

**MINUTES OF REGULAR SESSION
GALESBURG CITY COUNCIL
JULY 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

Motion carried unanimously.

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

Ann Nieuwenhuis of 5833 E. HJ in Kalamazoo stated that she is a candidate for Kalamazoo County Commission in District 15. She said that Kalamazoo County is the largest bedding plant producer in the U.S. which is something she worked with as the Director of the MSU Extension office. She retired from that post in April 1st and announced her candidacy for the County Commission. She has been endorsed by the Green House Industry. Her particular interests include strategic planning on a regionalized basis between Kalamazoo, Cass, Calhoun, Barry and surrounding counties. She told Councilmembers that 65% of the County's budget goes into the criminal justice system, and another of her interests is revamping of the sentencing procedures for repeat offenders. She favors an approach of "those who do the crime must do the time."

Linda Carlton of the Galesburg Business Assn. and the DDA thanked City Clerk Miner for her help with the Greater Galesburg Day event.

Keith Diller of 365 Burgess thanked the DPW Staff for fixing the washouts from out recent spate of rain storms.

IV. READING AND APPROVAL OF COUNCIL MINUTES

Motion by Councilmember Nicolow, supported by Councilmember Kissinger to approve the minutes of June 2 and June 16 as submitted.

V. CORRESPONDENCE

- a. Letter from Kalamazoo County Health & Community Services Area Agency on Aging IIIA submitting their Area Agency on Aging Annual Implementation Plan for FY 2009.

RECEIVED AND PLACED ON FILE

- b. Letter from Comcast Cable providing notice of and increase in their rates for the Sports & Entertainment Package.

RECEIVED AND PLACED ON FILE

- c. Letter from Marty Meyer submitting an executed copy of the Kalamazoo Regional Police and Fire Training Center User Agreement between the City of Kalamazoo, the City of Galesburg, and Charleston Township.

RECEIVED AND PLACED ON FILE

- d. Letter from Kalamazoo County Drain Commissioner Patrick Krause confirming the arrangements for the County to pay the City of Galesburg's first annual payment for the Townline Drain Assessment.

RECEIVED AND PLACED ON FILE

- e. Application for membership on the Galesburg Downtown Development Association from Wrifton Graham of 125 W. Michigan Ave.

REFERRED TO THE MAYOR

- f. Letter from Kalamazoo County Drain Commissioner Patrick Krause providing notice of a delay in the start of construction on the Townline Drain project. The new projected start date is August 12, 2008.

RECEIVED AND PLACED ON FILE

- g. Letter from the State of Michigan Public Service Commission providing notice of the adoption of ACT 480 of 2006 the Uniform Video Services Local Franchise Act and of their designation to provide implementation of the ACT.

Michigan on third Wednesday of each month at 5:00 P.M.

The Planning Commission meets on the third Thursday of each month at 7:00 P.M. except in June the Planning Commission will meet on the 4th Thursday of the month. Meetings are held in Council Chambers at Galesburg City Hall 200 E. Michigan Ave., Galesburg, Michigan.

The Fire Board meets on the third Wednesday of each month at 7:00 P.M. in Council Chambers at Galesburg City Hall 200 E. Michigan Ave., Galesburg, Michigan.

The Zoning Board of Appeals meets on a hearing basis only.

The Downtown Development Authority meets on the last Wednesday of each month at 7:00 P.M., in Council Chambers at Galesburg City Hall 200 E. Michigan Ave., Galesburg, Michigan.

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

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

NAYS: None

ABSENT: None

**RESOLUTION #070708-02
RESOLVED BY GALESBURG CITY COUNCIL
RESOLUTION SUPPLEMENTAL
APPROPRIATION - LAURELS OF GALESBURG
WATER METER**

Whereas, the City of Galesburg has adopted a budget for Fiscal Year 2008/2009; and

Whereas, the City Council wishes to amend it's adopted budget to include a supplemental appropriation for the Department of Public Works for the purchase of a replacement water meter for the Laurels of Galesburg, an unbudgeted expense.

Now therefore be it resolved, that the Galesburg City Council hereby amends its adopted budget for Fiscal year 2008/2009 to include a supplemental appropriation for the Department of Public Works in the amount of \$2,419.88 for the purchase of a replacement water meter for the Laurels of Galesburg.

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

RECEIVED AND PLACED ON FILE

- h. Letter from Prein & Newhof submitting payment request #15 to CB&I Constructors, Inc. for the DWRP Project.

APPROVED UNDER ACTION ITEMS (SEE RESOLUTION # 070708-03)

VI. PUBLIC HEARINGS

There were no scheduled public hearings.

VII. ACTION ITEMS

**RESOLUTION #070708-01
RESOLVED BY GALESBURG CITY COUNCIL
RESOLUTION ESTABLISHING MEETING
SCHEDULES**

Whereas, the City of Galesburg City Council meets in Council Chambers at Galesburg City Hall, 200 E. Michigan Ave., Galesburg, MI 49053 at 7:00 P.M.; and

Whereas, the City Council wishes to adopt a schedule of their meetings for 2008/2009; and.

Now therefore be it resolved, that the City Galesburg City Council hereby adopts the following schedule of City Council meetings for 2008/2009;

Monday, July 7, 2008	Tuesday, January 20, 2009
Monday, August 4, 2008	Monday, February 2, 2009
Tues., September 2, 2008	Tues., February 17, 2009
Monday, October 6, 2008	Monday, March 2, 2009
Monday, October 20, 2008	Monday, March 16, 2009
Monday, November 3, 2008	Monday, April 6, 2009
Monday, Nov. 17, 2008	Monday, April 20, 2009
Monday, December 1, 2008	Monday, May 4, 2009
Monday, Dec. 15, 2008	Monday, May 18, 2009
Monday, January 5, 2009	Monday, June 1, 2009
Monday, July 6, 2009	

BE it further resolved, that the schedule of meeting for City Boards and Authorities is as follows:

The Galesburg Library Board meets at Galesburg Memorial Library 180 E. Michigan Ave., Galesburg, Michigan on the last Tuesday of each month at 4:30 P.M.

The Galesburg Museum Board meets at the Museum 188 E. Michigan Ave., Galesburg

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

NAYS: None

ABSENT: None

**RESOLUTION #070708-03
RESOLVED BY THE GALESBURG CITY COUNCIL
RESOLUTION**

Whereas, the Galesburg City Council has received information from Prein & Newhof, the engineering firm on the Galesburg DWRP project; and

Whereas, Prein & Newhof Engineering Firm recommends final payment on the contract for Water Supply Improvements to Bender Electric in the amount of \$16,589.74, thereby releasing their claims against the project; and

Whereas, Prein & Newhof Engineering Firm also recommends approval of payment request #15 in the amount of \$12,445.00, and Change Order #3 for CB&I Constructors Inc., contractors for the 500,000 Gallon Elevated Storage Tank for a net change in contract price of \$4,013.50.

Now therefore be it resolved, that the Galesburg City Council hereby approves the request from Prein & Newhof for final payment to Bender Electric and for change order #3 for CB&I Constructors, Inc .

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

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

NAYS: None

ABSENT: None

**RESOLUTION #070708-04
COLA INCREASE FOR CITY OF GALESBURG
EMPLOYEES**

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

WHEREAS, included in that budget was a 2.5% Cost of Living Increase for City Employees; and

WHEREAS, the Personnel Committee received a recommendation from the City Clerk that the 2.5% COLA increase be included in Employees pay retroactive to July 1, 2008, and concurs therein;

NOW, THEREFORE, BE IT RESOLVED THAT:
the Galesburg City Council hereby approves a cost of living increase for City Employees in the amount of 2.5% of their current pay.

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

ABSENT: None

**RESOLUTION #070708-05
RESOLUTION OF APPOINTMENT
CITY ASSESSOR
AND CITY ATTORNEY
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, July 7, 2008, at 7:00 P.M. with Councilmembers Doxey, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen present, and none absent, the following resolution was offered by Councilmember Nicolow, and supported by Councilmember Doxey.

Whereas, the City currently has under contract Robert Soltis as City Attorney, and Ted Gruizenga as City Assessor; and

Whereas, the current City Attorney, Robert Soltis desires to be reappointed as the Galesburg City Attorney; and

Whereas, the current Assessor, Ted Gruizenga has recommended to the City that they appoint his assistant, Patrick Couch as the City Assessor, and Mr. Couch is desirous of accepting said appointment.

Now therefore be it resolved, that the Galesburg City Council hereby approves the appointment of Robert Soltis of Ford, Kriekard, Soltis and Wise P.C. as the City Attorney for a term to Expire June 30, 2009, and the appointment of Patrick Couch as the City Assessor for a term to expire June 30, 2009.

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

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

NAYS: None

ABSENT: None

Motion approved unanimously.

THE AGENDA WAS AMENDED TO MOVE THE RESOLUTION FOR THE APPOINTMENT OF AN AD/HOC COMMITTEE FOR THE LEASE/PURCHASE OF THE ROELOF PARKING LOT PROPERTY TO THE NEXT TO LAST ITEM OF BUSINESS AT TONIGHT'S MEETING, JUST PRIOR TO CLOSED/EXECUTIVE SESSION;

Motion by Councilmember Nicolow, supported by Councilmember Kissinger to amend the agenda as requested by Mayor Allen.

Motion carried unanimously.

VIII. REPORTS OF OFFICERS & BOARDS

a. Accounts payable

Motion by Councilmember Kissinger, supported by Councilmember Nicolow to authorize payment of the bills as submitted by the City Clerk.

Motion approved by the following vote:

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

NAYS: None

c. Treasurer's Report

There was no report from the Treasurer.

b. Department of Public Works

Supervisor Wilson reported that recent storms have caused damage and flooding that resulted in larger than anticipated overtime demands of DPW staff.

The big dump truck is going into the shop for service. The estimated cost of service is \$360. This type of repair is required by MDOT.

c. Police Department

Chief Mau reported that they have had the new computer and air card installed, and now just needs to go out to WMU for installation of the programming. Last month they responded to 75 complaints and issued 42 tickets.

Councilmember Nicolow asked Chief Mau about the tall grass and weed violation at 255 W. Michigan, and about the procedure for mowing repossessed or vacant properties.

Motion by councilmember Nicolow, supported by Councilmember Kissinger to accept the Police Report.

e. Minutes of City Boards & Commissions;

- Galesburg Charleston Joint Fire Authority minutes of June 18, 2008 including the May 2008 Fire Report

RECEIVED AND PLACED ON FILE

- Galesburg Memorial Library minutes of April 29, 2008 and May 20, 2008

RECEIVED AND PLACED ON FILE

- Galesburg Historical Museum minutes of May 21, 2008

RECEIVED AND PLACED ON FILE

- Galesburg DDA minutes of May 28, 2008

RECEIVED AND PLACED ON FILE

IX. NEW BUSINESS

- A. Galesburg Augusta High School Basketball and Baseball Team Commemoration Signs at City Limits

Mayor Allen said that Burkett Signs can make these signs for \$90.00 per sign and will do them in the school colors.

DPW Supervisor Wilson spoke regarding State and Federal guidelines for the placement of signs.

Mayor Allen reported on his discussions with Augusta about sharing the expense of the signs. Charleston has also offered to pay \$720 toward the signs and signposts.

DPW Supervisor Wilson stated his objection to tax payer dollars being spent to buy these signs. It is his opinion that the School should pay for them. This is not a City or Township function.

Discussion ensued regarding the athletic fund overseen by Diller Woodard and the availability of funding the purchase through the School District.

Councilmember Doxey expressed the belief that the City should not pay for signs for runner up teams that did not win their category. She said that this would set a bad precedent.

Supervisor Wilson suggested that the City agree to erect and install the signs, if the School District is willing to purchase them.

Motion by Councilmember Nicolow, supported by Councilmember Kissinger that the City agrees to take care of erection of and installation of the signs, once the School District has purchased them.

Motion approved by the following vote:

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

NAYS: Mayor Allen

Mayor Allen called a recess of this meeting of the Galesburg City Council to allow for the arrival of Wayne Roelof for deliberation of the appointment of members to an ad hoc committee on the lease/purchase of the Roelof parking lot property.

Meeting recessed at 7:50 P.M. and reconvened at 8:30 P.M.

X. OLD BUSINESS

- A. Resolution authorizing appointment of Ad Hoc Committee for Lease or Purchase of Roelof Parking Lot

Mayor Allen reported that he has been meeting with Wayne Roelof for the past several months to negotiate an agreement for the lease of the parking lot property.

Mr. Roelof has been receptive to his suggestion that the City lease the parking lot under an agreement calling for \$1,000 per year rent in addition to the payment of the taxes on the property. He (Roelof) also wants the City to agree to move the fence that was professionally erected on lot 215, by hiring a professional fence company to move it, and agree to move it back into its current position upon termination of the lease. Under these conditions, the City could lease the parking lot for 10 years if they agreed to the maintenance of it.

Mr. Roelof has further agreed to an option to purchase the lot for \$50,000 if the City is able to obtain the funding to do so.

Mr. Roelof wants the City to include in the lease agreement 2.5% in cost of living increases on the \$1,000.00 lease payment plus the cost of moving the fence, or, if the City pays, Mr. Roelof will have the fence moved to the west line of lot 215.

DPW Supervisor Wilson said that the City has discussed the lease and the purchase of the lot. The City has said it would rather purchase the lot than lease it. He believes that purchase is the best option for the City. He included \$85,000 in Major Street Funding in his budget to repave Battle Creek Street. He believes that we can get by without repaving Battle Creek Street this year and use patching instead. It is his understanding that these funds can be used for the purchase of the Parking lot.

He proposed that the City divert the funding to repave Battle Creek Street into the purchase of the parking lot for \$50,000.

Wayne Roelof stated that he does not have Phillip Roelof's agreement to accept \$50,000 for the purchase of the parking lot.

Councilmember Jackson stated his support for the proposal of the DPW Supervisor to purchase the parking lot utilizing Major Street funding that was earmarked for repaving Battle Creek St.

Wayne Roelof stated that he and his family fenced the parking lot in, not to shaft the City, but to protect themselves. If it is the City's intention to purchase the parking lot, they would request a service easement to allow them to get to the back of their buildings.

Motion by Councilmember Nicolow, supported by Councilmember Jackson that the City offer Mr. Roelof \$50,000 for the purchase of the parking lot property by the use of Major Street funding, including in the offer an easement for ingress and egress to the backs of their buildings, subject to their written approval of the buy sell agreement.

Motion approved by the following vote:

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

NAYS: None

XI. COUNCIL COMMENT

Councilmember Jackson said that he thinks the job descriptions for City employees need to be reviewed. For instance, there are many aspects of the Treasurer's job that are currently being performed by other people.

Councilmember VanNess asked about the house across the street from the Time Out Lounge. It has a dead tree in the yard with a huge limb leaning up against it that looks very dangerous. Someone needs to be notified to take care of this situation.

Councilmember Jackson said there is a pine tree in the yard of a house on Fullerton that needs to be trimmed because it is blocking the clear view of oncoming traffic. He asked Chief Mau to check on it.

Councilmember Kissinger expressed his disappointment with a particular member of the Galesburg Charleston Volunteer Fire Department that drives recklessly when he goes out on fire calls. One day this person is going to hurt someone and if it turns out to be one of the little children in his neighborhood there will be a problem.

Mayor Allen responded that firemen who are responding to calls are required by State law to use driving

techniques that are "reasonable and necessary". Some of these guys are not using "reasonable and necessary" as a guideline.

Respectfully submitted,

Debbie Miner, CMC
City Clerk, CFO

XII. CLOSED/EXECUTIVE SESSION

Motion by Councilmember Kissinger, supported by Councilmember Nicolow to move into closed/executive session for the purpose of receiving the performance review and salary increase recommendations from the personnel committee on Barbara Horn, Utility Billing Clerk.

Motion approved by the following vote:

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

NAYS: None

The City Council of the City of Galesburg entered into closed/executive session for the above stated purpose at 8:50 P.M.

A. Performance Review – Utility Billing Clerk

Motion by Councilmember Kissinger, supported by Councilmember Nicolow to devolve back into regular session.

Motion approved by the following vote:

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

NAYS:None

The City Council of the City of Galesburg arose from closed/executive session at 9:30 P.M. and resolved back into regular session.

Motion by Councilmember Nicolow, supported by Councilmember Kissinger to approve the recommendation of the Personnel Committee for a \$.50 per hour raise for the Utility Billing Clerk, retroactive to April 1, 2008.

Motion approved by the following vote:

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

NAYS: None

XIII. ADJOURNMENT

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

Motion approved unanimously.

Meeting adjourned at 9:30 P.M.