

**MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 13 OCTOBER 2014**

**14C-0392 – 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 13 October 2014.

**14C-0393 – ROLL CALL**

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

**14C-0394 – ESTABLISHMENT OF QUORUM**

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

**14C-0395 – PLEDGE OF ALLEGIANCE**

The Pledge was recited.

**14C-0396 - REPORTS OF STANDING COMMITTEES**

Fach reported he was unable to attend the October 2, 2014 Turner Hall meeting. Each council member has a copy of the meeting minutes.

**14C-0397 – PUBLIC COMMENTS**

James Wirth, 121 S High Street, Galena was not in favor of the Galena Chamber subleasing the lower level of the railroad depot for a chiropractic office. This is an historic attraction both inside and out and the previous use allowed for public restrooms. Allowing a commercial establish could compromise this space. He also commented on the proposed amendments for tour operators. He feels the Council should form a citizen's advisory committee who would look at the proposed ordinance changes, ask the public for their ideas and then report back to the Council before the changes are made.

Rick Pariser, 113 S High Street, Galena is very concerned about the Tour Operator's proposed ordinance changes. At the very least the Council should have a Public Hearing so they could hear both the good and bad from Galena residents who are affected by this topic. Also he wanted to express his concern about the restoration of the Felt Manor. The City should be alert to the situation and make sure that the work being done is toward the preservation of the building.

Brandon Behlke, 910 Elk Street Galena represents District 11 West Galena 2 on the County Board was in attendance to answer any questions the Council had concerning the Jo Daviess County Enterprise Zone.

Steve Repp, 227 S Dodge Street Galena wanted the Board to know he was concerned for the future of the lower level of the Depot building if rented out for commercial enterprise. He asked that the Council preserve this for historical purpose. The steamboats and railroad shaped Galena. Maybe some sort of museum could be located here to tell this story.

Pam Sproule Galvin, said she was in attendance for agenda item 14C-0400. She would like the Council to look favorably on their request to allow a Class A liquor license so they can benefit from the revenue associated with a gaming license.

David O'Donnell, 4631 N Ford Road, Galena is the owner of Galena Cab. He thanked the Council for looking at the possibility of licensing taxicabs.

Dr. Injun Chong, 222 Main Street Galena said he was in attendance if any of the Council has questions pertaining to his request to sub lease the ground level of the Depot for his chiropractic office.

### **PUBLIC HEARING**

**Motion:** Greene moved, seconded by Kieffer, to open the Public Hearing on a request by Louis Nack, Jr., 208 Lafayette Street, to vacate approximately 0.10 acres of street right-of-way adjacent to his property.

**Discussion:** None.

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

The motion carried.

### **14C-0398 – PUBLIC HEARING TO CONSIDER A REQUEST BY LOUIS NACK, JR., 208 LAFAYETTE STREET, TO VACATE APPROXIMATELY 0.10 ACRES OF STREET RIGHT-OF-WAY ADJACENT TO HIS PROPERTY**

**Testimony:** Louis Nack 208 Lafayette Street said he has submitted the application as well as the appraisal and survey. He would appreciate the Council vacating the approximately 4,000 square foot property that he has maintained since 1975 when he bought the property adjacent to his home. The previous owner used it as a driveway and as such it was a mess of gravel and mud. He cleaned it up, seeded it and when Lafayette Street was repaved he paid the contractor \$1000 to blacktop the area so he could have a place to park. It was platted as a street in 1906, but has never been extended. He doesn't know any reason why the Council would not be agreeable to the vacation. The sidewalk and steps going down to Bouthillier would not be impacted. The appraisal came back at \$7,200 – meaning an acre here would be worth about \$72,000 which he feels is unrealistic. Most of the value of the property is due to the work done by Nack.

James Wirth, 121 S High Street said he was not opposed to the request, but he would like the Council to follow staff recommendation and keep the southerly boundary of the property in line with adjoining properties and keep a consistent east/west right-of-way on Lafayette Street. He owns a lot that is 160 feet east of the subject property that has 75 feet of Lafayette frontage. If someone bought his lot they may want to have Lafayette Street for access.

Louis Nack responded saying Lafayette Street, near the corner of the Aldrich House, was vacated years ago. Wirth's property is behind the Aldrich so the vacation request would not impact his property.

**Motion:** Greene moved, seconded by Kieffer, to close the Public Hearing on a request by Louis Nack, Jr., 208 Lafayette Street, to vacate approximately 0.10 acres of street right-of-way adjacent to his property and reconvene as the Liquor Commission.

**Discussion:** None.

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

The motion carried.

### **LIQUOR COMMISSION**

### **14C-0399 – DISCUSSION AND POSSIBLE ACTION ON AN APPLICATION FOR A CORPORATION MANAGER'S LIQUOR LICENSE FOR SHANNON AUSTIN BY HAPPY JOE'S**

**GALENA LTD., DBA HAPPY JOE'S PIZZA AND ICE CREAM PARLOR, 9919 U.S. ROUTE 20 WEST**

**Motion:** Bernstein moved, seconded by Painter to approve the application for a Corporation Manager's Liquor License for Shannon Austin for Happy Joe's Galena, Ltd., DBA Happy Joe's Pizza and Ice Cream Parlor at 9919 U.S. Route 20 West.

**Discussion:** None.

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

The motion carried.

**14C-0400 – DISCUSSION AND POSSIBLE ACTION ON A REQUEST BY R & L GAS MART/FAST STOP, 9927 U.S. ROUTE 20 WEST, FOR A LIQUOR LICENSE TO FACILITATE THE INSTALLATION OF VIDEO GAMING TERMINALS**

**Motion:** Painter moved, seconded by Bernstein to deny the request by R & L Gas Mart /Fast Stop, 9927 U.S. Route 20 West for a liquor license to facilitate the installation of video gaming terminals.

**Discussion:** Painter said she did not feel this was the direction Galena wanted to go. If approved this would potentially open us up to 34 more eligible properties that could apply for a license.

Fach agreed with Painter.

Lincoln said the applicant provided a list showing 40 Illinois communities that changed their ordinance to allow convenience stores a liquor license that would facilitate video gaming.

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

The motion carried.

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

**Discussion:** None.

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

The motion carried.

**CONSENT AGENDA CA14-19**

**14C-0401 – APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 22, 2014**

**14C-0402 – APPROVAL OF CHANGE ORDER #1 FOR THE TURNER HALL WINDOW REPAIR CONTRACT**

**14C-0403 – APPROVAL OF BUDGET AMENDMENT BA15-04**

**Motion:** Painter moved, seconded by Fach to approve Consent Agenda CA14-19.

**Discussion:** None.

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

The motion carried.

### **UNFINISHED BUSINESS**

#### **14C-00357 – DISCUSSION AND POSSIBLE ACTION ON THE AWARD OF CONTRACTS FOR THE POLICE DEPARTMENT REMODELING PROJECT**

**Motion:** Painter moved, seconded by Greene to award the police department remodeling project to the lowest responsible bidder, Montgomery Timmerman. This decision is based on the Galena Code of Ordinance points 3, 4 and 5 to be considered when selecting a contractor and awarding a contract. Approval would be for the base bid \$284,678; Alternate 2 for \$7,500; Alternate 4 back-up generator for 21,900; and the contract for furniture, fixtures and equipment as presented: furniture - \$52,290; lockers – \$5,575; and window treatments - \$7,360.

**Discussion:** Bernstein felt it was important to have the back-up generator. With the power outages that occur it is surprising that we don't already have one.

Painter was sorry that she could not include the lower level improvements in her motion. Perhaps this could happen in the next fiscal year. She was glad that the doors will be replaced and the lockers installed.

Lincoln was hoping that something could be done with the stairs and the accessibility to the garage. He hopes the officers feel comfortable with the current arrangement.

Renner was wondering if Public Works employees could remove some of the cement block walls in the garage area to see just what it is we are dealing with.

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

The motion carried.

### **NEW BUSINESS**

#### **14C-0404 – DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF AN ORDINANCE TO VACATE APPROXIMATELY 0.10 ACRES OF STREET RIGHT-OF-WAY ADJACENT TO 208 LAFAYETTE STREET**

**Motion:** Green moved, seconded by Kieffer to approve the vacation of approximately 0.10 acres of street right-of-way adjacent to 208 Lafayette Street for 14C-0404.

**Discussion:** Kieffer asked what Nack would pay for this property.

Renner asked if the \$1.10 price paid for the last street vacation in 2012 would still be a fair market value.

Lincoln said he wouldn't have any problem with that price.

Painter asked if the motion needed to specify the survey boundaries.

Renner said the motion was for approval of the agenda item as requested by the applicant. Does the Board want to follow staff recommendations and keep the property lines straight?

Fach asked for clarification on how this would impact Wirth's property.

Moran said Wirth's concerns are for access from Lafayette Street to his property on Fourth Street. City records show the entire width has already been vacated so there isn't any access to the Fourth Street property. In 1921 the Council approved an ordinance vacating Lafayette Street 100 feet running east from Third Street.

Kieffer and Greene asked if they could question Nack about squaring up the boundaries.

Nack said he paid to have the sidewalk and curb and gutter installed twice. The Lafayette Street boundary actually cuts off his front steps and if the Council squared up the parcel as part of the vacation his parking pad, which he paid to have surfaced, is gone. He could continue to park on city property just as he has done for many years.

Painter asked Nack if he wanted the lines drawn as his application requested.

Nack said yes.

Greene said he had no problem approving the vacation as requested.

Moran said the ordinance does discourage irregularly shaped lots. A property vacation is permanent and while we may not plan on extending the sidewalk squaring the property lines makes sense for the future. He understands Nack wanting to include his improvements in the vacation, but it is fairly common for a driveway to go over the City right-of-way when transitioning from a city street to private property.

Renner asked what price the Council felt comfortable with.

Moran said the appraised price Nack submitted was \$1.57 per square foot. The most recent appraisal from 2010 for the High and Hill Street vacation for Bussan's was \$1.10 per square foot. The City agreed to use that price again in 2012 for the Daly vacation on High Street near Highway 20.

Green said Nack has improved and maintained this area. He doesn't see a problem with having an irregular boundary.

Renner asked the Board if they wanted to amend the original motion adjusting the price to be paid.

**Motion:** Kieffer moved, seconded by Fach to amend the original motion changing the price to be paid from \$1.57 per square foot to \$1.10 per square foot.

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

The motion carried.

Renner asked that roll be called on the original motion as amended.

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

The motion carried.

**14C-0405 – DISCUSSION AND POSSIBLE ACTION ON DEWEY AVENUE BRIDGE REPAIR OR REPLACEMENT**

**Motion:** Fach moved, seconded by Painter to approve the replacement of the Dewey Avenue Bridge, 14C-0405.

**Discussion:** Fach said the financial arrangement and the life expectancy of a new bridge seem to make more sense than repairing the bridge.

Lincoln asked how soon we would know if 80% of the project would be funded by IDOT.

Moran said the City is meeting with the County Engineer who will make the application to the State. We should know fairly quickly if it will be funded.

Andy Lewis, City Engineer said County Engineer Steve Keeffer seemed fairly confident that funding was available. It would be about two to three years before work would begin.

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

The motion carried.

**14C-0406 – DISCUSSION AND POSSIBLE ACTION ON A REQUEST BY THE GALENA AREA CHAMBER OF COMMERCE TO SUBLEASE THE LOWER LEVEL OF THE OLD RAILROAD DEPOT**

**Motion:** Painter moved, seconded by Greene to deny the request by the Galena Area Chamber of Commerce to sublease the lower level of the railroad depot, 14C-0406.

**Discussion:** Painter said she has heard wonderful things about Dr. Chong and what his business is bringing to Galena, but she doesn't feel this is the right use for this space. It is important that if there is any kind of lease agreed to that the restrooms remain available for public use. The building is very historic and we should look carefully at how the space is used.

Lincoln said he understands the historical significance and importance of this building to Galena. He doesn't see any type of museum being opened here although he would support that use. He doesn't think the interior would be compromised by Dr. Chong's business. With the CVB leaving November 1, the amount of foot traffic will decrease significantly. He doesn't like to see an empty building and the deterioration that can occur.

Fach said CVB leaving is a great loss to the community. He would like to see the Chamber in this space and believes they could act as the CVB was – the information center for visitors entering Galena on the east side of the River. The City and The Galena Foundation have invested a lot of money into this beautiful building and it should function as part of the historical ambience of Galena. We should encourage the Chamber to locate here and function as an information center.

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

The motion carried.

**14C-0407 – FIRST READING OF AN ORDINANCE AMENDING CHAPTER 114, "TOUR OPERATORS," OF THE GALENA CODE OF ORDINANCES**

**Motion:** Lincoln moved, seconded by Painter to approve the first reading of an ordinance amending Chapter 114, Tour Operators of the Galena Code of Ordinances, 14C-0407 with a Public Hearing scheduled for the next City Council meeting.

**Discussion:** Renner said the idea is to get these proposed amendments out, get the benchmarks in there, make it more readable and have the Public Hearing.

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

The motion carried.

**14C-0408 – FIRST READING OF AN ORDINANCE TITLED “MOTORIZED VEHICLES FOR HIRE” PERTAINING TO TAXICABS IN THE CITY OF GALENA**

**Motion:** Painter moved, seconded by Greene to approve the first reading of an ordinance titled motorized vehicles for hire pertaining to taxicabs in the City of Galena, 14C-0408.

**Motion:** Fach moved, seconded by Painter to amend the motion to include a Public Hearing be held at the next Council meeting.

**Discussion:** None.

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

The motion carried.

Renner called for a vote on the original motion as amended.

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

The motion carried.

**14C-0409 – DISCUSSION AND POSSIBLE ACTION ON A PROPOSAL FOR ENGINEERING AND DESIGN SERVICES FOR A DOWNTOWN SIDEWALK DETERIORATION STUDY**

**Motion:** Green moved, seconded by Kieffer to approve a proposal for engineering and design services for a downtown sidewalk deterioration study, 14C-0409 from MSA for \$3,700.

**Discussion:** Fach said we have spent money on this already. How much money are we going to spend? Can't we keep patching them?

Greene said the sidewalks are as bad as the crosswalks in certain areas. You really need to go block by block.

Lincoln said he wanted it noted that he thought the City should look into removing the bricks. They look great if they aren't three inches above or six inches below the sidewalk grade. The freeze and thaw cycle has deteriorated them. He also wanted to see if it was possible to add more seasonal help to remove all the snow from the sidewalks. There is very little deterioration along the buildings. Most of the issues are where the snow sits after it is shoveled toward the street. If we are going to patch the sidewalks we really need to use something other blacktop – it looks horrible.

Painter wondered if short term there is a certain kind of ice melt that should be used.

Renner said almost anything you use can be problematic for the exposed aggregate. Some products are gentler to the aggregate, but they are expensive. Regular sealing of the aggregate may help prevent some issues.

Bernstein wanted to know how we could avoid these issues in the future.

Renner said the fact that there are different materials abutting each other during the freeze and thaw cycles may have impacted the deterioration.

Fach said he thought the brick problem could have been avoided with regular maintenance. Just because we didn't take care of the bricks doesn't mean we should get rid of them.

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

The motion carried.

**14C-0410 – DISCUSSION AND POSSIBLE ACTION ON THE RENEWAL OF THE EMPLOYEE HEALTH, DENTAL, DISABILITY AND LIFE POLICIES FOR THE PERIOD NOVEMBER 1, 2014-OCTOBER 31, 2015**

**Motion:** Lincoln moved, seconded by Painter to approve the staff recommendation on the renewal of the employee health, dental, disability and life policies for the period November 1, 2014-October 31, 2015, 14C-410.

**Discussion:** None.

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

The motion carried.

**14C-0411 – DISCUSSION AND POSSIBLE ACTION ON REDUCING THE FEE FOR A TEMPORARY USE PERMIT**

**Motion:** Fach moved, seconded by Painter to reduce the fee for a temporary use permit from \$200.00 to \$25.00, C14C-0411.

**Discussion:** None.

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

The motion carried.

**14C-0412 – DISCUSSION AND POSSIBLE ACTION ON PARTICIPATING IN AN APPLICATION FOR AN ENTERPRISE ZONE FOR JO DAVIESS COUNTY**

**Motion:** Bernstein moved, seconded by Painter to approve participation in an application for an enterprise zone for Jo Daviess County.

**Discussion:** Bernstein said at this time it is a pretty general proposition but she would like to move forward to see what all it involves.

Lincoln and Kieffer asked that Brandon Behlke come forward to discuss the County's Enterprise Zone.

Behlke said currently Jo Daviess County has a partnership with Stephenson County. The reason Jo Daviess County decided to create their own enterprise zone is because Stephenson County lags behind in completing the application approval for projects. A project in East Dubuque is taking almost two and half years for approval due to the slow response from both Stephenson County and the City of Freeport who have a vote. The issue right now is that Jo Daviess County

is getting conflicting answers from the state as to what happens with ongoing projects such as Rentech, Gavalon, Sunflower, Prairie Ridge and another in Elizabeth. Do they need to reapply if Jo Daviess has their own enterprise zone? Stephenson County has decided to wait a year to apply for their own Enterprise Zone so there is time to decide what needs to happen. Right now all the county is asking the city is if they are interested in participating in the enterprise zone. The County would pay 60% of the costs with municipalities paying the remaining 40%. Currently Warren, Elizabeth and Hanover are showing interest. They are hoping all communities in Jo Daviess County say yes and then they will be able to determine what each community's portion of the 40% is.

Renner asked about the costs.

Behlke said he believes the application cost is \$15,000.

Renner asked if there were any tax abatements tied to current projects.

Behlke said yes – Sunflower in East Dubuque and Prairie Ridge in Galena.

Renner said tax abatements would probably be need in order to entice projects to locate here.

Behlke said yes.

Painter said with this motion we are indicating a general willingness to participate depending upon what they decide they can do.

Bernstein said yes although her ideas have changed some after Behlke's explanation. She is wondering now if this should be tabled.

Renner agreed.

Bernstein withdrew her motion. Painter concurred

**Motion:** Bernstein moved, seconded by Painter to table discussion and possible action on participating in an application for an enterprise zone for Jo Daviess County, 14C-0412.

**Discussion:** Renner thought it was a good idea to wait until more information is available.

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

The motion carried.

#### **14C-0413 – DISCUSSION AND POSSIBLE ACTION ON AN ENGINEERING AGREEMENT FOR PHASE 3 OF THE GALENA RIVER TRAIL**

**Motion:** Painter moved, seconded by Fach to approve an engineering agreement for Phase 3 of the Galena River Trail with IIW for \$22,900.00, 14C-0413.

**Discussion:** Painter said there has been lots of work on this project and these changes do increase the engineering costs but overtime they will reduce our maintenance costs. This is an out of site area with a potential for vandalism so investing in materials that will last with little maintenance is money well spent.

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

The motion carried.

**14C-0414 – WARRANTS**

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

**Discussion:** None.

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

The motion carried.

**14C-0415 – ALDERPERSONS' COMMENTS**

**Depot** - Lincoln said he was somewhat disappointed the City would not be taking advantage of rental income for the first floor of the depot which he hopes does not sit empty for very long.

**Enterprise Zone** - Painter said she wanted to make sure we communicate to the County that we support their efforts with the enterprise zone. She recently had some experience with this and it is an arduous process. Keeping it local would help streamline the process

**Gateway Park** – Painter said she and her family have been able to enjoy the nice weather and have visited both Gateway Park and Horseshoe Mound. She wanted to remind the community that Gateway Park was not developed with any public funds. Private money helped secure the two large grants that allowed the purchase of the property and The Conservation Fund also matched a grant that helped make this a reality. She sees many residents using the park and gets asked about how much the City spent. The park is there for everyone to enjoy.

**Signs** - Bernstein commented on a missing no parking sign near Gear and Prospect. She had mentioned this before and thinks the sign went missing after a storm. She said the lack of the sign made things tight on Gear Street during the Country Fair weekend. It might even be an IDOT sign.

**Visitors** - Lincoln said Galena has been very busy the last couple weekends – looks like everyone is doing a good job managing the extra people. Greene agreed. The weather has been great and it's good to see that a lot of charities will benefit from Country Fair.

**Hanover** – Fach thought the layoff situation in Hanover was tragic. It's a shame we can't do something about this.

**14C-0416 – CITY ADMINISTRATOR'S REPORT**

**Franchise** – The 30 year Jo Carroll levy franchise is set to expire at the end of November. A first draft for the next agreement will be on the next agenda

**Deer** – The DNR is waiting to see what our deer vehicle accident data is through the end of November after the police department submits the information. Once the final decision is in from the DNR he will bring this back to the Council for a final decision.

**Gateway Park** – We are still hoping to pour the foundation for the public restrooms yet this year as the architects make the final plans.

**14C-0417 – MAYOR'S REPORT**

**Visitors** – The last couple weeks have been great for Galena – good to see so many people in town.

**14C-0418 - ADJOURNMENT**

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

**Discussion:** None.

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

The motion carried.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Deb Price  
Deputy City Clerk