

**MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 12 NOVEMBER 2012**

**12C-0458 – 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 12 November 2012.

**12C-0459 – ROLL CALL**

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

**12C-0460 – ESTABLISHMENT OF QUORUM**

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

**12C-0461 – PLEDGE OF ALLEGIANCE**

The Pledge was recited.

**12C-0462 - REPORTS OF STANDING COMMITTEES**

None.

**12C-0463 – PUBLIC COMMENTS**

**Richard Forester, 614 Gear Street** – Forester spoke in support of the Street Performers stating there were letters of support from the Bed & Breakfast Inn Keepers of Galena as well as the VisitGalena Board of Directors included in the packet. He advised they have recently finished the annual conversion survey study. One of the questions asked was "What would you change about Galena to make it more pleasant hospitality experience while you were here?" The overall answer was nothing, don't change anything. A couple of things they did mention were the inadequate parking and inadequate public restrooms which are much more important at this time than Street Performers. Forester shared his experience with tourists dancing to the accordion player in Washington Park.

**Rita Wadman 318 Hill Street** - Wadman asked the Council for their support and permission to go on with the progressive dinner sponsored by the Bed & Breakfast Innkeepers of Galena to be held Saturday, December 8<sup>th</sup> 5:30-8:30. The Women of Courage and Commitment will be performing at the appetizer home.

**Dana Meadows, 130 S. Main Street** – Meadows stated he was glad the Council went back to the original plan for Street Performers. Because of the various things that have come up they have become self-governing.

Meadows urged the Council to support the request under item 12C-0472 by the Galena Downtown Business Association for activities associated with Galena Old Fashioned Christmas, Mardi Gras, and Luminary.

**Marilyn Johnson, 202 S. Main Street** – Johnson stated she has lived and worked on Main Street in the Historic District for the past 20 years. At this point she feels she is held captive in her business by the continual noise. The music goes on every day. The people who come are here to make business in our historic business district. The Street Performers are charged \$25.00 per year. She noted when they went to Country Fair they were charged \$25.00 for one weekend. She urged the Council to take a look at the Street Performers Ordinance and find some other way. She suggested trading off so they have a day or two of no music. The music is very disruptive and interferes with customers. Johnson feels it is time to reconsider some of the things.

**Stephen Coates, 304 Elk Street** – Coates spoke with regard to the proposal from the Jo Daviess County Historical Society Funding Agreement for services not otherwise provided to the citizens of Galena and advised he would be present if there were any questions.

**Dick Auman, 701 Young Street** – Auman stated he is always a little amazed, amused and irritated at the attitude and perception that the visitors to Galena are more important than those that live here. There are 3500 residents who pay a lot of property tax and generate a huge amount of sales tax. Auman doesn't have a problem with the Street Performers but what he does have a problem with is the noise in the community. He stated it would be nice if once in a while the City Council would listen to the citizens and not the needs of the visitors and the downtown businesses. Main Street and tourism is important but the idea that it is the total economic engine is totally wrong. Auman feels those that support other businesses outside of the downtown deserve the same or more consideration than the visitors of Galena. He urged the Council to have some discussion on the noise as well as public safety.

**James Wirth 121 S. High Street** – Wirth addressed item 12C-0473. Wirth urged the Council to act favorably on setting a time to close cemeteries and parks.

**Carl Johnson, 202 S. Main Street** – Johnson stated he doesn't expect that we will do away with Street Performers. He would like to see something done about the sound level. He feels it should be kept to an intimate level. He also recommended auditioning those that are going to play.

**Justice Kelly, 501 Harrison** – Kelly advised he has been sharing information on research he has done with regard to Street Performers. Kelly stated he feels the noise ordinance is the best way to handle this. He would like to hear from the City Attorney on the issues we have with the ordinance as is, as proposed and whether or not the noise ordinance would cover the issues.

**Steve Repp, 227 South Dodge Street** – Repp feels out of dignity and respect the cemeteries should be closed at dusk and no one should be allowed in the cemetery after dark.

**Holly Werner, 15 W. Arrowhead Drive** – Werner stated that there is no one using the cemetery at this time that's not using dignity or respect. There is full control of what is happening there. History is being talked about.

**LIQUOR COMMISSION**

**Motion:** Lincoln moved, seconded by Fach, to adjourn as the City Council and reconvene as the Liquor Commission.

**Discussion:** None.

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

The motion carried.

**12C-0464 – DISCUSSION AND POSSIBLE ACTION ON AN APPLICATION FOR A LIQUOR LICENSE MANAGER FROM CANNOVA'S, 247 N. MAIN STREET, FOR SHANA POWELL**

**Motion:** Painter moved, seconded by Fach, to approve the application for a Liquor License Manager for Cannova's, 247 N. Main Street for Shana Powell.

**Discussion:** None.

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

The motion carried.

**Motion:** Lincoln moved, seconded by Greene, to adjourn as the Liquor Commission and reconvene as the City Council.

**Discussion:** None.

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

The motion carried.

**CONSENT AGENDA CA-20**

**12C-0465 – APPROVAL OF THE MINUTES OF THE OCTOBER 22, 2012 CITY COUNCIL MEETING**

**12C-0466 – APPROVAL OF BA13-03 FOR MAINTENANCE AND REPAIRS TO WELL 6 AND LIABILITY INSURANCE EXPENSES**

**12C-0467 – APPROVAL OF THE FIRST READING OF AN ORDINANCE DECLARING CERTAIN POLICE DEPARTMENT AND WIMMING POOL PROPERTY SURPLUS**

**12C-0468 – APPROVAL OF ADDING DAVID EATON AS AN ADVISOR FOR THE CITY OF GALENA 457 DEFERRED COMPENSATION PLAN OFFERED THROUGH ING**

**12C-0469 – APPROVAL OF A REQUEST BY THE BED AND BREAKFAST INNKEEPERS OF GALENA FOR THE TASTE OF GALENA PROGRESSIVE DINNER ON SATURDAY, DECEMBER 8, 2012**

**Motion:** Cording moved, seconded by Painter, to approve Consent Agenda CA-20 as presented.

**Discussion:** None.

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

The motion carried.

**UNFINISHED BUSINESS**

**12C-0405 – DISCUSSION AND POSSIBLE ACTION ON THE REVISION OF THE STREET PERFORMERS ORDINANCE**

Council reviewed the proposed changes listed on pages 24-27 of the packet and recommended the following changes:

- #7 – Change the fee to \$15.00 annually. Not all members were in support of reducing the fee.
- #12 – Change the wording from “A performer may perform...” to “A performer is encouraged to perform...”
- #13 – Keep as it with no limit.
- #14 – Yes you may collect donations but don’t be too specific on how things need to be done.
- #16 – Change the distance of 100 feet to a distance of 50 feet.

**Motion:** Fach moved, seconded by Cording, to instruct staff to revise the Street Performers Ordinance to include said revisions.

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

The motion carried.

**NEW BUSINESS**

**12C-0470 – UPDATE ON GALENA HISTORIC DISTRICT BOUNDARY REVISION PROJECT**

Daryl Watson updated the Council on the current Historic District Boundary Revision Project. A public hearing will be held on November 29, 2012.

**12C-0471 – DISCUSSION AND POSSIBLE ACTION ON REQUEST BY THE GALENA HISTORY MUSEUM AND HISTORICAL SOCIETY FOR A SERVICE AGREEMENT WITH THE CITY**

A motion to approve was made and later withdrawn.

**Discussion:** Lincoln advised he requested this item be added to discuss the possibility of entering into an agreement with the Galena-JoDavieess Historical Society to help fund the activities of the museum regarding local historical sites and programming. Lincoln feels there is no question the museum does provide a service. While he would prefer to see it come at budget time, he has no problem with it the way it is written.

Nack reminded the Council a municipality cannot give their public money to private organizations unless you can show a public purpose and public good for doing so. Nack felt if the City were inclined to help out the museum the same thing could be accomplished by maintaining the building and/or paying the utility bills through the lease agreement.

Council discussed and directed the City Attorney to take a look at modifying the lease agreement.

**Motion:** Lincoln moved, seconded by Painter, to table item 12C-0471 to a date no later than the 1<sup>st</sup> meeting of December.

**12C-0472 – DISCUSSION AND POSSIBLE ACTION ON REQUEST BY THE GALENA DOWNTOWN BUSINESS ASSOCIATION FOR ACTIVITIES ASSOCIATED WITH GALENA OLD FASHIONED CHRISTMAS, MARDI GRAS, AND LUMINARIA**

**Motion:** Greene moved, seconded by Lincoln, to approve the request by the Galena Downtown Business Association for activities associated with Galena Old Fashioned Christmas, Mardi Gras, and luminary.

**Discussion:** Moran advised all of the activities requested have been approved by the council in past years with the exception of the following three new requests:

1. The group proposes to have a horse and carriage from the Galena Carriage Company lead the Christmas parade. In addition to the driver of the carriage, a person would walk in front of the horse with a lead.
2. The group proposes to have one business in each block broadcast music outside their store on the day of Santa’s arrival (November 23) and Mardi Gras weekend (February 8 and 9).
3. The group proposes to fundraise on December 15 during luminary by collecting donations from passing drivers. Volunteers would stand in the street on Main Street near the floodgates as vehicles approach the stoplights and on near Franklin Street.

**Amended**

**Motion:** Fach moved, seconded by Cording, to amend the motion to approve item #1 and not approve #2 and #3.

**Discussion:** Greene stated he was uncomfortable with the fundraising for the luminary. He feels if they need support they need to look at other ways. Council felt there would be a safety issue with people standing in the street and didn't like the idea of people approaching vehicles to collect money.

Nack reminded Council the City has ordinances that prohibit the music being pumped out of businesses as well as an ordinance that prohibits the requesting of money from vehicles.

**Amended**

**Motion**

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

The motion carried.

**Main**

**Motion**

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

The motion carried.

**12C-0473 – DISCUSSION AND POSSIBLE ACTION ON AN ORDINANCE AMENDMENT TO CHAPTER 96.04 OF THE GALENA CODE OF ORDINANCES PERTAINING TO CLOSING TIME OF PARKS AND CEMETERIES**

**Motion:** Greene moved, seconded by Murphy, to open discussion on an ordinance amendment to Chapter 96.04 of the Galena Code of Ordinances pertaining to closing time of parks and cemeteries.

**Discussion:** None.

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

The motion carried.

**Discussion:** Council felt parks closing times should be kept separate from cemetery closing times. They agreed closing the cemeteries at dusk made sense. A suggestion was made to make an exception allowing organized tours access until a set time.

Council directed the City Attorney to check into closing the parks at 10:00 p.m. and the cemeteries at dusk. They recommended adding language allowing licensed tours to access the cemeteries until a certain time.

**Motion:** Greene moved, seconded by Murphy, to close discussion on an ordinance amendment to Chapter 96.04 of the Galena Code of Ordinances pertaining to closing time of parks and cemeteries.

**Discussion:** None.

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

The motion carried.

**Motion:** Greene moved, seconded by Murphy to table item 12C-0473.

**12C-0474 – FIRST READING OF AN ORDINANCE TO PROTECT BRICK AND COBBLESTONE STREET IN GALENA**

**Motion:** Fach moved, seconded by Painter, to approve the ordinance to protect brick and cobblestone streets in Galena and waive the second reading, 12C-0474.

**Discussion:** None.

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

The motion carried.

**12C-0475 – FIRST READING OF AN ORDINANCE AUTHORIZING THE EXECUTION OF THE ILLINOIS MUNICIPAL LEAGUE RISK MANAGEMENT ASSOCIATION MINIMUM/MAXIMUM CONTRIBUTION AGREEMENT**

**Motion:** Painter moved, seconded by Cording, to approve and waive the second reading of an ordinance authorizing the execution of the Illinois Municipal League Risk Management Association Minimum/Maximum Contribution Agreement, 12C-0475.

**Discussion:** None.

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

The motion carried.

**12C-0476 – DISCUSSION AND POSSIBLE ACTION ON ESTABLISHING THE AMOUNT OF THE 2012 TAX LEVY FOR TAXES TO BE COLLECTED IN 2013**

**Motion:** Cording moved, seconded by Painter, to establish the amount of the 2013 Tax Levy for taxes to be collected in 2013 at \$1,423,050.

**Discussion:** Cording stated while no one likes to see taxes come around, there are city services the City needs to provide. This amount of money will allow us to do that.

Lincoln stated he was in favor of no increase this year.

Painter felt we need to be careful we don't fall behind. She is worried staying with the same might mean we will be struggling to meet the budget.

Renner advised the levy was cut last year. He doesn't feel 8 cents is going to hurt too many households. The increase would provide an additional \$44,000.

Fach stated he would like to see something in for Street and Bridge. He questioned if they could be separated. Moran advised State Statute would not allow it.

Fach stated he has a problem with the CPI.

Murphy preferred to see the lower rate. The recent vote on a referendum sent a loud message on how citizens feel about a tax increase. If there are issues at budget time, council will need to sit down and crunch numbers. Citizens don't need a tax increase at this time.

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

The motion was denied.

**Motion:** Lincoln moved, seconded by Murphy, to establish the amount of the 2012 Tax Levy for taxes to be collected in 2013 at \$1,378,790.

**Discussion:** Painter stated she would like to see it bumped up a little bit. She suggested \$1,400,000.

Cording is concerned there is a danger of moving into deficit spending if we continue to not increase the levy a little each year.

Lincoln stated he has been asking for years for each department to cut 2 percent out of their budget. He feels there are options out there that are not being used to the fullest extent.

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

The motion carried.

**12C-0477 – WARRANTS**

**Motion:** Cording moved, seconded by Murphy, to approve the Warrants as presented, 12C-0477.

**Discussion:** None.

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

The motion carried.

**12C-0478 – ALDERPERSONS' COMMENTS**

**Street Performers** – Lincoln advised he shops downtown and has a business downtown. He is sorry to hear that people are upset with the music playing. He hopes council can come to some type of agreement on the issue.

**Well Wishes** – Cording stated Richard Clark fell ill prior to the meeting adding our hearts are with he and his family and we wish him well.

**Salt Pile** – Fach noted the salt pile on Gear Street is still uncovered. He had complaints that it is polluting the whole valley. He would like to have an item placed on the agenda so some kind of action can be taken.

**Kilowatt Counter** – Fach recommended installing a kilowatt counter at Turner Hall. This would allow us to know who is using the electricity and how much so we can adjust our rates.

**Unsatisfactory Work** – Fach advised there was a question about a contractor doing an unsatisfactory job. Things were done unbeknownst to City Staff. Fach feels some kind of protection needs to be set up that would provide that contractors need to notify the City Engineer when some kind of definitive action is going to happen.

**LED Lights** – Fach questioned if Jo Carroll Energy agreed to cooperate with the LED's on the new street lights. Moran advised they are not in a position to do that at this time. They are working on a demonstration project where they will change out six lights on Franklin Street. They would like to do this process first before putting them in here and there. They are making progress on the demo project.

**12C-0479 – CITY ADMINISTRATOR'S REPORT**

**Salt Pile** – The salt pile is near the Jo Daviess County Workshop and belongs to Jo Daviess County. Moran advised he has had communications with them and will follow up on it.

**Donation** – Moran advised the City received a \$5,000 donation from a visitor to Galena that had a dog they loved which has recently passed away. They made the donation to install a drinking fountain in Grant Park with a dog fountain attached.

**12C-0480 – MAYOR'S REPORT**

Mayor Renner extended his good wishes to Richard Clark and wished all a “Happy Thanksgiving”.

**12C-0481 – MOTION FOR EXECUTIVE SESSION**

**Motion:** Murphy moved, seconded by Fach, to recess to Executive Session to discuss the following:

- Pending, Probable or Imminent Litigation, Section 2 (c) (11)
- Review of Executive Session Minutes, Section 2 (c) (21)

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

The motion carried.

The meeting recessed at 8:24 p.m.

The meeting reconvened at 8:53 p.m.

**12C-0482 - ADJOURNMENT**

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

**Discussion:** None.

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

The motion carried.

Regular Board Meeting

12 November 2012

The meeting adjourned at 8:53 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Mary Beth Hyde". The signature is written in a cursive style with a large, stylized initial "M".

Mary Beth Hyde  
City Clerk