

**MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 11 OCTOBER 2016**

**16C-0404 – 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 11 October 2016.

**16C-0405 – ROLL CALL**

Upon roll call the following members were present: Bernstein, Fach, Hahn, Kieffer, Lincoln, Westemeier and Renner

**16C-0406 – ESTABLISHMENT OF QUORUM**

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

**16C-0407 – PLEDGE OF ALLEGIANCE**

The Pledge was recited.

**16C-0408 - REPORTS OF STANDING COMMITTEE**

Fach said the committee did not meet, but he reported Turner Hall was rented 19 days in September.

Lincoln had nothing to report from DMO.

**16C-0409 – PUBLIC COMMENTS**

John Huschik, 805 Shadow Bluff Drive wanted to address the dangerous intersection at US 20 and Norris Lane that is used by Midwest Medical Center patrons. This will become even more dangerous with the addition of Prairie Ridge. The entrance and exit should never have been allowed anywhere except across from Golf View Drive. The initial rezoning of the parcel was based on that entrance/exit. Instead the entrance was at Norris Lane. How and why did this happen? All the plans showed the correct entrance was at Golf View. The plan was approved by IDOT for traffic control at Route 20, all land was purchased and the developers of Golf View completed construction preparation and are ready to continue the work. The City remembers that the hospital was supposed to do the work but ran out of money. The City reviewed and inspected the project – did they not realize that the entrance was to be at Golf View. The project was funded by bonds issued thru the Illinois Finance Authority in the amount of \$45,485,000 and was based on the total cost of the project including the entrance at Golf View. The misconception was that IDOT would fund this but they do not pay for development project entrances.

Joanne Hezlif, Coatsworth Center, said she and other residents of the Coatsworth Center support the sale of the building to an owner who would continue its use as a senior independent living facility for residents 62 years and older with HUD assistance. They are wondering if the current formulas for determining rent will remain the same. The majority of the residents would like the building to be a 'No Smoking' facility. In fact, many believed that it was but there is nothing in writing saying that. They are wondering if this could be a condition that the new owner would have to agree to. If the City Council approves the sale are they required to post notice and potentially accept other counter bids. No matter the purchaser, they would like the new owner to continue the building's current use. Finally, if possible, they would like to meet with City Council members and the new owner as this progresses.

Beth Baranski, 1015 S Bench Street passed out surveys for the Council to complete after the Jo Daviess County Water Resource Management Plan presentation. This feedback will help in the creation of an education plan as this moves forward.

Randy Cullen, 108 S High Street said the Council will be looking at their request to make repairs to a retaining wall that is on City property and next to his property. He has previously spent thousands of dollars to repair another section of the wall and they just cannot continue to pay to repair the city wall. It is the city's responsibility to make these repairs. He is concerned that the wall will soon collapse into the yard and damage the driveway and shed and result in an insurance claim against the City. The last time a portion of the wall fell it did not damage their home. They have a bid from a very reputable contractor and it is time that the City take responsibility for their wall.

Gina Cullen, 108 S High Street said she wanted to add that not only will the driveway and the custom built shed be damaged but so will their expensive landscaping. The Council and the City need to take this seriously. They have submitted a bid but can obtain more if needed.

Bonnie Cox, 906 Third Street spoke representing the League of Women Voters. There is a conference on January 11, 2017 that will be held jointly with the Rotary. The topic is "What's Happening with our Water Supply. Register early to attend.

#### **CONSENT AGENDA CA16-19**

##### **16C-0410 – APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 26, 2016**

##### **16C-0411 – APPROVAL OF CELL PHONE SERVICE REIMBURSEMENT FOR FIRE CHIEF POSITION**

##### **16C-0412 – APPROVAL OF CHANGE ORDER #2 FOR 2016 STREET PAVING PROGRAM**

##### **16C-0413 – APPROVAL OF A RESOLUTION ON THE REVIEW AND POSSIBLE RELEASE OF EXECUTIVE SESSION MINUTES**

##### **16C-0414 – APPROVAL OF BUDGET AMENDMENT BA16-04**

**Motion:** Bernstein moved, seconded by Kieffer, to postpone approval of 16C-0413 until a complete list of Executive Session minutes can be included.

**Motion:** Hahn moved, seconded by Kieffer to approve Consent Agenda CA16-19.

**Discussion:** None.

**Roll Call:** AYES: Fach, Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Renner  
NAYS: None

The motion carried.

**UNFINISHED BUSINESS**

**16C-0398– SECOND READING AND POSSIBLE APPROVAL OF AN ORDINANCE AUTHORIZING AND DIRECTING THE SALE OF CERTAIN MUNICIPALLY OWNED REAL ESTATE (COATSWORTH BUILDING) BY THE CITY OF GALENA**

**Motion:** Hahn moved, seconded by Westemeier, to approve the second reading and possible approval of an ordinance authorizing and directing the sale of certain municipally owned real estate, Coatsworth Building, by the City of Galena, 16C-0398.

**Discussion:** Hahn said he wanted to make it clear that the residents have concerns. It has been the goal of the City Council from the start to have the building remain as Senior Housing.

Lincoln asked if the public comments made tonight could be passed along to the potential buyer and if we could mention that the residents would like to meet with them before the sale. They should also know of the residents' concerns for smoking in the building.

Renner agreed. He said we would keep a list of the concerns and forward them to whomever purchases the building.

Fach said he thought this was part of the ongoing negotiations – making sure we specified qualifying items.

**Roll Call:** AYES: Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Fach, Renner  
NAYS: None

The motion carried.

**NEW BUSINESS**

**16C-0415– DISCUSSION AND POSSIBLE ACTION ON AN OPPORTUNITY TO ADOPT/APPROVE/SUPPORT THE COMPLETED JO DAVIESS COUNTY WATER RESOURCE MANAGEMENT PLAN**

**Motion:** Bernstein moved, seconded by Fach to adopt, approve and support the completed Jo Daviess County Water resource management plan, 16C-045.

**Discussion:** An audio presentation was made.

Renner asked Baranski about the scheduled meetings.

Baranski said meetings would be at City Hall, 6:30PM, the last Thursday of the month except the first meeting will be November 17. Agendas will be posted and the meetings are open to the public.

**Roll Call:** AYES: Kieffer, Lincoln, Westemeier, Bernstein, Fach, Hahn, Renner  
NAYS: None

The motion carried.

**16C-0416– DISCUSSION AND POSSIBLE ACTION ON REPAIR TO RETAINING WALL ADJACENT TO 108 S. HIGH STREET**

**Motion:** Fach moved, seconded by Kieffer to study and get a full engineering report from on the retaining wall problem adjacent to 108 S High Street, 16C-0416.

**Discussion:** Fach said this has been in front of the council many times. We should have all the facts to see what's possible. They feel the City is liable; we feel we are not. Maybe we can come to a compromise. If we are responsible maybe Public Works can complete some of the work.

Kieffer said we should get some additional estimates and speak to our insurance company.

Bernstein asked that we get further clarification on the legalities of this. The wall is on City property but we did not build it. Do we know how long it has been there or who built it? Are we even legally responsible for it?

Renner said that's a good point. If it was holding up the street it would probably be ours, but it is holding up a private driveway that was put in years ago.

Westemeier questioned if the City spent any funds on the wall or driveway when it was built?

Renner couldn't say for sure but he thought it was all done by the property owner.

Westemeier said in 2013 our insurance said they would not cover the claim. Maybe we could give them a courtesy call asking what their stance is in 2016. If insurance says they are not going to cover it then we shouldn't. He feels for the homeowner but we didn't install the driveway.

Hahn asked if we wanted an engineering report from the City Engineer.

Fach said yes that should be included on the motion. We should ask that additional estimates be obtained.

Renner said City staff should investigate further to see who put in the wall and driveway and exactly where it is located. It's not holding up a city street but a private driveway.

Nack suggested that the City determine if we feel we have any liability to maintain the retaining wall or the private drive. If we feel we do, then it would be prudent to complete the engineering reports. If we feel we have no liability, then it may not be prudent to spend the time to do the engineering studies.

**Motion:** Fach moved, seconded by Kieffer to withdraw the original motion.

**Motion:** Fach moved, seconded by Kieffer that the City determine whether any City liability exists and at the same time have the City Engineer conduct an engineering study and obtain estimates on the cost of some kind of remedial repair on the wall adjacent to 108 S High Street.

**Roll Call:** AYES: Lincoln, Westemeier, Bernstein, Fach, Hahn, Kieffer, Renner  
NAYS: None

The motion carried.

**16C-0417– DISCUSSION AND POSSIBLE ACTION ON REVISED DESTINATION MARKETING MANAGEMENT AGREEMENT WITH THE NEW DESTINATION MARKETING ORGANIZATION**

**Motion:** Lincoln moved, seconded by Bernstein to postpone action on 16C-0417 until the County and the DMO have an approved agreement.

**Discussion:** None.

**Roll Call:** AYES: Westemeier, Bernstein, Fach, Hahn, Kieffer, Lincoln, Renner  
NAYS: None

The motion carried.

**16C-0418– DISCUSSION AND POSSIBLE ACTION ON REQUEST BY FEVER RIVER OUTFITTERS TO LEASE CITY PROPERTY ON SOUTH MAIN STREET FOR STORAGE OF VEHICLES, BOATS AND TRAILERS ASSOCIATED WITH THE BUSINESS**

**Motion:** Kieffer moved, seconded by Fach to approve a request by Fever River Outfitters to lease City property on South Main Street for storage of vehicles, boats and trailers associated with the business and possibly with a 4 to 5-year lease subject to approval of final lease, 16C-0418.

**Discussion:** Kieffer said this looks like a good idea and if she cleans it up a bit and landscapes it will be nice.

Westemeier said this was a good location for this. We always talk about the City owning too much property. Hopefully there is a purchase sooner than later.

Lincoln asked about the wording for a lease longer than two years.

Moran said a lease longer than two years requires an ordinance to approve.

Lincoln asked which one is preferred – approval of a two-year lease followed by another two-year lease or an ordinance change.

Renner said the lessee wants to put up a building. They may not want to do that if they know there is a possibility of the Council not renewing the lease in two years.

Kieffer said we can always add lease with the option to purchase.

Fach said we are always looking to unload some City property. Why don't we make a motion to sell her the property?

Renner said selling the property would mean putting it out to bid. He would rather start out with a lease. It is currently zoned Heavy Industrial. We may want to look at that in the future and possibly reduce the use.

Hahn said we should keep in mind that there are environmental concerns as to what can and can't happen here.

Renner said the EPA had been contacted and they felt the proposal was okay. We could contact them again and have them investigate further at their cost.

Moran said it would require a resolution by the City Council to bring them in to investigate.

Bernstein said it seems this is a good opportunity to have the EPA come in and reevaluate and if any problems are found they would remediate at no cost to us.

Renner said he would feel better going that route rather than selling the land to someone who would then have problems.

Fach asked about the triangular piece.

Moran said that is the City's – it is a platted street.

Fach asked if we sold the property could all of that be included too.

Moran said it could.

Renner and the Board agreed to allow the applicant to come forward.

Deb Malone, Fever River Outfitters said the EPA has to be okay with the plan. If she wants to construct a cover for the vehicles that is fine, but disturbing the ground itself can be a big liability. To put the money into the property with an option to buy is more favorable.

Renner asked if she was looking to dig a foundation.

Malone said no – just a portable cover.

Renner said he did think we should have the EPA come in and take a look.

Bernstein asked if we should include EPA approval in the motion.

Renner said we should have an EPA report and the lease will not be executed until the final lease was been brought back to us.

**Motion:** Fach moved, seconded by Bernstein to amend the original motion to include contingent with an EPA report.

Renner called for roll on the amendment.

**Roll Call:** AYES: Bernstein, Fach, Hahn, Kieffer, Lincoln, Westemeier, Renner  
NAYS: None

Motion carried.

Renner called for roll on the original motion.

**Roll Call:** AYES: Fach, Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Renner  
NAYS: None

Motion carried

**16C-0419– DISCUSSION AND POSSIBLE ACTION ON A CONTRACT WITH IIW ENGINEERING FOR DESIGN OF FRANKLIN STREET AND BENCH STREET INTERSECTION REPAIRS**

**Motion:** Hahn moved, seconded by Kieffer to enter into an agreement with IIW Engineering for design of Franklin Street and Bench Street intersection repairs, 16C-0419 with a cost of \$15,500.

**Discussion:** Hahn said it makes sense to keep IIW as they have already done the emergency design for the repairs. This really needs to be repaired in early spring and summer 2017.

**Roll Call:** AYES: Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Fach, Renner  
NAYS: None

The motion carried.

**16C-0420– DISCUSSION AND POSSIBLE ACTION ON INTERSECTION IMPROVEMENTS ON US 20 AT GOLF VIEW DRIVE**

**Motion:** Hahn moved, seconded by Westemeier to support and encourage the intersection improvements at Highway 20 and Golf View Drive and help Midwest Medical, Golf View Estates and Prairie Ridge where we can in planning and preparation.

**Discussion:** Kieffer said we should give our full support to the hospital, Prairie Ridge and Golf View. If nothing else, we need to get the speed limit lowered here.

Hahn agrees 100% and said he has been working with Tracy Bauer from the hospital. He brought to the meeting tonight a full set of plans for the turning lanes that were designed at the time the hospital was built. All the land has been purchased for the turning lanes and when the hospital was constructed Hahn thought the state was going to follow thru and come back within two years and complete that work. That's how he thought it was left. We need to do the best we can to help get the problem resolved.

Lincoln agreed. We should help out whoever in order to get this resolved. Originally he was somewhat against the main entrance going in across from Golf View as the site lines are not what they should be. He still pretty much feels the same - the main entrance should be at Norris Lane and the improvements made there. He doesn't see Prairie Ridge residents entering off a main entrance across from Golf View. Golf View to Scadden's corner needs improvements. Not only does the hospital entrance need to be looked at everything from Highway 20/84 to the Ramada needs to be reviewed.

Renner agreed that we should help. Coming off the four lanes down to two lanes most drivers are still going 60 plus mph in the Golf View area. At the time the hospital was built he thought IDOT wanted a frontage road.

Moran said between 2006-2008 during annexation talks there was discussion about a frontage road with a hospital entry coming closer to the 84 intersection.

Renner said we will keep pushing and moving forward. We will call Dixon and Springfield and ask for a reduced speed and maybe some additional signage.

Fach said hopefully Prairie Ridge is getting involved with this.

Kieffer said he thinks many people will still use Norris Lane.

Renner said it would be nice to have a turning lane and a lower speed limit.

Westemeier said he has heard that there are discussions to use Norris Lane and develop an entrance near the sand trap area of the golf course as the entrance into the golf course and Golf View, installing a stop light here and taking the Golf View entrances out. He agrees that the sight lines are not ideal near Golf View. We need to keep working at this and maybe come up with some new ideas.

Renner said a stop light at Golf View could be an issue.

**Roll Call:** AYES: Kieffer, Lincoln, Westemeier, Bernstein, Fach, Hahn, Renner  
NAYS: None

The motion carried.

#### **16C-0421– DISCUSSION AND POSSIBLE ACTION ON REDUCING THE LENGTH OF THE FALL AND SPRING OPEN BURN PERIODS OR ELIMINATING THE OPEN BURN PERIODS**

**Motion:** Bernstein moved, seconded by Fach to reduce the length of the Fall and Spring open burn periods with a possibility of eventually eliminating the open burn periods entirely.

**Discussion:** Bernstein said a couple years ago we reduced the open burn period on a trial basis but there was no real follow up, so now we are pretty much back to where we started. Last year open burn was for two weeks. She has had people ask her to please eliminate the open burn. It is unpleasant, it is a health hazard and with more emphasis on clean air many municipalities are eliminating open burning.

Westemeier said he respectfully disagrees. You could limit it to ten days and if there is rain add additional days. Not everyone has a way of getting rid of the leaves and yard waste. If we don't have open burn people will start burning leaves in their fire pits which will be just like open burn.

Lincoln said he doesn't burn – he usually rakes or mows them. He likes the idea of ten days – it gives people two weekends as well as the weekdays to take care of things. This would be a good start. The burning can be unpleasant.

Bernstein said there are other things you can do with your leaves besides burning them. If open burn is continued she would like to see the city offer suggestions to residents when posting dates and regulations for open burn.

Westemeier said this is no different than someone burning in their fireplace. The City doesn't have the resources to pick up leaves. You can only mulch so much and many people have seasonal plants that they need to get rid of. It's great that the City allows people to take leaves to the landfill but again these leaves are burned. Open burn is only two times a year.

Fach said there is a problem when people burn and let it smudge and smell all night. He does appreciate being able to burn especially when he is clearing brush on the hillside behind his property.

Renner said we should make sure the regulations are published and they are being followed. If we start it on a Saturday, continue through the next week and then end on the following Sunday it should give everyone a chance to get their yards cleaned up.

Westemeier said if it rains we need to add additional days.

Renner said the open burn would not last longer than two weeks including the extensions for rain.

Fach said communication will be very important – people will need to know about the extensions.

**Motion:** Westemeier moved, seconded by Kieffer to amend the original motion to include Saturday to the following Sunday, nine days.

**Discussion:** Bernstein asked if we were really gaining anything – isn't that what we basically have.

Hahn and Lincoln said many years it has been two weeks and then extensions for rain.

Renner called for roll call on the amendment.

**Roll Call:** AYES: Lincoln, Westemeier, Bernstein, Fach, Hahn, Kieffer, Renner  
NAYS: None

The motion carried.

Renner called for roll call on the original motion.

**Roll Call:** AYES: Westemeier, Bernstein, Fach, Hahn, Kieffer, Lincoln, Renner  
NAYS: None

The motion carried

**16C-0422– DISCUSSION AND POSSIBLE ACTION ON RENEWAL OF EMPLOYEE HEALTH, DENTAL, LIFE AND DISABILITY INSURANCE POLICIES**

**Motion:** Kieffer moved, seconded by Fach to approve as written.

**Discussion:** None.

**Roll Call:** AYES: Bernstein, Fach, Hahn, Kieffer, Lincoln, Westemeier, Renner  
NAYS: None

The motion carried.

**16C-0423 – WARRANTS**

**Motion:** Hahn moved, seconded by Fach, to approve the Warrants as presented, 16C-0423.

**Discussion:** None.

**Roll Call:** AYES: Fach, Hahn, Lincoln, Westemeier, Bernstein, Renner  
ABSTAIN: Kieffer  
NAYS: None  
The motion carried.

**16C-0424 – ALDERPERSONS' COMMENTS**

**Country Fair -** Kieffer said it looked like it was a good weekend – lots of people in town.

Fach wanted to congratulate the Police Department, EMT'S and all others on a successful Country Fair weekend.

Lincoln said Country Fair and Oktoberfest weekends brought a lot of visitors and should continue with the fall weekends.

Bernstein said things didn't run smoothly everywhere – several cases of wrong way traffic on Main Street. Maybe more prominent signage would help for the busy weekends.

**Coatsworth Building** – Fach said he was shocked to learn that smoking was allowed in the building.

**16C-0425 – CITY ADMINISTRATOR'S REPORT**

Moran reported that in September the City requested that IDOT lower the speed limit in front of the hospital property. The hospital has also requested a lower speed limit.

**16C-0426 – MAYOR'S REPORT**

Renner said we had good weekends for Oktoberfest and County Fair and the Halloween parade will be here soon. Good to see that the repairs on Franklin and Bench will be moving ahead.

**16C-0427 – ADJOURNMENT**

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

**Discussion:** None.

**Roll Call:** AYES: Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Fach, Renner  
NAYS: None

The motion carried.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Deb Price  
Deputy City Clerk