

**MINUTES OF REGULAR SESSION  
GALESBURG CITY COUNCIL  
JUNE 2, 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

Motion approved by the following vote:

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

NAYS: None

**RESOLUTION #060208-01  
TRIBUTE TO  
JOE MARTUCH & THE  
MARTUCH VOLUNTEERS  
SHAFTER PARK FENCE BRIGADE**

WHEREAS, the Galesburg City Council was approached by Eagle Scout Candidate, Joe Martuch, with an offer to erect fencing and implement other improvements to Shafter Park on the City's North West side; and

WHEREAS, Shafter Park, commemorating the site of the boyhood home of General Shafter, was donated to the City of Galesburg by Comstock Township and has stood desperately in need of improvements; and

WHEREAS, Scout Martuch undertook to accomplish said improvements in the quest for his Eagle Scout Badge and agreed to perform all of the construction, design and manual labor required to accomplish the improvements; and

WHEREAS, Scout Martuch put together a troop of volunteers to support him in his endeavor, including;

Anna M. Martuch, Tom Martuch, Marj Martuch, David Greenman, Ryan Ball, Ken Ball, Dalton Simmons, Jeff Simmons, Bill Bresson, Rob Wilson, Dylan Bramble, Christopher Woodward, Don Kreinbrins, Tyler Marklin, Luke Slater, Ken Slater, Jacob Maxson, Andrew Zesiger, Steven Martuch, Barb Zesiger, Ben Snow, Taylor Snow and Gary Allen; and

WHEREAS, Joe Martuch and his volunteers did an excellent job of installing fencing and implementing other improvements at Shafter Park, thereby creating a place for all of the residents of Galesburg to enjoy.

**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**

Keith Diller, no address given, stated a complaint about trees blocking the view of oncoming traffic on M-96.

Jason Howard of First National Bank and a member of the Downtown Development Association asked for permission to operate a beer tent in Community Park in conjunction with the DDA Fall Festival.

Motion by Councilmember Nicolow, supported by Councilmember Yingling to authorize the operation of a Beer Tent by the DDA for their Fall Festival on September 20, 2008.

Motion approved by the following vote:

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

NAYS: None

City Clerk Miner reminded Mr. Howard that the requirement for an application to use the park, as well as a rental fee is still in place.

Mr. Howard requested a waiver of the fee for the use of the park for the DDA Fall Festival.

Motion by Councilmember Nicolow, supported by Councilmember Kissinger to waive the fee for rental of Community Park by the DDA on September 20, 2008 for their Fall Festival.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Galesburg sitting in regular session this 2<sup>nd</sup> day of June 2008, hereby thanks Joe Martuch and all of the volunteers for the yeoman's job they did of affecting improvements at Shafter Park, and establishes Monday, June 2, 2008 as Joe Martuch and Friends day in the City of Galesburg.

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

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

NAYS: None

Kay Maxson announced that the Boy Scouts will conduct a Flag Burning Ceremony on June 14, 2008 in Community Park behind City Hall.

Motion by Councilmember Doxey, supported by Councilmember Yingling, to amend the agenda by moving the item listed under new business, presentation by Adam Danapilis regarding 'SWEP' up to the next item of business on the agenda.

Motion approved by the following vote:

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

NAYS: None

#### IV. NEW BUSINESS

A. Adam Danapilis, Special Education Director of Parchment Schools explained the 'SWEP' program, a School to Work Employment Program involving employment of students from the Galesburg, Parchment and Comstock School Districts who perform beautification and cleanup projects within the Community. They propose to bring 8-10 young men and women into Galesburg to perform non-mechanical, labor related work assignments in the City. He has been given a \$20,000 grant award to conduct this program. Their mission is to teach these special needs student's employability skills. The tasks they perform are up to the City. What would the city like to have help doing? Or, they could help businesses in the City. The project in Galesburg will run from June 30, to July 25<sup>th</sup>, encompassing 15 days of work from 8:00 a.m. to 12:00 noon for 60 hours of work or free labor to the City. While providing assistance to the community the students will be learning employment skills and a sense of self empowerment and confidence.

Motion by Councilmember Kissinger, supported by Councilmember Nicolow to accept the offer from Adam Danapilis to participate in the SWEP program 2008 beginning June 30 and running through July 25 and to

commit to the expenditure of funds for the purchase of materials as needed.

Motion approved by the following vote:

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

NAYS: None

#### V. READING AND APPROVAL OF COUNCIL MINUTES

Motion by Councilmember Nicolow, supported by Councilmember Doxey to approve the minutes of May 19, 2008 as submitted.

Motion carried unanimously.

#### VI. CORRESPONDENCE

1. Thank you card from the Galesburg Historical Museum for assistance with fixing the retaining wall at the Museum

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2. Request from Prein & Newhof for waiver of the rental fee for the use of the Community Room for a Townline Drain Meeting on June 12, 2008

Motion by Councilmember Nicolow, supported by Councilmember Kissinger to approve the request for waiver of the rental fee for the use of the Guthrie Community Room for the Townline Drain Meeting on June 12, 2008.

Motion approved by the following vote:

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

NAYS: None

3. Letter from Fleis & Vandenbrink submitting amendment to annual report for NPDES MS4 Permit MIG619000

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4. 911 Fire Dispatch Agreement January 1, 2008 through December 1, 2008

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5. Letter from Robert A. Soltis, Ford Kriekard, Soltis & Wise, P.C. submitting proposed ordinances as follows:

- a. Establishing a Parks Board
- b. Municipal Civil Infraction Ordinance

## c. Blight Ordinance

REFERRED TO THE CITY CLERK FOR REVIEW WITH  
THE CITY ATTORNEY

6. Application for appointment to the Parks Board from  
Keith Diller of 365 Burgess Dr.

HELD FOR FUTURE ACTION PENDING EXPIRATION  
OF DEADLINE FOR PARKS BOARD APPLICATION.

## VII. PUBLIC HEARINGS

There were no scheduled public hearings.

## VIII. ACTION ITEMS

City Clerk Miner asked for a motion scheduling a special  
meeting for June 16, 2008 at 7:00 P.M.

Motion by Councilmember Nicolow, supported by  
Councilmember Kissinger to schedule a special meeting  
for June 16, 2008 for the purpose of conducting a public  
hearing on an increase in property taxes and the City of  
Galesburg Property Tax Levy, along with other items of  
business as identified by the City Clerk.

Motion approved by the following vote:

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

NAYS: None

### A. Resolutions for Adoption;

1. Setting a Public Hearing for June 16, 2008 in  
consideration of the proposed Property Tax Millage  
Rate to be levied on property in the City of Galesburg  
in 2008 and the proposed increase in property taxes

#### **RESOLUTION #060208-02 SETTING PUBLIC HEARING ON INCREASING PROPERTY TAXES**

WHEREAS, the City Council of the City of Galesburg  
has received a proposed budget from the City Clerk, and

WHEREAS, the City of Galesburg is required by law to  
hold a public hearing on a proposed increase of 0.1436  
mills in the operating tax millage rate to be levied on  
property in 2008, and

WHEREAS, the date and location of the meeting to take  
action on the proposed additional millage will be  
announced at this public meeting, and

WHEREAS, if adopted the proposed additional millage  
will increase operating revenues from ad valorem  
property taxes 1.49% over such revenues generated by  
levies permitted without holding a hearing. If the

proposed additional millage rate is not approved, the  
operating revenue will increase by 0.21% over the  
preceding year's operating revenue.

WHEREAS, the taxing unit adopting this resolution and  
identified below has complete authority to establish the  
number of mills to be levied from within its authorized  
millage rate. And

NOW THEREFORE BE IT RESOLVED, that the  
Galesburg City Council will hold a public hearing on the  
proposed increase in operating tax millage rate for FY  
2008/2009 on Monday, June 16, 2008 at 7:00 P.M. in  
the Galesburg City Hall located at 200 E. Michigan Ave.,  
Galesburg MI 49053.

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

Motion approved by the following vote:

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

NAYS: None

#### **RESOLUTION #060208-03 CITY OF GALESBURG LEVY RESOLUTION**

WHEREAS, the Galesburg City Council has received a  
budget for the 2008/2009 Fiscal Year that will  
adequately fund the General Operating Fund and Public  
Safety; and

WHEREAS, the City Council is required by law to  
determine the total taxes required by the 2008-2009  
fiscal year and to certify the approved tax rate to be  
levied and the amount of taxes to be raised by the City  
Treasurer of the City of Galesburg within the time  
provided by law; and

NOW, THEREFORE, BE IT RESOLVED THAT:

A total of 8.118 mills shall be levied in 2008 on all  
property within the City of Galesburg for general  
operating purposes.

A total of 0.9738 mills shall be levied in 2008 on all  
property within the City of Galesburg for extra voted  
public safety purposes.

The City Clerk of the City of Galesburg, or her designee,  
is authorized and directed to certify the tax rate to be  
levied and the amount of taxes to be raised to the City  
Treasurer of the City of Galesburg in the manner and  
time provided by law.

It is hereby certified pursuant to Act 35, 1979 Michigan Public Acts, as amended that the requested millage had been reduced, if necessary, in compliance with Section 31, Article 9 of the State Constitution as amended.

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

Motion approved by the following vote:

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

NAYS: None

2. Approving the application of Donald Rutherford and Mark Scott for Fireworks Display Permit for July 4, 2008 at 176 Fullerton Street

**RESOLUTION #060208-04  
RESOLUTION AUTHORIZING FIREWORKS DISPLAY  
RESOLVED BY THE CITY COUNCIL  
CITY OF GALESBURG, COUNTY OF KALAMAZOO,  
MICHIGAN**

At a regularly scheduled meeting of the Galesburg City Council held on Monday, June 2, 2008, at 7:00 P.M. with Councilmembers Allen, Doxey, Jackson, Kissinger, Nicolow, VanNess and Yingling present, and None Absent, the following resolution was offered by Councilmember , and supported by Councilmember :

**Whereas**, Donald Rutherford and Mark Scott have submitted an application for fireworks display permit for July 4, 2008; and

**Whereas**, the Fireworks Display will take place at 176 Fullerton St. on July 4, 2008 at dusk; and

**Whereas**, the applicants Rutherford and Scott have submitted a copy of their home owners insurance showing personal liability coverage in the amount of \$500,000 for the property listed above; and

**Now therefore be it resolved**, that the Galesburg City Council hereby approves the application for fireworks display permit at 176 Fullerton St. on July 4, 2008 at dusk for a display lasting approximately 30 minutes.

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

Motion approved by the following vote:

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

NAYS: None

ABSENT: None

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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 regularly scheduled meeting held on June 2, 2008, and that the following is a record of the vote of the members of said City Council on said Resolution:

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

NAYS: None

ABSTENTIONS: None

ABSENT: None

3. Appointment of Diane Diller to the Downtown Development Association

**RESOLUTION #060208-05  
RESOLUTION OF APPOINTMENT OF DIANE DILLER  
TO THE CITY OF GALESBURG  
DOWNTOWN DEVELOPMENT AUTHORITY  
RESOLVED BY THE CITY COUNCIL  
CITY OF GALESBURG, COUNTY OF KALAMAZOO,  
MICHIGAN**

At a regularly scheduled meeting of the Galesburg City Council held on Monday, June 2, 2008, at 7:00 P.M. with Councilmembers Allen, Doxey, Jackson, Kissinger, Nicolow, VanNess and Yingling present, and None Absent, the following resolution was offered by Councilmember Nicolow, and supported by Councilmember VanNess;

**Whereas**, on April 11, 2008, Diane Diller of 365 Burgess Dr. in Galesburg submitted an application to the City Clerk for Membership on a City of Galesburg Board or Commission; and

**Whereas**, the Downtown Development Authority has an existing vacancy due to the resignation of Crystal Lobretto; and

**Now therefore be it resolved**, that the Galesburg City Council hereby approves the appointment of Diane Diller to the City of Galesburg Downtown Development Authority for a Term to Expire June 30, 2008.

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

Motion approved by the following vote:

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

NAYS: None

## IX. REPORTS OF OFFICERS & BOARDS

### a. Department of Public Works

DPW Supervisor Wilson said that the work on the 35<sup>th</sup> Street Water Main replacement is complete, the old Water Tower is down and they are working now on getting the footings out.

He reported that he has received drawings from Rambling Trails #2 for his approval on water main construction. He typically reviews these drawings with the City Engineer. Since the City does not currently have a contract with an engineering firm, he is seeking direction from the Council as to where they want him to go. Should he ask Prein & Newhof to review the drawings with him, or should he ask Fleis & Vandenbrink? Discussion ensued regarding the review and approval of the previous drawings in that subdivision. It was agreed that Mr. Wilson will submit the drawings to Prein & Newhof for review.

### b. Police Department

Chief Mau reported that Officer Thompson has accepted a full time position with Prairieville Township Police and will begin working with them on the 9<sup>th</sup> of this Month.

Councilmember Jackson said that if Officer Thompson is leaving the employ of the City of Galesburg by the end of June he would like to take a second look at the applications that were submitted when we advertised the part time position in January before Officer Crawford was hired.

Councilmember Nicolow thanked Mr. Wilson for taking care of the manhole cover situation on Michigan Ave.

Mayor Allen distributed copies of the plat drawing that depicts the Roelof property, formerly leased by the City of Galesburg for use as a parking lot. He stated that for the past several months he has been in negotiations with 2 of the Roelof brothers regarding the use of this lot as a parking lot for the City. Roelof's have agreed to allow the City to lease the property for 10 years for use as a parking lot in exchange for the payment of the property taxes which amount to approximately \$1,039.00 per year, plus an additional amount of \$1,000 per year. They also want the City to pay to have the fence that they installed moved from it's current configuration into a position that would dissect lot 215 and block the north west ¼ off as part of the parking lot. The City would then be responsible for replacing the fence into the previous position at the expiration of the lease period. The amount they are asking for would equal \$20,390.00 over the 10 year lease period.

Councilmember VanNess suggested that the City investigate purchase of the property from the Roelof's.

Motion by Councilmember VanNess, supported by Councilmember Jackson that the City Council support pursuit of a lease agreement with the Roelof's for the parking lot property, and that the City investigate options for the purchase of the property, including estimation of the costs to move the fence and resurfacing & re-striping the parking lot to get it into the appropriate condition for parking.

Motion approved by the following vote:

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

NAYS: None

### e. Minutes of City Boards & Commissions:

- Galesburg Charleston Joint Fire Authority Minutes of May 21, 2008 Regular Meeting

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## X. OLD BUSINESS

There was no old business.

## XI. COUNCIL COMMENT

There was no comment from Councilmembers.

## XII. ADJOURNMENT

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

Motion approved unanimously.

Meeting adjourned at 8:45 P.M.

Respectfully submitted

Debbie Miner, CMC  
City Clerk, CFO