

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 26 MARCH 2012

12C-0106 – CALL TO ORDER

Mayor Terry Renner called the regular meeting to order at 6:30 p.m. in the Board Chambers at 312½ North Main Street on 26 March 2012.

12C-0107 – ROLL CALL

Upon roll call the following members were present: Cording, Fach, Greene, Lincoln, Murphy, Painter and Renner

12C-0108 – ESTABLISHMENT OF QUORUM

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

12C-0109 – PLEDGE OF ALLEGIANCE

The Pledge was recited.

12C-0110 - REPORTS OF STANDING COMMITTEES

None.

12C-0111 – PUBLIC COMMENTS

Richard Forrester, President/CEO, VisitGalena.org, 614 Gear Street – Forrester spoke in support of item 12C-0122, a request by Ryan Dies for a Festival Permit to conduct the Galena Ramp Jam Skateboard Competition at Recreation Park, June 1-3, 2012. The Board of Directors of VisitGalena has unanimously agreed to be the not-for-profit sponsor of the event. Forrester reported the event will not only stimulate visitors and overnight lodging but is a real benefit as it involves several youth in the event and planning stages. Dies will be required to obtain event insurance that would indemnify the City of Galena and VisitGalena. A sponsorship is before the Special Events Committee. Forrester expects them to make a positive recommendation at the April meeting.

Judy Dixon, 1520 Field Street – Dixon addressed what she feels to be a “double standard” in town. She advised she was required to conform to the historic building standards for two properties and feels that the Westwick Foundry should also have to conform to the same standards. She urged the Council to look into this matter.

Charlotte Kennedy, 946 Irish Hollow Road – Kennedy presented her ideas for an Edibleschoolyard Project and asked the Council for their support on the project.

Jackie Dyrke, 311 Hill Street – Dyrke was opposed to allowing a Tour Operators License to operate tours in the evenings. She felt that it was an invasion of privacy and would decrease the values of property. She has noticed with past tours that tour operators have been giving incorrect information on their tours and recommended developing a testing program to make sure that the correct information is given out.

James Wirth, 121 S. High Street – Wirth voiced concern with the information being given by tour guides. He feels they shouldn't be allowed to give undocumented information and that the city should regulate the information being given. Wirth was in favor of some type of competency test for tour guides.

Amelia Roth, 20 West Apache Trail – Roth advised she has no intention of defaming any properties or giving out false information on her tours. She has had conversations with historian,

Steve Repp, to work on writing scripts and/or facts to be presented on the tours. She further noted the current trolleys are already on the streets and adding one more twice per night wouldn't change anything. Roth advised she would also like to be allowed to do vineyard tours throughout the day as well as maybe one historical tour per day.

Bill Fawell, 617 Ridge Street – Fawell voiced concern with the recent auction held by the Galena Jo Daviess County History Museum. The auction was advertised in 10 newspapers but never in the Galena Gazette. He feels this was a conscious effort on behalf of the museum to hide something they knew was wrong. Fawell recommended creating a fund to try to retrieve some of these historical items and further recommended taking a proactive approach for the resignations of the Board of Directors of the History Museum and its staff.

Ryan Dies, Galena – Dies advised he was here to bring the Galena Ramp Jam proposal to life. The idea is to have an event in Rec Park to stimulate business as well as provide an event for the youth. He advised he would be available should the Council have any questions.

Paul Brashaw, Galena – Brashaw advised he was present on behalf of item 12C-00125, the preliminary and final plat for Phase 2 of the Timp Subdivision.

PUBLIC HEARING

Motion: Greene moved, seconded by Murphy, to open the Public Hearing on the proposed 2012-13 Operating Budget for the City of Galena.

Discussion: None.

Roll Call: AYES: Fach, Greene, Lincoln, Murphy, Painter, Cording, Renner
NAYS: None

The motion carried.

12C-0112 – PUBLIC HEARING ON THE PROPOSED 2012-13 OPERATING BUDGET FOR THE CITY OF GALENA

City Attorney Nack swore in those wishing to testify.

Testimony: Eldon Glick, James Street – Glick spoke on the pending issue of the history museum funding request. Glick advised at the meeting of February 27, 2012, the City Council agreed it would be good to hear what the plans of the museum were. On March 12, 2012 the Council requested a copy of the museum budget. At the Budget Work session of March 19, there was no budget presented. He questions how the public can comment on the budget when the requested information was never received. Glick feels the City hasn't seen or heard anything proving the museum needs the money. He questioned if it was for the \$90,000 painting they purchased or if it was for a possible lawsuit for the cease and desist order they received for the name or was it for to many high salaried employees. He stated they paid \$16,500 to have someone come in to tell them what to do and how to do it. Glick referred to two articles which state the items at the museum are the property of the citizens of Galena. If this is true, this means they sold items at the auction that they didn't own and this could be actionable. Glick questions if the City wants to support an organization run such as this. He questions if the museum is trying to make the taxpayers pay their salaries. Glick stated he feels there is something radically wrong.

Stephen Coates, 304 Elk Street – Coates advised in response to last week's work session, the members of the Board of Directors of the museum talked to 18 restaurant owners to give them some information on what the museum is requesting with regard to the one-half percent tax. They were careful not to be seen as polling them. They tried to stick to letting them know about the discussions including the potential increase of the Food and Beverage Tax. They explained

to them the museum is looking for a stable source of funding and showed how they propose to employ these funds.

Nancy Breed, Executive Director, Galena History Museum – Breed distributed a handout showing what came after last week’s meetings. They have talked about the possibility of the Food and Beverage Tax for funding. They listened to comments and went to the major restaurants and talked about the value of the historical society to the community. They answered questions on what the dollars would be used for. They also talked about a certification program for educational training. They would love to handle this program. Breed advised this opportunity for enhanced funding would allow the museum to make a meaningful impact on tourism and make sure everyone knows Galena history. Breed advised some of the concerns raised tonight will be addressed in the Galena Gazette.

Cording advised the Council did receive a copy of the museum budget.

Rick Pariser, 113 S. High Street – Pariser noted he has not found in the budget a detailed budget summary. He questioned if there was something such as this available to the public. He stated he has attended City Council meetings which have listed water reports, pool reports, fire reports etc. He felt the City could enhance how much information is put in the narrative to show where the money has gone and where it is going. He feels it is important to tell the governing body and the public how the money is spent and what the city intends to achieve in the budget.

Greene advised the Capital Improvement Plan does a lot of what he is asking. He recommended he get a copy of the plan.

Bill Fawell 617 Ridge Street - Fawell advised after a quick review from the museum auction, he estimates they got about 10 cents on the dollar. He feels if they would have sent the auction to Rock Island they would have received six figures. If you take what they are asking for from the City and multiply that by 8.2 times, that is the figure they would have gotten if they would have had the auction in Rock Island.

Motion: Greene moved, seconded by Murphy, to close the Public Hearing on the proposed 2012-13 Operating Budget for the City of Galena, adjourn as the City Council and reconvene as the Liquor Commission.

Discussion: None.

Roll Call: AYES: Greene, Lincoln, Murphy, Painter, Cording, Fach, Renner
NAYS: None

The motion carried.

LIQUOR COMMISSION

12C-0113 – DISCUSSION AND POSSIBLE ACTION ON AN APPLICATION FOR A CLASS M LIQUOR LICENSE BY DONALD J. STEFFAN AND SUSAN R. STEFFAN, BARBANN, INC., DBA FARMER’S GUEST HOUSE BED AND BREAKFAST, 334 SPRING STREET

Motion: Murphy moved, seconded by Greene, to approve the application for a Class M Liquor License by Donald J. Steffan and Susan R. Steffan, Barbann, Inc., DBA Farmer’s Guest House Bed and Breakfast, 334 Spring Street.

Discussion: None.

Roll Call: AYES: Lincoln, Murphy, Painter, Cording, Fach, Greene, Renner
NAYS: None

The motion carried.

12C-0114 – DISCUSSION AND POSSIBLE ACTION ON AN APPLICATION FOR A CLASS D LIQUOR LICENSE BY JOEL C. HOLLAND AND GREGORY J. DUERR, GALENA MOTEL RECEIVER, INC., DBA RAMADA GALENA, 11383 HWY. 20 WEST

Motion: Murphy moved, seconded by Greene, to approve the application for a Class D Liquor License by Joel C. Holland and Gregory J. Duerr, Galena Motel Receiver, Inc., DBA Ramada Galena, 11383 Highway 20 West.

Discussion: None.

Roll Call: AYES: Murphy, Painter, Cording, Fach, Greene, Lincoln, Renner
NAYS: None

The motion carried.

12C-0115 – DISCUSSION AND POSSIBLE ACTION ON AN APPLICATION FOR A CORPORATION MANAGER’S LIQUOR LICENSE BY MICHAEL B. SCHOLZ, FOR RAMADA GALENA, 11383 HWY. 20 WEST

Motion: Murphy moved, seconded by Greene, to approve the application for a Corporation Manager’s Liquor License by Michael B. Scholz for Ramada Galena, 11383 Highway 20 West.

Discussion: None.

Roll Call: AYES: Painter, Cording, Fach, Greene, Lincoln, Murphy, Renner
NAYS: None

The motion carried.

Motion: Greene moved, seconded by Murphy, to adjourn as the Liquor Commission and reconvene as the City Council.

Discussion: None.

Roll Call: AYES: Cording, Fach, Greene, Lincoln, Murphy, Painter, Renner
NAYS: None

The motion carried.

CONSENT AGENDA CA-6

12C-0116 – APPROVAL OF THE MINUTES OF THE MARCH 12, 2012 CITY COUNCIL MEETING AND THE SPECIAL CITY COUNCIL MEETING OF MARCH 19, 2012

12C-0117 – APPROVAL OF THE ANNUAL AGREEMENT WITH THE GALENA AREA EMERGENCY MEDICAL SERVICES DISTRICT FOR AMBULANCE SERVICE

12C-0118 – APPROVAL OF A CONTRACT WITH JO DAVIESS COUNTY COUNTRY FAIR CHARITIES, INC. FOR THE COUNTRY FAIR EVENT AT GRANT PARK, OCTOBER 4-7, 2012

Motion: Fach moved, seconded by Murphy, to approve Consent Agenda CA-6.

Discussion: None.

Roll Call: AYES: Fach, Greene, Lincoln, Murphy, Painter, Cording, Renner

NAYS: None

The motion carried.

UNFINISHED BUSINESS

12C-0091 – DISCUSSION AND POSSIBLE ACTION ON REQUEST BY SHAW ENTERTAINMENT GROUP, INC. FOR A REFUND OF THEIR LIQUOR LICENSE ANNUAL FEE AND ONE TIME FEE

Motion: Greene moved, seconded by Lincoln, to approve the request by Shaw Entertainment Group, Inc. for a refund of their liquor license annual fee and one-time fee.

Discussion: Painter questioned if there was going to be an ordinance change. Nack advised it would be his recommendation not to change the language in the ordinance. He advised the Council has the authority to refund the fee due to the fact that the deal never went through and the business never operated.

Roll Call: AYES: Greene, Lincoln, Murphy, Painter, Cording, Fach, Renner
NAYS: None

The motion carried.

12C-0095 – SECOND READING AND POSSIBLE APPROVAL OF AN ORDINANCE REZONING 700 SPRING STREET FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL

Motion: Fach moved, seconded by Painter, to approve the second reading of an ordinance rezoning 700 Spring Street from Low Density Residential to Neighborhood Commercial.

Discussion: None.

Roll Call: AYES: Lincoln, Murphy, Painter, Cording, Fach, Greene, Renner
NAYS: None

The motion carried.

12C-0097 – SECOND READING AND POSSIBLE APPROVAL OF AN ORDINANCE AMENDING CHAPTER 51 OF CODE OF ORDINANCES FOR UTILITY BILLING COLLECTION PROCEDURES

Motion: Cording moved, seconded by Painter, to approve the second reading of an ordinance amending Chapter 51 of the Code of Ordinances for Utility Billing Collection Procedures, item 12C-0097.

Discussion: Cording feels these changes make it a more fair and equitable way of collecting fees for water and sewer. The recommended changes will go into effect immediately. A question was raised as to what portion of the service line is the responsibility of the homeowner. Council was advised the current ordinance clearly states the homeowner is responsible for the service line from the main to the house.

Roll Call: AYES: Murphy, Painter, Cording, Fach, Greene, Lincoln, Renner
NAYS: None

The motion carried.

NEW BUSINESS

12C-0119 – FIRST READING OF AN ORDINANCE AMENDING SECTION 111.23 OF THE GALENA CODE OF ORDINANCES, “ALCOHOLIC BEVERAGES ORDINANCE” TO CLARIFY LIQUOR LICENSE REFUNDS

Motion: Greene moved, seconded by Murphy, to take item 12C-0119 off the table.

Discussion: None.

Roll Call: AYES: Painter, Cording, Fach, Greene, Lincoln, Murphy, Renner
NAYS: None

The motion carried.

12C-0120 – FIRST READING OF AN ORDINANCE AMENDING SECTION 114 OF THE GALENA CODE OF ORDINANCES, “TOUR OPERATORS ORDINANCE” TO ADD A RESTRICTED TOUR OPERATOR LICENSE FOR TOURS BETWEEN 7:45 P.M. AND 10:00 P.M.

Motion: Greene moved, seconded by Cording, to deny the ordinance request to change the number of Tour Operator Licenses from 2 to 3.

Discussion: Greene advised he has received several calls from people who don't want a trolley in the neighborhoods in the evenings.

Fach felt the addition of this license would fill a niche we don't have. The license would only allow for two tours per night and the ordinance specifies that the noise must be kept inside the vehicle. Murphy agreed stating it fills a void for night time activity. He felt it was a good thing for downtown Galena in the evenings.

Cording agreed providing an enterprise for more entertainment for visitors is a good thing; however, she preferred to see it take place in a venue such as Turner Hall. She was opposed to the idea of vehicles in residential areas at night stating she felt it would be an infringement on homeowners.

Lincoln felt as long as the correct information is being portrayed in the right manner, he had no problem with it.

Roll Call: AYES: Cording, Greene, Painter
NAYS: Fach, Lincoln, Murphy, Renner

The motion was denied.

Motion: Murphy moved, seconded by Lincoln, to approve an ordinance amending Section 114 of the Galena Code of Ordinances, “Tour Operators Ordinance” to add a Restricted Tour Operator License for tours between 7:45 and 10:00 p.m. and waive the second reading.

Discussion: None.

Roll Call: AYES: Fach, Lincoln, Murphy, Renner
NAYS: Greene, Painter, Cording

The motion carried.

12C-0121 – DISCUSSION AND POSSIBLE ACTION ON A REQUEST BY AMELIA WILSON-ROTH FOR A TOUR SERVICE LICENSE TO OPERATE AMELIA’S GHOST TOURS

Motion: Murphy moved, seconded by Fach, to approve the request by Amelia Wilson-Roth for a restricted Tour Service License to operate Amelia’s Ghost Tours and waive the second reading.

Discussion: Murphy advised the second reading is being waived due to a mix up on the part of the City. The first reading of the ordinance should have been placed on the previous agenda.

Painter asked for clarification on when Roth would be allowed to operate. Moran advised this is a restricted license which would allow for evening tours only.

Roll Call: AYES: Lincoln, Murphy, Fach, Renner
NAYS: Greene, Painter, Cording

The motion carried.

12C-0122 – DISCUSSION AND POSSIBLE ACTION ON A REQUEST BY RYAN DIES FOR A FESTIVAL PERMIT TO CONDUCT THE GALENA RAMP JAM SKATEBOARD COMPETITION AT RECREATION PARK, JUNE 1-3, 2012

Motion: Murphy moved, seconded by Painter, to approve the request by Ryan Dies for a Festival Permit to conduct the Galena Ramp Jam Skateboard Competition at Recreation Park, June 1-3, 2012.

Discussion: Painter questioned looking at the details of the park rentals if they should consider holding the event on a different weekend. She noted there are a number of pavilions rented on the 2nd and 3rd for graduation parties. Cording also favored checking to see if they would consider another weekend.

The Cornerstone will be applying for the Class E Liquor License.

Painter advised the City will want to make sure the insurance and all fees are paid prior to the event. She questioned what provisions could be made to make sure all expenses are covered.

Dies advised holding the event in May would leave them little time for advertising. He advised they left the date selection up to Richard Forrester. The intent of choosing this date was to keep the synergy going theming that time of year as “action sport” time of the year in Galena.

Roll Call: AYES: Lincoln, Murphy, Painter, Cording, Greene, Renner
NAYS: None
ABSTAIN: Fach

The motion carried.

12C-0123 – DISCUSSION AND POSSIBLE ACTION ON REQUEST BY DON CURLEY, 1001 FOURTH STREET, FOR THE CITY TO INSTALL A PROTECTIVE GUARDRAIL ON THE SOUTHWEST CORNER OF U.S. 20 AND FOURTH STREET

Motion: Painter moved, seconded by Greene, to open discussion on the request by Don Curley, 1001 Fourth Street, for the City to install a protective guardrail on the southwest corner of U.S. 20 and Fourth Street.

Discussion: None.

Roll Call: AYES: Murphy, Painter, Cording, Fach, Greene, Lincoln, Renner
NAYS: None

The motion carried.

Discussion: Painter advised she has looked at the property. Curley's main concern is with traffic coming up Highway 20 turning right on Fourth Street. Painter requested Council table this request to allow for more research on what the options might be for the cost of a guardrail and/or the cost of posts with reflectors. IDOT has offered to meet with city staff along with their design engineers; however, they will not participate in the construction and/or cost.

Motion: Painter moved, seconded by Greene, to close discussion on the request by Don Curley, 1001 Fourth Street, for the City to install a protective guardrail on the southwest corner of U.S. 20 and Fourth Street.

Discussion: None.

Roll Call: AYES: Painter, Cording, Fach, Greene, Lincoln, Murphy, Renner
NAYS: None

The motion carried.

Motion: Painter moved, seconded by Greene, to table the request by Don Curley, 1001 Fourth Street, for the City to install a protective guardrail on the southwest corner of U.S. 20 and Fourth Street pending further investigation through IDOT.

Discussion: None.

Roll Call: AYES: Cording, Fach, Greene, Lincoln, Murphy, Painter, Renner
NAYS: None

The motion carried.

12C-0124 – DISCUSSION AND POSSIBLE ACTION ON CONTRACTING WITH DARYL WATSON TO COMPLETE THE HISTORIC DISTRICT BOUNDARY SURVEY

Motion: Cording moved, seconded by Painter, to approve contracting with Daryl Watson to complete the Historic District Boundary Survey, item 12C-0123.

Discussion: Cording advised this is a small step to wrap a lot of work that has already been done. She felt Daryl Watson was very well qualified and dedicated to accuracy.

Lincoln felt this should have been done under the Ball State Survey. He was advised the Ball State Survey involved taking pictures of the houses and documenting the age. The City has received a grant for 2/3 of the cost.

Roll Call: AYES: Fach, Greene, Murphy, Painter, Cording, Renner
NAYS: Lincoln

The motion carried.

12C-0125 – DISCUSSION AND POSSIBLE ACTION ON PRELIMINARY AND FINAL PLAT FOR PHASE 2 OF THE TIMP SUBDIVISION

Motion: Greene moved, seconded by Murphy, to approve the Preliminary and Final Plat for Phase 2 of the Timp Subdivision.

Discussion: Painter questioned if they have shown any voluntary interest in complying with some of the sustainable practices recently adopted. Kieffer advised he doesn't think they have

done any of the green subdivision requirements. They are doing what currently is required for storm water and sanitary sewer.

Roll Call: AYES: Greene, Lincoln, Murphy, Painter, Cording, Fach, Renner
NAYS: None

The motion carried.

12C-0126 – DISCUSSION OF 2012-13 OPERATING BUDGET

Motion: Cording moved, seconded by Painter, to open discussion on the 2012-13 Operating Budget.

Discussion: None.

Roll Call: AYES: Lincoln, Murphy, Painter, Cording, Fach, Greene, Renner
NAYS: None

The motion carried.

Discussion: Renner recommended taking the information received tonight to the work session scheduled for Monday, April 2.

Cording stated following the first budget hearing she had the opportunity to talk with people from Hello Galena. They are concerned that there are things deteriorating on the exterior and interior of the building. Cording noted while the City doesn't own the building, a little bit more cash would make it much more pleasant and welcoming for visitors. She recommended considering putting a little more money in the budget to help refurbish the restrooms. She suggested changes in lighting, paint, tile and repairing the soffit.

Painter pointed out she thinks we are beginning to see the impact of not going for the max on the Ptell tax. The tax is being reduced by \$46,000. She urged the Council to keep this in mind the next time this comes up. The voters approved the Ptell and she feels it should go to the max. In the end it has an impact on services.

Fach appreciated the documents on the energy audit on Turner Hall. He stated he would like to put some dollar figures on some of those fixes and begin to look at energy efficiencies in the building.

Painter questioned if the City should consider going back to paid parking in the Winery Lot. Staff advised the machine would have to be repaired in order to do so. Cording agreed it should be revisited.

Lincoln was in favor of trimming the budget by 1 or 2 percent.

Motion: Cording moved, seconded by Fach, to close discussion on the 2012-13 Operating Budget, item 12C-0126.

Discussion: None.

Roll Call: AYES: Murphy, Painter, Cording, Fach, Greene, Lincoln, Renner
NAYS: None

The motion carried.

12C-00127 – WARRANTS

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

Discussion: None.

Roll Call: AYES: Painter, Cording, Fach, Greene, Lincoln, Murphy, Renner
NAYS: None

The motion carried.

12C-0128 – ALDERPERSONS' COMMENTS

Street Lighting – Fach noted the City is shelling out \$5,000-\$6,000 per month for street lighting. He feels the City should consider some way to cut out some of the street lights.

Turner Hall – Fach recommended earmarking the entertainment tax to Turner Hall and every year investing that amount into the hall.

Annexation Study – Fach feels the City needs some group discussion on annexation. He has a concern with raising a tax when we have properties located in town we could be deriving taxes from.

Liquor License Application – Fach recommended adding a line to the Liquor License Application which states there will be no refunds.

Emergency Lights – Greene advised the emergency lights near the hospital are working well and look good. They should help with accidents.

Turner Hall – Greene recommended leasing Turner Hall to some for \$1.00 per year and letting someone else put the repairs into it.

Tour Information – Cording stated she feels the accuracy of the information given is very important. She would be interested in pursuing this once the budget is taken care. She will contact the Historical Society to get their input on how we might get this done.

Information – Painter complimented those people who have presented various topics. It shows we have a lot of talented people doing the best they can. While it was a little bit of a paper overload, she appreciates having the information to look at.

Budget – Murphy stated that, as the budget moves forward, everybody wants something. He feels Mark Moran puts together a very well balanced budget and the Council needs to be very careful before adding things. He urged the Council to look at what is presented before changing anything.

12C-0129 – CITY ADMINISTRATOR'S REPORT

St. Lighting – Moran advised one of the items cut from the budget was the \$5,000 for the lighting study. Bradley University would have done the study. He advised if this is something the Council is serious about they should look at putting it back in the budget.

Grant Park Sign – The original plan was to try to make the repairs to the Grant Park sign this summer. Staff has decided to wait another year to give the ground more time to settle.

Open Meetings Act Training – Moran advised all elected officials are required to complete the Open Meetings Act Training. Information was presented to the Council.

12C-0130 – MAYOR’S REPORT

Renner announced Gear Street is off for another year. He agrees with getting through one more July before putting the Grant Park sign back.

11C-0131 – MOTION FOR EXECUTIVE SESSION

Motion: Murphy moved, seconded by Lincoln, to recess to Executive Session to discuss the following:

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

Roll Call: AYES: Cording, Fach, Greene, Lincoln, Murphy, Painter, Renner
NAYS: None

The motion carried.

The meeting recessed at 8:05 p.m.

The meeting reconvened at 8:33 p.m.

12C-0132 - ADJOURNMENT

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

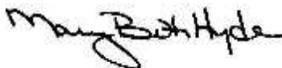
Discussion: None.

Roll Call: AYES: Lincoln, Murphy, Painter, Cording, Fach, Greene, Renner
NAYS: None

The motion carried.

The meeting adjourned at 8:33 p.m.

Respectfully submitted,



Mary Beth Hyde, CMC
City Clerk

