

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 25 APRIL 2022

22C-0140 – 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 25 April 2022.

22C-0141 – ROLL CALL

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

22C-0142 – ESTABLISHMENT OF QUORUM

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

22C-0143 – PLEDGE OF ALLEGIANCE

The Pledge was recited.

22C-0144 - REPORTS OF STANDING COMMITTEE

No reports.

22C-0145 – CITIZENS COMMENTS

Mark Klausner 25 N. Ridge Lane, Eagle Ridge – Klausner urged the Council to think things thru on the annexation agreement for True North Quality Homes, LLC. Klausner feels many people have voiced concerns and those concerns have not been fairly addressed. Klausner voiced concern with the labor market shortage and suggested the Marine Hospital would be a great venue to exhibit memorabilia. He also noted there has not been a Department of Transportation study, a business plan, or an environmental issues plan.

PUBLIC HEARINGS

22C-0146 – PUBLIC HEARING ON PROPOSED ANNEXATION AGREEMENT BETWEEN THE CITY OF GALENA AND TRUE NORTH QUALITY HOMES, LLC, OR THEIR GRANTEEES, HEIRS, SUCCESSORS, OR ASSIGNS FOR 56.17 ACRES SOUTH OF RIVES STREET AND BLACKJACK ROAD IN EAST GALENA TOWNSHIP, JO DAVIESS COUNTY, ILLINOIS

Motion: Hahn moved, seconded by Kieffer, to open the public hearing on proposed annexation agreement between the City of Galena and True North Quality Homes, LLC, or their grantees, heirs, successors, or assigns for 56.17 acres south of Rives Street and Blackjack Road in East Galena Township, Jo Daviess County, Illinois, 22C-0146.

Discussion: None.

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

The motion carried.

Testimony: Jim Boho, 1477 S. Rocky Hill Road – Boho spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. He voiced concerns with the following: 1) The condition of Blackjack Road and its critical need for repair along with flooding

and erosion concerns. 2) Concerns with who will be responsible, the City or Jo Daviess County, for the repairs to Blackjack Road. 3) Concerns with where the new road will enter Blackjack Road. 4) Concerns with the location of the retention pond as it appears to be placed in the existing path of Davis Creek with its' overflow drain pointing directly at Blackjack Road. 5) Concerns that the new retention pond will be moving Davis Creek closer to Blackjack Road. 6) Concerns that the excavating and work could cause stability issues with Blackjack Road. 7) Blackjack Road runs the entire length of the Rigdon Farm. Boho questions if it should also be annexed in so that the City would be taking on the responsibility of any applicable road repair, safety, police and fire. 8) Concerns that the county has requested engineering plans for this work and has not received them.

Darron Burke, 6833 Statler Drive, Rockford – Burke spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Burke voiced the following concerns: 1) Concerns with Article 4, Section 4.1 of the agreement which makes it mandatory that the City Council shall pass all requested zoning amendments without any discretion. Burke feels this eliminates discretion to address items or facts and constituents the right to a voice. 2) Concerns with the approval of the preliminary plan as discussed on February 28, 2022 and the approval of the specific PUD application, which was not discussed. 3) Preliminary approval by the City Council of this PUD plan zoning map amendment which raises jurisdictional issues. 4) Concerns if those members who voted against the PUD and rezoning would be prohibited from voting in the future. 5) Burke shared factors the Council should contemplate when deciding on the zoning. They are as follows: the existing uses in zoning of nearby properties, the extent of potential diminished property values by a proposed zoning change, the extent any diminishing property values would promote health, safety and general welfare of the public, the relative gain to the public compared to hardship on the property owners, the suitability of the property for the zoned use, the length of time the property has been vacant, and the communities need for the proposed use and care with which the land use development has been planned.

Burke urged the Council to consider the impact this would have on the neighboring properties, how it would deprive them of the use and enjoyment of their properties along with the anticipated gain to the public in relationship to the hardships expressed by the property owners.

Wendy Clark, 1107 Fourth Street – Clark spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Clark voiced the following concerns: 1) The proposed rezoning, PUD and annexation has been deeply flawed. 2) The application is deficient and does not include all of the required information and does not support the conclusions it draws. 3) The rezoning and plan do not conform to the Comprehensive Plan or Land Use Map. 4) The annexation agreement is unclear about what property it applies to. 5) Exhibits C 1-6 are identified as the Preliminary PUD Plan, but these exhibits do not cover all the elements required by the zoning ordinance for a preliminary plan. 6) Parts of Article IV require conformance with some sections of the zoning ordinance, but specifically omit other sections which are required for PUDs including: Land Use Regulations, Natural Resource Protection Standards, Buffer yard Standards and Performance Standards. 7) The City has failed to consider the impacts that this proposed rezoning and development would have on the surrounding properties.

Clark urged the Council to consider the following factors: 1) Existing uses of nearby property. 2) Impact on property values. 3) The extent to which rezoning promotes health, safety and welfare. 4) Gain to the public compared to hardship imposed on individual property owners.

Clark urged the Council to vote no.

Mi Mi Samuelson, 1106 Ferry Landing Road – Samuelson spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Samuelson voiced the following concern: 1) Concern with the Blackjack Road intersection as well as flooding on Blackjack Road. Samuelson urged the Council to do research and think about it before going forward.

Jim Webster, 2170 N. Blackjack Road – Webster spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Webster voiced the following concerns: 1) Concerns this project would be adjacent to his backyard. 2) Concerns with making this a commercial property in a residential area and what would happen to the other residential properties.

Kathleen Webster, 2170 N. Blackjack Road - Webster spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Webster voiced the following concerns: 1) Concerns with allowing commercial uses in an area previously zoned limited agriculture. 2) Concerns with allowing a vineyard on a property that vineyard specialists have advised is clearly inappropriate. 3) Concerns her property won't be a nice property once the development is built. 4) Concerns with allowing music and outdoor entertainment at all times of the day or night.

Webster feels the development is totally inappropriate.

Darlene Farrey, 1974 N. Blackjack Road - Farrey spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Farrey voiced concern with the following: 1) The condition of Blackjack Road. 2) Access to Blackjack Road from the development. 3) Outside entertainment at all hours of the night.

Rick Pariser, 113 S. High Street - Pariser spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Pariser voiced the following concerns: 1) He is regretful the project's approval process moved so fast to arrive at this point tonight. 2) Concerns there are lots of holes in the entire issue.

Pariser urged the Council not to rush into things and to make sure they understand what this development entails. Pariser asked the Council to vote no or send it to referendum.

Janet Connor, 107 Kelly Lane - Connor spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Connor urged the Council to keep Galena the "little gem" that it is.

Sandy Lawrence, 3638 Ice Age Drive, Madison, President, Bien Vie, LLC - Lawrence stated they are excited about the process moving forward. They remain committed to working with the City of Galena, the Galena Historic Preservation Committee and the community. Lawrence stated the annexation will ensure that the City can apply and enforce their ordinances and policies related to this project. This includes the City of Galena ordinances, the Zoning Ordinance as well as the storm water detention ordinance. Lawrence noted after annexation the City of Galena will begin receiving property taxes and as it develops Bien Vie will also be paying sales tax and water and sewer connection fees. The developer has agreed to provide a performance surety insurance bond dedicated to the City at 100 percent of the cost of the infrastructure costs and have agreed to pay for all costs associated with the infrastructure and connection to the City water and sewer. Roads and paths will remain the property of Bien Vie Lawrence thanked the Council for looking at all points of view and looks forward to working with the City on this project.

Jess Farlow, 411 Meeker Street – Farlow spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Farlow stated he concurs with all of the previous speakers except one. He feels the Parker Project has everything that Galena does not need. He urged the council to vote no.

Kathy Farlow, 411 Meeker Street – Farlow spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Farlow noted during discussions about parking issues the Council was concerned about the residents who live here. Farlow feels the Council should worry about how the residents feel about the Parker Project. She agrees it should be put to referendum to allow the citizens of Galena the ability to vote on this project. Farlow feels the

project was approved too fast, has too many issues and we don't have the answers. She urged the Council to vote no.

Michelle Heurung, 312 Elk Street - Heurung spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Heurung read a prepared statement opposing the development. She urged the Council to make the right decision, listen to constituents and calm the wave of resentment and distrust that is growing among them.

Richard Auman, 801 Shadow Bluff – Auman spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Auman voiced the following concerns: 1) Concerns the development has a plan and the City of Galena does not. 2) Concerns this development will change Galena forever. 3) Concerns Galena's community will shrink because young people won't be able to live here, and temporary population will continue to grow.

Auman urged the council to reject this plan and engage the community in finding a proposal everyone could embrace. Auman agrees a referendum might be the way to go.

Christa Ginger, 418 Harrison Street – Ginger spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Ginger stated she is opposed to the Parker Project. She believes the process was flawed from the beginning. There was no documentation or internal review process. Ginger feels the annexation agreement is unclear and a lot of key issues need to be addressed.

Joan Wallace, 703 S. Bench Street - Wallace spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Wallace voiced concerns with the following: 1) The use of pesticides and herbicides on the proposed vineyard causing very high-risk pollution to the aquifer. 2) Questioned if those individuals voting would be allowed to bid on the project and the potential conflict of interest.

Melanie Hoffmann, 1 Buckeye Court - Hoffmann spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Hoffmann voiced the following concerns: 1) Concerns the agreement removes the City's ability to make certain important requirements. 2) Concerns this annexation will give the green light for development on Blackjack Road. Hoffman feels there is plenty of room along Highway 20 for development.

Joy Von Wolfersdorff, 1 Buckeye Court – Von Wolfersdorff spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Wolfersdorff stated she is opposed because it is simply a bad idea. The development commits the City and taxpayers to too many unknown requirements.

Vonda Wall, 928 Clinton Street - Wall spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Wall voiced the following concerns: 1) Infrastructure should be the City's priority and not expanding the City limits until we can sustain what we already have. 2) Concerns with the condition of current City streets. 3) Concerns with water runoff on Blackjack Road. 4) Additional responsibilities will be added to our road crews. 5) Can the existing Sewage Treatment System handle this addition? 6) The Capital Improvement Plan for 2022-2026 has several sewer issues that need replacement due to health and safety issues. Will they be fixed before adding in the development? 7) Concerns with the ambulance service. Wall recommended bringing it to a vote and letting the citizens decide.

Karen Zehr, 1102 Third Street - Zehr spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Zehr voiced her displeasure with the process. Many questions have been asked and there has been no format which allows those questions to be answered. Zehr questioned if all of the infrastructure would be put in at the beginning or would it be put in in phases. Zehr urged the Council to show the community they are listening and stop the development.

Carrie Geary, 1978 N. Blackjack Road - Geary spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Geary urged the Council to consider how this development will negatively impact her family, the community and neighbors when voting. Geary advised her property is right next to the property line of the development. The road will be right next to her home. Geary feels the development will have a negative impact on their property values.

Jeff Braunreiter, 305 Park Avenue - Braunreiter spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Braunreiter stated he doesn't feel the Council is listening to the people they represent and feels the plan is unacceptable.

Stephanie Braunreiter, 305 Park Avenue – Braunreiter spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Braunreiter urged the Council to listen to the people who spoke noting there wasn't anyone who spoke in favor of this project.

Joan Murray, 706 Park Avenue – Murray spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Murray reminded the Council they represent the residents of Galena and not an outside developer. She urged the Council to consider whether the benefits outweigh the costs of this development.

Jana Frolich, 401 Boggess Street – Frolich spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Frolich urged the Council to vote no on this issue.

Larry Priske, 4700 N. Council Hill Road - Priske spoke in opposition to item 22C-0146, annexation agreement with True North Quality Homes, LLC. Priske feels this development has been rushed in order to get something accomplished. Priske urged the Council to make sure all of the critical issues are addressed before approving this development.

Motion: Hahn moved, seconded by Wiene, to close the public hearing on proposed annexation agreement between the City of Galena and True North Quality Homes, LLC, or their grantees, heirs, successors, or assigns for 56.17 acres south of Rives Street and Blackjack Road in East Galena Township, Jo Daviess County, Illinois, 22C-0146.

Discussion: None.

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

The motion carried.

Council took a 15-minute recess at 8:30 and reconvened at 8:45 p.m.

CONSENT AGENDA CA22-08

22C-0147 – APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 11, 2022

22C-0148 – APPROVAL OF UTILITY ACCOUNT WRITE-OFFS OF \$4,781.77 FOR THE FISCAL YEAR MAY 1, 2021, TO APRIL 30, 2022

22C-0149 – APPROVAL OF THE PURCHASE OF A SEWER INSPECTION CAMERA SYSTEM

22C-0150 – APPROVAL OF THE PURCHASE OF LIGHTING FOR SHADOW BLUFF DRIVE AND THE MEEKER STREET PARKING LOT

22C-0151 – APPROVAL OF A REQUEST BY THE GALENA BIBLE CHURCH FOR A PICNIC WITH BAND AT THE GRANT PARK PAVILION, AUGUST 27, 2022, FROM 4:00-8:00 P.M.

22C-0152 – APPROVAL OF A STAFF PROPOSAL TO INCREASE THE REFUNDABLE DAMAGE DEPOSIT FOR THE RENTAL OF TURNER HALL FROM \$200 TO \$350

Motion: Kieffer moved, seconded by Bernstein, to approve Consent Agenda, CA22-08.

Discussion: None.

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

The motion carried.

NEW BUSINESS

22C-0153 – FIRST READING OF AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH TRUE NORTH QUALITY HOMES, LLC FOR 56.17 ACRES SOUTH OF RIVES STREET AND BLACKJACK ROAD IN EAST GALENA TOWNSHIP, JO DAVIESS COUNTY, ILLINOIS

Motion: Hahn moved, seconded by Westemeier, to approve the first reading of an ordinance authorizing the execution of an annexation agreement with True North Quality Homes, LLC for 56.17 acres south of Rives Street and Blackjack Road in East Galena Township, Jo Daviess County, Illinois, 22C-0153.

Discussion: Hahn stated he disagrees with what has been said that they will be able to do whatever they want up there. Everything has to go through the Zoning Board. The development will be required to have EPA and Water Pollution permits. The road right-of-way will have to be designed to hook into Blackjack Road. Everything will have to be designed and approved before anything is built. Hahn stated he believes the project will be a good project for Galena. He has heard from people who are in favor of the project as well those against.

Westemeier stated he has talked with the Fire Chief, the Police Chief and EMS. They all have no problem with the development. The vehicles have lights and sirens to help get them to the scene. The project has to have all of the proper permits. Westemeier stated he too has heard from people in favor of the project.

Kieffer agreed with Westemeier and Hahn. Everyone has a right to their own opinion. Kieffer noted he did take offense to the person who implied that money is being passed around. He feels this is an insult to the Mayor and Council who have worked hard on this and researched it thoroughly.

Moran advised he doesn't think the city has ever turned down an Annexation Agreement. The City usually has to negotiate. This particular developer is not asking for anything from the City. Moran stated he has been impressed with the developer, the plan and the architect and agrees the Council wouldn't do anything to hurt Galena.

Bernstein stated she can accept in good faith the statements of not wanting to hurt Galena. Bernstein voiced concern with approving it given the testimony and objections by several hundred people. She feels the council needs to be responsible to the voters.

Wiene stated she has heard positive and negative responses. She noted there are several good things that can come out of this. The development does provide a good life and good source for Galena. She agrees Blackjack does need to be addressed. This is something the City and the County can work on at a later date. The plans will go through the experts.

Renner stated he is opposed to the development. He voiced concern with traffic in the neighborhoods, the location is not quite right, and the project is too big. Renner noted if approved, the developer will be required to go through the process.

Bernstein voiced concern with outside entertainment being allowed by right. She feels this will be a big imposition on the people who live nearby. She feels they should be required to get a special use permit for outside entertainment like anyone else in the commercial district. Bernstein stated she would like to see more limits put on initially and recommended the concerns made by Mr. Burke be looked at very carefully.

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

The motion carried.

22C-0154 – DISCUSSION AND POSSIBLE ACTION ON ZONING CALENDAR NO. 22A-01, AN APPLICATION BY THE CITY OF GALENA FOR A TEXT AMENDMENT TO THE ZONING ORDINANCE TO ALLOW MOBILE FOOD TRUCKS AS ACCESSORY COMMERCIAL LAND USES IN SELECT ZONING DISTRICTS

Motion: McCoy moved, seconded by Westemeier, to approve Zoning Calendar No. 22A-01, an application by the City of Galena for a text amendment to the Zoning Ordinance to allow mobile food trucks as accessory commercial land uses in select zoning districts.

Discussion: Kieffer voiced concern with where they would be located and added he does not want them to interfere with the restaurants. Building Inspector Miller advised the food trucks would only be allowed on private property and only one time per location per week. Each food truck will be required to pay an annual fee of \$500.

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

The motion carried.

22C-0155 – FIRST READING OF AN ORDINANCE AMENDING CHAPTER 154 AND CHAPTER 110 OF THE GALENA CODE OF ORDINANCES TO PERMIT MOBILE FOOD TRUCKS IN CERTAIN ZONING DISTRICTS

Motion: Kieffer moved, seconded by Wiene, to approve the first reading of an ordinance amending Chapter 154 and Chapter 110 of the Galena Code of Ordinances to permit mobile food trucks in certain zoning districts, 22C-0155.

Discussion: None.

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

The motion carried.

22C-0156 – FIRST READING OF AN ORDINANCE AMENDING CHAPTER 36.22 “VACATION LEAVE” OF THE GALENA CODE OF ORDINANCES

Motion: McCoy moved, seconded by Bernstein, to approve the first reading and waive the second reading of an ordinance amending chapter 36.22 “Vacation Leave” of the Galena Code of Ordinances, 22C-0156.

Discussion: None.

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

The motion carried.

22C-0157 – DISCUSSION AND POSSIBLE ACTION ON AN APPOINTMENT TO THE POSITION OF FINANCE DIRECTOR

Motion: McCoy moved, seconded by Kieffer, to approve the appointment of Jennifer Schmidt to the position of Finance Director effective May 1, 2022.

Discussion: None.

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

The motion carried.

22C-0158 – WARRANTS

Motion: McCoy moved, seconded by Hahn, to approve the Warrants as presented, 22C-0158.

Discussion: None.

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

The motion carried.

22C-0159 – ALDERPERSONS' COMMENTS

Thank you – Wiene thanked everyone for coming and voicing their opinion.

Streets – Westemeier stated he cannot wait for the hot mix plant to open so we can start patching streets. The hard rains have taken out a lot of rock.

Skate Park – McCoy noted he spent Saturday at the skate park, and it is nice.

Development – McCoy stated this is a tough job and the council never wants to make anyone feel bad. He wishes all things could be a win win but, unfortunately, it does not always work that way. He added he has a good feeling about this one. Hahn agreed.

Boy Scout Weekend – Hahn noted we had a nice quiet boy scout weekend.

Sidewalks – Kieffer stated he is looking forward to the weather warming up so we can get some new sidewalks.

22C-0160 – CITY ADMINISTRATOR'S REPORT

Budget – The budget has been added to the website.

Lead Service Line Replacement – The EPA has approved the project plan for the lead service line replacement. We will be replacing 300 lead service lines with a \$3.7 million-dollar fully

funded grant. A public hearing will be held at the next meeting. Final funding approval will be in January.

22C-0161 – MAYOR’S REPORT

Mayor Renner thanked everyone for coming. It was good to hear from everyone. Renner asked that everyone have patience during all of the construction and thanked Alderperson McCoy for filling in for him on Saturday.

22C-0162 – MOTION FOR EXECUTIVE SESSION

Motion: Hahn moved, seconded by Wiene, to recess to Executive Session to discuss the following:

- Employee hiring, firing, compensation, discipline and performance, Section 2 (c) (1)
- Review of Executive Session Minutes, Section 2(c) (21)

Discussion: None.

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

The motion carried.

The meeting recessed at 9:12 p.m.

The meeting reconvened at 9:30 p.m.

22C-0163 – DISCUSSION AND POSSIBLE ACTION ON EMPLOYEE HIRING AND COMPENSATION

No action was taken on this item.

22C-0143 – ADJOURNMENT

Motion: Hahn moved, seconded by Kieffer to adjourn.

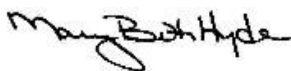
Discussion: None.

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

The motion carried.

The meeting adjourned at 9:32 p.m.

Respectfully submitted,



Mary Beth Hyde
City Clerk