

THE CITY OF THE VILLAGE OF DOUGLAS  
MEETING OF THE CITY COUNCIL  
MINUTES

Monday, May 5, 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, Moore, Waddell

Absent: Mayer

Also Present: Manager Kowal and Clerk Neve

3. Pledge of Allegiance – Mayor

4. Changes/Additions/Deletions to Agenda

A. Item #9A to be moved forward before Item #6

B. Additions: Item #10D Resolution No. 35-2008

Item #8B-9 Letter from Saugatuck Public Schools

Item #8B-10 Letter from R.J. Peterson

Motion by Waddell with support from Harvath to approve the agenda as amended.

Motion carried.

5. Approval of Minutes

A. Special Meeting of City Council of April 19, 2008

B. Committee of the Whole Meeting of City Council of April 21, 2008

C. Regular Meeting of City Council of April 21, 2008

D. Closed Session Minutes of City Council of April 21, 2008

Motion by Bailey with support from Waddell to approve

meeting minutes as presented. Motion carried.

Item #9A. Motion to adopt for Second and Final Reading Ordinance No. 03-2008 amending the Code of Ordinances of the City of the Village of Douglas, Michigan, by replacing Section 95.01 of Title IX and repealing Sections 95.02, 95.03, 95.04, 95.06, 95.07 and 95.08 in their entirety of Title IX, relating to the regulation of noise.

Motion by Hoexter with support from Bailey to approve adoption of Ordinance No. 03-2008. Motion carried unanimously by roll call vote.

6. Appointments /Resignations

None

7. Proclamations/Awards

None

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

A. Verbal:

1. Keith Charak, 938 Center Street, explained his letter to ask the Planning Commission to consider reviewing regulations for seasonal rentals.
2. Dave Hills, Water Street, commented the City is chasing people out of town by allowing rental properties that do not provide adequate parking for guests.
3. Dan Esterline, Dunes Resort, commented he supports Mr. Charak in his request. Thanks Manager Kowal for all the work on the noise ordinance.

B. Written:

1. Minutes of the Regular Meeting of the Saugatuck Township Fire District Board Meeting of March 10, 2008 and Workshop Meeting of March 24, 2008
2. Letter from Library Director dated April 22, 2008 RE: Banners
3. Letter from Gary Czerwinski dated April 28, 2008 RE: Business License Fee
4. Letter from Becky Rininger, Allegan County Drain Commissioner, dated April 25, 2008 RE: 2007 Annual Report (full report available for inspection in the Office of the City Clerk
5. Email from Dana Johnson dated April 24, 2008 RE: "Free Eco-Film Series"
6. Letter from City Manager to Mr. Peterson dated April 24, 2008 RE: Reimbursement of City Funds and Response Letter from Mr. Peterson to City Manager dated April 28, 2008
7. Letter to City Council from Mr. Keith Charak; Sherwood Forest Bed & Breakfast
8. Public Notice of Meeting Cancellation; Regular Police Commission Meeting of May 14, 2008

Written communications noted as received and filed.

9. Unfinished Business

A. Moved forward.

B. Motion to Adopt for Second and Final Reading Ordinance No. 04-2008 Amending the Code of Ordinances of the City of the Village of Douglas, Michigan, by adding Sections 95-30-95.30.3 to Title IX, Relating to Grass and Noxious Weeds

Discussion of what qualifies as "landscaping".

Motion by Waddell with support from Bailey to approve adoption of Ordinance No. 04-2008. Motion carried by roll call vote with Moore voting "no".

C. Motion to Adopt for Second and Final 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  
20 days after adoption and publication.

Motion by Waddell with support from Moore to approve adoption of Ordinance No. 05-2008. Motion carried unanimously by roll call vote.

#### 10. New Business

A. Motion to Adopt Resolution No. 32-2008 Approving a Proposal from Ron Meyer & Associates Excavating, Inc., for Resurfacing Wiley Road from Blue Star Highway to Western City Limit.

Pavement on Wiley will be milled and re-surfaced. The goal is to get the water ponding off the pavement as soon as possible. The City entered into an agreement for exchange of federal funds instead of taking the full amount of the grant. The City elected to \$55,000 with the condition that money be used for repairs to Wiley Road. The proposal from Ron Meyer Associates is \$57,000 due to the fact that the road will be done at the same time as Center Street. In the future the Capital Improvement Plan will prioritize projects.

Motion by Hoexter with support from Bailey to approve Resolution No. 32-2008. Motion carried unanimously by roll call vote .

B. Motion to Adopt Resolution No. 33-2008 Approving the City Manager's Employment Agreement Effective May 1, 2008.

Motion by Hoexter with support from Bailey to approve Resolution No. 33-2008. Motion carried unanimously by roll call vote

C. Motion to Adopt Resolution No. 34-2008 Approving the Municipal Employees' Retirement System (MERS) of Michigan Revised Uniform Defined Contribution Program Resolution for Participation by the City Manager.

Motion by Waddell with support from Bailey to approve Resolution No. 34-2008. Motion carried unanimously by roll call vote. Waddell requested a future work session with MERS.

D. Motion to Adopt Resolution No. 35-2008 Approving a Tolling Agreement Regarding the Ring Property at 364 Lakeshore Dr.

The purpose of the tolling agreement is to allow parties to continue to negotiate and exchange information subject to any existing claims and defenses on the date of the Agreement.

Motion by Hoexter with support from Waddell to approve adoption of Resolution No. 35-2008. Motion carried unanimously by roll call vote.

#### 11. Staff Reports

A. Building/Planning/Zoning/Enforcement

1. Email dated April 17, 2008 from Messrs. Paul Sendra and Dale Dietzel, 436 Amity, Douglas, MI, Objecting to the Proposed

Expansion of Existing Softball Field to Accommodate a Larger Varsity Baseball Field at the Site of Douglas Elementary School; Also Thanking Councilperson Waddell and Encouraging Others to Walk the Site to Gain a Better Perspective.

2. Letter from Fire Chief Blok and Deputy Chief Janik dated April 28, 2008 RE: Site Plan Review Comments of Proposed Building Addition at Douglas Elementary School

3. Letter from Fire Chief Blok and Deputy Chief Janik dated April 28, 2008 RE: Site Plan Review Comments of Proposed Varsity Baseball Field at Douglas Elementary School.

4. Letter from Michigan Bureau of Construction Codes to Ms. Broderick, Saugatuck Public Schools (SPS), dated April 1, 2008 RE: Michigan Department of Education (MDOE) Identification of Deficiencies Contained in Site Plan Review of SPS Early Childhood Center/Educare Facility. Also Attached is Letter from Ms. Broderick, SPS, to Michigan Bureau of Construction Codes dated February 19, 2008 Regarding SPS Submission of “.....revised site plan that shows the location of the preschool playground equipment.”

Items 1-4 were briefly reviewed and discussed. A letter will be sent to the State Superintendent of Schools regarding the application of a site plan review that was filled out and filed by Saugatuck Schools and not by the City of Douglas.

## 12. Committee Reports

### A. Planning Commission

Six members of the City Council attended the last Planning Commission Meeting, therefore there was no need to report.

### B. Community Recreation Advisory Board

No meeting.

### C. Kalamazoo Lake Sewer and Water Authority

No meeting.

### D. Park Improvements Implementation Ad Hoc Committee

A work session has been scheduled for May 6th at 11 Center Street.

E. Great Lake Navigation Stakeholder Meeting held in Chicago, IL on April 23, 2008

F. Michigan Small Harbors Coalition Meeting held in Lansing, MI on April 29, 2008

Bailey reported on both meetings and left a written report for each Council member.

### 13. Council Comments

Hoexter thanked Bailey for the report and related it is imperative to get the Harbor Advisory Committee into action.

Moore also thanked Bailey for the report.

Harvath commented the Saugatuck School Administrators are responsible for forming our future generation.

Bailey related she is happy to continue to attend any Harbor meetings until the Harbor Advisory Committee is up and running.

Bailey feels it is very important to look at seasonal rental properties and the parking issues.

### 14. Mayor's Report/Comments

Balmer and council members thanked Manager Kowal for all his work.

### 15. Approval of Invoices

#### A. Consideration of Approval of Invoices dated 5/1/08

Motion by Waddell with support from Harvath to approve invoices totaling \$56,531.34.

Motion carried unanimously by roll call vote.

#### B. Consideration of Approval of Payroll for the Month Ended April 30, 2008 in the amount of \$52,650.37.

Motion by Waddell with support from Bailey to approve payroll for the month ended April 30, 2008. Motion carried unanimously by roll call vote.

### 16. Manager's Report

A. Center Street reconstruction began this morning from Washington to Union Street. Center Street from Blue Star to Union will be kept open until after Tuesdays election. Reconstruction should be completed in two to three weeks. The parking spaces will not be repaved but will get new striping after the street is completed. Construction on Wiley Road will begin Tuesday, May 6th with little or no warning to the Summer Grove residents.

B. A stop work order was issued last Thursday for construction at Center Street and Chestnut Lane. A berm and landscape plantings are in the right-of-way.

C. Running Rivers Kayak Rental is again requesting the use of the garage at Wade's Bayou. Since last year the City has purchased new DPW equipment and trucks that are stored in the garage a review of the lease will happen before a rental agreement is signed.

D. Council is thanked for their kind words and approval of the manager's contract.

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

A. Dave Hills, Water Street, commented on the Water Street curve, people driving on the grass and almost hitting the telephone pole. Suggested adding the wording "if detrimental to the health and safety of the citizens" to the grass and noxious weed ordinance.

B. Daryl Parlin, Corkscrews, asked about obtaining a liquor license for the new Corkscrews location he wants to open in Douglas.

Manager Kowal explained a change of use requires Planning Commission approval. Ryan Kilpatrick met with Mr. Parlin last fall describing the site plan process. The City has heard nothing more from the petitioner until May 2nd. A public hearing is required and a site plan must be approved before the liquor license can be granted.

18. Adjournment

The meeting was adjourned at 9:15 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 May 5, 2008. I further certify that the meeting was duly called and that a quorum was present.

\_\_\_\_\_  
Jean E. Neve, City Clerk Date