

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 23 JULY 2012

12C-0298 – 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 23 July 2012.

12C-0299 – ROLL CALL

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

12C-0300 – ESTABLISHMENT OF QUORUM

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

12C-0301 – PLEDGE OF ALLEGIANCE

The Pledge was recited.

12C-0302 - REPORTS OF STANDING COMMITTEES

None.

12C-0303 – PUBLIC COMMENTS

Drew Townsend, 10779 Dog Leg Ridge, Chairman of the Board for VisitGalena – Townsend stated, on behalf of the VisitGalena Board, they felt it was necessary to share their viewpoint on the council's recent decision with respect to the music downtown. Townsend read a prepared letter to council and requested to go on record requesting the City Council reconsider and/or overturn the decision made on June 25, 2012 that would eliminate street performers from entertaining our visitors in downtown Galena after May 1, 2013. The board would further urge the council to reconsider allowing restaurants with open air spaces to provide entertainment to their customers as well.

Leslie DuBois, 606 S. Prospect Street – On behalf of the Bed & Breakfast Innkeepers of Galena, DuBois read a prepared statement urging the council to reconsider the decision made on June 25, 2012 to eliminate street performers.

Dana Meadows, Honest John's Trading Post, President of the Downtown Business Association – Meadows advised he currently has four stores in the downtown. Meadows urged the council to reconsider the action to eliminate street performers. Tourists dance and support the musicians with money at no cost to the city.

Catherine Kouzmanoff, 219 S. Prospect Street – Kouzmanoff urged the council to promote professional busking on Main Street. She has great concern prohibiting it might be infringing on one's freedom of speech or freedom of expression. She agreed with all previous statements and asked those in the audience who supported the idea to stand. Kouzmanoff asked the Council to not confuse the busking issue with her right to use her patio as busking has nothing to do with the patio.

John Huschik, 805 Shadow Bluff – Huschik advised he contacted Mr. Moran requesting that the council consider naming the kiddie pool area at the Alice T. Virtue Memorial Pool in honor of Clint Sitzmann. He feels it would be a great tie in especially for the work he did with the kids. It would not only keep Clint's legacy going but would inspire other young people to do as he did.

Huschik also thanked Craig Albaugh for another great season at the pool. The staff is great. Everything is clean and all are doing an all-around nice job.

Jim Norris, 411 Park Avenue - Norris urged the Council to reconsider the recent action to eliminate street performers. Norris stated if the City is concerned about the noise, they should visit the downtown on a Saturday night and listen to the motorcycles. Norris also listed several cities that currently allow street performers.

Martin Raymon, 2904 W. Stagecoach Trail – Raymon stated as an active musician performing in Galena, he sees two problems with the ordinance. One is it is pretty well established that street performance is a protected right under the free speech laws of this country. Ordinances can allow certain restrictions but cannot place a blanket ban on them. Raymon advised he came to city hall to purchase a permit and was turned down. The issue he sees with that is that, as other street musicians have been allowed to purchase permits, you have an equal protection under the law issue. If you previously issued a permit, there is a problem with arbitrarily deciding no more permits can be issued.

James Wirth, 121 S. High Street – Wirth advised he was present should the council have any questions on item 12C-0312. On behalf of Steve Repp, Wirth advised Repp would like see the committee meet again to give them an opportunity to work out some of the fine points.

CONSENT AGENDA CA-14

12C-0304 – APPROVAL OF THE MINUTES OF THE JULY 09, 2012 CITY COUNCIL MEETING

12C-0305 – APPROVAL OF 2012 MOTOR FUEL TAX RESOLUTION

12C-0306 – APPROVAL OF A RESOLUTION REGARDING THE RELEASE OF EXECUTIVE SESSION MINUTES FOR PUBLIC INSPECTION

12C-0307 – ACCEPTANCE OF MAY 2012 FINANCIAL REPORT

Motion: Cording moved, seconded by Painter, to approve Consent Agenda CA-14.

Discussion: None.

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

The motion carried.

NEW BUSINESS

12C-0308 – FIRST READING OF AN ORDINANCE MODIFYING THE STREET PERFORMERS ORDINANCE, CHAPTER 110.39 OF THE GALENA CODE OF ORDINANCES

Motion: Greene moved, seconded by Lincoln, to deny the ordinance modifying the Street Performers Ordinance, Chapter 110.39 of the Galena Code of Ordinances.

Discussion: Greene stated a lot of people like the street performers and they don't hurt anything. The council can modify the ordinance to control them if necessary.

Council discussed the recent action and agreed to look at the ordinance in order to make meaningful changes that will continue to support the street performers in a way that is comfortable for those that live and work in the area.

Murphy preferred to leave the moratorium on the licenses until May 1.

Cording suggested forming a committee to look at the ordinance. Mayor Renner felt staff could look at the ordinance and make the necessary changes.

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

The motion carried.

12C-0309 – DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF OPEN SPACE LAND ACQUISITION AND DEVELOPMENT (OSLAD) GRANT FOR THE DEVELOPMENT OF GATEWAY PARK

Motion: Painter moved, seconded by Fach, to accept the Open Land Acquisition and Development (OSLAD) Grant for the development of Gateway Park, item 12C-0309.

Discussion: Murphy questioned if there would be any cost to the city. Moran advised it is a 50/50 matching grant. The City will receive \$73,900 from the grant and the Jo Daviess County Conservation Foundation will be funding the 50 percent match.

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

The motion carried.

12C-0310 – DISCUSSION AND POSSIBLE ACTION ON INITIATING ANNEXATION OF GATEWAY PARK

Motion: Cording moved, seconded by Painter, to initiate conversation about annexing the 100 acre property known as Gateway Park and the additional property known as the levy property.

Discussion: Cording feels this fits into our plan as a city to provide recreation and provides an opportunity for our visitors. Annexation will allow the city to provide the water and sewer facilities to this area. She also noted this will also include annexation of the Sullivan development because there is an agreement to that affect. This would bring extra revenue to the city with the real estate taxes.

Fach asked for an explanation on the annexation of the levy. Moran advised in order to annex property into the city it must touch property already in the city. The railroad property between the city property and the property to be annexed is one exception to that rule. You are allowed by law to jump over railroad property.

Fach hopes the city can work diligently to get other properties already surrounded by the city along Route 20 within the corporate limits.

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

The motion carried.

12C-0311 – DISCUSSION AND POSSIBLE ACTION ON REQUEST BY THE GALENA AREA CHAMBER OF COMMERCE FOR HALLOWEEN PARADE PARKING RESTRICTIONS AND STREET CLOSURES FOR VENDING

Motion: Cording moved, seconded by Fach, to table item 12C-0311.

Discussion: This item was tabled in order to receive more information from the Chamber of Commerce with regard to the parking, fees for floats/participants and the alcohol.

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

The motion carried.

12C-0312 – DISCUSSION AND POSSIBLE ACTION ON A RECOMMENDATION FROM THE COMMITTEE ON TOUR GUIDE ACCURACY

Motion: Cording moved, seconded by Painter, to approve the recommendations from the committee on tour guide accuracy that those who are providing tours in town indicate whether they are giving documented or undocumented tours.

Discussion: Cording reported there were some really good comments and good discussion at the meeting. This makes a good step towards solving the problem and will help move in the right direction of being accurate and honest in advertising when it comes to tours.

Painter questioned if it was necessary to have another meeting so all tour operators could be included. Cording stated she would be open to another meeting but felt it may just be a dialogue on the issue.

Fach questioned the mechanics and how this would work. Cording advised documented would simply mean the tour company has sources outside of themselves that support what they are saying.

Murphy questioned how we would know if they are documented or undocumented. Moran felt it would be voluntary and advised an ordinance change would be necessary to implement the change.

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

The motion carried.

12C-0313 – DISCUSSION AND POSSIBLE ACTION ON A CONTRACT FOR BACKFLOW INSPECTION SERVICES

The following bids were received:

Firm	Cost/Device
Top Notch	\$50
GeoStar Mech./Backflow Specialists	\$45
Mechanical, Inc.	\$80
Nelson Carlson Mechanical Contr.	\$39

Motion: Cording moved, seconded by Painter, to accept the bid from Nelson Carlson Mechanical in the amount of \$39 for a 3 year contract, item 12C-0314.

Discussion: None.

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

The motion carried.

12C-0314 – FIRST READING OF AN ORDINANCE AMENDING CHAPTER 150.21, POOL BARRIERS REQUIRED

Motion: Fach moved, seconded by Greene, to approve the first reading of an ordinance amending Chapter 150.21, Pool Barriers Required and waive the second reading.

Discussion: None.

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

The motion carried.

12C-0315 – WARRANTS

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

Discussion: Lincoln asked for an explanation on the software upgrade. Moran advised it will be the same system only 10 years later. The current software has had a lot of issues and quirks that are unexplainable.

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

The motion carried.

12C-0316 – ALDERPERSONS' COMMENTS

Decisions – Murphy reminded council it is important sit and think things over well before making decisions just because a few people call.

Tour Accuracy Committee – Lincoln advised he was not supportive of the Tour Operator Accuracy Committee. He doesn't think there has been a big problem with what has been going on in town and hates to see the city get involved with this.

Taxi – Lincoln advised he has noticed another taxi in town and questioned if the city has a taxi ordinance. He was advised we do not.

Flowers on Main – Painter pointed out, in spite of the drought, the flowers on Main Street look good. She added it is nice to see Ken out there in his "My Green Galena" shirt. It makes it clear who is taking care of those flowers.

Solar Project – Painter stated she hopes to hear more about the solar project under the City Administrator's report.

Tour Documentation – Cording advised the accuracy in tour documentation is not about deciding who is right. It is simply telling people which author you have your information from. It is being able to say this is legend or this has no written documentation whatsoever. It doesn't decide what information is right but where they are getting the information from.

Grass Watering – Cording advised she had a few calls about watering grass. She advised she has talked to Jeff Saylor. The City does indeed have plenty of water and watering the grass is not a problem. The city has a deep well and does not rely on rainfall.

Solar Project – Greene reported he has been down at the solar project. They are currently working on the last row. It is coming along well.

Dogs – Greene advised he received a call about dogs. Can you have a Doberman or Mastiff. He was advised they are allowed in town.

Power Pole – Fach questioned if the water leaking by the newly installed power pole is the fault of the City or the power company.

Junction Box – Fach voiced concern with the appearance of the foundation for the telephone junction box by the stoplight. He let it should fall within some kind of building material codes we have for the Highway 20 corridor.

12C-0317 – CITY ADMINISTRATOR’S REPORT

Solar Project – Moran reported they expect to have the panels installed by the end of the week, a total of 1,440 panels. It should take about three to four more weeks for the rest of the improvements. It should be operational by the end of August. Everything is on schedule.

Reusable Bags – Moran reported staff just sold last of the My Green Galena reusable bags. He may be looking at reordering more.

Hydrant Flushing – Moran reported hydrant flushing will be starting. EMC will be out opening the hydrants and flushing water. He anticipates we might get some calls about doing that during the drought. People should be advised the city’s water system works off of deep wells and not surface reservoirs. The hydrant flushing is important for water quality and the exercise of operating the hydrants.

12C-0318 – MAYOR’S REPORT

No report.

12C-0319 – MOTION FOR EXECUTIVE SESSION

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

- Purchase or lease of real estate, Section 2 (c) (5)
- Sale or lease of public property, Section 2 (c) (6)
- Employee hiring, firing, compensation, discipline and performance, Section 2 (c) (1)
- 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 7:37 p.m.

The meeting reconvened at 8:27 p.m.

12C-0320 - 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 8:28 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Mary Beth Hyde". The signature is written in a cursive, flowing style.

Mary Beth Hyde
City Clerk