

**MINUTES OF REGULAR SESSION  
GALESBURG CITY COUNCIL  
MARCH 1, 2010; 7:00 P.M.  
COUNCIL CHAMBERS,  
GALESBURG CITY HALL  
200 E. MICHIGAN AVE.  
GALESBURG, MI**

**GALESBURG**

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Galesburg, Michigan 49053  
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The regular meeting of the Galesburg City Council was called to order by Mayor Allen at 7:00 p.m.

Mr. Fink said that they are currently experiencing layoffs and looking at health care reductions which will require employees to pay a larger share of their own health care premiums.

**I. CALL TO ORDER**

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

**ABSENT:** None

Councilmember Nicolow asked if they have considered asking for an increase in the millage rate. Mr. Fink said that they did think about that, but their canvasses show that most people support the renewal of the current millage rate, but not an increase.

**II. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Allen.

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

Motion by Councilmember Kissinger and supported by Councilmember VanNess to approve the minutes of February 1, 2010 as submitted.

**III. COMMUNITY COMMENT**

Presentation by County Commissioner Ann Nieuwenhuis and representatives of the Kalamazoo County Sheriff's Office regarding the Public Safety Millage question on the May Ballot.

Motion approved by the following vote:

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

**NAYS:** None

Kalamazoo County Sheriff Rick Fuller, together with Kalamazoo County Prosecutor, Jeff Fink presented a PowerPoint production giving an overview of the need for the passage of the Kalamazoo County Law Enforcement and Safety Millage at the May 4, 2010 Consolidated School Election.

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

Motion approved by the following vote:

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

**NAYS:** None

**ABSTAIN:** Councilmember VanNess

Sheriff Fuller said that this is a County wide millage that began in 1980 and is up for renewal every 6 years. He has been in office since the first millage was adopted. The last renewal was in 2004 and in that election the proposal received 74% support. This millage supports the Kalamazoo County Sheriff's Office, Prosecutors Office and parts of both Circuit and District Court. He discussed the structure of the judiciary system in Kalamazoo County and law enforcement systems at the Federal, State and local levels.

**V. CORRESPONDENCE**

This proposal seeks to renew a millage that is currently being collected.

1. Letter from Lloyd and Virginia LaLonde of 31 Sherman Street regarding Air Born Algae on the roof or their home; the cause of the algae and requesting action by City Council to correct the problem.

RECEIVED AND PLACED ON FILE

Kalamazoo County Prosecutor Fink said that his office is referred about 12,000 to 13,000 cases per year; of those they authorize approximately 9,000 to 10,000 prosecutions. The Sheriff's Office, he said, gets just over 50,000 complaints and calls for service per year.

2. Letter from the State of Michigan Department of Natural Resources & Environment providing notice of the approval of the 2010/2015 City of Galesburg Parks and Recreation Master Plan with an expiration date of December 31, 2015.

Councilmember Nicolow asked if the current millage is at 1.4491 based on property values, which have gone down in recent years; how they are addressing this loss of revenue.

## RECEIVED AND PLACED ON FILE

3. Letter from the Galesburg Congregational United Church of Christ providing notice of their 175<sup>th</sup> Anniversary and requesting the use of existing City Light Posts and Brackets to install their commemorative banners.

Motion by Councilmember Kissinger and supported by Councilmember Garrett to approve the request by Galesburg Congregational United Church of Christ.

Motion approved by the following vote:

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

NAYS: None.

4. Letter from Mr. Richard Born requesting that the City purchase gravesites originally sold to him at a cost of \$120.00.

Motion by Councilmember Nicolow and supported by Councilmember Garrett to approve the request from Mr. Born.

Motion approved by the following vote:

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

NAYS: None.

5. Letter from the State of Michigan Public Service Commission providing notice of public hearings for the electric customers of Consumers Energy Case No;

- U16191 held February 16, 2010 at 9:00 A.M.
- U-15645 to be held March 3, 2010 at 9:00 A.M.

## RECEIVED AND PLACED ON FILE

6. Letter from Consumers Energy providing information on 2010 Energy Efficiency Incentives.

## RECEIVED AND PLACED ON FILE

7. Resolution adopted by the Kalamazoo County Board of Commissioners in support of the interim and final reports of the Legislative Commission on Statutory Mandates and encouraging the Governor, Legislature and Supreme Court to adopt and enact the recommendations in the final report and requesting that local units of Government adopt a similar resolution.

Motion by Councilmember Kissinger and supported by Councilmember Jackson to support the resolution on unfunded mandates.

Motion approved by the following vote:

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

NAYS: None.

8. Anonymous letter about the Library.

## RECEIVED AND PLACED ON FILE

9. Letter from Comcast Cable providing information about their updated on-screen Cable Guide for Digital Cable customers in Galesburg.

## RECEIVED AND PLACED ON FILE

10. Letter from Consumers Energy Kalamazoo Customer Service Center submitting resolution for adoption by the City Council approving a change to the street lighting systems at the intersection of M-96 and 35<sup>th</sup> St. and at the NE corner of M-69 and N. 35<sup>th</sup> St.

Motion by Councilmember Kissinger and supported by Councilmember VanNess to approve the change to street lighting systems as referenced in the letter and resolution from Consumers Energy.

Motion approved by the following vote:

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

NAYS: None.

11. Letter from the State of Michigan Department of Natural Resources & Environment submitting the Drinking Water Monitoring Schedule 2010 along with the 2009 Cross Connection Report and the 2009 Annual Pumpage Report.

## RECEIVED AND PLACED ON FILE

12. Letter from Mr. William James filing an appeal of the denial of several FOIA requests.

Motion by Councilmember Garrett and supported by Councilmember Jackson to uphold the determination of the City Clerk/FOIA Officer with regard to the FOIA requests filed by Mr. James.

Motion approved by the following vote:

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

NAYS: None.

Motion approved by the following vote:

**VI. PUBLIC HEARINGS**

There were no scheduled public hearings.

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

**VII. ACTION ITEMS**

A. Resolutions for Adoption

NAYS: None

- 1. Approving a landscape easement for the Davis Oil Property at Shafter Point.

- 2. Approving Amendment #1 to the Galesburg Downtown Improvement Project.

**RESOLUTION #03012010-01  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
GALESBURG  
ACT -01-2010;**

**RESOLUTION #03012010-02  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
GALESBURG**

**WHEREAS**, the City of Galesburg Administration desires to acquire an easement over a portion of the Davis Oil Property located adjacent to Shafter Point in Downtown Galesburg to allow for certain landscape improvements as part of the Galesburg Downtown Improvement Project; and

**WHEREAS**, the City of Galesburg is the recipient of an \$614,609 grant from the Michigan Economic Development Corporation Community Development Block Grant Fund Office for the City of Galesburg Downtown Improvement Infrastructure Project Grant #MSC 209004-CDI, for the purpose of completing a downtown improvement infrastructure project; and

**WHEREAS**, representatives of the Davis Family have met with City of Galesburg Administrators, along with the City Engineer and have reviewed the City's plans for the Downtown Improvement Project and accepted a request for execution of a Landscape Easement to allow for certain improvements at Shafter Point; and

**WHEREAS**, the construction bids on the aforementioned City of Galesburg Downtown Improvement Infrastructure Project came at \$486,459.68 by low bidder Reith Riley Construction Co., Inc of Kalamazoo which is \$128,149.32 under the estimates; and

**WHEREAS**, the representatives of Davis Oil in attendance at that meeting took the City's request to James P. Davis, President of Davis Oil and spoke in support of the planned improvements to Shafter Point; and

**WHEREAS**, the City of Galesburg Administration met with Engineers and developed additional scope items to maximize the amount of improvement work that can be completed with the use of the CDBG grant award;

**WHEREAS**, the City Clerk has subsequently received a fully signed and executed copy of a Landscape Easement from James P. Davis (copy attached).

**WHEREAS**, toward that end the Galesburg Administration has proposed the following list of amendments to add items to the project;

**NOW THEREFORE BE IT RESOLVED**, that the Galesburg City Council sitting in regular session this 1<sup>st</sup> Day of March 2010, hereby accepts the attached Landscape Easement for property described as:

The first three projects on the list, are adjustments or change orders to the project as currently approved. They involve ADA ramps and sidewalks that were not included in the original grant request in an attempt to stay in budget. They will simply complete the work that was approved in the original grant application and are located within areas where the environmental and historical reviews have been completed and approved. Project #4 is very similar in nature. It proposes to clean up the monument area in the center of town, replace existing sidewalks and provide additional streetscaping on the "point" which is the centerpiece of a 6 way downtown intersection. This project too, is more of a change order, or adjustment and has, likewise, been the subject of environmental and historical reviews.

*The West 15 feet of Lot 220, parallel with the West line of Lot 220, Assessor's Plat of the City of Galesburg, as recorded in Liber 13 of Plats, Pages 18-22, Kalamazoo County Records.*

Such easement shall be for the purpose of installing, maintaining and replacing such landscaping as shall be determined by Grantee, its successors and assigns.

**Project #1 - ADA Ramps and miscellaneous**

**ADA -Toland**

Item Description	Quantity	Unit	Unit Price	Total Amount
Remove and Dispose of Sidewalk	239	SF	0.53	126.67

Motion by Councilmember Nicolow and supported by Councilmember Jackson to place an affirmative roll call vote on the resolution authorizing acceptance of the Easement on Davis Oil Property.