

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 23 MAY 2022**22C-0185 – 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 23 May 2022.

22C-0186 – ROLL CALL

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

22C-0187 – ESTABLISHMENT OF QUORUM

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

22C-0188 – PLEDGE OF ALLEGIANCE

The Pledge was recited.

22C-0189 - REPORTS OF STANDING COMMITTEE

No reports.

22C-0190 – CITIZENS COMMENTS

Wendy Clark, 1107 Fourth Street – Clark read a prepared statement stating the following: A PUD is to be used only when “long term community benefits will be derived”. Those items are listed in the Zoning Ordinance which are required to be addressed in the preliminary plan. The approved preliminary plan lacks discussion of those and other necessary items. It does not include sufficient detail nor includes specific information about required elements to allow the City to make an informed decision about rezoning and development. It was approved under the concept based on the applicant’s interpretation and conformance with certain selected requirements of the ordinance. Clark feels development of a preliminary plan for such a complex proposal should involve, staff, agencies, the affected public, the zoning board, city council and others. Complex plans usually require several iterations to ensure that requirements are met, and issues are addressed. This process has lacked all of that, including consideration to the surrounding area as follows: Putting a busy commercial development next to an established residential neighborhood and concerns of doing so could lead to expansion of commercial use in the area. Evidence that neighboring property values would be impacted and potentially severely depressed. The action will not promote public health, safety and welfare and it has been acknowledged that existing dangers such as high traffic volumes and high-risk intersections will get worse. The preliminary plan does not comply with storm water regulations that address several people downstream. They have been told that will be in the final plans, however, the zoning board has already approved a final phase which failed to prove compliance with those regulations and other protections. There has been speculation about jobs and taxes but no actual information about what the public will gain that is worth the harm to the adjoining property owners such as loss of privacy, safety, property values, historic home values and the sense of community. There is clear evidence that the property is not suitable for development. The Comprehensive Plan labels the site as unsuitable for streets and buildings. Erosion and runoff from existing developments are already serious problems for neighboring properties. There is no suitable access for the anticipated volume and type of traffic. The need for this rezoning and development has never been identified. We have heard hopes and speculations instead of the types of cost benefits analysis addressing taxes, property values, infrastructure, effects to businesses, market forecasts and so on which are commonly used for proposals like this. The Comprehensive Plan, after extensive study, and, in cooperation with the county, deliberately

excluded that area from future annexation and development. It is not helpful to anyone to have to talk about this in one sided testimony and list rapid one-way comments. Everyone should have the opportunity to discuss these things together correctly from the very beginning.

David Hannah, 1107 Fourth Street – Hannah read a prepared statement stating the following: Review of the city codes shows that the Parker development does not meet the city codes. Hannah stated he is not talking about whether you think it is a good idea, you like the design or you have a good feeling about the project. Hannah stated he is talking about the basics of, does the rezoning of the preliminary PUD plan demonstrate conformance with the city's ordinances which they are required to do? Section 154.920 lists seven criteria for rezoning and also requires that an application for rezoning shall include a written report that addresses each of the criteria but there was no written report in the application that addressed these criteria which are critical elements to inform any rezoning decision. The preliminary plan and annexation agreement show the detention basin to be constructed on the channel of Davis Creek and its flood plain, which is contrary to the city's stormwater ordinance, 152.06, which states retention will not be permitted in river flood plains. The city's flood plain ordinance, section 155.008, states the city council shall consider hazards to the extent that they are known and follow official actions related to land management use and development. It does not say the DNR, the EPA or some other agency. It says the city council. Section A goes on further to say new annexation agreements and Planned Unit Developments shall meet the damage prevention and building protection standards. Any proposal for such development shall include the following data which lists several items including a signed statement signed by a licensed professional engineer that the proposed plat or plan accounts for the drainage of surface water in accordance with the Plat Act. Hannah advised there is no such signed statement anywhere. Not in the PUD application, not in the preliminary plan, not in the annexation agreement or in the final plan for Phase 1A. These are just a few examples. The city claims that everything is in compliance, but the plain language of the city code shows that it is not. This is not just a paperwork problem. It results in real harm to surrounding property owners.

Jenna Frolich, 401 Boggess Street – Frolich stated we here in Galena are fortunate to have the form of governance of a democracy, not a dictatorship, not an oligarchy, not a monarchy and not that of a parent child of which the parent is the final authority of all decisions. Within the framework of a democracy, the constituents have the right and the expectation to be heard and to expect that their elected officials explain and demonstrate any community decision, large or small, will benefit the community as a whole and not to assess you with some current financial superiority or future compensation. Casting a vote becomes the expectation that those that are entrusted with our fate honor our voices and even in instances where we may not agree will be given the benefit of reason. This has not been spoken which is egregious to the constituents. Frolich urged the Council to take a pause and rethink this decision or, at the very least, give a comprehensive explanation as to the benefits and facts, not dreams.

Barb Hocker, 606 Dewey – On behalf of the Chamber of Commerce, Hocker thanked Mayor Renner and Mark Moran for attending the mayor's breakfast. Hocker stated she has gotten nothing but wonderful comments about it. It was very informative and instructional for everyone in attendance.

Kathleen Webster, 411 Rives Street – Webster stated one of the things that bothers her about this plan is that it is constantly changing. Webster questions if the thing we end up will be what was approved.

In the original plan there was going to be zip lines, silo houses and 5-6 vineyards. Does the city even know what they are approving? Every time Mr. Hooten makes a presentation it is different. Webster questioned what it will cost to bring water and sewer to the development? Webster stated she realizes they will have to pay for what is in the boundaries and that they will have water and sewer bills but what is the cost to bring it to the property line? Is it going to be worth it and how does the city plan to pay for it? Webster voiced concern with the lots that are at the base of the hill. There are a whole lot of lots there and some belong to the people that live across

the creek, and some do not belong to anyone. Are those going to be annexed? Webster also voiced concern about Webster Street. It is not paved but it does provide access to parts of their yards. Will it be maintained? Webster noted there are neighbors that do not have water and sewer that would like it.

Vonda Wall, 928 Clinton Street – Wall stated this might be a good idea for somewhere in the county but not where it is proposed. We have heard from the neighbors, citizens, and only one person from Madison who fully supports the proposal. The only people in Galena who support it are the council members. Council says they don't believe what the citizens are saying is true. Wall stated she doubts that friends and neighbors are telling lies. We have heard from one zoning board member that has profited from it that it would be a good thing. Wall questioned the council as to why they believe this is good for Galena and why they do not believe the people. Wall urged the council to consider and at least speak to these things. As a person who lives in the city, pays taxes in the city, she wants the city to be a good place. We have not heard why this is a good idea.

PUBLIC HEARINGS

22C-0191 – PUBLIC HEARING ON A PROPOSED STREET VACATION OF AN UNIMPROVED SECTION OF TECHNICAL DRIVE

Motion: Bernstein moved, seconded by McCoy, to open the public hearing on a proposed street vacation of an unimproved section of Technical Drive, 22C-0191.

Discussion: None.

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

The motion carried.

Testimony: None.

Motion: Kieffer moved, seconded by Hahn, to close the public hearing on a proposed street vacation of an unimproved section of Technical Drive, 22C-0191.

Discussion: None.

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

The motion carried.

CONSENT AGENDA CA22-10

22C-0192 – APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MAY 9, 2022

22C-0193 – APPROVAL OF THE PURCHASE OF A NEW POLICE VEHICLE FROM MORROW BROTHERS WITH OUTFITTING BY BUSS BOYZ CUSTOMS AND SIGNCRAFT

22C-0194 – APPROVAL OF THE PURCHASE OF NEW TASERS FOR THE POLICE DEPARTMENT FROM AXON ENTERPRISES

22C-0195 – APPROVAL OF THE PURCHASE OF PUBLIC WORKS TRUCK EQUIPMENT FROM GRANT COUNTY TRUCK

22C-0196 – APPROVAL OF CHANGE ORDER #3 FOR THE WEST SIDE WATER SYSTEM IMPROVEMENT PROJECT

22C-0197 – DISCUSSION AND POSSIBLE ACTION ON LOAN REQUEST #6 FOR IEPA LOAN 17-5811 IN THE AMOUNT OF \$324,768.50 INCLUDING INVOICE #5 FROM FISCHER EXCAVATING, ORIGIN DESIGN INVOICE #77223 AND CFPS, INC. INVOICE #3

22C-0198 – APPROVAL OF THE RENEWAL OF A TRANSPORTATION NETWORK COMPANY LICENSE FOR RAISER, LLC, DBA UBER

22C-0199 – APPROVAL OF A CONTRACT WITH HULSCHER FENCING FOR THE PURCHASE AND INSTALLATION OF FENCING FOR THE GALENA DOG PARK

Wienen requested item 22C-0194 be removed from the consent agenda.

Motion: Wienen moved, seconded by Westemeier, to approve Consent Agenda CA22-10 with the exception of item 22C-0194.

Discussion: None.

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

The motion carried.

22C-0194 – APPROVAL OF THE PURCHASE OF NEW TASERS FOR THE POLICE DEPARTMENT FROM AXON ENTERPRISES

Motion: Wienen moved, seconded by Kieffer, to approve the purchase of new tasers for the Police Department from Axon Enterprises with the purchase of one additional spare taser.

Discussion: Wienen stated she would like to make sure we have enough tasers. She recommended purchasing an additional taser to serve as an extra and could also be used by the Chief in the event he goes on a call.

Bernstein questioned if each officer carried a taser and whether or not they could pick up the taser when they came in. Westemeier advised each officer is issued a taser just the same as their duty weapon. He agreed the extra taser could be used for the Chief when he works a shift.

Bernstein questioned if Chief Hefel felt it was important. Hefel noted tasers are considered less than lethal. Tasers give the officer another option. Hefel advised each officer takes their taser home with them and is responsible for it. He agrees it would be nice to have an extra one on hand should something happen to one of the other tasers.

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

The motion carried.

NEW BUSINESS

22C-0200 – FIRST READING OF AN ORDINANCE ANNEXING 56.17 ACRES OF TERRITORY (TRUE NORTH QUALITY HOMES, LLC)

Motion: Hahn moved, seconded by Westemeier, to approve the first reading and waive the second reading of an ordinance annexing 56.17 acres of territory by True North Quality Homes, LLC.

Discussion: None.

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

The motion carried.

22C-0201 – FIRST READING OF AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GALENA FOR APPROXIMATELY 80.02 ACRES OWNED BY TRUE NORTH QUALITY HOMES, LLC FROM LIMITED AGRICULTURAL TO PLANNED UNIT DEVELOPMENT WITH AN UNDERLYING DISTRICT OF PLANNED COMMERCIAL

Motion: Hahn moved, seconded by Kieffer, to approve the first reading and waive the second reading of an ordinance amending the zoning map of the City of Galena for approximately 80.02 acres owned by True North Quality Homes, LLC from Limited Agricultural to Planned Unit Development with an underlying district of Planned Commercial.

Discussion: Council noted every part of this will go back to the Zoning Board. As for water and sewer, the developer will be paying 100 percent of the cost of getting the water and sewer to the property and noted it could potentially benefit someone else who might be able to hook into it.

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

The motion carried.

22C-0202 – DISCUSSION AND POSSIBLE ACTION ON AN ORDINANCE VACATING APPROXIMATELY 0.462 ACRES OF STREET RIGHT-OF-WAY KNOWN AS TECHNICAL DRIVE

Motion: Kieffer moved, seconded by Wiene, to approve an ordinance vacating approximately 0.462 acres of street right-of-way known as Technical Drive, 22C-0202.

Discussion: Hahn feels this is a win for both parties. The applicant is proposing to donate .358 acres adjacent to the detention pond back to the city to allow the city to expand the stormwater detention basin.

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

The motion carried.

22C-0203 – DISCUSSION AND POSSIBLE ACTION ON A CONTRACT WITH ALTRONEX CONTROL SYSTEMS FOR SCADA AND EQUIPMENT UPDATES FOR THE WATER AND SEWER SYSTEMS

Motion: McCoy moved, seconded by Bernstein, to approve a contract with Altronex Control Systems for SCADA and equipment updates for the water and sewer systems in the amount of \$156,100.00, 22C-0203.

Discussion: Oldenburg advised, as we complete the West Side Project, reprogramming has to happen with the programable logic controls. A new antenna needs to be added to the Well #7 tower. Things will need to get pointed to the new tower and reprogrammed. Oldenburg advised adjustments will be made in the budget and some things will be moved to next year. This update is critical for the water system improvements.

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

The motion carried.

22C-0204 – DISCUSSION AND POSSIBLE ACTION ON A CONTRACT WITH ORIGIN DESIGN FOR ENGINEERING, BIDDING, AND CONSTRUCTION ADMINISTRATION FOR WEST, DODGE AND HIGH STREETS UTILITY IMPROVEMENTS

Motion: Hahn moved, seconded by Westemeier, to approve the contract with Origin Design for engineering, bidding, and construction administration for West, Dodge and High Streets utility improvements.

Discussion: Hahn advised it is in the budget and he feels it is important to have someone from outside design it as Matt and staff do not have the time to do it in house.

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

The motion carried.

22C-0205 – DISCUSSION AND POSSIBLE ACTION ON AMENDED VACATION LEAVE ORDINANCE O.22.08

Motion: Hahn moved, seconded by Westemeier, to approve the amended vacation leave Ordinance O.22.08 with a start date of December 1, 2021, 22C-0205.

Discussion: None.

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

The motion carried.

22C-0206 – DISCUSSION AND POSSIBLE ACTION ON A REQUEST BY GOOD TROUBLE FILMS TO FILM A COMMERCIAL ON MAIN STREET ON JUNE 2

The applicant withdrew this item.

22C-0207 – WARRANTS

Motion: McCoy moved, seconded by Kieffer, to approve the Warrants as presented, 22C-0207.

Discussion: Bernstein questioned why we were paying H & H to mow. Moran advised this was an area that was added after the Gear Street construction. He advised it could be added to the city mowing schedule.

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

The motion carried.

22C-0208 – ALDERPERSONS' COMMENTS

Congratulations – McCoy congratulated Mark Moran on over 25 years of service with the City of Galena.

Streets – Westemeier stated he is glad to see West Dodge and High Streets are going to get fixed.

Dog Park – On behalf of Riley, Jack, McGregor, Boo, Shadow and Daisy, who are a few of the canine residents in Ward II, Bernstein stated they appreciate the large donation to the dog park and look forward to being able to use it.

22C-0209 – CITY ADMINISTRATOR’S REPORT

Pool – Moran advised the pool is set to open Friday, June 3rd and thanked Hillary and staff. Recruitment efforts were successful. We have a good number of guards which should allow us to be open with a full schedule. Lesson registration has gone very well.

22C-0210 – MAYOR’S REPORT

Mayor Renner stated they had a nice morning breakfast with the Chamber of Commerce this past week. Mayor Renner thanked Hillary and staff for getting the pool done.

22C-0211 – MOTION FOR EXECUTIVE SESSION

Motion: McCoy moved, seconded by Bernstein, 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: McCoy, Westemeier, Bernstein, Hahn, Wienen, Kieffer, Renner
NAYS: None

The motion carried.

The meeting recessed at 7:07 p.m.

The meeting reconvened at 7:46 p.m.

22C-0212 – ADJOURNMENT

Motion: McCoy moved, seconded by Hahn to adjourn.

Discussion: None.

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

The motion carried.

The meeting adjourned at 7:46 p.m.

Respectfully submitted,



Mary Beth Hyde
City Clerk