

**MINUTES OF REGULAR SESSION  
 GALESBURG CITY COUNCIL  
 APRIL 5, 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  
 Fax: (269) 665-4541

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, Kissinger, Nicolow, VanNess, Yingling, Allen

**ABSENT:** Councilmember Jackson (excused)

**II. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Allen

**III. COMMUNITY COMMENT**

Kay Walker, Chair of the Galesburg Memorial Library Board and a representative from the District Library Committee said that they are looking at all of the concerns raised by the City Council regarding the District Library Agreement they submitted at the meeting in December 2008. On April 21, 2010 at 5:30 they will have a meeting to work on revisions to the agreement. She stated that they would like Mayor Allen to be in attendance.

Tonya Schuitmaker, no address given, stated that she is a candidate for the 20<sup>th</sup> District State Senate Seat currently held by Tom George. She is a lifelong resident of SW Michigan and is a lawyer. She conducted an unsuccessful campaign for the state house of representatives 5 years ago.

Larry DeShazor, no address given, stated that he too is a candidate for the 20<sup>th</sup> District State Senate Seat held by Tom George. He is a former Councilman for the City of Portage and has worked in insurance. He feels that all of the State's problems hinge on the creation of jobs and that once we have solved that problem all other problems will take care of themselves. We need to win the war on jobs.

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

City Clerk Miner asked that the Minutes listed on the Agenda for approval be pulled and held over until the next meeting. She also asked that the agenda be amended to remove the closed session for negotiation of the City Clerk's Contract item under new business.

Motion by Councilmember Garret and supported by Councilmember Nicolow to pull the closed session negotiation for discussion of the City Clerk's Contract.

Motion approved unanimously.

Motion by Councilmember Kissinger and supported by Councilmember VanNess to pull the approval of the minutes as requested by the City Clerk and hold them over for approval at the May 4, 2010 meeting.

Motion approved by the following vote:

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

**NAYS:** None.

**ABSENT:** Councilmember Jackson.

**V. CORRESPONDENCE**

1. Letter from Charleston Township regarding their expectations with respect to adoption of the Galesburg Charleston Joint Fire Department Budget for 2010/2011.

RECEIVED AND PLACED ON FILE

2. Letter from the State of Michigan Department of Natural Resources & Environment providing notice of the requirement for a single audit for grantees who have expensed \$500,000 or more in Federal Funds in any one Fiscal Year.

RECEIVED AND PLACED ON FILE

3. Letter from the Galesburg Memorial Library submitting a report of their activities over the past year and their budget for the coming year.

RECEIVED AND PLACED ON FILE

4. Letter from Ceridian submitting an analysis of the impact of the new health care reform legislation on employers.

RECEIVED AND PLACED ON FILE

5. Official Class Action Notice from the State of Michigan Department of Natural Resources & Environment regarding the efforts by the Ingham County Circuit Court on behalf of municipal units of government governed under the Municipal Separate Storm Sewer System (MS4) requirements.

REFERRED TO THE CITY ATTORNEY

6. Letter from the State of Michigan Public Service Commission providing notice of hearings for the Electric Customers of Consumers Energy Co. Case # U16054 on April 5, 2010 at 9:00 a.m.

RECEIVED AND PLACED ON FILE

7. Letter from Prein & Newhof regarding the City's Storm Water Compliance Reporting and the requirement for a new SWPPI by June 1, 2010 and projecting that the requirements of the new reporting procedures will cost the average municipality \$6,000 in the course of the next three months.

REFERRED TO THE CITY ATTORNEY

8. Commercial Service Agreement from Griffin Pest Control for the Ant infestation in City Hall.

Motion by Councilmember Nicolow and supported by Councilmember Garrett that the City Clerk be directed to solicit quotes from other pest control providers.

Motion approved by the following vote:

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

NAYS: None.

ABSENT: Councilmember Jackson.

9. Letter from Matthew X. Hauser providing information about a fund raiser to benefit Stone Cottage held on March 26<sup>th</sup> at the Augusta VFW.

RECEIVED AND PLACED ON FILE

10. Application for appointment to the Downtown Development Authority filed by Ardis Cook of 2235 N. 37<sup>th</sup> St.

Motion by Councilmember Kissinger and supported by Councilmember Nicolow to approve the appointment of Ardis Cook to the Downtown Development Authority as recommended by the Board Members of the Downtown Development Authority.

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

NAYS: None.

ABSENT: Councilmember Jackson.

11. Letter from W.E. Upjohn Institute for Employment Research providing a report on the New Private Housing Units Authorized by building permits in Kalamazoo County.

RECEIVED AND PLACED ON FILE

12. Letter from Kathleen Kline, Pre-K Teacher at GA Schools requesting waiver of the fee for rental of Community Park on June 1, 2010 for their Pre-School Picnic.

Motion by Councilmember Nicolow and supported by Councilmember Garrett to approve the request for the use of Community Park and waiver of the rental fee.

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

NAYS: None.

ABSENT: Councilmember Jackson.

13. Notification by Comstock Township Planning Commission of transmittal of their proposed updated land use plan.

## RECEIVED AND PLACED ON FILE

14. Letter from the Kalamazoo County Road Commission providing information about a public information meeting on the Kalamazoo River Valley Trail on March 18, 2010.

## RECEIVED AND PLACED ON FILE

15. Notice from the State of Michigan Department of Energy Labor and Economic Growth Bureau of Construction Codes of a Public Hearing on April 1, 2010 at 9:30 a.m. on the Mechanical Rule Set.

## RECEIVED AND PLACED ON FILE

16. Letter from the Cable Access Center submitting their 2010/2011 Budget and requesting City Council Approval.

Motion by Councilmember Kissinger and supported by Councilmember VanNess to approve the submission of the Cable Access Center Budget for FY 2010/2011.

Motion approved by the following vote:

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

NAYS: None.

ABSENT: Councilmember Jackson.

**VI. PUBLIC HEARINGS**

There were no scheduled public hearings.

**VII. ACTION ITEMS**

## A. Resolutions for Adoption

1. Appropriation of funds to replace flooring in Fire Department with Ceramic Tile

**RESOLUTION #04032010-01  
CITY OF GALESBURG  
KALAMAZOO COUNTY, MICHIGAN**

At a regular meeting of the Galesburg City Council held on Monday, April 5, 2010 at 7:00 P.M. with Councilmembers Garrett, Kissinger, Nicolow, VanNess, Yingling, Allen present, and

Councilmember Jackson absent, the following resolution was offered by Councilmember Nicolow, and supported by Councilmember Garrett:

WHEREAS, the Galesburg Charleston Fire Department has requested that the flooring in the Fire Department Office be replaced and has offered to supply the labor for replacement of the carpet with ceramic tile; and

WHEREAS, the City of Galesburg has sufficient funding available in the building maintenance fund to pay for the purchase of the ceramic tile.

NOW THEREFOR BE IT RESOLVED, that the Galesburg City Council hereby authorizes the purchase of ceramic tile for installation in the Fire Department Office area in the amount of \$650.00 from the building maintenance fund.

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

Motion approved by the following vote:

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

NAYS: None

ABSENT: Councilmember Jackson

2. Transfer of Funds and Authorize Signers for purchase of Roelof Parking Lot

**RESOLUTION #04052010-01  
RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF GALESBURG,  
KALAMAZOO COUNTY, MICHIGAN**

At a regularly scheduled meeting of the Galesburg City Council held on Monday, April 5, 2010, at 7:00 P.M. with Councilmembers Garrett, Kissinger, Nicolow, VanNess, Yingling, Allen present, and Councilmember Jackson absent, the following resolution was offered by Councilmember Kissinger and supported by Councilmember Yingling:

WHEREAS, the City of Galesburg has filed an application for Community Development Block Grant funding with the Michigan Economic Development Corporation in the amount of \$614,609 for the City of Galesburg Downtown Improvement Project; and

**WHEREAS**, the Michigan Economic Development Corporation has approved the application by the City for CDBG funding; and

**WHEREAS**, the acquisition of property is an integral part of the Downtown Improvement Infrastructure Project; and

**WHEREAS**, the Galesburg City Council has previously approved the purchase of property, i.e. the Roelof Parking Lot in downtown Galesburg for the amount of \$50,000 utilizing a long term loan from the Water Department Receiving Fund to be paid back over a 15 year period with interest.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Galesburg hereby approves the transfer of funds from the Water Department Receiving Fund to the Major Streets Construction Streets and Bridges Account #202-452-970-000 to effectuate the purchase of the Roelof Parking Lot Property from Mr. and Mrs. Wayne Roelof and Mr. and Mrs. Phillip Roelof and authorizes the contract for purchase to be executed by the Mayor and the City Clerk.

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

Motion approved by the following vote:

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

NAYS: None

ABSENT: Councilmember Jackson  
\*\*\*\*\*

#### **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 April 5, 2010, and that the following is a record of the vote of the members of said City Council on said Resolution:

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

NAYS: None

ABSTENTIONS: None

ABSENT: Councilmember Jackson

Debbie Miner, CMC  
City Clerk, CFO

3. Authorizing the Intergovernmental Fire Protection HAZMAT Incident Response Agreement

#### **RESOLUTION #04052010-02 CITY OF GALESBURG KALAMAZOO COUNTY, MICHIGAN**

At a regular meeting of the Galesburg City Council held on Monday, April 5, 2010 at 7:00 P.M. with Councilmembers Garrett, Kissinger, Nicolow, VanNess, Yingling, Allen present, and Councilmember Jackson absent, the following resolution was offered by Councilmember Kissinger and supported by Councilmember Garrett:

**WHEREAS**, the Galesburg Charleston Fire Department has requested that the attached Intergovernmental Fire Protection Hazardous Materials Incident Response Agreement be approved by the City Council; and

**WHEREAS**, all of the municipalities in Kalamazoo County are party to the agreement.

**NOW THEREFOR BE IT RESOLVED**, that the Galesburg City Council hereby approves the attached Intergovernmental Fire Protection Hazardous Materials Incident Response Agreement and authorizes it's execution by Mayor Gary Allen.

Motion by Councilmember Kissinger and supported by Councilmember Garrett to place an affirmative roll call vote on the resolution approving the HAZMAT Agreement.

Motion approved by the following vote:

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

NAYS: None

ABSENT: Councilmember Jackson

#### **VIII. REPORTS OF OFFICERS & BOARDS**

##### **a. Treasurer's Report**

Motion by Councilmember Garrett and supported by Councilmember Kissinger to accept and approve the Treasurer's Report showing a total balance in all funds in the amount of \$1,603,752.50.

Motion approved by the following vote:

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

NAYS: None.

ABSENT: Councilmember Jackson.

c. Accounts payable

Motion by Councilmember Nicolow and supported by Councilmember Garrett to accept the report of accounts paid and payable in the amount of \$60,135.55 as submitted by the City Clerk and to authorize warrants for payment of same.

Motion approved by the following vote:

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

NAYS: None.

ABSENT: Councilmember Jackson.

b. Department of Public Works

Supervisor Wilson reported that our downtown improvement project will begin construction within 2 weeks. We are currently working on change orders that were authorized by Council. He stated that he has been having a problem with the check main that was installed during the water main project. This is the valve that has been causing trouble all along. Art Green is coming back to work part time to do mowing. Councilmember Garrett asked that Mr. Green be brought back to work on an on-call basis rather than reporting to work every day. Supervisor Wilson said that he cannot keep up with the mowing unless Mr. Green comes back to his normal schedule of 3 days per week.

c. Police Department

Chief Mau reported that the officer on duty last Saturday took video of the parking problem with participants of the Easter Egg Hunt and only issued 2 tickets.

Councilmember Yingling reported receiving phone calls from disgruntled residents who were ticketed for improper parking at an event that the City sponsored. She does not feel that these tickets were warranted.

Motion by Councilmember Nicolow and supported by Councilmember VanNess to accept the Police Report as submitted.

Motion approved by the following vote:

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

NAYS: None.

ABSENT: Councilmember Jackson.

e. Minutes of City Boards & Commissions:

- Galesburg Memorial Library;  
Minutes of February 23, 2010
- Galesburg Historical Museum;  
Minutes of February 17, 2010

**IX. NEW BUSINESS**

A. Discussion regarding the April 10, 2010  
City Wide Street Cleanup

Craig Newton said that he is all set to go with the cleanup of streets leading into Galesburg. He is hoping for good weather, which he has heard is supposed to be 65° and sunny. He has 48 people signed up to volunteer their time; some are boy scouts, some are 4-H members, some are community volunteers. They will meet at City Hall on Saturday at 9:00 A.M. He will provide lunch for all volunteers beginning at about 11:30 A.M. People can stop in for lunch whenever they are done with their area. He thanked Hardings for the donation of hot dogs and condiments and the Galesburg Meat Locker for the great deal they made him on 5 oz. hamburgers. All of the food has been paid for by an anonymous donor. MDOT has provided him with 50 high visibility vests and 300 bags for trash collection. The Fire Department has donated 10 visibility vests as well. They may have up to 70 volunteers. He requested the use of the Guthrie Room and the Park Pavillion for Saturday, at no cost, so that he can serve food to workers, and he asked for the use of the City's small dump truck, to be driven by the Mayor, for trash pickup.

Motion by Councilmember Nicolow and supported by Councilmember Kissinger to authorize the use of the Park Pavilion and the Guthrie Room for the City Wide street cleanup, and to approve the request for the waiver of fees for same.

Motion approved unanimously.

Motion by Councilmember Kissinger and supported by Councilmember Garrett to authorize the use of the small green dump truck to be driven by Mayor Allen for trash pickup.

Motion approved unanimously.

B. Proposal from Griffin Pest Control for City Hall Building Ant infestation

SEE MOTION AND VOTE UNDER COMMUNICATIONS

C. Closed Executive Session for City Clerk Contract Negotiation

PULLED FROM THE AGENDA AT THE REQUEST OF THE CITY CLERK

Councilmember Garrett stated her objection to the idea of the City Council going into closed session for negotiations of the City Clerk's Contract. She objects on the basis that this shows preferential treatment for this employee. She personally sat in these meetings when the discussion of Bill Bressons' rate of pay was discussed in open meetings. Why is one employee entitled to special treatment and another one is not.

Councilmember Nicolow explained to Councilmember Garrett that Mr. Bressons wage rate was discussed in open session because that was his request. An employee has the right to request closed session for negotiation of their pay rate if they so desire, but it is totally at their discretion.

City Clerk Miner said that only the discussion of wage rates is held in closed session. Any vote on the subject must occur in an open meeting. Councilmember Garrett replied that she is aware that votes are taken in open meetings.

## X. OLD BUSINESS

A. Discussion regarding the DDA Tax Increment Finance Authority Ordinance

Linda Carlton said that at the last DDA Meeting they discussed the TIF project. Their last proposal was returned to them by the City Attorney for a lack of specificity. She asked if the City would contact the City Attorney on their behalf. They are willing to assume any cost for his help with their project.

City Clerk Miner suggested that they call the Attorney directly, if they are going to be responsible for the expense.

Kathleen Fett said that some business owners want to put on a street fair on Mill St. on Greater Galesburg Day. She requested a motion from Council that the street be closed on June 19, 2010 beginning at the end of the Parking Lot and going back to the end of the Street.

Motion by Councilmember Nicolow and supported by Councilmember Kissinger to close Mill St. on June 19, 2010 from the end of the Parking lot back to the end of the Street to allow room for a street fair.

Motion approved unanimously.

## XI. COUNCIL COMMENT

Councilmember Kissinger reported on the Easter Egg hunt the Parks Board sponsored this past Saturday. The Park bathrooms should have been unlocked for them. He has been told that they were turned on today, but that was too late for their event. He thanked everyone who showed up for the Easter Egg Hunt. The Parks Board is making plans for a treasure hunt to take place on Greater Galesburg Day. They have named it "The Amazing Greater Galesburg Challenge". They are having a banner made up. Teams of two will compete for prizes. They will be given clues to solve. The solution to the first clue will lead to the second clue, etcetera... They will be going from business to business and monuments to other points of interest in the City. The first prize is \$100, and there will be various other prizes.

Councilmember Nicolow announced the passing of Suzanne Forrester on Saturday. She suffered a number of strokes. He has been working at the library for the Census. He will be there a number of days each week to help anyone who needs help with their census form.

Councilmember Garrett asked if Mike Carpenter has heard anything from the guy at 90 Washington who is burning trash in his back yard, including roofing material that he has removed from the house. Mr. Carpenter informed her the last time they talked that there has not been a demolition permit issued. She stated that she wants to reconsider the length of grass in our tall grass and weeds ordinance.

Mayor Allen stated his appreciation for the Parks Board and said that he applauds them for all the hard work they are doing and the effort they are putting into planning and the funds they are raising to provide recreational activities for the residents of the City. They really did a great job with the Easter Egg Hunt and it will be even better next year.

## **XII. ADJOURNMENT**

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

Motion approved unanimously.

**Meeting adjourned at 8:30 P.M.**

Respectfully submitted,

Debbie Miner, CMC  
Galesburg City Clerk, CFO

DRAFT