

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 28 OCTOBER 2013

13C-0401 – 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 28 October 2013.

13C-0402 – ROLL CALL

Upon roll call the following members were present: Bernstein, Fach, Greene, Kieffer, Lincoln, Painter, Renner

13C-0403 – ESTABLISHMENT OF QUORUM

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

13C-0404 – PLEDGE OF ALLEGIANCE

The Pledge was recited.

13C-0405 - REPORTS OF STANDING COMMITTEES

None.

13C-0406 – PUBLIC COMMENTS

Tom Brusch, 411 S. Prospect Street – Brusch gave a report on VisitGalena.org and updated the Council on events for October and November.

James Wirth, 121 S. High Street – As a point of order and for the purpose of clarification Wirth requested the City Clerk and City Attorney to confirm or deny the accuracy of the following statement: “The City Council Agenda for October 28, 2014 includes an item relative to zoning. Said item is not site specific but rather is a proposal which would amend Galena's Zoning Code city-wide relative to Low Density Residential single family home districts. The City Council can uphold the decision of the Zoning Board of Appeals against the proposal or it can attempt to override it. Furthermore, nowhere on tonight’s agenda is there an item requesting the City Council to approve a request for the rehabilitation or restoration of any historic structure located within the city limits of Galena.” City Attorney Nack confirmed this was a correct statement.

CONSENT AGENDA CA13-20

13C-0407 – APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 14, 2013

13C-0408 – APPROVAL OF STRAY DOG PICK-UP AGREEMENT WITH JO DAVIESS COUNTY

13C-0409 – APPROVAL OF CHANGE ORDER #1 FOR GATEWAY PARK PROJECT

Motion: Greene moved, seconded by Kieffer, to approve Consent Agenda 13CA-20.

Discussion: None.

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

The motion carried.

UNFINISHED BUSINESS

13C-0393 – SECOND READING AND POSSIBLE APPROVAL OF AN ORDINANCE VACATING PART OF BRANCH STREET, ELM STREET, SLAUGHTER STREET AND AN UNNAMED RIGHT-OF-WAY TO SAM AND AMBER ROTI, 3935 N. COUNCIL HILL ROAD

Motion: Painter moved, seconded by Greene, to approve the second reading of an ordinance vacating part of Branch Street, Elm Street, Slaughter Street and Unnamed Right-of-Way to Sam and Amber Roti, 3935 N. Council Hill Road, item 13C-0393.

Discussion: None.

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

The motion carried.

NEW BUSINESS

13C-0410 – FIRST READING OF AN ORDINANCE APPROVING THE PURCHASE OF 1.753 ACRES OF PROPERTY ALONG DEWEY AVENUE FROM SAM AND AMBER ROTI

Motion: Painter moved, seconded by Greene, to approve the first reading and waive the second reading of an ordinance approving the purchase of 1.753 acres of property along Dewey Avenue from Sam and Amber Roti.

Discussion: None.

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

The motion carried.

13C-0411 – DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION FOR ZONING CALENDAR NO. 13A-02. A REQUEST FOR A TEXT AMENDMENT TO THE ZONING ORDINANCE TABLE 154.403.1 PERMITTED LAND USES TO AMEND THE LOW DENSITY RESIDENTIAL DISTRICT TO ALLOW FOR PUBLIC ACCOMODATIONS, SMALL INNS TO OPERATE BY SPECIAL USE PERMIT

Motion: Painter moved, seconded by Lincoln, to approve the text amendment to the Zoning Ordinance with the condition that the owner of the Small Inn within a low density residential area must reside in or within 150 feet of the Inn and on the property, item 13C-0411.

Discussion: Painter advised this approval merely allows a special use permit to be applied for. It allows property owners to explore opportunities for the property and gives the Zoning Board a chance to specify conditions under the special use. It does not create a rubber stamp that any applicant will automatically have approval. Painter felt adding the condition about the owner residing in or in close proximity on the property will make the situation much like a Bed and Breakfast.

Painter asked Zoning Administrator, Matt Oldenburg, to clarify any type of issues he would see that would need to be addressed by an applicant before coming to the board. Oldenburg advised they would need a detailed site plan, considerations of topography and the density or intensity of use. If the special use were approved, it would have to meet all building and fire codes and must be licensed by the City of Galena for each room rented on a transient basis. These requirements would have to be met in order to become a viable guest accommodation. Structures located in

the Historic District would be required to go before the Historic Preservation Advisory Council for any changes to the structure itself. Oldenburg reminded Council the Zoning Board can approve or deny the special use or can approve with conditions.

Greene questioned if there is a requirement for off street parking. Oldenburg advised presently the ordinance requires one off street parking space for each guest room. Bed and Breakfasts must also provide a space for the owner. Small Inns would require one space for the owner or agent of the owner. Newer developments must comply with having an additional handicapped accessible stall. Oldenburg advised they could consider on street parking as fulfilling part of the parking requirements.

Fach questioned at what point protests carry any weight in refusing an applicant and how many people would have to protest. Oldenburg advised there is no actual number. The Zoning Ordinance includes a clause for text amendments whereby if 20 percent of the adjacent property owners provide a written protest on a map amendment, it would take a 2/3 vote to pass the map amendment. A written protest would only weigh in at a public hearing.

Council was advised, in this case, since there is a negative recommendation from the Zoning Board, it would require a 2/3 vote from the City Council to overturn.

Fach voiced concern it doesn't matter what the neighbors feel. It is what the Board feels. He stated he hates to see this happen as he feels it is weakening our ordinance over all.

Lincoln stated the way he looks at it is what is best for the City as a whole and does the City benefit from this. He was in favor of the amendment and felt it would be a good addition to the community.

Renner sated he doesn't want to regress back to the 70's where things were left go and people couldn't maintain their properties. Renner felt this was good for the large residential structures in town to help people maintain them. He noted there are always conditions that can be added to help lessen any ill will towards anything in any neighborhood. He felt it was a good text amendment.

Fach stated the whole guest house business was to help the owner with the upkeep of the structure. There is nothing in the ordinance that says they should be able to make a living doing it.

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

The motion carried.

13C-0412 – DISCUSSION AND POSSIBLE ACTION ON A CONTRACT WITH COMMUNITY FUNDING AND PLANNING SERVICES FOR SURVEY AND GRANT WRITING FOR THE THIRD AND RIVES SEWER PROJECT

Motion: Kieffer moved, seconded by Painter, to approve entering into a contract with Community Funding and Planning Services for survey and grant writing for the Third and Rives Sewer Project and amended to include in the amount of \$4,425.

Discussion: Lincoln questioned how much more leg work would need to be done with City Staff. Moran advised staff will provide some assistance. The new property survey will cost \$425. In order to be eligible for the grant 51 percent of the residents in the area must be low to moderate income. The survey will tell us if we qualify. The second phase is the actual grant writing. The plans done in 2006 will need some updating.

Council felt it was a good value and the business has a good track record with good links to grants.

Amended

Motion: Kieffer moved, seconded by Fach, to amend the motion to include in the amount of \$4,425.

Discussion: None.

Amended

Motion

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

The motion carried.

Main

Motion

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

The motion carried.

13C-0413 – DISCUSSION AND POSSIBLE ACTION ON ADDITION OF HIGH-EFFICIENCY LIGHTING FOR CITY HALL PROJECT

Motion: Painter moved, seconded by Bernstein, to approve the addition of high-efficiency lighting for the city hall project, item 13C-0413.

Discussion: Painter stated this is a great opportunity and a good showing of sustainability. She likes the idea of capturing the daylight and reducing the use of electricity.

Bernstein views this as an investment that will pay for itself.

Lincoln questioned if there is anything down that road that we may save money on. Moran advised he expects a nice savings on the sprinkler system. The existing system is good. They have also been able to change the lighting plan as a result of the study. The specs originally called for fairly expensive fixtures in the three new offices. Those have been changed to LED can lights at a significant savings.

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

The motion carried.

13C-0414 – WARRANTS

Motion: Lincoln moved, seconded by Kieffer, to approve the Warrants as presented, item 13C-0414.

Discussion: None.

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

The motion carried.

13C-0415 – ALDERPERSONS' COMMENTS

Halloween Parade – Painter complimented the City Crew and Police Department and all involved with the Halloween Parade adding it is a well-oiled machine. When she drove downtown on Sunday it didn't even look like there were 10 people in town let alone 10,000.

Storm Sewer – Bernstein thanked the city for replacing the very dilapidated and worthless storm sewer on Gear Street. Half of the project was done last year and the rest was completed in the last couple of weeks. It was sorely needed.

13C-0416 – CITY ADMINISTRATOR'S REPORT

Street Paving – Street paving will be wrapping up early next week on Young and Division Streets.

Tax Levy – Council will receive their first look at the tax levy for this year at the next meeting.

13C-0417 – MAYOR'S REPORT

Halloween Parade - Mayor Renner thanked all who were involved with the parade. The cleanup crew did a great job.

Duff Stewart – Mayor Renner, on behalf of him and the City Council, sent well wishes to Duff Stewart and his family. We hope he continues to do well and wish them the best.

13C-0418 - ADJOURNMENT

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

Discussion: None.

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

The motion carried.

The meeting adjourned at 7:03 p.m.

Respectfully submitted,



Mary Beth Hyde
City Clerk