

**MINUTES OF REGULAR MEETING
GALESBURG CITY COUNCIL
SEPTEMBER 4, 2007
COUNCIL CHAMBERS,
GALESBURG CITY HALL
200 E. MICHIGAN AVE.
GALESBURG, MI**

**I. CALL TO ORDER**

The meeting was called to order at 7:00 P.M. by Commissioner Allen

Present: Commissioners Doxy, Kissinger, Jackson, Yingling, Allen

Absent: Commissioner Nicolow, excused

Also present: City Attorney Bob Soltis, Utility Billing Clerk Helen Haase, DPW Director Rob Wilson, and Police Chief Richard Mau

II. PLEDGE OF ALLEGIANCE

The Pledge was led by Commissioner Allen

Commissioner Allen moved to amend the agenda by the addition of;

- a. Industrial Facilities Exemption Certificate for Smith Machine (action)
- b. Purchase of a new Police Car (action)
- c. Communication from the Kalamazoo County Road Commission seeking applicants to their board
- d. Appointment to the Board of fire Commissioners (action)

MOTION CARRIED 5/0, Commissioner Nicolow Absent.

III. COMMUNITY COMMENT

Wesley Van Ness asked that the city acquire a parking lot.

Michelle Hackett stated that her son was injured following a Rocket Football practice session at Ike Payne Park by being hit in the mouth with the helmet of a player. She asked that the City accept responsibility for medical bills. Commissioner Allen asked Ms. Hackett if the Rocket League was approached regarding their insurance coverage. He then asked Ms. Hackett put the incident in writing and communicate it to the City.

Linda Carlton complimented the Fire Department on their timely response and assistance in an emergency that occurred at the beauty shop.

IV. ACTION ITEMS

- a. Final Interview/hiring of City Clerk

Commissioner Allen called upon Police Chief Mau to report regarding his investigation into the background of city clerk candidates. Chief Mau reported that all candidates received good reports with no adverse histories.

Commissioner Allen opened the floor to motions for the appointment of a candidate to the City Clerk's position.

Motion by Commissioner Yingling, supported by Commissioner Kissinger to appoint Debbie Miner as City clerk.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Allen, Doxy, Kissinger, Jackson, Yingling

NAYS: None

ABSENT: Commissioner Nicolow

Commissioner Allen stated that a physical examination, back x-ray and drug screen have been scheduled for Wednesday, September 5, 2007 at 1:00 P.M. He asked Ms. Miner to come up, take the oath of office and take minutes for the remainder of the meeting.

b. Smith Machine & Grinding Industrial Facilities Exemption Certificate.

RESOLUTION #09042007-1

INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE AGREEMENT

IN CONSIDERATION OF the approval by the Galesburg City Council (Galesburg) of Smith's Machine & Grinding, Inc.'s (Smith's) request for Industrial Facilities Exemption Certificate (IFEC), dated July 17, 2007, and other good

and valuable consideration, the receipt of which is hereby acknowledged, the undersigned do hereby covenant, contract and agree as follows:

1. Approval. Smith's Application for Industrial Facilities Exemption Certificate set forth in its application dated July 17, 2007, is approved for a period of ___ years.

2. Conditions. Galesburg's approval is contingent upon the following:

a. The delivery and use of the machinery and equipment, the cost of which is approximately \$287,000.00 within Industrial Development District No. 3 (Smith's Machine & Grinding, Inc.) at all times while the IFEC is in effect. Smith's Machine & Grinding, Inc., shall verify in writing to the City its purchase and installation of the machinery and equipment within 90 days after installation.

b. The creation of at least 1 or 2 new jobs within two years of project completion.

3. Personal Property to Remain Within the Industrial Development District. In consideration of the benefits of an Industrial Facilities Exemption Certificate, Smith's Machine & Grinding, Inc., agrees that the personal property shall remain within Industrial Development District No. 3 (Smith's Machine & Grinding, Inc.) during the term of the IFEC. The Company agrees to permit the City reasonable access to the site to verify that the personal property is present. Removal of the personal property from the site and/or failure to permit access for verification shall constitute a breach of this Agreement.

4. Non-Compliance with Conditions. Non-compliance with the conditions set forth in Paragraphs 2 and 3, unless prior permission for relocation is granted by the City Council, shall constitute a breach of this Agreement.

5. Effect of Breach of Agreement. In the event of a breach of this Agreement, Smith's Machine & Grinding, Inc., its agent, successors and/or assigns agree to repay within 30 days of Notice of Revocation an amount equal to those taxes Smith's Machine & Grinding, Inc., would have paid had the IFEC not been in force and effect together with interest at the statutory rate for Judgments in effect at the times the taxes became due plus interest, penalties, or other charges calculated as if the taxes became due and remained unpaid until payment in full is made. If litigation is instituted to collect the amounts set forth herein, Smith's Machine & Grinding also agrees to pay the City for costs and actual attorney's fees incurred in collecting the amounts due under this Agreement.

6. Integration. This Agreement constitutes the full and complete agreement of the parties and shall be considered fully integrated. It may not be altered or amended in any form whatsoever except by writing signed by both parties and, with respect to the City, approved by the City Council.

7. Severability. In the event a Court of competent jurisdiction holds any part of this Agreement to be void or of no force and effect, such holding shall not invalidate other terms or provisions which shall remain in full force and effect.

8. Non-Assignability. This Agreement shall not be assigned or transferred by either party except by prior written agreement of both parties.

9. Authority to Sign. By their signatures, the representatives of the City and of Smith's Machine & Grinding, Inc., represent they have been authorized by the Galesburg City Council and the Board of Directors of Smith's Machine & Grinding, Inc., respectively, to sign on behalf of and bind the City and Smith's Machine & Grinding, Inc., respectively.

10. Effective Date. This Agreement shall be effective beginning _____, 2007.

CITY OF GALESBURG

Dated: September 4, 2007

By: Gary Allen,

Its: Acting Mayor

Dated: September 4, 2007

By: Deborah K. Miner

Its: Clerk

SMITH'S MACHINE & GRINDING, INC.

Dated:

By Scot A. Ogden

Its:

Motion by Commissioner Kissinger, supported by Commissioner Jackson to place an affirmative roll call vote on the resolution approving an Industrial Facilities Exemption Certificate Agreement between the City of Galesburg and Smith Machine & Grinding.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Allen, Doxey, Kissinger, Jackson, Yingling.

NAYS: None

ABSENT: Commissioner Nicolow

RESOLUTION #09042007-2

**RESOLUTION APPROVING THE APPLICATION OF
SMITH'S MACHINE & GRINDING, INC., FOR AN
INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE FOR NEW PERSONAL PROPERTY**

Minutes of a regular meeting of the Galesburg City Council held on September 4, 2007, at 7:00 p.m., local time, at the City Hall.

Present: Commissioners Allen, Doxey, Kissinger, Jackson, Yingling

Absent: Commissioner Nicolow

The following preamble and resolution were offered by Council Person Kissinger, and supported by Council Person Jackson.

WHEREAS, Smith's Machine & Grinding, Inc., has filed an application for an Industrial Facilities Exemption Certificate with respect to new equipment in the amount of \$287,000.00 in City of Galesburg Industrial Development District No. 3; and

WHEREAS, before acting on said application, the City Council notified the applicant, the Galesburg City Assessor and a representative of the affected taxing units, in writing, that a public hearing will be held on the Application at the Galesburg City Council's regular meeting held on September 4, 2007, and notifying them of the opportunity to be heard on said Application; and

WHEREAS, the Galesburg City Council has held the public hearing to consider the request of Smith's Machine & Grinding, Inc., for an Industrial Facilities Exemption Certificate and has considered all comments, written and oral, received at or before the public hearing; and

WHEREAS, the aggregate State Equalized Value of real and personal property exempt from ad valorem taxes within the City of Galesburg, after granting this certificate, will not exceed five (5%) percent of the State Equalized Valuation of real and personal property within the City of Galesburg.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Galesburg City Council specifically finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 255 of the Public Acts of 1978 shall not substantially impede the operation of the City of Galesburg or impair the financial soundness of any taxing unit which levies ad valorem property taxes in the City of Galesburg.

2. The application of Smith's Machine & Grinding, Inc., for an Industrial Facilities Exemption Certificate with respect to the purchase of new equipment (Mazak Horizontal Center Nexus 5000-2 Mazatrol Matrix Nexus Control), estimated to cost \$287,000.00, is hereby approved.

3. The Industrial Facilities Exemption Certificate, when issued, shall remain in force and effect for a period of 12 years.

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

I, Debbie Miner, Galesburg City Clerk, do hereby certify that the foregoing City of Galesburg Resolution was adopted by the Galesburg City Council at a regular meeting held on September 4, 2007, and that the following is a record of the vote of the members of said City Council on said Resolution:

AYES: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSTENTIONS: None

ABSENT: Commissioner Nicolow

Debbie Miner, CMC
City Clerk

Motion by Commissioner Kissinger, supported by Commissioner Jackson to place an affirmative roll call vote on the resolution approving the application by Smith's Machine and Grinding, Inc. for an Industrial Facilities Exemption Certificate for new personal property.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

RESOLUTION #09042007-3

**INDUSTRIAL FACILITIES EXEMPTION APPLICATION
AFFIDAVIT OF FEES**

We do swear and affirm by our signatures below that "no payment of any kind in excess of the fee allowed, by PA Act 198 of 1974, as amended by Public Act 323 of 1996, has been made or promised in exchange for favorable consideration of an exemption certificate application."

City/Twp/Village of _____

Signed _____
Print Name _____
Title _____
Dated _____

Applicant: Smith's Machine & Grinding, Inc.

Signed [Signature]
Print Name Scott A. Osdon
Title President
Dated 7/17/07

* Please note that the Affidavit of Fees statement may be incorporated into the Agreement. It is not required to be on a separate document.

Motion by Commissioner Kissinger, supported by Commissioner Jackson to place an affirmative roll call vote on the Smith Machine & Grinding, Inc. Industrial Facilities Exemption Application Affidavit of Fees.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

VI. READING AND APPROVAL OF COUNCIL MINUTES

Commissioner Allen moved that the minutes of August 6, 2007 be corrected as follows:

a. On page 2433-next to the last line in the first paragraph by stating that the "Council has the right to THAT." On the 23rd line correct the sentence to say "one of their drivers was "ordered" out of town. Also, in the charter reference is made to the "Deputy Mayor" rather than the vice mayor, and correction to the minutes should be made globally to changes references to the vice mayor to the "deputy mayor."

Motion by Commissioner Jackson, supported by Commissioner Kissinger to approve the Minutes of August 6, 2007 as corrected.

MOTION CARRIED UNANIMOUSLY, COMMISSIONER NICOLOW ABSENT.

VII. REPORTS

a. Accounts payable report - \$47,129.23 in bills payable. Of that amount \$11,540.00 is from the water and sewer fund payoff. The remaining \$35,493.23 includes a bill from Peterman Concrete.

Motion by Commissioner Kissinger, supported by Commissioner Jackson to authorize payment of the bills as presented.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

b. Treasurer's Report;

Motion by Commissioner Kissinger, supported by Commissioner Jackson to accept the treasurer's report.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

c. Police Report

Motion by Commissioner Kissinger, supported by Commissioner Jackson to accept the Police Report.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

VIII. WATER & SEWER CONNECTION FEES

Acting Mayor Allen said that a review was held on the feasibility of the water and sewer connection project by Attorneys on behalf of Rosenberger Development. Mr. Oscarson, Physical Engineer from Fleis & Vandenberg Engineering has said that our connection fees are the lowest in the county, and may be understating the benefit provided to new customers. He does not think we are overcharging from a legal standpoint when considered in comparison with another case in Frankenmuth Township. In that case all new users were required to pay \$7,500 in connection fees, which was held by the court to be a tax. Our fees are no where near \$7,500. For that reason it is his belief and legal opinion that our fee is not a tax, but for a service regulatory purpose and will hold up in court.

Representatives from the other side of this question are in the room tonight to share their views with us.

Rick Rosenberger of Rosenberger Development said that the original fee was \$500 and was increased to \$3,200, a 600% plus increase. Commissioners had stated that there was some benefit received by the developer for that fee. There is not. He gets nothing for that fee. He still has to do the same things that he did when the fee was \$500. This charge does not include any permits or permit fees. He still has to get permits from the State of Michigan for which he pays a one time fee of \$50 and then \$5 each for water and sewer hookup and \$60 for inspections. He has compiled a list of fees charged by neighboring communities and submitted it to commissioners. The City of Galesburg and the School district needs these homes. They will bring money into the community and school district. The fee did not have to be increased legally, and there is nothing stopping the commission from lowering it back to the original rate. The Council must decide what they want, homes and income for the schools, or fees. If these homes are not built the City will not realize the tax benefit from them.

Acting Mayor Allen stated, for the record, the fee charged by the City is \$2,600, not the \$3,200 referenced by Mr. Rosenberger. It is the Council's understanding, based on the letter from Mr. Oscarson that this fee includes labor and material costs necessary for the city to serve a new resident. This is what they asked of the engineer.

Commissioner Yingling asked where Mr. Rosenberger got the figures he supplied them with.

Dale Shugars stated that his office made phone calls to various communities and asked them what their actual cost was. This is the information referred to by Mr. Rosenberger on fees collected by neighboring communities. This is what other communities they surveyed charge for hooking up to water and sewer connections. He has a resolution from February of 2005 in which it states that both water and sewer rates are \$600. He asked for the actual cost incurred by the City of Galesburg for these connections.

Mayor Allen quoted from the letter by Mr. Oscarson regarding the City's costs stating that the fees pay for the distribution facility, wastewater treatment, wastewater treatment staff and DPW staff and buildings.

Mr. Shugars asked what the additional charge of \$1,000 is for.

Rob Wilson, DPW Supervisor said that that \$1,000 is only charged if the City has to do additional work to get the water from one site to another between the months of November and April. It has nothing to do with the construction of new homes. It is to cover the cost of the rental of equipment to deal with frost problems we encounter.

Mr. Shugars compared the costs incurred by Galesburg to the fees charged by the City of Portage. Their fee is \$310, ours is \$1,200. Their question is does the Commission have local authority to set the fee at this rate.

Acting Mayor Allen said they have the authority to do so as long as it is related to the cost.

Mr. Shugars asked if the City provides any hookup. Mr. Wilson responded that we provide service to the property line.

Commissioner Yingling asked if we have checked with other cities, such as Battle Creek, to see what their fees are. Mr. Wilson said Galesburg cannot be compared to Battle Creek. They have different ordinances and associated costs and fees than we do. Commissioner Yingling asked how they can find out what it costs us to get Mr. Rosenberger going. Mr. Wilson answered that no other developers have indicated one bit of problem

with our fees or processes. They are putting houses up right now, doing all the work and paying fees of \$2,000 per house. Commissioner Yingling asked if developers are passing these costs on to the buyers.

Mr. Rosenberger said he cannot pass these costs on because he cannot sell the homes when he tacks on additional charges. He does not care what other developers do; he is only concerned with what he can do and what it is costing the City to hook him up. He wants to know where his money is going.

Acting Mayor Allen asked Mr. Shugars to collect additional data and get all the facts regarding other systems and their fees before he comes back to the Council. The Council needs reliable facts to base their decision on and they need to know they are comparing all fees associated with comparable systems. They have received conflicting information and need good, comprehensive figures. We believe that we charge the lowest fees in the County.

Jeff Swenerton said that he has appeared before council in the past on this issue. What is important for Council to know is that they have written a letter disagreeing with the City's legal position. Whether the Galesburg fees are the highest or the lowest is not the issue. Commissioner Yingling has brought up a good point. In the Bruno case the \$7,500 connection fee charged by the City of Frankenmuth for connection to the water system was declared by the court to be a tax that could not be charged without voter approval. You cannot raise the fee to pay for the upgrades to the water system. Next you have to figure out profit versus cost. The administration fee was \$200 now it is \$600, and it includes an inspection fee, but the State is charging for inspection fees. Mr. Oscarson's letter talks about the cost to the City to serve additional customers. The City's fee applies to whom ever takes the service from the street to the house. Where are the increases in these fees coming from? Mr. Oscarson also talks about different fees that it takes to pay for the system. If the City was extending the sewer lines and water lines to the housing developments then they could charge these fees, but they are not doing so, Mr. Rosenberger is. It is a tax, if it is not regulatory, and this fee is not regulatory.

Commissioner Jackson asked why this complaint was not brought up before Mr. Rosenberger took the property over.

Mr. Rosenberger stated that he found out from City Hall what the fees were per lot when they were still charging \$500. That is what he based the price of his homes on. He does not believe it is right or fair for him to have to pay for something that he does not get any service on. He feels this fee is unconstitutional and he may have to sue the City on the basis that this is a tax not a fee. He is merely asking that the fee be revised to reflect the

actual cost incurred by the City. He asked to see a feasibility report on these fees.

Acting Mayor Allen pointed out that there has been no offer of a comparison to the City's analysis, just a complaint that they disagree with the decision.

Mr. Shugars said that to his knowledge the only benefit these people receive is the good clean water and sewage system.

Tom King said that the benefit charge should be considered the cost to buy in to the infrastructure that has been paid for by the City's existing customers. This is exactly the position taken by Frankenmuth which was struck down by the court. At issue here is the \$2,000 that is the buy in to the existing infrastructure. The City can only charge for actual costs it incurs. They can charge for services and regulatory fees provided for that use. He has been doing municipal law for 25 years. This fee can be included in the general rates that they charge, but they can not do this as a benefit fee or a regulatory fee. Mr. Oscarman, himself, said that he does not have the numbers. The City can charge for meters, extension of water line and hookup costs. If the City needs money to build a water tower, that money has to be in the general rate.

Mr. Shugars explained how the per capita revenue would benefit the school district in the amount of \$646,830 per year. It would bring in new customers for downtown merchants and add \$17,500,000 to the City's SEV equaling a 42% increase to the City of Galesburg. When you look at water usage 200 new homes will generate \$88,206 per year for additional water and sewage. And when these homes are built it helps the enterprise fund.

IX. UTILITY BILLING CLERK

Acting Mayor Allen announced that Helen Haase is leaving November 1st. He asked for the approval of the council to place an advertisement in the Kalamazoo Gazette requesting applications with a deadline of September 10, 2007 at 4:00 P.M.

Motion by Commissioner Jackson, supported by Commissioner Kissinger to authorize the placement of an employment advertisement as stated by the Acting Mayor.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

X. REPUBLIC WASTE BILLING

Acting Mayor Allen reported speaking with Mr. Dorsey at Republic Waste. Mr. Dorsey asked that the City reimburse them for postage and printing costs associated with our agreement with them. They incurred costs in the amount of \$301.98. He asked the Council to approve this reimbursement.

Motion by Commissioner Yingling, supported by Commissioner Jackson to approve the Acting Mayor's request for reimbursement to Republic Waste.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

Acting Mayor Allen said that one benefit that would be created by the franchise is a reduction in fees. Perhaps we should consider giving the community a chance to vote on this issue.

XI. D.P.W. SUPERVISOR

a. Rob Wilson said we have an annual salt contract with Morton Salt. They propose to charge us \$42.52 per ton for salt this

year with a minimum order of 50 ton. We can share this salt with Charleston and get the reduced price.

Motion by Commissioner Kissinger, supported by Commissioner Jackson to approve the request of the DPW Supervisor.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

b. Rob Wilson reported sending the chlorinator in for repair because of a hairline crack. It cannot be rebuilt. The cost of a new chlorinator is \$1,925.

Motion by Commissioner Kissinger, supported by Commissioner Jackson to authorize purchase of a new chlorinator in the amount of \$1,925.00.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

c. Rob Wilson reported that the plow truck has been damaged by salt. It needs to be sand blasted and repainted. He has gotten 4 estimates. One from Superior Fleet in the amount of \$1,310; one from Cargo Trailer for \$1,235.94; Daleiden's Inc. for \$2,317.15; and one from Truck & Trailer for \$2,370.00. It would be his recommendation to accept the bid from Superior Fleet for \$1,310 even though they are not the lowest, because of the detail they provide for the service they will render.

Motion by Commissioner Kissinger, supported by Commissioner Jackson to approve the recommendations of the DPW Supervisor regarding repainting of the Plow Truck.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

d. Rob Wilson submitted the annual sewer cleaning bill from Clean Earth Environmental. This agreement was signed one year ago and represents a \$10,000 expense from the sewer fund which is in the approved budget.

Motion by Commissioner Kissinger, Supported by Commissioner Jackson to authorize payment of the annual bill from Clean Earth Environmental in the amount of \$10,000.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

e. Rob Wilson addressed the issue of Jodi Stafford at 10 N. Grant St., for whom the City had approved a payment in the amount of \$1,948 which was supposed to represent 50% of her sidewalk repair bill. The amount approved for payment was less than the expense she incurred. She sent her invoices to him. They show that she is still owed \$206.00 by the City. He feels she should be further reimbursed in that amount.

Motion by Commissioner Yingling, supported by Commissioner Jackson to authorize payment to Mrs. Jodi Stafford in the amount requested.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

f. Rob Wilson reported on the water main on 35th Street. Preliminary numbers indicate that it will cost \$42,056. It could come in cheaper; this is an educated guess on his part. He needs Council's approval to proceed so that he can turn this over to the URS Engineer for the County and State on this project. The actual project amount could come in higher, but generally speaking, engineer's estimates are high.

Ward Boomershine asked if the pipe would go through the middle of the road. Mr. Wilson said the point of the project is to get the pipe out of the road.

Motion by Commissioner Jackson, supported by Commissioner Kissinger to authorize the DPW Supervisor to proceed with the project.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

XII. KALAMAZOO COUNTY BOARD OF COMMISSIONERS

Mayor Allen reported that the County has openings for appointment to the Road Commission. Interested citizens can pick up applications from City Hall. They are increasing the size of this board from 3 members to 5 members.

The Fire Board also has a position opening, and it is his recommendation that Commissioner Kissinger be appointed to fill the vacancy.

Motion by Commissioner Yingling, supported by Commissioner Jackson to appoint Commissioner Kissinger to the Fire Board.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

XIV. POLICE CAR

Chief of Police Richard Mau reported contacting Signature Ford regarding our need for a new police cruiser. They have 3 vehicles they ordered extra. One is a 2008 Crown Victoria with a price of \$20,863.00. He requested permission to purchase this vehicle utilizing the Municipal Leasing program under which you make 4 years of contractual payments, and once the contract is up, you make one additional payment and the car is yours. He is currently soliciting bids for other new equipment, and asks Council's permission to proceed with those purchases as well, on a lowest bid basis.

Motion by Commissioner Kissinger, supported by Commissioner Jackson to approve the purchase of the Crown Victoria utilizing the Municipal Lease program and to authorize the Chief to proceed with the selection of the lowest bidder on the other equipment projects he mentioned.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

Attorney Soltis stated that he has to review the lease agreements prior to their execution. He asked if the Council can get in a special meeting for the approval of those contracts.

Acting Mayor Allen agreed that a special meeting would be scheduled.

Chief Mau reported being contacted by the Village of Climax about providing patrols in the village.

Commissioner Jackson asked Chief Mau about part-time officers. Does he think the City has better coverage with more part-time officers, and should we go back to 2-3 part-time officers so that we have flexibility of patrols? Chief Mau answered that we have more coverage with full-time officers as we currently stand.

XV. COUNCIL COMMENT

Commissioner Yingling stated that she would like to get back to one meeting per month and utilize special meetings to meet the charter mandate for required meetings.

DPW Supervisor Wilson stated his preference for 2 meetings per month, because it makes for shorter meetings.

Acting Mayor Allen said that once the sewer, water connection fee issue is resolved, meetings should be shorter.

City Attorney Soltis stated that by the next meeting, he will provide Commissioners with more information and a recommendation.

Commissioner Jackson questioned the timing aspect of this complaint. Why has it taken so long for this to come before them?

Acting Mayor Allen reiterated the need for resolution of this issue so that we can get these houses built.

City Attorney Soltis promised again to have a recommendation by the next meeting. He cautioned Commissioners that they cannot offer special accommodations simply because the petitioner threatened a lawsuit.

Commissioner Jackson said that the important thing to him is to know what is fair.

Commissioner Yingling asked DPW Supervisor Wilson what the actual cost to the City is. Mr. Wilson said we could run into the thousands of dollars for the cost of a new development. There is the cost of the engineer, the cost of the attorney, the cost of meeting with the developer plus the cost of blue prints. He has met with Mr. Rosenberger at least 15 times regarding his development.

Commissioner Jackson asked for a complete detail of the cost to the City.

Commissioner Yingling pointed out that Mr. Wilson has the best base of knowledge to provide this information. Mr. Wilson said the tax assessor is involved, the treasurer is involved, and the clerk is involved. Commissioner Yingling asked what the cost for a one time deal is. Mr. Wilson responded that the City supplied Mr. Rosenberger with the pipe to connect to and there are other ongoing costs for the maintenance of the water and sewer systems.

Acting Mayor Allen reminded Commissioners that the City Attorney has promised to bring a recommendation to their next regular meeting.

Commissioner Yingling reported a meeting on September 13, 2007 at 5:30 at the High School to discuss strategic planning for the school.

Acting Mayor Allen said that the last 2-3 weeks have been horrendous; with the resignation of Mayor Weston,

and then losing the City Clerk. The Treasurer is currently on vacation. All of the employees really stepped up to the plate and pitched in to help the City out through the crisis period, and they did a great job. He thanked them all. Susan Weston, as we all know, is not the Deputy Clerk. She is the appointed Treasurer. He asked her how much extra time she has spent doing the City Clerk's business, and she reported to him that it was about 29 hours. He asked Commissioners if it is their pleasure to compensate her for her extra work on behalf of the City. Extrapolating the figures based on \$29.45 per hour for 20 hours is almost \$600. He would suggest paying her \$500 in additional compensation for performing the City Clerk's duties.

Motion by Commissioner Kissinger, supported by Commissioner Jackson to accept the recommendations of the Acting Mayor for a one time additional payment to Treasurer Weston in the amount of \$500.

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen

NAYS: None

ABSENT: Commissioner Nicolow

Acting Mayor Allen reported that he has already received several applications for the utility billing clerk position. The employment advertisement will run this week stating an application deadline of September 10.

XVI. ADJOURNMENT

Motion by Commissioner Jackson, supported by Commissioner Kissinger to adjourn

MOTION APPROVED BY THE FOLLOWING VOTE:

YEAS: Commissioners Doxey, Kissinger, Jackson, Yingling, Allen, Nicolow

NAYS: None

ABSENT: Commissioner Nicolow

Meeting Adjourned at 9:30 P.M.

Respectfully Submitted

Debbie Miner, CMC
City Clerk