City of Galena, Illinois

AGENDA

REGULAR CITY COUNCIL MEETING

6:30 P.M., MONDAY, NOVEMBER 14, 2022

CITY HALL - 101 GREEN STREET

To accommodate those persons interested in watching the November 14, 2022 meeting, but not wanting to attend in person, the public is invited to view the meeting using Zoom Video Communications. Zoom users may access the meeting at https://us02web.zoom.us/j/86831463555 (Meeting ID: 868 3146 3555). Members of the public viewing with Zoom will be muted. No comments will be accepted using Zoom. All comments must made in person during the meeting at City Hall.

ITEM	DESCRIPTION
22C-0422.	Call to Order by Presiding Officer
22C-0423.	Roll Call
22C-0424.	Establishment of Quorum
22C-0425.	Pledge of Allegiance
22C-0426.	Reports of Standing Committees
22C-0427.	Citizens Comments • Not to exceed 15 minutes as an agenda item • Not more than 3 minutes per speaker

PUBLIC HEARINGS

ITEM	DESCRIPTION	PAGE
22C-0428.	Public Hearing on a Proposed Amendment to an Annexation Agreement between the City of Galena and True North Quality Homes, LLC, or their Grantees, Heirs, Successors, or Assigns, Dated May 11, 2022, to Annex and Add 18.239 Acres to the Planned Unit Development Plan	4-18

LIQUOR COMMISSION

None.

CONSENT AGENDA CA22-21

ITEM	DESCRIPTION	PAGE
22C-0429.	Approval of the Minutes of the Regular City Council Meeting of October 24, 2022	19-22
22C-0430.	Approval of a Request by the Galena Area Chamber of Commerce for 45th Annual Halloween Parade on October 28, 2023	23
22C-0431.	Approval of the Purchase of a VoIP Phone System for the Police Department	24
22C-0432.	Approval of Stray Dog Pick-up Contract with Jo Daviess County Animal Control Services for the Period of December 1, 2022 Through November 30, 2023	25-26
22C-0433.	Approval of the Purchase of Replacement Equipment for the Rec Park Large Playground Structure	27
22C-0434.	Approval of a Resolution to Dissolve the Cable Fund of the City of Galena	28-29

UNFINISHED BUSINESS

None.

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
22C-0435.	Discussion and Possible Action on Zoning Cal. No. 22PDA-02, an Application by True North Quality Homes, LLC for an Amendment to the Planned Unit Development Plan to Add 18.24 Acres with an Underlying Zoning Classification of Limited Agricultural Upon Annexation Into the City of Galena	30-113
22C-0436.	First Reading of an Ordinance Authorizing the Execution of an Amendment to an Annexation Agreement with True North Quality Homes, LLC to Annex and Add 18.239 Acres to the Planned Unit Development Plan	4-18
22C-0437.	Possible Reconsideration of Cal. No. 21C-0514, an Ordinance Authorizing the Execution of an Annexation Agreement with John and Rosean Schromen for the Property at 10840 Highway 20	114-136
22C-0438.	First Reading of an Ordinance Accepting the Donation of Property for the Galena Dog Park in Timp's Subdivision—Phase 2	137
22C-0439.	First Reading of an Ordinance Approving the Purchase of Real Estate at 403 South Main Street	138-145

ITEM	DESCRIPTION	PAGE
22C-0440.	First Reading of an Ordinance Annexing 3.106 Acres of Territory in West Galena Township (Guy's Truck and Tractor Subdivision)	146-148
22C-0441.	Discussion and Possible Action on the Purchase of a New Street Sweeper for the Fiscal Year 2023-24 Budget Year	149-150
22C-0442.	Discussion and Possible Action on Establishing the Amount of the 2022 Tax Levy for Taxes to be Collected in 2023	151-156
22C-0443.	Warrants	157-169
22C-0444.	Alderpersons' Comments	
22C-0445.	City Administrator's Report	
22C-0446.	Mayor's Report	
22C-0447.	Adjournment	

CALENDAR INFORMATION

BOARD/COMMITTEE	DATE	TIME	LOCATION
City Council	Monday, November 28	6:30 P.M.	City Hall, 101 Green Street
Historic Preservation Commission	Thursday, December 1	6:30 P.M.	City Hall, 101 Green Street
Zoning Board of Appeals	Wed., December 14	6:30 P.M.	City Hall, 101 Green Street

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036

MEMORANDUM

TO: Honorable Mayor Renner and City Council

FROM: Mark Moran, City Administrator

DATE: November 10, 2022

RE: The Parker Amendment to Annexation Agreement

Monday's council meeting includes a public hearing on the proposed first amendment to the annexation agreement for The Parker project. The developer, True North Quality Homes, proposes to annex and add 18.239 acres to the approved Preliminary Planned Unit Development Plan.

The Zoning Board of Appeals conducted a public hearing on the zoning application on November 9. The determination from the Zoning Board and the meeting minutes are included in this council packet. A recording of the hearing is available on our website under the minutes for the meeting.

I am attaching the draft first amendment to the annexation agreement for your consideration. Please note that the agreement includes placeholders for possible action by the city council. The placeholders and language are not predictive the outcome but rather demonstrating how the agreement could be structured if approved. The council clearly has the authority to modify the draft or reject the proposed amendment/agreement.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE ANNEXATION AGREEMENT WITH TRUE NORTH QUALITY HOMES, LLC

WHEREAS, it is in the best interests of the City of Galena, Jo Daviess County, Illinois, that a certain amendment to an annexation agreement with True North Quality Homes, LLC, and their successor and assigns, pertaining to the land described below, be entered into; and

WHEREAS, a copy of such agreement is attached hereto and incorporated herein; and

WHEREAS, the legal owners of record of the property that is the subject of the amendment to the annexation agreement are ready, willing and able to enter into that agreement and to perform the obligations as required thereunder; and

WHEREAS, the statutory procedures provided in Division 15.1 of Article 11 of the Illinois Compiled Statutes, as amended, 65 ILCS 5/11-15.1, for the execution of the amendment to the annexation agreement have been fully complied with;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GALENA, JO DAVIESS COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: That the property covered by the Amendment to the Annexation Agreement is described in EXHIBIT A and shown in plat form in Exhibit B, and

SECTION 2: That the Mayor be and is hereby authorized and directed to execute, and the City Clerk is directed to attest, a document known as “First Amendment to Annexation Agreement" (a copy of which is attached hereto and made a part hereof), and

SECTION 3: The invalidity of any section part, provision, term or phrase of this Ordinance shall not affect the validity of the remainder hereof, and

SECTION 4: All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance shall be repealed to the extent of any such conflict or inconsistency, and

SECTION 5: This Ordinance shall be in full force and effect from and after its passage; approval and publication as provided by law.

PASSED AND APPROVED THIS ____DAY OF _____, 2022.

AYES: **NAYS:**

_____
Terry Renner
Mayor

ATTEST:

_____
Mary Beth Hyde
City Clerk

Prepared by:

Joseph Nack
City Attorney
101 Green Street
Galena, Illinois 61036

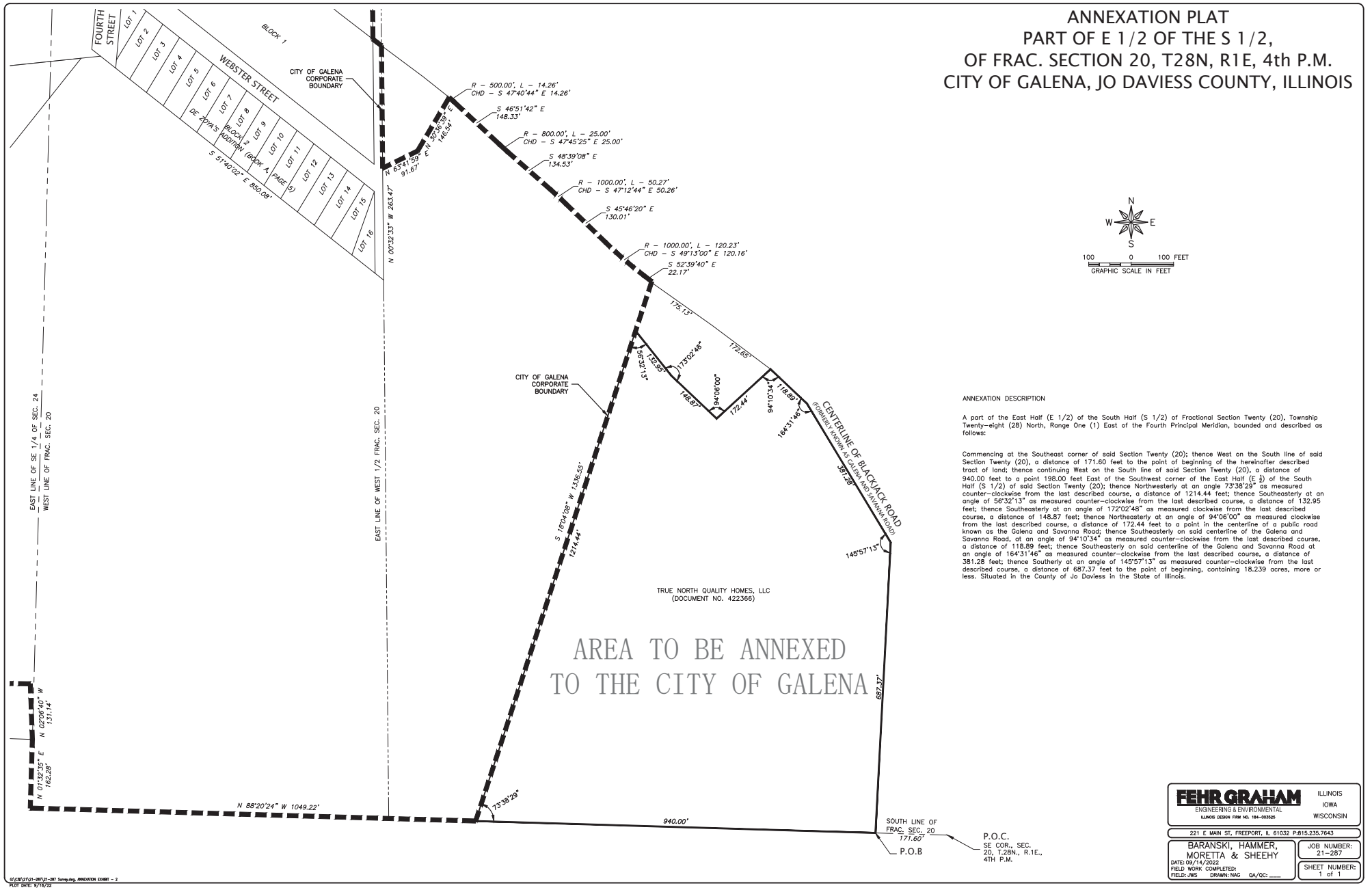
EXHIBIT A

ANNEXATION DESCRIPTION

A part of the East Half (E 1/2) of the South Half (S 1/2) of Fractional Section Twenty (20), Township Twenty-eight (28) North, Range One (1) East of the Fourth Principal Meridian, bounded and described as follows:

Commencing at the Southeast corner of said Section Twenty (20); thence West on the South line of said Section Twenty (20), a distance of 171.60 feet to the point of beginning of the hereinafter described tract of land; thence continuing West on the South line of said Section Twenty (20), a distance of 940.00 feet to a point 198.00 feet East of the Southwest corner of the East Half (E 1/2) of the South Half (S 1/2) of said Section Twenty (20); thence Northwesterly at an angle 73°38'29" as measured counter-clockwise from the last described course, a distance of 1214.44 feet; thence Southeasterly at an angle of 56°32'13" as measured counter-clockwise from the last described course, a distance of 132.95 feet; thence Southeasterly at an angle of 172°02'48" as measured clockwise from the last described course, a distance of 148.87 feet; thence Northeasterly at an angle of 94°06'00" as measured clockwise from the last described course, a distance of 172.44 feet to a point in the centerline of a public road known as the Galena and Savanna Road; thence Southeasterly on said centerline of the Galena and Savanna Road, at an angle of 94°10'34" as measured counter-clockwise from the last described course, a distance of 118.89 feet; thence Southeasterly on said centerline of the Galena and Savanna Road at an angle of 164°31'46" as measured counter-clockwise from the last described course, a distance of 381.28 feet; thence Southerly at an angle of 145°57'13" as measured counter-clockwise from the last described course, a distance of 687.37 feet to the point of beginning, containing 18.239 acres, more or less. Situated in the County of Jo Daviess in the State of Illinois.

EXHIBIT B



ANNEXATION DESCRIPTION

A part of the East Half (E 1/2) of the South Half (S 1/2) of Fractional Section Twenty (20), Township Twenty-eight (28) North, Range One (1) East of the Fourth Principal Meridian, bounded and described as follows:

Commencing at the Southeast corner of said Section Twenty (20); thence West on the South line of said Section Twenty (20), a distance of 171.60 feet to the point of beginning of the hereinafter described tract of land; thence continuing West on the South line of said Section Twenty (20), a distance of 940.00 feet to a point 198.00 feet East of the Southwest corner of the East Half (E ½) of the South Half (S 1/2) of said Section Twenty (20); thence Northwesterly at an angle 73°38'29" as measured counter-clockwise from the last described course, a distance of 1214.44 feet; thence Southeasterly at an angle of 56°32'13" as measured counter-clockwise from the last described course, a distance of 132.95 feet; thence Southeasterly at an angle of 172°02'48" as measured clockwise from the last described course, a distance of 148.87 feet; thence Northeasterly at an angle of 94°06'00" as measured clockwise from the last described course, a distance of 172.44 feet to a point in the centerline of a public road known as the Galena and Savanna Road; thence Southeasterly on said centerline of the Galena and Savanna Road, at an angle of 94°10'34" as measured counter-clockwise from the last described course, a distance of 118.89 feet; thence Southeasterly on said centerline of the Galena and Savanna Road at an angle of 164°31'46" as measured counter-clockwise from the last described course, a distance of 381.28 feet; thence Southerly at an angle of 145°57'13" as measured counter-clockwise from the last described course, a distance of 687.37 feet to the point of beginning, containing 18.239 acres, more or less. Situated in the County of Jo Daviess in the State of Illinois.

FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL
ILLINOIS DESIGN FIRM NO. 184-003525
ILLINOIS
IOWA
WISCONSIN
221 E MAIN ST, FREEPORT, IL 61032 P:815.235.7643
BARANSKI, HAMMER, MORETTA & SHEEHY
DATE: 09/14/2022
FIELD WORK COMPLETED:
FIELD: JWS DRAWN: NAG QA/QC: ___
JOB NUMBER: 21-287
SHEET NUMBER: 1 of 1

G:\CAD\21\21-287\21-287 Survey.dwg, ANNEXATION EXHIBIT - 2
PLOT DATE: 9/16/22

FIRST AMENDMENT TO ANNEXATION AGREEMENT

This First Amendment to Annexation Agreement (the "Amendment") is made to the Annexation Agreement (the "Annexation Agreement") dated May 11, 2022 and recorded by the Jo Daviess County Recorder, State of Illinois, on May 11, 2022, as Document No. 421761, between the City of Galena, a municipal corporation of Jo Daviess County, Illinois (the "City") and True North Quality Homes, LLC, or their grantees, heirs, successors or assigns (the "Owner/Developer").

RECITALS

A. Owner/Developer has requested an amendment to the Annexation Agreement to approve an addition of 18.239 acres (the "Addition") to the 56.17-acre property subject to the Annexation Agreement and annexed to the City of Galena on May 23, 2022; and

B. The Addition is more particularly described in "Exhibit A".

C. Section 11-15.1-1 of the Illinois Municipal Code authorizes municipalities to enter into annexation agreements, and make amendments to such agreements, providing for the annexation of certain property upon the property becoming contiguous to the municipality.

D. Section 11-15.1-2.1 of the Illinois Municipal Code provides that the property that is the subject of an annexation agreement adopted under Division 15.1 is subject to the ordinances, control and jurisdiction of the annexing municipality in all respects, the same as property that lies within the annexing municipality's corporate limits.

E. Owner/Developer has signed a duly executed Petition for Annexation in accordance with the provisions of the Illinois Compiled Statutes, 65 ILCS 5/7-1-2 and is hereby requesting that the City enter into this Amendment to the Annexation Agreement pursuant to the requirements and provisions of Section 11-15.1-1 of the Illinois Municipal Code; and

F. The Addition is contiguous to the City of Galena and Owner/Developer has indicated the desire and intention to have the Addition annexed to the City upon the terms and conditions herein set forth.

G. Owner/Developer proposes to zone the Addition Planned Unit Development District with an underlying district of Agricultural and amend the previously approved Preliminary Planned Unit Development Plan (Preliminary PUD Plan) for "The Parker" development pursuant to authority granted by the City of Galena Zoning Board of Appeals and the Galena City Council.

H. Given the proximity of the Addition to the City of Galena corporate boundary and the possible provision of City utilities to the Addition, the proposed development of the Addition will have a far greater impact on the City than upon any other unit of local government having the authority to undertake regulation of those operations.

I. On November 9, 2022, after duly published notice, the Zoning Board of Appeals of the City conducted a public hearing on the request of the Owner/Developer for approval of the amendment to the Preliminary Planned Unit Development Plan and

rezoning of the Addition to the Planned Unit Development District with an underlying district of Agricultural. This request included the referenced 18.239 acres in Exhibit A, the 56.17 acres subject of the May 23, 2022 annexation, and the +/-23.85 acres of contiguous property subject of the Annexation Agreement and approved Preliminary PUD Plan. Upon adjournment of the public hearing, the Zoning Board of Appeals of the City voted five in favor and none against (5-0) to send a positive recommendation to the City Council in the manner provided by law.

J. On November 14, 2022, after duly published notice, the City Council of the City reviewed and considered the record from the November 9, 2022, Zoning Board of Appeals public hearing on the proposed rezoning of the Addition and amendment to the Preliminary PUD Plan. The City Council voted _____ in favor and _____ against (X-X), achieving the votes required for approval of the amendment to the Preliminary PUD Plan, including the zoning of the 18.239 Addition as Planned Unit Development District with an underlying district of Agricultural.

K. On November 14, 2022, after duly published notice, the City Council conducted a public hearing on this Amendment in accordance with applicable law. After the public hearing concluded, the City Council voted on November 14, 2022 _____ (X) in favor and _____ (X) against (X-X) to approve the first reading of an ordinance authorizing the execution of the Amendment. On November 28, 2022, after duly published notice, the City Council voted _____ (X) in favor and _____ (X) against (X-X), achieving the votes required for approval of this Amendment and the ordinance authorizing the execution of the Amendment.

L. Performance by both the Owner/Developer and the City of their respective obligations under this Amendment is critical to the health, safety and welfare of the general public, and to the enjoyment and use of property located in the vicinity of the

Addition and the Property (as hereafter described), as hereafter defined, of the Owner/Developer.

NOW, THEREFORE, in consideration of the mutual promises and agreements between the parties, the sufficiency of which is hereby acknowledged, the parties agree as follows:

ARTICLE I

INCORPORATION OF RECITALS AND EXHIBITS

1.1 **Incorporation of Recitals**. The recitals herein above set forth are incorporated into and made a part of this Amendment.

1.2 **Incorporation of Exhibits**. The exhibits attached hereto are incorporated into and made a part of this Amendment.

ARTICLE II

DEFINITIONS

2.1 **Definitions**. As used in this Amendment, the following terms shall have the meaning set forth opposite each of them except where the use or context clearly indicates that a different meaning is intended:

2.1.1 "**Amendment**" shall mean this amendment to the Annexation Agreement.

2.1.2"**Annexation Agreement**" or "**the Agreement**" shall mean the Annexation Agreement between the City and the Owner/Developer executed May 11, 2022.

2.1.3 "**City**" means the City of Galena, a municipal corporation organized and existing under the laws of the State of Illinois and located in Jo Daviess County, Illinois.

2.1.4 "**County**" means the County of Jo Daviess in the State of Illinois.

2.1.5 "**Owner/Developer**" means True North Quality Homes, LLC, or their grantees, heirs, successors or assigns.

2.1.6 "**Addition**" means the 18.239 acres of real property legally described on "Exhibit A."

2.1.7 "**Property**" means the real property subject of the Annexation Agreement, including parcel numbers, 09-500-296-00, 06-500-294-03, 06-500-294-00, 06-000-101-00, 06-000-101-03, totaling 80.0 acres more or less.

2.1.8 "**Zoning Code**" means the City of Galena Zoning Ordinance found at Chapter 154 of the City Code of the City.

ARTICLE III

ANNEXATION AND ZONING OF THE ADDITION

3.1 **Plat of Annexation.** A plat of annexation, prepared at the sole cost and expense of the Owner/Developer, depicting the relationship of the boundaries of the Addition prior to its annexation to the then-existing corporate limits of the City is attached and made part hereof as "Exhibit B".

3.2 **Annexation of the Addition.** Within sixty (60) days after the adoption of this Amendment, the City shall, subject to the terms and conditions of this Amendment, do all things necessary or appropriate to cause the Addition to be annexed to the City and to comply with the provisions of this Amendment. In particular and without limitation, the City shall pass and approve an ordinance annexing the Addition to the City and prepare and serve any notices as may be required for any township road district, fire protection district or library district, as appropriate. The City shall record with the Jo Daviess County Recorder as necessary the ordinance annexing the Addition and record or file any other documents as may be necessary to effectuate the terms of this Amendment.

3.3 **Adoption of Ordinances Addressing Zoning Matters.** No later than sixty (60) days after the adoption of this Amendment, the City shall, subject to the terms and conditions of this Amendment, do all things necessary or appropriate to cause the City to adopt an ordinance for the purpose of establishing the zoning of the Addition and

parts thereof, being Planned Unit Development District zoning with the underlying default district of Agricultural.

3.4 **Use of the Addition Prior to Annexation.** Until the City annexes the Addition as provided in Section 3.3 of this Amendment, the City and Owner/Developer agree that the Owner/Developer may proceed with planning activities for developing the Addition in accordance with and consistent with the terms of this Amendment and with all ordinances of the City regarding such development in place at the time of the execution of this Amendment.

ARTICLE IV

ZONING

4.1 **Zoning**. The City shall enact such ordinances, adopt such resolutions and take such other actions as are necessary to zone the Addition as Planned Unit Development District with the underlying default district of Agricultural and shall approve the Preliminary PUD Plan for the Addition and Property.

ARTICLE V

GENERAL PROVISIONS

5.1 All terms and conditions of the Annexation Agreement dated May 11, 2022 not inconsistent with this Amendment shall remain the same and shall be in full force and effect and apply to the Addition.

IN WITNESS WHEREOF, the City and Owner/Developer have caused this Amendment to be executed effective as of the day and year first above written.

CITY OF GALENA:

BY: _____

Its Mayor

ATTEST: _____

Its City Clerk

OWNER/DEVELOPER:

BY: _____

David Hooten

ATTEST: _____

STATE OF ILLINOIS)
) ss.
JO DAVIESS COUNTY)

The foregoing instrument was acknowledged before me by Terry Renner, City Mayor, and Mary Beth Hyde, City Clerk, this _____ day of _____, 20___.

_____
Notary Public

STATE OF ILLINOIS)
) ss.
JO DAVIESS COUNTY)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, Do Hereby Certify that **David Hooten**, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this _____ day of _____, 20___.

_____
Notary Public

PREPARED BY AND RETURN TO:

Joseph Nack
City Attorney
City of Galena
101 Green Street
Galena, IL 61036
815-777-1050

EXHIBIT A

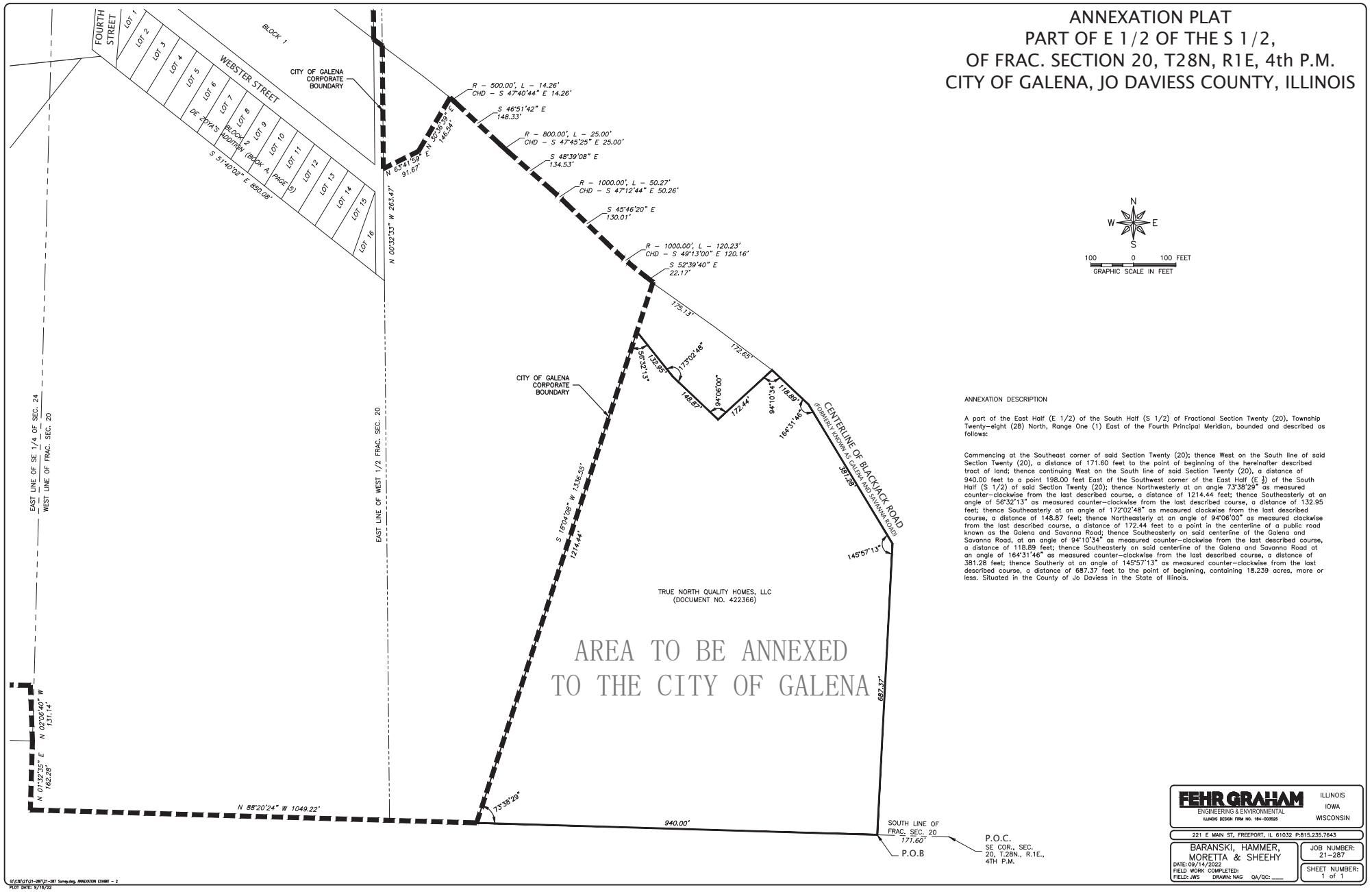
ANNEXATION DESCRIPTION

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EXHIBIT B

ANNEXATION PLAT
PART OF E 1/2 OF THE S 1/2, OF FRAC. SECTION 20, T28N, R1E, 4th P.M. CITY OF GALENA, JO DAVIESS COUNTY, ILLINOIS



ANNEXATION DESCRIPTION

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ILLINOIS DESIGN FIRM NO. 184-003525
ILLINOIS IOWA WISCONSIN
221 E MAIN ST, FREEPORT, IL 61032 P:815.235.7643

BARANSKI, HAMMER, MORETTA & SHEEHY
DATE: 09/14/2022
FIELD WORK COMPLETED:
FIELD: JWS DRAWN: NAG QA/QC: ___

JOB NUMBER: 21-287
SHEET NUMBER: 1 of 1

G:\CAD\21\21-287\21-287 Survey.dwg, ANNEXATION EXHIBIT - 2
PLOT DATE: 9/16/22

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 24 OCTOBER 2022

22C-0401 – 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 24 October 2022.

22C-0402 – ROLL CALL

Upon roll call, the following members were present: Bernstein, Hahn, Kieffer, McCoy, Westemeier, Wienen, Renner

22C-0403 – ESTABLISHMENT OF QUORUM

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

22C-0404 – PLEDGE OF ALLEGIANCE

The Pledge was recited.

22C-0405 - REPORTS OF STANDING COMMITTEE

No reports.

22C-0406 – CITIZENS COMMENTS

Jim Boho, Rocky Hill Road – Boho spoke with regard to the 4th Street and Highway 20 intersection. Boho advised this intersection is rated as critical with the State of Illinois. Projects in 1987 and 1993 proposed for the Marine Hospital were turned down because of this intersection. He also noted in 2013 a music venue was proposed for the Poor Farm which both the city and the County rejected. Boho stated the reason he brings these rejections up is that when the petitioner brought this before the Council, he had already talked to IDOT down in Dixon. They knew about this intersection, yet they did not report it out to the City Council or the Zoning Board. What they did report out is that they talked to the Police, Fire, EMS and County Engineer. Boho feels those groups would never stand for increasing traffic at what is labeled a critical intersection. Boho urged the City Council to look into forming a committee to look into that intersection. Boho feels the city is putting citizens at risk if they increase traffic at that intersection.

Mike Sproule, 12901 Norris Lane - Sproule advised he was present as a consultant on a new project coming to town. John and Rose Ann Wilson have a project they are working on with some new owners. They will annex the building into the city. It will be a new business. They will be spending a significant amount of money on the build out. The issue is they do not have sewer access. They have been working with staff to see how they can get it attached to sewer so they can move ahead. They will have a lot of water needs for the new project.

Greg Simpson, 584 W. 11th Street, Dubuque – Simpson stated they are looking to move forward on a project for the former Chrysler Body Shop on the corner of Highway 20 and Gear Street. They are looking at developing a brewery on the property. The property was the foundation for the idea of the business. Thru the process it has been discovered there is no sewer to the property. With a brewery it is almost prohibitive to run it on a septic system. In order to go forward. it is vital to have sewer to the property. Simpson stated they are more than willing to do what they can to work with staff to see what the best answer is.

CONSENT AGENDA CA22-20

22C-0407 – APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 11, 2022

22C-0408 – ACCEPTANCE OF THE RE-APPOINTMENT OF JACK DENNERLEIN TO THE HISTORIC PRESERVATION COMMISSION FOR A TERM ENDING SEPTEMBER 24, 2024

22C-0409 – ACCEPTANCE OF THE RE-APPOINTMENT OF MATTHEW CARROLL TO THE HISTORIC PRESERVATION COMMISSION FOR A TERM ENDING SEPTEMBER 24, 2024

22C-0410 – ACCEPTANCE OF THE APPOINTMENT OF JEREMY WHITE TO THE HISTORIC PRESERVATION COMMISSION FOR A TERM ENDING SEPTEMBER 24, 2024

22C-0411 – ACCEPTANCE OF THE APPOINTMENT OF STEVE MONAHAN TO THE ZONING BOARD OF APPEALS TO FILL THE UNEXPIRED TERM OF KIMBERLY COOK THROUGH JULY 31, 2024

22C-0412 – APPROVAL OF A REQUEST BY BOY SCOUTS OF AMERICA TROOP 95 TO PARK VEHICLES IN THE MEEKER STREET LOT ON SATURDAY, OCTOBER 29, 2022

22C-0413 – APPROVAL OF A REQUEST BY THE GALENA HOLIDAZE FESTIVAL TO OFFER FREE TRACTOR PULLED WAGON RIDES DECEMBER 3, 2022, DURING THE FESTIVAL

Motion: Kieffer moved, seconded by Bernstein, to approve Consent Agenda CA22-20.

Discussion: Wienen stated she feels the city should not take any of the money collected by the groups in the parking lots.

Roll Call: AYES: Hahn, Kieffer, McCoy, Westemeier, Wienen, Bernstein, Renner
NAYS: None

The motion carried.

NEW BUSINESS

22C-0414 – DISCUSSION AND POSSIBLE ACTION ON LOAN REQUEST #9 FOR IEPA LOAN 17-5811 IN THE AMOUNT OF $6,319.00 INCLUDING INVOICE #4 FROM COMMUNITY FUNDING

Motion: Westemeier moved, seconded by McCoy, to approve loan request #9 for IEPA Loan 17-5811 in the amount of $6,319, including invoice #4 from Community Funding and Planning Services, 22C-0415.

Discussion: None.

Roll Call: AYES: Kieffer, McCoy, Westemeier, Wienen, Bernstein, Renner
NAYS: None
ABSTAIN: Hahn

The motion carried.

22C-0415 – WARRANTS

Motion: Bernstein moved, seconded by Kieffer, to approve the Warrants as presented, 22C-0415.

Discussion: None.

Roll Call: AYES: McCoy, Westemeier, Wienen, Bernstein, Kieffer, Renner
NAYS: None
ABSTAIN: Hahn

The motion carried.

22C-0416 – ALDERPERSONS' COMMENTS

Halloween Weekend – Council wished staff good luck as we enter into Halloween weekend and thanked everyone for all that they do.

October Weekends - Westemeier added the weather for the night of the parade is predicted to be decent. Country Fair Weekend and the weekends following have been great. The good weather has brought people out.

Highway Construction – Westemeier stated the new wall on the highway is looking nice.

22C-0417 – CITY ADMINISTRATOR'S REPORT

Tax Levy – The Tax Levy will be prepared for the next meeting. A variety of options will be available.

22C-00418 – MAYOR'S REPORT

Mayor Renner agreed with all of the comments made. He agrees October has been busy with good weather and good color on the trees. Mayor Renner wished all a safe Halloween.

22C-0419 - MOTION FOR EXECUTIVE SESSION

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

- Section 2 (c) (5) – Purchase or lease of real estate.

Discussion: None.

Roll Call: AYES: Westemeier, Wienen, Bernstein, Hahn, Kieffer, McCoy, Renner.
NAYS: None

The motion carried.

The meeting recessed at 6.47 p.m.

The meeting reconvened at 6:59 p.m.

22C-0420 – DISCUSSION AND POSSIBLE ACTION ON THE PURCHASE OR LEASE OF REAL ESTATE

Motion: Hahn moved, seconded by Westemeier, to approve preparing a contract for the purchase of 412 S. Main Street subject to the purchase agreement and ordinance being presented at a future meeting, 22C-0420.

Discussion: None.

Roll Call: AYES: Hahn, Kieffer, McCoy, Westemeier, Wienen, Bernstein, Renner
NAYS: None

The motion carried.

22C-00419 – ADJOURNMENT

Motion: McCoy moved, seconded by Kieffer to adjourn.

Discussion: None.

Roll Call: AYES: Kieffer, McCoy, Westemeier, Wienen, Bernstein, Hahn, Renner
NAYS: None

The motion carried.

The meeting adjourned at 7:02 p.m.

Respectfully submitted,



Mary Beth Hyde
City Clerk

November 1, 2022

To: City of Galena

From: Barb Hocker-Director of the Galena Area Chamber of Commerce

RE: 45h Annual Halloween Parade

The Galena Area Chamber of Commerce is respectfully requesting the following for review and approval.

- To host the 45th Annual Halloween Parade and festivities on Saturday, October 28, 2023 in Downtown Galena beginning at 2:00 PM and ending at approximately 9:30 PM, or when the last shuttle ends
- To close Perry Street and Washington Street for the use of Halloween Parade festivities beginning from 2:00 PM to approximately 8:30 pm, or the end of the Parade. This area will be blocked off from Main to Commerce Street and contain food vendors. Alcohol sales would be prohibited. Food vendors are responsible for procuring licenses and cleaning up their own area.
- To prohibit parking on the East and West side of Main Street from 3:00 PM-to approximately 8:30 pm or the end of the parade due to safety issues.
- Leaving 8 designated handicapped parking spaces along Main Street in the City Lot next to the Gazette Building. Permits for handicapped parking spaces to be applied for at city hall.
- For the City of Galena to erect additional barricades to secure people from entering, to the best of our ability, the actual parade route.
- The parade route will start at Franklin Street and end at the Flood Gates.
- The Chamber will, as in the past, work with the City Administrator and the Police Department in the establishment of procedures and partnerships to insure that we present a safe and enjoyable experience for the residents and visitors to Galena.

Thank you in advance,
All of our best,
Barb Hocker and the Galena Area Chamber of Commerce Board of Directors

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036

MEMORANDUM

TO: Honorable Mayor Renner and City Council

FROM: Mark Moran, City Administrator

DATE: November 3, 2022

RE: Police Department Phone System

Our current budget contains $10,000 for the replacement of the phone system at the police department. The system has exceeded its useful life and is presenting functional issues for the department. A new voice over internet protocol (VoIP) system is proposed for all local and long distance calling.

VoIP technology allows calls to be made using a broadband internet connection instead of a regular phone line. With the police department connected to the robust Sand Prairie fiber network, we have the infrastructure to make the change to VoIP.

We worked with Sand Prairie to design the new system. The total equipment cost for the 13 new phones and dispatcher headset would be $3,525. Installation using our IT technician and Sand Prairie is estimated at $800. The total project cost would be $4,325. Again, our budget for the project was $10,000.

Monthly fees for the new system would be $262.50. Current monthly fees for local and long distance service average about $280.

Thank you for your consideration.

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036

MEMORANDUM

TO: Honorable Mayor Renner and City Council

FROM: Mark Moran, City Administrator

DATE: October 25, 2022

RE: Stray Dog Pick-up Contract

I am attaching the proposed contract from the Jo Daviess County Animal Control Department for stray dog pick-up services within the city limits. The contract is unchanged from the current year.

With the proposed contract, the City would pay $300 for each dog that is transported to the Dubuque Regional Humane Society. The fee includes a certificate of veterinarian inspection (CVI), rabies vaccination, and transport. Animal control would make every effort to locate the owner before transporting. Our current Police Department budget contains $300 for animal control expenses.

Some stray dogs are collected by our Police Department, detained by the city, and claimed by the owner. In these cases, animal control is not contacted. The city incurs costs in these instances, including kennel maintenance, food, and personnel to capture and monitor the animal. The city charges a $50 fee when an owner claims a dog that has been detained by the City for running at large.

Over the past four years, the City has been billed for four animals or $1,200 for dogs transported to the humane society. According to Chief of Police, Eric Hefel, the police department has also contacted and received assistance from animal control for dog bites and miscellaneous dog calls. While transporting dogs is a seldom used service, Hefel values the all the services provided by animal control.

Two years ago, the council amended the city code to require the owner to pay the $300 fee if the owner's dog is transported to the humane society and later claimed by the owner. All four of the dogs transported to the Humane Society over the past four years were adopted to new homes.

I recommend you authorize the execution of the contract for animal control services.

CONTRACT FOR JO DAVIESS COUNTY ANIMAL CONTROL SERVICES

THIS AGREEMENT made the 1st day of December 2022
BETWEEN THE
JO DAVIESS COUNTY ANIMAL CONTROL DEPARTMENT
AND
THE MUNICIPALITY OF GALENA, ILLINOIS

Purpose: To provide the City of Galena, in Jo Daviess County, Illinois with the option of contracting with the Jo Daviess County Animal Control Department for stray dog pick-up services.

Mutual Responsibility of all Parties

1. To abide by the Jo Daviess County Animal Control Ordinance and the Illinois Animal Control Act as it pertains to stray dogs in order to effectuate Animal Control in Jo Daviess County.

Responsibility of the Jo Daviess County Animal Control Department

1. To provide stray dog pick-up from 8:00am to 3:00pm, Monday through Friday and to enforce the said Municipalities Leash Laws during normal Jo Daviess County Animal Control business hours
2. To provide routine patrols of municipalities to search for at large or stray dogs.
3. Monitor rabies vaccinations and dog registrations within the municipality.
4. To provide equipment and kennel necessary for Animal Control Services.
5. To take all dogs picked up in your municipality to a holding facility either Dubuque Regional Humane Society or Safe Haven Humane Society.

Responsibility of the Municipality

1. Request stray dog pick-up in Jo Daviess County through the Jo Daviess County Animal Control Office at (815) 776-0326 during the hours of 8:00 a.m. to 3:00 p.m. Monday through Friday.
2. To pay a fee due to the Jo Daviess County Animal Control Department of $300.00 per dog picked up in your municipality by Animal Control. Animal Control will send a monthly bill to each municipality.

General Conditions

1. This agreement shall be in effect from December 1, 2022 through November 30, 2023.
2. This contract may be terminated in part or whole on written notice of any of the three parties of its intention to do so, at least 30 days in advance of the end of any month.
3. Failure to comply with the conditions, agreements or terms of this contract may be interpreted as cause for immediate termination of this contract.

IN WITNESS WHEREOF, this agreement has been duly executed and signed by:

Attest By: _____ **Date:** _____
Board of Health, Chair

Attest By: _____ **Date:** _____
Mayor of Municipality

MEMORANDUM

TO: Honorable Mayor Renner and City Council

FROM: Hillary Dickerson, Facilities Manager

DATE: October 25, 2022

RE: Recreation Park Playground repairs

The 2022-23 budget included $40,000 for playground equipment maintenance, with the majority of that amount intended for repairs to the equipment at Rec Park. Installed in 2003, we have identified several areas of the play structure that have cracked or are otherwise broken and/or rusted.

After investigating different options, including recoating the existing decking, we have determined that replacing sections of the equipment is the most cost-effective approach. Team Reil Inc., which sells Miracle equipment, provided a quote for $37,119 for five sections of decking, four panels, and two slides. The public works crew will do the installation. There is currently $36,931.20 remaining in the park equipment maintenance fund.

I recommend approval of the quote from Team Reil Inc. for $37,119.

Thank you for your consideration.

RESOLUTION NO. R-____

A RESOLUTION TO DISSOLVE THE CABLE FUND OF THE CITY GALENA

WHEREAS, the operating funds of the City of Galena are maintained in 20 segregated funds; and

WHEREAS, Fund 77, the "Cable Fund", was established as a security account to hold funds guaranteeing the performance by the franchisee of the City of Galena cable television franchise agreement; and

WHEREAS, in the first franchise agreement, the franchisee, Mediacom, deposited $5,000 in the fund in accordance with the franchise agreement; and

WHEREAS, as part of the 2009 franchise agreement, the cash deposit was refunded to Mediacom by the City of Galena and Mediacom provided a performance bond as an alternative form of security; and

WHEREAS, also in 2009, Mediacom provided the City of Galena a grant of $5,000 in accordance with the franchise agreement for use at the discretion of the City for equipment expenses for a public, educational, or governmental channel—should the City decide to operate such a channel; and

WHEREAS, with the exception of interest accrual, there has been no activity in the Cable Fund since the grant was deposited in 2009; and

WHEREAS, as of October 2022, the current balance of the Cable Fund is $7,432.50; and

WHEREAS, the Cable Fund is no longer needed, and the Budget Officer recommends that fund be dissolved and removed from the list of City of Galena funds to improve the efficiency of financial record keeping; and

WHEREAS, the Mayor and City Council seek to implement the recommendations of the Budget Officer by dissolving Fund 77, the Cable Fund, effective November 30, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AND MAYOR OF THE CITY OF GALENA, ILLINOIS AS FOLLOWS:

SECTION I: Effective November 30, 2022, Fund 77, the Cable Fund, shall be dissolved and removed from the list of City of Galena funds.

SECTION II: Any funds remaining in the Cable Fund at the time it is dissolved shall be transferred to the General Fund without restrictions.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF GALENA, ILLINOIS this ____ day of November, 2022.

APPROVED this _____ day of _____, 2022.

_____
Terry Renner, Mayor

_____
Mary Beth Hyde, City Clerk (CITY SEAL)

CITY OF GALENA, ILLINOIS

101 Green Street · P.O. Box 310 · Galena, Illinois 61036

MEMORANDUM

TO: Honorable Mayor Renner, City Council and City Administrator

FROM: Jonathan Miller, Building and Zoning

DATE: November 10, 2022

RE: Cal. No. 22PDA-02, Owner and Applicant: True North Quality Homes, LLC, 2100 Enterprise Ave., Geneva, IL 60134. Location: Parcels: 06-500-296-00, FRAC. S24 T28N R1W E PT SE Marine Hospital; 06-100-101-03, T28N R1E PT SW IN FRAC. SEC. 20 PT SE IN SEC. 24; 06-000-101-00, FRAC. S20 T28N R1E PT S ½; 06-500-294-00, T28N R1W PT SE IN SEC. 24 PT S ½ IN FRAC. SEC. 20 lying E of Park Avenue; 06-500-294-03, S24 T28N R1W PT SE lying W of Park Avenue; & 06-000-103-00, FRAC. S20 T28N R1E PT E ½ SE. Common Addresses, 1304 Park Avenue, 2190 N. Blackjack Road, 1308 Fourth Street, and 1962 N. Blackjack Road, Galena, IL 61036. Request for an amendment to a Planned Unit Development Plan to add an additional 18.24 acres upon annexation into the corporate boundaries of the City of Galena.

Summary:

At their regular meeting on November 9, 2022, the Zoning Board of Appeals voted to recommend the approval of the request for an amendment to the Planned Unit Development Plan to add an additional 18.24 acres upon annexation into the corporate boundaries of the City of Galena. Attached is the ZBA Determination and Recommendation to the City Council, the PUD Amendment Resolution, minutes of the regular ZBA meeting on November 9, 2022, the Zoning Administrator Memo to the ZBA, and supporting information.

Staff recommends the approval of the amendment to the Planned Unit Development Plan for the Parker Project.

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036

Resolution No. _____

ZONING BOARD OF APPEALS

DETERMINATION & RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER:	Cal. No. 22PDA-02
APPLICATION BY:	True North Quality Homes, LLC, 2100 Enterprise Ave., Geneva, IL 60134.
FOR:	Request for an amendment to a Planned Unit Development Plan to add an additional 18.24 acres upon annexation into the corporate boundaries of the City of Galena.

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on November 9, 2022. The hearing was advertised in an edition of the Galena Gazette, in a quarter-page sized ad, that was available to the general public between 15 and 30 days prior to the hearing. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed, and all persons were heard who desired to testify.

NATURE OF APPLICATION

The owner and applicant, True North Quality Homes, LLC is requesting an amendment to the previously approved Preliminary PUD Plan, 22PD-01. The owner and applicant have purchased an additional 18.24-acre parcel immediately adjacent and to the East of the previously approved Preliminary PUD known as The Parker. The owner and applicant are petitioning to annex the recently purchased acreage and propose to add this additional 18.24 acres to the approved Preliminary PUD.

As part of the proposed amendment request, the owner and applicant are proposing to relocate the resort entrance from what was approved as part of 22PD-01 to the newly acquired 18.24 acres. The proposed new entrance will take advantage of an already existing driveway that enters the newly acquired acreage from Blackjack Rd. The owner and applicant are also proposing that the 18.24 acres, if annexed, would remain zoned as the default Limited Agriculture (LA) zoning classification. The 18.24 acres are currently zoned as General Agriculture within Jo Daviess County. The proposed plan for the new acreage includes additional vineyards, prairies, and storm water control measures with no additional structures.

Outside of the proposed additional 18.24 acres and within the previously approved Preliminary PUD, the PUD amendment also includes modified roadway layouts, increased walking trails, relocation of some cottages (without changing the total number of cottages), expansion of the vineyard, removal of the previously proposed detention pond near Blackjack Rd. using innovative bio-swales and rain gardens, and redefined phasing of the project. Along with the proposed amendments to the entire site, the owner and applicant are also asking that free standing signs be allowed by right in the proposed 18.24 acres zoned LA. Free standing signs are currently allowed only by Special Use Permit in LA zoned districts. Any signs within the proposed LA acreage would be required to meet the standards of the City of Galena Signage Ordinance. The owner and applicant are asking for the allowable free-standing sign by right in LA to be able to include a monument style sign at the entrance to The Parker.

Based on the afforded opportunities provided by the added 18.24 acres, the owner and applicant are proposing a change to the approved phasing of 22PD-01. Final Phase 1A has been previously approved to plant the originally proposed vineyard. Phase 1B will now include the rehabilitation of the Marine Hospital, 28 guest cottages near the Phase 1A vineyard, winery, 1B walking trails, the new access off Blackjack Rd., and all associated parking. Phase 2 will include an additional 48 guest cottages, Phase 2 roadways, and associated parking. Phase 3 will include the Main Building (which includes the restaurant, pool and spa, event center, and 20 guest rooms), four acres of gardens, a wedding gazebo, café building, 18 additional guest cottages, extension of the walking trails, expansion of the existing maintenance building, Phase 3 roadways, and associated parking. Phase 4 will include the remaining 26 guest cottages, Phase 4 roadways, expanded walking trails, and associated parking.

With the proposed expansion of the Preliminary PUD Plan by 18.24 acres, the project's measured intensity will decrease due to the number of buildings in the area remaining the same. If approved, the total number of acres in the PUD will be increased from 78.79 to 97.03. The increase in the acreage will increase the project's open space. This will further improve the overall site stormwater management opportunities. The additional acreage to the site will reduce the Floor Area Ratio (FAR) from <10% to less than <5%. In addition, the proposed amendment will increase the resort's recreational trails by one mile and decrease the paved roadway/parking surfaces by 28,084 square feet.

The project and proposed amendment were designed in a manner to reduce the amount of tree clearing, slope disturbance, and will protect the natural resources on the site at a higher percentage than the minimum standards of the City of Galena Code of Ordinances. The Parker will have minimal development on any of its steep slopes. The total protected area within slopes of 20%-30% is 92.81%, which is 22.81% above what is required by ordinance. The total protected area within the slopes over 30% is 91.38%, which is 11.38% above what is required by ordinance. 71.12% of existing trees over 8" diameter will be protected, and 100% of wetlands and ponds are protected. While the buffer yard standards of the City of Galena Code of Ordinance are not required around the boundaries of the project, the Parker will more than adequately provide buffers between themselves and the surrounding residential properties. They will provide anywhere from 80-350 feet of bufferyard between themselves and residences, which include significant changes in elevation, lots of tree cover, and natural shrubbery.

The proposed site and newly acquired acreage are directly adjacent to one of the City of Galena Contiguous Growth Areas and partially located within, and directly adjacent to, the proposed annexations of the City of Galena Comprehensive Plan. The project is located next to, and will take access from, a Major Collector Street as defined by the City of Galena Comprehensive Plan. Since the creation of the City of Galena Comprehensive Plan, new public facilities and amenities have been constructed in the area of The Parker development.

The project will provide adequate access to emergency services allowing for access from the primary entrance from Blackjack Rd. Secondary emergency access may be taken from Fourth St. The City of Galena Fire Department and City of Galena Police Department reviewed the proposed plan and made no comment of concern for the proposed development and amendment to the previously approved Preliminary PUD Plan. The owner and applicant will work directly with the Galena Fire Department and Police to assure adequate road widths and turn radiuses. Sewer is proposed to be gravity fed, which is preferred, and will connect to the City of Galena sanitary sewer system, adequately sized for a development of this nature. All final plans for water and sewer will be designed by a professional engineer and reviewed by the City of Galena Engineer to assure proper design and installation.

A narrative and exhibit appendix including maps has been submitted and included to help describe the scope of the project for your understanding. As a reminder, the Preliminary PUD Plan, 22PD-01, and Final Phase 1A, 22PD-02, were officially approved on May 23, 2022. Final PUD Phase 1A was approved to plant the originally proposed vineyard on the 78.79-acre site.

It is my opinion that the proposed PUD amendment would be in character with the existing approved preliminary PUD.

At their regular meeting on November 9, 2022, the Zoning Board of Appeals voted to recommend the approval of the request for an amendment to the Planned Unit Development Plan to add an additional 18.24 acres upon annexation into the corporate boundaries of the City of Galena.

Testimony Pertaining to 22PDA-02:

The Zoom recording of the November 9, 2022 ZBA meeting and public hearing are available on the City of Galena Website, www.cityofgalena.org.

Speaking in Favor of the Application:

Applicant

Sandy Lawrence, 3638 Ice Age Drive, Madison, Wisconsin, President Bien Vie – Lawrence stated they are very excited to present this amendment since it provides the opportunity to improve the design of the approved preliminary PUD.

Lawrence stated, under current county zoning the additional 18.24 acres are zoned agricultural. If annexed, it will come in as "Limited Agricultural." They would not be requesting a change to that zoning designation. Because the addition of this acreage will result in dual zoning, they felt an amendment was required.

Jim Baranski, 1015 S. Bench Street, Galena – Baranski stated it is their goal to demonstration of the proposed amendment is consistent with the Zoning Ordinance and with the goals of the Comprehensive Plan. Baranski advised should the amendment not be approved, the project would proceed in accordance with the original approved Preliminary PUD Plan.

Baranski gave an overview of the differences between the original approved plan and the proposed amendment. The differences are as follows:

- Removal of the cottages and the road below the Marine Hospital

- Removal of the original entrance off Blackjack Road
- Removal of the large detention pond
- Removal of 4 acres less trees
- Less paved surfaces
- Additional trails added
- The Winery and main buildings will remain where they are
- Slight adjustments to the roadways and cottage locations
- The landscape surface ratio has increased to 84 percent
- The Floor Area Ration is at 4.4 percent in the Planned Commercial area and 3.6 percent overall

Baranski gave an overview of the revised phasing plan. The plan is as follows:

Phase 1A will consist of the following:
- 5 acres of vineyards
- The addition of cottages near the vineyard
- Rehabilitation of the Marine Hospital

Phase 1B will consist of the following:
- Widening the existing driveway
- Erosion control on the hillside using infiltration bio-swales
- Construction of the Winery and parking
- Construction of 28 cottages overlooking the vineyards
- Completion of the westernmost portion of the walking trail connection to the Galena River Trail

Phase 2 will consist of the following:
- The addition of 26 ravine cottages and 22 cottages in a loop below the Marine Hospital

Phase 3 will consist of the following:
- The addition of 18 cottages in a prairie setting
- Addition of the main building with parking and 4 acres of gardens
- Additional trails
- Addition of the café building

Phase 4 will consist of the following:
- The addition of 26 hillside cottages
- The addition of the last section of trail bringing the trails length to 2.5 miles

Beth Baranski, 1015 S. Bench Street, Galena – Baranski summarized the projects conformance with the Comprehensive Plan. Baranski shared the following points:

Baranski stated the amended project will comply with the Galena building regulations, the Highway 20 Overlay District and the Stormwater cross-connection control ordinance requirements as well as the lighting standards. All required permits will be submitted at the appropriate times.

Baranski noted only a small portion of the project falls within the 1,200 feet of the centerline of Highway 20 for which most of the regulations in the Design Manual for the Highway 20 Corridor apply. The bulk of the PUD area falls in the area between 1,200 and 2,400 feet of the centerline for which the only guidance is a listing of wall materials that are discouraged.

The proposed amendment supports the Comprehensive Plan vision statement for "Growth" in the "efficient and attractive development of new land" with the city being "proactive in annexing land to achieve its vision."

The proposed amendment supports the Comprehensive Plan vision statement for "Physical Environment" by adhering to a high standard of cleanliness, maintaining high air quality, water and soil, protecting our historical and architectural character and protecting and enhancing our natural resources by:

- Areas of the additional 18.24 acres will be planted in prairie
- Changes to the project roadways will reduce the amount of paved surfaces
- Wooded areas that will not be disturbed is increased by approximately 4 acres

The proposed amendment supports the Comprehensive Plan Goals under "10.1 Economic Development" by:

- Increasing the project trail length by one mile and by planting additional prairie, reducing the amount of paved surface.

The proposed amendment supports the Comprehensive Plan Goals under "10.3 Transportation" by

- Providing additional parking outside of the downtown area and developing a shuttle service to and from the downtown area in peak seasons
- Providing an additional one mile of walking trails that are connected to the Galena River Trail.

The proposed amendment supports the Comprehensive Plan Goals under "10.4 Public and Community Facilities, Services and Utilities" by

- Increasing the percentage of open space in the amended project improves stormwater management opportunities
- Providing increased property tax revenues that can be directed by the city to address capital equipment and staffing needs for the Police and Fire Departments

The proposed amendment supports the Comprehensive Plan Goals under "10.6 Natural Resources" by:

- Planting areas of the proposed additional 18.24 acres in prairie
- Changes project roadways and reduces the amount of paved surfaces by 32,554 ft.
- Increases the amount of wooded areas that will not be disturbed by approximately 4 acres.

The proposed amendment supports the Comprehensive Plan Goals under "10.7 Land Use and Development" by:

- Maintaining the default "Limited Agricultural" zoning designation upon the annexation of the proposed 18.24 acre addition.
- Planting 18.24 acres in prairie and vineyards.
- Enhancing the project's overall park-like atmosphere by increasing the landscape surface ratio by 84 percent
- Reducing the Floor Area Ration of the overall project to 3.6%.

Andy Reeter, 2366 N. Lynn Avenue, Freeport, Senior Project Engineer with Fehr Graham – Reeter shared exhibits showing the proposed layout of the site roadways and site water and sanitary utilities at completion of all construction phases. Reeter explained the utility plan has been updated from the previously approved preliminary plan to match the adjustments that have been made to the roadway alignment adding that significant additional changes have not been proposed. The previous and current plan include a sanitary sewer alignment with a crossing of the Galena River.

Reeter identified the following approaches for stormwater management:

- Minimizing ground disturbance
- Minimizing impervious areas
- Incorporating small local BMPs close to the point of discharge like raingardens, infiltration basins, and bio swales to reduce the size of the larger project facilities and minimize slope protection needs.
- Raingardens, infiltration basins, detention basins and wet bottom detention basins will be designed to accommodate runoff in excess of the local BMP capacities.
- Slope protection through a variety of BMPs including minimized disturbance, revegetation, biotechnical stabilization, hard armor, bioretention with stepped pools and bioswales will be incorporated into the site design.
- The final site stormwater design will not increase the peak stormwater discharge rate and will meet local and regional design requirements.

Reeter explained the site inventory exhibit provides the existing boundaries of the site natural resources, including wooded areas, wetland boundaries, and the 100-year floodplain. The proposed project complies with the Natural Resource protection standards for woodland and forest protection and for wetlands protection.

Reeter shared exhibits showing the design steps, investigation, reviews, and approvals that are still anticipated prior to the start of construction as follows:

- The steps include the City of Galena Preliminary PUD Amendment Review and approval. This will be sought before moving forward into the final design and plan development.
- The Final design and plan development phase will include completion of the final stormwater management design where models will help develop the exact details of the stormwater measures previously discussed.
- A Stormwater Pollution Prevention Plan will be developed to ensure compliance with Illinois Environmental Protection Agency regulations regarding construction stormwater discharge.
- A geotechnical investigation will be completed, including soil borings and infiltration testing. The investigation will identify existing soil conditions to assist in the design of the proposed improvements.
- After the final design and plan development are completed, permit packages will be prepared and submitted for review and approval to all applicable local, state, and federal regulatory agencies.
- These include submitting design plans to the Jo Daviess County Highway Department for Access Permit Approval
- Submitting design plans, reports, calculations, and investigations for the City of Galena Final PUD review and approval for Phase 1B
- Plans and permits will be submitted to the Illinois Department of Natural Resources for review and approval related to the Fish and Wildlife Coordination Act, Illinois Endangered Species Protection Act, and the Illinois Historic Preservation approval
- A joint permit application will be prepared and submitted to the Army Corps of Engineers, the Illinois Environmental Protection Agency, and the Illinois Department of Natural Resources. The Army Corps

of Engineers will review the project for compliance with the Rivers and Harbors Act, Federal Water Pollution Control Act Amendments, and Section 404 of the Clean Water Act. The Illinois Environmental Protection Agency will review the project for water quality certification pursuant to Section 401 of the Clean Water Act and will also make a determination of additional permit and regulatory requirements pursuant to the Illinois Pollution Control Board rules and regulations. The Illinois Department of Natural Resources/Office of Water Resources will review the Joint Permit Application for compliance with the Rivers, Lakes and Streams Act, The Fish and Wildlife Coordination Act, the Illinois Endangered Species Protection Act, and the Illinois Natural Areas Preservation Act.

- Plans and permits will also be submitted to the Illinois Environmental Protection Agency for review and approval under the National Pollutant Discharge Elimination System (NPDES). This will include the preparation and submittal of a Notice of Intent and a Storm Water Pollution Protection Plan.
- A Sanitary Sewer State Construction and Operating Permit package will be submitted to the IEPA Water Pollution Control division to review the project for compliance with the Environmental Protection Act and the regulations developed by the Illinois Pollution Control Board
- A Public Water Supplies Construction and Operating permit package will be submitted to the IEPA Division of Public Water Supplies to review the project for compliance with agency regulations.

Reeter advised the PUD amendment hearing, will be followed by many additional steps and reviews to ensure the project is constructed in compliance with local and state requirements.

Jim Baranski, 1015 S. Bench Street, Galena – Baranski highlighted the following aspects of the project as they relate to the Natural Resources Protection section of the Zoning Ordinance.

- No buffer yard requirements for parcels zoned Limited Ag
- Steep Slopes – Over 30% are in non-residential uses, 80% of the area will be protected. The total protected area within the slopes over 30% at the Parker is 91.38%.

Sandy Lawrence, 3638 Ice Age Drive, Madison, Wisconsin, President Bien Vie – Lawrence gave responses to the following criteria as follows:

Criteria 1.

- Lawrence stated this was not applicable to the amendment as it was already approved through the approved PUD.
- Lawrence stated, although they appreciate the concerns surrounding all the issues mentioned, since there is no change from the approved preliminary PUD they are going to focus their response to issues that are applicable to the amendment.
- Lawrence advised there was no change in the number of units so the question is not germane to the amendment.

Labor shortages.

- Lawrence stated labor shortages in the industry do exist nationwide. Lawrence advised, at their other properties, they have found success by working with international students and providing student housing. They plan to repeat this successful strategy at Galena.

Vineyard as a use of property.

- Lawrence noted planting vineyards is an approved use for limited agricultural zoning. It is a permitted use in all but the industrial zoning districts. She noted there are already existing successful wineries located in the Galena area.

It will be covered in final design phase, not required for PUD amendment.

- Reeter stated they have provided the required materials for the preliminary PUD submittal and added they are not required to provide final design phase information at this state.
- They will provide additional detail as required in the final design phase. This includes analysis required by all regulatory agencies.

Retention Elimination Questions

- Reeter referred to the stormwater detention on the site.

City procedure and/or approval questions.

- Jim Baranski stated they believe they have provided all the information required by city ordinances and met all process requirements and have shown how the amendment meets the seven criteria to be considered for approval.

Traffic volume, flow or entry way on Blackjack.

- A formal traffic study is not required by ordinance. The council already considered the traffic issue in the preliminary PUD.
- Heavy traffic for this development would in the summer, opposite of the heavy traffic for Chestnut in the winter
- During the April 25, 2022 city council meeting, Lawrence noted Jerry Westemeier advised he had talked with the Fire Chief, the Police Chief and EMS and they all have no problem with the development.
- The plan includes mitigation strategies to keep visitors cars on the property by providing a regular shuttle service and connecting walking/bike paths to the downtown
- In addition to the points considered for the approval of the Preliminary UD Plan, Baranski pointed out that traffic that had been generated by Fried Green Tomatoes before it moved to town no longer exists.
- In addition to the points considered for the approval of the Preliminary PUD Plan, we would like to point out that traffic that had been generated by Fried Green Tomatoes before it moved into town no longer exists. Fred Bonnet let us know that on a busy Saturday, when open from 4-10 p.m., he would serve 400 patrons. Assuming 2-3 people per vehicle, that would be 160 vehicles or 320 trips on a Saturday night between 4 and 10. This would be an average of 53 vehicles per hour, presumably more at peak times that no longer exists.

Monahan asked if the applicant has spoken with the police, fire, and EMS departments to see how much the development will impact them.

Lawrence responded that the tax base will allow the city to pay for any increases. She stated there was prior discussion at a city council meeting where a council member reported that he had spoken with the police chief, fire chief and ambulance and they all have no problem with the development.

Gates asked if the Fourth Street entrance is an emergency purposes only entrance.

Lawrence responded that the Fourth Street entrance would be gated and would not be used by visitors.

Rosenthal asked if there was an issue with erosion or runoff from the vineyard that has been planted.

Baranski responded that there has not been an erosion issue.

Jansen asked if the recent referendum question on an additional hotel tax for EMS would apply to the development.

Gates responded that the question was only advisory to the county board.

Speaking in Opposition to the Application:

Wendy Clark, 1107 Fourth Street, Galena, spoke in opposition to the application. Clark provided a handout to board to following along with her comments. She explained that she would have preferred to use the city's audio-visual equipment the same as the applicant but was not permitted to do so. She said that she is a neighbor of the development and a property owner. She expressed confusion about the application and explained why she believes the application does not comply with the city zoning code and comprehensive plan. She stated that the application does not address items like traffic, emergency services, and expected benefit to the community. Clark stated that she spoke with an experienced realtor who stated that property values near the development could be expected to fall during the construction of the project. She went on to say that the application lacks information and details necessary for the board to make a decision. She encouraged the board to stop the process and reassess the application and development.

Monahan asked if part of the development is located in the land use plan. Miller responded yes.

James Boho, 1477 S. Rocky Hill Road, Galena, spoke in opposition to the application. He stated that the Fourth Street and U.S. 20 intersection is considered a Class A Critical Intersection by the Illinois Department of Transportation (IDOT). He said that the development cannot use the intersection. He explained that other applications for the applicant's property had been rejected in the past. He referred extensively to the Highway 20 Corridor Overlay District Manual and said that the application does not comply with the manual. He stated that if the board allowed the development to add traffic to the Fourth Street and US 20 intersection, it would be neglecting their duty to protect the public.

Laity asked Boho to clarify if there is a study that determined the intersection is at full capacity. Boho said yes, and that if you call IDOT they will confirm.

Boho read a letter from the Rice Township Board of Supervisors expressing disappointment that the township was not contacted by the City of Galena prior to the decision to approve the development.

Kathleen Webster, 2170 N. Blackjack Rd., Galena, spoke in opposition to the application. She expressed concern as a long-term resident and neighbor that the development would lower her property value and destroy her quality of life, neighborhood and welfare.

Robert Mahan, 900 Third Street, Galena, spoke in opposition to the application. He explained that he is the owner of a Galena lodging business and has an extensive and successful background in the hospitality and

service industry. He considers himself an expert in the hospitality and tourism industries. He explained that he reviewed lodging occupancy data from the City of Galena and found that occupancy has fallen since 2017 with the occupancy rate below 50%. He believes The Parker project will reduce occupancy rates and revenue for existing lodging businesses in the city. He provided examples of how the city has made decisions to protect existing businesses and asked that the board act in a consistent manner by rejecting the application to protect existing businesses.

Gates questioned if the 50% occupancy rate is based on 365 days a year.

Mahan stated yes.

Gates asked for the occupancy rate on Fridays and Saturdays.

Mahan explained the is not included in the data.

Gates stated that most lodging establishments have very high occupancy rates on Fridays and Saturdays, April-December.

Mahan agreed that many establishments are full, but that data shows the occupancy continues to drop over time.

Darlene Farrey, 1974 N. Blackjack Rd., Galena, spoke in opposition to the application. She explained that she considers the development urban sprawl. She expressed concern about added traffic on Blackjack Road and creating a dangerous situation on the road, at the proposed access driveway, and at the intersection of Fourth Street and US 20.

Edward Shine, 1952 N. Blackjack Rd., Galena, spoke in opposition to the application. Shine explained that the bridge over Davis Creek on Blackjack Rd. is narrow and dangerous. He said that the proposed access for the development is steep and dangerous coming down to Blackjack Road. He referred to the development as a trailer camp on stilts. He also expressed concern about erosion from stormwater runoff. He said that the proposal violates the comprehensive plan, will and will create a nuisance for the neighborhood. He said that the proposed development should be covered by the apparent moratorium on Air BNB licenses in the city.

Adam Johnson, 211 Fourth Street, Galena, spoke in opposition to the application. Johnson stated that the development is not in the contiguous growth area of the comprehensive plan and does not comply with the plan. Johnson stated that the zoning administrator is not being honest in his report to the zoning board by not stating that the development does not comply with the comprehensive plan. He said that the proposal is complicated and extremely dangerous. He said that a traffic study is needed up front. He stated that the there needs to be better discussion by the board than at the first hearing on the development. He also said that new development like The Parker should be built on the west end of the city on ground already zoned appropriately and served by infrastructure.

David Hanna, 1107 Fourth Street, Galena, spoke in opposition to the application. Hanna explained that he had something to show on the screen but was not allowed to do so. He asked what the applicant is requesting for zoning on the new parcel. Miller responded Planned Unit Development District with an underlying district of Limited Agricultural. Hanna questioned many aspects of the application, including but not limited to, the use of the former Rigdon house, the use of the maintenance building, whether the maintenance building would be served by sewer, pesticide use at the vineyard, the zoning classification of wine production and associated buffer yards, and the appropriateness of an access road in the Limited Agricultural district. He stated concerns

about light pollution, the public expense of maintaining water and sewer infrastructure, dangerous traffic patterns, and that the development is not in character with the area. He stated that there is not a cost/benefit analysis, no emergency services assessment, no information on the impact on the tax base, or information to prove community benefit.

Monahan stated that in his experience when there is a large investment in an area, the nearby property values increase. He asked for Hanna's opinion.

Hanna that during period of construction the values could decline but that we do not know what the values would be after construction.

Gates said that the developer paid a very inflated price for the property and questioned whether that would cause the nearby values to increase.

Hanna could not say for sure but said that what a developer pays is different than what regular people or residents pay for land.

Rosenthal stated that is fair to say that we cannot say what the value of nearby property will be after development.

Clark clarified that the realtor she spoke with is of the opinion that nearby property values will decline during construction of the development.

Monahan stated that he is living next to construction and now and will be for three years and it is not and will not decrease his property value.

Rebuttal from the Applicant:

Lawrence stated that there will be no change in the number of units and that the vineyard use is permitted in the Agricultural district. She said that there are labor shortage issues nationally, but their company has successfully used strategies to find employees, including recruiting international students and providing housing.

Monahan asked how the existing residence and maintenance building would be used.
Jim Baranski stated that the existing residence is meant to be a caretaker residence and that the maintenance building location has changed because of the new entrance location. The maintenance building would be used for storage of maintenance equipment like mowers.

Monahan asked the reason for annexing the 18 acres to the City of Galena.
Lawrence explained that the change in the entrance location is the main reason to annex the property. She said that the after discussing with the City, the amendment to the PUD with a public hearing was determined to be the most appropriate process.

Reeter reminded the board that the applicant is not required to provide final design details or plans at this stage, but they will provide during final PUD approval processes. He also stated that the project will not increase stormwater discharge off the property or on neighboring properties. They will use best management practices to collect, treat and detain stormwater. Permitting is not required at this preliminary stage but will be completed in full during the final design phases.

Gates asked if the sewer main planned to run under the river would be similar to the existing sewer main running under the river from the east side of Galena. Reeter responded yes.

Monahan asked if the developer has thought about performing a traffic analysis. Baranski responded that there is no formal requirement for a traffic study but that the developer would perform a traffic study if requested by the city. He said the next phase of the development would be a logical time to perform the study. He stated that the zoning board and city council had previous discussions about the traffic and parking topics. He also said that the heaviest traffic from the development would not correspond with the traffic from the winter season at Chestnut and that the traffic from the former location of Fried Green Tomatoes is no longer on Blackjack Road.

Beth Baranski referred to her earlier comments about how the proposal complies with the comprehensive plan, described the comprehensive planning process ,and read from the plan where it explains that the plan is a flexible document. She explained that she believes in the comprehensive planning process and stated that she was the development director when the first plan was adopted, had a community development planning firm that worked with the city and county in the comprehensive planning processes. She explained how changes in the character of the area the development, including public facilities, are directly pertinent to the development property. On water issues, she explained that she has been very involved in watershed planning in the county. The development plans to employ scientist designed best practices for our area and that the stormwater plan will protect the neighboring properties. The designs will be included in the final plans.

Monahan asked if any part of the already approved development in the contiguous growth area. Beth Baranski responded that it is immediately adjacent to contiguous growth area and that the boundaries are not prescriptive. Monahan asked if the development could help the runoff situation. Beth Baranski responded that the area is currently untended as it relates to stormwater. The development plan to manage all rainfall and runoff.

Rebuttal to the Applicant:

Clark stated the entire PUD is on trial and affected by the application. She stated that experiences in other labor markets are not relevant, that city rules apply to the vineyards, and that the private residence and maintenance building uses must be defined. She said that the applicant must show community benefit and they have not. She explained that the complexity of the infrastructure makes it inefficient for the city. She also stated that opinions do not make up for an actual traffic study and said there are not good solutions for the Fourth Street and US 20 intersection. She said that the presence of the wastewater plant is not a change of character of the area, that the applicant must show that the development complies with stormwater codes and that the property is not in the contiguous growth area.

Boho stated that there has been a failure to address the intersection of Fourth Street and US 20. He explained that the intersection should be advertised as a dangerous intersection and public education should be provided. He said that it is the oath of the city council and zoning board to address safety. He asked the board to address the safety of the intersection.

Final Rebuttal from the Applicant:

None.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Article 0, Section 154.005 through 154.008 sets forth the Purpose, Separability and Non-Liability, Abrogation and Rules of Interpretation of the Zoning Ordinance.
- Article 2, Section 154.201(C) describes the Standard Nonresidential Zoning Districts.
- Article 2, Table 154.204.1 lists the Bulk Standards for Nonresidential Structures.
- Article 2, Table 154.208.1 lists the Intensity Standards for Nonresidential uses.
- Article 3, Section 154.301 sets forth the criteria for Planned Unit Developments (PUD).
- Article 3, Section 154.301(E) lists and describes the criteria for Planned Unit Development Types which include Planned Unit Development Districts and Planned Unit Development Sites.
- Article 4, Table 154.403.1 lists the land uses permitted by right or by special uses for each zoning district.
- Article 6, Section 154.601 sets forth the criteria for Off-Street Parking and Traffic Control Standards.
- Article 6, Section 154.604 sets forth the criteria for private-development Lighting Standards.
- Article 6, Section 154.605 sets forth the criteria for Landscaping and Buffer yard Standards.
- Appendix A provides the City's Lighting Standards and Requirements.
- Article 9, Section 154.914 lists and describes the elements for Site Plan Review
- Article 9, Section 154.918, and Table 154.918.1 set forth the procedure for Required Non-Administrative Development Review.
- Article 9, Section 154.919 lists and describes the Non-Administrative Development Review Common Elements of Procedure.
- Article 9, Section 154.920 sets forth the purpose, applicability, approval criteria, decision-maker, and application and review procedures for Rezoning.
- Article 9, Section 154.923 sets forth the criteria for approval of PUD Rezoning and Plan Review.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by True North Quality Homes, LLC for an amendment to the Planned Unit Development Plan to add an additional 18.24 acres upon annexation into the corporate boundaries of the City of Galena should be approved for the following reasons:

Zoning Map Amendment - In determining whether the proposed zoning map amendment shall be approved, the following factors shall be considered:

1. Whether the existing text or zoning designation was in error at the time of adoption;
    - Laity responded that he does not believe there was an error at time of adoption.
    - Gates responded that he agrees that there was not an error at time of adoption. He stated that there are constant review and changes. There is no set rule.
    - Monahan responded that he concurs with his counterparts that the 18.24 acres is correct and belongs in with the already approved PUD.
    - Jansen responded that he feels the same. The existing text and zoning map was not in error at time of adoption
    - Rosenthal stated that there was no error at adoption of zoning ordinance.

2. Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;
   - Gates responded that he believes there have been some changes. Maybe not on Blackjack, but the new sewer treatment plant to west of project and new development on the east side such as the Irish Cottage and the new planned hotel.
   - Monahan responded that he concurs with Gates. He believes the character changed with the addition of the wastewater plant that is at less than 50% capacity.
   - Jansen responded that he also concurs. He stated there have been changes on Blackjack I think about the Old Poor Farm being torn down. This has reduced traffic on Blackjack as my wife and I used to go to dinner out there often. This is an example of a change.
   - Laity responded that he concurs with the other board members for all the same reasons already stated.
   - Rosenthal responded that there have been changes in the public facilities as well as with the approval of the PUD.

3. Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances;
   - Monahan responded that the development could positively affect stormwater runoff.
   - Jansen responded that he feels the same as Monahan. There will probably be times when storms impact the roadway. Traffic will be a factor that we may not be able to change.
   - Laity responded by agreeing with the others and said the water runoff problem is resolved. Will have to look at reducing speeds on Blackjack further out.
   - Gates responded that the water runoff plan is an improvement. The 18.24 acres is helpful to the development. They are able to spread cottages out and reduced amount of pavement to reduce runoff and will have less tree cutting. The application improves upon original PUD that was approved by the city council.
   - Rosenthal responded that he agrees that the additional 18 acres helps with the current runoff that has not been addressed in 50 years. Environmental impact will be taken care of in planning. Noise pollution is and unknown until it happens. It is unknown if property values will go down. People have had complaints about proposals that never happened. No one ever came back to us with complaints. He stated that when he was on the city council Walmart was supposed to be end of Galena and it was not.

4. Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines;
   - Jansen responded that he thinks all of that is true. He said he thinks that we have statement here by the zoning administrator that staff reviewed proposed amendment as it complies with 154.920 C-1-7 saying it is meeting the requirements. I rely on that.
   - Laity responded that he totally agrees with what was just stated. He had nothing more to add.
   - Gates responded that he also agrees and stated that we will review the final plan for each phase.
   - Monahan responded that he concurs and that each phase need the required permits and separate approvals at all levels.

- Rosenthal responded that the proposal follows the comprehensive plan. The plan does not stop development on the east side of Galena. Nothing is set in stone. It is a guidebook.

5. Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone
   - Laity responded that he believes we have the adequate facilities but that they may need to be improved a little with the addition.
   - Gates responded that the sewer plant has excess capacity. There has been a concern expressed that we will need to maintain the infrastructure but some infrastructure from the 1800's is just being replaced now.
   - Monahan responded that he concurs that water and sewer plant has the excess capacity. He said he cannot concur on the fire, police, EMT topic as he has not heard enough on this to concur.
   - Jansen responded that he concurs with what has been said. He believes the emergency services have adequate emergency services. Trusts that will continue.
   - Rosenthal responded that we have adequate public facilities and the develop will put in the new facilities per code. Believes that the fire chief, police chief or EMS would have come forward to say that they do not have the adequate people or equipment to respond. They have not come forward so he believes it will work.

6. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or
   - Gates responded that he believes there is adequate land and that the 18.24 acres was acquired by the developer to address the concerns from the community. He also said the he believed the applicant could purchase more land if he needed, showing there is an adequate supply.
   - Jansen responded that he concurs.
   - Laity responded that he also concurs.
   - Rosenthal responded that he agree with Gates. He does not think there is an issue. With the additional 18 plus acres this has addressed some of the neighbor's issues, maybe not all but some.
   - Monahan responded that he views the purchase of the 18.24 acres as a gesture of goodwill to address the issues of neighbors and improve the overall green space.

7. Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning.
   - Monahan responded that he believes in free enterprise and as a businessman he believes this will be good for the community. He understands that change is hard. He believes there is the potential for jobs, this is something new, and that the project will be an attraction that will draw. He has viewed other projects of the developer and they are very tasteful. He believes this will be a tasteful project.
   - Jansen responded that he concurs. He stated that 50% occupancy could grow as a result of the project and expand the tax base.
   - Laity responded that he concurs. He stated that the project will be a windfall for Galena with new jobs and tax base.
   - Gates responded that he agrees. He believes that we are weekend destination, and that weekend occupancy is very good. As the owner of a vacation rental he is not concerned about competition from the project. He does not believe the project will take business away from existing Galena businesses.
   - Rosenthal responded that the proposed amendment has benefits. The new driveway location is safer. He stated the tax benefits of tax dollars and such are unknown. He stated that everything that has happened here in the 61 years I he has been here and has been a benefit to the town and will continue for another 61 years and longer after he is gone.

8. Attorney Nack asked the board if the project as a whole has benefits greater than the negatives or are the negatives greater than the benefits.
    - Jansen responded that he feels there are more positives than negatives and that over time we will see the benefits.
    - Gates responded that he thinks this is positive. I remember as a kid on the farm and Apple Canyon Lake started to develop, and my parents thought that was going to end their farm. It didn't, it's still there. Tourism wants new places and experiences to keep people coming.
    - Monahan responded that he concurs that the positives definitely outweigh the negatives. The willingness of the development company to restore the landmark Marine Hospital is phenomenal. He appreciated the fact that they are wiling to purchase more space, more greenspace, help with the runoff, and create prairies. He stated the project will help with the tax base. Must continue to do new things as a tourist community. Must change to grow and prosper.
    - Laity responded that he see more positives over negatives. He does want the traffic looked at.
    - Rosenthal responded that the project is good and that it will grow tourism. He stated that we are a tourism town and that is what people want here. That is what brought many people here to buy homes. He believes the project is a benefit.
    - Gates commented that he would also like the city council to work with IDOT to explore solutions for the Fourth Street and US intersection.

RECOMMENDATION

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals does recommend to the City Council of the City of Galena that this request by True North Quality Homes, LLC for an amendment to the Planned Unit Development Plan to add an additional 18.24 acres upon annexation into the corporate boundaries of the City of Galena should be approved.

PASSED AND APPROVED this 9th day of November, A.D. 2022, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 1 absent, 0 abstain, 1 recused.

John Rosenthal, Chairperson

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF NOVEMBER 9, 2022

22Z-2001 – CALL TO ORDER

Chairperson Rosenthal called the regular meeting to order at 6:30 p.m. in the Board Chambers at 101 Green Street on 9 November 2022.

22Z-2002 – ROLL CALL

Roll Call: AYES: Baranski, Laity, Gates, Monahan, Jansen, Rosenthal
NAYS: None
ABSTAIN: None
ABSENT: Nybo

The motion carried.

Upon roll call, the following members were present: Bill Laity, Roger Gates, Steve Monahan, Dave Jansen, Jim Baranski, & John Rosenthal
Absent was Bill Nybo.

22Z-2003 – ESTABLISHMENT OF QUORUM

Chairperson Rosenthal announced a quorum of board members were present to conduct city business.

APPROVAL OF MINUTES

22Z-2004 – APPROVAL OF THE MINUTES OF THE REGULAR ZONING BOARD OF APPEALS MEETING OF September 14, 2022

Motion: Jansen moved, seconded by Baranski to approve the minutes of the regular Zoning Board of Appeals meeting of September 14, 2022.

Discussion: None.

Roll Call: AYES: Laity, Gates, Jansen, Baranski, & Rosenthal
NAYS: None
ABSTAIN: Monahan
ABSENT: Nybo

The motion carried.

UNFINISHED BUSINESS

None.

NEW BUSINESS

22PDA-02- (PUBLIC HEARING) Owner and Applicant: True North Quality Homes, LLC, Request for an amendment to a Planned Unit Development Plan to add an additional 18.24 acres upon annexation into the corporate boundaries of the City of Galena.

Baranski requested to recuse himself and left the table.

Motion: Gates moved, seconded by Monahan, to Open the Public Hearing

Motion carried

Nack swore those in that wanted to speak. Everyone had signed in that wanted to speak.

Speaking in Favor of the Application

Applicant

Sandy Lawrence, 3638 Ice Age Drive, Madison, Wisconsin, President Bien Vie – Lawrence stated they are very excited to present this amendment since it provides the opportunity to improve the design of the approved preliminary PUD.

Lawrence stated, under current county zoning the additional 18.24 acres are zoned agricultural. If annexed, it will come in as "Limited Agricultural." They would not be requesting a change to that zoning designation. Because the addition of this acreage will result in dual zoning, they felt an amendment was required.

Jim Baranski, 1015 S. Bench Street, Galena – Baranski stated it is their goal to demonstrate the proposed amendment is consistent with the Zoning Ordinance and with the goals of the Comprehensive Plan. Baranski advised should the amendment not be approved, the project would proceed in accordance with the original approved Preliminary PUD Plan.

Baranski gave an overview of the differences between the original approved plan and the proposed amendment. The differences are as follows:

- Removal of the cottages and the road below the Marine Hospital
- Removal of the original entrance off Blackjack Road
- Removal of the large detention pond
- Removal of 4 acres less trees
- Less paved surfaces
- Additional trails added
- The Winery and main buildings will remain where they are
- Slight adjustments to the roadways and cottage locations
- The landscape surface ratio has increased to 84 percent
- The Floor Area Ration is at 4.4 percent in the Planned Commercial area and 3.6 percent overall

Baranski gave an overview of the revised phasing plan. The plan is as follows:

Phase 1A will consist of the following:
- 5 acres of vineyards
- The addition of cottages near the vineyard
- Rehabilitation of the Marine Hospital

Phase 1B will consist of the following:
- Widening the existing driveway
- Erosion control on the hillside using infiltration bio-swales
- Construction of the Winery and parking
- Construction of 28 cottages overlooking the vineyards
- Completion of the westernmost portion of the walking trail and connection to the Galena River Trail

Phase 2 will consist of the following:

- The addition of 26 ravine cottages and 22 cottages in a loop below the Marine Hospital

Phase 3 will consist of the following:

- The addition of 18 cottages in a prairie setting
- Addition of the main building with parking and 4 acres of gardens
- Additional trails
- Addition of the café building

Phase 4 will consist of the following:

- The addition of 26 hillside cottages
- The addition of the last section of trail bringing the trails length to 2.5 miles

Beth Baranski, 1015 S. Bench Street, Galena – Baranski summarized the projects conformance with the Comprehensive Plan. Baranski shared the following points:

Baranski stated the amended project will comply with the Galena building regulations, the Highway 20 Overlay District and the Stormwater cross-connection control ordinance requirements as well as the lighting standards. All required permits will be submitted at the appropriate times.

Baranski noted only a small portion of the project falls within the 1,200 feet of the centerline of Highway 20 for which most of the regulations in the Design Manual for the Highway 20 Corridor apply. The bulk of the PUD area falls in the area between 1,200 and 2,400 feet of the centerline for which the only guidance is a listing of wall materials that are discouraged.

The proposed amendment supports the Comprehensive Plan vision statement for "Growth" in the "efficient and attractive development of new land" with the city being "proactive in annexing land to achieve its vision."

The proposed amendment supports the Comprehensive Plan vision statement for "Physical Environment" by adhering to a high standard of cleanliness, maintaining high air quality, water and soil, protecting our historical and architectural character and protecting and enhancing our natural resources by:

- Areas of the additional 18.24 acres will be planted in prairie
- Changes to the project roadways will reduce the amount of paved surfaces
- Wooded areas that will not be disturbed is increased by approximately 4 acres

The proposed amendment supports the Comprehensive Plan Goals under "10.1 Economic Development" by:

- Increasing the project trail length by one mile and by planting additional prairie, reducing the amount of paved surface.

The proposed amendment supports the Comprehensive Plan Goals under "10.3 Transportation" by

- Providing additional parking outside of the downtown area and developing a shuttle service to and from the downtown area in peak seasons
- Providing an additional one mile of walking trails that are connected to the Galena River Trail.

The proposed amendment supports the Comprehensive Plan Goals under "10.4 Public and Community Facilities, Services and Utilities" by

- Increasing the percentage of open space in the amended project improves stormwater management opportunities
- Providing increased property tax revenues that can be directed by the city to address capital equipment and staffing needs for the Police and Fire Departments

The proposed amendment supports the Comprehensive Plan Goals under "10.6 Natural Resources" by:

- Planting areas of the proposed additional 18.24 acres in prairie
- Changes project roadways and reduces the amount of paved surfaces by 32,554 ft.
- Increases the amount of wooded areas that will not be disturbed by approximately 4 acres.

The proposed amendment supports the Comprehensive Plan Goals under "10.7 Land Use and Development" by:

- Maintaining the default "Limited Agricultural" zoning designation upon the annexation of the proposed 18.24 acre addition.
- Planting 18.24 acres in prairie and vineyards.
- Enhancing the project's overall park-like atmosphere by increasing the landscape surface ratio by 84 percent
- Reducing the Floor Area Ration of the overall project to 3.6%.

Andy Reeter, 2366 N. Lynn Avenue, Freeport, Senior Project Engineer with Fehr Graham – Reeter shared exhibits showing the proposed layout of the site roadways and site water and sanitary utilities at completion of all construction phases. Reeter explained the utility plan has been updated from the previously approved preliminary plan to match the adjustments that have been made to the roadway alignment adding that significant additional changes have not been proposed. The previous and current plan include a sanitary sewer alignment with a crossing of the Galena River.

Reeter identified the following approaches for stormwater management:

- Minimizing ground disturbance
- Minimizing impervious areas
- Incorporating small local BMPs close to the point of discharge like raingardens, infiltration basins, and bio swales to reduce the size of the larger project facilities and minimize slope protection needs.
- Raingardens, infiltration basins, detention basins and wet bottom detention basins will be designed to accommodate runoff in excess of the local BMP capacities.
- Slope protection through a variety of BMPs including minimized disturbance, revegetation, biotechnical stabilization, hard armor, bioretention with stepped pools and bioswales will be incorporated into the site design.
- The final site stormwater design will not increase the peak stormwater discharge rate and will meet local and regional design requirements.

Reeter explained the site inventory exhibit provides the existing boundaries of the site natural resources, including wooded areas, wetland boundaries, and the 100-year floodplain. The proposed project complies with the Natural Resource protection standards for woodland and forest protection and for wetlands protection.

Reeter shared exhibits showing the design steps, investigation, reviews, and approvals that are still anticipated prior to the start of construction as follows:

- The steps include the City of Galena Preliminary PUD Amendment Review and approval. This will be sought before moving forward into the final design and plan development.
- The Final design and plan development phase will include completion of the final stormwater management design where models will help develop the exact details of the stormwater measures previously discussed.
- A Stormwater Pollution Prevention Plan will be developed to ensure compliance with Illinois Environmental Protection Agency regulations regarding construction stormwater discharge.

- A geotechnical investigation will be completed, including soil borings and infiltration testing. The investigation will identify existing soil conditions to assist in the design of the proposed improvements.
- After the final design and plan development are completed, permit packages will be prepared and submitted for review and approval to all applicable local, state, and federal regulatory agencies.
- These include submitting design plans to the Jo Daviess County Highway Department for Access Permit Approval
- Submitting design plans, reports, calculations, and investigations for the City of Galena Final PUD review and approval for Phase 1B
- Plans and permits will be submitted to the Illinois Department of Natural Resources for review and approval related to the Fish and Wildlife Coordination Act, Illinois Endangered Species Protection Act, and the Illinois Historic Preservation approval
- A joint permit application will be prepared and submitted to the Army Corps of Engineers, the Illinois Environmental Protection Agency, and the Illinois Department of Natural Resources. The Army Corps of Engineers will review the project for compliance with the Rivers and Harbors Act, Federal Water Pollution Control Act Amendments, and Section 404 of the Clean Water Act. The Illinois Environmental Protection Agency will review the project for water quality certification pursuant to Section 401 of the Clean Water Act and will also make a determination of additional permit and regulatory requirements pursuant to the Illinois Pollution Control Board rules and regulations. The Illinois Department of Natural Resources/Office of Water Resources will review the Joint Permit Application for compliance with the Rivers, Lakes and Streams Act, The Fish and Wildlife Coordination Act, the Illinois Endangered Species Protection Act, and the Illinois Natural Areas Preservation Act.
- Plans and permits will also be submitted to the Illinois Environmental Protection Agency for review and approval under the National Pollutant Discharge Elimination System (NPDES). This will include the preparation and submittal of a Notice of Intent and a Storm Water Pollution Protection Plan.
- A Sanitary Sewer State Construction and Operating Permit package will be submitted to the IEPA Water Pollution Control division to review the project for compliance with the Environmental Protection Act and the regulations developed by the Illinois Pollution Control Board
- A Public Water Supplies Construction and Operating permit package will be submitted to the IEPA Division of Public Water Supplies to review the project for compliance with agency regulations.

Reeter advised the PUD amendment hearing will be followed by many additional steps and reviews to ensure the project is constructed in compliance with local and state requirements.

Jim Baranski, 1015 S. Bench Street, Galena – Baranski highlighted the following aspects of the project as they relate to the Natural Resources Protection section of the Zoning Ordinance.

- No buffer yard requirements for parcels zoned Limited Ag
- Steep Slopes – Over 30% are in non-residential uses, 80% of the area will be protected. The total protected area within the slopes over 30% at the Parker is 91.38%.

Sandy Lawrence, 3638 Ice Age Drive, Madison, Wisconsin, President Bien Vie – Lawrence gave responses to the following criteria as follows:

Criteria 1.

- Lawrence stated this was not applicable to the amendment as it was already approved through the approved PUD.

- Lawrence stated, although they appreciate the concerns surrounding all the issues mentioned, since there is no change from the approved preliminary PUD they are going to focus their response to issues that are applicable to the amendment.
- Lawrence advised there was no change in the number of units so the question is not germane to the amendment.

Labor shortages.

- Lawrence stated labor shortages in the industry do exist nationwide. Lawrence advised, at their other properties, they have found success by working with international students and providing student housing. They plan to repeat this successful strategy at Galena.

Vineyard as a use of property.

- Lawrence noted planting vineyards is an approved use for limited agricultural zoning. It is a permitted use in all but the industrial zoning districts. She noted there are already existing successful wineries located in the Galena area.

It will be covered in final design phase, not required for PUD amendment.

- Reeter stated they have provided the required materials for the preliminary PUD submittal and added they are not required to provide final design phase information at this state.
- They will provide additional detail as required in the final design phase. This includes analysis required by all regulatory agencies.

Retention Elimination Questions

- Reeter referred to the stormwater detention on the site.

City procedure and/or approval questions.

- Jim Baranski stated they believe they have provided all the information required by city ordinances and met all process requirements and have shown how the amendment meets the seven criteria to be considered for approval.

Traffic volume, flow or entry way on Blackjack.

- A formal traffic study is not required by ordinance. The council already considered the traffic issue in the preliminary PUD.
- Heavy traffic for this development would in the summer, opposite of the heavy traffic for Chestnut in the winter
- During the April 25, 2022 city council meeting, Lawrence noted Jerry Westemeier advised he had talked with the Fire Chief, the Police Chief and EMS and they all have no problem with the development.
- The plan includes mitigation strategies to keep visitors cars on the property by providing a regular shuttle service and connecting walking/bike paths to the downtown
- In addition to the points considered for the approval of the Preliminary UD Plan, Baranski pointed out that traffic that had been generated by Fried Green Tomatoes before it moved to town no longer exists.

Monahan asked if the applicant has spoken with the police, fire, and EMS departments to see how much the development will impact them.

Lawrence responded that the tax base will allow the city to pay for any increases. She stated there was prior discussion at a city council meeting where a council member reported that he had

spoken with the police chief, fire chief and ambulance and they all have no problem with the development.

Gates asked if the Fourth Street entrance is for an emergency purposes only.

Lawrence responded that the Fourth Street entrance would be gated and would not be used by visitors.

Rosenthal asked if there was an issue with erosion or runoff from the vineyard that has been planted.

Baranski responded that there has not been an erosion issue.

Jansen asked if the recent referendum question on an additional hotel tax for EMS would apply to the development.

Gates responded that the question was only advisory to the county board.

Rosenthal asked if there was anyone else to speak in favor to the application. There were no other speakers in favor.

Rosenthal called for any testimony in opposition to the application.

Speaking in Opposition to the Application

Wendy Clark, 1107 Fourth Street, Galena, spoke in opposition to the application. Clark provided a handout to board to follow along with her comments. She explained that she would have preferred to use the city's audio-visual equipment the same as the applicant but was not permitted to do so. She said that she is a neighbor of the development and a property owner. She expressed confusion about the application and explained why she believes the application does not comply with the city zoning code and comprehensive plan. She stated that the application does not address items like traffic, emergency services, and expected benefit to the community. Clark stated that she spoke with an experienced realtor who stated that property values near the development could be expected to fall during the construction of the project. She went on to say that the application lacks information and details necessary for the board to make a decision. She encouraged the board to stop the process and reassess the application and development.

Monahan asked if part of the development is located in the land use plan. Miller responded yes.

James Boho, 1477 S. Rocky Hill Road, Galena, spoke in opposition to the application. He stated that the Fourth Street and U.S. 20 intersection is considered a Class A Critical Intersection by the Illinois Department of Transportation (IDOT). He said that the development cannot use the intersection. He explained that other applications for the applicant's property had been rejected in the past. He referred extensively to the Highway 20 Corridor Overlay District Manual and said that the application does not comply with the manual. He stated that if the board allowed the development to add traffic to the Fourth Street and US 20 intersection, it would be neglecting their duty to protect the public.

Laity asked Boho to clarify if there is a study that determined the intersection is at full capacity. Boho said yes, and that if you call IDOT they will confirm.

Boho read a letter from the Rice Township Board of Supervisors expressing disappointment that the township was not contacted by the City of Galena prior to the decision to approve the development.

Kathleen Webster, 2170 N. Blackjack Rd., Galena, spoke in opposition to the application. She expressed concern as a long-term resident and neighbor that the development would lower her property value and destroy her quality of life, neighborhood and welfare.

Robert Mahan, 900 Third Street, Galena, spoke in opposition to the application. He explained that he is the owner of a Galena lodging business and has an extensive and successful background in the hospitality and service industry. He considers himself an expert in the hospitality and tourism industries. He explained that he reviewed lodging occupancy data from the City of Galena and found that occupancy has fallen since 2017 with the occupancy rate below 50%. He believes The Parker project will reduce occupancy rates and revenue for existing lodging businesses in the city. He provided examples of how the city has made decisions to protect existing businesses and asked that the board act in a consistent manner by rejecting the application to protect existing businesses.

Gates questioned if the 50% occupancy rate is based on 365 days a year.

Mahan stated yes.

Gates asked for the occupancy rate on Fridays and Saturdays.

Mahan explained this is not included in the data.

Gates stated that most lodging establishments have very high occupancy rates on Fridays and Saturdays, April-December.

Mahan agreed that many establishments are full, but that data shows the occupancy continues to drop over time.

Darlene Farrey, 1974 N. Blackjack Rd., Galena, spoke in opposition to the application. She explained that she considers the development urban sprawl. She expressed concern about added traffic on Blackjack Road and creating a dangerous situation on the road, at the proposed access driveway, and at the intersection of Fourth Street and US 20.

Edward Shine, 1952 N. Blackjack Rd., Galena, spoke in opposition to the application. Shine explained that the bridge over Davis Creek on Blackjack Rd. is narrow and dangerous. He said that the proposed access for the development is steep and dangerous coming down to Blackjack Road. He referred to the development as a trailer camp on stilts. He also expressed concern about erosion from stormwater runoff. He said that the proposal violates the comprehensive plan, and will create a nuisance for the neighborhood. He said that the proposed development should be covered by the apparent moratorium on Air BNB licenses in the city.

Adam Johnson, 211 Fourth Street, Galena, spoke in opposition to the application. Johnson stated that the development is not in the contiguous growth area of the comprehensive plan and does not comply with the plan. Johnson stated that the zoning administrator is not being honest in his report to the zoning board by not stating that the development does not comply with the comprehensive plan. He said that the proposal is complicated and extremely dangerous. He said that a traffic study is needed up front. He stated that the there needs to be better discussion by the board than at the first hearing on the development. He also said that new development like The Parker should be built on the west end of the city on ground already zoned appropriately and served by infrastructure.

David Hanna, 1107 Fourth Street, Galena, spoke in opposition to the application. Hanna explained that he had something to show on the screen but was not allowed to do so. He asked what the applicant is requesting for zoning on the new parcel. Miller responded Planned Unit Development District with an underlying district of Limited Agricultural. Hanna questioned many aspects of the application, including but not limited to, the use of the former Rigdon house, the use of the maintenance building, whether the maintenance building would be served by sewer,

pesticide use at the vineyard, the zoning classification of wine production and associated buffer yards, and the appropriateness of an access road in the Limited Agricultural district. He stated concerns about light pollution, the public expense of maintaining water and sewer infrastructure, dangerous traffic patterns, and that the development is not in character with the area. He stated that there is not a cost/benefit analysis, no emergency services assessment, no information on the impact on the tax base, or information to prove community benefit.

Monahan stated that in his experience when there is a large investment in an area, the nearby property values increase. He asked for Hanna's opinion.

Hanna stated that during period of construction the values could decline but that we do not know what the values would be after construction.

Gates said that the developer paid a very inflated price for the property and questioned whether that would cause the nearby values to increase.

Hanna could not say for sure but said that what a developer pays is different than what regular people or residents pay for land.

Rosenthal stated that is fair to say that we cannot say what the value of nearby property will be after development.

Clark clarified that the realtor she spoke with is of the opinion that nearby property values will decline during construction of the development.

Monahan stated that he is living next to construction now and will be for three years and it is not and will not decrease his property value.

Rosenthal called for any rebuttal from the applicant to the opposition testimony.

Rebuttal from the Applicant

Lawrence stated that there will be no change in the number of units and that the vineyard use is permitted in the Agricultural district. She said that there are labor shortage issues nationally, but their company has successfully used strategies to find employees, including recruiting international students and providing housing.

Monahan asked how the existing residence and maintenance building would be used.
Jim Baranski stated that the existing residence is meant to be a caretaker residence and that the maintenance building location has changed because of the new entrance location. The maintenance building would be used for storage of maintenance equipment like mowers.

Monahan asked the reason for annexing the 18 acres to the City of Galena.
Lawrence explained that the change in the entrance location is the main reason to annex the property. She said that the after discussing with the City, the amendment to the PUD with a public hearing was determined to be the most appropriate process.

Reeter reminded the board that the applicant is not required to provide final design details or plans at this stage, but they will provide during final PUD approval processes. He also stated that the project will not increase stormwater discharge off the property or on neighboring properties. They will use best management practices to collect, treat and detain stormwater. Permitting is not required at this preliminary stage but will be completed in full during the final design phases.

Gates asked if the sewer main planned to run under the river would be similar to the existing sewer main running under the river from the east side of Galena. Reeter responded yes.

Monahan asked if the developer has thought about performing a traffic analysis. Baranski responded that there is no formal requirement for a traffic study but that the developer would perform a traffic study if requested by the city. He said the next phase of the development would be a logical time to perform the study. He stated that the zoning board and city council had previous discussions about the traffic and parking topics. He also said that the heaviest traffic from the development would not correspond with the traffic from the winter season at Chestnut and that the traffic from the former location of Fried Green Tomatoes is no longer on Blackjack Road.

Beth Baranski referred to her earlier comments about how the proposal complies with the comprehensive plan, described the comprehensive planning process ,and read from the plan where it explains that the plan is a flexible document. She explained that she believes in the comprehensive planning process and stated that she was the development director when the first plan was adopted, had a community development planning firm that worked with the city and county in the comprehensive planning processes. She explained how changes in the character of the area of the development, including public facilities, are directly pertinent to the development of the property. On water issues, she explained that she has been very involved in watershed planning in the county. The development plans to employ scientist designed best practices for our area and that the stormwater plan will protect the neighboring properties. The designs will be included in the final plans.

Monahan asked if any part of the already approved development in the contiguous growth area. Beth Baranski responded that it is immediately adjacent to the contiguous growth area and that the boundaries are not prescriptive.

Monahan asked if the development could help the runoff situation. Beth Baranski responded that the area is currently untended as it relates to stormwater. The development plans to manage all rainfall and runoff.

Rosenthal called for rebuttal to the applicant.
Clark stated the entire PUD is on trial and affected by the application. She stated that experiences in other labor markets are not relevant, that city rules apply to the vineyards, and that the private residence and maintenance building uses must be defined. She said that the applicant must show community benefit and they have not. She explained that the complexity of the infrastructure makes it inefficient for the city. She also stated that opinions do not make up for an actual traffic study and said there are not good solutions for the Fourth Street and US 20 intersection. She said that the presence of the wastewater plant is not a change of character of the area, that the applicant must show that the development complies with stormwater codes and that the property is not in the contiguous growth area.

Boho stated that there has been a failure to address the intersection of Fourth Street and US 20. He explained that the intersection should be advertised as a dangerous intersection and public education should be provided. He said that it is the oath of the city council and zoning board to address safety. He asked the board to address the safety of the intersection.

Rosenthal asked for a motion to close the public hearing as there was no additional testimony.

Motion: Gates moved, seconded by Monahan, to Close the Public Hearing

Motion carried

Motion: Gates moved, seconded by Laity to make a favorable/positive recommendation to the city council to approve the proposed amendment to the Planned Unit Development Plan to add the additional 18.24 acres.

Discussion: Nack advised that he plans to read the seven approval criteria from Chapter 154.920 (C) for zoning code amendments and rezonings. He asked each board member to take into consideration the amendment on the 18 acres and the entire PUD. He explained that he planned to call on each board member to respond to each criteria.

Each board member responded to each of the seven criteria as follows:

Nack read the first criteria: Whether the existing text or zoning designation was in error at the time of adoption.

Laity responded that he does not believe there was an error at time of adoption.

Gates responded that he agrees that there was not an error at time of adoption. He stated that there are constant review and changes. There is no set rule.

Monahan responded that he concurs with his counterparts that the 18.24 acres is correct and belongs in with the already approved PUD.

Jansen responded that he feels the same. The existing text and zoning map was not in error at time of adoption

Rosenthal stated that there was no error at adoption of the zoning ordinance.

Nack read the second criteria: Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;

Gates responded that he believes there have been some changes. Maybe not on Blackjack, but the new sewer treatment plant to west of project and new development on the east side such as the Irish Cottage and the new planned hotel.

Monahan responded that he concurs with Gates. He believes the character changed with the addition of the wastewater plant that is at less than 50% capacity.

Jansen responded that he also concurs. He stated there have been changes on Blackjack I think about the Old Poor Farm being torn down. This has reduced traffic on Blackjack. This is an example of a change.

Laity responded that he concurs with the other board members for all the same reasons already stated.

Rosenthal responded that there have been changes in the public facilities as well as with the approval of the PUD.

Nack read the third criteria: Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances.

Monahan responded that the development could positively affect stormwater runoff.

Jansen responded that he feels the same as Monahan. There will probably be times when storms impact the roadway. Traffic will be a factor that we may not be able to change.

Laity responded by agreeing with the others and said the water runoff problem is resolved. We may have to look at reducing speeds on Blackjack further out.

Gates responded that the water runoff plan is an improvement. The 18.24 acres is helpful to the development. They are able to spread cottages out and reduced the amount of pavement to reduce runoff and will have less tree cutting. The application improves upon the original PUD that was approved by the city council.

Rosenthal responded that he agrees that the additional 18 acres helps with the current runoff that has not been addressed in 50 years. Environmental impact will be taken care of in planning. Noise pollution is an unknown until it happens. It is unknown if property values will go down. People have had complaints about proposals that never happened. No one ever came back to us with complaints. He stated that when he was on the city council Walmart was supposed to be end of Galena and it was not.

Nack read the fourth criteria: Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines;

Jansen responded that he thinks all of that is true. He said he thinks that we have statements here by the zoning administrator that staff reviewed the proposed amendment as it complies with 154.920 C-1-7 saying it is meeting the requirements.

Laity responded that he totally agrees with what was just stated. He had nothing more to add.

Gates responded that he also agrees and stated that we will review the final plan for each phase.

Monahan responded that he concurs and that each phase need the required permits and separate approvals at all levels.

Rosenthal responded that the proposal follows the comprehensive plan. The plan does not stop development on the east side of Galena. Nothing is set in stone. It is a guidebook.

Nack read the fifth criteria: Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone;

Laity responded that he believes we have the adequate facilities but that they may need to be improved a little with the addition.

Gates responded that the sewer plant has excess capacity. There has been a concern expressed that we will need to maintain the infrastructure but some infrastructure from the 1800's is just being replaced now.

Monahan responded that he concurs that water and sewer plant has the excess capacity. He said he cannot concur on the fire, police, EMS topic as he has not heard enough on this to concur.

Jansen responded that he concurs with what has been said. He believes the emergency services have adequate emergency services and trusts that will continue.

Rosenthal responded that we have adequate public facilities and the development will put in the new facilities per code. Believes that the fire chief, police chief or EMS would have come forward to say that they do not have the adequate people or equipment to respond. They have not come forward so he believes it will work.

Nack read the sixth criteria: Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or

Gates responded that he believes there is adequate land and that the 18.24 acres was acquired by the developer to address the concerns from the community. He also said the he believed the applicant could purchase more land if he needed, showing there is an adequate supply.

Jansen responded that he concurs.

Laity responded that he also concurs.

Rosenthal responded that he agrees with Gates. He does not think there is an issue. With the additional 18 plus acres, this has addressed some of the neighbor's issues, maybe not all but some.

Monahan responded that he views the purchase of the 18.24 acres as a gesture of goodwill to address the issues of neighbors and improve the overall green space.

Nack read the seventh criteria: Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning.

Monahan responded that he believes in free enterprise, and as a businessman, he believes this will be good for the community. He understands that change is hard. He believes there is the potential for jobs, this is something new, and that the project will be an attraction that will draw. He has viewed other projects of the developer and they are very tasteful. He believes this will be a tasteful project.

Jansen responded that he concurs. He stated that 50% occupancy could grow as a result of the project and expand the tax base.

Laity responded that he concurs. He stated that the project will be a windfall for Galena with new jobs and tax base.

Gates responded that he agrees. He believes that we are a weekend destination, and that weekend occupancy is very good. As the owner of a vacation rental he is not concerned about competition from the project. He does not believe the project will take business away from existing Galena businesses.

Rosenthal responded that the proposed amendment has benefits. The new driveway location is safer. He stated the tax benefits of tax dollars and such are unknown. He stated that everything that has happened here in the 61 years I he has been here has been a benefit to the town and will continue for another 61 years and longer after he is gone.

Attorney Nack asked board if the project as a whole has benefits greater than negatives or are the negatives greater than the benefits.

Jansen responded that he feels there are more positives than negatives and that over time we will see the benefits.

Gates responded that he thinks this is positive. Tourism wants new places and experiences to keep people coming.

Monahan responded that he concurs that the positives definitely outweigh the negatives. The willingness of the development company to restore the landmark Marine Hospital is phenomenal. He appreciated the fact that they are wiling to purchase more space, more greenspace, help with the runoff, and create prairies. He stated the project will help with the tax base. We must continue to do new things as a tourist community and must change to grow and prosper.

Laity responded that he see more positives over negatives. He does want the traffic looked at.

Rosenthal responded that the project is good and that it will grow tourism. He stated that we are a tourism town and that is what people want here. That is what brought many people here to buy homes. He believes the project is a benefit.

Gates commented that he would also like the city council to work with IDOT to explore solutions for the Fourth Street and US intersection.

Roll Call: AYES: Gates, Monahan, Jansen, Laity, Rosenthal
NAYS: None
ABSENT: Nybo
RECUSED: Baranski

The motion carried.

22Z-2005 – PUBLIC COMMENTS

Jim Boho,1477 S. Rocky Hill Rd, stated that the board violated their public duty when refusing to address the State of Illinois identified traffic issues of Highway 20 and Fourth Street as a IDOT Class A Critical Intersection.

22Z-2006 – ADJOURNMENT

Motion: Monahan moved, seconded by Gates to adjourn.

Discussion: None.

Roll Call: AYES: Laity, Gates, Monahan, Jansen, Rosenthal
NAYS: None
ABSENT: Nybo
RECUSED: Baranski

The motion carried.

The meeting adjourned at 11:20 p.m.

Respectfully submitted,

Sue Simmons
Zoning Secretary

CITY OF GALENA, ILLINOIS

101 Green Street · P.O. Box 310 · Galena, Illinois 61036

MEMORANDUM

TO: The Zoning Board of Appeals

FROM: Jonathan Miller, Zoning Administrator

DATE: October 6, 2022

RE: Cal. No. 22PDA-02, Owner and Applicant: True North Quality Homes, LLC, 2100 Enterprise Ave., Geneva, IL 60134. Location: Parcels: 06-500-296-00, FRAC. S24 T28N R1W E PT SE Marine Hospital; 06-100-101-03, T28N R1E PT SW IN FRAC. SEC. 20 PT SE IN SEC. 24; 06-000-101-00, FRAC. S20 T28N R1E PT S ½; 06-500-294-00, T28N R1W PT SE IN SEC. 24 PT S ½ IN FRAC. SEC. 20 lying E of Park Avenue; 06-500-294-03, S24 T28N R1W PT SE lying W of Park Avenue; & 06-000-103-00, FRAC. S20 T28N R1E PT E ½ SE. Common Addresses, 1304 Park Avenue, 2190 N. Blackjack Road, 1308 Fourth Street, and 1962 N. Blackjack Road, Galena, IL 61036. Request for an amendment to a Planned Unit Development Plan to add an additional 18.24 acres upon annexation into the corporate boundaries of the City of Galena.

Summary:

The owner and applicant, True North Quality Homes, LLC is requesting an amendment to the previously approved Preliminary PUD Plan, 22PD-01. The owner and applicant have purchased an additional 18.24-acre parcel immediately adjacent and to the East of the previously approved Preliminary PUD known as The Parker. The owner and applicant are petitioning to annex the recently purchased acreage and propose to add this additional 18.24 acres to the approved Preliminary PUD.

As part of the proposed amendment request, the owner and applicant are proposing to relocate the resort entrance from what was approved as part of 22PD-01 to the newly acquired 18.24 acres. The proposed new entrance will take advantage of an already existing driveway that enters the newly acquired acreage from Blackjack Rd. The owner and applicant are also proposing that the 18.24 acres, if annexed, would remain zoned as the default Limited Agriculture (LA) zoning classification. The 18.24 acres are currently zoned as General Agriculture within JoDaviess County. The proposed plan for the new acreage includes additional vineyards, prairies, and storm water control measures with no additional structures.

Outside of the proposed additional 18.24 acres and within the previously approved Preliminary PUD, the PUD amendment also includes modified roadway layouts, increased walking trails, relocation of some cottages (without changing the total number of cottages), expansion of the vineyard, removal of the previously proposed detention pond near Blackjack Rd. using innovative bio-swales and rain gardens, and redefined phasing of the project. Along with the proposed amendments to the entire site, the owner and applicant are also asking that free standing signs be allowed by right in the proposed 18.24 acres zoned LA. Free standing signs are currently allowed only by Special Use Permit in LA zoned districts. Any signs within the proposed LA acreage would be required to meet the standards of the City of Galena Signage Ordinance.

The owner and applicant are asking for the allowable free standing sign by right in LA to be able to include a monument style sign at the entrance to The Parker.

Based on the afforded opportunities provided by the added 18.24 acres, the owner and applicant are proposing a change to the approved phasing of 22PD-01. Final Phase 1A has been previously approved to plant the originally proposed vineyard. Phase 1B will now include the rehabilitation of the Marine Hospital, 28 guest cottages near the Phase 1A vineyard, winery, 1B walking trails, the new access off Blackjack Rd., and all associated parking. Phase 2 will include an additional 48 guest cottages, Phase 2 roadways, and associated parking. Phase 3 will include the Main Building (which includes the restaurant, pool and spa, event center, and 20 guest rooms), four acres of gardens, a wedding gazebo, café building, 18 additional guest cottages, extension of the walking trails, expansion of the existing maintenance building, Phase 3 roadways, and associated parking. Phase 4 will include the remaining 26 guest cottages, Phase 4 roadways, expanded walking trails, and associated parking.

With the proposed expansion of the Preliminary PUD Plan by 18.24 acres, the project's measured intensity will decrease due to the number of buildings in the area remaining the same. If approved, the total number of acres in the PUD will be increased from 78.79 to 97.03. The increase in the acreage will increase the project's open space. This will further improve the overall site stormwater management opportunities. The additional acreage to the site will reduce the Floor Area Ratio (FAR) from <10% to less than <5%. In addition, the proposed amendment will increase the resort's recreational trails by one mile and decrease the paved roadway/parking surfaces by 28,084 square feet.

The project and proposed amendment were designed in a manner to reduce the amount of tree clearing, slope disturbance, and will protect the natural resources on the site at a higher percentage than the minimum standards of the City of Galena Code of Ordinances. The Parker will have minimal development on any of its steep slopes. The total protected area within slopes of 20%-30% is 92.81%, which is 22.81% above what is required by ordinance. The total protected area within the slopes over 30% is 91.38%, which is 11.38% above what is required by ordinance. 71.12% of existing trees over 8" diameter will be protected, and 100% of wetlands and ponds are protected. While the bufferyard standards of the City of Galena Code of Ordinance are not required around the boundaries of the project, the Parker will more than adequately provide buffers between themselves and the surrounding residential properties. They will provide anywhere from 80-350 feet of bufferyard between themselves and residences, which include significant changes in elevation, lots of tree cover, and natural shrubbery.

The proposed site and newly acquired acreage are directly adjacent to one of the City of Galena Contiguous Growth Areas and partially located within, and directly adjacent to, the proposed annexations of the City of Galena Comprehensive Plan. The project is located next to, and will take access from, a Major Collector Street as defined by the City of Galena Comprehensive Plan. Since the creation of the City of Galena Comprehensive Plan, new public facilities and amenities have been constructed in the area of The Parker development.

The project will provide adequate access to emergency services allowing for access from the primary entrance from Blackjack Rd. Secondary emergency access may be taken from Fourth St. The City of Galena Fire Department and City of Galena Police Department reviewed the proposed plan and made no comment of concern for the proposed development and amendment to the previously approved Preliminary PUD Plan. The owner and applicant will work directly with the Galena Fire Department and Police to assure adequate road widths and turn radiuses. Sewer is proposed to be gravity fed, which is preferred, and will connect to the City of Galena sanitary sewer system, adequately sized for a development of this nature. All final plans for water and sewer will be designed by a professional engineer and reviewed by the City of Galena Engineer to assure proper design and installation.

A narrative and exhibit appendix including maps has been submitted and included to help describe the scope of the project for your understanding. As a reminder, the Preliminary PUD Plan, 22PD-01, and Final Phase 1A, 22PD-02, were officially approved on May 23, 2022. Final PUD Phase 1A was approved to plant the originally proposed vineyard on the 78.79-acre site.

The ZBA shall conduct the public hearing on the PUD Amendment request. The Preliminary PUD may be amended through the rezoning process. The ZBA shall make recommendation to the City Council on this request for final action.

Staff reviewed the proposed amendment and recommends approval as the complies with the criteria in section 154.920(C)(1-7) of the City of Galena Code of Ordinances.

Approval Criteria & Recommendation for Map Amendment:

In order to maintain internal consistency within this code and on the zoning map, proposed amendments to the text and zoning map must be consistent with the purposes stated herein.

In determining whether the proposed amendment shall be approved, the following factors shall be considered:

1. Whether the existing text or zoning designation was in error at the time of adoption;

2. Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;

3. Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances;

4. Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines;

5. Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone;

6. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or

7. Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning.

Cal. No. 22PDA-02

The Zoning Board of Appeals can recommend to the City Council, in the form of a motion, approval or denial of requests for PUD plan/map amendments. If the Board would like to recommend approval of the requests, motions to approve which include pertinent facts in the cases and reasons for the recommendations should be entertained. The recommendations will then be forwarded to the City Council for final action.

(1) When the Zoning Board of Appeals or City Council deems it necessary or expedient, additional property in the zoning district may be considered for a zoning change provided that this additional property is also addressed in the public hearing notice, in accordance with § 154.919(F).

(2) In the event of a written protest against a proposed amendment signed and acknowledged by the owners of 20% of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or across the alley or rear line therefrom or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district and field with the City Clerk, such amendment shall not be passed except by the favorable vote of two-thirds of all of the selected members of the City Council

True North Quality Homes, LLC Approved Preliminary Plan Amendment Request

On February 28, 2022, True North Quality Homes, LLC ("True North") received preliminary plan approval for a Planned Commercial District PUD for the development of a 78.79-acre resort, "The Parker," (hereinafter referred to as the "Approved Preliminary PUD Plan").

This submittal (serving as the written report required by §154.301(F)(2)(d)(9) seeks approval for an amendment to the Approved Preliminary PUD Plan in accordance with §154.923(F)(1)(a). Specifically, under the current county zoning, the 18.24-acre proposed addition is zoned "General Agriculture." If annexed, it will come in to the city with a default zoning designation of "Limited Agricultural." The proposed amendment does not include a request to change that default zoning designation for the 18.24-acre parcel. This will result in dual zoning in the PUD ("Planned Commercial" and "Limited Agricultural"). Therefore, in consultation and with the advice of the city, we are submitting this amendment to the Approved Preliminary PUD Plan.

In addition to laying out the scope, this submittal documents that the proposed amendment meets the seven approval criteria listed under §154.920(C).

With the exception of the changes in the proposed amendment, the particulars of the Approved Preliminary PUD Plan remain in place. The city has confirmed that if the amendment is not approved, the original Approved Preliminary PUD Plan will remain in force.

As with the Approved Preliminary PUD Plan, the overall project objectives remain to:

1. rehabilitate the Marine Hospital (incorporating lodging, a coffee bar/lounge, and exhibit space),
2. develop a new Main Building with lodging/restaurant/event/pool/spa amenities,
3. develop a new Café Building,
4. construct strategically-located rental cottages throughout the property,
5. create a vineyard and winery, extensive gardens, and walking paths.

The proposed amendment includes the following changes:

1. Adding 18.24 acres to the Preliminary PUD with a "Limited Agricultural" underlying zoning designation.

2. Relocating the resort entrance to the 18.24-acre addition utilizing the existing lane,

3. Modifying the roadway layouts, resulting in a reduction in overall paved area,

4. Increasing the amount of resort walking trails,

5. Expanding the vineyards,

6. Decreasing the project's intensity/density since the total number of buildings and total building area remains the same. Some cottages will be relocated without changing the total number of cottages.

7. Redefining the phasing plan based on the opportunities afforded by the 18.24-acre addition.

8. Removal of the proposed detention pond along Blackjack Road by using innovative stormwater strategies such as bio-swales and rain gardens.



Exhibit A - CHANGES TO APPROVED PRELIMINARY PUD PLAN: The amended PUD Plan highlighting the roadway and areas proposed for removal (in red) and the 18.24-acre addition with the new entry lane and the new walking trails (shown in purple). This exhibit also portrays the refinements made to the roadway and trail layouts and the redistribution of the cottages.

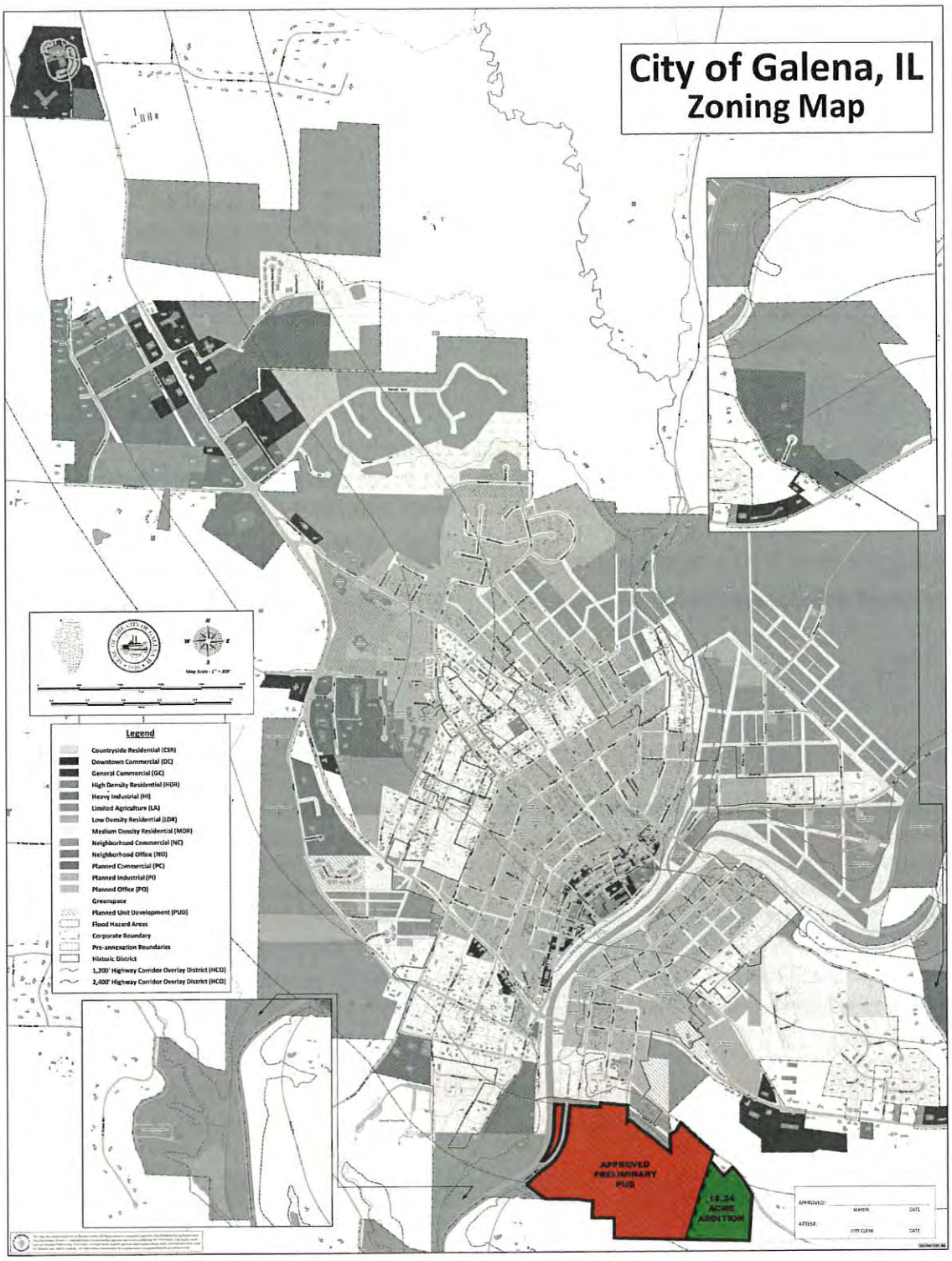


Exhibit B - ADDITIONAL ACREAGE: The proposed 18.24-acre addition location relative to the Approved Preliminary PUD Plan area

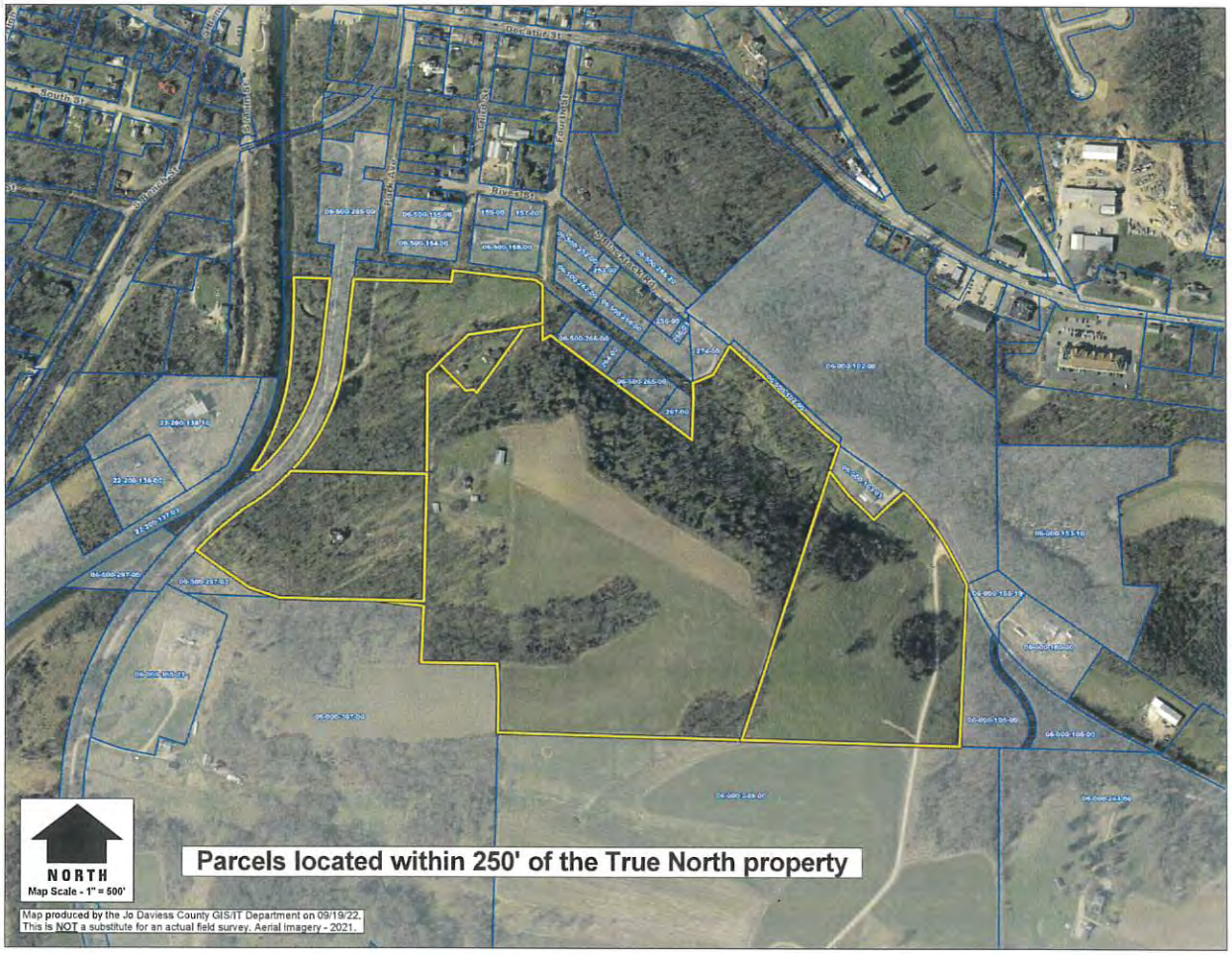


Exhibit C - PROJECT PARCEL MAP

Approved Preliminary PUD	5 Parcels	78.79-acre	City (PUD, Planned Commercial)
Vincent Addition	Parcel #06-000-103-00	18.24-acre	County (Limited Ag)

The original five parcels included in the Approved Preliminary PUD Plan totaling 78.79-acres have been annexed into the City and rezoned as a PUD with an underlying Planned Commercial zoning district and will be consolidated into one parcel. True North has subsequently purchased an 18.24-acre portion of the Vincent farm now defined as Parcel #06-000-103-00. This parcel is located just outside the city limits. If annexed, this parcel would default to "Limited Agricultural" and will remain as the underlying zoning district designation for the 18.24 portion of the PUD. If the amendment is approved, the PUD will be a total of 97.03 acres.

The Galena Zoning Ordinance emphasizes that the Limited Agricultural designation is designed to protect agricultural uses ("Flood Protected Prime Farmland" exists only in the property's unbuildable floodplain) and to restrict development until urban services can be provided. The project will not be built on prime farmland and will be on city water and sewer.

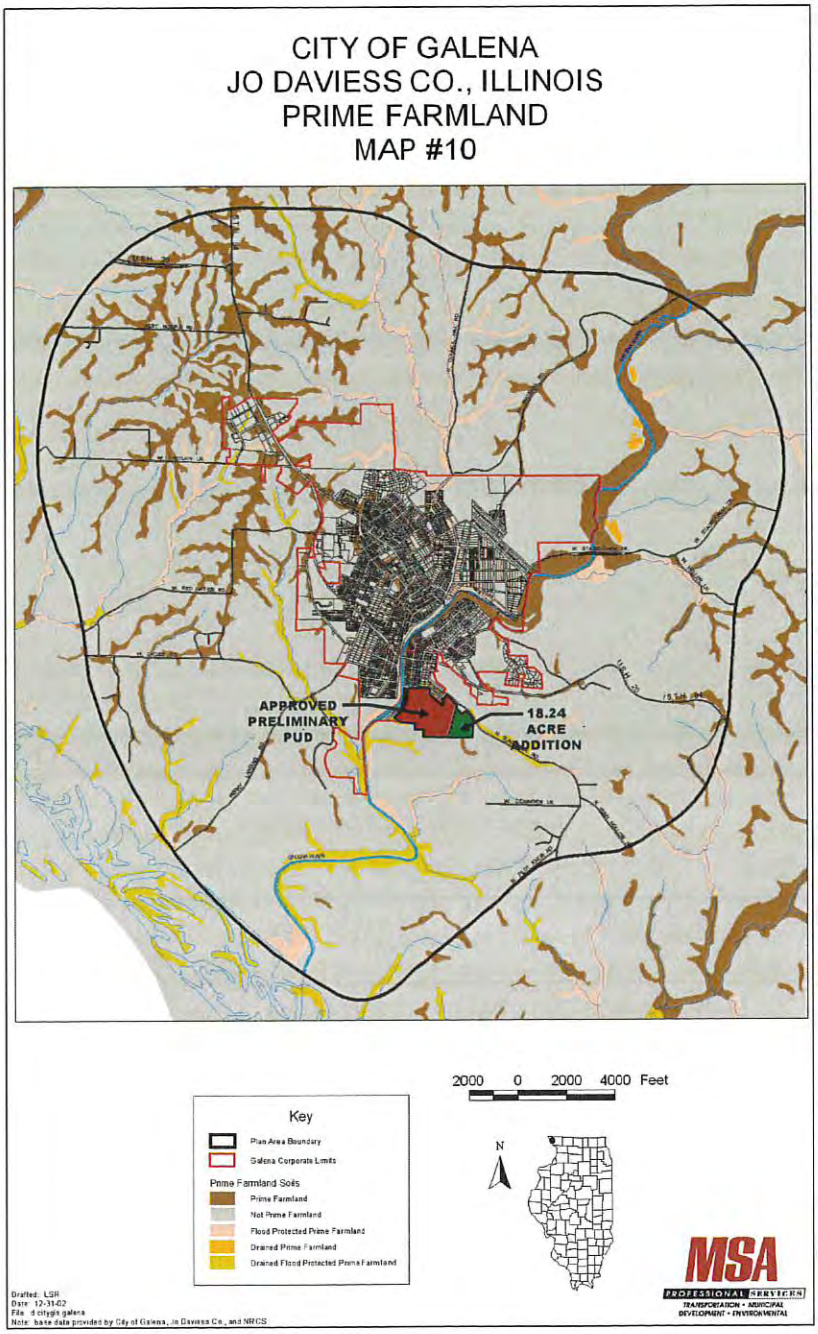


Exhibit D - PRIME FARMLAND MAP: The proposed 18.24-acre addition location relative to the Approved Preliminary PUD Plan area and Prime Farmland Map, Galena Comprehensive Plan

Preliminary Development Plan Review Criteria

The Galena Zoning Ordinance lays out the review criteria for preliminary development plan applications, requiring conformance with the items below:

1) **The Comprehensive Plan, Major Street Plan and other adopted plans and policies**
§154.923(C)(2)(a), §154.923(B)(2)(a), §154.923(B)(2)(b), §154.923(B)(2)(d), §154.914 (C)(1), §154.914 (C)(2), and §154.920(C)(4)
As with the Approved Preliminary PUD Plan, the proposed amendment complies with the Comprehensive Plan. The Galena Comprehensive plan goal to protect and preserve the natural beauty in and around the City of Galena specifies this objective: "While continuing to use the natural beauty of the region to attract tourists, ensure that development is consistent with the premise of protecting the environment" (pdf Page 126 at http://www.cityofgalena.org, 1/16/2022).

In addition to building on the growing market for upscale visitor lodging and the outdoor recreational amenities (such as the Galena River Trail) promoted by the community, restoration of the Marine Hospital, and a destination supported by city water and sewer, the proposed amendment specifically:

A. Both increases the project's percentage of open space and further improves stormwater management opportunities,

B. Reduces the Floor Area Ratio (FAR) from less than 10% down to less than 5% (3.6%),

C. Decreases the paved roadway and parking surface area by 32,554 sq. ft.,

D. Increases the length of the resort trails from 1.5 miles to 2.5 miles, and

E. Expands the vineyard area from 6 acres to 11 acres.

The resort fits well into the vision for Galena as laid out in the Comprehensive Plan, particularly as it relates to the local economy, growth, and the physical environment:

> *"Local Economy"*
> *The City of Galena will strive to diversify its local economy and improve the business environment for tourism by retaining existing businesses, actively attracting clean new businesses with good paying jobs, promoting its quality experience and heritage, including the Galena and Mississippi Rivers, and collaborating with Dubuque and other area destinations.*
>
> *"Growth"*
> *The City of Galena will strive to preserve its small town image by managing physical growth with sound planning and zoning that emphasizes the preservation of the historic district, in-fill development and the efficient and*

attractive development of new land. The city will be proactive in annexing land to achieve its vision.

"Physical Environment"
The City of Galena will strive to be a beautiful place to live and visit by adhering to a high standard of cleanliness, maintaining high quality air, water and soil, protecting our historical and architectural character and protecting and enhancing our natural resources.

The location of the new parcel included in the proposed amendment is not within the Galena Historic District. A small portion of the property falls within 1,200 feet of the Centerline of Highway 20 for which the regulations in the Design Manual for the Highway 20 Corridor Overlay District apply. The bulk of the PUD area falls in the area between 1,200 and 2,400 feet of the Centerline of Highway 20 within which the only guidance is that faux material siding, unfinished exposed concrete, metal and concrete panels, and large scale metal siding are discouraged as wall materials. The project will comply with all requirements pertaining to the Highway 20 Corridor overlay (per §154.922), and a Non-Administrative Highway 20 Development permit will be obtained as required.

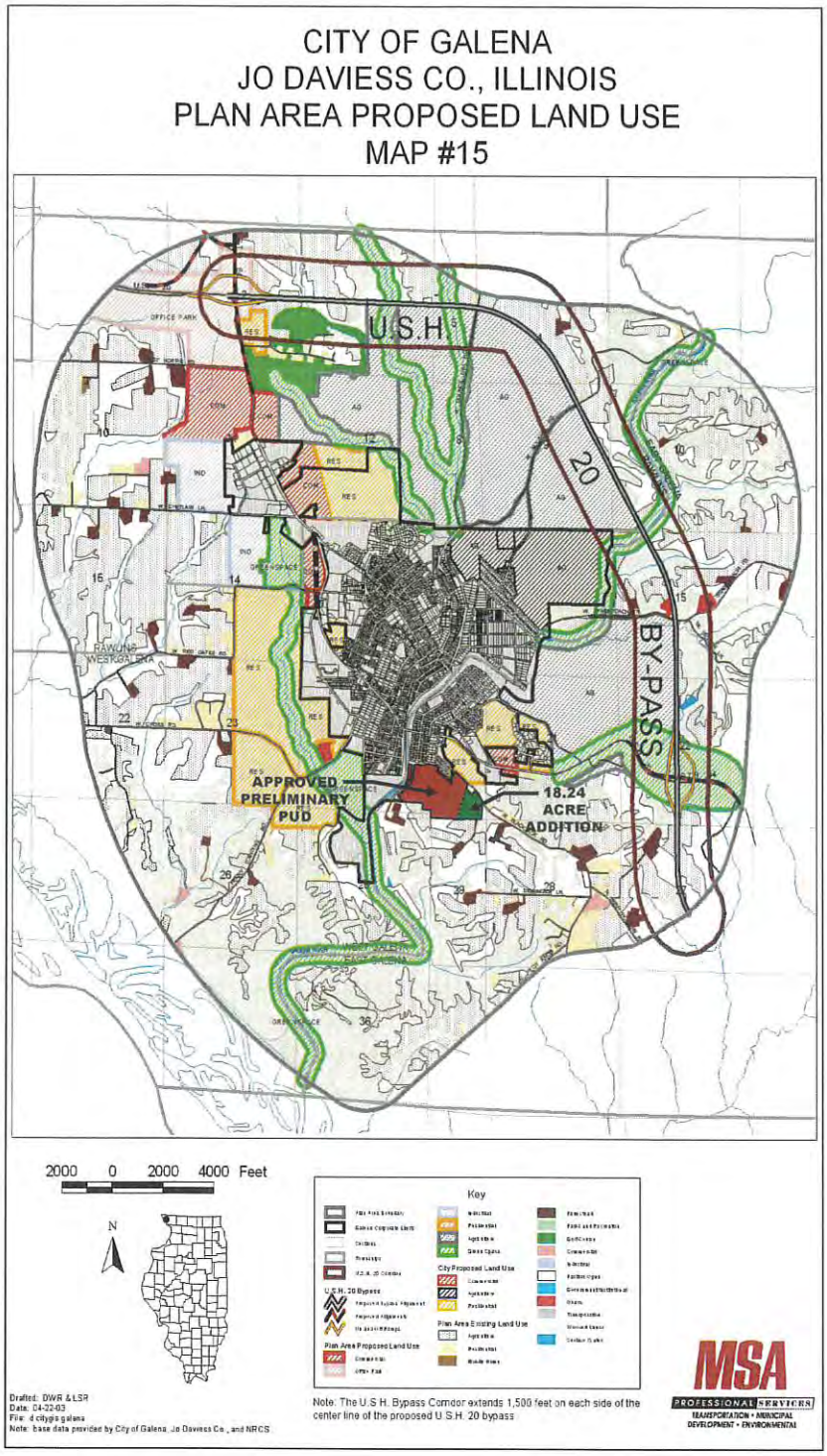


Exhibit E - LOCATION MAP - §154.301(F)(2)(d)(1): The proposed 18.24-acre addition location relative to the Approved Preliminary PUD Plan area, in the context of the Galena Zoning Map and Comprehensive Plan Proposed Land Use

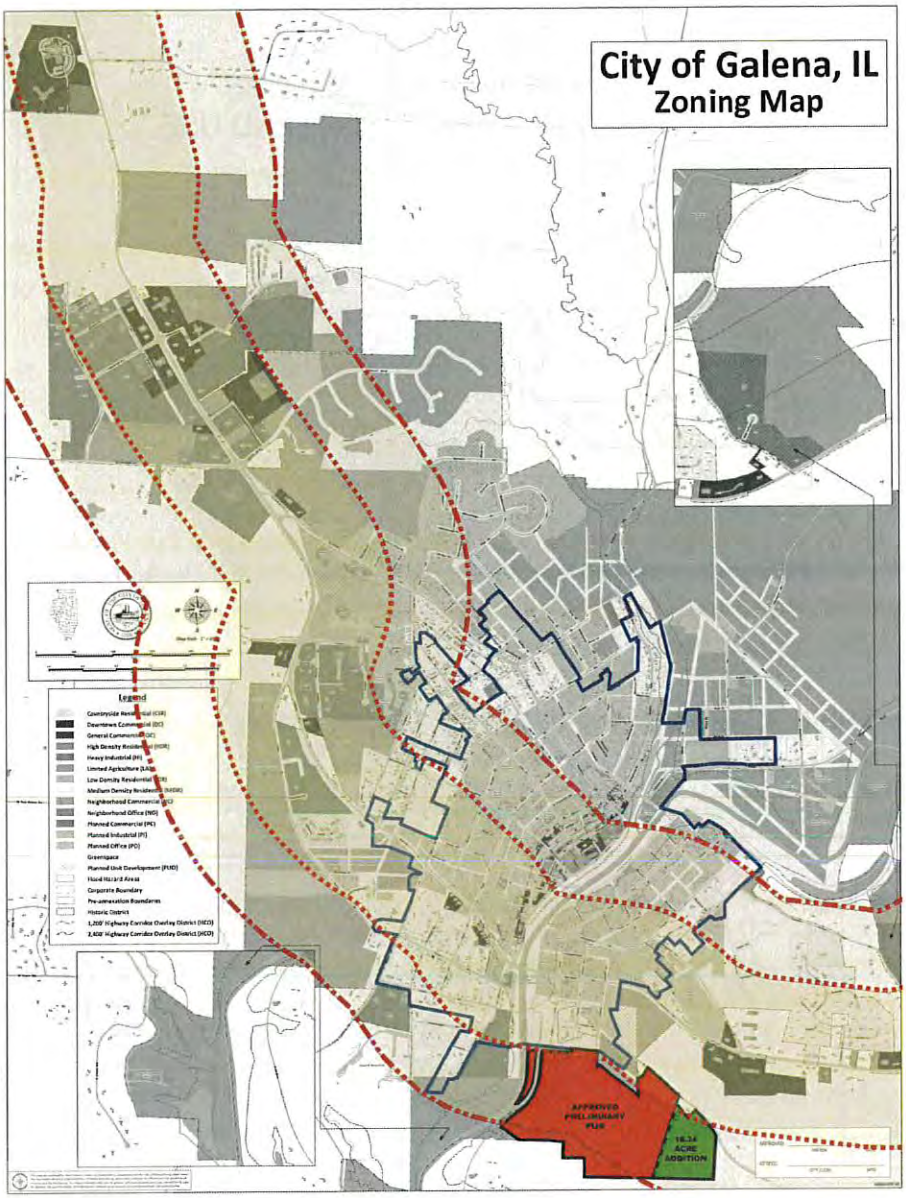


Exhibit F - HISTORIC DISTRICT & HIGHWAY 20 OVERLAY: The proposed 18.24-acre addition location relative to the Approved Preliminary PUD Plan area, the Galena Historic District, and Highway 20 Overlay

2) Whether the existing text or zoning designation was in error at the time of adoption

§154.923(B)(2)(b) and §154.920(C)(1)

This criteria does not apply as the zoning designations were appropriate at the time of adoption. The Approved Preliminary PUD Plan has an underlying Planned Commercial zoning district. The 18.24-acre addition is currently in the county in the General Agriculture District, and upon annexation would default to the city's Limited Agricultural zoning district. The Limited Agricultural designation will remain.

3) Whether there has been a change of character in the area

§154.923(B)(2)(b) and §154.920(C)(2)

There have been changes in the character of the area. The planned construction of the new sewage treatment plant was mentioned in the background information portion of the comprehensive plan, but the development impacts and opportunities were not discussed. The new plant was designed and built with excess capacity to provide for growth. The new location of the treatment plant, to the south of the City changed the sewage treatment plant area that can be easily served, making the project property readily serviceable. Recreation and park-like amenities have also been added in the area. The development of the Galena River Trail is a significant recreational amenity which can be directly accessed from the PUD. Gateway Park and Horseshoe Mound have been developed in the area. The project is consistent with with the current character of the area.

4) Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district

§154.923(B)(2)(b) and §154.920(C)(3)

The proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district. In the proposed amendment, the 18.24-acre parcel will be brought into the PUD, but will maintain the "Limited Agricultural" underlying zoning designation resulting when the parcel is annexed into the city. The proposed amendment is compatible with the surrounding area because the changes increase open space, reduce total paved area, and reduce the project Floor Area Ratio (FAR). Furthermore, the added acreage is consistent with the rural and agricultural nature of the area.

5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone

§154.923(B)(2)(b), §154.920(C)(5), and §154.923(B)(2)(e)

There are public facilities and services available in the area to serve the project. The Parker will be served by city water & sewer. Both the sewer and the water storage systems have excess capacity and can serve the project needs. All utilities will be placed underground. The project will also have access to city police and fire protection and EMS services.

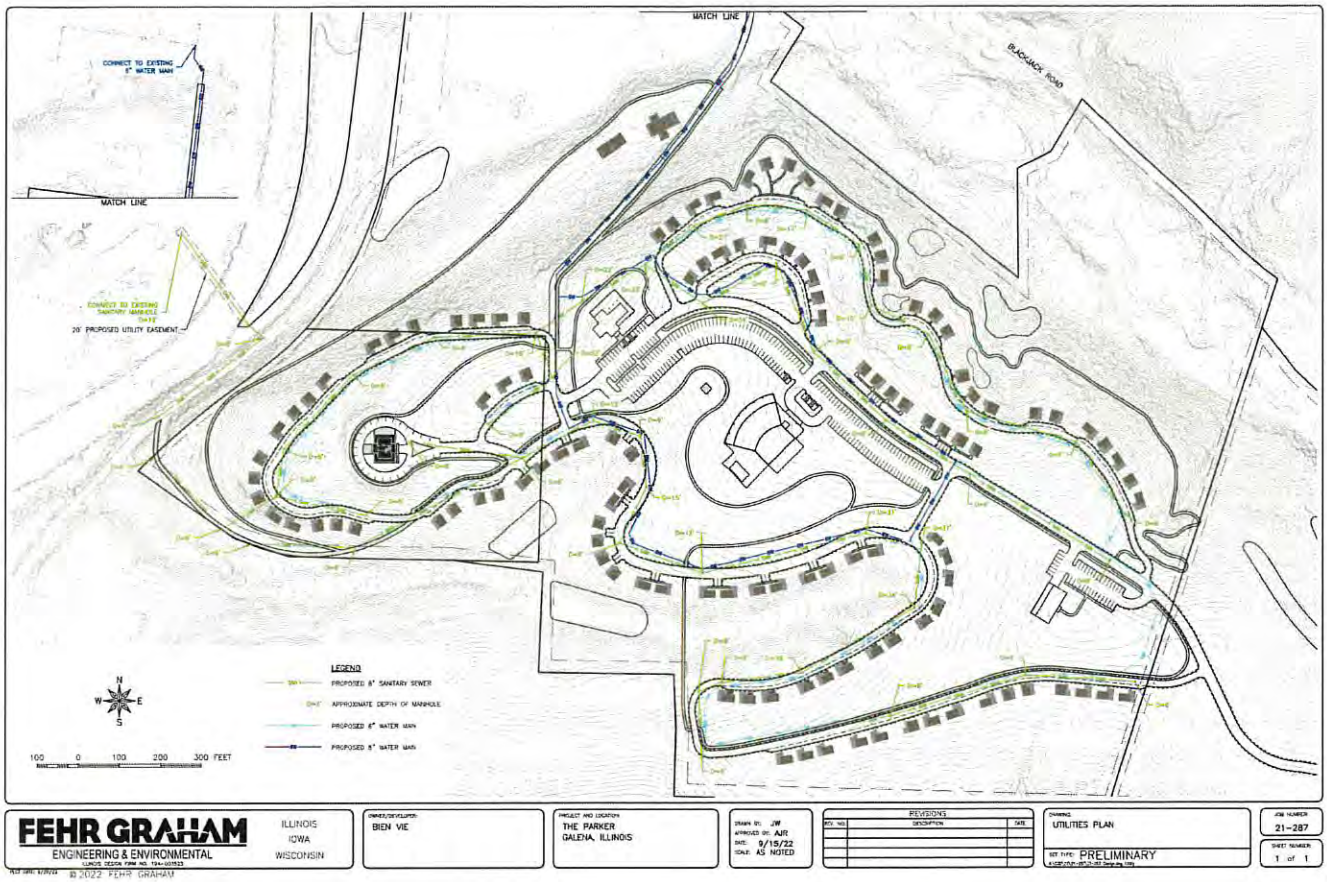


Exhibit G - UTILITIES MAP - §154.301(F)(2)(d)(2) and §154.301(F)(2)(d)(4): General locations of proposed public utility connections and anticipated upgrades to public utilities to serve the planned development. This map also includes utility easements

6) **Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs**

§154.920(C)(6)

There is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs. Both the existing 78.79 approved Preliminary PUD area and the proposed 18.24 acre addition are adequate to accommodate the zoning and community needs.

7) **Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning**

§154.920(C)(7)

There is a need in the community for the proposal. The approved Preliminary PUD and the proposed amendment will increase the tax base, and will build upon the growing market for upscale visitor lodging and the outdoor recreational amenities (such as the Galena River Trail) promoted by the community. This will be accomplished through the restoration of the landmark Marine Hospital, increasing the walking trail length (by one mile) and providing a destination resort. The additional 18.24-acre parcel allows for an increased percentage of open space from 80% to 84% which increases opportunities for innovative infiltration and stormwater management practices, a reduction in paved areas by 28,084 sq. ft., a reduced tree removal for the entire project, and a Floor Area Ratio reduced to 3.6%.

8) Support for long-term community benefits

§154.923(B)(2)(c), §154.923(A), and §154.301(A)

If approved, the amendment to the Approved Preliminary PUD Plan will provide long-term community benefits including but not limited to the following:

- *More efficient infrastructure - A greater quality and quantity of open space - Protection and/ or preservation of natural resources*: The additional 18.24 acres in the amendment has Blackjack Road frontage and an existing lane that, with improvements, will serve as the resort entry. This entry will require less tree removal than the entry road currently in the Approved Preliminary PUD Plan.

- *More efficient infrastructure - A greater quality and quantity of open space - Protection and/ or preservation of natural resources*: The additional 18.24 acres combined with the ability to change the roadway layout result in an increase in open space (as defined in the ordinance: "Any undeveloped or underdeveloped green space which serves a beneficial purpose by remaining in this state, whether it be for recreation, erosion control or aesthetics"). The 80% open space of the Approved Preliminary PUD Plan is increased to 84% with approval of the amendment.

- *More efficient infrastructure - A greater quality and quantity of open space - Protection and/ or preservation of natural resources*: The addition of 18.24 acres while not increasing the number or size of buildings results in a reduction in the Floor Area Ratio (FAR), defined in the Galena zoning ordinance as "The floor area of the building or buildings on that zoning lot divided by the area of such zoning lot, or planned developments, by the net site area…." The FAR in the Approved Preliminary PUD Plan of less than 10% is reduced to an FAR of less than 5% (3.6%) by the proposed amendment.

- *More efficient infrastructure - A greater quality and quantity of open space - Protection and/ or preservation of natural resources*: Changes to the roadway layout, including removal of the lower cottage loop below the Marine Hospital, result in a 32,554 sq. ft. reduction in total roadway and parking areas.

- *Other recreational amenities*: The 1.5 miles of walking trails in the Approved Preliminary PUD Plan would be increased by one mile for a total of 2.5 miles of resort walking trails.

- *A greater quality and quantity of open space* - The 6 acres of vineyards in the Approved Preliminary PUD Plan would be increased by 5 acres for a total 11-acre resort vineyard.

- *More efficient infrastructure - A greater quality and quantity of open space - Protection and/ or preservation of natural resources*: Cottages located on the loop road below the Marine Hospital (removed in the amendment) are relocated along other roadways in the resort, increasing the distance between cottages and existing neighboring residences and requiring less tree removal than currently the case in the Approved Preliminary PUD Plan.

9) Default standards for Planned Commercial & Limited Agricultural zoning districts

§154.301(B), §154.301(D)(5)(a), §154.301(D)(5)(b), and §154.923(B)(2)(i)

As with the Approved Preliminary PUD Plan, the proposed amendment complies with, and in fact generally exceeds the requirements of the proposed underlying Planned Commercial zoning district. The additional 18.24 acres also complies with the proposed underlying "Limited Agricultural" zoning district.

The Amendment to the Approved Preliminary PUD Plan as proposed will provide the following amenities in excess of what is required for the underlying Planned Commercial and Limited Agricultural district development default standards:

- As with the Approved Preliminary PUD Plan, off-street trails will be incorporated in the resort and will have direct access to the Galena River Trail, providing the opportunity for resort guests to walk or cycle into town. The proposed amendment increases the length of the trails from 1.5 miles to 2.5 miles. A resort shuttle bus will run regularly into the downtown area and to select locations to reduce traffic and parking pressures.

- The proposed amendment to the Approved Preliminary PUD Plan increases the percentage of open space (defined by the Galena zoning ordinance as "Any undeveloped or underdeveloped green space which serves a beneficial purpose by remaining in this state, whether it be for recreation, erosion control or aesthetics") from 80% to 84% (exceeding the 25% required for Planned Commercial and the 50% required for Limited Agricultural).

- As with the Approved Preliminary PUD Plan, the proposed amendment maintains the benefit that the general public will have access to public spaces in the Marine Hospital, including but not limited to an exhibit space. The restaurant in the Main Building, the Café Building, and the Winery will be open to the public. [154.301(D)(5)(c)]

- As with the Approved Preliminary PUD Plan, the proposed amendment maintains that the project will include provisions for innovative infiltration or filtration techniques. [154.301(D)(5)(e)]

- As with the Approved Preliminary PUD Plan, the proposed amendment maintains that the buildings in the development will be designed to accommodate renewable energy resources such as solar and geo-thermal. Where possible, buildings will be oriented to maximize passive solar potential. Overhangs on the Main Building, Winery, and Cafe will be designed to modulate seasonal solar gains. Building and Site Lighting will be LED and will be designed to reduce glare and spill-over. All of these strategies will reduce the buildings' energy loads. [154.301(D)(5)(f)]

- As with the Approved Preliminary PUD Plan, the proposed amendment maintains that the project will also involve other amenities in excess of the minimum standards required by code including the restoration of a significant historic landmark; an FAR ratio of less than 10% (the Amendment reduces the FAR to 3.6%, significantly below the 30% allowance for Planned

Commercial and 25% allowed for Limited Agricultural); and a higher percentage of protected woodland and forest areas than required. [154.301(D)(5)(g)]

- The additional 18.24 acres will remain as "Limited Agriculture" which allows for cultivation activities by right.

10) **Adequate circulation and access being provided to serve all development pods/areas to be developed §154.923(B)(2)(f)**

- As with the Approved Preliminary PUD Plan, the proposed amendment provides for access to the resort off of Blackjack Road. However, the new access location in the proposed amendment is located on the 18.24-acre addition and utilizes an existing entry lane. Resort roadways will follow the property contours.

- The proposed amendment increases the length of walking trails in the project from 1.5 miles of walking trails to 2.5 miles. The trails will connect to the Galena River Trail. A shuttle service will run regularly between the resort and destination sites.

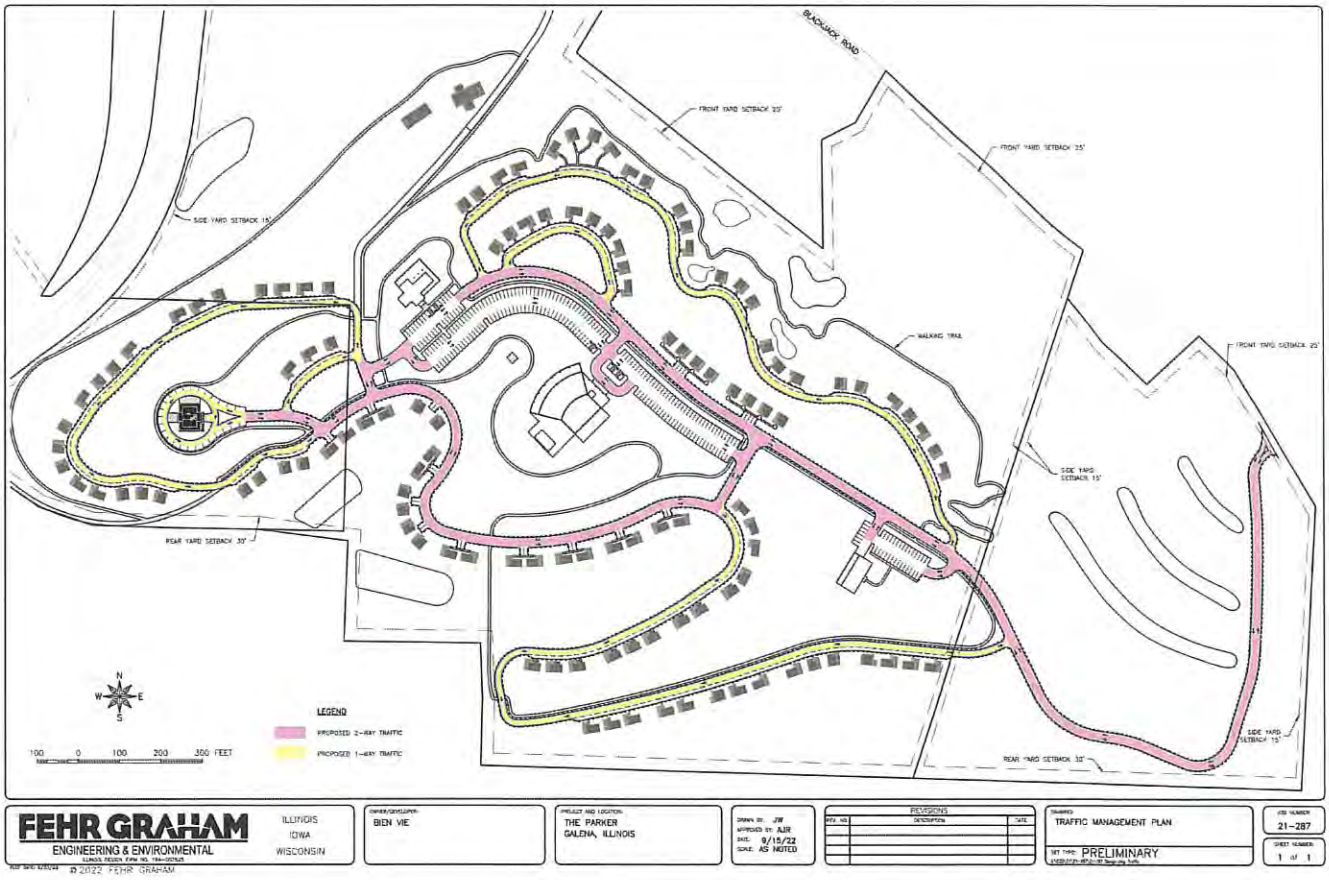


Exhibit H - TRAFFIC MANAGEMENT PLAN (Part of the Conceptual Site Plan requirement) - §154.301(F)(2)(d)(3): This plan shows private drives and paths and generalized stormwater management areas

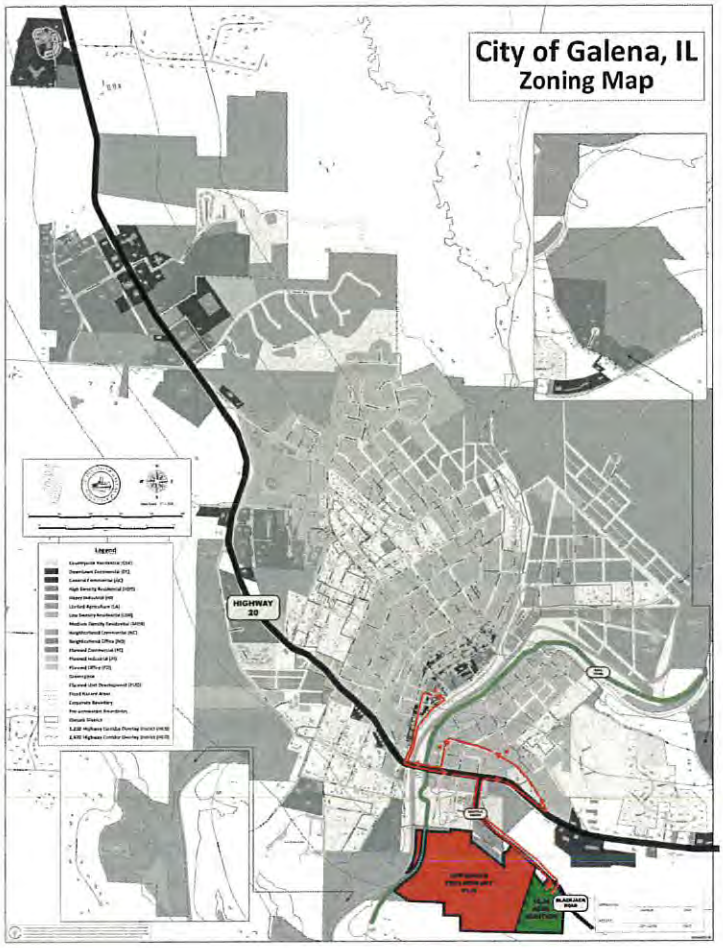


Exhibit I - PUBLIC ROADS, TRAILS & PROPOSED SHUTTLE ROUTE (Part of the Conceptual Site Plan requirement) - §154.301(F)(2)(d)(3): The proposed 18.24-acre addition location relative to the Approved Preliminary PUD Plan area, relative to major roadways, bus shuttle route concept, and Galena River Trail

- If needed, primary emergency vehicular access will be available from Fourth Street. Access could also be made available from Park Avenue, but this route will generally be blocked to motorized vehicles during normal operations, serving as a path only from the resort to the Galena River Trail. The roadway loop around the Marine Hospital will be designed to accommodate the aerial fire truck.

11) Appropriate screening and buffering of adjacent property and uses §154.923(B)(2)(g)

The proposed amendment will meet screening and buffering requirements for adjacent property and uses. Adjacent land uses and buffering requirements: The project property is surrounded by Medium-Density Residential (Type III Buffer required) and Limited Agricultural (no buffer required).

12) An appropriate range of intensity/density of uses §154.923(B)(2)(h) & §154.923(C)(2)(e)

The proposed amendment will result in an appropriate range of intensity/density of uses. As defined by the Galena Zoning Ordinance, Intensity describes "The amount of gross floor area or landscaped area, on a lot or site, compared to the gross area of the lot or site." With the

amendment, the Floor Area Ratio (FAR) is 3.6% (a maximum FAR of 25% is allowed in Limited Agricultural and a maximum FAR of 30% is allowed in Planned Commercial). With the amendment, the Landscape Surface Ratio (LSR) is 84% (a minimum LSR of 50% is allowed in Limited Agricultural and a minimum LSR of 25% is allowed in Planned Commercial).

Zoning Designation	Acreage in PUD	Floor Area Ratio Maximums Per Ordinance	**Actual Project FAR**	Landscape Surface Ratio Minimums Per Ordinance	**Actual Project LSR**
Planned Commercial	78.79 acres	30%	**4.4%**	25%	**82%**
Limited Agricultural	18.24 acres	25%	**0%**	50%	**93.2%**
Total PUD Project	97.03 acres	NA	**3.6%**	NA	**84%**

13) **An appropriate phasing or development schedule** §154.923(B)(2)(j), §154.301(F)(2)(d)(6)

The plan is to develop The Parker resort in four phases. Planting of the vineyard, Phase 1A, was initiated in June of 2022. Subsequent phases will occur at the earliest every 1-2 years until completion as warranted by demand. While anticipated phasing for the project is described here, per phase components and the timing of phases is flexible. Furthermore, the Galena zoning ordinance §154.923(F)(3)(a) states that the Zoning Administrator can approve minor amendments if the following six criteria are met:

1. Decreases in density and/or intensity so long as the character of the site is maintained;

2. Increases in gross floor area of up to 10% so long as the character of the site is maintained;

3. Changes in the location and type of landscaping and/or screening so long as the character and intent of the original design are maintained;

4. Changes in the orientation or location of parking areas and vehicular and pedestrian circulation areas so long as the effectiveness and character of the overall site circulation, parking and parking lot screening are maintained; and

5. The reorientation, but not complete relocation, of major structures so long as the character and intent of the original design are maintained. Anticipated phasing is outlined on the following pages.

6. Changes in building design and materials so long as the character and intent of the original design are maintained.

- ***Phase 1B*** will include a complete rehabilitation of the Marine Hospital (incorporating 4-5 lodging rooms, check-in area, coffee bar/lounge, and exhibit area), 28 guest cottages located near the Phase 1A vineyard, the planting of an additional 5 acres of vineyard and Phase 1B roadway development including access off of Blackjack Road from the added 18.24 acre parcel, parking places as required to meet the standards, and Phase 1B walking trails. Phase 1B will also include construction of the Winery and associated parking.



Exhibit J - PHASE 1B PLAN - §154.301(F)(2)(d)(6)

- ***Phase 2*** involves the addition of 48 guest cottages, Phase 2 roadway development, and parking places as required to meet the standards.



Exhibit K - PHASE 2 PLAN - §154.301(F)(2)(d)(6)

- ***Phase 3*** will include the construction of the Main Building (which includes the resort restaurant, outdoor pool & spa, event center for 300 people, and 20 guest rooms), the planting of 4 acres of gardens with a wedding ceremony gazebo, construction of a café building, the addition of 18 cottages, extension of walking trails (including ravine bridge), expansion of existing maintenance building, Phase 3 roadway development, and parking places as required to meet the standards.



Exhibit L - PHASE 3 PLAN - §154.301(F)(2)(d)(6)

- ***Phase 4*** includes the construction 26 additional guest cottages, Phase 4 roadway development, and parking places as required to meet the standards and expanded walking trail.



Exhibit M - PHASE 4 PLAN - §154.301(F)(2)(d)(6)

14) Preliminary plat criteria §154.923(C)(2)(b)

The preliminary plat requirements listed in §153.28(B) have been met.

15) Other adopted coded and regulations §154.914(C)(2)

Per Chapter 152, particular attention will be given to stormwater management.

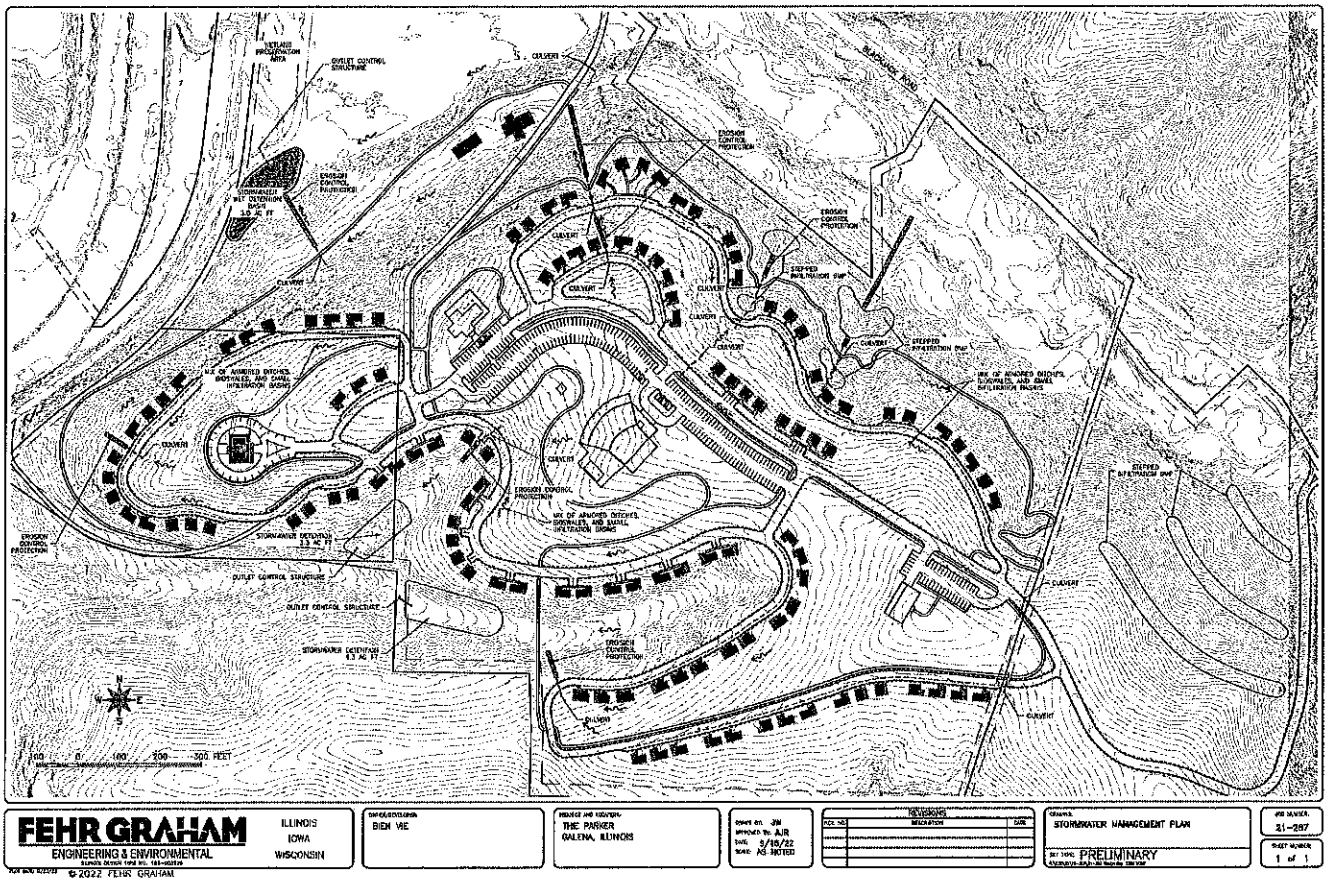


Exhibit N - CONCEPTUAL STORMWATER MANAGEMENT PLAN - §154.301(F)(2)(d)(7): This drawing identifies proposed patterns of major stormwater run-off, locations of stormwater infiltration areas, and other significant stormwater features.

16) Previous approvals granted to the project site §154.914 (C)(3)

The Preliminary PUD Plan was approved on February 28, 2022. An annexation agreement was executed on May 11, 2022.

17) Purposes and intents and development standards §154.914(C)(4)(a-b)

Underlying zoning district, including all building and site design requirements and Land use regulations - The proposed amendment to the Approved Preliminary PUD plan will comply with the purposes and intents and all development standards of the ordinance. The additional 18.24 acres will remain as "Limited Agriculture" which allows for cultivation activities by right. Signage is allowed in Limited Agricultural with a special use permit. We are requesting with this amendment that signage be allowed as a use by right.

- **Natural resource protection standards** - As with the Approved Preliminary PUD Plan, the proposed amendment will comply with the natural resource protection standards provided in Sections 154.501 through 154.510.

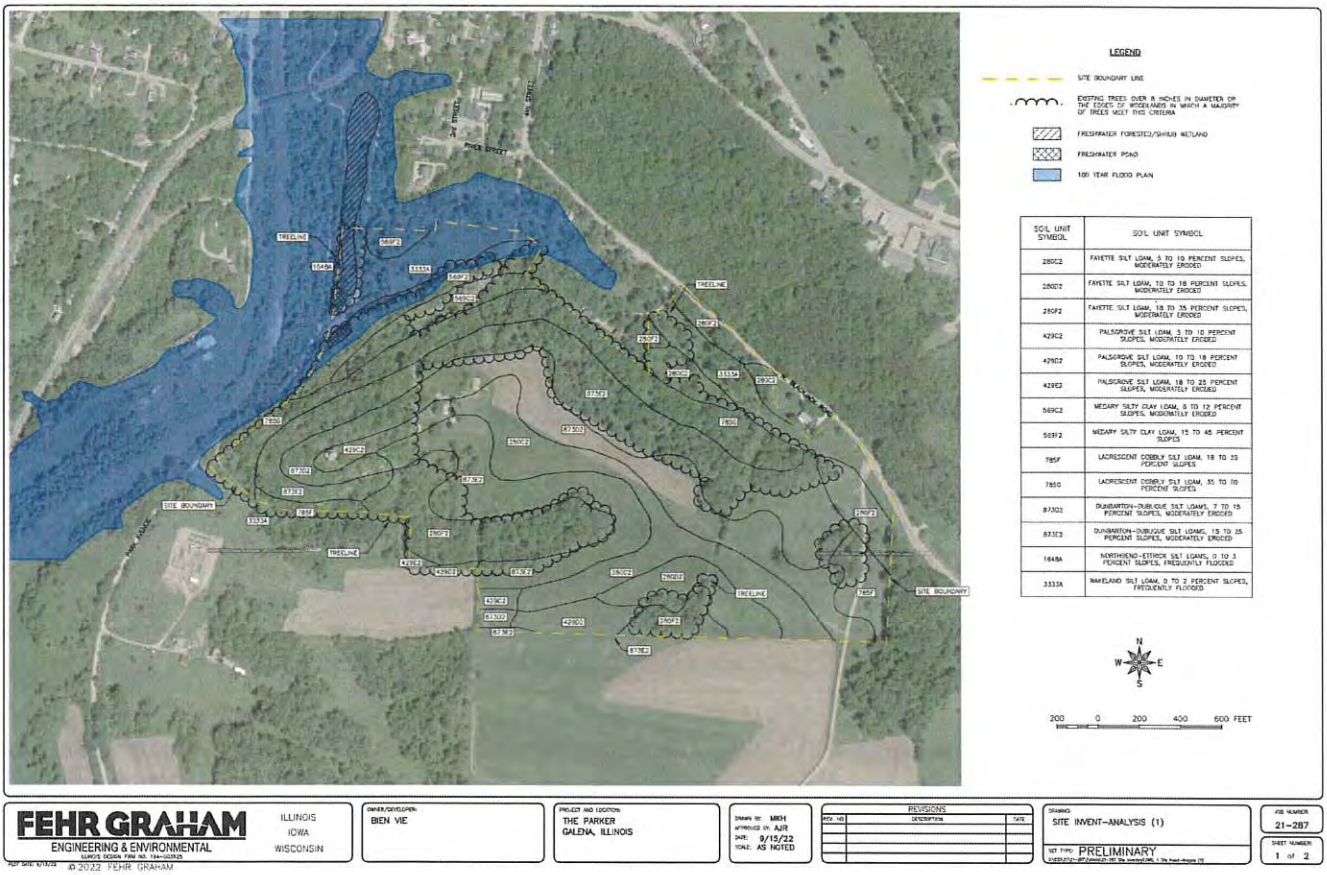


Exhibit O - SITE INVENTORY & ANALYSIS MAP 1 - §154.301(F)(2)(d)(2): This map shows floodplains, wetlands, soils with limitations for building development, the edges of woodlands where the majority of trees are over 8" in diameter. See Exhibit B for utility easements.

§ 154.503 NATURAL RESOURCE PROTECTION STANDARDS.

TABLE 154.503.1 NATURAL RESOURCE PROTECTION STANDARDS

NATURAL RESOURCE FEATURE		ZONING DISTRICT TYPE					
		CONSERVATION		RESIDENTIAL (1)		NONRESIDENTIAL (2)	
FEATURE	MINIMUM AREA REQUIRING PROTECTION	PROTECTION STANDARD	MITIGATION PERMITTED	PROTECTION STANDARD	MITIGATION PERMITTED	PROTECTION STANDARD	MITIGATION PERMITTED
Steep Slopes (3)							
20 to <= 30%	5,000 sq. ft.	65%	No	75%	No	70%	No
> 30%	5,000 sq. ft.	90%	No	85%	No	80%	No
Woodlands and Forests (3)							
Mature	1 acre	70%	Yes	70%	Yes	60%	(4)
Young	½ acre	50%	Yes	50%	Yes	50%	Yes
Drainageways							
	All	100%	Yes	100%	Yes	100%	Yes
Shore Buffers							
	All shorelines	100%	No	100%	No	100%	No
Isolated Wetlands, Ponds and Lakes							
	All	100% (5)	Yes	100% (5)	Yes	100% (5)	Yes

Footnotes:

(1) Including residential PUD Districts (or residential portions thereof).

(2) Including nonresidential PUD Districts (or nonresidential portions thereof).

(3) Protection standards for steep slopes and woodlands shall be enforced over the total combined occurrences of such features on lands held in common ownership, rather than over each of any two or more individual occurrences of steep slopes or woodlands on such lands. Lands shall be considered to share a common boundary even if they are divided by a public road or navigable waterway, or if they connect at only one point.

(4) Whether mitigation is permitted shall be determined by the Zoning Administrator on a case-by-case basis.

(5) If not otherwise restricted by state or federal regulations, the Zoning Administrator may allow the filling or alteration of up to one acre of wetland without mitigation if such filling or alteration is essential for public safety purposes as defined under state law.

NATURAL RESOURCE PROTECTION STANDARD	
Steep Slopes	No deviation
Woodlands and Forests	No deviation
Drainageways	No deviation
Shore Buffers	No deviation
Isolated Wetlands, Ponds, and Lakes	No deviation

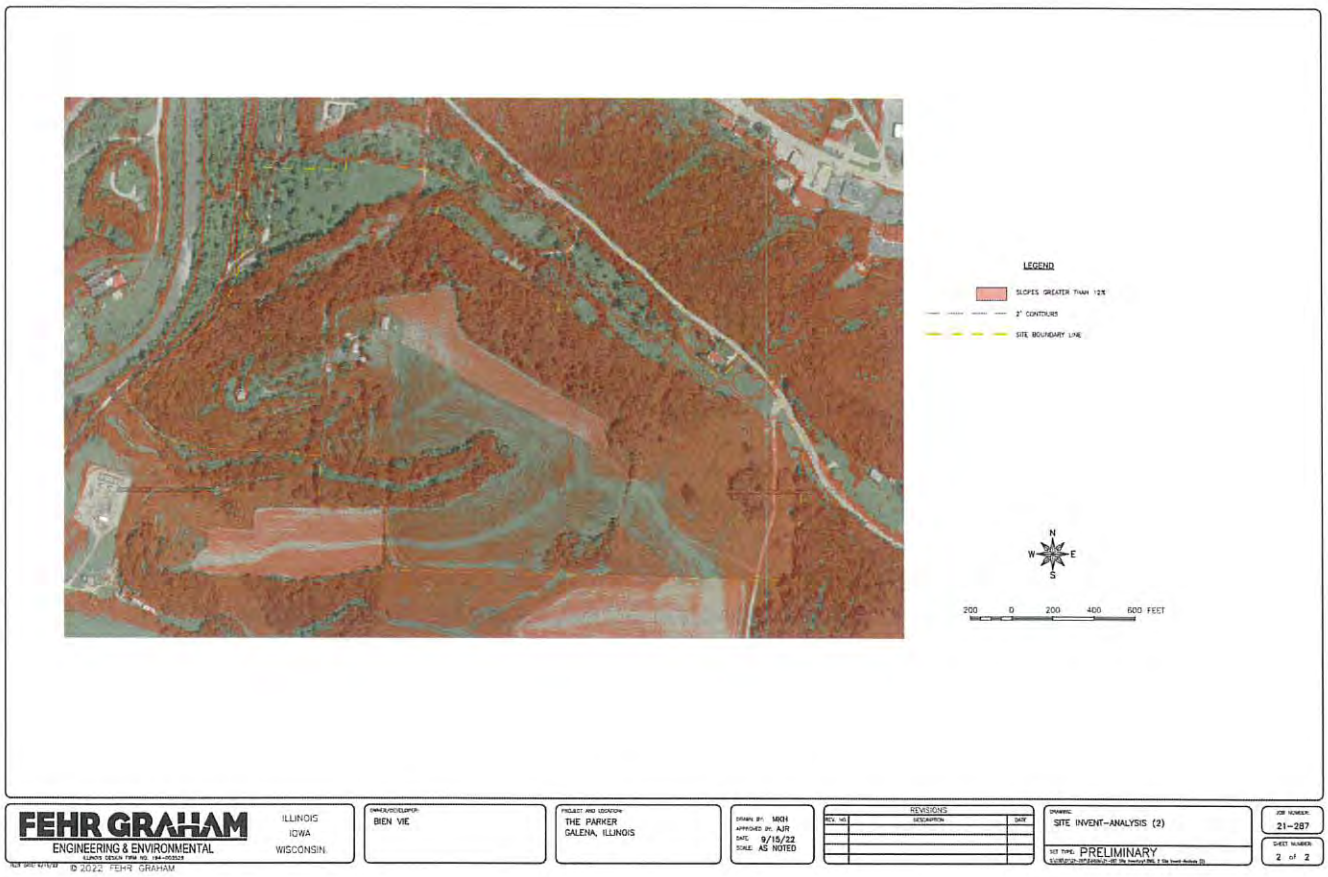


Exhibit P - SITE INVENTORY AND ANALYSIS MAP 2 - §154.301(F)(2)(d)(2): This drawing shows the topography at two foot contours and slopes greater than 12%

The following statement related to soils is provided by project engineers Fehr Graham:

"Web Soil Survey lists several soils within the proposed site boundary with a "very limited" rating for dwellings without basements. The very limited rating is primarily due to the steep slopes, shrink-swell potential, and depth to bedrock. These limitations can be addressed and mitigated with appropriate design and construction techniques and in our opinion, should not prohibit the proposed improvements in these areas. For comparisons sake, a large percentage of the City of Galena has the same soil rating classification of "very limited" with similar reasons for limitation and significant areas of the City share the exact soil types as the proposed site. These soils have not limited development within the City and they should not limit the proposed project as presented."

The existing wetland area (just under 1 acre) identified in the 2018 National Wetland Inventory will be preserved.

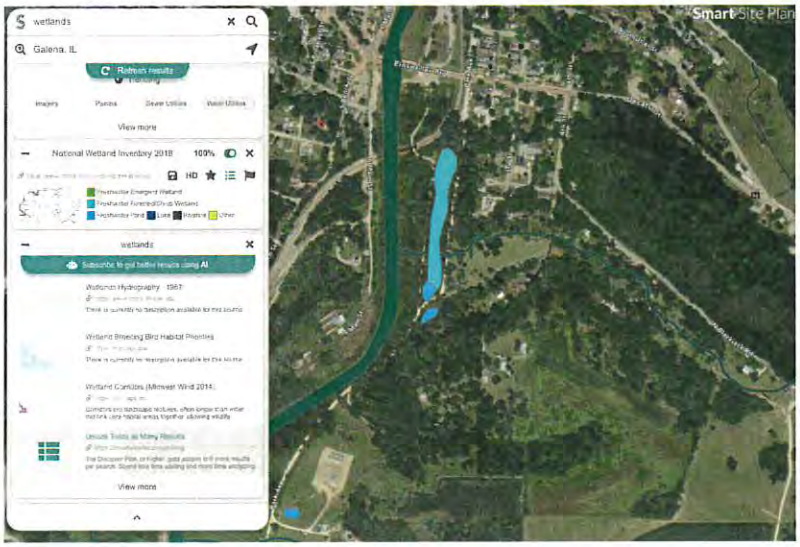


Exhibit Q - SITE INVENTORY AND ANALYSIS MAP 3 - §154.301(F)(2)(d)(2) - This map shows the project wetland area

- **Parking, lighting, and landscaping standards** - As with the Approved Preliminary PUD Plan, the proposed amendment will comply with the parking, lighting, and landscaping standards provided in sections 154.601 through 154.605. The proposed amendment will extend parking spaces from one-way traffic lanes to minimize paved surface areas.

§ 154.601 OFF-STREET PARKING AND TRAFFIC CIRCULATION STANDARDS.

TABLE 154.601.3 *MINIMUM REQUIRED PARKING SPACES*	
LAND USE	***REQUIRED NUMBER OF PARKING STALLS***
COMMERCIAL	
Office	1 per 300 sq. ft. of gross floor area
Personal or Professional Service	1 per 300 sq. ft. of gross floor area
Artisan Studio	1 per 300 sq. ft. of gross floor area
Sales and Service, Indoor	1 per 300 sq. ft. of gross floor area
Sales and Service, Outdoor Display	1 per 300 sq. ft. of gross floor area
Sales and Service, In-Vehicle	1 per 50 sq. ft. of gross floor area
Accommodations, Bed and Breakfast	See § 154.406(D)(7)
Accommodations, Small Inn	See § 154.406(D)(8)
Accommodations, Hotel/Motel	1 per bedroom, plus 1 per employee on the largest work shift
Entertainment, Indoor Commercial	1 per 3 patron seats or lockers, whichever is greater; or 1 per 3 patrons at maximum capacity
Entertainment, Outdoor Commercial	1 per 3 patrons at maximum capacity
Entertainment, Adult	1 per 3 patrons at maximum capacity, plus 1 per employee on the largest work shift
Maintenance, Service, Indoor	1 per 300 sq. ft. of gross floor area

TOTAL PARKING	
~3000 sq.ft.	10
~6000 sq.ft	20
~2000 sq.ft.	7
175 (115-1br / 30-2br) 20 employee	195
100 Main Building 108 Restaurant (16 M.H./20-Cafe/34-Main/36-Winery)	208
(included in above total)	
TOTAL	**438**

As with the Approved Preliminary PUD Plan, the proposed amendment's exterior and interior lighting systems will be designed to minimize light spillover and glare.



Exhibit R - CONCEPTUAL LANDSCAPE PLAN - §154.301(F)(2)(d)(5) - This drawing shows general locations and types of proposed landscaping, including maintenance of existing vegetation.

With the exception of area required to upgrade the existing entryway and driveway, the entirety of the 18.24 acres added in the proposed amendment will be maintained as open space. If the proposed amendment is approved, when fully developed, the "Landscape Surface Ratio" for the entire project will be increased from 80% in the Approved Preliminary PUD Plan to 84%, significantly exceeding the minimum required for Planned Commercial (25%). Five-acres of vineyard on the 18.24-acre addition are included in the proposed amendment. Tree removal will be kept to a minimum. Natural drainage will be maintained (or improved) to the degree possible.

- **Performance standards** - As with the Approved Preliminary PUD Plan, the proposed amendment will comply with the performance standards provided in sections 154.701 through 154.713.

- **Sign standards** - As with the Approved Preliminary PUD Plan, the proposed amendment will comply with the sign standards provided in sections 154.801 through 154.815. A monument sign will be located at the new entry to the project and directional signage will be provided within the development as needed.

18) Quality site design practices §154.914 (C)(5)

As with the Approved Preliminary PUD Plan, the proposed amendment elements shall be organized harmoniously and efficiently in relation to topography, the size and type of the property affected, the character of adjoining property, and the type and size of buildings. The site shall be developed in a manner that will not impede the normal and orderly development or improvement of surrounding property for permitted uses.

Apart from the Marine Hospital, the project buildings (Main Building, Cafe Building, and Winery) will be contemporary structures designed to relate to the wooded and rural nature of the site.

19) Approved ODP §154.923(C)(2)(d)

Not applicable

20) 5-acre minimum §154.923(C)(2)(f)

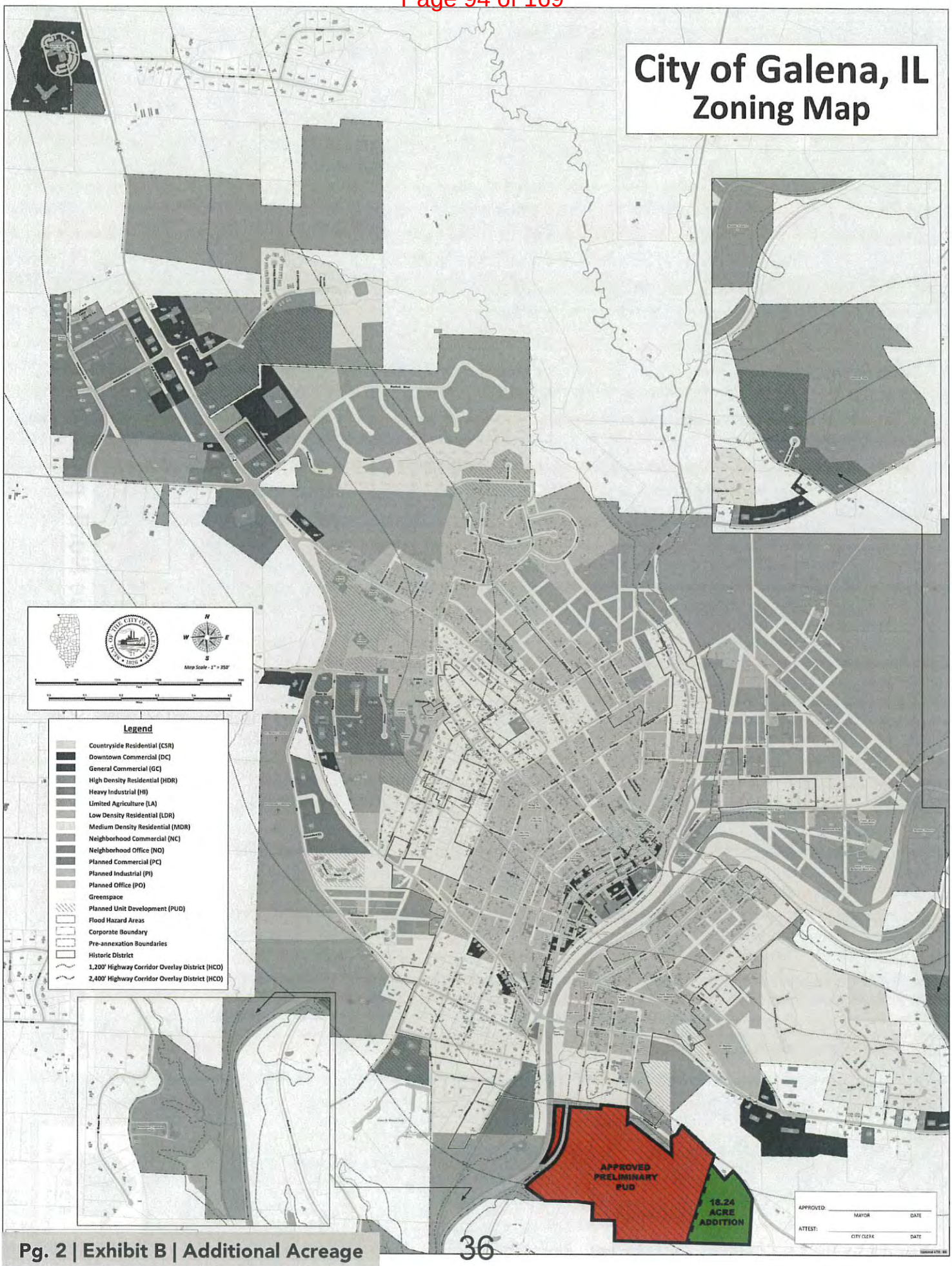
The proposed addition to be rezoned is 18.24 acres.

Exhibit Appendix

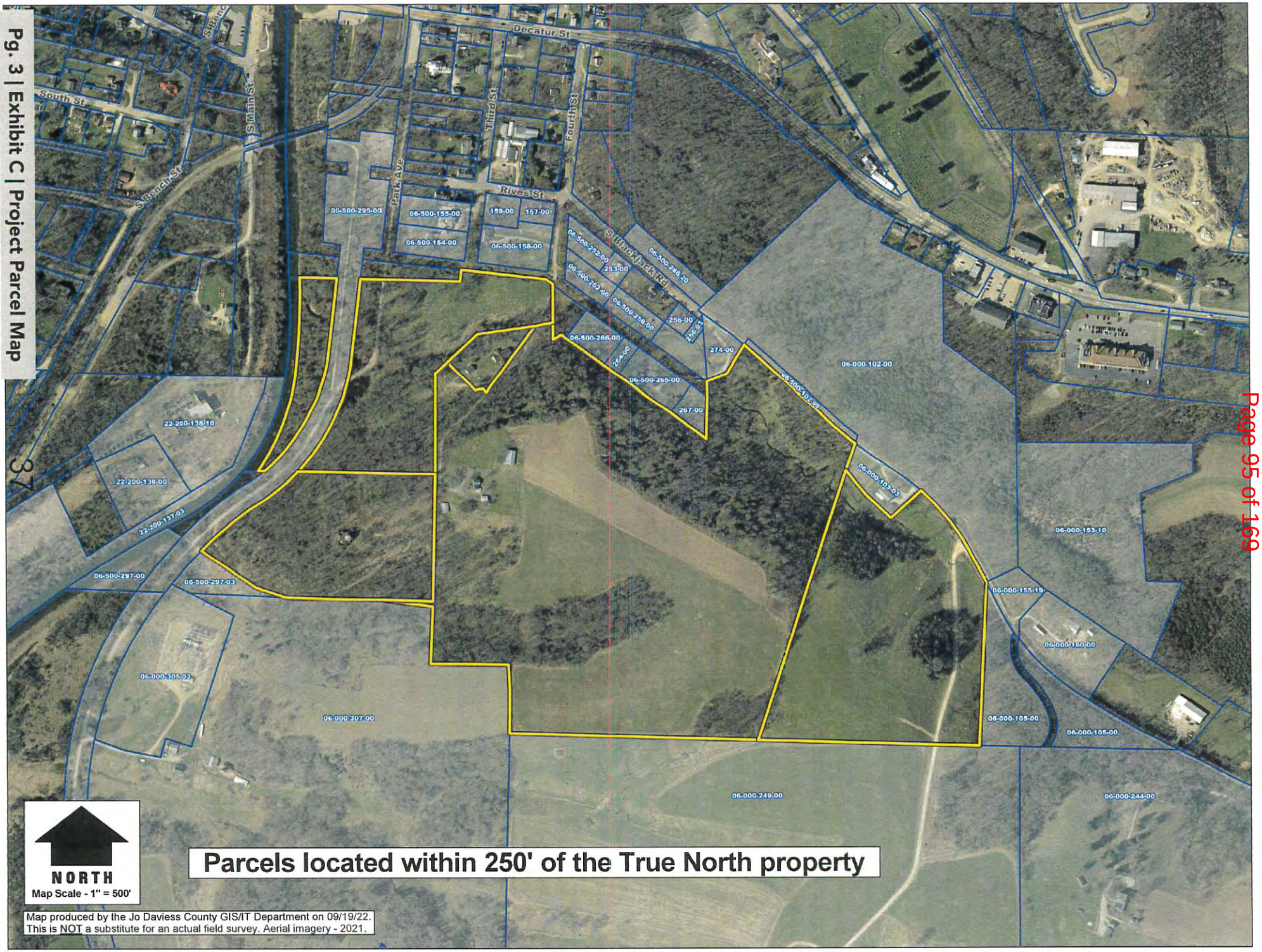
Exhibit A	Changes to Approved Preliminary PUD Plan	Pg. 1
Exhibit B	Additional Acreage	Pg. 2
Exhibit C	Project Parcel Map	Pg. 3
Exhibit D	Prime Farmland Map	Pg. 4
Exhibit E	Location Map	Pg. 5
Exhibit F	Historic District & Highway 20 Overlay	Pg. 6
Exhibit G	Utilities Map	Pg. 7
Exhibit H	Traffic Management Plan	Pg. 8
Exhibit I	Public Roads, Trails, & Proposed Shuttle Route	Pg. 9
Exhibit J	Phase 1B Plan	Pg. 10
Exhibit K	Phase 2 Plan	Pg. 11
Exhibit L	Phase 3 Plan	Pg. 12
Exhibit M	Phase 4 Plan	Pg. 13
Exhibit N	Conceptual Stormwater Management Plan	Pg. 14
Exhibit O	Site Inventory & Analysis Map 1	Pg. 15
Exhibit P	Site Inventory & Analysis Map 2	Pg. 16
Exhibit Q	Site Inventory & Analysis Map 3	Pg. 17
Exhibit R	Conceptual Landscape Plan	Pg. 18



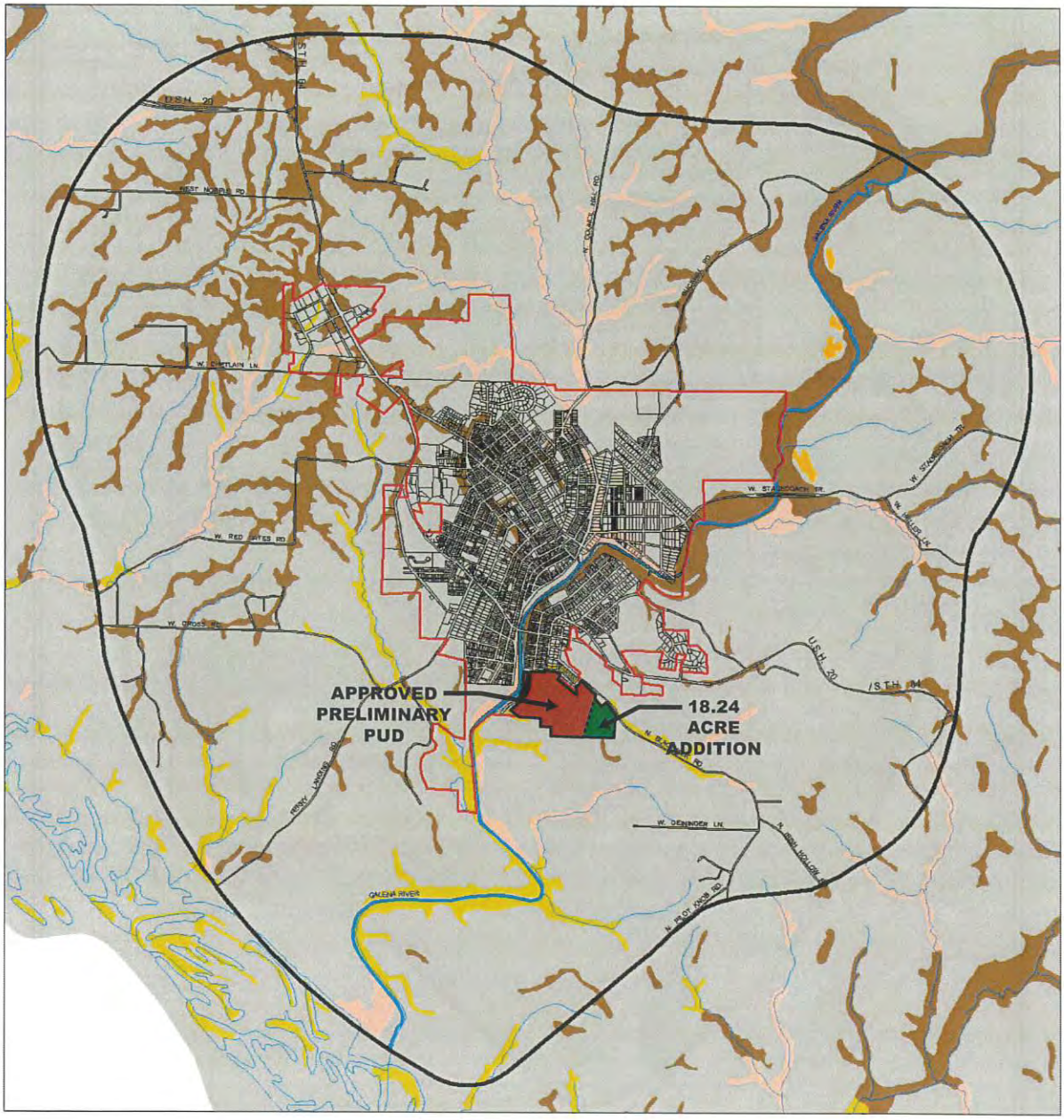
Pg. 1 | Exhibit A | Changes to Approved Preliminary PUD Plan



Pg. 2 | Exhibit B | Additional Acreage


Decatur St
South St
S Main St
S Bench St
Park Ave
Third St
Fourth St
Rives St
S Blackhawk Rd
06-500-295-00
06-500-155-00
06-500-154-00
06-500-158-00
159-00
157-00
06-500-252-00
253-00
06-500-262-00
06-500-258-00
256-00
256-01
06-500-266-00
264-00
274-00
06-500-265-00
267-00
06-000-102-00
06-000-103-03
22-200-138-10
22-200-138-00
22-200-137-03
06-500-297-00
06-500-297-03
06-000-305-03
06-000-307-00
06-000-153-10
06-000-155-19
06-000-160-00
06-000-105-00
06-000-105-00
06-000-249-00
06-000-244-00
NORTH
Map Scale - 1" = 500'
Parcels located within 250' of the True North property
Map produced by the Jo Daviess County GIS/IT Department on 09/19/22.
This is NOT a substitute for an actual field survey. Aerial imagery - 2021.

CITY OF GALENA
JO DAVIESS CO., ILLINOIS
PRIME FARMLAND
MAP #10



2000 0 2000 4000 Feet

Key

- Plan Area Boundary
- Galena Corporate Limits

Prime Farmland Soils

- Prime Farmland
- Not Prime Farmland
- Flood Protected Prime Farmland
- Drained Prime Farmland
- Drained Flood Protected Prime Farmland

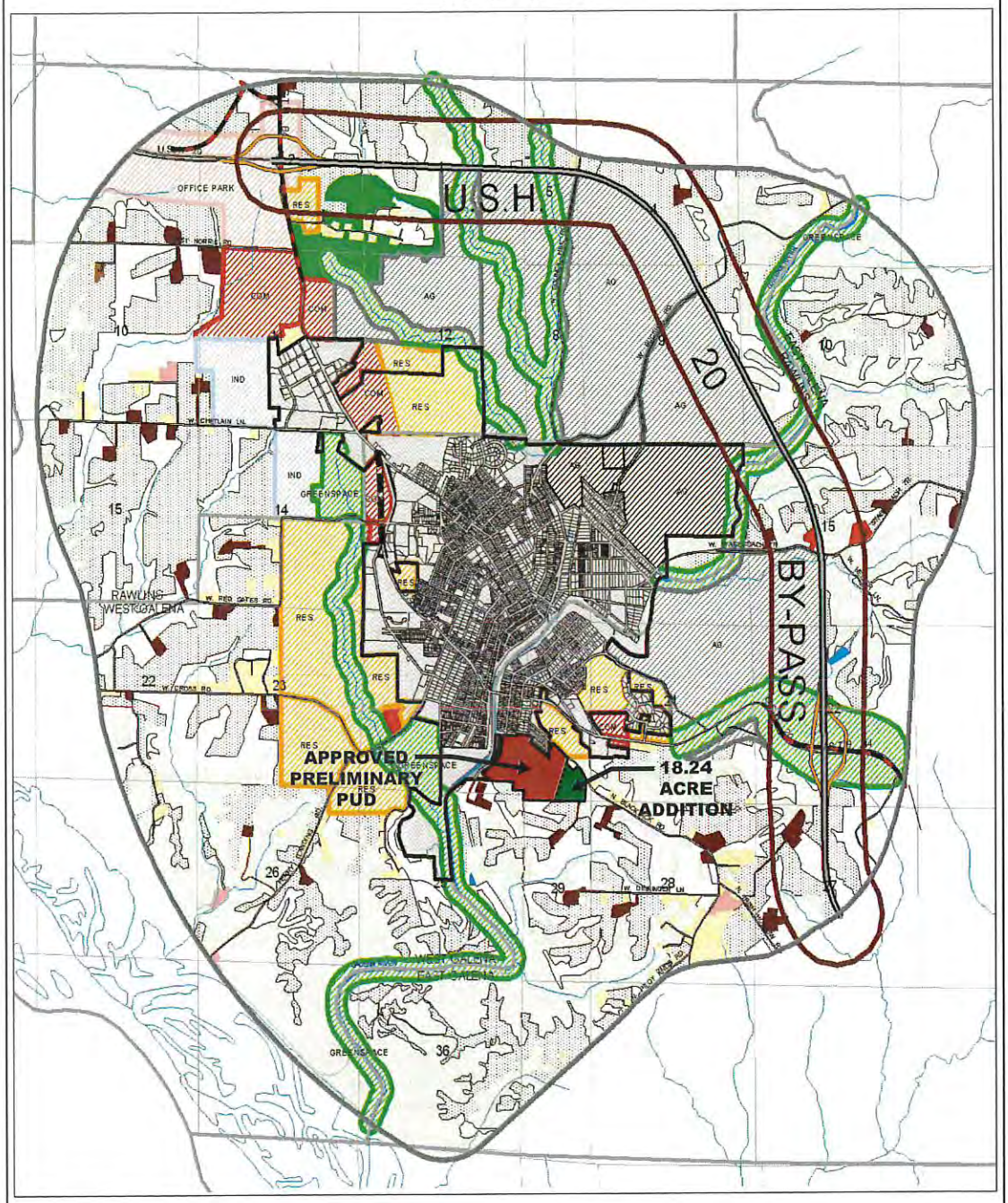
N



MSA

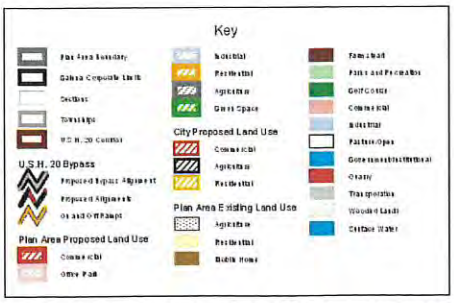
Drafted: LSR
Date: 12-31-02
File: d citygis galena
Note: base data provided by City of Galena, Jo Daviess Co., and NRCS

CITY OF GALENA
JO DAVIESS CO., ILLINOIS
PLAN AREA PROPOSED LAND USE
MAP #15



2000 0 2000 4000 Feet

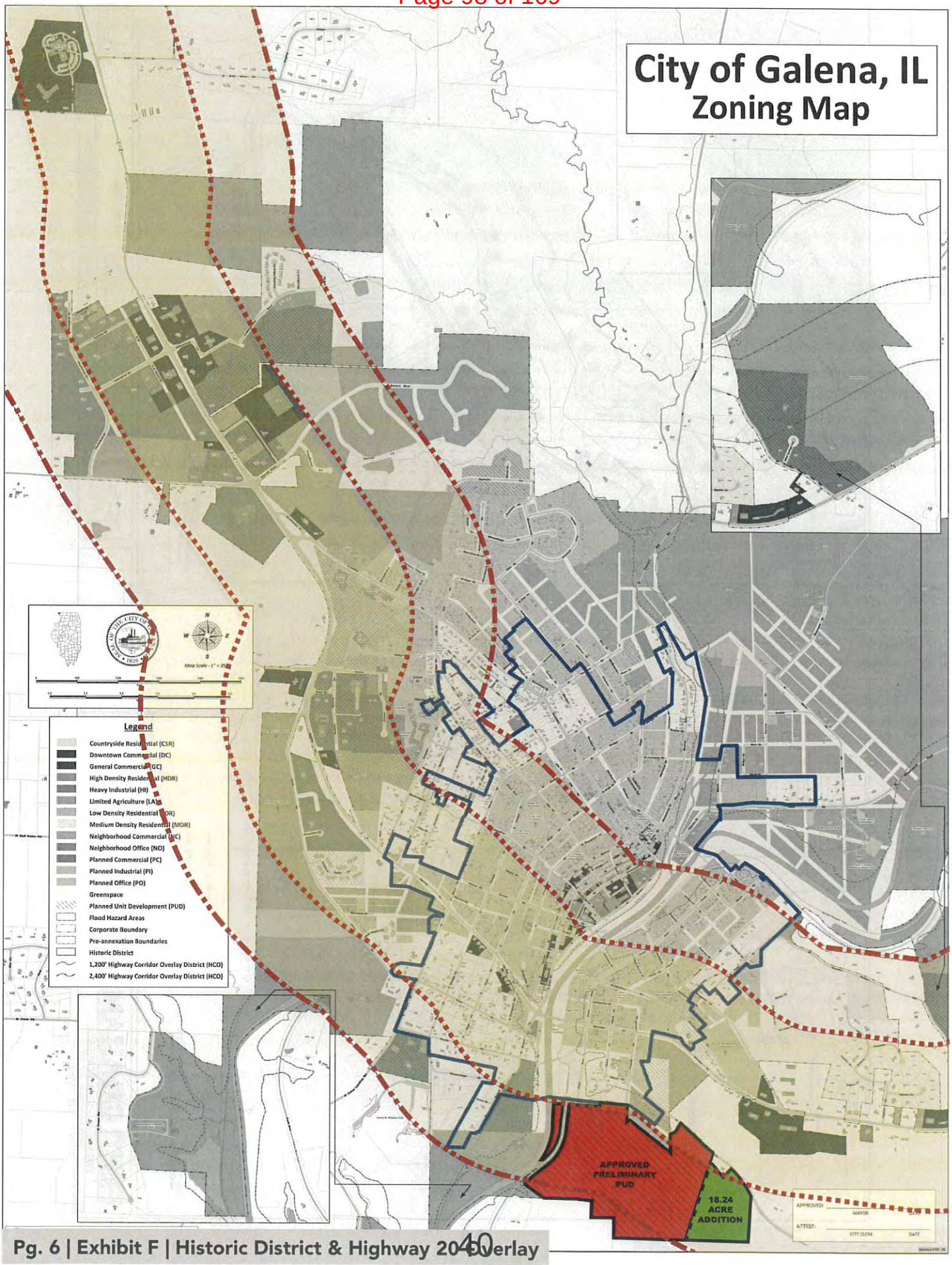




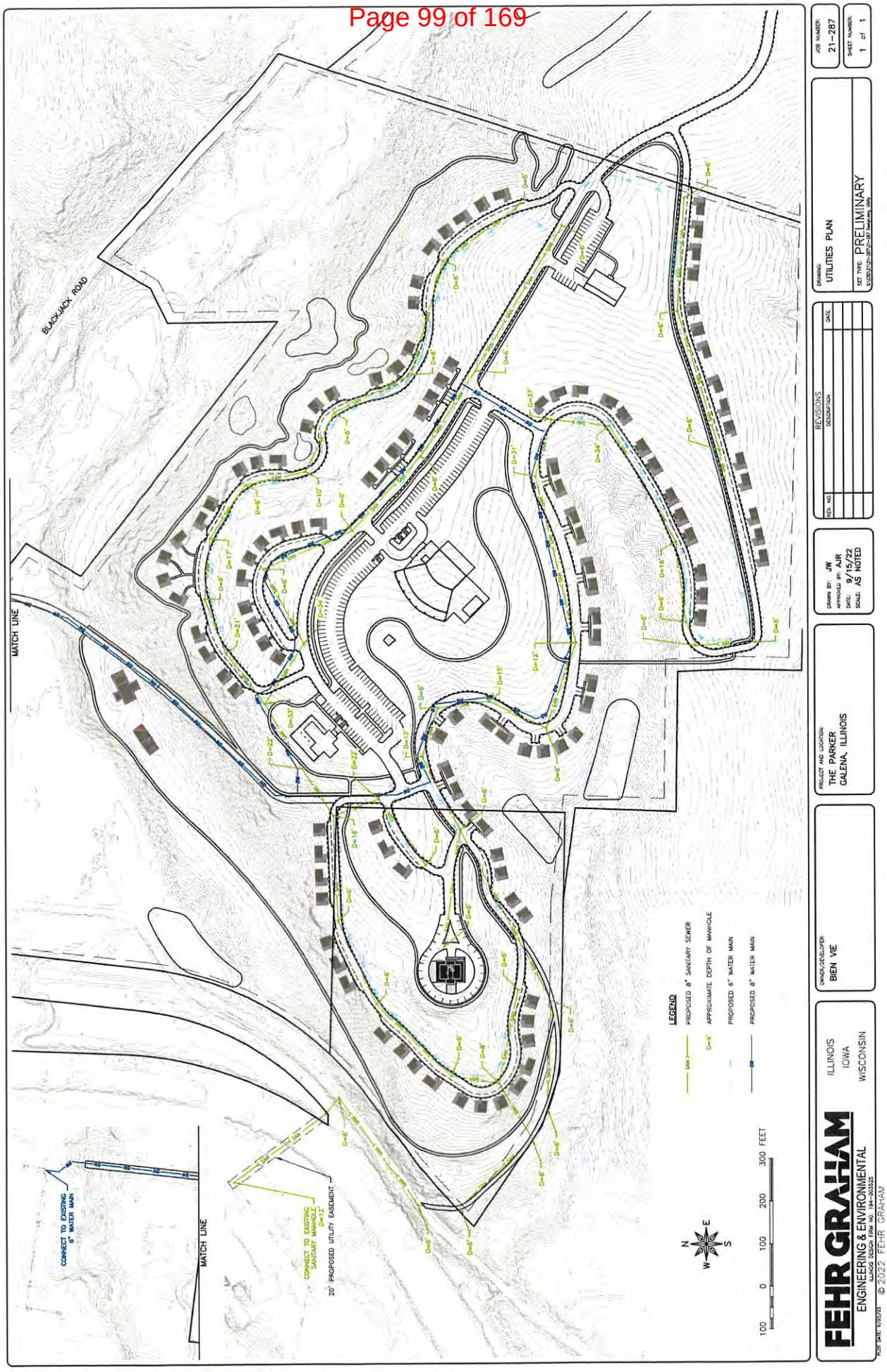
Drafted: DWR & LSR
Date: 04-22-03
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Note: base data provided by City of Galena, Jo Daviess Co., and NRCS

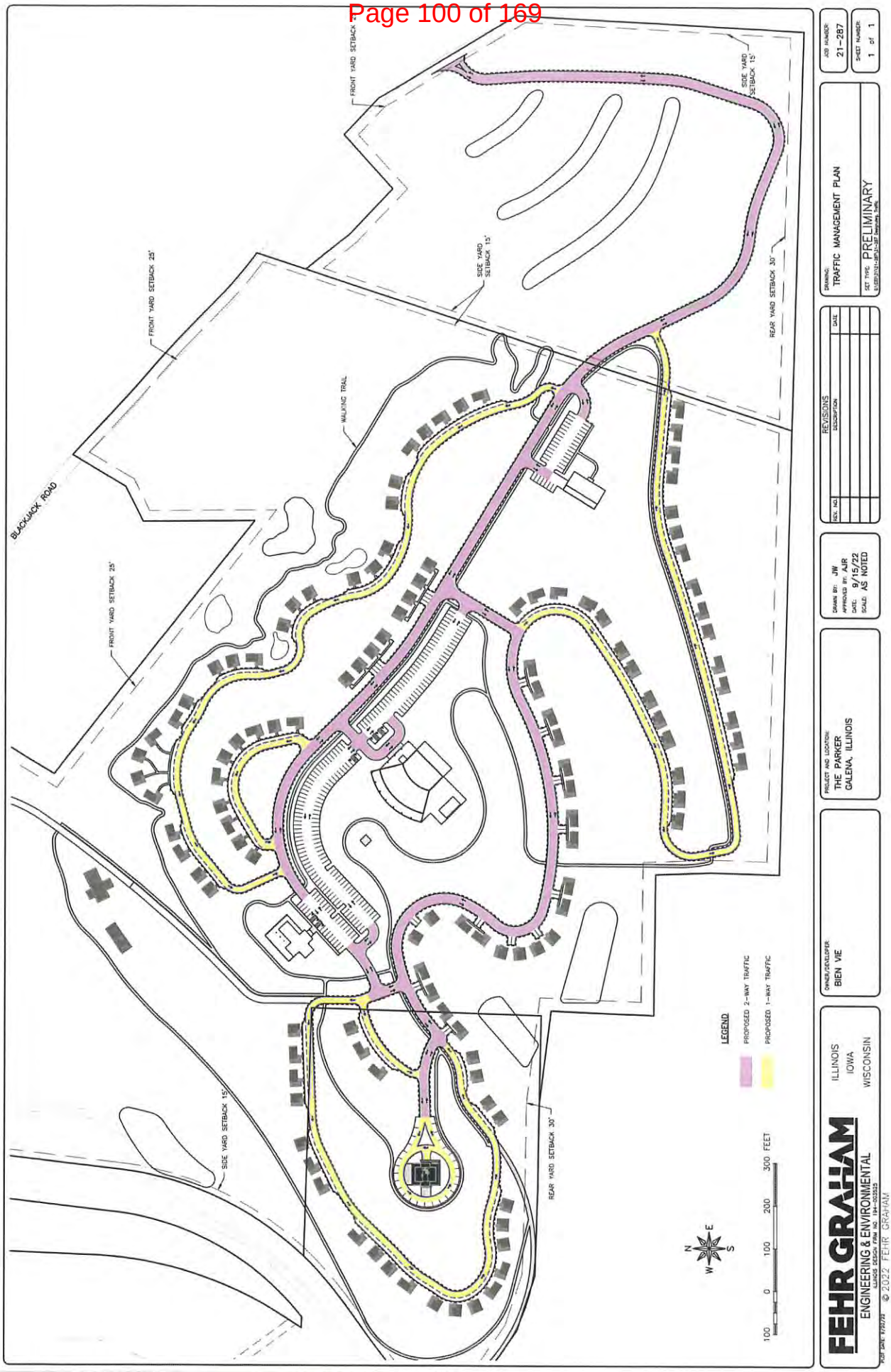
Note: The U.S.H. Bypass Corridor extends 1,500 feet on each side of the center line of the proposed U.S.H. 20 bypass.

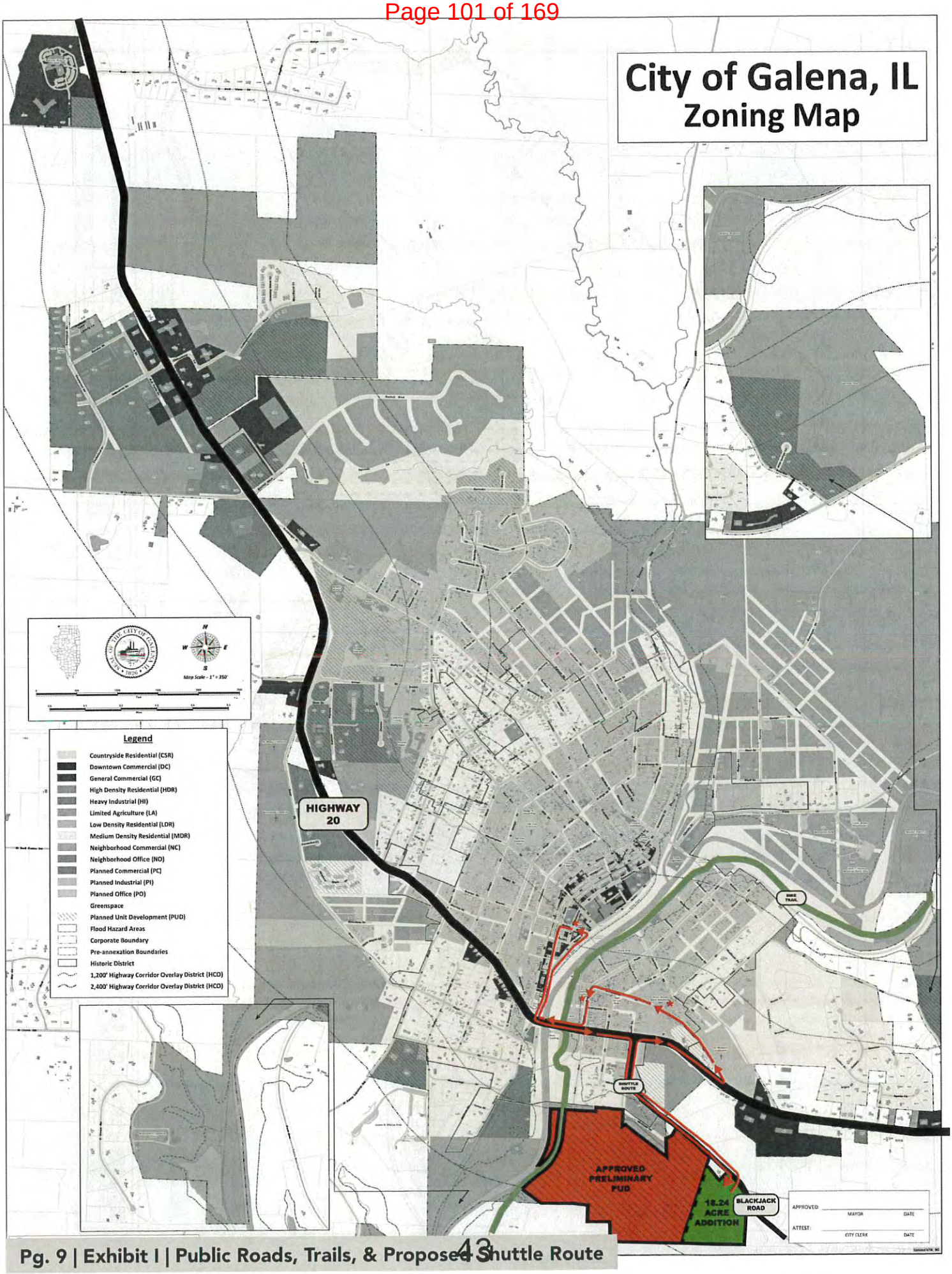
MSA PROFESSIONAL SERVICES



Pg. 6 | Exhibit F | Historic District & Highway 20 Overlay


BLACKJACK ROAD
MATCH LINE
MATCH LINE
CONNECT TO EXISTING 8" WATER MAIN
CONNECT TO EXISTING SANITARY MANHOLE D=12"
20' PROPOSED UTILITY EASEMENT
LEGEND
PROPOSED 8" SANITARY SEWER
APPROXIMATE DEPTH OF MANHOLE
PROPOSED 6" WATER MAIN
PROPOSED 8" WATER MAIN
100 0 100 200 300 FEET
N
W
E
S
FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL
ILLINOIS
IOWA
WISCONSIN
OWNER/DEVELOPER
BIEN VIE
PROJECT AND LOCATION
THE PARKER
GALENA, ILLINOIS
DRAWN BY: JW
APPROVED BY: AJR
DATE: 9/15/22
SCALE: AS NOTED
REVISIONS
NO.
DESCRIPTION
DATE
DRAWING
UTILITIES PLAN
SET TYPE
PRELIMINARY
JOB NUMBER
21-287
SHEET NUMBER
1 of 1
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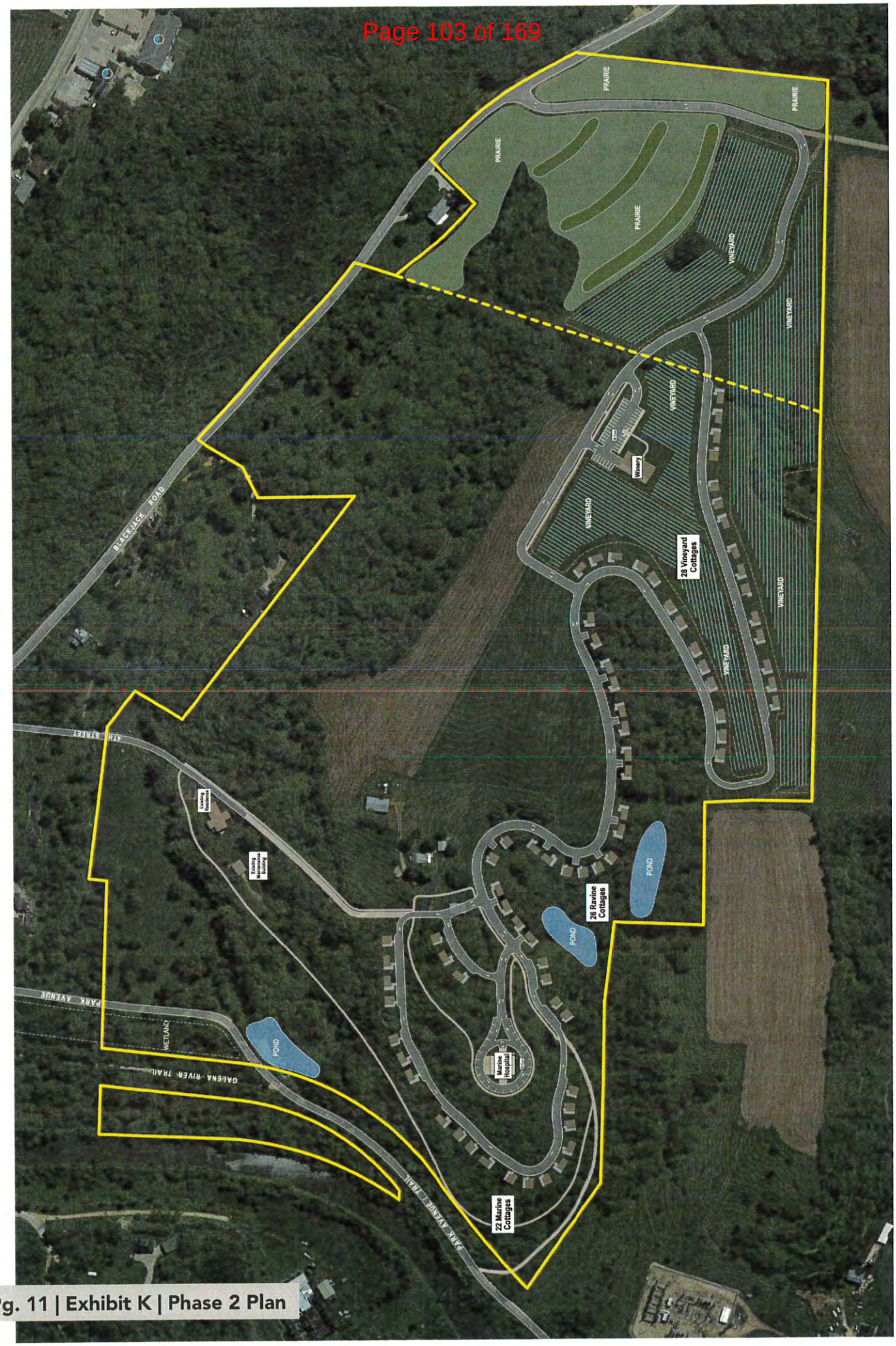

BLACKJACK ROAD
FRONT YARD SETBACK 25'
FRONT YARD SETBACK 25'
FRONT YARD SETBACK 25'
SIDE YARD SETBACK 15'
SIDE YARD SETBACK 15'
SIDE YARD SETBACK 15'
REAR YARD SETBACK 30'
REAR YARD SETBACK 30'
WALKING TRAIL
LEGEND
PROPOSED 2-WAY TRAFFIC
PROPOSED 1-WAY TRAFFIC
N
E
S
W
100 0 100 200 300 FEET
FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL
ILLINOIS
IOWA
WISCONSIN
OWNER/DEVELOPER:
BIEN VIE
PROJECT AND LOCATION:
THE PARKER
GALENA, ILLINOIS
DRAWN BY: JJW
APPROVED BY: AJR
DATE: 9/15/22
SCALE: AS NOTED
REVISIONS
REV. NO.
DESCRIPTION
DATE
DRAWING:
TRAFFIC MANAGEMENT PLAN
SET TYPE: PRELIMINARY
JOB NUMBER:
21-287
SHEET NUMBER:
1 of 1
PLOT DATE: 9/20/22
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Pg. 9 | Exhibit I | Public Roads, Trails, & Proposed Shuttle Route



Pg. 10 | Exhibit J | Phase 1B Plan



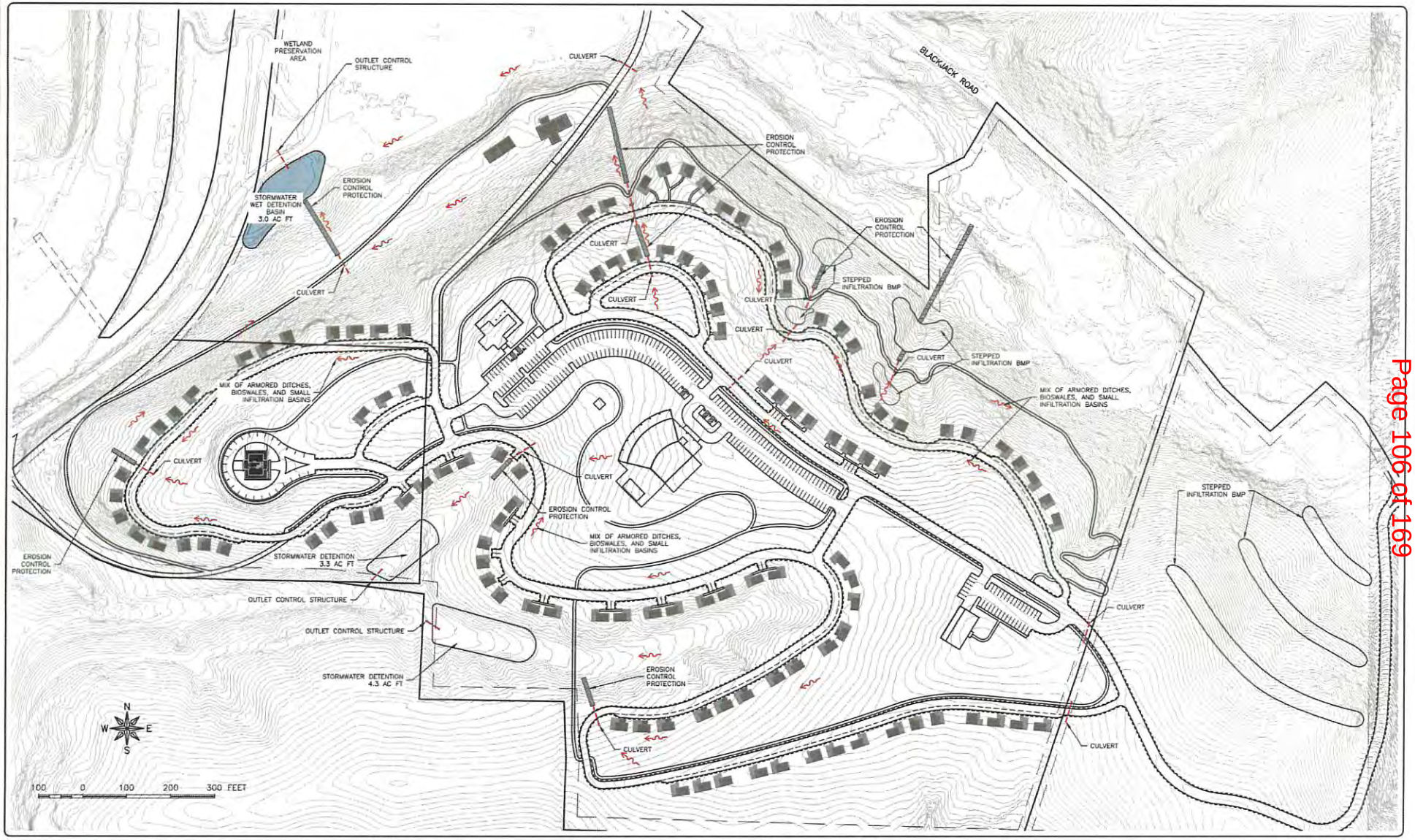
Pg. 11 | Exhibit K | Phase 2 Plan



Pg. 12 | Exhibit L | Phase 3 Plan



Pg. 13 | Exhibit M | Phase 4 Plan



FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL
ILLINOIS DESIGN FIRM NO. 184-003525
ILLINOIS
IOWA
WISCONSIN

PLOT DATE: 9/20/22

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OWNER/DEVELOPER:
BIEN VIE

PROJECT AND LOCATION:
THE PARKER
GALENA, ILLINOIS

DRAWN BY: JW
APPROVED BY: AJR
DATE: 9/15/22
SCALE: AS NOTED

REVISIONS

REV. NO.	DESCRIPTION	DATE

DRAWING:
STORMWATER MANAGEMENT PLAN

SET TYPE: PRELIMINARY

JOB NUMBER:
21-287

SHEET NUMBER:
1 of 1



LEGEND

- SITE BOUNDARY LINE
- EXISTING TREES OVER 8 INCHES IN DIAMETER OR THE EDGES OF WOODLANDS IN WHICH A MAJORITY OF TREES MEET THIS CRITERIA
- FRESHWATER FORESTED/SHRUB WETLAND
- FRESHWATER POND
- 100 YEAR FLOOD PLAIN

SOIL UNIT SYMBOL	SOIL UNIT SYMBOL
280C2	FAYETTE SILT LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED
280D2	FAYETTE SILT LOAM, 10 TO 18 PERCENT SLOPES, MODERATELY ERODED
280F2	FAYETTE SILT LOAM, 18 TO 35 PERCENT SLOPES, MODERATELY ERODED
429C2	PALSGROVE SILT LOAM, 5 TO 10 PERCENT SLOPES, MODERATELY ERODED
429D2	PALSGROVE SILT LOAM, 10 TO 18 PERCENT SLOPES, MODERATELY ERODED
429E2	PALSGROVE SILT LOAM, 18 TO 25 PERCENT SLOPES, MODERATELY ERODED
569C2	MEDARY SILTY CLAY LOAM, 6 TO 12 PERCENT SLOPES, MODERATELY ERODED
569F2	MEDARY SILTY CLAY LOAM, 15 TO 45 PERCENT SLOPES
785F	LACRESCENT COBBLY SILT LOAM, 18 TO 35 PERCENT SLOPES
785G	LACRESCENT COBBLY SILT LOAM, 35 TO 60 PERCENT SLOPES
873D2	DUNBARTON-DUBUQUE SILT LOAMS, 7 TO 15 PERCENT SLOPES, MODERATELY ERODED
873E2	DUNBARTON-DUBUQUE SILT LOAMS, 15 TO 25 PERCENT SLOPES, MODERATELY ERODED
1648A	NORTHBEND-ETTRICK SILT LOAMS, 0 TO 3 PERCENT SLOPES, FREQUENTLY FLOODED
3333A	WAKELAND SILT LOAM, 0 TO 2 PERCENT SLOPES, FREQUENTLY FLOODED

N W E S

200 0 200 400 600 FEET

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ENGINEERING & ENVIRONMENTAL
ILLINOIS DESIGN FIRM NO. 184-003525
ILLINOIS IOWA WISCONSIN

PLOT DATE: 9/15/22

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OWNER/DEVELOPER: BIEN VIE

PROJECT AND LOCATION: THE PARKER GALENA, ILLINOIS

DRAWN BY: MKH
APPROVED BY: AJR
DATE: 9/15/22
SCALE: AS NOTED

REVISIONS

REV. NO.	DESCRIPTION	DATE

DRAWING: SITE INVENT-ANALYSIS (1)

SET TYPE: PRELIMINARY

JOB NUMBER: 21-287

SHEET NUMBER: 1 of 2



LEGEND

SLOPES GREATER THAN 12%

2' CONTOURS

SITE BOUNDARY LINE

N

W E

S

200 0 200 400 600 FEET

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ILLINOIS DESIGN FIRM NO. 184-003525

ILLINOIS
IOWA
WISCONSIN

PLOT DATE: 9/15/22

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OWNER/DEVELOPER:
BIEN VIE

PROJECT AND LOCATION:
THE PARKER
GALENA, ILLINOIS

DRAWN BY: MKH
APPROVED BY: AJR
DATE: 9/15/22
SCALE: AS NOTED

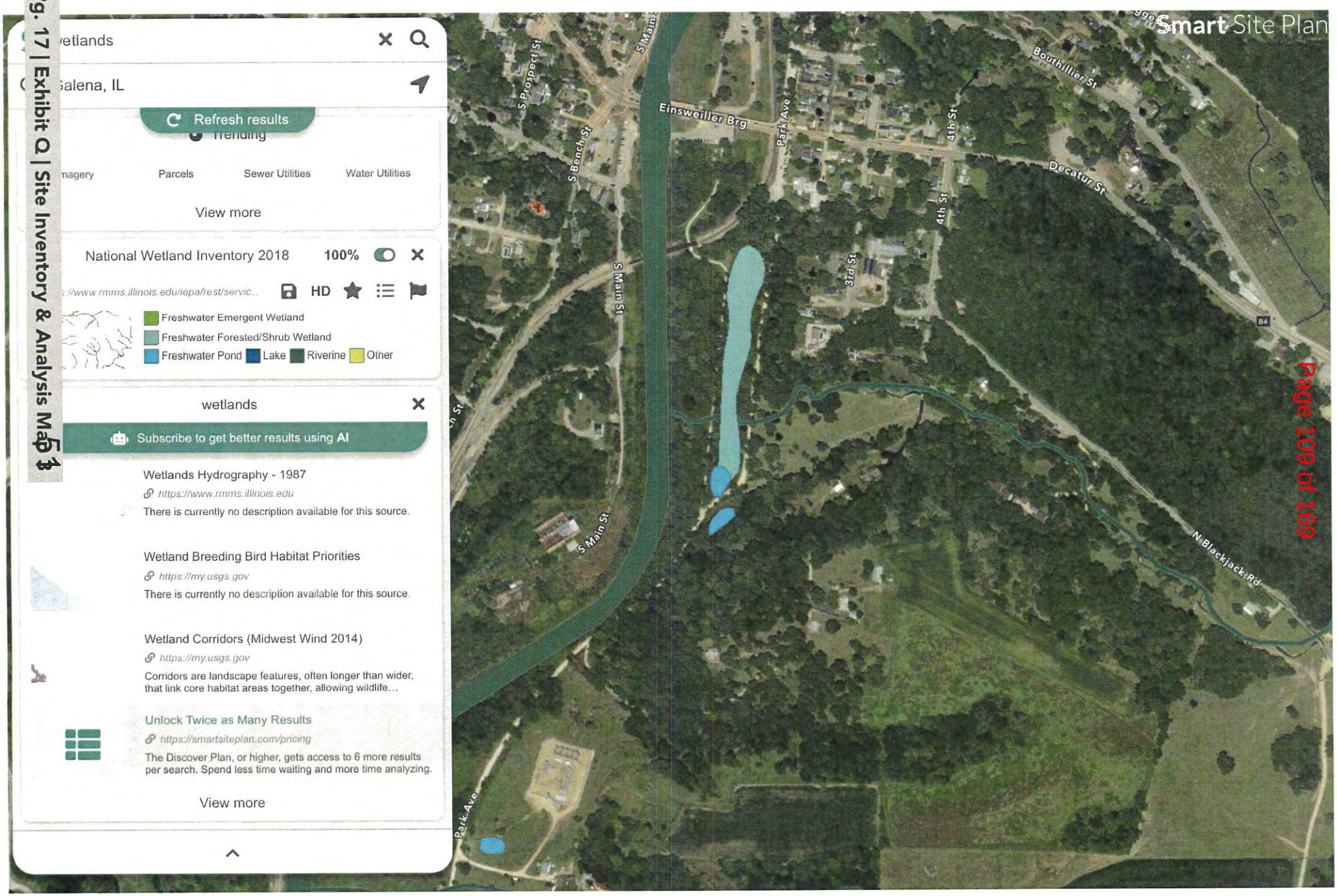
REVISIONS		
REV. NO.	DESCRIPTION	DATE

DRAWING:
SITE INVENT-ANALYSIS (2)

SET TYPE: PRELIMINARY

JOB NUMBER:
21-287

SHEET NUMBER:
2 of 2


etlands
alena, IL
Refresh results
Trending
magery
Parcels
Sewer Utilities
Water Utilities
View more
National Wetland Inventory 2018
100%
://www.rmms.illinois.edu/iepa/rest/servic...
HD
Freshwater Emergent Wetland
Freshwater Forested/Shrub Wetland
Freshwater Pond
Lake
Riverine
Other
wetlands
Subscribe to get better results using AI
Wetlands Hydrography - 1987
https://www.rmms.illinois.edu
There is currently no description available for this source.
Wetland Breeding Bird Habitat Priorities
https://my.usgs.gov
There is currently no description available for this source.
Wetland Corridors (Midwest Wind 2014)
https://my.usgs.gov
Corridors are landscape features, often longer than wider, that link core habitat areas together, allowing wildlife...
Unlock Twice as Many Results
https://smartsiteplan.com/pricing
The Discover Plan, or higher, gets access to 6 more results per search. Spend less time waiting and more time analyzing.
View more
Smart Site Plan
S Prospect St
S Main St
Einsweiller Brg
Park Ave
Bouthillier St
4th St
S Bench St
Decatur St
3rd St
S Main St
84
S Main St
N Blackjack Rd
Park Ave



FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL
ILLINOIS DESIGN FIRM NO. 184-003525

ILLINOIS
IOWA
WISCONSIN

PLOT DATE: 9/30/22

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OWNER/DEVELOPER:
BIENVIE

PROJECT AND LOCATION:
THE PARKER
GALENA, ILLINOIS

DRAWN BY: KAH
APPROVED BY: KAH
DATE: 9/20/2022
SCALE: AS NOTED

REVISIONS		
REV. NO.	DESCRIPTION	DATE
–	–	–
–	–	–
–	–	–
–	–	–

DRAWING:
LANDSCAPE DEVELOPMENT PLAN

SET TYPE: PRELIMINARY

JOB NUMBER:
21-287

SHEET NUMBER:
1 of 1

CITY OF GALENA, ILLINOIS

Application for Planned Development

Name of Applicant: True North Quality Homes, LLC

Name of Property Owner (if different from applicant): True North Quality Homes, LLC

Address of Property: Approved preliminary PUD: 1304 Park Ave., 1308 4th St, 2190 N. Blackjack Road
Proposed Amendment addition:1962 N. Blackjack Road Galena IL 61036
City State Zip

Current and proposed use of property: The already approved preliminary PUD plan has been annexed into the City and zoned as Planned Commercial. This amendment seeks to add 18.24 acres to the approved preliminary PUD plan. This additional parcel would default to and remain as a "Limited Agricultural" zoning district designation.

Within Historic District?: ☐ **Yes** ☑ **No**

Please Note: Provide all plats, site plans, and other pertinent information as may be required by the Zoning Ordinance or the Zoning Administrator.

Provide the names and addresses of surrounding property owners from the property in question for a distance of two-hundred-fifty (250) feet in all directions. Please exclude the number of feet occupied by all public roads, streets, alleys, and public ways in computing the 250 feet requirement.

I certify that all the information provided above is complete and correct to the best of my knowledge and belief.

Sandra Ann Lawrence — **Applicant's Signature** — 09/21/2022 — **Date**

See Attached Certificate

Notary's Signature **Date** **Commission Expiration**

City of Galena Use Only

Date Filed: 9-21-22 **Site Visit?:** ☐ **Yes** ☒ **No** **If yes, date:** _____

Fee Paid: * Yes **Receipt #:** 2.373981 **Amount: $** 500.00 **Date:** 9-22-22

Date set for public hearing: 10-12-22 **Date hearing held:** _____ **Date of published notice:** 9-28-22

Newspaper: Galena Gazette **Name of municipality where published:** Galena, IL

Action by City Council on request: _____

Comments: _____

ALL-PURPOSE ACKNOWLEDGMENT

State/Commonwealth of TEXAS)
)
☐ City ☑ County of Harris)

On 09/21/2022 (Date) before me, Roosevelt Flahnma (Notary Name),

personally appeared Sandra Ann Lawrence
(Name(s) of Signer(s))

☐ personally known to me -- OR --

☐ proved to me on the basis of the oath of _____ -- OR --
(Name of Credible Witness)

☑ proved to me on the basis of satisfactory evidence: driver_license
(Type of ID Presented)

to be the individual(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and by proper authority, and that by his/her/their signature(s) on the instrument, the individual(s), or the person(s) or entity upon behalf of which the individual(s) acted, executed the instrument for the purposes and consideration therein stated.

WITNESS my hand and official seal.

Notary Public Signature: Roosevelt Flahnma
Notary Public, State of Texas

Notary Name: Roosevelt Flahnma

Notary Commission Number: 132722990

Notary Commission Expires: 10/12/2024

Notarized online using audio-video communication

NOTARY PUBLIC STATE OF TEXAS
Roosevelt Flahnma
ID NUMBER
132722990
COMMISSION EXPIRES
October 12, 2024

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: Application for Planned Development

Document Date: 09/21/2022 Number of Pages (w/ certificate): 2

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Sandra Ann Lawrence

☑ Corporate Officer Title: President
☐ Partner – ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian of Conservator
☐ Other:

Signer Is Representing: True North Quality Homes LLC

Capacity(ies) Claimed by Signer(s)

Signer's Name:

☐ Corporate Officer Title:
☐ Partner – ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian of Conservator
☐ Other:

Signer Is Representing:

CITY OF GALENA, ILLINOIS

101 Green Street, PO Box 310, Galena, Illinois 61036

MEMORANDUM

TO: Honorable Mayor Renner and City Council

FROM: Mark Moran, City Administrator

DATE: November 9, 2022

RE: Possible Reconsideration of Wilson Annexation Agreement

At the December 28, 2021 meeting, the city council approved an annexation agreement with Rosean and John Wilson for the 2.45-acre parcel/building at U.S. 20 and Gear Street, formerly the Galena Chrysler Used Vehicle business. At the October 24, 2022 meeting, a consultant for the Wilson's and the potential buyer of the property spoke during public comments. They explained that they hope to open a brewery on the property but the cost of installing the needed sewer system is prohibitive. The sewer is approximately 820 feet from the property line.

I was contacted by two council members who would like to reconsider the annexation agreement with the possibility of assisting the owners with the extension of the sewer to the property. As a reminder, a vote to reconsider requires a motion and a second describing new information not available at the time of the original vote. Both the motion and the second must be made by council members who voted on the prevailing side of the original motion. A vote is not required once the motion and second are recorded. If the reconsideration is approved, then a new motion would be needed describing any desired changes to the approved annexation agreement. A vote to modify the annexation agreement would require five affirmative votes.

The approved annexation agreement requires the owners to pay the design and construction costs of connecting to the public sewer system and water system. The City agreed to waive the one-time fees for connecting to the systems. The City also agreed to abate property taxes on the property for five years.

I am attaching the annexation agreement that was approved at the December 28, 2021 meeting for reference. Please contact me with any questions. Thank you.

ANNEXATION AGREEMENT

THIS AGREEMENT is made on or as of the _____ day of _____, 2021, by and between the **CITY OF GALENA, an Illinois Municipal Corporation** (the "City") and **Rosean Wilson, John Wilson, or their grantees, heirs, successors or assigns**, (the "Owners").

RECITALS

A. The Owners hold title to or have an interest in the Property hereinafter more particularly described in "Exhibit A."

B. Section 11-15.1-1 of the Illinois Municipal Code authorizes municipalities to enter into annexation agreements providing for the annexation of certain property upon the property becoming contiguous to the municipality and further states that lack of contiguity to the municipality of the property that is the subject of an annexation agreement does not affect the validity of an agreement.

C. Section 11-15.1-2.1 of the Illinois Municipal Code provides that the property that is the subject of an annexation agreement adopted under Division 15.1 is subject to the ordinances, control and jurisdiction of the annexing municipality in all respects, the same as property that lies within the annexing municipality's corporate limits.

D. Owners propose to enter into an annexation agreement with the City for the Property and rezone the Property to General Commercial District pursuant to authority granted by the City of Galena Zoning Board of Appeals and the Galena City Council.

E. Given the proximity to the City and the possible provision of City utilities to the Property, this development will have a far greater impact on the City than upon any other unit of local government having the authority to undertake regulation of those operations.

F. On December 8, 2021, after duly published notice, the Zoning Board of Appeals of the City conducted a public hearing on Owner's request for a rezoning from the Limited Agricultural district to the General Commercial District. Upon adjournment of the public hearing, the Zoning Board of Appeals of the City made recommendations regarding such items to the City Council of the City in the manner provided by law.

G. On December 13, 2021, after duly published notice, the City Council of the City conducted a public hearing on this Agreement in accordance with applicable law.

H. Performance by both the Owners and the City of their respective obligations under this Agreement is critical to the health, safety and welfare of the general public, and to the enjoyment and use of property located in the vicinity of the Property.

NOW, THEREFORE, in consideration of the foregoing recitals and in consideration of the mutual covenants and agreements hereinafter set forth, the City and the Owners agree as follows:

ARTICLE I

INCORPORATION OF RECITALS AND EXHIBITS

1.1 **Incorporation of Recitals**. The recitals herein above set forth are incorporated into and made a part of this Agreement.

1.2 **Incorporation of Exhibits**. The exhibits attached hereto are incorporated into and made a part of this Agreement.

ARTICLE II

DEFINITIONS

2.1 **Definitions**. As used in this Agreement, the following terms shall have the meaning set forth opposite each of them except where the use or context clearly indicates that a different meaning is intended:

2.1.1 "**Agreement**" or "**this Agreement**" shall mean this Annexation Agreement between the City and the Owners.

2.1.2 "**City**" means the City of Galena, a municipal corporation organized and existing under the laws of the State of Illinois and located in Jo Daviess County, Illinois.

2.1.3 "**County**" means the County of Jo Daviess in the State of Illinois.

2.1.4 "**Owners**" means Rosean Wilson, John Wilson, or their grantees, heirs, successors or assigns.

2.1.5 "**Property**" means the real property at 10840 US Route 20 West, legally described on "Exhibit A", and consisting of 2.66 acres.

2.1.6 "**Zoning Code**" means the City of Galena Zoning Ordinance found at Chapter 154 of the City Code of the City.

ARTICLE III

ANNEXATION AND ZONING OF THE PROPERTY

3.1 **Annexation of the Property.** Within thirty (30) days after the execution of this Agreement, the City shall, subject to the terms and conditions of this Agreement, do all things necessary or appropriate to cause the Property to be annexed to the City and to comply with the provisions of this Agreement. In particular and without limitation, the City shall pass and approve an ordinance annexing the Property to the City and prepare and serve any notices as may be required for any township road district, fire protection district or library district, as appropriate. The City shall record as necessary the ordinance annexing the Property and record or file any other documents as may be necessary to effectuate the terms of this Agreement.

3.2 **Adoption of Ordinances Addressing Zoning Matters.** No later than thirty (30) days after the adoption of this Agreement, the City shall, subject to the terms and conditions of this Agreement, do all things necessary or appropriate to cause the City to adopt an ordinance for the purpose of establishing the zoning of the Property and parts thereof, being General Commercial District zoning.

3.3 **Use of the Property Prior to Annexation.** Until the City annexes the Property as provided in Section 3.3 of this Agreement, the City and Owners agree that the Property may be used in accordance with and consistent with the terms of this

Agreement and with all ordinances of the City regarding such development in place at the time of the execution of this Agreement.

ARTICLE IV

ZONING

4.1 **Zoning**. The City shall enact such ordinances, adopt such resolutions and take such other actions as are necessary to zone the property General Commercial District. There shall be no fee for the zoning process.

4.2 **Highway Corridor Overlay Compliance**. Prior to the issuance of any City building permit for new construction, the Owner shall comply with the provisions of the Highway Corridor Overlay District as found in Zoning Code Section 154.303 for those portions of the Property to which the Corridor District applies. According to Section 154.922, a Non-Administrative Highway 20 Development permit shall be required. As a condition to the issuance of a permit in said District by the City, Owner shall be required to submit plans and obtain approval or waiver from the City with respect to the following: (a) the location of each proposed structure on the site, the number of stories and height thereof, gross floor area, and the location of entrances and exits to buildings; (b) the dimension and capacities of parking and loading areas, and the character and location of illumination facilities and landscaping for same shown on a dimensional drawing; and (c) the location and height of all walls, fences and screen plantings, landscaping and buffer areas. City approval or waiver of the aforesaid after review by the Zoning Board of Appeals and approval by the City Council shall not be unreasonably withheld.

4.3 **Screening**. Pursuant to Zoning Code Section 154.923, Owners shall be required to provide City with the proposed location and screening of all onsite facilities for refuse collection, loading areas, outdoor storage areas and HVAC or other utility equipment prior to the issuance of a building permit for the construction of any new such improvements on the Property.

4.4 **Site Plans**. Consistent with City of Galena Zoning Ordinance Section 154.914, site plans shall be submitted to the Zoning Administrator and shall be reviewed and, if in compliance with City ordinances and this Agreement, approved by the City pursuant to the provisions found in Zoning Code Section 154.134 of the Galena Zoning Ordinance.

4.5 **Materials to be Used**. All new buildings shall be erected on the Property using acceptable materials as provided in the Highway Corridor Overlay District, subject to approval by the City.

4.6 **Permits**. Prior to commencing construction of any buildings, Owners shall at their sole cost and expense acquire any and all licenses or permits which may be required by applicable local ordinances of the City, as well as may be required by all county, state or federal statutes or regulations.

ARTICLE V

CODES AND ORDINANCES; FEES

5.1 Except where specifically limited or reserved by this Agreement, to the extent of any conflict, ambiguity or inconsistency between the terms, provisions or standards contained in this Agreement and the terms, provisions or standards, either presently existing or hereafter adopted, by the City of Galena Code of Ordinances, the City of Galena Zoning Ordinance, the City of Galena Storm Water Detention Ordinance, and the City of Galena Subdivision Ordinance, or any other City code, ordinance or regulation, the terms, provisions and standards of this Agreement shall control and govern during the term of this Agreement. Notwithstanding the foregoing, if any City code, ordinance or regulation is hereafter adopted, amended or interpreted so as to be less restrictive upon the Owners with respect to the development of the Property, than is the case under the existing law, then at the option of the Owners, such less restrictive amendment or interpretation shall control during the term of this Agreement.

5.2 No fee or charge of any description shall be imposed upon the Owner or upon the development and use of the Property, unless, as of the date of this Agreement, such fee or charge is in existence and being collected by the City on a uniform basis from all Owners, users and developers of property within the City.

ARTICLE VI

SANITARY SEWER SERVICE

6.1 The City represents and warrants that it owns, operates and maintains a sanitary sewage collection, treatment and disposal system within its borders and contiguous to or abutting the Property. The existing building on the Property shall be permitted to continue to utilize a private septic system subject to the provisions of this paragraph. Any building or facility on the property that is required by the building code to have sanitary sewer facilities shall be connected to the public sewer system when the current septic system is no longer suitable to serve that building or facility or when the septic systems cannot be maintained or expanded in accordance with applicable rule or law. If any new principal building is constructed on the Property, it shall be required to connect to the City sewer system. Once a building or facility is connected to the public sewer system, it shall not be permitted to utilize septic treatment or other alternative treatment or containment systems. Prior to the issuance of any construction or other permits related to the connection of the Property to the public sewer an Illinois Environmental Protection Agency permit for the connection must be obtained at the sole cost and expense of the Owners. The City does not warrant, guarantee or agree that the sanitary sewer system owned and operated by the City has sufficient capacity or functionality to serve the Property or any development thereof. Furthermore, the City shall not reserve any sewerage capacity for the Property until such time that the City issues construction permits for the construction of the sanitary sewer system for the Property in accordance with this paragraph.

6.2 Subject to the limitations set forth herein, the Owners shall have the right to connect to and use such sanitary sewer system and mains. Prior to the issuance of any building permits, Owners shall obtain a permit from the City for the tap-on connection and inspection. The fees for the tap-on connection and inspection shall be waived.

6.3 The Owners shall be responsible for obtaining any and all permissions, easements, or property necessary to install the sanitary sewer system needed to serve the Property. The City does not guarantee sufficient public right-of-way or public property to install sanitary sewer service outside of the Property. City shall without cost to the City and to the extent reasonably possible, assist Owners/Developers in procuring easements or acquiring property interests necessary to extend the sanitary sewer from its current terminus to the boundary of the Property in order to affect the provision of sanitary service to the Property.

6.4 The City agrees to enter into a recapture agreement with the Owner requiring any owner(s) of property connecting to the extension of sewer main installed by the Owner to pay a proportionate share of the engineering and construction costs of the sewer main. The recapture amount(s) shall be determined by the City Engineer and based on fair market costs at the time of the construction of the sewer main by the Owner. The recapture shall be collected at the time of connection to the sewer main by the benefiting owner(s). The recapture agreement shall be entered into within 30 days following the issuance of the permit for the sewer main extension by the Illinois Environmental Protection Agency.

ARTICLE VII

POTABLE WATER SERVICE

7.1 The City represents and warrants that it owns, operates and maintains a potable water supply and distribution system within its borders and contiguous to the Property. The existing building on the Property shall be permitted to continue to utilize a private well subject to the provisions of this paragraph. Any building or facility on the Property that is required by the building code to have potable water service shall be connected to the City of Galena public water system when the current private well is no longer suitable to serve that building or facility or when the well cannot be maintained or improved in accordance with applicable rule or law. If any new principal building is constructed on the Property, it shall be required to connect to the City water supply. Once a building or facility is connected to the public water system, it shall not be permitted to utilize a well for its potable water supply. If an extension of the public water system is required to facilitate the connection of any building on the Property to the public water supply, and prior to the issuance of any construction or other permits related to the use or development of the Property, an Illinois Environmental Protection Agency permit must be obtained at the sole cost and expense of the Owners. The City does not warrant, guarantee or agree that the potable water system owned and operated by the City has sufficient capacity or functionality to serve the Property, the current uses, or any development thereof. Furthermore, the City shall not reserve any potable water capacity for the Property until such time that the City issues construction permits for the construction of the water sewer system for the Property in accordance with this paragraph.

7.2 Subject to the limitations set forth herein, the Owners shall have the right to connect to and use such potable water supply system. Prior to the issuance of any building permits, Owners shall obtain a permit from the City for the tap-on connection and inspection. The fees for the tap-on connection and inspection shall be waived.

7.3 The Owners shall be responsible for obtaining any and all permissions, easements, or property necessary to install the potable water system needed to serve the Property. The City does not guarantee sufficient public right-of-way or public property to install water service outside of the Property. Such action to complete such extension of the potable water main or mains shall be taken no later than the date water service is required for occupancy of the improvements to be serviced by said water main extension. City shall, without cost to the City and to the extent reasonably possible, assist Owners in procuring easements or acquiring property interests necessary to extend the potable water from its current terminus to the boundary of the Property in order to affect the provision of potable water service to the Property. Water shall only be extended with Illinois Environmental Protection Agency approval, as required, and only pursuant to permits from the City.

ARTICLE XIII

STORM DRAINAGE

8.1 In the event new buildings are constructed on the Property, Owners shall be responsible for providing all necessary storm sewers, detention systems and compensatory storage in compliance with the City of Galena Storm Water Detention Ordinance as amended, the existing City of Galena Flood Plain Ordinance and all other

applicable laws and regulations, as modified or amended pursuant to the terms of this Agreement.

ARTICLE IX

OTHER REQUIREMENTS REGARDING INFRASTRUCTURE

9.1 All public infrastructure including, but not limited to, sanitary sewer system, potable water system, storm drainage system and streets shall be installed on the Property consistent with all City ordinances, specifications, rules, regulations and the terms of this Agreement and same shall be subject to inspection and testing by appropriate officials of the City prior to the required dedication to and acceptance of same by the City. All costs and expenses of such testing and inspections to facilitate City approval and acceptance thereof shall be paid by Owners.

9.2 Prior to taking any action with regard to installation of any such public infrastructure systems, Owners shall provide at least twenty-four (24) hour advance notice to the City that such work is about to commence. Failure to provide such notice prior to the beginning of any such work shall be a breach of this Agreement and shall subject the Owners to possible stop work order(s) of a temporary or permanent nature as the City may determine to be appropriate under the circumstance.

9.3 Owners acknowledge and agree that no public infrastructure shall be approved or accepted by the City, nor will any building permits be issued without the delivery to the City by Owners of “As Built” plans and/or drawings of all such public infrastructure installations in both paper and electronic form compatible with the Jo

Daviess County Geographic Information System (GIS) or any similar system used by Jo Daviess County at the time of submission of same.

9.5 Prior to acceptance of any dedication of any public infrastructure by the City, Owners shall provide to the City copies of all recorded easements needed for such public infrastructure. Owners agree that all such easements shall not be created nor recorded without prior City Attorney acceptance and approval of the language, terms and descriptions set forth therein. All such easements shall reference that maintenance and repairs of said public infrastructure shall be completed by Owners prior to acceptance of same by the City under the terms of this Agreement.

9.6 Owners shall warrant all infrastructure accepted by the City for a period of one year commencing on the date of acceptance of the infrastructure by ordinance. During the warranty period, Owners shall be responsible for all repairs necessary to maintain the public infrastructure free from defects or damage and in the same condition as at the date of acceptance.

ARTICLE X

BUILDING PERMITS

10.1 It is agreed that the City will not issue building permits for any redevelopment of the subject area unless and until City staff has completed all approvals as set forth above as well as approval of the site plan consistent with zoning of the Property and the requirements as imposed upon Owners pursuant to this Agreement and any amendment thereto. Such plan or plans shall conform to the requirements of the Galena Zoning Ordinance and the municipal codes applicable at the

date of this Agreement. Such plan or plans, when submitted, shall be promptly considered by City staff and, if necessary, by the Galena Zoning Board of Appeals, the Zoning Administrator and/or the City Council, as the case may be. Owner/Developers shall pay all building permit fees required of properties located within the municipal limits at the time of application, therefore.

ARTICLE XI

TAX ABATEMENT

11.1 Under the authority of the Illinois Compiled Statutes (35 ILCS 200/18-184) the City shall annually abate the property taxes levied by the City for the Property for a period not to exceed five (5) years beginning on the effective date of this Agreement. The cumulative amount of taxes abated shall not exceed $50,000, or extend more than five (5) years, whichever comes first. Said abatement shall be valid for the current owners of the Property and shall transfer to any future owner of the Property. This abatement is made to encourage the improvement of the property for economic development purposes.

ARTICLE XII

TERM

12.1 This Agreement shall be binding upon the parties and their respective grantees, heirs, successors and assigns for twenty (20) years, commencing as of the date hereof, and for such further term as may hereinafter be authorized by statute and by City ordinance. If any of the terms of this Agreement, or the annexation or zoning of

the Property, is challenged in any court proceeding, then, to the extent permitted by law, the period of time during which such litigation is pending shall be included in calculating said twenty (20) year period.

ARTICLE XIII

PERFORMANCE BOND

13.1 A bond shall be required prior to the issuance of any permits for the construction of infrastructure intended to be dedicated to the City upon completion. To assure performance and completion of the terms and conditions of this Agreement and all construction and other commitments made by Owners under the terms of this agreement, Owners shall provide to the City a Performance Bond either in cash or through a bank or an insurance carrier acceptable to the City in an amount to be determined by City to cover 100 percent of the cost of installing all public infrastructure. Said bond shall be in the name of the City, due within sixty (60) days of approval of the Final Planned Unit Development Plan and shall authorize the City to use said funds if Owner were to fail to perform under the terms of this Agreement. Failure to perform shall be identified as follows:

13.1.1. The infrastructure is incomplete or deficient as required under this Agreement and the various applicable ordinances of the City; and

13.1.2. The work on any permitted phase of said infrastructure has ceased for more than twelve (12) months or the work on any permitted phase of infrastructure is incomplete twenty-four (24) months after the date the permit(s) was issued for said construction, and

13.1.3. The City has provided sixty (60) days written notice to Owners of the existence of such stoppage or deficiencies, or

13.1.4. The Owner is unable or unwilling to complete the public infrastructure to satisfy City requirements or has failed to otherwise comply with the terms of this Agreement.

The City shall be authorized to collect, and use said bond proceeds, at the sole discretion of the City, acting in good faith, unless Owners/Developers obtain an Order of a court of competent jurisdiction stopping such use. The language of and the provider of any such bond shall be agreed by the parties prior to the issuance of any construction permits by the City.

ARTICLE XIV

GENERAL PROVISIONS

14.1 **Breach and Opportunity to Cure**. Before any failure of any party to this Agreement to perform its obligations under this Agreement shall be deemed to be a breach of this Agreement, the party claiming such failure shall notify in writing the party alleged to have failed to perform of the alleged failure and shall demand performance. No breach of this Agreement may be found to have occurred if performance is completed to the reasonable satisfaction of the complaining party within thirty (30) days after receipt of such notice, or in the case of a failure which by its nature takes in excess of thirty (30) days to cure, such longer period of time as may be reasonably necessary to cure the same provided that the curing party is pursuing said cure with due diligence.

14.2 **Enforcement**. The terms and conditions of this Agreement shall be specifically enforceable by the parties hereto. In the event of litigation initiated by either party for the purpose of seeking enforcement of this Agreement, the Court shall award reasonable attorneys fees and costs to the prevailing party, whether such fees are incurred for purposes of negotiation, trial or appellate practice. A party will be deemed to have prevailed if it obtains a judgment or settlement which substantially provides the relief sought by such party as determined by the Court.

14.3 **Amendment.** This Agreement and any exhibits attached hereto may be amended only by the mutual consent of the parties including in the case of the City, by the adoption of an ordinance or resolution of the City approving said amendment as provided by law, and by the execution of said amendment by the parties or their successors in interest. Any language of this section which is inconsistent with Illinois law at the time such language is being construed regarding amendment of annexation agreements is hereby agreed by the parties as void.

14.4 **No Other Agreements.** Except as otherwise expressly provided herein, this Agreement supersedes all prior agreements, negotiations and discussions relative to the subject matter hereof and fully integrates the agreement of the parties.

14.5 **Binding on Successors.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective grantees, heirs, successors and permitted assigns.

14.6 **Consent.** Except as otherwise provided herein, whenever consent or approval of either party is required, such consent or approval shall not be unreasonably withheld or unduly delayed.

14.7 **Paragraph Headings.** Paragraph headings and references are for the convenience of the parties and are not intended to limit, vary, define or expand the terms and provisions contained in this Agreement and shall not be used to interpret or construe the terms and provisions of this Agreement.

14.8 **Severability**. If any provision, covenant or portion of this Agreement or its application to any person, entity or property is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants or portions of this Agreement (and to that end, any provisions, covenants or portion of this Agreement are declared to be severable).

14.9 **Applicable Law.** This Agreement shall be construed in accordance with the laws and decisions of the State of Illinois.

14.10 **Notices.** All notices herein shall be in writing and shall be deemed to be effective as of the date of actual delivery if by personal delivery or as of the third day from and including the day of posting if mailed by certified or registered mail return receipt requested with postage prepaid:

To the City:	City of Galena Attention: City Administrator 101 Green Street Galena, IL 61036
with a copy to:	City Attorney 101 Green Street Galena, IL 61036
To Owners:	Rosean and John Wilson 11300 Highway 20 West Galena, IL 61036

or to such replacement parties as may from time to time be identified by written notice.

14.11 **Mutual Assistance.** Subject to provisions of this Agreement requiring payment for or reimbursement to the City for costs by Owners, the City and Owners shall do all things necessary or appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in carrying out the terms and objectives of this Agreement and the intentions of the Parties as reflected by said terms, including, without limitation, the giving of such notices, the holding of such public hearings, the enactment by the City of such resolutions and ordinances and the taking of such other actions as may be necessary to enable the City's and Owners compliance with the terms and provisions of this Agreement and as may be necessary to give effect to the terms and objectives of this Agreement and the intentions of the parties as reflected by said terms. This process shall proceed in a manner where there shall be no costs to the City.

IN WITNESS WHEREOF, the City and Owners have caused this Annexation Agreement to be executed effective as of the day and

year first above written.

CITY OF GALENA:

BY: _____
Its Mayor

ATTEST:

_____
Its City Clerk

OWNERS:

BY: _____
Rosean Wilson

ATTEST: _____

BY: _____
John Wilson

ATTEST: _____

STATE OF ILLINOIS)
) ss.
JO DAVIESS COUNTY)

The foregoing instrument was acknowledged before me by Terry Renner, City Mayor, and Mary Beth Hyde, City Clerk, this _____ day of _____, 2021.

_____
Notary Public

STATE OF ILLINOIS)
) ss.
JO DAVIESS COUNTY)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, Do Hereby Certify that **ROSEAN WILSON**, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this _____ day of _____, 20___.

_____
Notary Public

STATE OF ILLINOIS)
)ss.
JO DAVIESS COUNTY)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, Do Hereby Certify that **JOHN WILSON**, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and seal this _____ day of _____, 20___.

_____
Notary Public

PREPARED BY AND RETURN TO:

Joseph Nack
City Attorney
City of Galena
101 Green Street
Galena, IL 61036
815/777-1050

EXHIBIT A

Legal Description

Parcel ID 22-000-069-30

10840 US RTE 20 West, Galena, Illinois

S13 T28N R1W PT W ½ SW

2.45 Acres

Ordinance #22-

AN ORDINANCE ACCEPTING THE DONATION OF PROPERTY FOR THE GALENA DOG PARK IN TIMP'S SUBDIVISION—PHASE 2

WHEREAS, the City of Galena, Illinois (hereinafter, "the City"), is a municipal corporation operating under the laws of the State of Illinois, in Jo Daviess County, Illinois; and

WHEREAS, Timp Development Corporation, Inc. (hereinafter, "the Donor"), is the owner of certain real property in Timp's Subdivision—Phase 2 in the City of Galena; and

WHEREAS, the Donor desires to donate 3.22 acres ("the Property") in Timp's Subdivision—Phase 2 to the City of Galena without restrictions or conditions; and

WHEREAS, the Property is legally described as Lot 8 and Lot 9 of the Timp's Subdivision—Phase 2, East Galena Township, Galena, Illinois; and

WHEREAS, a certified appraisal of the Property was conducted on October 18, 2022 by Kane Appraisal Services and the value of the property was estimated as $67,000.00; and

WHEREAS, the Galena City Council has determined that accepting the donation of the Property for the construction of a dog park will provide a benefit to the public.

THEREFORE, BE IT ORDAINED by the City Council of the City of Galena, Jo Daviess County, Illinois, as follows:

SECTION I: The recitals contained above in the preamble of this ordinance are hereby incorporated herein by reference, the same as if set forth in this section of this ordinance verbatim, as findings of the City Council of the City of Galena, Illinois.

SECTION II: The City hereby accepts the donation of the Property valued at $67,000.00 from the Donor.

SECTION III: The Mayor is hereby authorized to execute any documents necessary to complete the conveyance of the Property from the Donor to the City.

SECTION IV: This Ordinance shall take full force and effect upon adoption.

YEAS: NAYS:

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____ 2022.

ATTEST:

Ordinance #-22-

AN ORDINANCE APPROVING THE PURCHASE OF REAL ESTATE AT 403 SOUTH MAIN STREET, GALENA, ILLINOIS

WHEREAS, the City of Galena, Illinois (hereinafter, "the City"), is a municipal corporation operating under the laws of the State of Illinois, in Jo Daviess County, Illinois; and

WHEREAS, the City, pursuant to Section 11-76.1-1 of the Illinois Municipal Code (65 ILCS 5/11-76.1-1), has the power to purchase real property for public purpose; and

WHEREAS, the City has determined that a 0.46-acre parcel ("the Property") owned by Illinois Bank and Trust, should be acquired by the City for City purposes, including public parking; and

WHEREAS, the City negotiated with Illinois Bank and Trust ("the Seller') to purchase the property under certain terms and conditions; and

WHEREAS, the City has agreed to purchase, and the Seller has agreed to sell the property described as a "Lots Between Main and Bench Sts., Lots 19, 20, 21 & Part of Lots 18 & 22, Galena, Illinois 61036 in Jo Daviess County, property tax identification 22-100-022-00", commonly known as 403 S. Main Street, Galena, IL 61036, for an amount of $200,000 and other consideration, pursuant to a Real Estate Contract for Purchase (the "Contract") a copy of which is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, the Galena City Council has determined that the purchase of the Property by the City and its use for City purposes, including public parking, will provide benefit to the public in perpetuity.

THEREFORE, BE IT ORDAINED by the City Council of the City of Galena, Jo Daviess County, Illinois, as follows:

SECTION I: The recitals contained above in the preamble of this ordinance are hereby incorporated herein by reference, the same as if set forth in this section of this ordinance verbatim, as findings of the City Council of the City of Galena, Illinois.

SECTION II: The Contract for the purchase of the Property is hereby adopted.

SECTION III: The Mayor is hereby authorized and directed to sign the Contract on behalf of the City.

SECTION IV: This Ordinance shall take full force and effect upon adoption. YEAS: NAYS:

PASSED by the City Council and APPROVED by the Mayor this _____ day of November, 2022.

TERRY RENNER, MAYOR

ATTEST:

Mary Beth Hyde, City Clerk

REAL ESTATE CONTRACT FOR PURCHASE

1. (Seller) ILLINOIS BANK & TRUST, an Illinois Banking Institution
   Address: 400 S. Main Street, Galena, IL 61036

2. (Buyer) CITY OF GALENA, an Illinois Municipal Corporation
   Address: 101 Green Street, Galena, IL 61036

3. Offer to purchase the following described real estate situated in Jo Daviess County, Illinois, commonly known as:
   412 S. Main Street, Galena, IL 61036

   Legally described as: See attached "Exhibit A" – Legal Description

   Tax code: **43-22-100-518-00**

4. And to pay for the premises the sum of **$ 200,000.00** in the manner following: **$ 0.00** as earnest money to be tendered by Buyer no later than **5** day(s) following the date of the accepted Contract which shall be held in escrow and disbursed according to the terms of this Contract and the balance due at time of closing as follows:

   ~~☐ A. Cash. Seller shall receive verification of funds within __ days after final acceptance.~~

   ~~☐ B. Agreement for Deed **(rider required)**~~

   ~~☐ C. Assumption (Seller Financed) **(rider required)**~~

   ☒ D. This contract is contingent upon the ability of the Buyer to obtain within _____ days after final acceptance, a written ☒Conventional ☐FHA ☐VA ☐USDA ☐Assumption ☐Other _____

   Mortgage Loan Commitment containing the following terms: Mortgage Loan at market rate, ~~of not less than _____% of the purchase price~~ **due in not less than 5 years with interest at not more than __% per annum ☒fixed rate ☐adjustable rate. Buyer shall provide to Seller a copy of the Lender's loan commitment or denial by the above date. The issuance of a commitment containing the above specified terms (although including additional conditions), or Buyer's written acceptance of a commitment containing other terms shall satisfy this contingency.** ~~Seller agrees to pay Buyer's **actual loan closing fees and prepaid fees**, not to exceed $_____. Seller shall pay cost of any required FHA, VA, or USDA inspections, reinspections or repairs no to exceed $_____. Where applicable, the parties agree to promptly execute and direct their Broker(s) to execute the applicable FHA Amendatory Clause and Real Estate Certification of the VA Amendment to Sales Contract Forms Currently approved by HUD.~~

5. Appraisal. This Contract is contingent upon the ability of the Buyer to obtain, or have the Buyer's Lender obtain, within _____ days after final acceptance, an appraisal prepared by an Illinois certified appraiser indicating the value of the premises to be equal to or greater than the purchase price.

6. The time of the closing shall be on or before **December 30, 2022**, and Seller shall deliver possession at time of closing and all documents relative to the transaction shall be signed and delivered.

7. Seller warrants that he owns and hereby sells all fixtures on or attached to the premises including permanently attached linoleum and carpet, existing storms and screens, furnace, hot water heater, light fixtures, all drapery hardware and rods, garage opener and controls, all smoke and fire alarms, stove and refrigerator.

8. Seller warrants that there are no rented fixtures or equipment.

NOTICE TO PARTIES

ALL PROVISIONS PRINTED ON PAGES 3-5 ARE HEREBY MADE A PART OF THIS CONTRACT. YOU SHOULD READ THOSE PROVISIONS BEFORE SIGNING THIS CONTRACT. BY SIGNING THIS CONTRACT, YOU ARE ENTERING INTO A BINDING LEGAL CONTRACT. IF YOU DO NOT UNDERSTAND ALL OF THE TERMS, SEEK LEGAL COUNSEL FROM YOUR ATTORNEY BEFORE SIGNING. ANY REPRESENTATION UPON WHICH YOU RELY SHOULD BE INCLUDED IN THIS CONTRACT. NO ORAL REPRESENTATION WILL BE BINDING UPON OR AN OBLIGATION OF THE SELLER, BUYER, REAL ESTATE BROKER OR AGENT.

Dated the _____ day of _____, **20**___, and to be accepted on or before the _____ day of _____, **20**___ **by 5:00 pm.**

BUYER(S)

_____

_____

SELLER(S)

_____

_____

FINAL ACCEPTANCE DATE_____

Agent acknowledges receipt of the initial deposit at the time of signing this contract (cash)(check)(note) _____

9. Except as otherwise stated in this contract, seller warrants that all mechanical equipment, heating and air conditioning equipment, water heater, water softener, well, septic, plumbing and electrical systems and remaining appliances are in normal operating condition as of the date of possession, and seller shall have no further responsibility thereafter.

10. Seller shall be responsible for the payment of the 2022 real estate taxes. The Buyer shall be responsible for the 2023 real estate taxes. All pro-rations, including rents, general taxes, association dues and special assessments, utilities, water and sanitary use fees, shall be made as of closing with tax pro-rations based upon latest available information. Pro-rations shall be made on a 365-day basis. Tax pro-rations shall be based upon the actual tax bill if known for a specific year and shall otherwise be based upon 105% of the last known tax rate and using the latest available assessment and exemption information.

11. Risk of loss from all causes except fault of buyer shall remain upon seller until transfer of title or possession, whichever first occurs. Seller shall keep improvements on the premises issued to their full insurable value with respect at least to hazards covered by the usual fire and extended coverage insurance. If, while risk of loss remains on seller, the property is damaged, except through fault of buyer, in an amount less than 25% of purchase price, seller shall restore the same forthwith and parties shall remain bound to perform this contract. In all other respects, the Illinois Uniform Vendor and Purchaser Risk Act applies. Damage in an amount equal to 25% or more of the purchase price is material. (If damage is material the Act entitles the buyer to recover any portion of the purchase price paid.)

12. Conveyance of the property shall be by stamped warranty deed releasing homestead, or such other appropriate deed as may be required by this contract. Said conveyance shall be subject only to the following: All taxes and special assessment levied or confirmed after the date of closing; building and building line, use and occupancy restrictions, conditions and covenants or record, provided the same are not violated by the existing improvements or the present use thereof and do not contain a reverter or right of re-entry; zoning laws and ordinances of which there are no violations; easements for the public use of public utilities, if any, roads and highways, drainage ditches, feeders and laterals, if any; existing leases and tenancies and any mortgage or agreement for deed to be assumed pursuant to this contract.

13. Seller shall, before closing, furnish a current title insurance commitment in the amount of the purchase price, and a final policy thereafter or mutually acceptable evidence of title. Liens or encumbrances with a total balance due of an amount not more than the balance due at the time of closing under the contract shall not constitute material defects in said liens or encumbrances are paid and released at the time of closing.

14. Buyer or his agent shall within 10 days after receiving title evidence deliver to the seller or his agent a memorandum in writing specifying the objections made to the title. In case material defects found in said title are not cured within 20 days after such notice, this contract shall be void and the earnest money shall be returned, provided however that buyer may elect to take such title as it then is, and may deduct from the purchase price the amount of any liens or encumbrances. If buyer so elects, he shall give written notice of such election to seller or his agent within 10 days after the expiration of the 20 days. If no such notice is given, buyer shall have no further rights under this contract. Compliance with the provisions of this paragraph shall extend the time of closing until the expirations of the periods provided herein. Liens or encumbrances with a total balance due of an amount not more than the balance due at the time of closing under this contract shall not constitute material defects if said liens or encumbrances are paid and released at the time of closing.

15. If buyer fails to perform any of his obligations hereunder, seller shall be entitled to elect to sue for damages, to seek specific performance of this agreement, or elect to declare a forfeiture of this contract and to retain all payments received to the time of default as liquidated damages for lost time, effort, profit, and for his expenses, including attorney's fees. In the event seller elects to declare a forfeiture after delivery of possession, seller shall be entitled to re-enter and take immediate possession of the premises. The written notice at such forfeiture and re-entry served upon buyer, his heirs, executors, administrators, or assigns, or recorded in the Recorder's Office of the county in which the property is located, shall be sufficient notice of such election forfeiture and re-entry.

16. Time is of the essence of this contract and of all of the terms and conditions hereof.

17. In the event of legal action to construe or enforce the provisions of this contract, the prevailing party shall be entitled to collect his reasonable attorney's fees, court costs and related expenses from the losing party and the court having jurisdiction of the dispute shall be authorized to determine the amount of such fees, costs and expenses and enter judgment therefore.

18. Seller shall not be required to furnish a survey.

19. All refuse and personal property which is not being conveyed to buyer shall be removed from the real estate at seller's expense before the date of possession, unless otherwise agreed upon. Seller shall surrender possession of the residence in a broom-clean condition.

20. Buyer shall have the right to inspect the premises within 48 hours prior to closing.

21. Neither seller nor any authorized agent or representative of seller has received, prior to the date of seller's execution of this contract, any notice from any governmental body describing or relating to any alleged violations at the premises of any applicable zoning, building, dwelling, fire, electrical, health and safety, environmental protection or similar laws, statutes, ordinances, codes, rules or regulations which are uncured or uncorrected, as of the date of the seller's execution of the contract.

22. Parties agree to comply with the provisions of the Real Estate Settlements Procedures Act of 1974. (RESPA).

23. Each party agrees to provide the information necessary to complete the portions of the Illinois Department of Revenue Real Estate Transfer Declaration that are applicable to him, and to execute such declaration pursuant to the Real Estate Transfer Act, Illinois Revised Statues, Chapter 120, paragraph 1003.

24. Seller is providing a Residential Real Property Disclosure Report to the Buyers contemporaneously with the signing of this Real Estate Contract For Purchase, and the Buyers acknowledge receiving a copy thereof.

25. Seller is providing the Buyers with the Disclosure of Information and Acknowledgement – Lead Based Paint and/or Lead Paint Hazards with the signing of this Real Estate Contract For Purchase, and the Buyers acknowledge receiving a copy thereof.

26. Seller is providing the Buyers with the Disclosure of Information on Radon Hazards with the signing of this Real Estate Contract For Purchase, and the Buyers acknowledge receiving a copy thereof.

27. ~~Radon Contingency. On or before _____, 2022, Buyers, at their cost and expense, may cause the property to be inspected by a licensed radon inspector for the purpose of determining the existence of radon in the subject premises. Buyers shall give Seller a copy of the Radon Inspection Report within five (5) days of the date hereinabove set forth.~~

~~In the event the level of picocuries per liter is less than four (4), the radon report shall be deemed acceptable and the Real Estate Sale Contract shall remain in effect. In the event the Radon Inspection Report reveals radon of four (4) picocuries per liter or greater, Seller and Buyers shall attempt to negotiate a written agreement on the appropriate remedy or radon mitigation. If within seven (7) days of the date Seller receives the Radon Inspection Report the parties are unable to reach an agreement, then either party may terminate this Contract by written notice to the other party.~~

~~In the event the Buyers do not provide Seller with a Radon Inspection Report by the date specified herein, the terms of this provision shall be deemed waived by the Buyers, and the Real Estate Sale Contract shall remain in full force and effect.~~

28. ~~Home Inspection Contingency. This contract is also contingent upon the Buyers obtaining a satisfactory home inspection by _____, 20____, at the Buyer expense (unless otherwise provided by governmental regulations) any OR all of the following inspections of the Real Estate by an Illinois licensed home inspector and/or other qualified independent professional: home, mechanical systems, structural, pest, mold, environmental (excluding radon), asbestos, lead-based paint or other _____. Within _____ days after final acceptance, said inspections shall be completed. Buyer shall serve written notice **within five (5) days of receipt of inspection report** of any **MATERIAL DEFECTS** disclosed by the inspections which have not been previously disclosed to Buyer, together with a copy of the inspection reports. If written notice is not served by said date, this Contract shall remain in full force and effect and this provision shall be deemed waived. If **within seven (7) days of receipt of written notice**, the parties are unable to reach an agreement, then either party may terminate this Contract by written notice to the other party. ***Seller and Buyer agree that minor repairs and routine maintenance are not material defects for purposes of this contingency.***~~

29. ~~Well and Septic Contingency. This contract is contingent upon a satisfactory well and septic inspection to be paid by the Buyer. Seller is responsible for the cost of the septic pumping.~~

30. Seller shall retain the right to install an ATM machine in one of the parking stalls located on the property being sold. Exact stall to be determined by the parties prior to closing. Any expenses associated with the installation, maintenance, or repair, and utilities of the ATM, shall be the sole responsibility of the Seller.

31. Buyer agrees that a deed restriction will be placed on the property not allowing the property at any time in the future be sold to any type of banking or financial institution.

32. Buyer and seller agree that signatures of faxed or email copies of the Contract for Purchase will be binding on both parties.

33. THIS DOCUMENT REPRESENTS THE ENTIRETY OF THE AGREEMENT BETWEEN THE PARTIES AND SHALL BE BINDING UPON THE PARTIES, THEIR HEIRS, SUCCESSORS AND ASSIGNS.

EXHIBIT A
Legal Description

The North Part of Lot Number Two (2) in Block "B" fronting forty-one (41) feet on Main Street and thirty-nine and four tenths (39 4/10) feet on Water Street, situated on the West side of the Galena River, in the City of Galena, Jo Daviess County, Illinois.

Also, Lot Number Three (3) in Block Number "B" Fronting on Main and Water Streets in the City of Galena, Illinois. Also a part of Lots Four (4) and Seven (7), Block B, West side of the Galena River, City of Galena, Illinois, being the South 34 feet and 10 inches (34 10/12 feet) of Lot Four (4), and also being at Southeast Corner of Four (4), then to a point on the West line of Water Street that is 132 feet and nine-tenths (132 9/10 feet) Northerly of from Southeast Corner of said Block B, thence Northerly along West line of Water Street 34 feet and ten inches (34 10/12 feet) thence in a straight line to the Northeast corner of said South 34 feet and ten inches (34 10/12 feet) of said Lot Four (4), thence along the Easterly line of said Lot Four (4) to the beginning, situated in the City of Galena, on the West side of the Galena River, in the County of Jo Daviess and State of Illinois.

ORDINANCE NO. _____

ORDINANCE ANNEXING 3.106 ACRES OF TERRITORY IN WEST GALENA TOWNSHIP

WHEREAS, a written Petition, signed by Ben Richard, Loraine Svec and Jan Svec, ("Owner"), the Owner of territory hereinafter described, has been filed with the City Clerk of the City of Galena, Jo Daviess County, Illinois, requesting that said territory be annexed to the City of Galena; and

WHEREAS, the are no (0) electors residing within the said territory; and

WHEREAS, the said territory is not within the corporate limits of any municipality, but is contiguous to the City of Galena; and

WHEREAS, on October 11, 2022, the City Council approved an ordinance authorizing the execution of an annexation agreement with the Owner; and

WHEREAS, the annexation agreement was executed by the parties on November 2, 2022; and

WHEREAS, as part of the annexation agreement, the City of Galena agreed to annex the subject territory within 60 days of the execution of the agreement; and

WHEREAS, in accordance with the Illinois Compiled Statutes (65 ILCS 5/7), legal notices regarding the intention of the City to annex said territory have been sent to all public bodies required to receive such notice; and

WHEREAS, copies of such notices required to be recorded, if any, have been placed as record in the office of the Recorder of Deeds of Jo Daviess County; and

WHEREAS, it is in the best interest of the City of Galena that said territory be annexed hereto.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Galena, Jo Daviess County, Illinois as follows:

SECTION I: That the following described territory, described in the Plat of Annexation attached as Exhibit A and made a part of this Ordinance), is hereby annexed to the City of Galena, Jo Daviess County, Illinois, and that the boundary lines of Galena be and are hereby enlarged and extended to include, within the corporate boundaries thereof, the territory above described and as shown in the Plat of Annexation.

SECTION II: That the City Clerk is hereby directed to record with the Recorder and to file with the County Clerk, a certified copy of this Ordinance, together with an accurate map of the territory annexed.

SECTION III: That this Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

SECTION IV: Passed and approved this _____ day of _____, A.D., 2022.

AYES: **NAYS:**

_____
Mayor, Terry Renner

ATTEST:

_____
City Clerk, Mary Beth Hyde

Prepared by:
Joe Nack, City Attorney
101 Green Street
Galena, IL 61036

Return to:
Mark Moran
City Administrator
101 Green Street
Galena, IL 61036

Exhibit A

ANNEXATION PLAT

VACATING PARTS OF LOTS 1 AND 6 OF THE GALENA INDUSTRIAL SUBDIVISION, AND CONSOLIDATING THOSE PARCELS WITH PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 28 NORTH, RANGE 1 WEST OF THE FOURTH PRINCIPAL MERIDIAN, TOWN OF RAWLINS, JO DAVIESS COUNTY, ILLINOIS.

SURVEYOR'S REPORT

I, ERIC J. SCHOOT, hereby certify that I am a Professional Land Surveyor in the State of Illinois, and that at the request of the owner(s) of the land described hereon, being part of Lots 1 and 6 of the Galena Industrial Subdivision, filed in Plan Hold 11 of Plats, Number 31A, as document number 120559 and located in part of the Southwest Quarter of the Northeast Quarter and part of the Northwest Quarter of the Southeast Quarter of Section 11, Township 28 North, Range 1 West of the Fourth Principal Meridian, Town of West Galena, Jo Daviess County, Illinois, and more particularly described as follows:

Beginning at a found 0.75 inch iron rod at the Southeasterly corner of Lot 1 of the Galena Fire Department Subdivision, filed in Plan Hold F of Plats, Number 97, as document number 377742; thence North 29 degrees 17 minutes 40 seconds West a distance of 272.72 along the Easterly line of said Lot 1 to a set 0.75 inch iron rod; thence North 61 degrees 49 minutes 04 seconds East a distance of 513.66 feet to a found 0.625 inch iron rod on the Westerly right of way line of U.S. Route "20" as shown on State of Illinois Right of Way Plat, Sheet Number 1B, dated November 5, 1996, Job number R-92-001-97 and as described in deed document number 251983; thence South 25 degrees 16 minutes 01 seconds East a distance of 264.36 feet along said Westerly right of way to a set 0.75 inch iron rod on the Northerly line of a parcel described in document number 394916; thence South 60 degrees 49 minutes 01 seconds West a distance of 495.00 feet along said Northerly line, the Westerly extension of said Northerly line, and the Northerly line of Lot 3 of the Resubdivision of Lot 6 of Galena Industrial Park, as filed in Plan Hold D of Plats, Number 497, as document number 253528 to the Point of Beginning.

Containing 135,306 square feet (3.106 acres) more or less.

All structural or utility improvements, surface and subsurface, on and adjacent to the site are not necessarily shown. Right of way lines shown hereon are a graphic representation only and may not depict the actual location of the public easement. This survey includes no investigation or independent search for easements of record, encumbrances, deed restrictions, restrictive covenants, ownership, title evidence, or any other facts which an accurate and current title search may disclose. That all dimensional and geodetic details are correct as shown hereon; that dimensions are in feet and decimal of a foot; that bearings or angles are in degrees, minutes, and seconds and are referenced to Illinois State Plane Coordinate System, West Zone; and that this Professional service conforms to the current Illinois Minimum Standards for a Boundary survey.

SIGNED AND SEALED THIS 21TH DAY OF JULY, 2022.

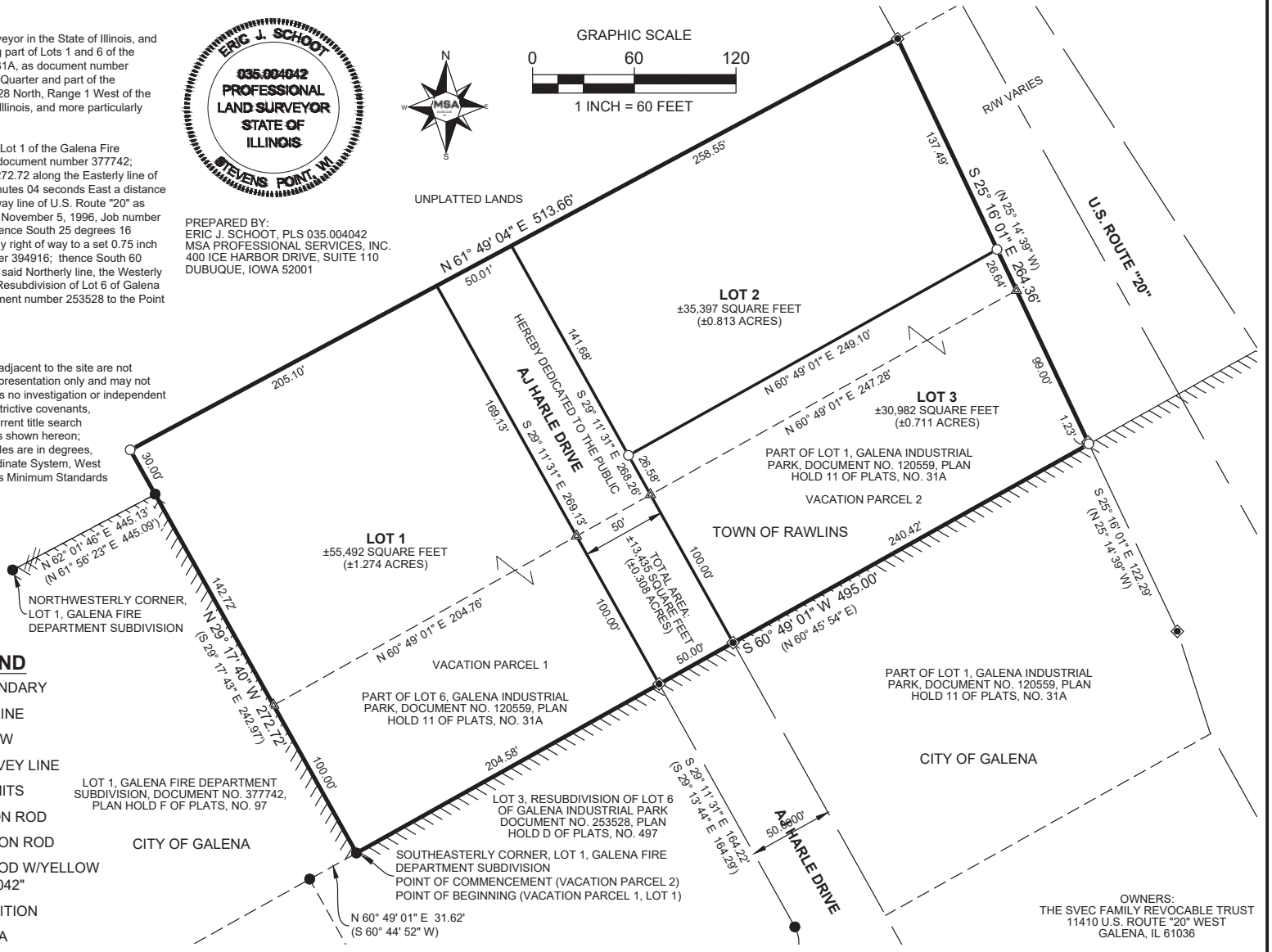
PRELIMINARY

ERIC J. SCHOOT, ILLINOIS PLS 035.004042
LICENSE EXPIRES NOVEMBER 30, 2022
MSA PROFESSIONAL SERVICES INC
LICENSE NUMBER 184000945-0010
LICENSE EXPIRES APRIL 30, 2023

ERIC J. SCHOOT
035.004042
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
STEVENS POINT, WI

PREPARED BY:
ERIC J. SCHOOT, PLS 035.004042
MSA PROFESSIONAL SERVICES, INC.
400 ICE HARBOR DRIVE, SUITE 110
DUBUQUE, IOWA 52001

GRAPHIC SCALE
0 60 120
1 INCH = 60 FEET



LEGEND

- SURVEYED BOUNDARY
- RIGHT OF WAY LINE
- CENTERLINE ROW
- ADJOINING SURVEY LINE
- CORPORATE LIMITS
- FOUND 0.75" IRON ROD
- FOUND 0.625" IRON ROD
- SET 0.75 IRON ROD W/YELLOW CAP "MSA PLS 4042"
- COMPUTED POSITION
- (XXX) - RECORDED DATA

OWNERS:
THE SVEC FAMILY REVOCABLE TRUST
11410 U.S. ROUTE "20" WEST
GALENA, IL 61036

NO.	DATE	REVISION	BY

PROJECT DATE: | DRAWN BY: EJS | CHECKED BY: JH

PLOT DATE: 7/21/2022 3:05 PM, G:\21\21687\21687000\CADD\C3D\21687000 PLAT revised.dwg

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GUY'S TRUCK AND TRACTOR SUBDIVISION
GUY'S TRUCK AND TRACTOR
CITY OF GALENA, JO DAVIESS COUNTY, ILLINOIS

ANNEXATION PLAT

PROJECT NO. 21687000
SHEET 1 OF 1

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036

MEMORANDUM

TO: Honorable Mayor Renner and City Council

FROM: Jason Bingham, Public Works Director

DATE: November 8, 2022

RE: Street sweeper purchase

The 2022-23 Capital Improvement Plan includes the replacement of the city's 2008 Tymco street sweeper at an estimated cost of $230,000. The purchase will be included in the 2023-24 fiscal year budget. The current sweeper is used extensively and is nearing the end of its useful life with large repairs and major part replacements mounting.

Aware of supply chain issues and long wait times for equipment, the public works crew recently test drove and researched three different street sweeper models before selecting the most capable machine, the Tymco 600 on a 2023 International Chassis from EJ Equipment in Manteno. The International Chassis includes a large cab that best fits our drivers.

Company	Type of sweeper	Trade-in	Cost w/ Trade
EJ Equipment	Tymco 600	$36,000	$276,963
R.N.O.W., Inc.	Schwarze A7 Tornado	$25,000	$240,840
Standard Equipment	Elgin Regen X	$17,000	$250,234

The Tymco model includes several features the other models do not, including a BlueLogic control system, full camera system with 7-inch monitor, Duo Skid two-year warranty, auto reverse pick up head system, variable speed gutter brooms, load indicator for full hopper, hopper vibrator, auxiliary hand 3/4 x 25 pressure hose, dust separator, and stainless-steel hopper and drain.

EJ Equipment is offering the highest trade-in for our sweeper at $36,000, and the company will send a mechanic when necessary, a service the other two companies do not offer. The sweeper, truck, and industrial engine have limited warranties. Although some sweepers are taking 7-8 months for delivery after order, EJ Equipment already has a Tymco on order for build in March with an expected completion in the spring of 2023. Payment for the sweeper would not be expected until delivery at the beginning of our new fiscal year.

The city has a long history of working with EJ Equipment over the past 14 years. The current Tymco sweeper purchased through the company has performed well and the service has been very good. I checked the references provided and they were all positive.

I recommend the city purchase a Tymco 600 Street Sweeper on a 2023 International Chassis for $276,963, including the trade of our existing sweeper, from EJ Equipment. This expense would be included in the next fiscal year budget. The motion to approve should explain that we are selecting EJ Equipment because the equipment offered is most compatible with our needs and we have a positive existing business relationship with the company.

Thank you for your consideration.

CITY OF GALENA, ILLINOIS

101 Green Street, Galena, Illinois 61036

MEMORANDUM

TO: Honorable Mayor Renner and City Council

FROM: Mark Moran, City Administrator

DATE: November 1, 2022

RE: Tax Levy

Before the last Tuesday in December, the City must adopt a tax levy ordinance for property taxes to be collected next fiscal year. This year, the last Tuesday of the month is December 27. Prior to considering and adopting the ordinance, the council must make a motion communicating to the public the amount of taxes the City expects to levy. This report is intended to provide you with the information you need to make the necessary motion.

I have completed the calculations needed to determine our revenue needs and the property tax revenue available under the voter-approved Property Tax Extension Limitation Law (PTELL). I used the assessed value estimate from the County Assessor to calculate the available property tax revenue. In the same manner as in recent years, I am presenting two options. First, levy the same amount as last year. Second, levy the maximum amount available under PTELL. Please know, these are not the only options. The city council may set the levy at any amount up to the maximum allowed under PTELL. I would be happy to present other scenarios at your request.

In preparing the levy options, I calculated expected revenues, expenses and fund balances for all funds supported by the tax levy for the current and coming fiscal year. My goal was to levy sufficiently to ensure that each fund finishes the coming year in compliance with the Minimum Fund Balance Policy. For most funds, this means the fund would end the fiscal year with a balance of at least 30 percent of annual expenses.

With the first option, the city would collect $1,519,432 of property taxes in 2023, the same as in 2022. The levy rate would decrease from $1.39 to $1.28 per $100 of equalized assessed value. With the second option, the city would collect all the estimated new tax dollars available under PTELL. Considering the estimated increase of the city-wide assessed value of current property, the value of new construction, and a Consumer Price Index increase of 5.0%, the City could collect a maximum of $89,105 new tax dollars.

If we were to collect the maximum, our tax (levy) rate would decrease from $1.39 to $1.35 per $100 of equalized assessed value. The total dollars collected from the levy would increase from $1,519,432 to $1,608,537. Under this scenario, I would anticipate all levy supported funds

ending next fiscal year in compliance with the Minimum Fund Balance Policy. The property tax rate for the General Corporate tax fund would be at the maximum level required to be eligible for State of Illinois and Jo Daviess County funding for the Dewey Avenue bridge replacement (refer to Petition adopted at the October 27, 2014 city council meeting). Engineering design of the bridge is underway with construction possible as early as 2023.

According to the Truth in Taxation law, the City must conduct a public hearing on the proposed tax levy if the total levy dollars levied are expected to exceed the previous year's levy dollars by more than five percent. Levying the maximum would result in an increase of 5.8% of actual levy dollars over last year. A public hearing would be required with this option. The hearing could be conducted at the December 12 council meeting.

To make the official determination of whether a public hearing is required, you are required to adopt a motion stating the amount of property tax the City expects to levy. **The recommended motion would state, "The amount of property taxes the City of Galena expects to levy in 2022, to be collected in 2023, is $ _____."**

At the meeting following your decision on the amount you expect to levy, or the meeting where the public hearing is conducted if that is the chosen option, the first reading of the actual tax levy ordinance would be presented. Again, the ordinance must be approved and filed not later than December 27.

I have attached an Addendum to this report that provides more detail about how the levy is calculated, the maximum levy by fund, the levy with no change by fund, as well as a historical view of the City's tax levy.

ADDENDUM

This report is intended to explain the effect of the Property Tax Extension Limitation Law (PTELL) on the tax levy, the individual components of the levy, the maximum levy for fiscal year 2023-24, and an alternative levy with no increase from the current year.

PTELL

From one year to the next, the amount we may increase our tax levy is prescribed by PTELL. The 1991 law was intended to limit property tax growth by allowing a taxing district to receive a limited inflationary increase in taxes on existing property, plus an additional amount for the value of new construction and annexations.

With PTELL, a formula was established for calculating the "*limiting rate*" or the maximum levy rate available to the taxing district each year. The limiting rate dictates the total taxes that may be levied and collected. Only two factors can increase the limiting rate. First, the formula takes into account the annual cost of living (CPI) increase. This year the CPI adjustment is 5.0% (up from 1.4% in the current year). Second, the formula considers the equalized assessed value (EAV) of any new construction or annexations that have occurred during the year. For the coming levy year, our new construction (and annexations) is estimated to have an equalized value of $967,946. This is an estimate from the Jo Daviess County Assessor and represents a slight increase over the current year.

The limiting rate for the coming tax year is estimated as 1.35% of the total city-wide EAV of $118,547,633. Expressed another way, the limiting rate is $1.35 per $100 of EAV. The limiting rate is a decrease from $1.39 in the current year (a decrease of $.04 per $100 of EAV).

Multiplying the limiting rate by the total estimated city EAV of $118,547,633 results in a maximum tax levy for the coming year of $1,608,537. This calculation is expressed as follows:

$118,547,633 (total city EAV) x 1.35% (limiting rate) = $1,608,537 (maximum levy)

The amount of new dollars that we can add to our tax base is calculated as the difference between the maximum levy ($1,608,537) and the current year levy ($1,519,432). The difference or the amount of new dollars we may levy is $89,105 or 5.8% more than the current year. This calculation is expressed as follows:

$1,608,537 (maximum levy) - $1,519,432 (current year levy) = $89,105 (new tax dollars)

According to the PTELL, if a taxing body does not levy for all the new dollars allowed by the limiting rate, it may never use the tax dollar value of the CPI and new construction from that year in determining future tax levies. If a taxing body consistently levies for less than is allowed by the limiting rate, the loss of potential tax dollars is compounded. A public referendum is the only way to levy at a rate greater than the limiting rate.

Tax Levy Components

After determining the maximum levy allowed by PTELL, we must decide the amount of the available new dollars to collect and how to distribute the dollars across the individual tax funds. The tax levy is comprised of 18 separate levies or funds. Current fund balances and anticipated non-property tax revenues and expenses are evaluated to determine the amount of taxes to collect in each individual fund. Assuming the ***maximum levy***, the $1,608,537 of tax dollars could be effectively distributed across the various funds is shown in Table 1. The actual levy rate for each fund is also shown along with the rate and taxes levied in 2022.

Table 1. Tax Levy Comparison: 2022 and 2023 (Maximum Levy)

Levy Fund	2022 Actual Rate	2022 Actual Tax		2023 Proposed Tax	2023 Proposed Rate
Corporate	0.4375	$476,712		$518,646	0.4375
Street and Bridge[1]	0.0000	-		$-	0.0000
Police Protection	0.0922	$100,533		$115,290	0.0973
School Crossing Guard	0.0000	$10.90		$10	0.0000
Street Lighting	0.0000	$10.90		$10	0.0000
Audit	0.0197	$21,504		$27,500	0.0232
Emergency Services	0.0008	$828		$827	0.0007
Garbage	0.0000	$10.90		$10	0.0000
Unemployment Insurance	0.0045	$5,003		$1,000	0.0008
Workman's Compensation	0.0642	$70,004		$50,000	0.0422
Liability Insurance	0.1202	$131,006		$168,000	0.1417
IMRF	0.0504	$55,007		$1,000	0.0008
Parks	0.0605	$66,004		$100,000	0.0844
Social Security	0.1330	$145,001		$130,000	0.1097
Levee/Flood Control	0.0642	$70,004		$100,000	0.0844
Fire Protection	0.3462	$377,357		$396,225	0.3342
Water Treatment	0.0000	$10.90		$10	0.0000
Chlorination	0.0000	$10.90		$10	0.0000
TOTAL	**1.3941**	**$1,519,432**		**$1,608,537**	**$1.3569**

When the tax levy is passed and the taxes are collected, the revenue generated by the 18 individual funds can only be used for the respective purpose of each fund. For instance, the Liability Insurance tax can only be used to pay for the city's liability insurance. Likewise, the Audit Tax can only be used to pay for the annual audit. The only individual fund that can be expended or used for virtually any purpose is the Corporate Tax. This tax is deposited in the General Fund. The proposed levy maximizes the General Corporate tax as required to be eligible for state and county funding for the Dewey Avenue bridge project. There is also nearly unlimited revenue need in the General Fund.

As a result of a 2006 change in the PTELL law, any individual tax levy funds that have not been levied for three consecutive years can only be returned to the levy by referendum approval

[1] The city does not levy for Street and Bridge since the overlapping townships levy this tax and reimburse the city. The reimbursement is for the maintenance of streets that are located both in the city and in their townships.

from the voters. I am proposing to levy a minimum ($10 in some instances) in every fund to avoid losing any individual levies.

Historical Comparison

A summary of the tax levy collected, the percent change of the collection from the previous year, and the actual tax levy rate is shown in Table 2.

Table 2. Galena Property Tax Comparison 1995-2023

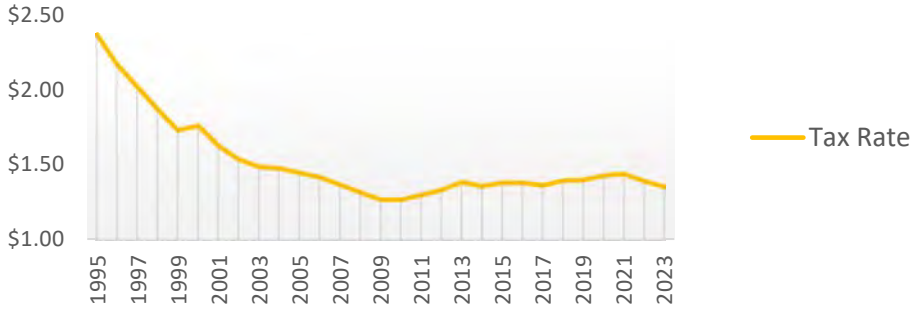
Year Collected	Levy Collected	Percent Change	Levy Rate
1995	$719,361	9.7%	2.37
1996	$719,626	0.0%	2.17
1997	$782,904	8.8%	2.02
1998	$801,666	2.4%	1.87
1999	$811,012	1.2%	1.73
2000	$822,879	1.5%	1.76
2001	$822,439	-0.1%	1.63
2002	$843,539	2.6%	1.54
2003	$848,003	0.5%	1.49
2004	$880,679	3.9%	1.48
2005	$921,318	4.6%	1.45
2006	$978,284	6.2%	1.42
2007	$1,006,075	2.8%	1.37
2008	$1,046,599	4.0%	1.32
2009[2]	$1,301,301	24.3%	1.27
2010	$1,323,108	1.7%	1.27
2011	$1,365,624	3.2%	1.30
2012	$1,378,790	1.0%	1.34
2013	$1,378,879	0.0%	1.38
2014	$1,319,506	-4.3%	1.36
2015	$1,341,412	1.7%	1.38
2016	$1,339,527	0.0%	1.38
2017	$1,360,797	1.6%	1.36
2018	$1,402,029	3.0%	1.39
2019	$1,420,928	1.3%	1.40
2020	$1,438,658	1.2%	1.43
2021	$1,484,849	3.2%	1.44
2022	$1,519,432	2.3%	1.39
2023[3]	$1,608,537	5.8%	1.35

As shown in the table, Galena's levy rate has decreased from a high of $2.37 in 1995 to a low in 2009 and 2010 of $1.27. The tax rate has remained relatively flat since 2012, increasing just $0.01 per $100 of EAV through 2023. Again, the maximum increase for 2023 would result in a rate reduction of $0.04 per $100 of EAV. This reduction would equate to a savings of $12.40 per year for a $100,000 home. The levy rate over time is shown in Chart 1 on the next page.

[2] Value from expired TIF district returned to tax base.

[3] Based on the maximum levy.

Chart 1. City of Galena Tax Rate: 1995-2023



Tax Freeze Scenario

If the city council would choose to freeze the tax levy at the 2022 amount of $1,519,432, the tax rate would drop from $1.39 to $1.28 per $100 of EAV. This reduction would equate to a savings of $37.47 per year for a $100,000 home.

Assuming the ***levy is frozen at the 2022 amount***, the $1,519,432 of tax dollars could be effectively distributed across the various funds is shown in Table 3. This distribution could be expected to ensure that each fund finishes the coming year in compliance with the Minimum Fund Balance Policy.

Table 3. Freezing Tax Levy at 2022 Amount

Levy Fund	2023 Proposed Tax	2023 Proposed Rate
Corporate	$518,646	0.4375
Street and Bridge	$-	0.0000
Police Protection	$76,185	0.0643
School Crossing Guard	$10	0.0000
Street Lighting	$10	0.0000
Audit	$27,500	0.0232
Emergency Services	$827	0.0007
Garbage	$10	0.0000
Unemployment Insurance	$1,000	0.0008
Workman's Compensation	$50,000	0.0422
Liability Insurance	$168,000	0.1417
IMRF	$1,000	0.0008
Parks	$75,000	0.0633
Social Security	$130,000	0.1097
Levee/Flood Control	$75,000	0.0633
Fire Protection	$396,225	0.3342
Water Treatment	$10	0.0000
Chlorination	$10	0.0000
TOTAL	**$1,519,432**	**$1.2817**

Please feel free to contact me if you have any questions.

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
ACCESS SYSTEMS (120783)							
1265078	1	Invoice	PRINTER MAINTENANCE	10/24/2022	86.56		51.42.549.00
1269684	1	Invoice	PRINTER MAINTENANCE	10/31/2022	84.22		22.22.512.00
Total ACCESS SYSTEMS (120783):					170.78		
ACCESS SYSTEMS LEASING (120766)							
32663450	1	Invoice	COPIES MADE	10/19/2022	316.82		01.13.579.00
32663450	2	Invoice	KIP	10/19/2022	260.50		52.43.549.00
Total ACCESS SYSTEMS LEASING (120766):					577.32		
AGUILAR, CLAUDIA E. (121148)							
110722	1	Invoice	CR BALANCE REFUND	11/07/2022	9.04		98.115.0
Total AGUILAR, CLAUDIA E. (121148):					9.04		
ALEXIS FIRE EQUIPMENT CO. (119768)							
0074066	1	Invoice	PUMP TESTING	10/20/2022	1,065.00		22.22.539.00
Total ALEXIS FIRE EQUIPMENT CO. (119768):					1,065.00		
AT & T (LOCAL) (103)							
110122	1	Invoice	PUBLIC WORKS/PHONE	11/01/2022	56.00		01.41.552.00
110122	2	Invoice	FIRE DEPARTMENT/PHO	11/01/2022	52.22		22.22.552.00
110122	3	Invoice	POLICE/PHONE	11/01/2022	262.96		01.21.552.00
110122	4	Invoice	FLOOD CONTROL/PHON	11/01/2022	52.03		20.25.515.00
Total AT & T (LOCAL) (103):					423.21		
BLACKTOP DRIVEWAY SERVICE (71)							
7093	1	Invoice	WEST SIDE PROJECT	11/04/2022	24,716.60		41.61.860.02
Total BLACKTOP DRIVEWAY SERVICE (71):					24,716.60		
BUREAU VERITAS NAT. ELEVATOR INSP. SERVI (121147)							
102722	1	Invoice	ELEVATOR INSPECTION	10/27/2022	188.25		01.21.511.00
Total BUREAU VERITAS NAT. ELEVATOR INSP. SERVI (121147):					188.25		
CAPITAL ONE (120950)							
101922	1	Invoice	OFFICE SUPPLIES	10/19/2022	138.96		01.21.651.00
101922	2	Invoice	UNIFORMS	10/19/2022	51.92		01.41.579.02
101922	3	Invoice	SHOP	10/19/2022	59.01		01.41.652.00
101922	4	Invoice	SHOP	10/19/2022	77.52		01.41.653.00
Total CAPITAL ONE (120950):					327.41		
CAPITAL SANITARY SUPPLY (121038)							
D129207	1	Invoice	JANITOR SUPPLIES	10/21/2022	386.00		17.52.511.05
D129220	1	Invoice	JANITORIAL SUPPLIES	10/21/2022	63.02		58.54.511.00
D129520	1	Invoice	OFFICE SUPPLIES	10/28/2022	126.04		01.21.651.00

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
Total CAPITAL SANITARY SUPPLY (121038):					575.06		
CERTASITE, LLC (121142)							
12496117	1	Invoice	FIRE MONITORING	10/11/2022	311.40		58.54.532.00
Total CERTASITE, LLC (121142):					311.40		
CLICK ROI (119793)							
4704	1	Invoice	WEBSITE UPDATES	11/04/2022	550.00		58.54.553.00
Total CLICK ROI (119793):					550.00		
CMD SECURITY SOLUTIONS (120830)							
247-25724	1	Invoice	ALARM MONITORING	10/28/2022	36.99		01.13.552.00
4665	1	Invoice	UPDATE CITY HALL SEC	10/27/2022	590.21		01.13.511.01
Total CMD SECURITY SOLUTIONS (120830):					627.20		
CUSTOM FIRE APPARATUS, INC. (118770)							
0021868	1	Invoice	VALVE	10/20/2022	56.45		22.22.513.00
Total CUSTOM FIRE APPARATUS, INC. (118770):					56.45		
DMASWA (120782)							
1005724	1	Invoice	GLASS RECYCLING	10/04/2022	156.00		13.44.540.06
1008942	1	Invoice	GLASS RECYCLING	10/24/2022	159.30		13.44.540.06
Total DMASWA (120782):					315.30		
DORNER COMPANY (120866)							
503255	1	Invoice	WEST SIDE PROJECT	10/28/2022	9,156.23		41.61.860.02
Total DORNER COMPANY (120866):					9,156.23		
ELECTRICAL ENGINEERING & EQUIP. CO. (120191)							
102522	1	Invoice	GENERAL MAINTENANC	10/25/2022	775.00		20.25.929.00
102522	2	Invoice	GENERAL MAINTENANC	10/25/2022	2,275.00		52.43.929.00
Total ELECTRICAL ENGINEERING & EQUIP. CO. (120191):					3,050.00		
ELITE PLUMBING (120136)							
13984	1	Invoice	WINTERIZE POOL	10/25/2022	110.00		59.55.511.02
13997	1	Invoice	FAUCET REPAIRS	10/27/2022	110.00		01.13.511.06
Total ELITE PLUMBING (120136):					220.00		
EMERGENCY MEDICAL PRODUCTS, INC. (120393)							
0120161574	1	Invoice	MED BAG SUPPLIES	10/27/2022	141.15		01.21.549.00
2461990	1	Invoice	MEDICAL SUPPLIES	07/07/2022	336.87		22.22.840.00
2461991	1	Invoice	MEDICAL SUPPLIES	07/07/2022	23.25		22.22.840.00
2466406	1	Invoice	MEDICAL SUPPLIES	07/26/2022	127.05		22.22.840.00

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
Total EMERGENCY MEDICAL PRODUCTS, INC. (120393):					628.32		
EXACT PEST SOLUTIONS, INC. (120708)							
36630	1	Invoice	PEST CONTROL	10/11/2022	80.00		58.54.532.00
36708	1	Invoice	PEST CONTROL	10/13/2022	52.00		01.21.511.00
36752	1	Invoice	PEST CONTROL	10/11/2022	50.00		01.41.511.00
36851	1	Invoice	PEST CONTROL	10/11/2022	65.00		59.55.511.02
Total EXACT PEST SOLUTIONS, INC. (120708):					247.00		
FELD FIRE (119879)							
0412174	1	Invoice	SCBA PORTS	10/04/2022	228.00		22.22.840.00
Total FELD FIRE (119879):					228.00		
GALENA ARC (850)							
110122	1	Invoice	HAHN COUNCIL SALARY	11/01/2022	100.00		01.11.432.00
Total GALENA ARC (850):					100.00		
GALENA BOYS SCOUT TROOP 95 (121144)							
101922	5	Adjustmen	HOLIDAY DECORATIONS/	10/19/2022	207.00-		01.11.929.01
101922	6	Adjustmen	HOLIDAY DECORATIONS/	10/19/2022	82.00-		01.21.549.00
101922	7	Adjustmen	HOLIDAY DECORATIONS/	10/19/2022	135.00-		58.54.553.00
102022	1	Invoice	HOLIDAY DECORATIONS/	10/20/2022	207.00		01.11.929.01
102022	2	Invoice	HOLIDAY DECORATIONS/	10/20/2022	82.00		01.21.549.00
102022	3	Invoice	HOLIDAY DECORATIONS/	10/20/2022	135.00		58.54.553.00
111422	1	Invoice	HALLOWEEN PARKING/M	11/14/2022	445.00		01.13.911.00
Total GALENA BOYS SCOUT TROOP 95 (121144):					445.00		
GALENA GAZETTE (34)							
33535	1	Invoice	PUBLIC NOTICE	10/26/2022	118.39		01.16.553.00
33536	1	Invoice	PUBLIC NOTICE	10/26/2022	77.96		01.16.553.00
33537	1	Invoice	ANNUAL TREASURERS R	10/26/2022	657.89		01.14.553.00
Total GALENA GAZETTE (34):					854.24		
GALENA GOLF CLUB (119835)							
110522	1	Invoice	DEPOSIT REFUND	11/05/2022	350.00		58.54.929.00
Total GALENA GOLF CLUB (119835):					350.00		
GALENA HIGH SCHOOL (32)							
110922	1	Invoice	2023 YEARBOOK AD	11/09/2022	25.00		01.11.929.01
Total GALENA HIGH SCHOOL (32):					25.00		
GASSER @ GALENA (24)							
110122	1	Invoice	MISC. SUPPLIES	11/01/2022	12.59		01.41.514.11
110122	2	Invoice	MISC. SUPPLIES	11/01/2022	48.82		01.41.594.00
110122	3	Invoice	MISC. SUPPLIES	11/01/2022	172.11		01.41.614.04
110122	4	Invoice	MISC. SUPPLIES	11/01/2022	98.95		01.41.614.05

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
110122	5	Invoice	MISC. SUPPLIES	11/01/2022	95.72		01.41.652.00
110122	6	Invoice	MISC. SUPPLIES	11/01/2022	98.06		01.41.653.00
110122	7	Invoice	MISC. SUPPLIES	11/01/2022	39.56		01.41.655.00
110122	8	Invoice	MISC. SUPPLIES	11/01/2022	64.30		17.52.652.00
110122	9	Invoice	MISC. SUPPLIES	11/01/2022	10.79		22.22.611.00
110122	10	Invoice	MISC. SUPPLIES	11/01/2022	43.41		22.22.652.00
110122	11	Invoice	MISC. SUPPLIES	11/01/2022	30.59		22.22.929.00
110122	12	Invoice	MISC. SUPPLIES	11/01/2022	26.09-		59.55.511.01
110122	13	Invoice	MISC. SUPPLIES	11/01/2022	147.08		59.55.511.02
110122	14	Invoice	MISC. SUPPLIES	11/01/2022	12.34		17.52.890.01
Total GASSER @ GALENA (24):					848.23		
GHS MUSIC BOOSTERS (119711)							
111422	1	Invoice	HALLOWEEN PARKING	11/14/2022	3,596.90		01.13.911.00
Total GHS MUSIC BOOSTERS (119711):					3,596.90		
GLOBAL REACH INTERNET PROD. (119792)							
126923	1	Invoice	MONTHLY HOSTING FEE	10/01/2022	254.00		01.13.512.05
Total GLOBAL REACH INTERNET PROD. (119792):					254.00		
GOV. LEASING & FINANCE, INC. (120896)							
484635230	1	Invoice	NEW TRUCK/DEBT SERV	11/11/2022	2,044.98		01.41.840.01
Total GOV. LEASING & FINANCE, INC. (120896):					2,044.98		
GRANT COUNTY TRUCK BODIES LLC (120686)							
66285B	1	Invoice	NEW TRUCK	07/27/2022	12,768.50		01.41.840.01
Total GRANT COUNTY TRUCK BODIES LLC (120686):					12,768.50		
GUY'S TRUCK & TRACTOR SERVICE (119033)							
G-39669	1	Invoice	HALLOWEEN PARADE/T	10/31/2022	210.00		01.21.814.06
Total GUY'S TRUCK & TRACTOR SERVICE (119033):					210.00		
HALSTEAD, MARY L. (119966)							
111422	1	Invoice	CITY HALL JANITOR	11/14/2022	390.00		01.13.511.07
111422	2	Invoice	PUBLIC RESTROOMS AT	11/14/2022	365.00		01.13.511.08
111422	3	Invoice	MARKET HOUSE RESTR	11/14/2022	365.00		01.13.511.09
Total HALSTEAD, MARY L. (119966):					1,120.00		
HATFIELD, KIMBERLY (120257)							
101922	2	Adjustmen	MEDICAL SUPPLIES	10/19/2022	23.79-		01.21.652.04
Total HATFIELD, KIMBERLY (120257):					23.79-		
HAWKINS, INC. (120887)							
6317755	1	Invoice	WEST SIDE PROJECT	10/20/2022	9,905.00		51.42.852.00
6320123	1	Invoice	WEST SIDE PROJECT	10/24/2022	2,600.00		51.42.852.00

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
Total HAWKINS, INC. (120887):					12,505.00		
HOLLAND HEATING, AIR COND (99)							
51711	1	Invoice	FURNACE CHECK	10/17/2022	200.00		22.22.611.00
Total HOLLAND HEATING, AIR COND (99):					200.00		
HOSKINS BUILDING CENTER (119319)							
2210-118089	1	Invoice	DOG PARK KIOSK	10/24/2022	2,933.31		17.52.890.01
Total HOSKINS BUILDING CENTER (119319):					2,933.31		
HULSCHER'S FENCING, INC. (164)							
11564	1	Invoice	DOG PARK FENCING	11/04/2022	11,305.00		17.52.890.01
Total HULSCHER'S FENCING, INC. (164):					11,305.00		
HYDE, MARY BETH (101)							
102622	1	Invoice	TRAINING/TRAVEL	10/26/2022	152.60		01.14.562.00
Total HYDE, MARY BETH (101):					152.60		
IL DEPT. OF TRANSPORTATION (119038)							
125092	1	Invoice	IDOT SHARE	11/01/2022	1,820.00		41.61.860.02
Total IL DEPT. OF TRANSPORTATION (119038):					1,820.00		
IL EPA (119716)							
ACH 091522	1	Invoice	DRINKING WATER PROJ	09/15/2022	3,488.61		51.42.720.04
ACH 091522	2	Invoice	DRINKING WATER PROJ	09/15/2022	628.54		51.42.720.05
Total IL EPA (119716):					4,117.15		
INTUITIVE PICTURES (121151)							
101922	1	Invoice	DEPOSIT REFUND	10/19/2022	350.00		58.54.929.00
Total INTUITIVE PICTURES (121151):					350.00		
J & R RENTAL (1014)							
0082576	1	Invoice	PUBLIC WORKS STORM	10/13/2022	1,962.10		01.41.863.18
0082576	2	Invoice	PUBLIC WORKS STORM	10/13/2022	2,000.00		17.52.890.01
0082577	1	Invoice	BRUSHOG DOG PARK	10/13/2022	696.00		17.52.890.01
0083108	1	Invoice	LIGHT TOWER RENTAL/P	10/31/2022	439.50		01.21.540.01
Total J & R RENTAL (1014):					5,097.60		
J & R SUPPLY INCORPORATED (951)							
2206088-C	3	Adjustmen	WATER MAIN INSTALLATI	06/10/2022	16,526.00		51.42.831.00
2206088-C	4	Adjustmen	WATER MAIN INSTALLATI	06/10/2022	16,526.00-		51.42.831.10
2210161	1	Invoice	WEST SIDE PROJECT	10/31/2022	6,579.00		51.42.831.09
Total J & R SUPPLY INCORPORATED (951):					6,579.00		

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
JL TECH, LLC (120693)							
2828	1	Invoice	COMPUTER SUPPORT/P	10/16/2022	42.50		52.43.512.01
2841	1	Invoice	COMPUTER SUPPORT	10/20/2022	42.50		01.21.512.00
2841	2	Invoice	COMPUTER SUPPORT	10/20/2022	233.75		01.13.512.01
2849	1	Invoice	COMPUTER SUPPORT	10/26/2022	85.00		01.13.512.04
Total JL TECH, LLC (120693):					403.75		
JO CARROLL ENERGY, INC. (397)							
110122	1	Invoice	STREET LIGHTS	11/01/2022	5,475.72		15.41.572.00
110222	1	Invoice	POLICE/ELECTRIC	11/02/2022	780.27		01.21.571.01
110222	2	Invoice	EMS/ELECTRIC	11/02/2022	152.72		12.10.571.01
110222	3	Invoice	PARKS/ELECTRIC	11/02/2022	93.94		17.52.571.01
110222	4	Invoice	FLOOD CONTROL/ELECT	11/02/2022	267.18		20.25.576.01
110222	5	Invoice	FIRE/ELECTRIC	11/02/2022	372.34		22.22.576.01
110222	6	Invoice	TURNER HALL/ELECTRIC	11/02/2022	688.12		58.54.571.01
110222	7	Invoice	WELCOME SIGNS	11/02/2022	38.48		01.41.571.01
110222	8	Invoice	LIFT STATION	11/02/2022	109.50		52.43.850.09
Total JO CARROLL ENERGY, INC. (397):					7,978.27		
JO DAVIESS COUNTY TRANSIT (235)							
2394	1	Invoice	SHUTTLE SERVICE	10/14/2022	1,050.00		53.48.541.01
2401	1	Invoice	SR. VAN SERVICES	11/01/2022	833.00		01.13.542.00
Total JO DAVIESS COUNTY TRANSIT (235):					1,883.00		
JO DAVIESS CTY ANIMAL CONTROL (437)							
1494	1	Invoice	STRAY DOG PICKUP	10/17/2022	1,200.00		01.21.538.00
Total JO DAVIESS CTY ANIMAL CONTROL (437):					1,200.00		
JO DAVIESS CTY CLERK/RECORDER (393)							
110122	1	Invoice	RECORDING FEE	11/01/2022	124.00		01.14.553.00
Total JO DAVIESS CTY CLERK/RECORDER (393):					124.00		
JO DAVIESS CTY HWY DEPT (653)							
102	2	Adjustmen	FIELD STREET	09/21/2022	2,147.44-		01.41.514.01
Total JO DAVIESS CTY HWY DEPT (653):					2,147.44-		
JO DAVIESS CTY SHERIFF (116)							
110122	1	Invoice	CITY SHARE OF OFFICE	11/01/2022	200.12		01.21.538.00
110122	2	Invoice	RADIO SERVICE	11/01/2022	100.00		22.22.538.00
Total JO DAVIESS CTY SHERIFF (116):					300.12		
JODAVIESS COUNTY HIGHWAY DEPT. (121146)							
102	1	Invoice	FIELD STREET	09/21/2022	2,147.44		01.41.514.01
Total JODAVIESS COUNTY HIGHWAY DEPT. (121146):					2,147.44		

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
JOHN DEERE FINANCIAL (119690)							
101422	1	Invoice	CLOTHING/KAISER	10/14/2022	79.98		01.41.579.02
101422	2	Invoice	BOOTS/BINGHAM	10/14/2022	109.74		01.41.579.02
101422	3	Invoice	UNIFORMS/J. MILLER	10/14/2022	239.96		01.41.579.02
101422	4	Invoice	758 MOWER	10/14/2022	862.98		17.52.514.00
101422	5	Invoice	GATOR	10/14/2022	614.48		17.52.514.00
Total JOHN DEERE FINANCIAL (119690):					1,907.14		
KANE APPRAISAL & REAL ESTATE (119365)							
102422	1	Invoice	DOG PARK APPRAISAL L	10/24/2022	350.00		17.52.890.01
22-833A	1	Invoice	DOG PARK APPRAISAL L	11/01/2022	350.00		17.52.890.01
Total KANE APPRAISAL & REAL ESTATE (119365):					700.00		
LAWSON PRODUCTS, INC. (627)							
9310053239	1	Invoice	SHOP	10/26/2022	288.97		01.41.652.00
9310057935	1	Invoice	SHOP	10/27/2022	78.14		01.41.652.00
9310060283	1	Invoice	GARBAGE LINERS	10/27/2022	340.18		17.52.652.00
Total LAWSON PRODUCTS, INC. (627):					707.29		
LEXISNEXIS RISK SOLUTIONS (376)							
1343164-202	1	Invoice	E-CRASH REPORTS	10/31/2022	30.50		01.21.652.03
Total LEXISNEXIS RISK SOLUTIONS (376):					30.50		
LOCKSMITH EXPRESS (105)							
158864	1	Invoice	KEYS	10/25/2022	95.00		17.52.820.06
Total LOCKSMITH EXPRESS (105):					95.00		
LOUIE'S AGGREGATE COMPANY (1218)							
6863	1	Invoice	SLUDGE CLEANUP	10/14/2022	72.25		01.41.614.04
Total LOUIE'S AGGREGATE COMPANY (1218):					72.25		
LOUIE'S TRENCHING SERVICE (127)							
22112	1	Invoice	UTILITY SYSTEM IMPRO	11/09/2022	50,000.00		51.42.831.11
22112	2	Invoice	UTILITY SYSTEM IMP. 20	11/09/2022	106,000.00		01.41.860.04
22112	3	Invoice	UTILITY SYSTEM IMP. 20	11/09/2022	107,819.16		01.41.863.07
4604	1	Invoice	WEST SIDE PROJECT	06/21/2022	7,506.08		41.61.860.02
4675	1	Invoice	SEALCOAT	10/05/2022	3,071.80		15.41.614.03
4675	2	Invoice	SEALCOAT	10/05/2022	983.19		15.41.614.01
4675	3	Invoice	SEALCOAT	10/05/2022	617.13		15.41.614.02
Total LOUIE'S TRENCHING SERVICE (127):					275,997.36		
MABAS DIVISION 49 (118991)							
090122	1	Invoice	MABAS DUES	09/01/2022	307.00		22.22.561.00
Total MABAS DIVISION 49 (118991):					307.00		

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
MAX-R (119483)							
14663	1	Invoice	DOG PARK - WASTE REC	11/04/2022	2,425.00		17.52.890.01
Total MAX-R (119483):					2,425.00		
MENARDS (280)							
87771	1	Invoice	GUARD ROOM DOOR	10/18/2022	70.00		59.55.511.01
Total MENARDS (280):					70.00		
MORROW BROTHERS FORD, INC. (120663)							
110222	1	Invoice	NEW SQUAD	11/02/2022	37,105.00		01.21.818.01
Total MORROW BROTHERS FORD, INC. (120663):					37,105.00		
MUNICIPAL CLERKS OF IL (143)							
110122	1	Invoice	DUES	11/01/2022	55.00		01.14.561.00
Total MUNICIPAL CLERKS OF IL (143):					55.00		
MURPHY, PEGGY (121150)							
110722	1	Invoice	CR BALANCE REFUND	11/07/2022	149.33		98.115.0
Total MURPHY, PEGGY (121150):					149.33		
NACK, RICHARDSON & NACK (120897)							
ACH 111422	1	Invoice	PUBLIC WORKS - LEGAL	11/14/2022	3,370.84		01.41.411.00
ACH 111422	2	Invoice	ZONING - LEGAL FEES	11/14/2022	715.03		01.16.411.00
ACH 111422	3	Invoice	POLICE - LEGAL FEES	11/14/2022	510.73		01.21.411.00
ACH 111422	4	Invoice	BUILDING - LEGAL FEES	11/14/2022	510.73		01.46.411.00
Total NACK, RICHARDSON & NACK (120897):					5,107.33		
NASSCO (120870)							
6218862	1	Invoice	JANITORIAL SUPPLIES	10/18/2022	48.55		58.54.654.01
6225002	1	Invoice	OFFICE/CLEANING SUPP	11/03/2022	116.35		01.21.651.00
Total NASSCO (120870):					164.90		
NICOR (151)							
110122	1	Invoice	POOL-GAS	11/01/2022	1,437.21		59.55.571.02
Total NICOR (151):					1,437.21		
NICOR (F) (118924)							
110122	1	Invoice	PUBLIC WORKS-GAS	11/01/2022	20.78		01.41.571.05
110122	2	Invoice	FIRE DEPARTMENT-GAS	11/01/2022	346.38		22.22.571.05
110122	3	Invoice	TURNER HALL-GAS	11/01/2022	1,080.43		58.54.571.05
Total NICOR (F) (118924):					1,447.59		
NW IL MUN CLERK ASSN (NIMCA) (1165)							
110122	1	Invoice	DUES	11/01/2022	25.00		01.14.561.00

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
Total NW IL MUN CLERK ASSN (NIMCA) (1165):					25.00		
OFFICE OF THE STATE FIRE MARSHALL (445)							
9662255	1	Invoice	INSPECTIONS	05/23/2022	70.00		59.55.511.02
Total OFFICE OF THE STATE FIRE MARSHALL (445):					70.00		
O'HERRON CO.INC., RAY (548)							
2227575	1	Invoice	UNIFORMS/N. JOHNSON	10/18/2022	83.85		01.21.471.15
2227768	1	Invoice	UNIFORMS/T. YETT	10/19/2022	21.84		01.21.471.15
2227768	2	Invoice	UNIFORMS/T. WUEBBEN	10/19/2022	21.85		01.21.471.15
3119345	1	Invoice	CLASS A UNIFORMS/CHI	07/05/2022	888.27		01.21.471.15
Total O'HERRON CO.INC., RAY (548):					1,015.81		
ORIGIN DESIGN (260)							
78023	1	Invoice	LSLR	10/28/2022	429.75		51.42.831.02
78025	1	Invoice	UTILITY SYSTEM IMP 202	10/28/2022	3,360.75		51.42.831.10
Total ORIGIN DESIGN (260):					3,790.50		
PETTY CASH/POLICE DEPT. (163)							
110222	1	Invoice	MONEY ORDER	11/02/2022	5.00		01.21.551.00
110722	1	Invoice	EVIDENCE	11/07/2022	24.94		01.21.551.00
Total PETTY CASH/POLICE DEPT. (163):					29.94		
PRAIRIE STATE TRACTOR (121153)							
215374	1	Invoice	WINDOW	10/10/2022	914.82		01.41.613.01
Total PRAIRIE STATE TRACTOR (121153):					914.82		
PROMOS 911, INC. (119470)							
10391	1	Invoice	HELMETS FOR KIDS	11/05/2022	924.26		22.22.563.02
Total PROMOS 911, INC. (119470):					924.26		
PROTECH HEATING & COOLING, INC. (120531)							
11641	1	Invoice	BOILER/ROOFTOP UNIT	11/04/2022	1,373.17		58.54.820.01
Total PROTECH HEATING & COOLING, INC. (120531):					1,373.17		
PUELLA, ARTURO (121152)							
103022	1	Invoice	DEPOSIT REFUND	10/30/2022	350.00		58.54.929.00
Total PUELLA, ARTURO (121152):					350.00		
QUADIENT FINANCE USA, INC. (120811)							
102322	1	Invoice	POSTAGE	10/23/2022	1,000.00		01.13.551.00
Total QUADIENT FINANCE USA, INC. (120811):					1,000.00		

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
REDFEARN TREE SERVICE & NURS. (118895)							
6569	1	Invoice	TREE PLANTING	10/25/2022	4,730.00		17.52.890.01
6569	2	Invoice	TRANSPLANT	10/25/2022	150.00		17.52.870.07
Total REDFEARN TREE SERVICE & NURS. (118895):					4,880.00		
RIGDON, JIM (805)							
110122	1	Invoice	INSURANCE SAVINGS AC	11/01/2022	225.00		78.32.464.02
Total RIGDON, JIM (805):					225.00		
RRD HOLDING COMPANY (133)							
21759007T1	1	Invoice	GLASS RECYCLING	11/01/2022	470.00		13.44.540.06
21759012T1	1	Invoice	DUMPSTER DISPOSAL F	11/01/2022	494.25		01.41.573.00
21759197T1	1	Invoice	REFUSE HANDLING CON	11/01/2022	16,710.14		13.44.540.04
21759197T1	2	Invoice	RECYCLING CONTRACT	11/01/2022	5,424.69		13.44.540.00
21759197T1	3	Invoice	DUMPSTER RENT	11/01/2022	20.00		13.44.544.03
21759323T1	1	Invoice	DUMPSTER/TRAINING C	11/01/2022	25.00		22.22.840.05
21759513T1	1	Invoice	DUMPSTER RENT	11/01/2022	25.00		13.44.544.03
Total RRD HOLDING COMPANY (133):					23,169.08		
SAFELITE FULFILLMENT, INC. (119818)							
05511-60687	1	Invoice	2015 FORD 1 TON WINDS	10/18/2022	814.97		01.41.613.01
Total SAFELITE FULFILLMENT, INC. (119818):					814.97		
SELCO, INC. (119585)							
79686	1	Invoice	HALLOWEEN PARADE	10/31/2022	575.00		01.41.652.04
Total SELCO, INC. (119585):					575.00		
SIGNCRAFT SCREENPRINT, INC. (555)							
691138	1	Invoice	RECYCLING MAGNETS	10/27/2022	304.75		13.44.929.00
Total SIGNCRAFT SCREENPRINT, INC. (555):					304.75		
SIRCHIE FINGER PRINT LABS (659)							
1039247	1	Invoice	INVESTIGATION MATERI	08/15/2022	223.17		01.21.652.03
Total SIRCHIE FINGER PRINT LABS (659):					223.17		
SJE (121116)							
CD99451023	1	Invoice	WEST SIDE PROJECT	09/08/2022	10,040.00		51.42.929.00
Total SJE (121116):					10,040.00		
SLOAN IMPLEMENT (119196)							
103122	1	Invoice	SKID LOADER FORKS	10/31/2022	990.00		01.41.860.01
110122	1	Invoice	SKID LOADER	11/01/2022	61,640.44		01.41.860.01
Total SLOAN IMPLEMENT (119196):					62,630.44		

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
SPAHN & ROSE LUMBER CO (1166)							
1228097	1	Invoice	WARREN ST. STEPS	10/04/2022	151.90		01.41.514.08
1250094	1	Invoice	WEATHER STRIPING CIT	10/25/2022	34.56		17.52.511.04
Total SPAHN & ROSE LUMBER CO (1166):					186.46		
STEINKE, SAM (120450)							
102022	1	Invoice	SIGN POST REPAIR	10/20/2022	200.00		01.41.614.05
Total STEINKE, SAM (120450):					200.00		
STEPHENSON SERVICE CO. (119230)							
103122	1	Invoice	FUEL	10/31/2022	1,108.48		01.41.655.00
Total STEPHENSON SERVICE CO. (119230):					1,108.48		
STODDEN, DAVID (121149)							
110722	1	Invoice	REFUND	11/07/2022	546.51		98.115.0
Total STODDEN, DAVID (121149):					546.51		
STONEY CREEK INN (523)							
10081	1	Invoice	HALLOWEEN PARADE/H	10/31/2022	296.37		01.21.814.07
Total STONEY CREEK INN (523):					296.37		
T & T ELECTRONICS (120055)							
121870	1	Invoice	TV RECYCLING	08/26/2022	400.00		13.44.540.05
121909	1	Invoice	TV RECYCLING	10/24/2022	375.00		13.44.540.05
Total T & T ELECTRONICS (120055):					775.00		
TAMMY'S PIGGLY WIGGLY (120385)							
102922	1	Invoice	ITEMS FOR HALLOWEEN	10/29/2022	112.35		01.21.549.00
Total TAMMY'S PIGGLY WIGGLY (120385):					112.35		
TECHNOLOGY MANAGEMENT REV FUND (120601)							
T2307993	1	Invoice	IN SQUAD COMPUTERS	10/17/2022	265.50		01.21.542.00
Total TECHNOLOGY MANAGEMENT REV FUND (120601):					265.50		
TEMPERLY AUTO REPAIR (121051)							
46157	1	Invoice	SQUAD 1 REPAIRS	10/21/2022	3,367.42		01.21.513.06
46203	1	Invoice	SQUAD 2 CHECKUP	10/26/2022	45.00		01.21.513.06
Total TEMPERLY AUTO REPAIR (121051):					3,412.42		
US CELLULAR (92)							
110122	1	Invoice	ADMIN/CELL PHONE	11/01/2022	38.53		01.11.552.00
110122	2	Invoice	MORAN/CELLPHONE	11/01/2022	23.00		01.261.0
110122	3	Invoice	POLICE/CELL PHONES	11/01/2022	38.53		01.21.552.01

Invoice	Seq	Type	Description	Invoice Date	Total Cost	PO Number	GL Account
Total US CELLULAR (92):					100.06		
US WATER (120719)							
ACH SI6097	1	Invoice	WATER CONTRACT	11/01/2022	31,595.72		51.42.515.00
ACH SI6097	2	Invoice	SEWER CONTRACT	11/01/2022	31,595.71		52.43.515.01
Total US WATER (120719):					63,191.43		
VERIZON WIRELESS (316)							
9916908817	1	Invoice	PAY & DISPLAY	10/20/2022	75.06		53.48.555.00
9919283466	1	Invoice	PAY & DISPLAY	11/01/2022	75.08		53.48.555.00
Total VERIZON WIRELESS (316):					150.14		
WHITE CONSTRUCTION CO., INC. (119359)							
110222	1	Invoice	FOUNTAIN MAINTENANC	11/02/2022	305.00		17.52.517.03
111422	1	Invoice	PUBLIC WORKS JANITOR	11/14/2022	135.00		01.41.511.01
Total WHITE CONSTRUCTION CO., INC. (119359):					440.00		
WHITE, KAREN (120266)							
111422	1	Invoice	POLICE DEPARTMENT JA	11/14/2022	395.00		01.21.511.01
Total WHITE, KAREN (120266):					395.00		
WORKSHOP, THE (120647)							
50781	1	Invoice	FIRE/RUG SERVICE	10/31/2022	104.37		22.22.538.01
50781	2	Invoice	TURNER HALL NEW RUG	10/31/2022	75.14		58.54.511.00
50781	3	Invoice	MARKET HOUSE RESTR	10/31/2022	24.98		01.13.511.06
Total WORKSHOP, THE (120647):					204.49		
YETT, ANTHONY (119270)							
102222	1	Invoice	TRAVEL REIMBURSEME	10/22/2022	16.53		01.21.562.00
Total YETT, ANTHONY (119270):					16.53		
Grand Totals:					634,518.98		

Report GL Period Summary

Vendor number hash:	10613920
Vendor number hash - split:	13749838
Total number of invoices:	147
Total number of transactions:	208

Terms Description	Invoice Amount	Net Invoice Amount
Open Terms	634,518.98	634,518.98

Terms Description	Invoice Amount	Net Invoice Amount
Grand Totals:	634,518.98	634,518.98