

## MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 26 AUGUST 2013

### **13C-0325 – CALL TO ORDER**

Mayor Renner called the regular meeting to order at 6:30 p.m. in the Board Chambers at 312½ North Main Street on 26 August 2013.

### **13C-0326 – ROLL CALL**

Upon roll call the following members were present: Bernstein, Fach, Greene, Kieffer, Painter, Renner. Lincoln arrived at 6:40 p.m.

### **13C-0327 – ESTABLISHMENT OF QUORUM**

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

### **13C-0328 – PLEDGE OF ALLEGIANCE**

The Pledge was recited.

### **13C-0329 - REPORTS OF STANDING COMMITTEES**

None.

### **13C-0330 – PUBLIC COMMENTS**

**Joe Pinder 236 N. Main St.** – Pinder came to show support for Amelia's Ghost Tours. He expressed dismay for the letter submitted by Galena Trolley Tours explaining that because their ghost tours are not successful that the City Council should not allow Amelia's Ghost Tours to expand her business.

**Amelia Roth 307 S. Main St.** – Amelia Roth, owner of Amelia's Galena Ghost Tours she has greatly outgrown her business and is asking for a license extension. She currently runs the tours from 7:45 to 10:00 p.m. She turned away 47 people on Saturday night for her bus. She stated that her tours are one hundred percent historically correct, she is professional, and her tours have exceptional customer service. Her tours would not be interfering with the other two trolleys and she offers service that is very unique compared to either of them. Her bus holds sixteen passengers and fills up very fast. The City is a tourist destination, and is being recognized in many magazines, and websites. Amelia's Galena Ghost Tours has personally been given an offer from HGTV and they are coming to Galena in the next three to four weeks to film for one of their America's Spookiest Places Specials. Amelia feels that she is bringing recognition to Galena as well and strongly feels that and that it is time to expand.

**Fred Bonnet 213 N. Main St.** – As chair of the VisitGalena Board of Directors, Bonnet introduced Tom Brusch as the new part-time interim director for VisitGalena.org.

**Tom Brusch 411 S. Prospect St. #202** – Brusch stated that it is a pleasure to be here and selling Galena. Brusch is looking forward to coming to the City Council meetings and giving updates in the future.

**Marlene Niec representing Galena United Methodist Church 125 S. Bench St.** – Niece, on behalf of the church, is seeking approval and payment of \$1750.00, half of the cost of the proposed patio project. She believes it will be a major improvement for constructing a retreat/memory garden area near the church on City property. She is passionate about making the area appealing for surrounding neighbors and tourists who walk on Bench Street.

**Adam Johnson 211 Fourth St.** – Johnson stated that he is here to mourn the demolition of a house at 208 Van Buren Street. Johnson stated that the Historic Preservation Guidelines are just that, they are guidelines, not rules or an ordinance. The guidelines were not necessarily followed in this case and he is urging the City Council, and he will go to urge the Historic Preservation Commission, to move swiftly on the new ordinance so that historic properties can be preserved and maintained in Galena.

**Pam Casper 305 S. Main St.** – Casper works next door to Amelia’s Ghost Tours at Eureka and is here in support of Amelia’s Ghost Tours. Being next door she hears people who are very excited about going on the tours and she also hears the disappointment of people who cannot get on the tour because the tour is full. Casper would like to see the hours extended.

**James Wirth 121 S. High St.** – Wirth stated that he would like to see that the provisions for the extended tours be kept the same with no commercial tour activity inside the Old Galena City Cemetery. Wirth read a memo that he stated is: Point of Order in reference to City Council Agenda for August 26, 2013 Item 13C0335. Wirth has become aware that per Galena Zoning Code Section 154.920 (E) (2), “A quarter-page display advertisement in a local newspaper of general circulation.” Giving the required legal notice to the public - was mandated before action of any kind – at the Zoning Board or City Council levels – could be taken. He stated that based on a conversation today with Sarah Newton of the Galena Gazette no such notice was printed in the Galena Gazette regarding Item # 13C0335. Thus, he said, while it is certainly your decision as to how to proceed, it is my personal belief that Item # 13C0335 is invalid before this honorable body and must be removed.

#### **CONSENT AGENDA CA13-16**

#### **13C-0331 – APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 12, 2013**

#### **13C-0332 – APPROVAL OF STREET CLOSURE PERMIT FOR THE KIWANIS CLUB FOR LIVE MUSIC BY DR. MARK AND THE SUTURES AT THE GREEN STREET PLAZA, AUGUST 31, 2 P.M. TO 8:00 P.M. WITH A RAIN DATE OF SEPTEMBER 1 FROM 1:00 P.M. TO 4:00 P.M.**

#### **13C-0333 – APPROVAL OF A RESOLUTION ADOPTING THE JO DAVIESS COUNTY MULTIJURISDICTIONAL ALL HAZARDS MITIGATION PLAN**

#### **13C-0334 – APPROVAL OF A REQUEST BY THE GALENA DOWNTOWN BUSINESS ASSOCIATION FOR MAY DAZE SIDEWALK SALES, MAY 9-11, 2014 AND AUGUST 8-10, 2014**

**Motion:** Kieffer moved, seconded by Lincoln, to approve Consent Agenda 13C-16.

**Discussion:** None.

**Roll Call:** AYES: Fach, Greene, Kieffer, Lincoln, Painter, Bernstein, Renner  
NAYS: None

The motion carried.

#### **UNFINISHED BUSINESS**

#### **13C-0314 – DISCUSSION AND POSSIBLE ACTION ON A PROPOSAL BY THE GALENA UNITED METHODIST CHURCH TO IMPROVE THE PUBLIC PROPERTY ADJACENT TO THE CHURCH AND UNDER THE CITY STEPS WITH A CONCRETE PATIO**

**Motion:** Painter moved, seconded by Greene to postpone action on the proposal by the Galena United Methodist Church to improve the public property adjacent to the church and under the city steps with a concrete patio.

**Discussion:** Painter stated that this is an admirable project and she appreciates all the work that has gone into it, but she has questions in terms of the insurance and would like the issues given to legal counsel first. Painter would like also to see a drawing of the plantings and where they would be. Painter would appreciate more information.

**Roll Call:** AYES: Greene, Kieffer, Lincoln, Painter, Bernstein, Fach, Renner  
NAYS: None

The motion carried.

**13C-0315 – DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 114 OF THE CODE OF ORDINANCES TO EXTEND THE HOURS OF OPERATION FOR RESTRICTED TOUR OPERATORS AS PROPOSED BY AMELIA’S GHOST TOURS**

**Motion:** Painter moved, seconded by Greene to take action on the first reading of an ordinance amending the Chapter 114 of the Code of Ordinances to extend the hours of operation for restricted tour operators as proposed by Amelia’s Ghost Tours to 6:30 p.m. to 10:00 p.m.

**Discussion:** Painter stated that she appreciates the fact that Amelia’s business is growing, but the intent of allowing additional license was not to increase the number of vehicles on the roads and in our neighborhoods during the hours of the other tour operators are working. By extending to 6:30 p.m. we are allowing her business to expand somewhat but still only maintaining maximum of two vehicles on the road during the bulk of the day light hours.

Fach stated that when the license was initially granted we discussed what we wanted to allow on our city streets in the way of trolleys and we decided that this was allowable because the other two trolleys did not run during the evening hours. The evening hours were conducive to Amelia’s type of work, and Amelia was happy with that and the Council was happy with that and felt that is was a good compromise.

Lincoln stated that he does not understand why we would limit the time to 6:30 p.m. because it will not accomplish anything. Amelia has had a successful business and has taken criticism from the audience and from the Council and adapted it by not going thru the gates at the City Cemetery. Lincoln does not see a problem with the tour beginning at 1:00 p.m. and cannot see a problem with adding another one or two tour buses in the downtown area and if it does we can take action at that point to restrict.

Renner stated that he would like to give her something because it sounds like her business is growing. Would beginning at 6:30 p.m. give Amelia enough time to run another tour? Renner stated that he doesn’t know. Renner stated that beginning at 6:00 p.m. may work out.

Painter stated that most of the other tours are finished by 5:00 p.m.; Painter would be comfortable with beginning at 6:00 p.m.

**Amended**

**Motion:** Painter moved, seconded by Greene to begin tours at 6:00 p.m. and end at 10:00 p.m.

**Amended**

**Motion**

**Roll Call:** AYES: Painter, Bernstein, Fach, Greene, Kieffer, Renner  
NAYS: Lincoln

The motion carried.

**Main Motion**

**Roll Call:** AYES: Painter, Bernstein, Fach, Greene, Kieffer, Renner  
NAYS: Lincoln

The motion carried.

**NEW BUSINESS**

**13C-0335 – DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION FOR ZONING CALENDAR NO. 13A-02, A REQUEST BY DAN BALOCCA, 125 S. PROSPECT STREET, FOR A TEXT AMENDMENT TO PERMIT SMALL INNS IN THE LOW DENSITY RESIDENTIAL DISTRICT BY SPECIAL USE PERMIT**

**Motion:** Greene moved, seconded by Fach to postpone until the next meeting for clarification from the Zoning Board.

**13C-0336 – DISCUSSION AND POSSIBLE ACTION ON A REQUEST BY THE NOUVEAU WINE COMMITTEE TO CONDUCT THE “WORLD’S LONGEST TOAST RELAY” ON MAIN STREET, NOVEMBER 22, 2013**

**Motion:** Lincoln moved, seconded by Kieffer to conduct the “World’s longest toast relay” on Main Street. November 22, 2013.

**Discussion:** Lincoln stated he favored anything to get Galena’s name in the record books. He said lets go for it. Nouveau weekend has become quite an event and has done a lot of great things over the years and this would add to the mystique of the wine festival weekend.

**Roll Call:** AYES: Bernstein, Fach, Greene, Kieffer, Lincoln, Painter, Renner  
NAYS: None

The motion carried.

**13C-0337 – DISCUSSION AND POSSIBLE ACTION ON 2013 STREET PAVING CONTRACT**

**Motion:** Lincoln moved, seconded by Greene to approve the street paving contract with the total amount of \$126,280.00 to Civil Constructors.

**Discussion:** None.

**Roll Call:** AYES: Fach, Greene, Kieffer, Lincoln, Painter, Bernstein, Renner  
NAYS: None

The motion carried.

**13C-0338 – DISCUSSION AND POSSIBLE ACTION ON OPEN BURNING POLICY**

**Motion:** Bernstein moved, seconded by Painter to discuss and approve the discontinuation of the semiannual open burn policy.

**Discussion:** Bernstein stated that she had been approached by a resident on why the City allows open burn. Bernstein did research and discovered that the smoke from the burning leaves is very detrimental to human health. There have been residents that have come before the Council in the past with respiratory problems and exhaust from cars as in regards to air pollution.

Bernstein stated that there are other alternatives in what you can do with your leaves such as raking them in a pile at the back of your property and let them decompose over the winter,

shredding them with your lawn mower or put them in a yard waste bag and have Montgomery pick them up.

Lincoln spoke with Jim Rigdon of the Public Works and it was suggested that residents take the leaves and branches to the old landfill on Donegan St. and Lincoln suggested that the Old Landfill be publicized in the paper so residents know that they can take yard debris there instead of burning.

Greene stated that he agrees with Lincoln and suggested to burn one week only. Greene stated that residents need to do something with the leaves, if the leaves are not raked up then there is the problem with them going into the storm sewer and they could plug that up.

Painter suggested that we have one week of burn and one week that the residents rake the leaves and put them into bags and have Montgomery's pick them up with no charge to the residents. Enforce the burn rules that exist with the time of day.

Renner stated that we need to let the residents know about the old landfill, the Public Works does sweep and some resident do rake the leaves out into the streets when they know that the sweeper is coming.

Bernstein stated that she is in favor of trying the suggestion of burning for one week.

Renner stated that perhaps in the future there could be a machine purchased that would vacuum up the leaves.

Lincoln stated that he also spoke with Jim Rigdon about the machine and Rigdon stated that it would be more man hours and something that they would not be capable of doing at this time.

Greene stated that in Lena, IL they have a machine that vacuums the leaves, the residents just need to rake them up out into the streets.

Fach stated that cutting back to one week of burn and working towards to that goal of elimination. Fach does not want the Galena taxpayers to have to pay extra for leaf pick up. Fach does not support any type of equipment that we would need to purchase for leaf pick up. Fach believes that taking them to the old landfill could be a chaotic mess. He believes that everyone who has a lawn has a lawnmower and could just chop them up.

#### **Amended**

**Motion:** Fach moved, seconded by Kieffer to allow burning of leaves to one week, and one week of free leaf bag pick up.

**Discussion:** Lincoln asked if we vote on the amended motion and that passes then we go to the original motion and vote on that which was to ban the burn altogether? Renner stated that is correct, perhaps the Council should vote on the original motion then give direction to that.

**Retract original motion:** Bernstein moved, seconded by Painter to retract original motion.

**Retract amended motion:** Fach moved, seconded by Kieffer to retract amended motion.

**Motion:** Fach moved, seconded by Kieffer to allow for one week burn in the fall and in the spring with the consecutive week being free leaf bag pick up.

**Discussion:** Renner asked who would be going around picking up the leaves. Fach stated that the Public Works would go around and when they see a bag of leaves they would pick them up.

Renner suggested that the City could designate a particular day. Fach suggested perhaps

having the residents get the bags to a designated spot.

Painter suggested leaving some flexibility on the second week to work with Montgomery and work with Public Works to see what will work out best.

Lincoln stated that there is a letter that the Fire Chief sends out a few weeks before the burning happens and he could write up the options of the burn, and free leaf bag pick up.

Kieffer stated perhaps the residents would not be burning as much if they knew about the free leaf bag pick up.

Renner stated that if it rains then the residents know that they would have the option of the free leaf bag pick up or they could take them to the old landfill.

**Roll Call:** AYES: Fach, Greene, Kieffer, Lincoln, Painter, Bernstein, Renner  
NAYS: None

The motion carried.

### **13C-0339 – DISCUSSION AND POSSIBLE ACTION ON CHANGE ORDERS FOR CITY HALL PROJECT**

**Motion:** Lincoln moved, seconded by Painter to approve the change orders to the new City Hall of \$81,3356.90 and the preferred option is 14B and is included in the price of removing and replacing the brick veneer.

**Discussion:** Lincoln asked about the Gypcrete and how much is on the floor. Andy Lewis City Engineer stated there are four offices, and one office has Gypcrete with about an inch and one-half thick. Lincoln stated there machines that can be rented that grind off glue and he hopes that this part is a minimal part of the change order.

Fach stated that he agrees and feels this amount is pretty high. Fach had questions on the motion activated faucets in the restrooms, will they be motion activated urinals and toilets, and he was informed that yes they were. Fach asked Andy Lewis, City Engineer if he recommended stone sills as opposed to the pre-cast. Lewis stated the advantage of the stone sills is that there is a far shorter order period on them, as pre-cast lintels is six to eight weeks order period. Greene asked if concrete adheres better to stone then to lintels.

Greene questioned the insulation that was used in the sealing of the block and was wondering if there was something better that they could have used.

Lincoln asked about the integrity and strength of both. Lewis stated that the lintels and sills are more decorative than structural.

Greene asked Lewis if there will be new flashing on the parapet wall. Lewis responded yes there will be new flashing.

**Roll Call:** AYES: Kieffer, Lincoln, Painter, Bernstein, Fach, Greene, Renner  
NAYS: None

The motion carried.

### **13C-0340 – WARRANTS**

**Motion:** Fach moved, seconded by Lincoln, to approve the Warrants as presented.

**Discussion:** Bernstein had a question on NuToys Leisure Products in the amount of \$1,010.00 for garbage can lids.

Mark Moran City Administrator stated that these are heavy garbage can lids in the downtown area and purchased from this company.

Lincoln had a question on the credit of -\$2,345.61 to Holland Plumbing, Mark Moran City Administrator stated that there were a couple of items that were purchased in duplicate from Public Works and Holland Plumbing now they are on our shelves for future use. Moran suggested he review the warrant and report back to the Council.

**Roll Call:** AYES: Lincoln, Painter, Bernstein, Fach, Greene, Kieffer, Renner  
NAYS: None

The motion carried.

### **13C-0341 – ALDERPERSONS' COMMENTS**

Bernstein stated that she had someone tell her that two times in an hour there were people on the Galena River in pontoon boats that drove stakes into the shore and then pulled the boats up on the bank. The person was concerned with erosion.

Bernstein would like to have mandatory recycling at events that the City approves.

Bernstein asked Moran about the IDOT purchase of property on Highway 20, and was wondering what the City could do about a public hearing and a response to this in some way.

Painter agrees with Bernstein with the mandatory recycling. She thanked Adam Johnson in coming forth about the removal of the house on Van Buren St and she is disappointed that the historical house was removed. She thanked Lewis and other City staff for overseeing the construction of the new City Hall.

Lincoln stated the Music Festival was busy and they were doing recycling.

Kieffer stated that he received calls that the music at the Music Festival was too loud and the music was not appropriate for that neighborhood.

Green stated that he did not need to go downtown to hear it, and his neighbors complained about the noise—he also received calls. Greene stated that next time the music needs to be toned down and the City does have a noise ordinance and we should abide by that.

Fach stated the loudness does need to be addressed with the next festival. Fach had someone say to him that some of hotels and B& B's are not recycling. He asked if the City can address this issue and get the information out to them that we do recycle. Fach stated that there needs to be more spots on Main Street for recycling containers so we can increase our recycling capacity for the public. He agrees with Bernstein that mandatory recycling needs to be done at festivals.

### **13C-0342 – CITY ADMINISTRATOR'S REPORT**

Moran explained that he expected more information to be forthcoming concerning the Spring Street project issues raised by some residents of Spring Street. He explained that Andy Lewis met with IDOT staff and that IDOT plans to respond the residents and copy the City. IDOT is planning on at least one additional public meeting in the future.

Moran stated that the City is upgrading the financial software this week. Some employees are away at training for the software in Madison, WI.

Moran stated that the Deer Committee had to cancel last month for lack of quorum. The meeting was rescheduled for Tuesday September 3 at 8:30 a.m. DNR representatives will be attending the meeting by phone.

Moran stated that Lt. Bill Moser announced his retirement effective October 1, 2013. Moran thanked him for his many years of service and wished him the very best.

### **13C-0343A – MAYOR’S REPORT**

Renner thanked everyone for keeping the place together at the last meeting when he was absent.

### **13C-0343B – MOTION FOR EXECUTIVE SESSION**

**Motion:** Kieffer moved, seconded by Painter, to recess to Executive Session to discuss the following:

- Purchase or lease of real estate, Section 2 (c) (5)
- Review of Executive Session Minutes, Section 2 (c) (21)

**Discussion:** None.

**Roll Call:** AYES: Painter, Bernstein, Fach, Greene, Kieffer, Lincoln, Renner  
NAYS: None

The motion carried.

The meeting recessed at 7:35 p.m.

The meeting reconvened at 7:54 p.m.

### **13C-0344 – DISCUSSION AND POSSIBLE ACTION ON PURCHASE OF PROPERTY**

**Motion:** Lincoln moved, seconded by Kieffer to approve a contract to purchase 2.2 acres, a division of parcel 43-13-000-075-00, from Jan and Lorraine Svec, for \$113,500, for the purpose of constructing a fire training center.

**Discussion:** The council came out of executive session at 7:54 p.m. and reconvened in open session for item number 13C-0344.

**Roll Call:** AYES: Painter, Bernstein, Fach, Greene, Kieffer, Lincoln, Renner  
NAYS: None

The motion carried.

### **13C-0345 - ADJOURNMENT**

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

**Discussion:** None.

**Roll Call:** AYES: Painter, Bernstein, Fach, Greene, Kieffer, Lincoln, Renner  
NAYS: None

The motion carried.

The meeting adjourned at 7:56 p.m.

Respectfully submitted,

Shirley Johnson  
Recording Secretary