

**MINUTES OF REGULAR SCHEDULED  
JOINT MEETING  
GALESBURG CITY COUNCIL AND  
CHARLESTON TOWNSHIP  
BOARD OF TRUSTEES  
APRIL 7, 2008; 7:00 P.M.  
COUNCIL CHAMBERS,  
GALESBURG CITY HALL  
200 E. MICHIGAN AVE.  
GALESBURG, MI**

**GALESBURG**

200 E. Michigan Avenue  
Galesburg, Michigan 49053  
Phone: (269) 665-7000  
Fax: (269) 665-4541

**I. CALL TO ORDER**

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

PRESENT: Galesburg Councilmembers Doxey,  
Jackson, Kissinger, Nicolow, VanNess,  
Yingling, Allen

Charleston Township Trustees Bell,  
Hiestand, Samson, Balkema, Schug

ABSENT: None

**II. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Allen.

**III. COMMUNITY COMMENT**

Diane Diller of 365 Burgess Dr. said that Galesburg Congregational Church is hosting a group of student volunteers from Tillers International who will be in town to work with local farmers and will be housed at the Church. There are restroom facilities available to them there, but no bathing accommodations. She requested that she be allowed possession of the keys to the restrooms to the Community Park so that the students will be able to make use of the showers after their volunteer work on local farms.

Motion by Councilmember Nicolow, supported by Councilmember Kissinger that Mrs. Diller and her group of students from Tiller's International be loaned keys to the restrooms in Galesburg Community Park.

Motion carried unanimously.

Mike Minne of 10154 E. M/N Ave. said that he is here tonight looking for permission to start an outdoor flea market on the Taylor Lumber property, which is now owned by the Clancy Brothers. They are hoping to branch out into holding monthly auction sales there one Saturday per month and eventually to be able to get the building opened up and approved for indoor sales during the winter. Their proposed Flea Market would be open on Saturdays and Sundays from May through October.

City Clerk Miner informed Councilmembers that Mr. Minne has reduced his request to writing and it is on the agenda under communications.

Garry Henson of 1095 N. 37<sup>th</sup> St. asked about the status of the Blank property. He is aware that this property went up for tax sale on March 31, 2008 and was sold by the State. His question is does the parcel that was sold by the State include the property to the east? There are a lot of junk vehicles out there on that portion of the property that he believes is not part of the court order and he wants to know what is being done about it. The City should be enforcing its ordinance.

City Attorney Soltis suggested that a citation be issued to Mrs. Blank, the owner of the property.

**IV. READING AND APPROVAL OF COUNCIL MINUTES**

Motion by Councilmember Kissinger, supported by Councilmember Jackson to approve the minutes of March 17, 2008 as submitted.

Motion carried unanimously.

**V. CORRESPONDENCE**

1. Letter from the Kalamazoo County Transportation Authority providing notice of the merger of all public transportation in Kalamazoo County under the auspices of the Kalamazoo County Transportation Authority beginning January 1, 2009, and requesting time on the April 21, 2008 Agenda for the purpose of addressing the transit needs of Galesburg.

**RECEIVED AND PLACED ON FILE**

2. Letter from the Galesburg Lioness Club requesting permission to hold their "White Cane Sale" April 25-26, 2008 at various locations in Galesburg, and permission for their Annual Flower Sale on May 10<sup>th</sup> on the grounds at National City Bank.

Motion by Councilmember Kissinger, supported by Councilmember Jackson to approve the request of the



Lioness Club for the White Cane Sale April 25-26, 2008 and for their Annual Flower Sale on May 10<sup>th</sup>.

Motion approved by the following vote:

YEAS: Councilmembers Doxey, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

3. Application for appointment to the Downtown Development Association filed by Kathleen Fett of 5323 Lynhill in Portage.

Motion by Councilmember Nicolow, supported by Councilmember Yingling to appoint Kathleen Fett to the Galesburg Downtown Development Authority to fill the position vacated by Kirsten Davidson for a Term to Expire June 30, 2008.

Motion approved by the following vote:

YEAS: Councilmembers Doxey, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

4. Letter from Mike Minne requesting permission for development of a "Flea Market" at the Taylor Lumber property.

#### REFERRED TO THE PLANNING COMMISSION

5. Letter from the Kalamazoo County Parks Department announcing the development of a new Park and Recreation Master Plan and public workshops to identify issues and establish goals to be held on Thursday, April 17 at 7:00 P.M. and Friday, April 18 at 10:00 A.M. in Room B at the Kalamazoo County Expo Center & Fairground located at 2900 Lake Street, Kalamazoo, MI

#### RECEIVED AND PLACED ON FILE

6. Application for waiver of fees for the rental of the Community Park by Kathleen Kline for the Preschool Picnic to be held on May 22<sup>nd</sup>.

Motion by Councilmember Kissinger, supported by Councilmember Jackson to approve the request to waive the fees for the rental of the Community Park for the Preschool Picnic to be held May 22, 2008.

Motion approved by the following vote:

YEAS: Councilmembers Doxey, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

7. Letter from the Galesburg Business & Community Association providing notice that they will no longer provide monetary contributions to Greater Galesburg Day, nor will they continue to sponsor the fireworks.

#### RECEIVED AND PLACED ON FILE

8. Letter from Patrick Couch, Assessor, requesting payment to the Board of Review for: Their attendance at training sessions in Lawrence MI on February 14 and for three days of attendance at Board of Review Meetings totaling 16 hours for BOR Members Carpenter, Howard and Diller.

Mayor Allen stated that since the Council has previously approved payment for the BOR classes, it follows that payment for the time they spent in class was also approved. As for the BOR meetings, this is a function of payroll.

#### VI. PUBLIC HEARINGS

There were no scheduled public hearings.

#### VII. ACTION ITEMS

- A. Joint Meeting with Charleston Township Board of Trustees;

1. Galesburg Charleston Joint Fire Authority Budget for 2008/09

Garry Henson, Galesburg Charleston Fire Chief said that this budget was a hurry up job. He needed to get it in to the Township a.s.a.p. The City of Galesburg received their budget in the form of a column of handwritten figures added to a copy of last year's budget. This was not ready for submission yet, but they went ahead and submitted it anyway at the request of the Township. They submitted in the budget a request for capital outlay equipment for the replacement of turnout gear, which they are trying to keep in good shape. They are not replacing all of the pairs, just the oldest ones.

Charleston Township Supervisor Bell asked Chief Henson about the plan for the purchase of turnout gear and the ability to anticipate the cost for capital outlay equipment expenses included in their budget.

Chief Henson said that their budget goes into effect in July and they do not order the new turnout gear until they are 2-3 months into the budget. This year they need new lights, they are using old, out of date lights.

Mayor Allen said that the joint fire board agreement specifies that any expenditure of \$5,000 or more, not already in the budget must be approved by both municipalities.



Attorney Soltis said there are three situations here. The fire board can not make an expenditure of \$5,000 or more without the consent of both municipalities, or of any purchase unless it has been approved in the budget. If it is not approved in the budget it must be approved by both municipalities regardless of the amount.

Councilmember Jackson spoke regarding the Kalamazoo Police and Fire Training Tower, saying that at one time he heard from the Fire Board and the Fire Chief that they did not feel the charter membership in this fire training facility was needed.

Chief Henson said that the Fire Board approved participation in the facility about two years ago. It was presented to both Municipalities one and one half years ago. If the question is, do we get good training now? The answer is yes; of course we are a very progressive department in terms of training. Life will not end without charter membership in this training facility, however, the training tower has evolved about 100% from when it was proposed, to become a state of the art facility. Marty Meyer of the City of Kalamazoo has worked his tail off to turn this into a top notch training center.

Councilmember Nicolow asked for clarification of the Police portion of the training facility. It is his understanding that this tower has nothing to do with sending our police officers for their qualifications. Also, he asked what value this 5 story training facility would have to Galesburg when the City does not have any buildings of that size.

Councilmember Jackson stated that it is his understanding that the City could still use the facility on a pay as you go basis. He still has reservations about the City's need for membership in this facility.

Mayor Allen asked for a motion to move item X. A., listed on the agenda under Old business, up to this juncture of the meeting.

Motion by Councilmember Kissinger, supported by Councilmember Jackson to move the presentation regarding the Kalamazoo Police & Fire Training Tower by Marty Meyer up to this point of the meeting.

Motion approved by the following vote:

YEAS: Councilmembers Doxey, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

#### **Kalamazoo Police & Fire Training Tower Presentation – Marty Meyer;**

Mr. Meyer displayed a mock up of the training facility. Construction on the facility began one month ago. The foundation is in and the trees have all been cleared for the driving range. The agreement under consideration is

for use 10 days per year for a period of 10 years, constituting 30 days of use. This is a 5 story fire training tower, driving range and fire arms range if the project goes forward. Almost everyone is on board with the project now. The Fire Training Tower construction begins April 14 and will take about 10 weeks. Contracts with Attorneys have been negotiated. They will provide the training for you, or you can provide your own. They will train your trainers for you so you can do your own training if you wish. They are receiving cooperation from the community across the board. There are banks and restaurants on board and they are selling bricks at \$100 per brick, or \$250 to dedicate a brick to an individual.

Councilmember Yingling said she has been told that this agreement only covers the use of the fire tower and that it does not speak to the use of the shooting range, or driving range by the Police Department.

Mr. Meyer said that is an incorrect statement.

Attorney Soltis pointed to the clause in the contract that says funding for the Police training facilities would be at an additional cost.

Mr. Meyer stated that they are following the same schedule that is in place for other shooting ranges right now.

Chief Mau said that the City of Galesburg pays nothing right now, we are under the umbrella of the County contract.

Attorney Soltis said that the contract indicates that those municipalities that have police departments will be asked to participate in the funding. Those who do so will not have to pay the usual fee that those who do not participate will have to pay. This is set forth in section E-3.

Supervisor Bell said that his reading is that if you participate as a charter member you do not fall under this requirement, the other thing is that there is no limitation on when those days of usage are used. He asked if the language on page 5 is used to intend that for multiple charter members, such as Galesburg Charleston Fire Department, they would have use of the entire facility for the fee that one participating municipality pays?

Mr. Meyer responded in the affirmative.

Supervisor Bell continued, after the allotted days have been used by a charter member, they will pay \$200 per each additional day. What is the fee that will be levied after 2009? \$1,000 per day?

Mr. Meyer said that the City may increase the fee to not more than \$300 per day.



Attorney Soltis added, but not until the City has received permission from the Advisory Committee on the matter. One of the things that Attorneys have tried to do in regard to this project is to have uniform agreements. The agreement as presented to Galesburg contains differences from other contracts. The Parchment agreement has sentences that the Galesburg Agreement does not contain. The provisions contained on page 5 differ in the Galesburg Agreement from agreements provided to other cities in that #12 on page 5 states that Charter Members may use the training center in phase 2 free of charge, and in #16 the deadline for the center to be fully operational is 2010 in other contracts, but 2011 in the Galesburg contract.

Mr. Meyer said that initially, the fire arms range was a "pie in the sky" that would come further down the line, with the driving range. It is only recently that they began to consider completing the fire arms range in this phase. This would be a benefit to the smaller areas, but would be something that the City of Kalamazoo would have to take care of. Right now the range is 50 yards. The fire tower has burn rooms on the first floor, second floor, fourth floor and sixth floor. They are not saying that anyone has to use these, just that this will be one of the best facilities in the State of Michigan, available for anyone to use who wants to use it. Everyone will be able to train at a state of the art facility if they want to.

Supervisor Bell said that given the investment into the facility, and the minimal cost to participate, this seems like the thing to do. The issue of some of the amenities not suiting our needs, and therefore not having value, is not the way to look at it. This contract offers us the opportunity for us to use this facility over 10 years at a very reasonable rate.

Councilmember Yingling asked what the Firefighters want. Do they want to use this training tower?

Chief Henson said yes, they do. The Fire Department currently uses the Richland Drivers Training course. This facility will have a driving simulator. The entire facility has really evolved since its inception.

Marty Meyer said that they will have a place for training for tanker fires, car fires, K-9 agility training, collapsed building training, enclosed building training, a crime lab for police officers to work on techniques for pulling up in their cruiser and being in the line of gun fire. The project continues to evolve as they go along. They have received grant money from the Department of Justice for this complex which will consist of at least 5 buildings.

Councilmember Kissinger asked if they will have a place for extractions.

Marty Meyers said that they will have a scenario simulating passengers being trapped in their vehicle. Departments will come out and train on extrication of victims from overturned cars. They will also have water

rescue training and are looking at using excess equipment in the exercises so that Departments do not break their equipment in the training exercises causing further expense to the municipality. Construction Systems Management (CSM) is their project manager.

Trustee Hiestand said that he has seen this presentation from Mary Meyer a number of times now and he feels that this is a good step forward for the community and he would like to see the City support it if they possibly can.

Councilmember Yingling spoke in support of the charter membership in the police and fire training facility if the Fire Department would derive benefit from it.

Trustee Hiestand said that the fire fighters are excited about being able to train in the collapsed and confined space rooms because they are currently unable to perform these kind of maneuvers. They can also benefit from the extraction training with will prove very valuable to them.

Councilmember Jackson said that a lot of the questions that he had were answered by this presentation. He is grateful that Mr. Meyer was here tonight to clear up the confusions surrounding this proposal.

Councilmember Kissinger said that he likes the idea of being able to do water rescue training at the facility.

Motion by Councilmember Yingling, supported by Councilmember Nicolow to place an affirmative roll call vote on the contract between the City of Galesburg and the City of Kalamazoo for Charter Membership in the Police and Fire Training Tower with an annual payment amount of \$1,250 per year for four years, beginning July 2008, providing that the contracts for Galesburg and Charleston are corrected to match the contracts signed by other municipalities.

Motion approved by the following vote:

YEAS: Councilmembers Doxey, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

## 2. Galesburg Grant Policy

City Attorney Soltis reviewed the resolution establishing the Galesburg Grant policy. This resolution sets forth a procedure requiring that grant applications be approved by the City Council before they are submitted and contained in the Budget of the department applying for the grant. It also requires City Council approval of acceptance of grant awards. Attorney Soltis opined that since the resolution calls for grant applications to be included in the budget, he does not see any conflicting provisions between this resolution and the Joint Fire Authority Agreement.



City Clerk Miner pointed out that this resolution applies to all City agencies, not just the Fire Department. It is applicable to the Library, the Museum, the Fire Department and the DDA. The objective is to allow the City to plan proactively for future expenditures within its own budgeting process. Each time a grant is awarded and an item is purchased with grant funding, the City is committed to maintenance of that item, which creates financial liability. The City wants to be able to budget for grant matching funds and the expense of maintenance of grant award items. And, it wants to be able to share its financial resources evenly with all departments.

Fire Chief Henson said that he feels this grant application process will place too many constraints upon him in the grant writing process. It will require him to budget for matching funds for grants that the Fire Department may never be awarded, and will become an additional burden in applying for grants. This has never been a problem in the past. The City has always approved the receipt of grants that the Fire Department is awarded. This worked in the past and should continue to work.

City Clerk Miner assured Chief Henson that it is not the intent of the Council to burden the Fire Department, however, the Chief knows and plans in advance for grant applications. He knows which gear is getting old and needs to be replaced, probably years in advance. The City is merely asking that he includes those contingencies in his annual budget and submits applications to Council when he fills them out, so that they can be approved before they are submitted. This will allow the City to budget for the matching funds it must supply to the Fire Department, as well as for the upkeep of the object of the grant. It is only a matter of printing the application twice when he completes it so that one copy can go to the City for approval before it is submitted.

Supervisor Bell noted that the City's new Clerk may have a different approach to the conduct of some business, and it may just take a little time to adjustment to it.

#### B. Resolutions for Action;

##### 1. Authorizing Little League Agreement

**RESOLUTION #04072008-02  
CITY OF GALESBURG  
COUNTY OF KALAMAZOO, MICHIGAN  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
GALESBURG**

At a regularly scheduled meeting of the Galesburg City Council held on Monday, April 7, 2008, at 7:00 P.M. with Councilmembers Allen, Doxey, Jackson, Kissinger, VanNess and Yingling present, and Councilmember Nicolow Absent the following resolution was offered by Councilmember Nicolow, and supported by Councilmember Jackson:

**WHEREAS**, the City Clerk has received application from Tim Wilson of the Galesburg Augusta Little League for the use of Ike Payne Park for their Youth Baseball & Softball Games from April 17<sup>th</sup> through June 20<sup>th</sup>, 2008 at a reduced rate of \$5.00 per day for 50 days for a total rental fee of \$250.00; and

**WHEREAS**, Resolution #010708-5 established a contractual rate of \$600 for youth sports that use the park for large or continual blocks of time, paid in advance of the first annual event; and

**WHEREAS**, the request by the Galesburg Augusta Little League for the use of Ike Payne Park for 50 days @ \$5.00 per day for a total of \$250.00 would require a waiver of \$350.00 in fees for contractual use of the park by the Galesburg City Council.

**NOW, THEREFORE BE IT RESOLVED** the City Council of the City of Galesburg hereby waives the customary fee for the use of Ike Payne Park by the Galesburg Augusta Little League and agrees to accept the payment of \$250.00 as payment in full on the contractual agreement for use of the park.

Motion by Councilmember Kissinger, supported by Councilmember Jackson to approve the resolution authorizing an agreement between the City of Galesburg and the Galesburg Augusta Little League for the use of Ike Payne Park for youth sports.

Motion approved by the following vote:

YEAS: Councilmembers Doxey, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

#### 2. Water Rate Increase

**RESOLUTION #04072008-03  
AUTHORIZING INCREASE IN RATES  
TO USERS OF THE  
CITY OF GALESBURG WATER/SEWER UTILITY  
SYSTEM  
CITY OF GALESBURG, KALAMAZOO COUNTY,  
MICHIGAN**

At a regularly scheduled meeting of the Galesburg City Council held on Monday, April 7, 2008, at 7:00 P.M. with Councilmembers Allen, Doxey, Jackson, Kissinger, VanNess and Yingling present, and Councilmember Nicolow Absent the following resolution was offered by Councilmember Nicolow, and supported by Councilmember Jackson:

**Whereas**, the City of Galesburg embarked on a Water System Improvement project involving replacement of the City's Water Tower and improvements to the Water Utility System; and



**Whereas**, the State of Michigan provided the City with a rate schedule in association with it's Drinking Water Revolving Fund (DWRF) project that provided for increases in water rates to allow the City to maintain the

system and proactively plan and prepare for further improvements to the system; and

**Whereas**, as a part of the scheduled water rate increases, and in order to meet the target rate identified by the State the City must increase it's water rate by .46/unit; and

**Whereas**, it is the desire of the City Council to minimize the impact of the increase in water rates on the household budgets of City Residents, allowing them to experience the rate increase on a gradual basis.

**Now therefore be it resolved**, that the City Council hereby authorizes an increase in water rates by .23/per unit as of the June 2008 quarterly water billing, with a corresponding increase of .23/per unit as of the September 2008 quarterly water billing.

Motion by Councilmember Kissinger, supported by Councilmember VanNess to place an affirmative roll call vote on the resolution.

YEAS: Councilmembers Doxey, Kissinger, VanNess, Yingling, Allen

NAYS: Councilmembers Jackson, Nicolow

ABSENT: None

## **VIII. REPORTS OF OFFICERS & BOARDS**

### **a. Accounts payable**

Motion by Councilmember Kissinger, supported by Councilmember Jackson, to approve the payment of bills in the amount of \$9,936.71.

Motion approved by the following vote:

YEAS: Councilmembers Doxey, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

### **b. Department of Public Works**

Supervisor Wilson told Councilmembers that the old water tower is coming down the first week of May. This is a tentative date. The demolition will be conducted by the Isler Company.

## **d. Police Department**

Chief Mau reported to Council that Officer Crawford is on duty. They are still working on the update of the computer in the old police cruiser, but new ones

are available for \$100 more than the cost of the update.

He reported calling the Michigan Department of Transportation at Mayor Allen's request to discuss arrangements for the closure of Michigan Ave. on Greater Galesburg Day for the parade. The working plan is that they will leave M-96 open until the parade gets up to Burgess Drive and then shut it down at that point. They may have to reroute down McBeth if Burgess is closed for the drain replacement.

Motion by Councilmember Jackson, supported by Councilmember Kissinger to approve the police report.

Motion approved by the following vote:

YEAS: Councilmembers Doxey, Kissinger, VanNess, Yingling, Allen

NAYS: None

## **e. Minutes of City Boards & Commissions;**

- Galesburg Charleston Joint Fire Authority Minutes of February 20, 2008

RECEIVED AND PLACED ON FILE

- Galesburg Memorial Library Minutes of February 26, 2008 and Library Report

RECEIVED AND PLACED ON FILE

- Galesburg Historical Museum Minutes of January 16 and February 20, 2008

RECEIVED AND PLACED ON FILE

## **IX. NEW BUSINESS**

## **X. OLD BUSINESS**



- A. Kalamazoo Police & Fire Training Tower Presentation; Marty Meyer

SEE PAGE #2516

- B. Tabled Item; Resolution Approving Personnel Policies and Procedures as amended at the March 3, 2008 City Council Meeting

A PERSONNEL COMMITTEE MEETING WAS SCHEDULED FOR APRIL 21, 2008 AT 6:00 P.M. FOR REVIEW

## **XI. COUNCIL COMMENT**

Councilmember Nicolow asked DPW Supervisor Wilson about a situation with the sidewalk in front of the store named "Images" downtown. There is a piece of steel sticking up out of the sidewalk over there that is a safety concern. He asked DPW to look into it and see if it can be bent back into place.

Councilmember VanNess thanked the Fire Department for their response and handling of his mother. He expressed his appreciation to everyone for their cards and letters of support and to City Hall staff for the flowers they sent.

Councilmember Kissinger thanked his Colleagues, Councilmembers Doxey, Nicolow and Allen, along with DDA Chair Linda Carlton for the great night they had at the tribute to the High School Girls Basketball team honoring their championship season.

Councilmember Jackson asked Attorney Soltis where the City stands with the engineering contract.

Mr. Soltis said that there are some problems with the contract, specifically with the language that deals with liability if something goes wrong with work that is done by the engineering firm. They limit their responsibility to the amount that they billed for the job, not to any resulting liability or the cost of replacement. We seem to be going along pretty well right now without a contract. We can continue to do that or we can sit down with them and negotiate a contract that he can approve of. He reminded Councilmembers that in terms of the provision of services the lowest bid does not always equal the best bid. If you hire the lowest bidder, then you get what you pay for. It may take some people 15 minutes to sit down and read 3 pages and comprehend what they read, while it may take some others 3 hours to read the same pieces of paper. In the first instance you would have been billed for 15 minutes, in the second you would have been billed for 3 hours.

Mayor Allen asked the Attorney, in the absence of a contract between the City and the Engineering firm, are they obliged to pay any potential damages at a reasonable and customary rate?

Attorney Soltis said that in the absence of a contract their liability is whatever the damages are under the law.

## **XII. ADJOURNMENT**

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

Motion carried unanimously.

Meeting adjourned at 9:40 P.M.

Respectfully submitted

Debbie Miner, CMC  
City Clerk, CFO