

**MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 09 OCTOBER 2012**

**12C-0413 – CALL TO ORDER**

Mayor Terry Renner called the regular meeting to order at 6:30 p.m. in the Board Chambers at 312½ North Main Street on 09 October 2012.

**12C-0414 – ROLL CALL**

Upon roll call the following members were present: Fach, Greene, Lincoln, Murphy, Painter and Renner.

Absent: Cording

**12C-0415 – ESTABLISHMENT OF QUORUM**

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

**12C-0416 – PLEDGE OF ALLEGIANCE**

The Pledge was recited.

**12C-0417 - REPORTS OF STANDING COMMITTEES**

None.

**12C-0418 – PUBLIC COMMENTS**

**Richard Forester, 614 Gear Street** – Forester spoke with regard to item 12C-0423. He reminded council of the very large representation in support of the street performers at the September meeting. At that time they all tried to communicate that the street performers are a good thing in Galena. Since VisitGalena has opened, they have not received a single complaint on the street performers. He feels the street performers entertain and enhance the overall hospitality and experience. Visitors enjoy them. Forester stated he would hope the Council would not attempt to restrict the street performer's ability to entertain our visitors. He felt quadrupling the fee was unreasonable. He felt a smaller increase would be acceptable. He also felt limiting each performer to two hours would create problems. He questioned the issue on tables. He noted the tarot ladies are the quietest street performers we have on the street. He urged the council to reconsider that item. Forester read the editorial written by Carter Newton with regard to street performers.

**Justice Kelly, 501 Harrison Street** – Kelly also spoke on the street performers. He advised he has provided Mark Moran with some recent legal cases with regard to busking. These cases are from 2009 and 2011. A lot of them deal specifically with the issues of permits and amplification. Kelly wanted to make sure the City Council has the ability to look through those cases. He would hate to see the City be involved in any lawsuits.

**Mary Auman, 701 Young Street** – Auman thanked everyone for their time and effort put into the Street Performers Ordinance. She believes this is an important issue for the quality of life of all residents of Galena. She urged the Council to support a public hearing.

**David Eaton, 2794 Red Gates Drive** – As co-chair for Build a Smarter Future, Eaton shared his thoughts on why he feels the bond referendum is important economically for the City of Galena. Eaton urged everyone to vote "Yes" on the referendum.

**John Cox, 906 Third Street** – Cox spoke on the request by Build a Smarter Future Group to utilize the public, educational and government Mediacom channel. Cox advised the group is requesting what he believes to be the first use of the public access channel as allowed under the

Mediacom contract. He advised the group currently has the approval of Mediacom in Dubuque to use Dubuque’s public access channel even though the bond issue is for Galena. They would, however, prefer to be able to use the local access channel to share the information. He urged Council to consider approving the request.

**Drew Townsend, 10079 Dog Leg Ridge** – Townsend, speaking on behalf of Building a Smarter Future, stated he agreed with the comments made by David Eaton. He has had the opportunity to spend the past six years on various committees and it has become abundantly clear to him that deficiencies do exist. Townsend urged the Council to be open minded and give serious thought to support the bond referendum.

**Ardy Michaels, 901 Hill Street** – Michaels advised he recently sent a letter with some suggested modifications to the Street Performers Ordinance. He advised he has been a street performer for over 17 years. He urged the Council to take his suggestions to heart stating it is important to keep street musicians alive. Michaels stated he doesn’t do it for the money but as a way to express himself. He urged Council to keep it to the locals. The street performers talk to each other and work things out and are open to suggestions. They don’t need hard set rules, just basic guidelines.

**CONSENT AGENDA CA-18**

**12C-0419 – APPROVAL OF THE MINUTES OF THE SEPTEMBER 24, 2012 CITY COUNCIL MEETING**

**12C-0420 – APPOINTMENT OF JOHN DENNERLEIN TO THE HISTORIC PRESERVATION COMMISSION FOR THE TERM OF OCTOBER 9, 2012 TO SEPTEMBER 24, 2014**

**12C-0421 – APPOINTMENT OF LARRY WIEDENHEFT TO THE HISTORIC PRESERVATION COMMISSION FOR THE TERM OF OCTOBER 9, 2012 TO SEPTEMBER 24, 2014 (RENEWAL)**

**12C-0422 – RE-APPOINTMENT OF KATIE WIENEN TO THE HISTORIC PRESERVATION COMMISSION FOR THE TERM OCTOBER 9, TO SEPTEMBER 24, 2014 (RENEWAL)**

**Motion:** Lincoln moved, seconded by Fach, to approve Consent Agenda CA-18 as presented.

**Discussion:** None.

**Roll Call:** AYES: Fach, Greene, Lincoln, Murphy, Painter, Renner  
NAYS: None  
ABSENT: Cording

The motion carried.

**UNFINISHED BUSINESS**

**12C-0123 – DISCUSSION AND POSSIBLE ACTION ON REQUEST BY DON CURLEY, 1001 FOURTH STREET, FOR THE CITY TO INSTALL A PROTECTIVE GUARDRAIL ON THE SOUTHWEST CORNER OF U.S. 20 AND FOURTH STREET**

**Motion:** Painter moved, seconded by Lincoln, to continue to paint the centerline of Fourth Street as far east as possible, repair the concrete of the existing retaining wall and paint the repaired section and submit a request for a reduction of the speed limit from 30 to 25 provided we have IDOT approval on the repairs.

**Discussion:** Greene stated he feels posts with a cable would give him more protection. He was advised this would require IDOT approval.

Fach suggested pouring a retaining wall right across the sidewalk up to the state line. The wall could be 2.5 to 3 feet high. Curley stated he wouldn't have a problem with that but he feels the wall should be extended further down. Moran advised this probably wouldn't be a viable option.

Moran advised he would double check with IDOT to make sure we can make the necessary repairs to the wall.

**Roll Call:** AYES: Greene, Lincoln, Murphy, Painter, Fach, Renner  
NAYS: None  
ABSENT: Cording

The motion carried.

**NEW BUSINESS**

**12C-0423 – DISCUSSION AND POSSIBLE ACTION ON SCHEDULING A PUBLIC HEARING ON THE POSSIBLE REVISIONS TO THE STREET PERFORMERS ORDINANCE**

**Motion:** Painter moved, seconded by Fach, to schedule a public hearing on the possible revisions to the Street Performers Ordinance at the next regularly scheduled meeting on October 22, 2012.

**Discussion:** Painter feels we owe to our citizens to respond to their concerns and come together to develop an ordinance that meets their needs.

**Roll Call:** AYES: Painter, Fach  
NAYS: Lincoln, Murphy, Greene  
ABSENT: Cording

The motion was denied.

**Motion:** Greene moved, seconded by Lincoln, to approve going back to the original ordinance and continue to work on a one on one basis on any complaints.

**Discussion:** Greene noted we have only had a few people with complaints on the street performer ordinance. People have had plenty of time to come in and address their concerns. The majority of what the council has heard has been in support of the street performers.

Renner felt there should be some regulations. Fach agreed putting some parameters around the ordinance makes sense.

**Roll Call:** AYES: Murphy, Greene, Lincoln  
NAYS: Painter, Fach  
ABSENT: Cording

The motion carried

**12C-0424 – DISCUSSION AND POSSIBLE ACTION ON A CONTRACT FOR EXTENDING A WATER MAIN UNDER US ROUTE 20 TO THE RIGHT-OF-WAY IN FRONT OF RAMADA**

The following bids were received:

Fischer Excavating	\$69,282.56
Mike & Nick Sproule Construction	\$55,840.00
Windy Hill	\$66,039.71
Louie's Trenching Service	\$57,677.00
Owen's Excavating	\$65,140.00

**Motion:** Murphy moved, seconded by Fach, to award a contract for extending a water main under U.S. Route 20 to the right-of-way in front of the Ramada to Mike & Nick Sproule Construction in the amount of \$55,840.

**Discussion:** None.

**Roll Call:** AYES: Painter, Fach, Greene, Lincoln, Murphy, Renner  
NAYS: None  
ABSENT: Cording

The motion carried.

**12C-0425 – DISCUSSION AND POSSIBLE ACTION ON REQUEST BY THE BUILD A SMARTER FUTURE GROUP TO UTILIZE THE PUBLIC, EDUCATIONAL, AND GOVERNMENT MEDIACOM CHANNEL**

**Motion:** Painter moved, seconded by Fach, to approve the request by the Build a Smarter Future Group to utilize the public, educational and government Mediacom channel.

**Discussion:** Council agreed it would be a wonderful use for it. They hope the community continues to use it. A question was raised as to whether or not to allow them to use the full 20 hours. All agreed they could use the maximum 20 hours per week until such time as someone else comes forward. At that time the usage could be renegotiated.

**Roll Call:** AYES: Greene, Lincoln, Murphy, Painter, Fach, Renner  
NAYS: None  
ABSENT: Cording

**12C-0426 – DISCUSSION AND POSSIBLE ACTION ON RENEWAL OF EMPLOYEE HEALTH, DENTAL, DISABILITY AND LIFE INSURANCE POLICIES FOR NOVEMBER 2012 THROUGH OCTOBER 2013**

**Motion:** Fach moved, seconded by Painter, to approve the renewal of employee health, dental, disability and life insurance policies for November 2012 through October 2013 as presented on page 26 of the packet.

**Discussion:** None.

**Roll Call:** AYES: Fach, Greene, Lincoln, Murphy, Painter, Renner  
NAYS: None  
ABSENT: Cording

**12C-0427 – WARRANTS**

**Motion:** Murphy moved, seconded by Greene, to approve the Warrants as presented.

**Discussion:** Fach advised he looked at the Van Buren railings. He feels it is a sub-quality job. There are sharp points on the railings in various places one could cut themselves on. He recommended pulling the bill to MNS Construction until such time as the work has been completed to the City's satisfaction.

**Amended**

**Motion:** Fach moved, seconded by Painter, to amend the motion to include the removal of the bill to MNS Construction in the amount of \$1,626.81 in order to hold payment until the work has been completed to the City's satisfaction.

**Amended Motion**

**Roll Call:** AYES: Lincoln, Murphy, Painter, Fach, Greene, Renner  
NAYS: None  
ABSENT: Cording

The motion carried.

**Main Motion**

**Roll Call:** AYES: Greene, Lincoln, Murphy, Painter, Fach, Renner  
NAYS: None  
ABSENT: Cording

The motion carried.

**12C-0428 – ALDERPERSONS' COMMENTS**

**Country Fair** – Lincoln stated Country Fair weekend went well. He commended everyone for a job well done. It was an excellent event. Painter agreed stating she received several positive comments from vendors on how well the fair is organized. She appreciated the traffic flow changes. As a person living on the East side, it made it a whole lot better.

**Thank You** – Painter thanked Build a Smarter Future for bringing forward the information on how the referendum impacts the city. She encourages all to look at the website. It is filled with lots of good information along with some short videos that give great perspectives on how it would impact our community.

**Street Performers** – Painter thanked everyone who has taken the time to respond to the street performer issue.

**Turner Hall** – Fach questioned if there might be a way to install solar panels at Turner Hall to help with the electric bills.

**12C-0429 – CITY ADMINISTRATOR'S REPORT**

**Check** – Moran advised we received a check in the amount of \$16,750 from the State of Illinois. This represents 25 percent of the grant received for Gateway Park for the acquisition. Since the acquisition has already taken place, the agreement has been amended to allow this to be used for construction. In theory, we now have all of the funds necessary to complete the water, sewer, parking lot and everything on the plan.

**Solar Facility** – Moran reported the Jo Daviess Conservation Foundation had a good meeting at the solar facility last week.

**12C-0430 – MAYOR'S REPORT**

Mayor Renner congratulated the Police Department, Public Works Department and City Staff for a job well done on Country Fair.

**12C-0431 - ADJOURNMENT**

**Motion:** Murphy moved, seconded by Fach, to adjourn.

**Discussion:** None.

**Roll Call:** AYES: Murphy, Painter, Fach, Greene, Lincoln, Renner  
NAYS: None  
ABSENT: Cording

The motion carried.

The meeting adjourned at 7:22 p.m.

Respectfully submitted,

Mary Beth Hyde  
City Clerk