

**MINUTES OF SPECIAL SESSION  
GALESBURG CITY COUNCIL  
NOVEMBER 16, 2009; 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

The special meeting of the Galesburg City Council was called to order by Mayor Allen at 7:00 p.m.

**I. CALL TO ORDER**

PRESENT: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen.

ABSENT: None

**II. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Allen.

**III. COMMUNITY COMMENT**

There was no comment.

**IV. ACTION ITEMS**

- A. Approval of application for a Fireworks Display Permit filed by the Galesburg Downtown Development Authority for a Fireworks Display conducted by Captain Boom Fireworks LLC to be held Wednesday, December 2, 2009 for the Winter Festival at the Empty Lot South of E. Michigan Ave. and East of Mill St.

**RESOLUTION #111609-01  
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, November 16, 2009, at 7:00 P.M. with Councilmembers Allen, Garrett, Jackson, Kissinger, Nicolow, VanNess and Yingling present, and None Absent, the following resolution was offered by Councilmember and supported by Councilmember

**Whereas**, Captain Boom Fireworks LLC of 499 River Rd. in Otsego, Michigan has submitted an application for fireworks display permit for December 2, 2009 on behalf of the Galesburg Business and Community Association; and

**Whereas**, the Fireworks Display will take place at the empty lot south of E. Michigan Ave. and East of Mill Street at 8:00 P.M.; and

**Whereas**, the applicants Captain Boom Fireworks has submitted a copy of their insurance Policy showing liability coverage in the amount of \$2,000,000.

**Now therefore be it resolved**, that the Galesburg City Council hereby approves the application for fireworks display permit at the vacant lot south of E. Michigan and East of Mill St. at 8:00 P.M. on December 2, 2009.

Motion by Councilmember Jackson and supported by Councilmember Nicolow to place an affirmative roll call vote on the resolution approving issuance of a Fireworks Display Permit.

Motion approved by the following vote:

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

NAYS: None

ABSENT: None

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 November 16, 2009, and that the following is a record of the vote of the members of said City Council on said Resolution:

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

NAYS: None

ABSTENTIONS: None

ABSENT: None

**V. OLD BUSINESS**

- A. Discussion regarding the Roelof Parking Lot Buy/sell agreement between the City of Galesburg and Mr. and Mrs. Wayne and Mr. and Mrs. Phillip Roelof.

Mayor Allen opened the discussion regarding the purchase of the Roelof Parking Lot.

Clerk Miner explained that the terms of the purchase were outlined in the lease agreement that was executed in September of 2008, then this month the City Council adopted a resolution authorizing the execution of a buy/sell agreement, written by the City Attorney, at their November 2, 2009 meeting. Since the adoption of that resolution Mr. Wayne Roelof has submitted a buy/sell agreement that he had his attorney draw up. In the Roelof version of the buy/sell agreement, the City would be required to make certain concessions; 1.) Dedicate the property as a public parking lot forever, 2.) Give a telecommunications easement to the Roelof's for over and under the parking lot, 3.) Give a utilities easement to the Roelof's, 4.) Maintain the fence that currently divides the property to the east side.

Discussion ensued on the conditions the Roelof's want to impose on the sale of the property.

Councilmember Garrett said that she would not like the property to be dedicated as a public parking lot permanently.

Councilmember VanNess said that if the city is buying the property, we should not be held to conditions by the seller. Once we buy the land, it becomes ours to do with as we please.

Councilmember Jackson said that he does not think we can be held to these conditions. The lease agreement sets forth the conditions for the sale of the property. All parties signed this agreement after lengthy negotiations and after we amended the agreement several times to accommodate the wishes of the Roelofs.

Councilmember Yingling said that she felt the City should not concede to the requests for modification to the original contract.

Councilmember Kissinger stated that he, too, is opposed to making any further concessions in this matter.

## **XI. COUNCIL COMMENT**

Mayor Allen announced the receipt of a \$125,000 donation from the estate of Katherine Tindall. The donation has been earmarked by Karen VanMeekeren, the executor of the Tindall estate, to be used as matching funds for a Michigan Natural Trust Fund Grant.

Councilmember Garrett spoke regarding a notice of a meeting she received from Shirley Casson from the library board regarding a special meeting for discussion on a district library agreement.

## **XII. ADJOURNMENT**

Motion by Councilmember Nicolow and supported by Councilmember Garrett to adjourn.

Motion carried unanimously.

Meeting adjourned at 5:30 P.M.

**Respectfully submitted,**

Debbie Miner, CMC  
Galesburg City Clerk, CFO