

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 28 FEBRUARY 2022

22C-0059 – 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 28 February 2022.

22C-0060 – ROLL CALL

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

22C-0061 – ESTABLISHMENT OF QUORUM

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

22C-0062 – PLEDGE OF ALLEGIANCE

The Pledge was recited.

22C-0063 - REPORTS OF STANDING COMMITTEE

No reports.

22C-0064 – CITIZENS COMMENTS

Wendy Clark, 1107 Fourth Street - Clark stated she was speaking on behalf of herself as well as her neighbors along Davis Creek and Rives Street. Clark thanked the council for taking the time to talk to people, read the letters and emails and consider all aspects of the proposed rezoning development. Clark stated there is a large group of citizens concerned about the consequences of rezoning and developing an area right on top of an old neighborhood, the historic district and the downtown. Clark stated, per the Comprehensive Plan, we already know the area in question is unsuitable for building streets and for development. We already know it is included in the City's land use map not as an area to annex for potential growth.

Clark advised a petition was developed talking about traffic, water runoff and other issues. The petition was circulated and 580 people signed it. Clark further advised she talked to fifty households on the east side and knocked on as many doors as possible. Over 67 percent of those people she spoke to signed on for a no vote. Another 21 percent have serious concerns but are not petition signing kind of people. Many preferred to call or email personally if they wanted to share their opinion. Only 7 percent said that they supported the development. Two of those had employment affiliation with the architect or contractors that hope to get work on the project.

Clark urged the Council to vote to deny the rezoning proposal and say yes to protecting a neighborhood and way of life for people who have chosen to live there for what it is and not so we can turn it into something else.

Pat Smith, 712 Park Avenue – Smith stated she too has talked to several people. She has yet to hear anyone say the project is a great idea. Smith feels this development would have a major impact on the whole community. Part of it would be decided tonight as to whether or not the services and infrastructure we have now can truly accommodate what is being proposed. We are already concerned about keeping up with the demands for our fire department and our ambulance service. We are already concerned about our emergency services getting to the east side because of the traffic on the bridge. We are already concerned about safety on Highway 20 and Blackjack Road. Smith feels we need to work through these difficult issues before taking on

something that would add more problems to the existing ones. Smith advised there has been talk about the Comprehensive Plan and the Land Use Map. Those were completed after a huge amount of analysis, coordination with other agencies and input from the public. Smith stated the proposed change would be more than just a little tweak or an update. We should not be making such a major change so quickly to allow for a business proposition we do not really know as much about as we should. Smith questioned if we really know the whole scope of what is being planned. She is concerned once this ball starts it will be hard to stop or even steer it to what is good for our community. While each phase would come to the Zoning Board, they cannot reverse or change what is included in the decision made tonight. They could not go back and ask them to build smaller, or say we do not want the café, or we want fewer cottages. Smith feels this proposal is too much, too fast and in the wrong place. Smith encouraged the council to vote no on behalf of the whole community.

Sandy Lawrence, 3638 Ice Age Drive, Madison – Lawrence advised she is the President of Bien Vie, LLC. Lawrence advised she will be involved in the development and operations if they are fortunate enough to have this project approved. Lawrence stated they are excited about this project. She has been meeting with residents and business owners over the past two weeks and there are others that are excited about this project too. Lawrence shared what their commitment to the community would be should the project go through. They are committed to providing public access. This includes walking trails which will allow more people to use and see the property than do today. They are hopeful that the Marine Hospital designation as a local landmark will move forward in the March 3, 2022, Galena Historic Preservation Committee meeting. Lawrence stated they are committed to conscientious development. The plan is for a low-density park like setting. Bien Vie will continue to partner with Jim Baranski and his team. Lawrence advised they will continue to listen to all viewpoints from the community and they hope their actions to date do reflect that approach. Lawrence advised an invitation was extended to all of the neighbors to review the project plan. For anyone who accepted the offer, the plan was reviewed with them. After meeting with members of the community, adjustments were made to the plan based on things they heard. Lawrence advised they are also interested in partnering with the community to help solve community issues. Lawrence thanked the council for their time and consideration in thinking through this project. Lawrence stated they are committed to the community should this project go through.

Paul Kalimis, 1237 Franklin Street – Kalimis advised he attended the zoning meeting regarding the building of a new resort in town and was concerned about what he observed.

Kalimis stated he respects that it is not the job of city officials to protect his business from new ideas. It is the obligation of city officials to evaluate what is best, overall, for the city and not judge how a decision may or may not create competition for someone else.

Kalimis stated he feels the discussion of whether or not to build a new resort puts the cart before the horse. He has heard little of what the vision is for tourism in Galena. The unstated argument by those in favor is that more is better. There seems to be little focus on the extent to which the infrastructure of the area can handle more. Kalimis feels the community has to first clarify the vision for the future just in terms of sheer numbers. The thinking is that if the resort is built it will force the county, state and local governments to improve road access to Galena.

Kalimis stated he was very disturbed by the process at the end of the Zoning Board meeting. Kalimis felt the board rushed through a list of rezoning criteria in the most cursory way. Kalimis summarized the board's position as follows: When new ideas are brought, a lot of people complain and then when the idea comes to fruition their concerns turn out to be nothing. Kalimis stated he was astonished at how legitimate concerns were brushed aside with little or no discussion.

Kalimis urged the council to consider the concerns that have been raised by so many people in the community.

Rick Vojta, 251 Council Fire Circle – Vojta stated he feels the project is great. In reviewing the documents mentioned in the Zoning Board Meeting, Vojta advised there is no statement in the Comprehensive Plan that discourages development on the east side. It only states that the eastern entrance to the city should be preserved as a natural view shed, which applies specifically to Gateway Park and Horseshoe Mound. Nowhere is the property for the Marine Hospital or adjacent land identified as a view shed that should be preserved. Most statements in the Comprehensive Plan that refers to development in a specific area presumes that the Highway 20 Bypass will be completed by 2004, therefore, this plan is woefully obsolete. Vojta noted there are numerous statements which encourage development along the city's edges, promotes annexation of such land and specifies the preference for new development that can connect to existing city water and sewer services. The proposed Land Use Map does not specify the use for the land that is being proposed for The Parker. Most of it included in a gray area simply labeled transportation. Given that specified land use, Vojta feels the most logical use would be an extension of the current development pattern in the immediate neighborhood which, according to the Zoning Map, is either low or medium density residential. If the 78-acre parcel were developed at the lower density of seven units per acre, a total of 546 housing units would be allowed by right. Vojta stated, while the applicant is proposing a commercial use for this site, the PUD is a great tool because it puts a cap on the upper limit of what will be developed; therefore, what is being proposed is a significantly less intensive use of the land than if developed for low density residential use with 80 percent of the site being preserved as open space. Vojta advised even if a future developer proposed only seventy-eight single family homes or one per acre, the actual traffic created would be significantly higher than the proposed development. He also noted single family homes are occupied 100 percent of the time while proposed lodging units would be occupied at most 60 to 70 percent of the time over the course of a year. This project would expand the commercial tax base which is the only path forward to raise the money we need to address the problems we face. This project would expand our local winery offerings, engage with the existing bike trail and provide growth in our tourism sector outside of our traditional reliance on history. This project will restore the historically significant Marine Hospital with the high cost to adaptively reuse it and the need to acquire better access to it requiring that it must be done as part of a much larger project. The very high cost to renovate this property is not economically feasible on a standalone basis. Based on the proceedings, Vojta stated he fully supports the project.

Nancy Hyman, 237 Winnebago – Hyman advised she was the prior owner of the Dezoya House located at 1107 Fourth. This property is adjacent to Davis Creek, the Rigdon farm and the Marine Hospital. Hyman stated she is opposed to the resort. Although, as a preservationist, she fully supports the renovation of the Marine Hospital. Hyman feels there are many serious reasons to oppose the resort. As a former neighbor, she knows only too well about the dangerous traffic conditions and congestion in this area, the certainty of increased flooding along Davis Creek, erosion along Blackjack Road, the resulting loss of green space, wildlife, ecological and environmental issues, the serious detrimental effects of establishing a very large vineyard and winery on the property and the difficulty of hiring contractors to build it in a timely fashion. There is also the difficulty of finding employees to staff the resort after its built not to mention providing housing for all of these people. There is no affordable housing in town and every single employer in town is looking for employees. Hyman feels this is the wrong development in the wrong place at the wrong time. Hyman does not feel Galena needs more tourists. Hyman urged the council to listen to the people who live here and vote no on the project.

Carmella, Cordero, 225 Blackhawk Trace – Cordero advised she has been a resident and business owner in Galena for the past 22 years. She is in favor of the project. With all due respect to those that are opposed, Cordero feels The Parker will have a huge positive impact on Galena and Jo Daviess County. The resort will be upscale and have the ability to highly increase tourism from 1.5 million visitors to a much higher number. Cordero strongly encouraged the council to approve the project.

CONSENT AGENDA CA22-04

22C-0044 – APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 14, 2022

Motion: Bernstein moved, seconded by Wiene, to approve Consent Agenda, CA22-04.

Discussion: None.

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

The motion carried.

UNFINISHED BUSINESS

22C-0051 – DISCUSSION AND POSSIBLE ACTION ON DOWNTOWN PAY TO PARK PROPOSAL PROCESS

Motion: Westemeier moved, seconded by Kieffer, to postpone discussion and possible action on downtown pay to park proposal to the meeting of March 28, 2022.

Discussion:

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

The motion carried.

NEW BUSINESS

Before asking for a motion Mayor Renner asked each council member to confirm that they have reviewed the record, including testimony, the application and evidence, on this matter from the Zoning Board of Appeals public hearing of February 9th, 2022.

A roll call was taken, and all members confirmed that they have reviewed the record. Mayor Renner confirmed that all members, including himself, were qualified to participate in and vote on this agenda item.

Mayor Renner further advised that on February 25th, a petition protesting the rezoning was filed by the owners of not less than 20% of the frontage immediately adjoining the property that is subject of the rezoning. As a result, in accordance with Section 154.920 (D) (2) of the Zoning Ordinance, a vote of two-thirds of the city council would be needed to adopt a motion to approve the preliminary Planned Unit Development and rezoning. This will require five votes in the affirmative to approve. A motion to deny the proposal would require a majority, or four votes.

22C-0066 – DISCUSSION AND POSSIBLE ACTION ON AN APPLICATION BY TRUE NORTH QUALITY HOMES, LLC (BIEN VIE, LLC) FOR PRELIMINARY APPROVAL AND REZONING FROM LIMITED AGRICULTURE TO PLANNED UNIT DEVELOPMENT WITH AN UNDERLYING DISTRICT OF PLANNED COMMERCIAL

Motion: McCoy moved, seconded by Kieffer, to approve the request by True North Quality Homes, LLC, Bien Vie, LLC, for preliminary approval and rezoning from Limited Agriculture to Planned Unit Development with an underlying district of Planned Commercial.

Discussion: To start discussion on the motion, Mayor Renner advised he was going to walk the council through the criteria contained in the Zoning Ordinance for reviewing Planned Unit Development rezoning applications. Section 154.920 (C) of the Zoning Ordinance lists approval criteria for determining whether a proposed rezoning shall be approved. Renner advised the criteria would be read one at a time and he would ask for a response from each council member.

1. Was the existing zoning designation of Agricultural in error at the time of adoption?

The majority of members agreed it was not in error at the time of adoption.

McCoy felt it was in slight error because the Marine Hospital was a significant historic landmark and that was not considered with the existing zoning. It is oversized at 15,000 square feet and does not meet the Limited Agricultural standard.

Renner felt it was not in error. At the time of adoption, it was considered agricultural and in 2003 there was no thoughts of expansion of the city in that direction.

2. Has there 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.?

Westemeier believes there has been with Wal-Mart, Best Western, Happy Joe's and Culvers.

Bernstein stated she is thinking of public facilities and the fact that we now have a more modern sewage treatment plant that can service the resort if it is voted on and approved. McCoy agreed with Bernstein adding the Galena River Trail was built adjacent to the property that was not there when the zoning ordinance was approved. McCoy feels the Galena River Trail makes it more attractive for the resort's location.

Hahn agreed adding there has been development all over town. Kieffer agreed. Wienen agreed adding that Ashton Hills was added on the east side which is a reception venue as well. Renner agreed things have changed.

3. Is the proposed rezoning compatible with the surrounding area and defining characteristics of the proposed zoning district or may there 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?

Bernstein believes there will be adverse impacts, in particular the increased traffic as well as environmental impacts. Bernstein feels excessive stormwater runoff is also a problem and is being addressed to a certain extent by the proposal.

McCoy feels the development is compatible because the developer has agreed to not create adverse impacts. They will try to control the water runoff. They are also going to work really hard on the excessive nighttime lighting. They will also have parking and will provide a shuttle service. Hahn agreed.

Kieffer agreed there may be a traffic problem, however, if there are one hundred guests there, they will not be leaving all at the same time. The EPA will evaluate all of the ground for water runoff.

Renner feels it is not really compatible with the surrounding area because we as a city have not planned for growth that way. It will affect traffic and they will be required to take care of the stormwater runoff.

Wienen feels the developer will address the concerns. She noted Blackjack Road has always been bad and she is sorry that it came to this to make the city and the county address Blackjack. Wienen noted this is a multi-year plan and Blackjack is not going to be an immediate need. Traffic will be scattered out throughout the day.

Westemeier stated we can speculate that traffic is going to be bad so if it is bad when the development is complete, we are going to blame the development. The traffic is bad before this resort is even here. The owners of the property will be required to keep the water runoff on their property.

4. Is the proposal 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?

McCoy noted the Comprehensive Plan of 2003 states the City of Galena will strive to diversify its local economy and improve the business environment for tourism and attracting good paying jobs. McCoy advised Grady Hill was shown as a proposed PUD which shows they did anticipate PUDs on the east side. Hahn and Kieffer agreed.

Wienen stated hospitality is a lot of Galena's base and, contrary to what some people say, it does provide great jobs and careers for people. If we can provide that for more people that is great. It does provide a living that people can buy a home in Galena and live there with their families.

Westemeier stated the problem with the Comprehensive Plan is it was done in 2003. At that time most of the growth was on the west end because of the four-lane. He does not feel construction on the east end will hurt anything.

Bernstein referred to the Land Use Plan for 2020. She advised item 11.3 states the following: Over the next 20 years the city desires new commercial uses to locate along the existing Highway 20 corridor. The majority of these areas are located at the northwestern edge of the city close to the future interchange with the Highway 20 bypass. Bernstein agrees the Comprehensive Plan was created a quite a few years ago, however, it is what we have right now and until it is revised, she feels we need to take it seriously. It is obvious, even back then, we should be concentrating development on the northwestern edge of town.

Renner stated he agrees with what the Comprehensive Plan was stating in 2003. At that time, we were to build more to the west end of Galena. The vision statements talk about local economy and attracting tourism. With all of these, there is some intent there with the city code and city regulations with regard to this project. They have met Zoning Ordinance standards that we need. Bernstein agreed the proposal has complied with a number of aspects of the Comprehensive Plan.

5. Are adequate public facilities and services available or will be made available concurrent with the project impacts of development in the proposed zone?

Hahn agreed they are. The developer is required to pay all of the upgrades to services getting to the project. Hahn noted the treatment plant is only used at 50 percent and we have ample water supply. Hahn feels developing this could help the area of Third and Rives Streets where individual pumps are used on every house. Kieffer agreed.

Wienen agrees there is ample room for expansion. She feels their tax base can provide more tax dollars to hire additional police personnel that is needed.

Westemeier advised the city just redid more of the water pipes on the east side. This will run under the river to the treatment plant. He feels we have adequate room for expansion. Bernstein and McCoy agreed.

Renner noted the development would be in the rural fire district.

6. Is there an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs?

Kieffer feels they have plenty of land. Parking may be a problem, but parking is a problem every day in Galena.

Wienen feels they have suitable amount of land and they have made efforts to purchase adjacent land as well. Parking is something the council can address and should not weigh into this decision.

Westemeier, Bernstein, McCoy, Hahn and Renner all agree they have a suitable amount of land for the development.

7. Is there need in the community for the proposal and would there be benefits derived by the community or area by the proposed rezoning?

Wienen feels there is a need in the community. As a general rule of thumb, she thinks there is about fifty more rooms that the market can handle.

Westemeier believes there is a need. He noted at the price of what the cabins will rent for, it is not going to bring in a lot of riff raff.

Bernstein disagreed stating she does not feel there is a need in the community for the proposal. It is something that has come up and has caused a great deal of concern. We already draw over a million people every year and are the second largest tourist destination in Illinois.

McCoy feels there is a need. The Marine Hospital renovation makes this a special project. There will be access to the public to enjoy this renovation. McCoy feels it will also provide a number of good paying jobs in addition to the tax revenue. It will give Galena tourists a new option to experience.

Hahn and Kieffer agreed stating they do not look at it as a resort. They look at it as a destination.

Mayor Renner advised Section 154.923 (A) of the Zoning Ordinance states that Planned Unit Development (PUD) rezoning should be used only when long-term community benefits may be achieved through high quality development. Mayor Renner advised he would read the criteria one at a time and ask for a response from each council member.

Does the proposed development achieve the following long term community benefits?

1. More efficient infrastructure?

Westemeier feels it will be because it will all be brand new. The infrastructure will be done right, and the city is not going to have to take over maintaining the roads. They will be conscientious about the water runoff and the lighting. Bernstein agreed.

McCoy, Hahn, Kieffer and Wiene agree it will upgrade that end of town.

Renner agrees it will be a more efficient infrastructure in that area.

2. Reduced traffic demands?

Bernstein stated this is one of her main concerns with the development. This will make traffic worse at the two high risk intersections on Highway 20. There is no way around it.

McCoy agreed it will definitely increase traffic demands.

Hahn agreed but does not feel it will be any worse than a big weekend at Chestnut. It will not be constant all day long. Kieffer and Wiene agreed. Wiene feels Blackjack is a separate issue and needs to be addressed.

Westemeier feels it will increase the traffic.

Bernstein feels when Phases 3 and 4 are complete, it will increase a lot. The event center will bring a lot of people.

Renner agreed it will increase traffic demands.

3. A greater quality and quantity of public and/or private open space?

McCoy feels it will. It will allow access to the historic Marine Hospital, a long-forgotten landmark as well as vineyards and gardens for everyone to enjoy. Hahn agreed. It will all be open to the public and the walking trail will connect to the existing walking trail.

Kieffer agreed it will be a greater quality for the area and is an attractive good use for the land.

Wiene feels if it can be done and opened to the public it adds to Galena's history.

Westemeier, Bernstein and Renner agree it will add a greater quality and quantity of public open space.

4. Other recreational amenities?

Council did not feel it would add any other recreational amenities. It will add lodging, a spa, restaurant and enhance the existing walking trail. Renner agreed.

5. Needed housing types and/or mix?

This was not applicable.

6. Innovative designs?

Wiene stated she likes the design of the project. She likes that they used birch colored siding to blend. Westemeier noted they took the Marine Hospital into consideration by not putting the cottages level with the Marine Hospital. All agreed the design was very well done.

7. And/or protection and/or preservation of natural resources?

Wienen feels once everyone is brought in on the project the retention ponds will be better. They will put a lot of work and energy into leaving the area better than they found it. Wienen is confident going forward with it.

Westemeier feels the plan is good. The designs of the cottages were taken into consideration. Westemeier noted a majority of the trees will be staying right where they are.

Bernstein agrees this was very well considered when the plan was developed. For a project of this nature, it is acceptable.

McCoy stated what he likes is that they are doing it with access to the water and sewer.

Hahn feels they did an excellent job protecting and preserving natural resources. Kieffer agreed. Renner agrees there is protection going on.

Mayor Renner asked for any additional comments at this time.

Bernstein stated as impressed as she is with this project, she is also concerned by the fact that over three hundred residents within the city limits have asked the council to vote no. She advised she will take that into consideration with her vote.

Westemeier noted the project will be done in four phases over 8-10 years. If the first phase does not go over, they will not continue.

Kieffer stated he would like to have each phase come before the Zoning Board to make sure everything is adequate.

Renner feels the traffic is going to be a problem and there is nothing we can do to accommodate better flow in and out of there. Renner feels this project is a little intense for the area. He stated he would prefer to see it scaled down.

Roll Call: AYES: Westemeier, Wienen, Hahn, Kieffer, McCoy
NAYS: Bernstein, Renner

The motion carried.

22C-0067 – FIRST READING OF AN ORDINANCE AUTHORIZING THE SALE OF MUNICIPALLY OWNED PERSONAL PROPERTY (FIRE DEPARTMENT EQUIPMENT)

Motion: Kieffer moved, seconded by Hahn, to approve the first reading and waive the second reading of an ordinance authorizing the sale of municipally owned personal property, 22C-0067.

Discussion: The items will be donated.

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

The motion carried.

22C-0068 – WARRANTS

Motion: Kieffer moved, seconded by Westemeier, to approve the Warrants as presented, 22C-0068.

Discussion: None.

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

The motion carried.

22C-0069 – ALDERPERSONS’ COMMENTS

Development - McCoy stated he likes to think every situation that comes before the council is a win/win. This was not a win/win, and he does feel bad for those that feel they are on the losing side.

Hahn agreed stating he feels the council read the zoning minutes very well and we are adequate on what is required. He believes everything that is required is there. Seeing the plan and knowing the background of the architect, Han feels it will be done first class. Kieffer agreed adding the council makes decisions all the time and it is hard to keep everyone happy.

Westemeier stated he understands the frustration. We really will not know the results for two or three years down the line. The plans were drawn well and Westemeier feels it will be an asset to the community. Wiene agreed.

Congratulations – Wiene congratulated the Galena High School boys’ and girls’ basketball teams on a great season.

22C-0070 – CITY ADMINISTRATOR’S COMMENTS

Lead Service Line Replacement – Moran reported things are moving forward with the lead service line replacement. The city hopes to obtain up to \$4 million dollars in forgivable loans to replace all of the lines. The work would be completed in the next 2-3 years.

Spring Street Project – Moran reported progress is being made. They are within days of having the contract signed. Construction could begin as early as next week. The first phase is tree removal. The plan includes 245 replacement trees. Some of those will go in the project corridor where they are working. We will continue to work with IDOT on laying those out along the Highway 20 corridor in both directions and other places in town if they cannot fit them all in the Highway 20 right-of-way.

22C-0071 – MAYOR’S REPORT

Mayor Renner thanked staff for helping at tonight’s meeting as well as the Zoning Board meeting. Mayor Renner thanked the citizens for coming in. We will make tough decisions all the time. We will adjust and move ahead.

22C-0072 – ADJOURNMENT

Motion: Wiene moved, seconded by Hahn, to adjourn.

Discussion: None.

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

The motion carried.

The meeting adjourned at 7:53 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Mary Beth Hyde". The signature is written in a cursive style with a large initial "M".

Mary Beth Hyde
City Clerk