

THE CITY OF THE VILLAGE OF DOUGLAS
MEETING OF THE CITY COUNCIL
MINUTES
Monday, April 21, 2008
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:05 p.m. by Mayor Balmer

2. Roll Call

Members Present: Bailey, Balmer, 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 Hoexter with support from Moore to approve the agenda as presented. Motion carried.

5. Approval of Minutes

A. Committee of the Whole Meeting of April 7, 2008

B. Regular Meeting of City Council of April 7, 2008

C. Special Meeting of City Council of April 14, 2008

D. Closed Session Minutes of City Council of April 14, 2008

Motion by Bailey with support from Mayer to approve meeting minutes of April 7 and April 14, 2008. Motion carried.

6. Appointments /Resignations

None

7. Proclamations/Awards

None

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

A. Verbal:

1. Jim Hansen, Chair of Saugatuck Township Planning Commission, urged support for working together through the Partnerships for Change Sustainable Communities Program Grant.

2. Dan Esterline, Dunes Resort, thanked Manager Kowal for his work on the noise ordinance. Esterline commented he would like council to take a closer look at Section 30-37; most especially the sentence that reads “the Noise Control Officer may remove the source of the noise”.

3. Tara Frey, 483 Amity, related she is drafting a letter to Saugatuck Public Schools regarding the short field proposed for the ball field at Douglas Elementary.

B. Written:

1. Summary of the Interurban Transit Authority Board Meeting of April 15, 2008, from R.G. Poetsch dated April 17, 2008

2. Allegan County Commission on Aging; Listing of Dates and Times of Scheduled Meetings for the 2008 Calendar Year

3. Notice from Michigan Municipal League of the Upcoming Brownfields 2008 Conference; May 5-7, Cobo Center, Detroit, MI

4. Letter from City Manager to Residents, Businesses, and Other Affected Parties Regarding the Upcoming Center Street Reconstruction Work

5. Copy of News Release RE: Upcoming State Mandated Underwater Blue Star Bridge Inspection and Required Lane Closure

Written communications noted as received and filed.

9. Unfinished Business

A. Motion to Adopt for Second and Final Reading Ordinance No. 02-2008 Amending the Zoning Ordinance of the City of the Village of Douglas, Michigan (Amending in its Entirety Article XXIX, Zoning Board of Appeals, Section 29.02)

ZBA applicants will be asked to file a Boards and Commissions application prior to May 1st. Appointments will be made at the May 5, 2008 Council Meeting.

Motion by Bailey with support from Waddell to approve adoption of Ordinance No. 02-2008. Motion carried unanimously by roll call vote.

10. New Business

A. Motion to Adopt for First Reading Ordinance No. 03-2008 Amending the Code of Ordinances of the City of the Village of Douglas, Michigan, Relating to the Regulation of Noise

Council discussed Section 30.37 in regards to an officer having the right to remove sound equipment from the premises. A suggestion was made to clarify the time period in which offenses occur. If an officer has to go to the offender twice in the same 24-hour period that would constitute one offense. A provision for municipal fines is included in the civil infraction section of the ordinance.

Motion by Harvath with support from Hoexter to approve for first reading Ordinance No. 03-2008. Motion carried by roll call vote with Harvath and Moore casting "no" votes.

B. Motion to Adopt for First Reading Ordinance No. 04-2008 Amending the Code of Ordinances of the City of the Village of Douglas, Michigan, Relating to Grass and Noxious Weeds

Council discussed publishing the ordinance each spring to keep property owners reminded of the need to maintain properties. Currently there is

no ordinance that requires home owners to maintain the right-of-way. The City gives written notice to offending property owners who can be charged for costs related to clean up by the Department of Public Works. If City incurred costs are not reimbursed we have the ability to assess a lien to the tax bill.

Moore related he has several problems with the ordinance and believes the 8-inch length for grass is excessively short.

Motion by Harvath with support from Waddell to approve for first reading Ordinance No. 04-2008. Motion carried by roll call vote with Moore casting a “no”.

C. Motion to Adopt for First Reading Ordinance No. 05-2008 Adopting and Enacting a New Code for the City of the Village of Douglas, Michigan; Providing for the Repeal of Certain Ordinances not included Therein; Providing for the Manner of Amending Such Code; And Providing When Such Code and this Ordinance Shall Become Effective.

Motion by Harvath with support from Bailey to approve for first reading Ordinance No. 05-2008. Motion carried unanimously by roll call vote.

D. Motion to Adopt Resolution No. 27-2008 Approving the Purchase of a 2008 GMC Sierra 1500 Work Truck through MiDEAL, Michigan’s Cooperation Purchasing Program for a cost of \$17560.

Motion by Harvath with support from Mayer to approve adoption of Resolution No. 27-2008. Motion carried unanimously by roll call vote.

E. Motion to Adopt Resolution No. 29-2008 Supporting the Grant Application Prepared by the Saugatuck-Douglas Historical Society to the Michigan Council for Arts and Cultural Affairs (MCACA) for the Creation of the Historical Archives Digital Laboratory at the Old School House.

Motion by Hoexter with support from Bailey to approve adoption of Resolution No. 29-2008. Motion carried unanimously by roll call vote.

F. Motion to Adopt Resolution No. 30-2008 Committing to Provide the Local Match Funds for a Grant through the Partnerships for Change (Pfc) Sustainable Communities Program

Council was in agreement that they would like Saugatuck Township to be involved and a partner in the Harbor negotiations/development. Many questions arose as to establishing an enabling ordinance for the creation of the Harbor Committee. The City of Saugatuck and the City of the Village Douglas have each already contributed \$20,000. If the Township puts in \$2,300 does that make them an equal partner? The Township was asked to participate months ago but declined saying they didn’t have the money. No one knows now what the Township is expecting with their contribution of \$2,300. Nothing is in place to direct a commission as to the responsibilities, who is administering the grant, or what each entity’s

role will be. An attorney working on an enabling ordinance now will have a difficult time determining representation and number of votes each participant gets. There was no opportunity to have a discussion on this prior to tonight. Douglas learned of the grant through Suzanne Dixon at which time Kowal contact Saugatuck City Manager Kirk Harrier. Harrier indicated he learned of the grant through Planning Commission Chairperson Harold Thieda.

Council questioned if a larger grant could have been applied for if the Township could have put up more money. It is unclear if the \$2,300 is a one-time gift or does the Township expect to have an equal vote. This is a difficult choice not knowing the Township's position.

Motion by Harvath with support from Bailey to approve adoption of Resolution No. 30-2008. Motion failed 3-4 with Bailey, Harvath, Mayer and Waddell casting "no" votes.

G. Motion to Adopt Resolution No. 31-2008 Declaring City of the Village of Douglas Property Surplus and Authorizing Disposition.

There were three items to be declared surplus: Brush Hog Side Mounted Rotary Cutter, Salt Box, and Hewlett-Packard HP Server.

Motion by Moore with support from Waddell to approve adoption of Resolution No. 31-2008. Motion carried unanimously by roll call vote.

H. Motion to Approve the Appointment of the Following Individuals as Election Inspectors at the Tuesday, May 6, 2008 School Election: Tarue Pullen, Donna St. Andre, Linda Anderson, Walter Pattison, Louise Pattison, Dorothy Demerest and Martha Hoexter.

Moton by Harvath with support from Bailey to approve election inspectors for the May 6th election. Motion carried with Hoexter abstaining.

11. Staff Reports

A. Building/Planning/Zoning/Enforcement

1. Letter from City Attorney, Andy Mulder, to R.J. Peterson, dated April 2, 2008 RE: site plan requirements for the expansion of the spoils area for dredging at the Tower Marine site with attached letter from Attorney Mulder to R.J. Peterson, dated September 26, 2007.

Kowal reviewed.

2. Letter from City Planning & Zoning Consultant, Ryan Kilpatrick, to R.J. Peterson dated April 8, 2008 RE: Special Use Permit requirements for the apparent expansion of Tower Marine.

Kowal reported no response from Peterson yet.

3. Letter from City Planning & Zoning Consultant, Ryan Kilpatrick, to Dick Waskin, dated April 8, 2008 RE: Site Plan requirements for the reconstruction of

the building located at the corner of Center and Main Streets, Douglas, MI, casualty of a recent fire. Kowal reported this letter is for council information only.

B. Finance/Budget

1. Revenue/Expenditure Report for the Period 7/1/07 to 3/31/08
2. Cash Balances Report for the Month Ended March 31, 2008
3. Summary of Wire Transfer/ACH Payments for the Month Ended March 31, 2008
4. Investment Schedule as of 3/31/08

Finance reports prepared by Peter Haefner for council review. Kowal indicated there would be numerous budget amendments coming for council approval.

12. Committee Reports

A. Zoning Ordinance Ad Hoc Committee
No meeting.

B. Planning Commission

No report on the April 16th Planning Commission meeting since all council members had been in attendance.

Kowal related the Fire Department was asked to attend a council work session for their review of the new zoning ordinance.

C. Community Recreation Advisory Board

No meeting

D. Police Commission

Hoexter reported on the April 9th meeting. There was discussion on the budget and how Douglas will charge for services in the future. The City Attorney will review the number and time of Police calls into the Township.

13. Council Comments

A. Moore commented on denying the Harbor Commission grant proposal and how Douglas will now be perceived by Saugatuck and the Township.

B. Waddell related she is just not comfortable moving forward with the Harbor Commission grant without knowing the Township position.

C. Harvath thanked Manager Kowal for the Saturday session. He felt it was a very positive meeting. He hopes the Tri-Communities can work together having a shared interest.

D. Bailey commented much was accomplished on Saturday. Our next council meeting we should have performance goals set and be able to approve the manager's contract.

14. Mayor's Report/Comments

Council should now be able to evaluate the manager and set up guidelines for future council members. Kowal was thanked for all his work.

It was unfortunate that we did not have the Township's position on the Harbor Committee tonight. Mr. Hansen should have been able to tell us how the Township would participate.

A brief review of Saturday's meeting was given for the benefit of Councilperson Moore who was unable to attend.

15. Approval of Invoices

A. Consideration of Approval of Invoices dated 4/18/08

Motion by Moore with support from Bailey to approve invoices totaling \$61,985.46. Motion carried unanimously by roll call vote.

16. Manager's Report

A. Thanked council for commitment in attending a Saturday meeting.

B. The Treasurer recruitment continues. Two candidates remain in the running.

A recommendation will be brought to the May 19th council meeting.

C. A FOIA request was received from R.J. Peterson for all legal bills paid to Cunningham Dalman in the past 12 months.

D. A few weeks ago both Douglas and Saugatuck agreed to hire Kreis Enderle to prepare legal documents for the Harbor Committee.

A letter will be sent to R.J. Peterson asking for reimbursement of costs incurred when he called Attorney Tom King.

E. The Township issue has caused a lot of emotion tonight. It is unfortunate an enabling agreement was not already in place.

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

No comments were heard.

18. Adjournment

The meeting was adjourned at 9:50 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 April 21, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk Date