

**MINUTES OF REGULAR SESSION  
GALESBURG CITY COUNCIL  
FEBRUARY 1, 2010; 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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The regular 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**

Linda Carlton, President of the Galesburg Downtown Development Association announced that Wednesday, February 3, 2010 the first planning meeting for this year's 50<sup>th</sup> Annual Greater Galesburg Day Festival. She invited everyone who is interested in helping plan this big day to come and share their ideas and join in the development of this Historic event.

Craig Newton of 428 N. 35<sup>th</sup> St. reported attending a meeting with the Mayor and City Clerk on January 26<sup>th</sup> to discuss his ideas for a city wide Spring Cleanup. He has settled on the date of April 10, 2010. This is a Saturday, one week after Easter. He is trying to arrange an event that the entire community will take part in. He is talking to the schools and to the boy scouts trying to get young people involved. Eric Curtis at the High School has promised to help with getting students involved and Keith Martin has promised his help as well. The Michigan Department of Transportation has asked that no volunteer crews from Galesburg that are out that day do any pickup along M-96 because they will be out themselves doing their own cleanup on the same day. He will be putting fliers out in all Galesburg businesses explaining the cleanup and asking for volunteers. Guidelines require that for every four (4) minors involved in this volunteer activity, there be one adult present to supervise. He is planning to offer refreshments in the morning and playing with the idea of having a cookout for all volunteers at the end of the day. He asked Councilmembers if they would waive the fee for the rental of Community Park to allow for a cookout for the cleanup volunteers.

Motion by Councilmember Nicolow and supported by Councilmember Garrett to waive the fee for the rental of Community Park for Craig Newton to hold a cookout for the City Wide Cleanup Volunteers on Saturday, April 10, 2010.

Motion approved unanimously.

Ann Nieuwenhuis, Kalamazoo County Commissioner in District 15 spoke regarding the Kalamazoo County Walk for Warmth, an initiative that raises money to help families that experience energy crisis. She has posters advertising the walk and asked that the City agree to display a poster in the lobby and make pledge forms and information available to the public. She reported nominating the Galesburg Downtown Development Authority to receive the Star Award. She reported that she went to Comstock Township to talk to them about the proposed city wide cleanup sponsored by Mr. Newton. They have a cleanup week, but they said that they might be interested in doing something together with Galesburg. They are open to meeting to talk about it. She spoke regarding the law enforcement millage which will expire this year and is up for renewal on the May School election ballot. She asked if she could bring someone from Kalamazoo County in the law enforcement field to speak to the City at their March meeting. She could perhaps bring the County Prosecuting Attorney or a Judge to give an overview of the millage and why it is crucial to the welfare of the County.

Linda Carlton expressed her appreciation to Commissioner Nieuwenhuis for the Star Award nomination.

**IV. READING AND APPROVAL OF COUNCIL MINUTES**

Motion by Councilmember Kissinger and supported by Councilmember VanNess to approve the minutes of January 19, 2010 as submitted...

Motion approved by the following vote:

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

NAYS: None.

**V. CORRESPONDENCE**

1. Letter from Louis Sauers, Accounting Director for the State of Michigan Department of Treasury submitting the revisions to City of Galesburg State Revolving Fund Payment Schedule reflecting final allowable project cost as determined by the DEQ

RECEIVED AND PLACED ON FILE

2. Flier from the Great Lakes Wings Motorcycle Drill Team.

REFERRED TO THE GREATER GALESBURG DAY COMMITTEE AND THE GALESBURG POLICE DEPARTMENT

3. Galesburg Charleston Fire Department Budget Request for 2010/2011.

REFERRED TO THE CITY CLERK FOR THE BUDGET PROCESS

4. Letters from Comcast Cable re:
  - a. Availability of bundled services and their new Triple Play Bundle.
  - b. Network changes regarding the conversion to digital signal transmission as of February 11, 2010.

RECEIVED AND PLACED ON FILE

5. Notice from the State of Michigan Public Service Commission providing notice of a hearing for the Customers of Consumers Energy Company case #U-16149 on February 9, 2010.

RECEIVED AND PLACED ON FILE

6. Letter from Bill Main President of Landscape Forms thanking the City for our business with them.

RECEIVED AND PLACED ON FILE

7. Press release from Kalamazoo County providing notice of plans for a new Jail Expansion with no new tax money involved.

RECEIVED AND PLACED ON FILE

1. Michigan Stormwater Floodplain Association invitation to their 23<sup>rd</sup> Annual State Conference March 3-5, 2010.

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**VI. PUBLIC HEARINGS**

There were no scheduled public hearings.

**VII. ACTION ITEMS****A. Resolutions for Action**

1. Resolution authorizing lot split for Roelof Parking Lot

**RESOLUTION #020110-01  
RESOLVED BY THE CITY COUNCIL  
OF THE CITY OF GALESBURG**

**WHEREAS**, Wayne J. Roelof and Judith A. Roelof, husband and wife, and Philip L. Roelof and Mary E. Roelof, husband and wife ("Sellers") and the City of Galesburg, a Home Rule City ("Purchaser") have agreed upon the sale of property, known as the Roelof Parking Lot, to the City of Galesburg; and

**WHEREAS** the purchase by the City of Galesburg of the subject property will require a lot split to preserve certain utility easements that were granted by the Roelof Family but have not been recorded with the Register of Deeds for Kalamazoo County; and

**WHEREAS** the easement is a legal requirement before a sale document may be executed;

**NOW, THEREFORE, BE IT RESOLVED** that the Galesburg City Council hereby authorizes an administrative lot split to affect the sale of property to the Purchaser.

**BE IT FURTHER RESOLVED** the Galesburg City Council authorizes a lot split to divide LOT 208 BY COMBINING THE EAST 5 FEET THEREOF WITH LOT 215. AND AUTHORIZES A SPLIT OF LOT 214 BY ASSIGNING OWNERSHIP OF THE EAST 5' THEREOF TO BE COMBINED WITH LOT 215 BY QUIT CLAIM DEED, said lots being a part of the Assessor's Plat of the City of Galesburg, according to the Plat thereof as recorded in Liber 13 of Plats, on Page 19, Kalamazoo County Records.

Motion by Councilmember Kissinger and supported by Councilmember Jackson to amend the resolution in the final resolved clause to state "*Lot 208 by combining the East 5 feet thereof with Lot 215. And authorizes a split of Lot 214 by assigning ownership of the East 5' thereof to be Combined with lot 215 by quit claim deed,*"; and to place an affirmative roll call vote on the resolution as amended.

Motion approved by the following vote:

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

NAYS: None.

- 2. Amendment to Buy Sell Agreement for the Purchase of Roelof Parking Lot.

**RESOLUTION #020110-02  
BUY / SELL AGREEMENT**

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and between WAYNE J. ROELOF and JUDITH A. ROELOF, husband and wife, and PHILIP L. ROELOF and MARY E. ROELOF, husband and wife ("Sellers") and CITY OF GALESBURG, a Home Rule City, ("Purchaser") as follows:

IT IS HEREBY AGREED that, pursuant to paragraph 17 of the Lease Agreement between the parties, Purchaser does hereby exercise its option and agrees to purchase and Seller agrees to sell the real property described hereinafter for the sum of \$50,000.00, to be paid at closing:

**City of Galesburg, County of Kalamazoo, State of Michigan:**

LOT 208 EXCEPTING THE EAST 5 FEET THEREOF AND LOT 214, EXCEPTING THE EAST 5 FEET THEREOF, SAID LOTS BEING A PART OF THE ASSESSOR'S PLAT OF THE CITY OF GALESBURG, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 13 OF PLATS, ON PAGE 19, KALAMAZOO COUNTY RECORDS.

IT IS FURTHER AGREED that the City shall purchase the property subject to an easement for the benefit of Lot 215 of the Assessor's Plat of the City of Galesburg for access to and parking for occupants and customers of businesses located on Lot 215.

IT IS FURTHER AGREED that closing shall take place within 30 days of the date above unless the closing date is extended by mutual agreement of the parties.

IN WITNESS WHEREOF, the parties hereto agree that this Agreement shall be effective the day and year first above written.

**SELLER**

**PURCHASER**

\_\_\_\_\_  
Wayne J. Roelof

\_\_\_\_\_  
City of Galesburg  
By:  
Its:

\_\_\_\_\_  
Judith A. Roelof

\_\_\_\_\_  
Philip L. Roelof

\_\_\_\_\_  
Mary E. Roelof

Motion by Councilmember Kissinger and supported by Councilmember VanNess to amend the buy sell agreement by correcting the language of the legal description to read as follows:

*"Lot 208 excepting the East 5 feet thereof and Lot 214, excepting the East 5 feet thereof, said lots being a part of the Assessor's Plat of the City of Galesburg, according to the Plat thereof as recorded in Liber 13 of Plats, on Page 19, Kalamazoo County Records";*

and to delete the language regarding special assessments in the "It Is Further Agreed" clause and to place an affirmative roll call vote on the resolution as amended.

Motion approved by the following vote:

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

NAYS: None.

**VIII. REPORTS OF OFFICERS & BOARDS**

a. Treasurer's Report

Motion by Councilmember Jackson and supported by Councilmember Garrett to accept the Treasurer's Report showing a total balance in all funds of \$1,612,288.61 as of December 31, 2009.

Motion approved by the following vote:

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

NAYS: None.

b. Accounts payable

Motion by Councilmember Nicolow and supported by Councilmember Jackson to accept the report of accounts paid and payable submitted by the City Clerk in the total amount of \$37,553.66.

Motion approved by the following vote:

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

NAYS: None.

c. Department of Public Works

Supervisor Wilson reported meeting with Mr. Allen along with Mike Schwartz, Engineer from Prein & Newhof to discuss the possibility of the Engineering firm writing a Notice of Intent on behalf of the City regarding an application for Community Development Block Grant (CDBG) Infrastructure Capacity Enhancement funding to complete the construction of a second 12" Water Main. The Main would run from the new Water Tower over to 35<sup>th</sup>/36<sup>th</sup> St. It would stabilize the City's Water system and would provide additional capacity in case of a problem with the existing water main. This project will necessitate acquisition of easements on private property over which the line will be installed.

Mr. Wilson asked the Council for permission for their **uniform allowance** to be paid by the City Clerk. They typically receive this allowance in February.

Motion by Councilmember Nicolow and supported by Councilmember VanNess to authorize the City Clerk to issue checks to Mr. Wilson and Mr. Bresson for the purchase of new uniforms in the amount of \$250 each.

Motion approved by the following vote:

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

NAYS: None.

Mr. Wilson reported that Galesburg's DPW went into Augusta last week when their snow plow truck broke down to help them out with plowing and sanding. Other than that, everything in the City is running smoothly and quietly.

#### d. Police Department

Chief Mau reported that a warrant has been issued by Kalamazoo County prosecutor's office for the fire hydrant damage done last year. Charges will be filed sometime in March.

Councilmember Nicolow asked about new components of the Police Report. Chief Mau answered that his question is regarding a warning citation.

Councilmember Kissinger asked what the public relations activity is. Chief Mau answered that it is when we give assistance to someone or answer questions for someone; for instance say a motorist who broke down and required assistance in calling for a tow truck.

Motion by Councilmember Kissinger and supported by Councilmember Jackson to accept the Galesburg Police Report as submitted.

Motion approved by the following vote:

YEAS: Councilmember Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen.

NAYS: None.

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

- Galesburg Charleston Joint Fire Authority; Minutes of December 16, 2009
- Galesburg Memorial Library; Minutes of December 29, 2009
- Galesburg Historical Museum; Minutes of December 16, 2009
- Galesburg DDA; Minutes of December 30, 2009

#### IX. **NEW BUSINESS**

There was no new business.

#### X. **OLD BUSINESS**

There was no old business.

#### XI. **COUNCIL COMMENT**

There was no comment from Councilmembers.

#### XII. **ADJOURNMENT**

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

Motion approved unanimously.

#### **MEETING ADJOURNED AT 8:35 P.M.**

Respectfully submitted,  
Debbie Miner, CMC  
Galesburg City Clerk, CFO