

**MINUTES OF REGULAR SESSION
GALESBURG CITY COUNCIL
OCTOBER 20, 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
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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

Ann Newenhuis, candidate for Kalamazoo County Commission District #15, complimented the Fire Department on the Haunted Saw Mill and told audience members it is a great treat and urged them to go see it and by so doing, support the Fire Department. She stated that she has been campaigning in Galesburg and has found it to be a wonderful city.

Linda Carlton, President of the Galesburg Downtown Development Authority reported that the Welcome to Galesburg sign is done and ready to be installed. She went to look at it today and said it is a beautiful sign. The official unveiling will be held on October 29th at 6:30 P.M.

Sheila Garrett of 64 Washington St. agreed with Ms. Newenhuis that the Haunted Saw Mill is fantastic. She spoke regarding a burning complaint at a house on Washington and the mess in the back yard of this address. This place is in really bad condition and needs code enforcement attention immediately.

Mayor Allen asked the City Clerk to check with the Kalamazoo County Household Hazardous Waste Center to see how many City residents used this service in the last year.

IV. READING AND APPROVAL OF COUNCIL MINUTES

At the request of the City Clerk the approval of the minutes of October 6, 2008 was pulled from the agenda.

V. CORRESPONDENCE

1. Copies of Sign Permit and Invoice for Sign Construction from the DDA for the new Welcome to Galesburg sign

RECEIVED AND PLACED ON FILE

2. Application for appointment to the Fire Board or Planning Commission filed by Richard Butler of 99 Maple St.

REFERRED TO THE MAYOR

3. Information from Spohn Ranch Skate parks regarding the availability of their services for skate park construction

REFERRED TO THE PARKS BOARD

4. Letter from Prein & Newhof for Payment Request #16, including the Final Payment for CB&I Constructors, Inc. in the amount of \$52,963.50 and payments to Prein & Newhof in the amount of \$4,601.50 for the 500,000 Gallon Elevated Storage Tank

REFERRED TO THE CITY CLERK

5. Letter from the State of Michigan Department of Environmental Quality accepting the Water System Reliability Study conducted on behalf of the City of Galesburg by Prein & Newhof and commending the City for updates to the study.

RECEIVED AND PLACED ON FILE

6. Request from Phyllis Clark of Release Time for use of the Guthrie Room (at no charge) for the Release Time Student activity group.

Motion by Councilmember Kissinger, supported by Councilmember Nicolow to approve the request from Release Time for a waiver of the rental fee for the

Guthrie Room for meetings of their group the 3rd Wednesday of each month at 11:30 a.m.

Motion approved by the following vote:

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

NAYS: None

7. Request from the DDA for permission to wall mount their new white board for ease of use during their meetings.

Motion by Councilmember Nicolow, supported by Councilmember Jackson to approve the request from the DDA.

Motion approved unanimously.

8. Application for membership on the Local Officers Compensation Commission from Paul Townsend of 451 S. 35th St.

REFERRED TO THE MAYOR

9. Letter from the Kalamazoo County health and Community Services Department Household Hazardous Waste Program submitting a contract for participation in their program

RECEIVED AND PLACED ON FILE

10. Request from the Library Board for amendment to their annual budget by addition of \$3,079 in revenues from the Library Cooperative of which \$1,225 will be used to pay their Michigan Library Consortium Dues and the remainder placed into a certificate of deposit to be dedicated to the cost of an attorney for their district library initiative.

Motion by Councilmember Kissinger, supported by Councilmember Jackson to approve the request submitted by the Library Board for amendment to the Library Budget

Motion approved by the following vote:

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

NAYS: None

VI. PUBLIC HEARINGS

There were no scheduled public hearings.

VII. ACTION ITEMS

A. Resolutions for Adoption

1. Adoption of an Industrial Facilities Exemption Certificate for Smith Machine & Grinding for the purchase of new equipment (Mazak Horizontal NC Lathe, Integrex 400-460" Universal, Mazatrol Matrix Control plus extra equipment), estimated to cost \$395,000.00.

RESOLUTION #102008-04 CITY OF GALESBURG

County of Kalamazoo

RESOLUTION APPROVING THE APPLICATION OF SMITH'S MACHINE & GRINDING, INC., FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR NEW PERSONAL PROPERTY

Minutes of a regular meeting of the Galesburg City Council held on October 20, 2008, at 7:00 p.m., local time, at the City Hall.

Present: Councilmembers Doxey, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen.

Absent: None.

The following preamble and resolution were offered by Council Member Nicolow, and supported by Council Member Kissinger.

WHEREAS, Smith's Machine & Grinding, Inc., has filed an application for an Industrial Facilities Exemption Certificate with respect to new equipment in the amount of \$395,000.00 in City of Galesburg Industrial Development District No. 3; and

WHEREAS, before acting on said application, the City Council notified the applicant, the Galesburg City Assessor and a representative of the affected taxing units, in writing, that a public hearing will be held on the Application at the Galesburg City Council's regular meeting held on October 6, 2008, and notifying them of the opportunity to be heard on said Application; and

WHEREAS, the Galesburg City Council has held the public hearing to consider the request of Smith's Machine & Grinding, Inc., for an Industrial Facilities Exemption Certificate and has considered all comments, written and oral, received at or before the public hearing; and

WHEREAS, the aggregate State Equalized Value of real and personal property exempt from ad valorem taxes within the City of Galesburg, after granting this certificate, will not exceed five (5%) percent of the State Equalized Valuation of real and personal property within the City of Galesburg.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Galesburg City Council specifically finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the

CITY OF GALESBURG, COUNTY OF KALAMAZOO, MICHIGAN

aggregate amount of certificates previously granted and currently in force under Act 198 of the Public Acts of 1974 and Act 255 of the Public Acts of 1978 shall not substantially impede the operation of the City of Galesburg or impair the financial soundness of any taxing unit which levies ad valorem property taxes in the City of Galesburg.

2. The application of Smith's Machine & Grinding, Inc., for an Industrial Facilities Exemption Certificate with respect to the purchase of new equipment (Mazak Horizontal NC Lathe, Integrex 400-4 60" Universal, Mazatrol Matrix Control plus extra equipment), estimated to cost \$395,000.00, is hereby approved.

3. The Industrial Facilities Exemption Certificate, when issued, shall remain in force and effect for a period of 12 years.

Motion by Councilmember Nicolow, supported by Councilmember Kissinger to place an affirmative roll call vote on the resolution approving an industrial facilities exemption certificate for Smith Machine & Grinding.

Motion approved by the following vote:

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

NAYS: None

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

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 regular meeting held on October 20, 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.

Debbie Miner, City Clerk

2. Appointment of Keith Diller to the Parks Board

**RESOLUTION #102008-02
RESOLUTION OF APPOINTMENT
RESOLVED BY THE CITY COUNCIL**

At a regularly scheduled meeting of the Galesburg City Council held on Monday, October 20, 2008, at 7:00 P.M. with Councilmembers Doxey, Jackson, Kissinger, Nicolow, VanNess, Yingling and Allen present, and none absent, the following resolution was offered by Councilmember Nicolow, and supported by Councilmember VanNess.

Whereas, the City currently has received an application for appointment to the Parks Board from Keith Diller of 365 Burgess Dr. in the City of Galesburg; and

Whereas, the Parks Board currently has a vacancy for a resident; and

Now therefore be it resolved, that the Galesburg City Council hereby approves the appointment of Keith Diller to the Galesburg Parks Board.

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

NAYS: None

3. Authorizing payment of the Final Installment Payment to CB&I Contractors for the DWRF Project

**RESOLUTION #102008-03
RESOLUTION 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, October 20, 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 Kissinger and supported by Councilmember Jackson:

WHEREAS, the City of Galesburg has received information from its Engineer, Prein & Newhof regarding the final payment to CB&I Constructors for the elevated water storage tank and water system improvements (DWRF) project in the amount of \$52,963.50 and payments to Prein & Newhof Engineering in the amount of \$4,601.50 to be included on payment request #16 to be submitted to the State of Michigan this week; and

NOW, THEREFORE BE IT RESOLVED the City Council of the City of Galesburg hereby approves payment request #16 to CB&I Constructors and Prein & Newhof in an aggregate amount of \$57,565.00.

Motion by Councilmember Kissinger, supported by Councilmember Jackson to accept the recommendations

of the City Engineer and approve the draw request for the DWRP Project.

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

NAYS: None

ABSENT: None

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 in the amount of \$14,614.88.

Motion approved by the following vote:

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

NAYS: None

c. Treasurer's Report

Motion by Councilmember Nicolow, supported by Councilmember Kissinger to accept the report of the Treasurer showing a combined balance, in all funds, in the amount of \$1,697,786.36.

Motion approved by the following vote:

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

NAYS: None

b. Department of Public Works

Supervisor Wilson reported that he has been approached by Clean Earth Environmental, who is interested in purchasing some old, unused confined space equipment owned by the City. They would like to purchase the equipment in exchange for services.

City Clerk Miner informed Mr. Wilson that it is allowable for the City to sell decommissioned equipment, however, they first have to go through a bidding process, post notices, accept bids and then sell the equipment to the highest bidder. This gives everyone a fair opportunity to buy the unused equipment. She offered to assist the DPW in the writing and posting of the notices, if approved by Council.

Motion by Councilmember Nicolow, supported by Councilmember Doxey to post notices of closed bid process for the sale of City owned equipment, confined

space equipment held by the DPW, bid period to close on Monday, November 3, 2008 at 4:00 P.M.

Motion approved by the following vote:

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

NAYS: None

Mr. Wilson further reported that they are still picking up leaves and will continue to do so until the leaves are all down. The final payment to CB I on the DWRP project was delayed because of washouts of roads leading into the water tower. They had to backfill the washouts before payment could be made.

He reported that Burgess Road was paved today.

c. Police Department

Chief Mau reported that he is back to regular hours now, after his mishap. He said they are issuing warning tickets now about overnight parking, in preparation for the winter snow plow season. The part time help is working out well and were very helpful when he was off ill.

d. Minutes of City Boards & Commissions:

- Galesburg Memorial Library Minutes of August 26, 2008
- Galesburg Historical Museum Minutes of September 17, 2008

IX. NEW BUSINESS

City Clerk Miner presented Councilmembers with budget statements showing revenues and expenditures to date. There are no red flags here indicating problematic areas, however, she is willing to go into detail to discuss any items of question.

X. OLD BUSINESS

There was no old business.

XI. COUNCIL COMMENT

Councilmember Yingling said that after the special meeting held on October 13, 2008, she was surprised to learn that DPW Supervisor Wilson did not support their vote to accept the rebate proposal on the Burgess Drive curb and gutter project. She expressed her objection to learning of his opinion after the fact. The Council depends on his expertise to guide them in the decision making process, and have a right to expect him to share his opinions on these matters with them. This is what she bases her votes on.

Councilmember Kissinger asked about the fall banners. DPW Supervisor Wilson said the City needs new

Debbie Miner, CMC
City Clerk

brackets. The home-made brackets they built last year failed and cannot be used again. He will obtain a count of exactly how many brackets need to be ordered and give that information to the City Clerk tomorrow so they can be ordered. Councilmember Kissinger thanked the DPW Supervisor for getting the pot holes filled.

Councilmember Jackson reported a boat parked across the sidewalk on Washington St. in a residential drive. He asked the Police Chief to issue a citation. He asked the City Clerk to put the issue of employee benefits, specifically payment in lieu of insurance, on the next City Council Agenda.

Councilmember Nicolow asked when Burgess will be blacktopped. Mr. Wilson answered that they put the base coat on today.

Councilmember Doxey complimented the Fire Department for the great job they did on the Haunted Saw Mill. Everyone had a great time over there.

Linda Carlton reported that the flag in the center of town is in really bad shape and needs to be replaced. Mr. Wilson replied that he would get a new one right away.

Susan Graham asked why the City lists the Galesburg Business Association on the agenda under reports of City Boards and Authorities. The City has no authority over this board and it should not be misunderstood to be a city appointed body. City Clerk Miner answered that it is on the list of public bodies who submit minutes, because they turn their minutes in to the City. If it is the wish of the public she will remove it.

Discussion ensued regarding the role of the Downtown Development Authority and under whose auspices their financial holdings belong. Mayor Allen asked the City Clerk to ask our Attorney to communicate with the City Auditor and clarify the matter of who should have control of these funds.

Mayor Allen reported that the fence is down on the Roelof Parking lot property and the parking lot is back in business. The Roelof's have asked the City to take possession as of November 1, 2008. Mayor Allen asked that the record reflect that the accounts payable amount be increased by \$2,533.37 representing payment of the cost of moving the fence, \$1,700 and the first year's payment to Roelof.

XII. ADJOURNMENT

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

Motion approved unanimously.

Meeting adjourned at 9:35 P.M.

Respectfully submitted,