

**THE CITY OF THE VILLAGE OF DOUGLAS
MEETING OF THE CITY COUNCIL
MINUTES
Monday, February 18, 2008
7:00 p.m.**

1. Call to Order

The meeting was called to order at 7:04 p.m. by Mayor Balmer

2. Roll Call

Members Present: Balmer, Bailey, Harvath, Hoexter, Mayer, Moore, Waddell

Absent: None

Also Present: Manager Kowal and Clerk Neve

3. Pledge of Allegiance – Mayor

4. Changes/Additions/Deletions to Agenda

Motion by Moore with support from Waddell to approve the agenda as presented.

Motion carried.

5. Approval of Minutes

A. Committee of the Whole Meeting of February 4, 2008

B. Regular Meeting of City Council of February 4, 2008

C. Closed Session Minutes of February 4, 2008

Motion by Harvath with support from Bailey to approve all meeting minutes of February 4, 2008. Motion carried.

6. Appointments /Resignations

None

7. Proclamations/Awards

None

8. Public Communications (Limit of three minutes for comments regarding agenda items)

Verbal:

A. Fred Royce, 144 Lakeshore, commented on his letter dated February 9, 2008 (Item 8J) opposing application for permit made by Douglas Lakeshore Properties, LLC. Royce also commented the time may be right to look at consolidating planning and zoning services with City of Saugatuck.

Written:

A. Letter from West Michigan Strategic Alliance to City Manager Kowal dated January 29, 2008 RE: Consideration for Membership

- B. Minutes of the Douglas-Saugatuck Area Community Leaders Meeting on January 31, 2008
- C. Summary of Permits Issued by Michigan Township Services for January 2008
- D. Michigan Municipal League (MML) Action Alert RE: Proposed Annexation Legislation
- E. Letter from West Michigan Regional Planning Commission dated February 7, 2008 RE: 2007 Asset Management Report
- F. Letter from Allegan Conservation District dated February 8, 2008 RE: Annual Dinner and Election on Wednesday, February 27, 2008
- G. Notice of Public Meeting Received February 11, 2008 from the Board of County Road Commissioners of Allegan County RE: Federal Transportation Funding
- H. Letter from Tower Marine to City Manager Kowal dated February 13, 2008
- I. Michigan Municipal League (MML) Brochure RE: Capital Conference on April 1-2, 2008 at the Lansing Center, Lansing, MI
- J. Response from Douglas Lake Shore (Frederick E. Royce III) dated February 9, 2008 to Department of Environmental Quality Opposing Application for Permit Made by Douglas Lakeshore Properties, LLC, Thomas A. Scott (Swing Bridge Project)
- K. Letter from Martha M. Boetcher, Library Director, to City Manager Kowal dated February 7, 2008 RE: Response to Possible Upcoming City Banner Policy.

Kowal thanked Hoexter for attending the Community Leaders Meeting.

Moore commented on Item 8H and asked why not have a public meeting prior to the DEQ hearing on the Harbor Study.

Kowal responded R.J. Peterson is a private business owner with his own interests.

Peterson is certainly welcome to come speak before any public body. This Council was asked if they would like a meeting with Peterson but all declined. Council should not ask for a special meeting to accommodate the opinions of a private business owner. A public hearing with the DEQ has been requested that will allow the DEQ to explain their position. Mr. Peterson will no doubt be one of the primary speakers.

Bailey commented she is disappointed that Mr. Peterson again feels that this council is not listening.

Written communication noted as received and filed.

9. Unfinished Business

None

10. New Business

A. Motion to Adopt Resolution No. 11-2008 Encouraging the State of Michigan Legislature to Adopt Legislation Providing for No Reason Absent Voting and/or a Period of Early Voting

Motion by Waddell with support from Mayer to approve adoption of Resolution No. 11-2008. Motion carried unanimously by roll call vote.

B. Motion to Adopt Resolution No. 12-2008 Approving Entering into a Mutual Release and Settlement Agreement between the City of the Village of Douglas, Fleis & VandenBrink Engineering, Inc., Ron Meyer & Associates Excavating, Inc., and Aggregate Industries-Central Region, Regarding the Center Street Improvement Project (Please find attached DRAFT agreement dated 2-14-08; it is anticipated that the final agreement will be completed and distributed to City Council by Monday evening, February 18, 2008)

Motion by Waddell with support from Moore to approve adoption of Resolution No. 12-2008. Motion carried unanimously by roll call vote.

C. Motion by Adopt Resolution No. 14-2008 Approving a proposal for Legal Services for the Preparation of an Intergovernmental Agreement and Related Documents for the Creation of the Kalamazoo Harbor Commission

Kowal related services will be provided by Scott Smith of Clark Hill. There is a clause in the resolution that reveals Clark Hill is the legal counsel representing Saugatuck Public Schools. The Resolution will be amended to state the City of Douglas' share of expenses for legal services shall not exceed \$4,000.

Motion by Waddell with support from Bailey to approve adoption of Resolution No, 14-2008 with an amendment to state the City of Douglas share of legal expenses shall not exceed \$4,000. Motion carried unanimously by roll call vote.

D. Motion to Adopt Resolution No. 15-2008 Approving a Lot Combination (Parcel No. 03-59-150-027-00 and Parcel No. 03-59-150-044-00; 11 E. Fremont Street, Douglas, MI.)

Zoning Official Kilpatrick will respond to Moore's question on building placement and setback requirements.

Motion by Waddell with support from Mayer to approve adoption of Resolution No. 15-2008. Motion carried unanimously by roll call vote.

E. Motion to Adopt Resolution No. 16-2008 Adopting a Policy, Guidelines, and Application and Checklist for Use by the Assessor and Board of Review for Granting Poverty Exemptions in the City of the Village of Douglas

Motion by Waddell with support from Mayer to approve adoption of Resolution 16-2008. Motion carried unanimously by roll call vote.

F. Motion to Adopt Resolution No. 17-2008 Approving the Purchase of a 2008 Ford Explorer for the Police Department through a Cooperative Purchasing Program

Kowal noted this is a budgeted expense.

Motion by Waddell with support from Harvath to approve adoption of Resolution No. 17-2008. Motion carried unanimously by roll call vote.

G. Motion to Grant Permission to the Knights of Columbus to Collect Donations at Certain Locations Throughout the City of the Village of Douglas for the Annual Tootsie Roll Drive.

Motion by Waddell with support from Mayer to approve granting permission for the Annual Tootsie Roll Drive. Motion carried.

11. Staff Reports

A. Building/Planning/Zoning/Enforcement

1. Letter from Planning/Zoning Official Ryan Kilpatrick, to GMB Architects dated February 5, 2008 RE: Proposed Expansion of Douglas Elementary School & Special Land Use Procedures

Kowal noted the Special Use Permit requires a public hearing by the Planning Commission.

2. Letter from City Attorney Vander Veen to Attorney Barbara Ruga, Clark Hill, PLC, dated February 8, 2008 RE: Notice of Violations Issued by City Zoning Administrator Kowal in Regards to the Playground at the Pre-School Facility at Douglas Elementary School (see copy of Notice of Violations attached thereto)

3. State of Michigan, Department of Environmental Quality, Public Notice dated February 6, 2008, RE: Application by Douglas Lakefront Properties, LLC, Thomas A. Scott (Swing Bridge Project) Prepared and Signed by R.J. Peterson, Tower Marine, to install a Sheet Piling Seawall and Backfill in the Kalamazoo River. Additionally, to Place Approximately 25,764.4 Cubic Yards of Fill in the Wetland, 100-Year Floodplain, and Beneath the Ordinary High Water Mark of the River

Kowal related his intention to send a letter to the DEQ requesting a public hearing to show scientific proof that this project is a viable means to solving the silt problem.

4. Letters of Advance Notice from Manager Kowal dated February 6, 2008 to Entities that were Previously Granted Permission by the City to Hang Banners Along Center Street of a Possible Upcoming City Banner Policy

5. Email Communication from Mr. Tom Bredemann RE: Parking on Center Street and an Email Communication Response from Planning/Zoning Official, Ryan Kilpatrick
Communications noted as received, reviewed and filed.

B. Finance/Budget

1. Revenue/Expenditure Report for the Period 7/1/07 to 1/31/08

2. Cash Balances Report for the Month Ended January 31, 2008

Kowal noted there will be a considerable number of budget amendments to come before council soon.

12. Committee Reports

A. Zoning Ordinance Ad Hoc Committee

The re-write is complete with the Ad Hoc Committee awaiting the final draft.

B. Planning Commission

The next meeting is scheduled for Wednesday, February 20th.

C. Tri-Community Joint Planning Commission

Harvath reported the Joint Planning Commission is having difficulty getting two representatives from each community to attend meetings. The meetings are quarterly with the suggestion to appoint an alternative. The Joint Commission requested the City prove our Zoning Ordinance is in compliance with the Tri-Community Plan. The next meeting is scheduled for May 13th.

D. Community Recreation Advisory Board

Bailey reported the work on the five-year plan continues.

E. Police Commission

Hoexter reported on the February 13th meeting. Attorney King led a discussion on providing service outside the boundaries of Douglas and Saugatuck City.

An emergency phone is in place outside the Police Department building for calling 911.

Officers Reyes and Giles are certified as TEAM instructors.

F. Kalamazoo Lake Sewer & Water Authority

No report.

G. Park Improvements

A meeting will be held Tuesday, February 19th at 1:30 p.m.

13. Council Comments

Bailey asked for an update on the Park Drive paving issue and the letter that Attorney Mulder is drafting to Mr. Von Der Heide.

Bailey commented she would like to have snacks at evening meetings that start at 5:30 p.m. and last until 9 or 10 o'clock.

Mayer asked for an update on hiring a DPW employee.

Moore asked about the Treasurer recruitment process. Moore would like to give Manager Kowal a goal to create a Capital Improvement Plan by June 2008.

Kowal responded that is an important goal but a good plan can take months to create. There are funds available in this years budget for creating a plan. A

realistic time frame for the CIP to be in place is the budget year 2009-2010. In the meantime projects to be budgeted without a CIP will be presented for a council consensus.

Moore feels goals should be set for our Manager.

Balmer agreed but asked Manager Kowal to present a time frame in which to complete a CIP.

Hoexter commented on the new packet folders that are to be left with the City Clerk after each meeting for reuse. She also requested that council not eat food in front of the audience. Also the video tape quality is very poor.

Harvath thanked Kowal for follow through on issues. He asked for an update on the marina property at 19 Water Street, the Mini Storage property and the Blue Moon issue.

Kowal responded Attorney Mulder feels it best to wait until the marina property is sold to deal with violations. The Mini Storage violations are progressing to the next legal enforcement level. The Blue Moon was issued a notice of zoning violation. When going after old outstanding violations it becomes very difficult to catch up and clean up. We need to start with better beginnings, consistent enforcement and stay assertive.

Waddell would like to see the new zoning administrator do a Blue Star corridor study. She complimented Kilpatrick on his communication skills and stated Assessor Zieseimer does an excellent job.

14. Mayor's Report/Comments

Balmer commented the disagreement with the City of Saugatuck over the sewer capacity agreement is not personal. The two cities are capable of working together on other issues.

15. Approval of Invoices

A. Consideration of Approval of Invoices dated 2/5/08 (\$194.68) and 2/14/08 (\$52,135.93)

Motion by Waddell with support from Moore to approve invoices totaling \$52,330.61. Motion carried unanimously by roll call vote.

16. Manager's Report

A. The Police Committee meeting was a good one. The cities are looking at options to provide service outside of our boundaries and took the initiative to provide an attorney to discuss the concept of a District Department. Chief Giles is currently gathering information on the number, type and time spent on calls in Saugatuck Township.

B. Employment Recruiting

1. Three candidates were interviewed for the Zoning Administrator position. Ryan Kilpatrick was the number one choice and was offered the job. He declined the position stating it is in his best interest to stay with Williams & Works at this time. A proposal with William & Works to provide service three days per week is being

considered.

2. Ten resumes were received for the Treasurers position. Three will be interviewed on Thursday and Friday. One candidate is only interested in part-time.

3. The last employee hired in the DPW quit after two days. Another ad was placed in the Kalamazoo Gazette. Last Friday a temporary snowplow driver was hired to get us through the bad weather.

17. Hear from the Audience (Limit three minutes for general comments)

Fred Royce, 144 Lakeshore, commented the recruiting report shows a good reason to think of consolidating services. Royce would like to see a dedicated millage in place for property acquisition.

Heather Barton, 190 Union, commented a 1% fee from a property sale goes into property acquisition fund in the City of Nantucket.

18. Adjournment

The meeting was adjourned at 9:42 p.m.

Respectfully submitted by:

Jean E. Neve, CMC
Clerk

Approved by: _____
Matt Balmer, Mayor

Certification of Minutes

I hereby certify that the attached is a true and correct copy of the minutes of a regular meeting of the City Council of the City of the Village of Douglas held on February 18, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk Date