

**MINUTES OF REGULAR SESSION
GALESBURG CITY COUNCIL
MAY 19, 2008; 7:00 P.M.
COUNCIL CHAMBERS,
GALESBURG CITY HALL
200 E. MICHIGAN AVE.
GALESBURG, MI**

GALESBURG
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Galesburg, Michigan 49053
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I. CALL TO ORDER

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

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

ABSENT: None

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Allen.

III. COMMUNITY COMMENT

Morris Carnes of 115 Fullerton said that the yard across the street from him has grass a foot high. He also has a problem with junk cars at the house next door.

Chief Mau reported that Officer Thompson checked on that matter. His information is that one of the cars was being driven, but he will follow up.

Dale Hein, Project Manager for Kalamazoo County Transportation Authority said he thought he was to have been listed on the Agenda.

Motion by Councilmember Nicolow, supported by Councilmember Kissinger to amend the agenda to add a presentation by the Kalamazoo County Transportation Authority.

Motion carried unanimously.

Mr. Hein said that he, along with his colleagues Paul Ecklund and Diane Kempen are traveling around the district talking to boards and commissions regarding public transportation and what it does. They are now supporting County wide transit.

He introduced Paul Ecklund, KCTA Board Member, who told Councilmembers that the County Transit Authority will not be in full swing until January 2009. They have been in a transition stage since January 2007. In the past they have operated two separate systems, but the new County wide transit authority was passed in 2005 and the two old systems merged. They are currently in

the process of putting all of the requisites together to bring the new county wide transit system online by this coming January.

Diane Kempen, KCTA Board Member said they work with Kalamazoo County Human Services to provide rides for residents who need to get to medical appointments and personal appointments alike. They are engaged in talking to communities in an attempt to measure the need they have for transit services. These services are available to everyone, with priority given to medical needs. They will put a community plan together to provide transportation services County wide. They also have a metro van and community van services. One of their vans goes through Galesburg every week. Through their currently expanding services this van is available to all county residents.

Councilmember Nicolow asked who residents should contact about the buses that currently go through Galesburg.

Mr. Ecklund said these buses are operated by the county wide metro authority. All routes have been expanded out to the City of Portage. Local units of government can contract with KCTA to provide services to their communities. Under the current millage of .45 mills those costs are covered. This millage rate was approved for the first 2 years. The millage rate for the upcoming year is .38 mills. People who need rides can call 384-8114 to speak with a project manager. He urged interested parties to log onto KCTA.ORG to give their suggestions, requests and ideas.

Linda Carlton thanked the DPW staff for hanging the flower baskets around town, they look very nice.

IV. READING AND APPROVAL OF COUNCIL MINUTES

Motion by Councilmember Kissinger, supported by Councilmember Jackson to approve the minutes of May 5, 2008 as submitted.

Motion carried unanimously.

V. CORRESPONDENCE

1. Request for recognition of Non-Profit Status for Friends of the Galesburg Library

Motion by Councilmember Nicolow, supported by Councilmember Kissinger to approve the resolution for recognition of non profit status for friends of the Library.

Motion approved by the following vote:

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

NAYS: None

2. Letter from Franklin Bowers of 6326 S. 34th St. in Kalamazoo requesting permission to remove two evergreen yews in the Oak Grove Cemetery

REFERRED TO THE DEPARTMENT OF PUBLIC WORKS SUPERVISOR

3. Letter from Comcast Cable providing information regarding their Basic Services Tier for digital television

RECEIVED AND PLACED ON FILE

4. Letter from Kalamazoo County Health & Community Services submitting the quarterly report for their Methamphetamine program

RECEIVED AND PLACED ON FILE

5. Letter from Almetek Industries, Inc. of 2 Joy Dr. in Hackettstown, NJ regarding the necessity of marking storm drains

RECEIVED AND PLACED ON FILE

6. Notice from the Michigan Legislature Legislative Service Bureau of the availability of their 2007-08 Michigan Manual, State Government Yearbook

RECEIVED AND PLACED ON FILE

7. Notice from the State of Michigan Public Service Commission of a hearing for the customers of Consumers Energy Company Case #U-15001-R

RECEIVED AND PLACED ON FILE

8. Letter from Fleis & Vandenbrink Engineering, Inc. submitting the Stormwater Phase II MS4 2007 Annual Report for the City of Galesburg

RECEIVED AND PLACED ON FILE

VI. PUBLIC HEARINGS

- A. In consideration of the City of Galesburg Proposed Budget for Fiscal Year 2008/2009, Including Operating and Capital Improvements, Proposed Property Tax Millage Rates and Truth in Taxation

There were no speakers for this public hearing.

VII. ACTION ITEMS

There were no action items.

VIII. REPORTS OF OFFICERS & BOARDS

Motion by Councilmember Kissinger, supported by Councilmember Nicolow to amend the agenda by the addition of the Treasurer's Report.

Motion carried unanimously.

a. Accounts payable

Motion by Councilmember Kissinger, supported by Councilmember Jackson to accept the recommendations of the Clerk and authorize payment of the bills in the total amount of \$20,387.18.

Motion approved by the following vote:

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

NAYS: None

c. Treasurer's Report

Motion by Councilmember Kissinger, supported by Councilmember Jackson to accept the Treasurer's Report showing a balance of \$1,530,099.65 in all funds.

Motion approved by the following vote:

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

NAYS: None

b. Department of Public Works

Supervisor Wilson informed Councilmembers that on Tuesday, May 27, 2008 the old water tower is coming down. The demolition company will arrive at 5:30 A.M. and will finish the demo of the tank by 4:00 in the afternoon. The following day, May 28th the crew will arrive to remove the footings, which is a two day process.

He reported taking the first water sample out of the new water main on 35th Street today at 12:00 P.M. They will take another sample tomorrow.

c. Minutes of City Boards & Commissions;

- Galesburg Charleston Joint Fire Authority Minutes of April 14, 2008

RECEIVED AND PLACED ON FILE

- Galesburg Memorial Library Minutes of March 25, 2008

RECEIVED AND PLACED ON FILE

- Galesburg Historical Museum Minutes of March 19, 2008

RECEIVED AND PLACED ON FILE

- Galesburg Business Assn. Minutes of March 19, 2008

RECEIVED AND PLACED ON FILE

IX. NEW BUSINESS

- A. Request from Amanda Spencer regarding a booth at Greater Galesburg Days

Amanda Spencer said that she has an 18 month old son, who is very precious to her and her family. In discussion with her mother Cledith Dowty, they became concerned at the lack of progress made in production of childhood identity kits. It seemed to them that the kits being used did not take advantage of today's technology. So they devised one that does. With their J.A.K.E.S. kit (so named after her son) using swabs you can collect and store saliva from your child's mouth, along with hair strands, fingernails, finger prints, current photographs, date of birth, etc. You place all of these materials into the booklet and storage envelopes provided and if the worst happens you are ready to submit up to date information to the police department. They will sell the packets for \$5.00 per person and would like to be set up in proximity to the Marines to take advantage of their fingerprinting. They are asking for a waiver of the \$35.00 vendor fee in exchange for a donation to the City from each sale that they make. The City could spend the donation in any way it liked.

Motion by Councilmember Kissinger, supported by Councilmember Jackson to waive the \$35.00 vendor fee and to pledge all funds donated by the J.A.K.E.S. sales to civic betterment.

Motion approved by the following vote:

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

NAYS: None

B. Proposal for City of Galesburg Membership in Downtown Business Assn.

Motion by Councilmember Nicolow, supported by Councilmember Doxey to authorize the expenditure of \$50.00 for the City of Galesburg to join the Galesburg Business Assn. and pay for the ad in the business guide.

Motion approved by the following vote:

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

NAYS: None

C. Creation of a Parks Board

Councilmember Kissinger reported speaking with the Constantine Parks and Recreation Department. They have received over \$89,000 in grants during the past 5 years.

DPW Supervisor Wilson cautioned Councilmembers to be mindful that when they appointed the last parks board they appointed 17 members, but by the time they were ready to do construction on Community Park it was down to 3 members. He suggested that they limit the number of appointees to 5.

Mayor Allen asked for a motion to establish a 5 member parks board and open the period for applications through posted notices and advertisements.

The 5 member Board is to be configured as follows;

- 1 City Council Member
- 1 Downtown Development Authority Member
- 1 Galesburg Business Association member
- 2 Galesburg residents or business owners

Motion by Councilmember Kissinger, supported by Councilmember Jackson to establish a 5 member Parks Board under the parameters set forth by the Mayor and to leave the application period open until the first meeting in July.

Motion approved by the following vote:

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

NAYS: None

X. OLD BUSINESS

- A. Tabled Item; City of Galesburg Proposed Budget for Fiscal Year 2008/2009, Including Operating and Capital Improvements, Proposed Property Tax Millage Rates and Truth In Taxation

Motion by Councilmember Jackson, supported by Councilmember Kissinger to raise the 2008/2009 Proposed Budget from the table and place it for consideration at this juncture of the meeting.

Motion approved by the following vote:

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

NAYS: None

City Clerk Miner reviewed the budget requests with Council, highlighting elements that are new to this year, such as the spreading of certain expenses across funds that have historically not borne them, the inclusion of Community Promotions accounts to be utilized by Councilmembers and the motor pool budget which remains out of balance.

XI. COUNCIL COMMENT

Councilmember Jackson spoke regarding the tall grass and weeds ordinance. He would like the City Attorney to explain our ordinance.

City Attorney Soltis explained that he looked at the ordinances from surrounding communities and found that the Galesburg Ordinance carries a much stricter requirement than most. In Galesburg residents whose grass or weeds are 6 inches or higher are subject to violation notices, while in most other communities the height limit is 12 inches.

In regards to the Civil Infraction provisions he is in accordance with the need. No one goes in and cuts grass any longer and then bills for it because it is too expensive and people use the City as a grass mowing service. In other codes they provide for 48 hours notice before the violation is corrected and fines are assessed.

Any municipal ordinance violation can be a civil infraction ordinance. That makes the violation a civil one that does not involve the court system. There is no burden on the City to prove the offense. Many communities operate municipal compliance days. Civil infractions mean fines only, no jail time, however a Judge could still make a finding of contempt. He explained the purpose of a blight ordinance for commercial business districts.

Linda Carlton asked about businesses with exteriors that have been painted at one time that now need to be repainted, can this be included as a violation to be corrected. Mr. Soltis responded in the affirmative.

Attorney Soltis asked Councilmembers if there is a problem with the height that the City currently has in its ordinance. Councilmember Jackson indicated that he would like the height limit to be 10" rather than 6".

Attorney Soltis said that he can get the civil infraction ordinances setting up an infraction bureau in very short order.

Councilmember Jackson asked the Attorney about a property split on the Blank property that the Council was not informed of or involved in.

Mayor Allen directed the City Attorney to look into the matter.

City Attorney Soltis explained that they tried to do a quiet title on the property. They did a check and came up with the names and court order that the property was never combined. It was at this point that the City Clerk ordered the Assessor to split the property.

Councilmember Yingling asked how the Clerk took that authority to order a property split.

Councilmember Jackson asked how the Clerk could order it split. Attorney Soltis responded, I don't know.

Councilmember Yingling said that it bothers her because when she was trying to build down the street the Mayor and the Clerk were looking at her blue prints and making demands that she could not comply with. As a result she was prevented from building in the City because someone took their authority too far and did things they should not have done.

Attorney Soltis recommended to City Council that they let the cleanup of the Blank Property out to bid, accept RFP's and allow the market place to dictate the amounts paid.

Councilmember Jackson asked Chief Mau about yard sale signs. People put them up, but never take them down. He asked the Chief to enforce the ordinance that prohibits placing them on light poles.

Councilmember VanNess congratulated Councilmember Doxey on the award she received from the Galesburg Augusta Community Forum as an Honored Citizen.

Councilmember Doxey said that she has heard through the grapevine about some interest in putting a gazebo up at Shafter Park. She agrees that something like this would be nice for the park. She asked if they are going to take the bushes down behind the park. They need to be removed, they are dead.

Councilmember Kissinger said that he has been talking to Lowes to see if they would be willing to donate the materials.

Mayor Allen suggested that someone contact the Historical Society to see if they can get another bust of General Shafter to be placed over there. He said there are no plans to remove the bushes.

Linda Carlton said that she looks forward to working with the Parks Board.

XII. ADJOURNMENT

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

Motion approved unanimously.

Meeting adjourned at 10:20 P.M.

Respectfully submitted

Debbie Miner, CMC
City Clerk, CFO