

**MINUTES OF REGULAR MEETING
GALESBURG CITY COUNCIL
OCTOBER 15, 2007; 7:00 P.M.
COUNCIL CHAMBERS,
GALESBURG CITY HALL
200 E. MICHIGAN AVE.
GALESBURG, MI**

GALESBURG

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I. CALL TO ORDER

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

PRESENT: Commissioners Doxey, Jackson,
Nicolow, Yingling, Allen

ABSENT: Commissioner Kissinger

Motion by Commissioner Nicolow, supported by Commissioner Jackson to excuse the absence of Commissioner Kissinger due to the illness of his child.

Motion carried unanimously.

Also present: City Clerk Miner, DPW Supervisor Rob Wilson

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Acting Mayor Allen.

III. COMMUNITY COMMENT

Linda Carlton, President of the Downtown Development Authority (DDA) thanked Rob Wilson for putting up the fall banners today and said they look good. She stated that the DDA was in possession of a map of the DDA district that has disappeared. She purchased a map from the City Assessor, which she was required to pay for personally.

Motion by Commissioner Nicolow, supported by Commissioner Jackson to **reimburse Linda Carlton for the expense of the DDA map.**

MOTION APPROVED BY THE FOLLOWING VOTE:

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

NAYS: None

ABSENT: Commissioner Kissinger

Mim Shannon of East ML Ave. said she is the chair of the local United Way Chapter. Her presentation tonight is not so much a pitch for funds, as it is an explanation of what the local United Way does. The city is the recipient of 25% of any of the funding that is raised here in Galesburg. They do not get a percentage of the money contributed by Eaton Employees, but they do get a percentage of the contributions of the Bentler and Target Distribution Center employees. They usually get over \$20,000 per year that they can spend in the way that is beneficial to the most people within the school district. She made a plea for the Fire Fighters to contribute to the United Way. In the past \$15,700 has gone into equipment for Fire Fighters from their United Way group. They also contribute to the library every year in the amount of \$700-\$800. One year they gave \$1,000 towards the Volley Ball court. They donate annually to the museum. She thanked Roy Boomershine for printing donation cards for them at no cost. She informed the Council and audience that donation forms are available at the sign in table when you enter the room.

Don Bergner, no address given, said that he lives out by the school on Fullerton. He asked what is being done about the condition of the old school property. Acting Mayor Allen reported that the Clerk has sent registered letters to the property owner informing him of the requirements of city ordinance for mowing and clearing of the property and the time frame in which it must be complete.

IV. READING AND APPROVAL OF COUNCIL MINUTES

Motion by Commissioner Nicolow, supported by Commissioner Jackson to approve the minutes of October 1, 2007 as submitted.

MOTION APPROVED BY THE FOLLOWING VOTE:

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

NAYS: None

ABSENT: Commissioner Kissinger

V. CORRESPONDENCE

- a. Letter from Kristen L. Davidson of the Downtown Development Authority resigning her position on the DDA effective immediately

Acting Mayor Allen asked the City Clerk to develop an application for appointment to City Boards and Authorities.

RECEIVED AND PLACED ON FILE

- b. Letter from Consumers Energy Co. providing notification of Energy Crews working in the area

RECEIVED AND PLACED ON FILE

- c. Letter from the City Clerk proposing alternatives for ongoing negotiations with Rosenberger Development LLC

RECEIVED AND PLACED ON FILE

- d. Letter of response from the City Clerk regarding FOIA filed by Attorney Thomas G. King on behalf of Rich Rosenberger

RECEIVED AND PLACED ON FILE

- e. Letter to Rosenberger Development LLC regarding code violations at 225, 231 and 241 Blake St. the site of the former elementary school

RECEIVED AND PLACED ON FILE

VI. PUBLIC HEARINGS

There were no public hearings.

VII. ACTION ITEMS

VIII. REPORTS OF OFFICERS & BOARDS

- a. City Clerk

- i. Utility Billing; City Clerk Miner reported working with BS&A Software company on the download of data and billing process for the recently mailed utility bills for 3rd quarter 2007. BS&A representatives took remote control of the billing computer and verified that all rates were entered correctly, decimal point fields contained the correct number of digits, the formula for calculation computed correctly, and they did a random check of customer billings. The program is working properly, the download was executed properly, the customer bills they reviewed were correct.

Additionally, the usage reported by the City ties out with the usage billed to customers. The bills that were mailed out were, by and large, correct. That is not to say that there could not have been an error in a meter read, but even the possibility of that is remote with the new hand held electronic readers. Any customer who feels they may have an inaccurate meter read is encouraged to call City Hall and we will make arrangements for a new read. Furthermore, all customers who received bills that are larger than their budget can absorb are being informed that they can make arrangements to pay by a date certain and forestall shutoff.

- ii. Election Inspector Assignment; The City Clerk presented a letter proposing Election Inspectors for assignment to work the November 6, 2007 Election.

Motion by Commissioner Nicolow, supported by Commissioner Jackson to approve the list of election inspectors submitted by the Clerk.

MOTION APPROVED BY THE FOLLOWING VOTE:

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

NAYS: None

ABSENT: Commissioner Kissinger

- b. Accounts payable

Motion by Commissioner Jackson, supported by Commissioner Nicolow to approve payment of the bills as submitted by the City Clerk.

MOTION APPROVED BY THE FOLLOWING VOTE:

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

NAYS: None

ABSENT: Commissioner Kissinger

- c. Department of Public Works

Supervisor, Rob Wilson explained the cause of the explosion at pump house #1, saying that the fault has been traced to an old fitting below ground that was installed in 1957 and failed. It is being rebuilt now and should be up and running within the next two weeks. The MML insurance policy will cover

everything above ground, like the building, the electrical, etc. Some of the electrical components were new and just installed a few months ago. There are a few items that had to be special ordered and are not in yet, but they should not delay getting the pump house operational.

He reported that leaf pickup began today and will continue until the first snowfall. He asked residents to please not put mulched leaves, or brush out for pickup and to put leaves at the curb area, not in the street.

He reported on the status of Shafter Park. The fencing should be here this week. He has been approached by an Eagle Scout who has offered to coordinate the job, including calculation of the amount of materials needed, how much time it will take and putting together a crew to do the work. They will do the work at night and on Saturdays.

Acting Mayor Allen said that we need a sign proclaiming the park to be the property of the City of Galesburg. Something about 4' x 4' made of plywood. Perhaps Burkett Signs would be interested in making it to offset the monument. Rob Wilson said this young man is a real go-getter. We need a flag pole put up too that will be lit at night. Acting Mayor Allen suggested that lighting for the flag pole could be pigtailed to the street lighting at the curb. Rob said that there is no street light at that location, but there is a utility pole there.

d. Police: This item was removed from the agenda at the request of the City Clerk.

IX. NEW BUSINESS

- a. Policy for fees charged to Non-profit and Volunteer Organizations for use of the Guthrie Community Room

Acting Mayor Allen said he thought that the City Council had agreed to reduce the fees for non-profit groups to use the Guthrie Community room. A search of the records, however, failed to locate a resolution detailing such a reduction. The group Release Time has asked that the fees for the community room be waived to allow them to conduct monthly gatherings of Galesburg Augusta School kids to do plays and skits.

Motion by Commissioner Nicolow, supported by Commissioner Jackson to waive the fees for the group Release Time to use the community room.

MOTION APPROVED BY THE FOLLOWING VOTE:

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

NAYS: None

ABSENT: Commissioner Kissinger

Acting Mayor Allen appointed Commissioners Jackson and Yingling, along with Clerk Miner and DPW Supervisor Wilson to a committee to investigate the fee structure for use of the Community Room.

- b. Kristen Davidson & Rob Suppiger regarding DDA Website development

PULLED FROM THE AGENDA DUE TO THE ABSENCE OF MRS. DAVIDSON & MR. SUPPIGER

- c. Kim Ecklebecker regarding Police response in Gale Valley Estates

Kim Ecklebecker of Gale Valley Estates submitted a letter setting forth the problems they are experiencing with police response at their mobile home community, particularly with respect to what they see as a lack of follow up after a police report has been taken. She indicated a large number of members of the Gale Valley Neighborhood Watch Team who are present at this meeting to indicate their support for her complaint. Approximately 30 people, dressed in orange Gale Valley Neighborhood Watch tee-shirts, stated their support for her complaint. The synthesis of their complaint is that there have been instances during which they feel arrests should have and could have been made. One is for supplying alcoholic beverages to minors and one for an intoxicated teenager who did several thousand dollars in damage to personal property, yet another is for open alcohol and domestic abuse where two 40 year olds beat up a 19 year old and they admitted to it, but still nothing was done about it. About a year ago she wrote a letter to the City of Galesburg stating that Galesburg Police are allowed to write tickets in her community. Since that time, no tickets have been written. They feel they are getting no help from the City.

Sgt. William Thompson of the Galesburg Police Department said that investigation of the complaints did occur. They have to do a complete job of making sure all procedures are in place and followed precisely and then the complaint is

submitted to the County Prosecutor's Office for a warrant to be issued. The City of Galesburg cannot just make an arrest. The complaint must be filed and the paperwork processed and forwarded to the prosecutor's office. That is what happened in one of the cases cited above. In another case, the witnesses and the complainant failed to appear and in the third instance, none of the witnesses saw the beginning of the incident. If the action they are talking about happens in the presence of a police officer, it is a misdemeanor and the Galesburg Police have to seek a warrant from the Kalamazoo County Prosecutor. Their ability to arrest a suspect on a misdemeanor crime is limited, but they have a policy of citing people with appearance tickets. Over this last summer, they were short handed due to illness, but they are now back up to 3 regular duty officers. They do support the neighborhood watch and are trying to help them. They are one person cars and require backup from other police departments when answering calls. Sometimes they get very busy, but they cannot just arrest someone without completing the process he has described.

Commissioner Nicolow said that if any of the people present tonight will put a written complaint together stating all of the concerns addressed in this meeting and give it to him, or to the clerk so that he gets it, he will do a follow up investigation and bring it back to the City Council when it has been filed with the proper authorities.

Roy Covill said that when they started their neighborhood watch, an Officer from the Kalamazoo County Sheriff's Office came out and told them there is only so much they can do when someone is causing trouble, that is to call the Police. A Police Officer who sees an underage kid drinking alcoholic beverages can arrest them on the spot, they don't have to send a report to the prosecutors office and wait for a warrant.

d. Proposed Lease Agreement for Roelof Parking Lot

Acting Mayor Allen reported that he, along with Commissioner Jackson have met with Wayne Roelof regarding the situation with the parking lot downtown which the City previously leased from the Roelofs'. The Commission will remember that the previous Mayor and City Clerk had met with Mr. Roelof and could not arrive at an agreement to continue the lease, the lease agreement terminated

and the Roelofs' have since fenced the parking lot in. He approached the Roelofs' with the idea of reopening negotiations for a lease agreement. Mr. Roelof told him that he now has about \$9,000 invested in fencing the parking lot. Mr. Roelof has proposed three different scenarios under which the City can elect to enter into an agreement with him for use of the parking lot; in the first scenario the city could rent the parking lot for \$245 per month, or \$2,940 per year for a period of 10 years. In the second the City could purchase the parking lot for \$50,000 and Roelof would finance the deal for 30 years at 8% interest or \$4,500 per year. In the third scenario the city would purchase the parking lot and the building that the bike shop is in for \$200,000 at 4.5% interest with payments in the amount of \$1,013 per month. In this arrangement the City would then be able to collect rents from the tenants of the property equaling \$1,040 per month.

Commissioner Yingling said that they had previously been told that they could lease the parking lot from him, but that he could then turn around and sell it on them. They received bad information.

Commissioner Nicolow asked what the property tax on the property is.

Acting Mayor Allen said that he has asked City Clerk Miner to prepare a comparative analysis on the property to help them determine its worth and what rent on it should be.

Commissioner Kissinger entered this meeting of the Galesburg City Council at 9:00 P.M.

e. Request from Rich Rosenberger for reduction in Water & Sewer Connection Fee

Acting Mayor Allen, speaking to Commissioner Nicolow, said that there had been some discussion last week about a meeting between the Commissioner and Mr. Rosenberger. Since all Council members were advised not to speak with Mr. Rosenberger because of his impending lawsuit against the City, this meeting should not have taken place.

Commissioner Nicolow answered that the meeting did not take place. He canceled it. He personally feels there has been a pissing contest going on for months now. He had scheduled a meeting with Rosenberger because he wants to see him grow, not go, but on the advice of the Attorney he canceled that meeting and did not have any discussions with him. However, the City cannot just keep walking away from this issue.

Acting Mayor Allen said no one is walking away. We are doing what the Attorney has advised us to do. Our Attorney is paid a lot of money to advise us as to what to do. He spoke with a State Police Officer a couple of weeks ago, and he knows that Commissioner Nicolow did as well. He hopes not to have to go through that again.

Commissioner Nicolow said that he does not need the hassle of a police officer drilling him for two hours because he is trying to do his job. He canceled the meeting with Rosenberger and no information was ever relayed in their conversations.

Acting Mayor Allen distributed copies of a letter from the City Clerk to Commissioners and to Mr. Rosenberger. In the letter the Clerk proposes 4 different options to Mr. Rosenberger under which the Council can consider a further reduction in fees.

Rich Rosenberger distributed a packet of information to Council members and explained the information he passed out. He said that he purchased the remaining lots left in the Morhouse development. He knew what the costs were at that time and has been paying them. The fees were \$500 after that time, he purchased the remaining vacant land and planted 18,000 trees in there. These trees will be given away to Boy Scouts or other groups. He was asked by the School District to purchase their old building in downtown Galesburg to help them with abatement. These buildings were in terrible condition when he purchased them. They were an eyesore to the community and kids were breaking into the buildings. There were broken windows, drain pipes and drain fields, you name it. He spent over \$200,000 in demolition and asbestos abatement. He is going back in there to knock down the remaining piles and mow the weeds. He had planned to use some of the remaining piles to fill in the holes with an earth mover, but will get them knocked down instead if that is what the City wants. He has never had anything negative come about because of his developments. He was planning on 50 plus units at the school property, plus an additional 150 more houses at his other development. The issue he is here to deal with is the water and sewer connection fees. This Council needs to address the issue of the \$2,700 increase in these fees. He asks them to make a decision tonight, by rolling back the increase in these fees. He stated that the City cannot legally charge the rate they are charging. He wants the fee rolled back to \$600 for water and sewer both. He is willing to pay for all engineering costs, all legal costs and the \$600 total on water/sewer connection fees combined as long as the engineering and legal fees charged to him are reasonable. These are costs he pays anyway. He has always stated that he is responsible for the costs of his infrastructure.

Clerk Miner asked Mr. Rosenberger to clarify what costs he is stating that he will take responsibility for. Is he

referring to the costs billed to the City for the water and sewer line infrastructure that is laid under the roads prior to road construction and prior to connection of water and sewer lines to any home? The City will incur considerable cost for development of that infrastructure. Those costs include; an engineer's time to examine and evaluate blueprints, an engineering technicians time spent in the field every day of infrastructure installation to map out the locations of each and every connection and water and sewer line, the cost of equipment for soil density testing, vehicle charges, mileage charges and legal fees.

Mr. Rosenberger stated that those are costs that he assumes when he builds a development. He never expected the City to pay for the costs of his infrastructure. He has stated all along that he will pay all of those costs himself. Clerk Miner explained that when he stated that he would pay for his own infrastructure, they took him at his word. The infrastructure that is described above is not his, it is the Cities. They are contracted with the engineering firm, they are responsible for any future maintenance and repair and this portion of the infrastructure belongs to them. So, the City has never been aware that Mr. Rosenberger was intending to pay for these things. This is new to them. However, even with him paying for the water/sewer main infrastructure development, the City will still incur costs higher than the \$600 he proposes to pay per household for connection of each individual home.

Mr. Rosenberger reiterated that he is willing to assume responsibility for all of these costs, so long as they are reasonable. This is his expense to bear.

Commissioner Jackson asked Mr. Rosenberger the dollar amount he is willing to pay to arrive at an agreement. Mr. Rosenberger said \$600. That, he stated, is more than enough to cover the city's costs.

Rich Rosenberger asked the City Council to be patient with him in enforcing the nuisance and weed abatement letter that he recently received. He had intended to have this all taken care of at the inception of the construction phase, but the fight with the City over the connection fees has delayed construction. He does not want to have to do things twice.

Clerk Miner responded that the City cannot rescind the notice of violation that he received.

Commissioner Yingling asked Mr. Rosenberger to come to the table to negotiate fairly with the City. He knows, as does she, that you have to spend money to make money. She urged him to propose a fair fee that the City could accept.

Mr. Rosenberger said the highest he would go is \$800.

Clerk Miner told Commissioners that is still not enough money to cover their costs.

Commissioner Kissinger asked Mr. Rosenberger if he could afford to pay \$1,000 in connection fees. Mr. Rosenberger said maybe, he would need to go over his figures again to be sure.

Acting Mayor Allen asked Mr. Rosenberger to review his figures and get back with the Council.

Commissioner Jackson said they would like an answer from Mr. Rosenberger tomorrow.

Acting Mayor Allen asked Mr. Rosenberger to review their proposal and give them a response Tuesday.

Commissioner Nicolow stated, for the record that he is a licensed financial advisor for Lake View Schools, which has no financial involvement of any kind with the City of Galesburg. Also, he has a key to the home of Edward Gladysz in his capacity as a friend and neighbor, he is no longer a realtor.

X. OLD BUSINESS

There was no old business.

XI. COUNCIL COMMENT

There were no comments by Commissioners.

XII. ADJOURNMENT

Motion by Commissioner Kissinger, supported by Commissioner Jackson to adjourn.

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

NAYS: None

ABSENT: None

Meeting adjourned at 9:45 P.M.

Respectfully Submitted,

Debbie Miner, CMC
City Clerk