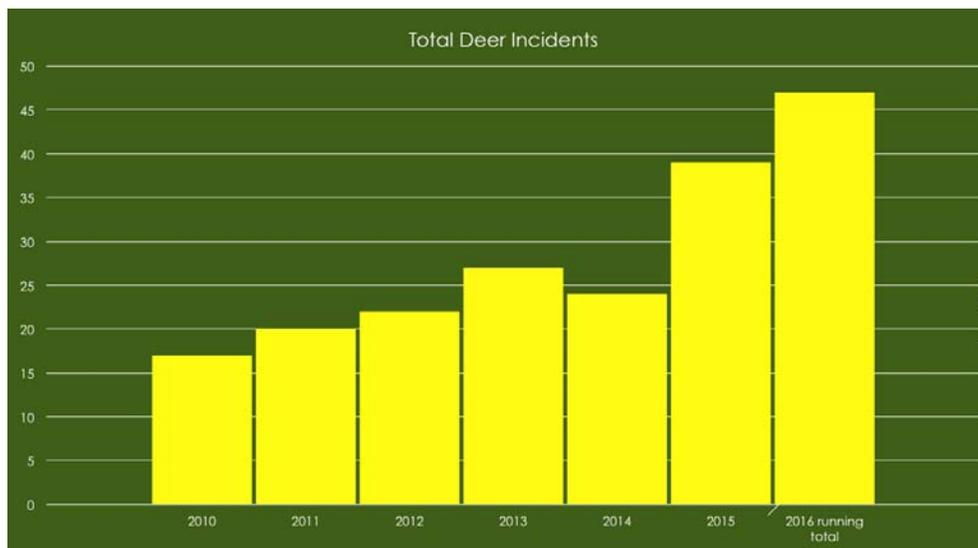
(Date: _____) Aerial Deer Count: _____

Driving Deer Counts, April 18 - December 5, 2016: 6-30 deer counted.

Number of deer per square mile = 1.5 to 7.5 (6 deer/4 sq. miles and 30 deer/4 sq. miles)

Deer Incidents

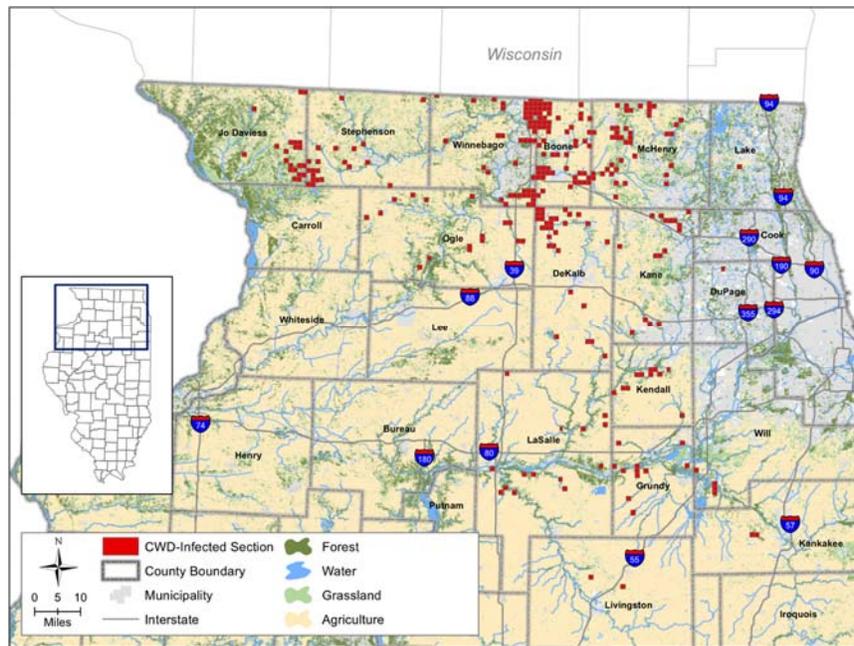
2016	Accident with report	Accident w/ no report	Reported dead/ found dead	Reported injured Put down	Reported injured Ran away	Reported injured Unable to locate	Total
January	1	1	2	3	1	2	10
February	1	2	1	1	1		6
March	3	1	1				5
April		1	2				3
May	1				2		3
June	1		3	1	1		6
July		2			1		3
August							0
September	1	1	2	1	1		6
October			2	1			3
November	1			1			2
December							
Total							



Chronic Wasting Disease Update

Table 1. Number of CWD-positive deer identified in each county by year.

	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12	12-13	13-14	14-15	15-16	Total
Boone	9	25	13	15	13	11	9	14	7	5	4	5	6	11	147
DeKalb	-	4	1	5	6	8	4	3	7	5	7	8	8	3	69
DuPage	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1
Grundy	-	-	-	-	-	-	-	-	2	5	3	3	5	3	21
JoDaviess	-	-	-	-	-	-	-	-	1	-	1	4	7	9	22
Kane	-	-	-	-	-	-	-	-	4	7	4	5	7	8	35
Kankakee	-	-	-	-	-	-	-	-	-	-	-	-	1	1	2
Kendall	-	-	-	-	-	-	-	-	-	-	1	4	6	6	17
Lake	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
LaSalle	-	-	-	-	1	-	-	-	3	-	1	2	6	5	18
Livingston	-	-	-	-	-	-	-	-	-	-	-	-	2	-	2
McHenry	2	2	4	4	4	-	4	3	3	3	3	7	6	8	53
Ogle	-	-	-	2	-	-	1	-	4	2	3	1	2	6	21
Stephenson	-	-	-	-	-	1	-	1	1	2	3	4	6	10	28
Will	-	-	-	-	-	-	-	-	-	-	-	2	1	1	4
Winnebago	3	20	13	25	18	18	12	16	10	7	5	13	8	1	169
Total	14	51	31	51	42	38	30	37	42	36	36	59	71	72	610



Illinois Cumulative CWD-Infected Sections - July 19, 2016

Citizen Survey

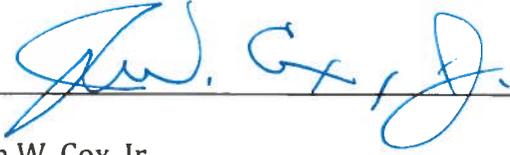
Number of surveys received: _____

Number of "Yes and "No" responses to the following question:

Are current levels of deer damage tolerable? ____ Yes ____ No

The following 2015 Deer Committee members hereby certify their consensus in support of the findings and recommendations included in this report.

Dated this 6th day of December, 2016.



John W. Cox, Jr.



Carmen Ferguson



Kirk Foecking



Beth Baranski

ORDINANCE NO. _____

**ORDINANCE AUTHORIZING SALE OF CERTAIN PERSONAL PROPERTY—THE
COATSWORTH PROPERTY—OWNED BY THE CITY OF GALENA**

WHEREAS, in the opinion of the corporate authorities of the City of Galena it is no longer necessary or useful to or for the best interests of the City of Galena to retain the following described personal property now owned by it:

Lots 17, 18 and the South 13 feet of Lot 19, between Main and Commerce Streets, fronting 79 feet on Main Street and extending back to and fronting 79 feet on Commerce Street; situated in the City of Galena, County of Jo Daviess, State of Illinois

which property is generally located at 126 South Main Street, Galena, Illinois, known as the Coatsworth Property, and is currently devoted to senior apartments and retail; and

WHEREAS, the Coatsworth Associates, 2205 S. Perryville Rd., #170, Rockford, Illinois, 61108-8209 has offered to purchase the Sale Property for the sum of \$50,000.00:

NOW, THEREFORE, BE IT ORDAINED BY THE GALENA CITY COUNCIL OF THE CITY OF GALENA, JO DAVIESS COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: The forgoing recitals are incorporated herein as findings of the Galena City Council.

SECTION TWO: Pursuant to Section 11-76-4 of the Illinois Municipal Code, 65 ILCS 5/11-76-4, the Galena City Council find that the Sale Property, now owned by the City of Galena, is no longer necessary or useful to the City of Galena and the best interest of the City of Galena will be served by its sale.

SECTION THREE: Pursuant to said Section 11-76-4, the Mayor be, and he is hereby, authorized and directed to sell the Sale Property to Coatsworth Associates of 2205 S. Perryville Rd., #170, Rockford, Illinois, 61108-8209, for the sum of \$50,000.00, subject to a real estate contract containing the following conditions:

- A. \$50,000.00 purchase price to be paid in full at closing.
- B. Closing to occur within six months of the execution of the real estate contract.

- C. The Coatsworth Property shall be purchased “as is” and “where is” with no representations or warranties on the part of the City of Galena except those relating to due organization and authority for the transaction.
- D. The Coatsworth Property is being sold subject to outstanding mortgages, leases, liens, taxes and any encumbrances.
- E. The contemporaneous sale of the Coatsworth Property to the Rock Island Economic Growth Corporation or the affiliated entity of the Rock Island Economic Growth Corporation.
- F. At closing, the Rock Island Economic Growth Corporation or the affiliated entity of the Rock Island Economic Growth Corporation shall cause a regulatory agreement or similar legal restriction to be recorded against the Coatsworth Property that mandates the continued operation of the Coatsworth Property as an elderly, affordable housing property for a term of at least 50 years.
- G. Coatsworth Associates shall pay for all costs and expenses relating to the closing of the transaction, including title company charges.
- H. The City of Galena shall be responsible for the costs of its own legal fees.
- I. The approval of the Illinois Housing Development Authority and the U.S. Department of Housing and Urban Development of the transaction. The approval is expected within six (6) months of effective date of this ordinance.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED AND APPROVED THIS _____ DAY OF DECEMBER, 2016.

AYES:

NAYES:

ABSENT:

ABSTAIN:

Terry Renner, Mayor

ATTEST:

Mary Beth Hyde, City Clerk

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036



MEMORANDUM

TO: Honorable Mayor Renner and City Council

FROM: Mark Moran, City Administrator 

DATE: December 5, 2016

RE: Galena River Trail Grant Resolution

At the November 28 council meeting, you approved an agreement with the Illinois Department of Transportation (IDOT) for funding Phase 3 of the Galena River Trail. The agreement sets forth the funding obligations of IDOT and the City. One of the requirements of the agreement is a resolution or ordinance from the City confirming that sufficient funds are reserved or appropriated for the City's match of \$183,581. I have prepared the attached resolution to confirm that funds are reserved in the General Fund.

The City will not have to contribute any funds if the total project cost does not exceed \$1,802,950. Based on the accepted construction bid of \$1,644,888, and the estimated engineering costs, our staff does not expect the total project cost to exceed \$1.8 million. We do not expect the City to have to contribute any funds for the project.

I recommend approval of the resolution. Please let me know if you have any questions. Thank you.

RESOLUTION NO. R-_____

**RESOLUTION CONFIRMING RESERVATION OF FUNDS FOR PHASE 3 OF THE
GALENA RIVER TRAIL PROJECT**

WHEREAS, the City of Galena (City) is working jointly with the Illinois Department of Transportation (IDOT) to construct Phase 3 of the Galena River Trail (the Project), and

WHEREAS, the City is entering into a Local Agency Agreement for Federal Participation with IDOT that sets forth the division of state and local costs for the Project, and

WHEREAS, as part of the agreement, it is necessary that the City confirm that funds have been appropriated or reserved for the local share of the Project cost, and

WHEREAS, the City share of costs for the Project is \$183,581.00, and

WHEREAS, costs would only be incurred by the City if the total cost for the Project exceeds the amount allocated by IDOT for the Project, and

WHEREAS, IDOT has allocated \$1,802,950 for the Project, comprised of \$1,445,830 of Illinois Transportation Enhancement Program funds and \$357,120 of Federal Flexible Match funds.

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1) That the City has \$183,581.00 reserved in the General Fund for the City's share of the Project cost.
- 2) That City would only incur costs if the total cost for the Project exceeds \$1,802,950, the amount allocated by IDOT for the Project, and
- 3) That upon completion of the Project and notification from IDOT, any City funds not expended on the Project shall no longer be reserved for the Project.
- 4) That this resolution shall be attached to the Local Agency Agreement for Federal Participation.

Passed this _____ day of December, 2016

Terry Renner, Mayor

ATTEST:

Marybeth Hyde, City Clerk

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036



MEMORANDUM

TO: Honorable Mayor Renner and City Council

FROM: Mark Moran, City Administrator

DATE: December 5, 2016

RE: Taxpayer Bill of Rights Ordinance

A handwritten signature in black ink, appearing to read "Mark Moran", is positioned to the right of the "FROM:" line.

As part of the ongoing revenue audit by Azavar, the firm made us aware that we are required to adopt a "Taxpayer Bill of Rights" ordinance. The state law require municipalities adopt such an ordinance to set forth uniform and consistent rules statewide for tax collectors, like the City of Galena, and tax payers. The proposed ordinance is a close adaptation to the model ordinance provided to municipalities by the Illinois Municipal League.

According to the statute, the purpose of the law/ordinance is as follows:

It is the intent of the General Assembly that this legislation grant various rights and protections to taxpayers and tax collectors with respect to the administration and enforcement of local government tax laws. The provisions of this Act are designed to reduce the burden on both taxpayers and tax collectors by specifically providing that fair and consistent tax processes and procedures be adopted and disseminated to taxpayers at the local level while at the same time preserving local government's full authority to collect taxes lawfully due under their taxing ordinances.

This legislation also provides taxpayers a minimum level of consistency with regard to the assessment and collection of local taxes as they do business in multiple locations within this State.

The adoption of the proposed ordinance will not change any City tax rates or collection processes, with two exceptions. The law sets a maximum late filing penalty of 5% and a maximum interest rate of 1% on an unpaid balance. Currently, three of our taxes, the Amusement Tax, Food and Beverage Tax, and Hotel Tax have late filing penalties of 7.5% and interest penalties of 1.25%. The proposed ordinance includes provisions to adjust the rates to 5% and 1%, respectfully.

I recommend you adopt the Taxpayer Bill of Rights ordinance.

ORDINANCE NO. 16-____

AN ORDINANCE IN CONNECTION WITH RIGHTS AND RESPONSIBILITIES RELATED TO LOCALLY IMPOSED AND ADMINISTERED TAXES OF THE CITY OF GALENA, ILLINOIS

WHEREAS, the State of Illinois pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.*, has determined it reasonable and necessary to create the Local Government Taxpayers' Bill of Rights Act; and

WHEREAS, the Local Government Taxpayers' Bill of Rights Act requires that a municipality adopt tax processes and procedures to provide all necessary due process rights to a taxpayer in the collection and enforcement of local tax laws; and

WHEREAS, the City of Galena, Illinois (the "City") has determined it reasonable and necessary to establish certain procedures in regard to locally imposed and administered taxes.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GALENA, as follows:

SECTION 1: Title. This ordinance shall be known as, and may be cited as, the "Locally Imposed and Administered Tax Rights and Responsibility Ordinance."

SECTION 2: Scope. The provisions of this ordinance shall apply to the City of Galena's procedures in connection with all of the City of Galena's locally imposed and administered taxes.

SECTION 3: Definitions. Certain words or terms herein shall have the meaning ascribed to them as follows:

"**Act**" means the "Local Government Taxpayers' Bill of Rights Act."

"**Corporate Authorities**" means the Mayor and City Council of the City of Galena.

"**Locally imposed and administered tax**" or "**tax**" means each tax imposed by the City that is collected or administered by the City not an agency or department of the State. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the City other than infrastructure maintenance fees.

"**Local tax administrator**," the City of Galena's City Administrator, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this ordinance to give full effect to this ordinance. The exercise of such authority by the local tax administrator shall not be inconsistent with this ordinance and the Act.

"City" means the City of Galena, Illinois.

"Notice" means each audit notice, collection notice or other similar notice or communication in connection with each of the City of Galena's locally imposed and administered taxes.

"Tax Ordinance" means each ordinance adopted by the City that imposes any locally imposed and administered tax.

"Taxpayer" means any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the City.

SECTION 4: Notices. Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven (7) calendar days prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

- (1) First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or
- (2) Personal service or delivery.

SECTION 5: Late payment. Any notice, payment, remittance or other filing required to be made to the City pursuant to any tax ordinance shall be considered late unless it is (a) physically received by the City on or before the due date, or (b) received in an envelope or other container displaying a valid, readable U.S. Postmark dated on or before the due date, properly addressed to the City, with adequate postage prepaid.

SECTION 6: Payment. Any payment or remittance received for a tax period shall be applied in the following order: (1) first to the tax due for the applicable period; (2) second to the interest due for the applicable period; and (3) third to the penalty for the applicable period.

SECTION 7: Certain Credits and Refunds.

(a) The City shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

(b) The statute of limitations on a claim for credit or refund shall be less than four (4) years after the end of the calendar year in which payment in error was made. The City shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the City.

(c) The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

(A) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:

- (i) the name of the locally imposed and administered tax subject to the claim;
- (ii) the tax period for the locally imposed and administered tax subject to the claim;
- (iii) the date of the tax payment subject to the claim and the cancelled check or receipt for the payment;
- (iv) the taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and
- (v) a request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the City.

(B) Within ten (10) days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:

- (i) grant the claim; or
- (ii) deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

(C) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of one-percent (1%) per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

SECTION 8: Audit Procedure. Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this ordinance.

- (a) Each notice of audit shall contain the following information:

(i) the tax;

(ii) the time period of the audit; and

(iii) a brief description of the books and records to be made available for the auditor.

(b) Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within thirty (30) days after the originally designated audit and during normal business hours.

(c) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven (7) days nor more than thirty (30) days from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the thirty (30) days, approved in writing, that is convenient to the taxpayer and the local tax administrator.

(d) Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the City.

(e) It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the City. If the taxpayer fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.

(f) If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within thirty (30) days of the City of Galena's determination of the amount of overpayment.

(g) In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.

SECTION 9: Appeal.

(a) The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:

- (i) the reason for the assessment;
- (ii) the amount of the tax liability proposed;
- (iii) the procedure for appealing the assessment; and
- (iv) the obligations of the City during the audit, appeal, refund and collection process.

(b) A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within forty-five (45) days of receipt of the written notice of the tax determination and assessment.

(c) If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within fourteen (14) days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

(d) If a written protest and petition for hearing is not filed within the forty-five (45) day period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

(e) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than ninety (90) days after the expiration of the forty-five day period.

SECTION 10: Hearing.

(a) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under section nine, above, the local tax administrator shall conduct a hearing regarding any appeal.

(b) No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed fourteen (14) days.

(c) At the hearing the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(d) At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

SECTION 11: Interest and Penalties. In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(a) Interest. The City hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be one-percent (1%) per month, based on a year of 365 days and the number of days elapsed.

(b) Late Filing and Payment Penalties. If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of 5% of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of 5% of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the City issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to 25% of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

SECTION 12: Abatement. The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

SECTION 13: Installment Contracts. The City may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is thirty (30) days delinquent, the taxpayer shall have fourteen (14) working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the fourteen (14) day period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

SECTION 14: Statute of Limitations. The City, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have forty-five (45) days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(a) No determination of tax due and owing may be issued more than four (4) years maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(b) If any tax return is not filed or if during any 4-year period for which a notice of tax determination or assessment may be issued by the City, the tax paid was less than 75% of the tax due, the statute of limitations shall be six (6) years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

(c) No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

SECTION 15: Voluntary Disclosure. For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of one-percent (1%) per month, for all periods prior to the filing of the application but not more than four (4) years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than ninety (90) days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within ninety (90) days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

SECTION 16: Publication of Tax Ordinances. Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the City Clerk's office.

SECTION 17: The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

(i) timely remove the lien at the City of Galena's expense;

(ii) correct the taxpayer's credit record; and

(iii) correct any public disclosure of the improperly imposed lien.

SECTION 18: Application. This ordinance shall be liberally construed and administered to supplement all of the City of Galena's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this ordinance, this ordinance shall be controlling.

SECTION 19: Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 20: Incorporation into Galena Code of Ordinances: The foregoing ordinance shall be codified into the Galena Code of Ordinances as Chapter 35.120.

SECTION 21: Modification of Current Code: The following chapters of the current Galena Code of Ordinances shall be modified to comply with the foregoing provisions of the ordinance titled "Rights and Responsibilities Related to Locally Imposed and Administered Taxes of the City of Galena":

- A. Chapter 35.02, Public Benefit Tax, shall be deleted.
- B. Chapter 35.57, Statute of Limitations, shall be amended as follows: "No action to recover any amount of tax due under the provisions of this subchapter shall be commenced more than ~~three~~ **four** years after the due date of such amount.
- C. Chapter 35.84, (Hotel Occupancy Tax) Reporting; Transmittal; Delinquency; Penalty, (1) and (2) shall be amended as follows:
 - (1) Penalty, ~~7.5%~~ **5.0%** added to the amount of tax unpaid and uncollected.
 - (2) Interest, ~~1.25%~~ **1.0%** added per month to the amount of tax unpaid and uncollected.
- D. Chapter 35.100, (Municipal Amusement Tax) Reporting; Transmittal; Delinquency; Penalty, (1) and (2) shall be amended as follows:
 - (1) Penalty, ~~7.5%~~ **5.0%** added to the amount of tax unpaid and uncollected.
 - (2) Interest, ~~1.25%~~ **1.0%** added per month to the amount of tax unpaid and uncollected.

E. Chapter 35.114, (Places of Eating Tax) Reporting; Transmittal; Delinquency; Penalty, (D) (1) and (2) shall be amended as follows:

(1) Penalty, ~~7.5%~~ **5.0%** added to the amount of tax unpaid and uncollected.

(2) Interest, ~~1.25%~~ **1.0%** added per month to the amount of tax unpaid and uncollected.

SECTION 22: Effective Date. This ordinance shall be in full force and effect, after passage, approval and publication as required by law.

Upon motion by _____, seconded by _____,
adopted this _____ day of _____, 2016, by roll call vote, as follows:

AYES:

NAYS:

ABSENT:

Approved: _____, 2016

Terry Renner, Mayor

ATTEST:

Mary Beth Hyde, City Clerk

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
AT & T (LOCAL) (103)							
120116	1	Invoice	POLICE/PHONE	12/01/2016	392.89		01.21.552.00
Total AT & T (LOCAL) (103):					392.89		
BARD MATERIALS CENTRAL REGION (119788)							
251331	1	Invoice	STORM SEWER	11/19/2016	275.00		01.41.514.06
Total BARD MATERIALS CENTRAL REGION (119788):					275.00		
CIVIL CONSTRUCTORS, INC. (1122)							
15433	1	Invoice	STREET PAVING	11/23/2016	7,274.00		41.61.860.02
Total CIVIL CONSTRUCTORS, INC. (1122):					7,274.00		
CONMAT, INC. (1187)							
105098	1	Invoice	MISC. PROJECTS	11/23/2016	970.20		01.41.614.05
105284	1	Invoice	COLD PATCH	11/30/2016	807.20		15.41.614.00
Total CONMAT, INC. (1187):					1,777.40		
DOIG, KATHLEEN (119339)							
121216	1	Invoice	MARKET HOUSE RESTR	12/12/2016	225.00		01.13.511.06
Total DOIG, KATHLEEN (119339):					225.00		
DOYLE, KEVIN (118771)							
120516	1	Invoice	CREDIT BALANCE REFU	12/05/2016	6.38		98.115.0
Total DOYLE, KEVIN (118771):					6.38		
DRIVE LINE, INC. (285)							
220695	1	Invoice	WELD ALUMINUM LADDE	11/11/2016	61.50		22.22.655.00
Total DRIVE LINE, INC. (285):					61.50		
DUBUQUE FIRE EQUIPMENT, INC. (631)							
118272	1	Invoice	FIRE EXTINGUISHER CH	11/21/2016	66.90		01.13.511.03
Total DUBUQUE FIRE EQUIPMENT, INC. (631):					66.90		
FARAMUS, PATTY & ERIC (120330)							
120516	1	Invoice	CREDIT BALANCE REFU	12/05/2016	9.98		98.115.0
Total FARAMUS, PATTY & ERIC (120330):					9.98		
FLEEGER ELECTRIC (1045)							
6723	1	Invoice	ELECTRICAL WORK	12/02/2016	900.00		15.41.514.06
6723	2	Invoice	ELECTRICAL WORK	12/02/2016	540.00		12.10.512.00
6723	3	Invoice	ELECTRICAL WORK	12/02/2016	900.00		01.41.514.11
6723	4	Invoice	ELECTRICAL WORK	12/02/2016	540.00		17.52.517.02
Total FLEEGER ELECTRIC (1045):					2,880.00		

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
GALENA ARC (850)							
121216	1	Invoice	HAHN COUNCIL SALARY	12/12/2016	100.00		01.11.432.00
Total GALENA ARC (850):					100.00		
GALENA BRIDAL FAIR (120329)							
120516	1	Invoice	ADVERTISING/PUBLISHI	12/05/2016	265.00		58.54.553.00
Total GALENA BRIDAL FAIR (120329):					265.00		
GALENA CHAMBER/COMMERCE (20)							
120116	1	Invoice	HALLOWEEN PARADE D	12/01/2016	2,500.00		01.11.929.05
Total GALENA CHAMBER/COMMERCE (20):					2,500.00		
GALENA GAZETTE (34)							
00052411	1	Invoice	PUBLIC NOTICE	11/19/2016	222.80		01.14.553.00
00052412	1	Invoice	PUBLIC NOTICE	11/19/2016	91.20		01.14.553.00
Total GALENA GAZETTE (34):					314.00		
GALENA LAUN. & LINEN INC. (84)							
120116	1	Invoice	FINANCE-LAUNDRY SER	12/01/2016	8.00		01.13.654.00
120116	2	Invoice	FIRE DEPARTMENT	12/01/2016	25.00		22.22.538.01
120116	3	Invoice	POLICE DEPARTMENT	12/01/2016	30.00		01.21.651.00
120116	4	Invoice	TURNER HALL-RUG SER	12/01/2016	27.00		58.54.654.01
Total GALENA LAUN. & LINEN INC. (84):					90.00		
GALENA LUMBER CO. (85)							
113016	1	Invoice	MISC. MATERIALS	11/30/2016	11.58		01.41.614.04
113016	2	Invoice	PARK SHUT DOWN	11/30/2016	21.75		17.52.652.00
Total GALENA LUMBER CO. (85):					33.33		
GALL'S, INC. (712)							
00651150	1	Invoice	UNIFORMS/TONY	11/29/2016	72.95		01.21.471.15
Total GALL'S, INC. (712):					72.95		
GASSER @ GALENA (24)							
120116	1	Invoice	MISC. SUPPLIES	12/01/2016	85.49		01.11.929.07
120116	2	Invoice	MISC. SUPPLIES	12/01/2016	9.94		01.13.511.06
120116	3	Invoice	MISC. SUPPLIES	12/01/2016	8.96		01.13.651.02
120116	4	Invoice	MISC. SUPPLIES	12/01/2016	8.98		01.41.514.08
120116	5	Invoice	MISC. SUPPLIES	12/01/2016	19.79		01.41.514.11
120116	6	Invoice	MISC. SUPPLIES	12/01/2016	58.45		01.41.614.04
120116	7	Invoice	MISC. SUPPLIES	12/01/2016	86.34		01.41.652.00
120116	8	Invoice	MISC. SUPPLIES	12/01/2016	22.49		17.52.652.00
120116	9	Invoice	MISC. SUPPLIES	12/01/2016	26.09		22.22.611.00
120116	10	Invoice	MISC. SUPPLIES	12/01/2016	20.03		22.22.613.00
120116	11	Invoice	MISC. SUPPLIES	12/01/2016	81.62		58.54.654.01
120116	12	Invoice	MISC. SUPPLIES	12/01/2016	54.48		59.55.511.02

CITY OF GALENA

Invoice Register
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Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
Total GASSER @ GALENA (24):					482.66		
GHS AFTER PROM (750)							
120116	1	Invoice	AFTER PROM	12/01/2016	100.00		01.11.929.01
Total GHS AFTER PROM (750):					100.00		
GUY'S TRUCK & TRACTOR SERVICE (119033)							
GW1007687	1	Invoice	2011 1 TON	10/13/2016	283.08		01.41.613.04
GW1007691	1	Invoice	SWEEPER	10/14/2016	96.17		01.41.613.11
GW1007836	1	Invoice	EQUIPMENT	11/14/2016	236.97		22.22.840.00
GW1007935	1	Invoice	2011 1 TON	12/05/2016	107.77		01.41.613.04
Total GUY'S TRUCK & TRACTOR SERVICE (119033):					723.99		
HALSTEAD, MARY L. (119966)							
121216	1	Invoice	CITY HALL JANITOR	12/12/2016	240.00		01.13.511.07
121216	2	Invoice	PUBLIC RESTROOMS AT	12/12/2016	225.00		01.13.511.08
Total HALSTEAD, MARY L. (119966):					465.00		
IIW ENGINEERS & SURVEYORS, PC (260)							
65026	1	Invoice	DESIGN	11/22/2016	544.00		01.45.532.00
Total IIW ENGINEERS & SURVEYORS, PC (260):					544.00		
IML RISK MANAGEMENT ASSOCIATION (432)							
120116	1	Invoice	DUES	12/01/2016	450.00		01.11.561.00
Total IML RISK MANAGEMENT ASSOCIATION (432):					450.00		
J & R SUPPLY INCORPORATED (951)							
1609817	1	Invoice	STORM SEWER PIPES	09/14/2016	280.00		01.41.514.06
Total J & R SUPPLY INCORPORATED (951):					280.00		
JO CARROLL ENERGY, INC. (397)							
120116	1	Invoice	ELECTRIC/STREET LIGH	12/01/2016	5,042.65		15.41.572.00
120116	2	Invoice	FINANCE/ELECTRIC	12/01/2016	137.75		01.13.571.01
120116	3	Invoice	POLICE/ELECTRIC	12/01/2016	428.55		01.21.571.01
120116	4	Invoice	EMS/ELECTRIC	12/01/2016	127.44		12.10.571.01
120116	5	Invoice	PARKS/ELECTRIC	12/01/2016	99.02		17.52.571.01
120116	6	Invoice	FLOOD/ELECTRIC	12/01/2016	286.47		20.25.576.01
120116	7	Invoice	FIRE/ELECTRIC	12/01/2016	332.19		22.22.576.01
120116	8	Invoice	TURNER HALL/ELECTRIC	12/01/2016	535.17		58.54.571.01
120116	9	Invoice	WELCOME SIGNS	12/01/2016	37.39		01.41.571.01
120116	10	Invoice	LIFT STATION	12/01/2016	110.48		52.43.850.09
120116	11	Invoice	DEPOT	12/01/2016	98.27		01.13.511.03
Total JO CARROLL ENERGY, INC. (397):					7,235.38		
JO DAVIESS CTY SHERIFF (116)							
120116	1	Invoice	CITY SHARE OF OFFICE	12/01/2016	200.12		01.21.538.00

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
120116	2	Invoice	RADIO SERVICE	12/01/2016	100.00		22.22.538.00
Total JO DAVIESS CTY SHERIFF (116):					300.12		
LAFAYETTE COUNTY HIGHWAY DEPT (119719)							
111616	1	Invoice	COLD PATCH	11/16/2016	720.00		15.41.614.00
Total LAFAYETTE COUNTY HIGHWAY DEPT (119719):					720.00		
LAWSON PRODUCTS, INC. (627)							
9304514400	1	Invoice	SUPPLIES	11/14/2016	25.46		01.41.652.00
9304532983	1	Invoice	TOOLS	11/22/2016	207.74		01.41.653.00
Total LAWSON PRODUCTS, INC. (627):					233.20		
LOUIE'S AGGREGATE COMPANY (1218)							
4323	1	Invoice	ST. PROGRAM MISC. MAI	11/18/2016	516.30		01.41.614.04
4323	2	Invoice	TRAIN MAINTENANCE	11/18/2016	142.88		17.52.517.01
Total LOUIE'S AGGREGATE COMPANY (1218):					659.18		
MOBOTREX (120256)							
216432	1	Invoice	SIGNAL LIGHTS	12/01/2016	104.00		15.41.514.06
Total MOBOTREX (120256):					104.00		
MONTGOMERY TRUCKING (133)							
149850	1	Invoice	REFUSE HANDLING CON	12/01/2016	13,652.20		13.44.540.04
149850	2	Invoice	RECYCLING CONTRACT	12/01/2016	4,722.30		13.44.540.00
149850	3	Invoice	DUMJPSTER RENTAL	12/01/2016	60.00		13.44.544.03
149850	4	Invoice	DUMPSTER DISPOSAL F	12/01/2016	135.00		01.41.573.00
Total MONTGOMERY TRUCKING (133):					18,569.50		
NAPA AUTO PARTS (79)							
269109	1	Invoice	EQUIPMENT	11/22/2016	4.96		17.52.514.00
269318	1	Invoice	EQUIPMENT MAINTENAN	11/29/2016	15.99		17.52.514.00
Total NAPA AUTO PARTS (79):					20.95		
NICOR (151)							
120116	1	Invoice	GAS	12/01/2016	97.03		59.55.571.02
120116	2	Invoice	TURNER HALL/GAS	12/01/2016	236.22		58.54.571.05
Total NICOR (151):					333.25		
ORKIN PEST CONTROL (574)							
120116	1	Invoice	PEST CONTROL SERVIC	12/01/2016	88.21		01.13.511.01
Total ORKIN PEST CONTROL (574):					88.21		
PLIC - SBD GRAND ISLAND (120208)							
120116	1	Invoice	DENTAL INSURANCE	12/01/2016	1,820.79		01.13.451.01

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
Total PLIC - SBD GRAND ISLAND (120208):					1,820.79		
REDFEARN TREE SERVICE & NURS. (118895)							
5868	1	Invoice	TREES - FIRE TRAINING	11/29/2016	903.00		22.22.929.00
Total REDFEARN TREE SERVICE & NURS. (118895):					903.00		
SECURITY PRODUCTS OF DUBUQUE (119890)							
0450676	1	Invoice	PHONE/ALARM MONITO	11/29/2016	27.00		01.13.552.00
Total SECURITY PRODUCTS OF DUBUQUE (119890):					27.00		
SLOAN IMPLEMENT (119196)							
839476	1	Invoice	EQUIPMENT REPAIRS	11/15/2016	552.71		01.41.613.10
Total SLOAN IMPLEMENT (119196):					552.71		
T & T ELECTRONICS (120055)							
2077	1	Invoice	TV RECYCLING	11/21/2016	795.00		13.44.929.00
Total T & T ELECTRONICS (120055):					795.00		
TRI-STATE APPAREL (120154)							
117512	1	Invoice	RECYCLING MAGNETS	11/18/2016	447.00		13.44.554.00
Total TRI-STATE APPAREL (120154):					447.00		
TRI-STATE PORTA POTTY, INC. (908)							
6475	1	Invoice	PORTA POTTY RENTAL	11/17/2016	95.00		22.22.652.00
Total TRI-STATE PORTA POTTY, INC. (908):					95.00		
US BANK (118903)							
335367	1	Invoice	DEBT SERVICE	11/23/2016	30,000.00		52.43.716.01
335367	2	Invoice	DEBT SERVICE	11/23/2016	35,000.00		60.01.710.11
335367	3	Invoice	DEBT SERVICE	11/23/2016	25,000.00		60.41.710.05
335367	4	Invoice	DEBT SERVICE	11/23/2016	2,572.00		52.43.742.01
335367	5	Invoice	DEBT SERVICE	11/23/2016	2,620.00		60.01.720.11
335367	6	Invoice	DEBT SERVICE	11/23/2016	2,195.50		60.41.720.05
Total US BANK (118903):					97,387.50		
US CELLULAR (92)							
120116	1	Invoice	PUBLIC WORKS/CELL PH	12/01/2016	50.40		01.41.552.00
120116	2	Invoice	ADMIN/CELL PHONE	12/01/2016	48.22		01.11.552.00
120116	3	Invoice	POLICE/CELL PHONES	12/01/2016	39.23		01.21.552.01
120116	4	Invoice	LORI/CELLPHONE	12/01/2016	20.00		01.216.0
120116	5	Invoice	POLICE/CELL PHONES	12/01/2016	44.82		01.21.552.01
120116	6	Invoice	TONY/CELL PHONE	12/01/2016	37.19		01.261.0
Total US CELLULAR (92):					239.86		

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
US POSTAL SERVICE (1076)							
113016	1	Invoice	PERMIT 82 ACCOUNT PO	11/30/2016	500.00		51.42.551.00
113016	2	Invoice	PERMIT 82 ACCOUNT PO	11/30/2016	250.00		52.43.551.00
113016	3	Invoice	PERMIT 82 ACCOUNT PO	11/30/2016	750.00		13.44.551.00
Total US POSTAL SERVICE (1076):					1,500.00		
VALLEY PERENNIALS (118994)							
112516	1	Invoice	HOLIDAY WREATHS	11/25/2016	2,830.65		01.11.929.07
7165	1	Invoice	BUILDING IMPROVEMEN	11/22/2016	59.50		22.22.844.04
Total VALLEY PERENNIALS (118994):					2,890.15		
VILLAGE OF WARREN (120331)							
120716	1	Invoice	LEAK DETECTOR JOINT	12/07/2016	5,428.00		51.42.831.01
Total VILLAGE OF WARREN (120331):					5,428.00		
WEBER PAPER COMPANY (40)							
D018735	1	Invoice	PAPER	11/28/2016	211.20		01.13.651.02
Total WEBER PAPER COMPANY (40):					211.20		
WHITE CONSTRUCTION CO., INC. (119359)							
120116	1	Invoice	PUBLIC WORKS JANITO	12/01/2016	110.00		01.41.511.01
Total WHITE CONSTRUCTION CO., INC. (119359):					110.00		
Grand Totals:					160,060.98		

Report GL Period Summary

Vendor number hash: 2765522
 Vendor number hash - split: 3492205
 Total number of invoices: 56
 Total number of transactions: 103

Terms Description	Invoice Amount	Net Invoice Amount
Open Terms	160,060.98	160,060.98
Grand Totals:	160,060.98	160,060.98