

Community Blue Ribbon Award Presentation to Stephen and Laura Albert, 550 East Fifth Street.

Galesburg City Council Regular Meeting  
City Council Chambers  
55 West Tompkins Street, Galesburg, Illinois  
March 21, 2022  
5:30 p.m.

Called to order by Mayor Peter Schwartzman at 5:30 p.m.

Roll Call #1: Present: Mayor Peter Schwartzman, Council Members Bradley Hix, Wayne Dennis, Kevin Wallace, Dwight White, Jaclyn Smith-Esters, Sarah Davis, and Larry Cox, 8. Also Present: City Manager Todd Thompson, City Attorney Bradley Nolden, and City Clerk Kelli Bennewitz.

Mayor Schwartzman declared a quorum present at 5:30 p.m.

The Pledge of Allegiance was recited.

Semenya McCord gave the invocation.

A moment of silence was observed in memory of the passing of long-time former Council Member Wayne T. Allen.

Council Member Dennis moved, seconded by Council Member Wallace, to approve the minutes of the City Council's regular meeting from March 7, 2022.

Roll Call #2:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

### **CONSENT AGENDA #2022-06**

All matters listed under the Consent Agenda are considered routine by the City Council and will be enacted by one motion.

#### **22-2012**

Approve Resolution 22-09 releasing executive session meeting minutes that have been deemed no longer confidential, to not release those that are still considered confidential, and to destroy recordings from executive session minutes over eighteen months old.

#### **22-4013**

Approve Resolution 22-10 for Rebuild Illinois Bond Funds in the amount of \$1,000,000 for the Monmouth Boulevard improvement project.

#### **22-3003**

Approve the bid submitted by Postal Source Solutions for a new five-year lease of new postage machine equipment.

**22-4025**

Approve membership with the Western Illinois Regional Council (WIRC) with an annual membership fee of \$17,077.80.

**22-4026**

Approve a settlement agreement with Old National Bank in the amount of \$65,000 to be paid to the City in exchange of its dismissal against the bank.

**22-4027**

Approve an extension to the Memorandum of Understanding with Bird Rides, Inc. through April 1, 2023.

**22-5002**

Receive the December 31, 2021, Investment Schedule.

**22-8005**

Approve bills in the amount of \$948,797.13 and advance checks in the amount of \$512,040.26.

Council Member Wallace moved, seconded by Council Member Smith-Esters, to approve Consent Agenda 2022-06.

Roll Call #3:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried by omnibus vote.

**22-4028**

Council Member Smith-Esters moved, seconded by Council Member White, to approve external agency funding requests and fund applications in the amounts listed below for a total expenditure of \$141,205.

| Organization                                    | Proposed |
|-------------------------------------------------|----------|
| Choral Dynamics                                 | \$2,000  |
| Christmas In Action                             | \$1,000  |
| Galesburg Community Chorus                      | \$4,455  |
| Galesburg Lions Club - Fireworks                | \$15,000 |
| Galesburg Youth Athletic Club                   | \$7,500  |
| Galesburg Youth Cal Ripken Baseball League Inc. | \$3,000  |
| Habitat for Humanity                            | \$10,000 |
| Heritage Days                                   | \$10,000 |
| Knox County Fair                                | \$10,000 |
| Knox County Scenic Drive                        | \$2,000  |

|                                |                   |
|--------------------------------|-------------------|
| Knox Galesburg Symphony        | \$10,000          |
| National Stearman Fly-In       | \$10,000          |
| New Limited Rods of Western IL | \$3,000           |
| Nova Singers                   | \$5,000           |
| Railroad Days                  | \$11,250          |
| Salvation Army                 | \$10,000          |
| The Great Balloon Race         | \$10,000          |
| United Way                     | \$7,000           |
| VNA Community Services         | \$10,000          |
| Total                          | <b>\$ 141,205</b> |

Council Member Cox noted that in the past, the only three organizations or events that were given funding by the City were the Stearman Fly In, Railroad Days, and the fireworks. He believes they are all worthy but that they should be supported by the community and not taxpayer dollars.

Council Member Smith-Esters stated that she believes it's nice to see the City support these organizations and that it's what the City should be doing. She was glad to see all the organizations were funded at the level they requested.

Roll Call #4:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

## **22-2014**

Council Member White moved, seconded by Council Member Wallace, to approve a resolution for a moratorium on enforcement of the amusement tax ordinance.

Council Member Hix stated that he did not vote on the original ordinance and would not be voting in favor of the moratorium. Council Members Dennis and Wallace agreed.

Council Member Smith-Esters stated that she had originally brought the ordinance to Council for their consideration and the intention was never to hurt business owners but instead help the City's budget. She understands now that she was misled on how the tax would work. She inquired if another tax could be approved in the future. City Attorney Nolden stated that at this time it is unknown. Council Member Smith-Esters also announced that she and Council Member White would be attending the IML Lobby Day on Wednesday and would be communicating to our legislators that the current five percent from gaming is not enough for cities.

Council Member White also stated that it was not the Council's intention to take away dollars from the establishments but instead help with the City's bottom line. He hopes that the

establishment owners will have the same zeal to talk to the legislators about the City getting a larger cut of the gaming revenue. He noted that the funding could help with streets and a possible new youth center.

Council Member Davis stated that she had voted in favor of the original ordinance due to the potential revenue that was anticipated. She thanked those that talked to Council Members about the tax and sent information. She is not in favor of taking advantage of a “vice tax” and believes it’s time to appeal the ordinance.

Roll Call #5:

Ayes: None

Nays: Council Members Hix, Dennis, Wallace, White, Smith-Esters, and Davis, 6.

Absent: None

Abstain: Council Member Cox, 1.

Chairman declared motion failed.

## **22-1008**

Ordinance on first reading amending Sections 35.110 through 35.115 of the Galesburg Municipal Code repealing the Video Gaming Push Tax.

Council Member Hix moved, seconded by Council Member Dennis, to suspend the rules and move agenda item 22-1008 to final reading.

Roll Call #6:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

Council Member Hix moved, seconded by Council Member Dennis, to approve Ordinance 22-3663 on final reading amending Sections 35.110 through 35.115 of the Galesburg Municipal Code repealing the Video Gaming Push Tax.

Roll Call #7:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

## **PASSAGE OF ORDINANCES AND RESOLUTIONS**

## **22-1002**

Ordinance on first reading amending Chapter 97 of the Galesburg Municipal Code to allow plantings in the terrace portion of the public right away.

Council Member Cox suggested the ordinance be amended and brought back to Council for final reading with the suggestions that were identified in the Council Letter and one other recommendation:

1. Utilizing the existing gardening & landscaping agreement process versus approving a new ordinance.
2. Eliminate the 10x10 triangles (Zone C) on the private side of the ROW next to the driveway.
3. Narrow the 2 feet wide setback (Zone D) to 1 foot wide and allow plants up to 12" in this zone.
4. Paragraph G1 remove "and orderly" from the first sentence.
5. Paragraph G2 (a) remove "weeds and."
6. Paragraph G2(b) remove "grass clippings."
7. Paragraph G2 (c) remove "bare soil or."
8. Paragraph G2 (d) remove "and removing dead material" after "trimmed" add "within the terrace".

The Mayor urged Council to look at terraces around town. He noted that many homes don't have terraces or sidewalks. Public Works Director Carl stated that in these cases, plantings have to be the required distance from the property line. He also recommended that citizens can go to the City's website and look at the Parcel Search to show their lot lines and to gauge how much room they would have for plantings.

Council Member Davis asked how a resident will know they need to meet with the City about a planting outside of this ordinance. Director Carl stated that the City will have information on its website, social media, and information at public counters in City Hall.

Council Member Smith-Esters thanked City staff for this ordinance, which was at the request of Council. She hopes it is revisited in a year so that the implementation can be reviewed.

The Mayor reiterated that it is not the City's intention to police terraces but to contact the properties that have had a complaint. It will also depend if the issue is safety related and causing a public hazard.

#### **22-1004**

Council Member White moved, seconded by Council Member Davis, to approve Ordinance 22-3663 on final reading approving a zoning amendment from R3A, Multi-Family to B3 Central Business District, for KXZ Properties, located at 239 South Cherry Street (former St. Mary's Square).

Roll Call #8:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

#### **22-1005**

Council Member Smith-Esters moved, seconded by Council Member Wallace to approve Ordinance 22-2664 on final reading amending Section 113-043 (A) of Chapter 113 of the Galesburg Municipal Code to limit the number of Class A liquor licenses.

Roll Call #9:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

#### **22-1006**

Council Member Dennis moved, seconded by Council Member Smith-Esters, to approve Ordinance 22-3665 on final reading amending Section 97.033 of Chapter 97 of the Galesburg Municipal Code regarding the Tree Commission.

Roll Call #10:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

#### **22-1007**

Special Ordinance on first reading for the disposal of unused/retired vehicles and miscellaneous obsolete parts using PurpleWave Auctions.

### **BIDS, PETITIONS, AND COMMUNICATIONS**

#### **22-3004**

Council Member Dennis moved, seconded by Council Member Cox, to approve an agreement with Prairieland Animal Welfare Center at an annual cost of \$234,120 to provide sheltering and transportation of animals.

Roll Call #11:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

#### **22-3005**

Council Member Smith-Esters moved, seconded by Council Member Davis, to approve the proposal from Quick Electrical in the amount of \$48,679 to install fiber optic cabling at the Hawthorne Center.

Roll Call #12:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

#### **22-3006**

Council Member Smith-Esters moved, seconded by Council Member Wallace, to approve the bid submitted by Revels Turf & Tractor in the amount of \$54,653.39 with trade for the purchase of a

2022 John Deere ProGator with a SelectSpray unit for the Golf Division. It was noted that only certain companies sell equipment specifically for golf courses.

Roll Call #13:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

#### **22-3007**

Council Member Hix moved, seconded by Council Member Dennis, to approve the bid submitted by Revels Turf & Tractor in the amount of \$118,622.52 with trades for the purchase of two 2022 John Deere fairway mowers for the Golf Division.

Roll Call #14:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

#### **22-3008**

Council Member Smith-Esters moved, seconded by Council Member Davis, to approve the proposal from Hein Construction Company, Inc., in the amount of \$48,725 for the construction of a storage room at 120 East Main Street. The City Manager noted that this cost is higher than the original budget but that an adjustment will be made. The Mayor noted for the public that any purchase by the City over the amount of \$25,000 must be approved by Council and that the City Manager makes Council aware of any other purchases over \$5,000 on a weekly basis.

Roll Call #15:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

### **PUBLIC COMMENT**

Ray Pickrel addressed the Council regarding the possible amendment to be able to leave grass clippings on the terrace. He noted that when the City mows they leave the grass lay and it begins to have an odor during the hot and humid summer months.

Linda Miller gave an update on the "Save Hawthorne Pool" efforts. She noted that they are working with Quinn Adamowski, Landmarks Illinois, and he is working on a report for the group. She also stated that some high-resolution photos were taken of the pool and sent to Mr. Adamowski as well. Several members of the group have been researching the archives on the pool, including information on the former Mayo Clinic. She implored Council to keep the pool open.

Council Member Wallace left the meeting at 6:24 p.m.

Brother Shabazz addressed the Council stating that he is in favor of a community center and believes we need a place for youth to gather and fellowship. He also stated that he believes our community is still divided and that he was racially profiled by the head of security at Galesburg High School. He feels that black men are deemed a criminal by virtue of their appearance. He hoped that having a community center would work on some of these issues and applauded the Mayor and Council for working to make a place that would be more inclusive.

Council Member Wallace returned to the meeting at 6:28 p.m.

Council Member Hix left the meeting at 6:28 p.m. and returned at 6:29 p.m.

### **CITY MANAGER'S REPORT**

A. March Traffic Advisory Committee Report.

### **MISCELLANEOUS BUSINESS (Agreements, Approvals, Etc.)**

#### **22-4029**

Council Member Cox moved, seconded by Council Member Smith-Esters, to approve a Minor Plat of the Nielson Subdivision.

Roll Call #16:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

#### **22-4030**

Council Member Hix moved, seconded by Council Member White, to approve the demolition process on the property located at 29 Public Square (hotel and restaurant). City Attorney Nolden stated that it could be a lengthy process, up to 120 days, but that he would keep Council updated.

Roll Call #17:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

#### **22-4031**

Council Member Smith-Esters moved, seconded by Council Member Wallace, to approve emergency repairs to the Toshiba 200HP electric motor and two Westinghouse 300HP electric motors at the West Main Street pumping station in the amount of \$48,796.04.

Roll Call #18:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

**22-4032**

Council Member Smith-Esters moved, seconded by Council Member White, to move forward on acquiring the property located at 905 Maple Avenue, former Churchill Junior High School.

Council Member Smith-Esters asked Council to consider this item as it only begins the process of working on an agreement with the school district.

Council Member Dennis asked the City Manager an approximate cost for this project. City Manager Thompson stated that it will be an expensive project, including future operating costs. He would recommend the Council hire an expert firm to begin putting information together on costs. He reminded Council that with this approval, it gives the City the opportunity to have the building as an option.

Council Member Dennis would like to see other locations looked at, including the possible lot of the soon-to-be demolished hotel, the former Carver Center, or the library building once it's vacated.

Council Member Hix asked about a sprinkler system and if it would be needed if there is a change of use on the building. Community Development Director Gugliotta stated it would be a requirement. Council Member Hix noted that \$5 million would go far on a new building which would be energy efficient, provide new options, and be exactly what the City wants.

Mayor Schwartzman noted that there has been some remediation on asbestos by the School District according to the study that was made available.

Council Member Dennis feels that the School District is getting rid of this building for \$1.00 in order to reduce their liability. Maintenance and possible demolition will be the City's responsibility if the building is purchased.

The Mayor stated that as another taxing body, the School District feels that they are gifting the City with the building.

Council Member White noted that some School Board Members have taken offense with the fact that there is a belief that they are "dumping a piece of junk" onto the City. He recommended that the School District attend a meeting and report why they want to give the building to the City. He does not understand why some don't want this project to move forward and are fighting hard, yet have no problem spending \$60,000 on lawn mowers. He added that the City has promised to replace the former Community Center for ten years now. Council Member White reiterated that there is no place for our youth yet we have many places to gamble, drink, play golf, and that he is ashamed. He understands that it might take time for the project to get done but that he expects staff to figure out how to get it accomplished.

Council Member Wallace stated that he believes the need for a community center outweighs the cost. He hopes that the City could be in line for many grants for the project. He added that he believes the location is not ideal but that he would hate to see another school abandoned. He noted that he has never received answers or a report on what happened with Carver Center.

Council Member Wallace expressed that this building would be for all the community and is a necessity to curtail crime and violence.

Council Member Smith-Esters explained that in our community, our youth under 18 years old make up 17.5 percent of our population and that they need some place safe to gather. She believes the cost is worth it to invest in them.

Council Member Cox stated that he has no question about anyone's motives but does not believe this is the best and only option for the City. He noted other locations, such as the former library. He asked where the \$5 to \$10 million will come from for the project. The City Manager noted ARPA funds could be used and possibly the reissuance of bonds. City Manager Thompson stated that the bigger challenge will be how to operate the facility in the future.

Council Member Cox asserted that the City has \$120 to \$130 million in unfunded projects now that will need to be prioritized by the Council. He also stated that the City is falling behind in maintaining some buildings as well as sidewalks and other needs. He would like to see the \$5 to \$10 million used on these maintenance needs before it's decided to use it on a building that we do not own.

Council Member Hix inquired about a timeline if the item is approved tonight. The City Manager reported that the Council needs to decide what they want in the building but that it could take up to two years before any sort of grand opening would be realized.

Roll Call #19:

Ayes: Council Members Wallace, White, Smith-Esters, and Davis, 4.

Nays: Council Members Hix, Dennis, and Cox, 3.

Absent: None

Chairman declared motion carried.

### **22-4033**

Council Member Smith-Esters moved, seconded by Council Member Wallace, to approve a change order in the amount of \$13,265 for the equipment and labor from Mechanical Service, Inc. to repair the electrical at HT Custer Park.

Roll Call #20:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

The Council unanimously approved by voice vote to sit as the Town Board.

## **TOWN BUSINESS**

### **22-9006**

Trustee Smith-Esters moved, seconded by Trustee White, to approve Town bills and warrants be drawn in payment of same.

| <b>Fund Title</b>             | <b>Amount</b>     |
|-------------------------------|-------------------|
| Town Fund                     | \$2,074.63        |
| General Assistance Fund       | \$6,854.16        |
| IMRF Fund                     |                   |
| Social Security/Medicare Fund |                   |
| Liability Fund                |                   |
| Audit Fund                    |                   |
| <b>Total</b>                  | <b>\$8,928.79</b> |

Roll Call #21:

Ayes: Trustees Hix, Dennis, Wallace, Smith-Esters, White, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

## **22-9007**

Trustee Smith-Esters moved, seconded by Trustee Davis, to approve the agenda for the Annual Town Meeting on Tuesday, April 12th at the Township Hall.

Roll Call #22:

Ayes: Trustees Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

The Council unanimously approved by voice vote to return as the City Council.

## **CLOSING COMMENTS**

Council Member Dennis stated his appreciation for former Council Member Wayne Allen, whom he served with for fourteen years. He was always there for him and will be missed by his family and the community.

Council Member Wallace expressed his thanks for the productive meeting tonight and understands that everyone's hearts are in the right place.

Council Member Smith-Esters announced that she and Council Member White would be traveling to Springfield to attend the Illinois Municipal League Lobby Day. If there are any topics anyone wants discussed, please let them know.

Council Member Davis thanked her predecessor, Wayne Allen, for his years of service. She noted that it isn't an easy task to sit on the City Council but that she knew it was a great honor for him. She expressed her condolences to his family.

Council Member Hix added that he only served with Wayne Allen for a couple of years but that he was always generous with his time when he would call and ask questions. His family is in his

thoughts and prayers. He also congratulated City Manager Thompson on his new job in Rock Island and wished him and his family well.

Mayor Schwartzman stated that when he was first elected as a Council Member, he was encouraged by Wayne Allen. He participated in several discussions with him, in particular ones relating to hunger in our community. He was impressed with him and his understanding of the issues and formed an alliance with him. Several ideas in the community, such as what the Community Foundation is doing with the hunger issues, the Blessing Boxes, and others, started with ideas out of those conversations. He added that Mr. Allen was a giving man and thanked him for the confidence he had in him. He will be missed and gave his best to Millie, Wayne's wife, and his family.

The Mayor reported that an update on the Hawthorne Pool will be forthcoming and that Council will be setting direction. He also announced that a local resident will be on *Jeopardy!* on Friday. He also reminded the community to be watchful of kids now that the weather has gotten warmer.

Council Member Cox moved, seconded by Council Member Smith-Esters, to adjourn into Executive Session at 7:23 p.m. for the purpose of discussing the appointment, employment, compensation, discipline, performance, or dismissal of specific employees, and approval of the minutes from the March 7, 2022, executive session meeting (5 ILCS 120/2 (c) (1) and (21).

Roll Call #23:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

During the Executive Session, Council Member Smith-Esters, seconded by Council Member White, to adjourn the Executive Session at 7:56 p.m.

Roll Call #24:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

There being no further business, Council Member Wallace, seconded by Council Member White, to adjourn the regular meeting at 7:33 p.m.

Roll Call #25:

Ayes: Council Members Hix, Dennis, Wallace, White, Smith-Esters, Davis, and Cox, 7.

Nays: None

Absent: None

Chairman declared motion carried.

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Peter D. Schwartzman, Mayor

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Kelli R. Bennewitz, City Clerk