

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 12 JANUARY 2015

15C-0001 – 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 12 January 2015.

15C-0002 – ROLL CALL

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

Absent: Painter

15C-0003 – ESTABLISHMENT OF QUORUM

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

15C-0004 – PLEDGE OF ALLEGIANCE

The Pledge was recited.

15C-0005 - REPORTS OF STANDING COMMITTEE

Turner Hall Committee – Fach reported the Turner Hall Committee met on Thursday. Quite a bit of the meeting was a rehash of what's been going on. Some of the 2014/15 projects are window repairs, storm windows, exterior doors, fire escapes and sidewalks estimated at \$147,425. The current city budget contains \$14,000 plus the \$80,500 from the Save Turner Hall Fund would be applied. This leaves a balance of \$52,925. The Galena Foundation is going to split that with the City of Galena which would be \$26,463 for the City. Turner Hall has been awarded a \$1,500 Landmarks Illinois grant for a historic structures project. The Galena Foundation will pick up the balance of that should it be greater. From May 2014 to December 2014, we have had 99 rentals in the building with a revenue of \$15,130. Last year we had 130 rental days for the total fiscal year with revenue of \$13,010. To date we are \$2,020 over last year's revenue. The committee discussed going to every other month meetings after we get through the initial construction phase. Fach reported the doors are ready and will be installed once we receive some warmer weather.

15C-0006 – PUBLIC COMMENTS

Jess Farlow, 411 Meeker Street – Farlow stated they are fortunate enough to have a family or two of deer living in the area. They have been, to a certain degree, somewhat destructive. He stated he has found ways to keep the deer from eating the plants with the installation of water sprinkler systems and motion censored lights. The deer are beautiful and live up there with wild turkeys, wild fox and lots of squirrels and birds. It is a nice wildlife sanctuary. Farlow advised he is in disagreement with the proposal to cull 25 deer. He feels it might be a surprise to many people at the food pantry to find venison on their menu.

Bill Grosshans, 418 Harrison Street – Grosshans advised he has spoken previously to the deer issue. Grosshans feels this is an individual homeowner issue and not a city taxpayer issue. His concern is more about the \$2,450 in the budget amendment. He voiced concern with using police and staff on their regular shifts. He feels if they have that much time to go shoot deer during their normal hours, then maybe the council needs to look at their salary line as well. The Galena Territory has been culling deer for over 24 straight years. In 2008 they spent over \$40,000 to cull the deer. They don't use taxpayer dollars. He is concerned if this is started it will continue on in perpetuity. This is a rural area and deer will continue to live here. No matter how many we kill they will continue to live here. He suggested people plant stuff the deer don't like to

eat and raise their bird feeders. The City has more serious problems such as sidewalks, road, litter, drug issues and aging water and sewer lines. He feels this is using taxpayer money for a non-issue. He urged the Council to vote to table this item indefinitely.

Dave Hoeffler, 1002 N. Division Street – Hoeffler shared photographs showing what happens when deer become overpopulated. The overpopulation causes CWD Disease. Another cause of that is feeding the deer. This is an 18 month death. Once they contract that disease they will suffer. They will end up laying in yards and will die. The DNR is doing everything they can do to control this disease in this county. As of right now they have 6 confirmed cases of CDW. This doesn't include this year's hunting. Hoeffler stated we are going to have to address the overpopulation problem at some time or another.

Kirk Foecking, 105 N. Hickory – Foecking stated he too is concerned about the deer. He lives in town and is surrounded by deer. He stated it seems like some people think this is a choice of whether or not to kill the deer or not kill the deer. That is not the issue here. We have a growing number of deer within the City Limits that has reached a point where it is too large for this habitat. We need to focus on what is best for the deer. The anti-kill group needs to know that the other side doesn't want the deer to die either. We understand that the choice to not cull could end up in more dead deer. We need to take responsibility for managing the herd before it is too late. If we don't, nature will and nature is not so kind. What will happen if we do nothing? Starvation. The town of Galena can only support so many deer in the winter. How many? That is unknown. It changes each year depending on the weather. As the herd grows, it is not a matter of if they will run out of food but a matter of when. When a large herd competes for too little food, it is possible that none will get enough calories to keep going. Those that survive will be weak. Weak deer are susceptible to disease. Deer can die from chronic wasting disease. Disease is not confined to the deer either. Foecking stated one of his concerns is Lyme's Disease. We already have it in Galena. More deer means more ticks and more ticks means more Lyme's disease. In the Galena Territory the deer got so plentiful they ate all the plants and bushes they could and started eating the bark off of the trees. There was a huge die off that year. Those that did survive were in terrible shape. That is when the Galena Territory decided to start culling the herd. They didn't ever want to see the deer go through that again. They have been managing the herd ever since. The herd is now healthy and growing. They will be culling again this winter. Foecking stated he doesn't want a disaster to happen here in town. He likes the deer and wants them to be healthy. We can have a win/win situation. Harvest 25 deer, save the herd and provide meat to the food pantry.

Dick Auman, 701 Young – Auman stated he understands deer can be a nuisance. They have devoured his hostas and killed a young cherry tree. Auman stated he is not opposed to deer hunting. He feels we don't fully understand the problem. For example what is the correlation between deer permit quotas and deer harvests? Over the past few years permit quotas in the state of Illinois have been reduced. What is the effect of reduced quotas on deer population in general? Stephenson and Carroll counties had their deer permit quotas reduced last year. Auman wonders if that has an impact on the number of deer in Jo Daviess County. He questioned the Compensatory Rebound Affect. There have been a number of studies that show when you cull deer herds one year the next year it rebounds and there is an even greater population than in the year in which you did the culling. This is because the deer have more habitat, they have more food and they reproduce more having more twins or triplets. Auman stated he would like to know more about the economic impact on homeowners and vehicle owners due to the damage caused by deer so that we could make some judgment about the cost to property owners and the cost to the city taxpayer to address the problem. This would give some idea as to the cost benefit. In 2013 there were 3,556 deer harvested in Jo Daviess County. This year's figures were down from that a little. He feels one has to ask what killing another 25 deer would do for our area. He questioned if there are experts that could provide an answer to that question. Auman suggested the City form a new committee with members opposed to the killing of deer and members who are in favor of killing the deer. This committee should be charged with working to understand what state policies are in place that impact deer populations and what other states and regions are doing to address these problems. The committee should

engage the DNR, Representative Stewart and Senator Bivins in formulating recommendations for the City Council.

Anna Hemm, 226 S. High Street – Hemm stated she applauds the comments about starting another committee. She felt the original committee was an unfair committee as there was no one there to speak for the deer and the positive part of this. She urged the Council to table this item all together. She is concerned with using taxpayer money.

PUBLIC HEARING

Motion: Fach moved, seconded by Kieffer, to open the Public Hearing on the proposed Annexation Agreement between the James B. Vincent Trust, Casey's Retail Corporation and the City of Galena for the construction of a Casey's General Store on approximately four acres at the intersection of US Route 20 and Red Gates Road

Discussion: None.

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

The motion carried.

15C-0007 – PUBLIC HEARING ON PROPOSED ANNEXATION AGREEMENT BETWEEN THE JAMES B. VINCENT TRUST, CASEY'S RETAIL CORPORATION AND THE CITY OF GALENA FOR THE CONSTRUCTION OF A CASEY'S GENERAL STORE ON APPROXIMATELY FOUR ACRES AT THE INTERSECTION OF U.S. ROUTE 20 AND RED GATES ROAD

Testimony: Jock Heaton, 1108 Eustace, Dixon, Illinois, Attorney for Casey's Retail Company – Heaton advised they are petitioning to annex a 4 acre tract of land on the West side of Highway 20 at the intersection of Highway 20 and Red Gate Road. The land is presently owned by a land trust. Casey's has entered into an agreement to purchase for the purpose of building a Casey's store. They had previously gone before the County Board to proceed under the county ordinance. The County passed a special use classification for the parcel. Last month the City indicated they would prefer to have the property annexed to the City so the Casey's store could attach to the city water and sewer. Heaton advised he has been working with Joe Nack and Mark Moran to negotiate a proposed agreement for consideration. The purpose is to see if the City is still interested. Under the terms of the agreement the store will be constructed under the County building requirements. Once the store is completed and ready for occupancy the City will initiate the process to rezone the property from Limited Ag to General Commercial under the City Zoning Ordinance. In not less than 60 days following the completion, the city would annex the property to the city pursuant to the agreement. Casey's will connect to city water and sewer and the City has agreed to issue a Class B Liquor License which would allow for the retail sale of packaged goods. Casey's is asking the City to waive the initial liquor license fee of \$5,625. Heaton advised there are still issues that are undetermined. They are not sure how far the city water and sewer services extend. It is believed they cross Highway 20. Testing is in progress to determine whether or not it extends across the highway.

Ryan Swanson, Arc Design Resources – Swanson advised they are currently working with Fischer Excavating who is believed to have done the water and sewer lines to get more details. It is believed the lines were installed. The site will have a 4000 square foot building. The access will be off of Red Gates Road. They have been working with staff with regard to architecture. The building will be brick. The monument sign will be matching brick. The site will include an enclosed trash structure and a canopy. Swanson advised the site sits approximate 9 feet lower than Highway 20.

Motion: Lincoln moved, seconded by Bernstein, to close the Public Hearing on the proposed Annexation Agreement between the James B. Vincent Trust, Casey's Retail Corporation and the

City of Galena for the construction of a Casey's General Store on approximately four acres at the intersection of US Route 20 and Red Gates Road.

Discussion: None.

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

The motion carried.

Motion: Fach moved, seconded by Greene, to open the Public Hearing on an application by Thomas Winkens, 604 Muir Street, Galena, Illinois, to vacate approximately 0.11 acres of street right-of-way adjacent to his property.

Discussion: None.

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

The motion carried.

15C-0008 – PUBLIC HEARING ON AN APPLICATION BY THOMAS WINKENS, 604 MUIR STREET, GALENA, ILLINOIS, TO VACATE APPROXIMATELY 0.11 ACRES OF STREET RIGHT-OF-WAY ADJACENT TO HIS PROPERTY

Testimony: Larry Fieberg, 529 Wann Street stated he disapproves of this for two reasons. This property butts up to the north side of his property. This would land lock his property. If someone buys this piece of property, the rest of the property is dead property. In the future it wouldn't be able to be used for utilities. He is concerned as to why they would want this small piece of property.

Motion: Greene moved, seconded by Kieffer, to close the Public Hearing on an application by Thomas Winkens, 604 Muir Street, Galena, Illinois, to vacate approximately 0.11 acres of street right-of-way adjacent to his property.

Discussion: None.

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

The motion carried.

CONSENT AGENDA CA15-01

15C-0009 – APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 22, 2014

Motion: Bernstein moved, seconded by Kieffer, to approve Consent Agenda CA15-01 as presented.

Discussion: None.

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

The motion carried.

UNFINISHED BUSINESS

15C-0510 – APPROVAL OF BA14-05 FOR DEER POPULATION CONTROL PROGRAM

Fach voiced concern with the proper use of tabling a motion and asked that the Council look at changing the Rules of Procedure to clearly delineate it.

Motion: Fach moved, seconded by Bernstein, to table indefinitely item 14C-0510, Approval of BA14-05 for Deer Population Control Program.

Discussion: None

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

The motion was denied.

Motion: Lincoln moved, seconded by Greene, to approve action on Budget Amendment BA 14-05 for the Deer Population Control Program.

Discussion: None

Discussion: Fach stated the City received a petition of 200 plus people opposing spending the money for this deer culling. He noted we have not seen a petition with 200 names proposing we go ahead and cull the deer. Fach feels the City Council is running against the current. While there were a lot of good points brought up and he appreciates the reasons for the culling, he feels the Council should respect the opinions of the majority.

Bernstein agreed. In regards to the comments made concerning the health of the deer, she doesn't believe culling 25 is going to solve the problem. She would like to see a lot more information before making judgment on that.

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

The motion carried.

NEW BUSINESS

15C-0010 – DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION TO EXECUTE AN ANNEXATION AGREEMENT BETWEEN THE JAMES B. VINCENT TRUST, CASEY'S RETAIL CORPORATION AND THE CITY OF GALENA FOR THE CONSTRUCTION OF A CASEY'S GENERAL STORE ON APPROXIMATELY FOUR ACRES AT THE INTERSECTION OF US ROUTE 20 AND RED GATES ROAD

Motion: Fach moved, seconded by Kieffer, to approve a resolution to execute an Annexation Agreement between the James B. Vincent Trust, Casey's Retail Corporation and the City of Galena for the construction of a Casey's General Store on approximately four acres at the intersection of US Route 20 and Red Gates Road.

Discussion: Bernstein voiced concern with the item in the Annexation Agreement that says the City will waive the initial liquor license fee. She feels it would be unfair to waive the fee for a large corporation and was opposed to waiving it.

Nack advised this would allow the City to enter into a resolution to annex subject to the Annexation Agreement. The proposed agreement is what Casey's would ideally like to have approved. Nack advised he and Mark Moran have been through several revisions with them. The main issues are the initial liquor license fee and the rebate or contribution back should they be required to get a 60 day license with the county. Nack advised once they enter into the Annexation Agreement, they are subject to our rules and would be able to apply for a city license. They will be allowed to build under the county specifications as previously approved. The plans have been reviewed by staff. No additional fees will be paid to the City.

Nack noted there are three small issues. The sign has lighting controlled electronically, there is back lighting on the canopy and they have two signs on the façade. Nack advised we cannot guarantee or confirm that city water and sewer are to the property line. Those issues are being worked out.

Greene questioned why the need to go through the County. Nack advised staff felt it would be best to allow the construction to be done under the county as they have approved everything to this point.

The term of the Annexation Agreement is 20 years. It can be extended.

Council agreed they would be opposed to waiving the initial liquor license fee. Moran also noted, since the City cannot guarantee that the water and sewer exist to the property line, it would be his recommendation to remove that from the agreement as well.

It was explained that in 2003 when Highway 20 was being constructed, the property owner was looking at developing the property and saw the opportunity to install the utilities. At that time they had gotten a bid design from Fischer Excavating who is believed to have performed the work for the Vincent Trust. This work was done as a private project and nobody observed the construction. While everything indicates that it is there, the City is not in a position to say they are to the property line for sure. Therefore, the City doesn't want to guarantee it is there because we don't know.

Fach questioned if all were ok with the construction. Nack advised Casey's has gone out of their way to include the City in the plan review. The City has reviewed things along the way. The only inconsistencies is a small wall sign, small sign on the canopy and the gas pricing signs on the monument are electronically controlled instead of automated flipping numbers.

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

The motion carried.

15C-0011 – FIRST READING AN ORDINANCE VACATING APPROXIMATELY 0.11 ACRES OF STREET RIGHT-OF-WAY ADJACENT TO 604 MUIR STREET

Motion: Fach moved, seconded by Bernstein, to item 15C-0011 to table this item to the next meeting for more information.

Discussion: Council discussed and agreed they would like additional information from the property owner.

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

15C-0012 – DISCUSSION AND POSSIBLE ACTION ON A PROPOSAL FOR CREATING A SINGLE COUNTYWIDE CONVENTION AND VISITORS BUREAU

Motion: Fach moved, seconded by Kieffer, to approve discussion and possible action on a proposal for creating a single countywide Convention and Visitors Bureau.

Discussion: None.

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

The motion carried

Presentation: Chris Hamilton, Executive Director, VisitGalena.org made a presentation for creating a single countywide Convention and Visitors Bureau.

15C-0013 – DISCUSSION AND POSSIBLE ACTION ON CHANGE ORDER #1 FOR POLICE DEPARTMENT RENOVATION PROJECT

Motion: Kieffer moved, seconded by Greene, to approve Change Order #1 for the Police Department Renovation Project in the amount of \$17,752 amended to remove Reference #4, replacement of four office doors in the amount of \$2,965.

Discussion: Moran advised the original office doors could be used to save money. We are not required to change them.

Council discussed and agreed to remove Reference #4, replacement of four office doors.

Amended

Motion: Bernstein moved, seconded by Fach, to amend the motion to remove Reference #4, the replacement of four office doors in the amount of \$2,965.

Discussion: None

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

Main

Motion

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

15C-0014 – DISCUSSION AND POSSIBLE ACTION ON GRANT ADMINISTRATION CONTRACT FOR THE THIRD AND RIVES SEWER PROJECT

Motion: Fach moved, seconded by Lincoln, to approve the Grant Administration Contract for the Third and Rives Sewer Project with Community Funding & Planning in the amount of \$11,000.

Discussion: None

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

15C-0015 – DISCUSSION AND POSSIBLE ACTION ON THE 2016-2020 CAPITAL IMPROVEMENT PLAN

Motion: Lincoln moved, seconded by Greene, to approve the 2016-2020 Capital Improvement Plan.

Discussion: It was noted this doesn't mean everything is set in stone. Things could change throughout the year.

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

15C-0016 – WARRANTS

Motion: Lincoln moved, seconded by Fach, to approve the Warrants as presented, item 15C-0016.

Discussion: Council was advised the heat at Turner Hall is now controlled from City Hall.

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

15C-0017 – ALDERPERSONS' COMMENTS

Thank you – Fach thanked Duff Stewart for the Building Permit Report.

Contest – Fach suggested the community have a contest on building deer proof bird feeders.

15C-0018 – CITY ADMINISTRATOR'S REPORT

Budget Schedule – Moran handed out the proposed budget schedule.

Downtown Sidewalk Survey – Moran expects to have the downtown sidewalk survey results from MSA with options, estimates and phasing for the next meeting.

Community Garden – The Community Garden will present its annual report at the next meeting.

Grant – Moran reported the application for the National Endowment of the Arts for the Galena Center for the Arts theater addition will be submitted tomorrow.

14C-0019 – MAYOR'S REPORT

No report.

15C-0020 - ADJOURNMENT

Motion: Kieffer moved, seconded by Lincoln to adjourn.

Discussion: None.

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

The meeting adjourned at 8:12 p.m.

Regular Board Meeting

12 January 2015

Respectfully submitted,

Mary Beth Hyde
City Clerk