

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

Monday, January 7, 2008
7:00 p.m.

- 1. Call to Order/Roll Call**

The meeting was called to order at 7:00 p.m. by Mayor Balmer
Members Present: Bailey, Balmer, Harvath, Hoexter, Mayer, Moore
Absent: Waddell
Also Present: City Manager Kowal, and Clerk Neve.
- 2. Pledge of Allegiance – Mayor**
- 3. Changes/Additions/Deletions to Agenda**

Closed session to discuss property acquisition will be added as Item #17 with Adjournment changed to #18.
Motion by Moore with support from Bailey to approve the agenda as amended. Motion carried.
- 4. Approval of Minutes**
 - A. Regular Meeting of City Council of December 17, 2007
 - B. Closed Session Minutes of City Council of December 17, 2007
 - C. Special Meeting of City Council of December 19, 2007
 - D. Closed Session Minutes of City Council of December 19, 2007
 - E. Special Meeting of City Council of January 3, 2008

Motion by Hoexter with support from Mayer to approve all meeting minutes as presented. Motion carried.
- 5. Appointments /Resignations**
 - A. Reappointment of John R. Thomas to the Board of the Douglas Downtown Development Authority (DDA); Term Expires January 2012
Motion by Mayer with support from Hoexter to approve the reappointment of John R. Thomas to the DDA Board with a term to expire January 2012. Motion carried.
- 6. Proclamations/Awards**

None
- 7. Public Communications** (Limit of three minutes for comments regarding agenda items)

Verbal:

 - A. Fritz Royce, 144 Lakeshore, commented on having a plan in place for future purchase of properties. He would like to see a plan on what properties to acquire and when to acquire them. He urged council to join with Saugatuck

Township to address what Douglas can do to preserve R-4 zoning of the Denison property.

Written:

- A. Article from **The Grand Rapids Press** dated December 9, 2007; “Dredging Plan for Black River Takes Shape”
- B. Email Communication Received from the Saugatuck-Douglas Convention & Visitors Bureau (CVB) dated December 19, 2007 RE: Email Communication from David Swan “The Fate of the Denison and the Potential Impact on Taxes”
- C. Minutes of the Regular Meeting of the Saugatuck Township Fire District Board of November 12, 2007 and Workshop Meeting of November 26, 2007
- D. Article from **The Wall Street Journal**; “Whose Beach Is This Anyway?”
- E. Letter from Dayle Harrison, KRPA, dated December 27, 2007 RE: Proposed Agenda for Upcoming Meeting on Tuesday, January 8, 2008, Saugatuck High School, 7:00 P.M. Presenters/Speakers to Include Representatives from the US Environmental Protection Agency (USEPA), Michigan Department of Environmental Quality (MDEQ), Michigan Department of Natural Resources (MDNR), etc.
- F. Summary dated December 21, 2007 of Interurban Transit Authority Board of December 18, 2007
- G. Letter from Allegan Township Board dated December 21, 2007 RE: Resolution Adopted by the Allegan Township Board Regarding Proposed Allegan County Jail

Written communications noted as received and filed.

Kowal noted that he and Balmer will attend the Tuesday, January 8th meeting at Saugatuck High School. (7E)

8. Unfinished Business

None

9. New Business

- A. Motion to Approve a Banking Resolution with Macatawa Bank
Motion by Mayer with support from Harvath to approve the Macatawa Bank resolution authorizing Mayor Balmer, Clerk Neve and Councilperson Hoexter signers on Macatawa Bank accounts. Motion carried unanimously by roll call vote.
- B. Motion to Approve the City of the Village of Douglas 2008 Meeting Schedule for the City Council, Planning Commission, Downtown Development Authority (DDA) and the Zoning Board of Appeals (ZBA)
Motion by Bailey with support from Moore to approve the City of the Village of Douglas 2008 Meeting Schedule with the amendment to include an additional Planning Commission meeting on the 1st Wednesday of each month. Motion carried.

11. Staff Reports

- A. Building/Planning/Zoning/Enforcement:
1. Saugatuck Storage Facility (Dean Borland)
Kowal reviewed the issue at the storage facility is that Mr. Borland is operating without a certificate of occupancy. The requirement for a revised site plan has never been resolved. Letters were written to Mr. Borland's attorney. Council has been steadfast in their determination to not tolerate further operations without an occupancy permit. A response was received from Mr. Borland on January 4, 2008 which is now under review by staff and City Attorney. A clear message was sent that there are going to be consequences to these actions.
 2. Newly Installed Billboard Sign at Union Street and Blue Star Highway
Zoning staff Kilpatrick has sent a letter to the realtor that the sign is in the right-of-way.
 3. Park Drive
Kowal related this is an issue that has been ongoing for some time. Developers constructed homes with no access to public improvements. Property owners were promised street paving would be done by the developer. A staff meeting and a meeting with the residents is scheduled to try to resolve these issues.
 4. Swing Bridge
Kowal reported a total of three plot plans have been submitted and rejected as non-compliance with the zoning ordinance. Developers have been notified that no future reviews will be considered until a \$5,000 cash escrow is posted with the City. The developer started moving some ground during the holidays. Kowal related a stop work order was issued and placed on the property. A letter will go to the developer detailing why the order will remain in place.

12. Committee Reports

- A. Zoning Ordinance Ad Hoc Committee
No report
- B. Planning Commission
Next scheduled meeting is January 16th.
- C. Joint Planning Committee
No report

- D. Community Recreation Advisory Board
Have not met.
- E. Police Commission
January 9th meeting is cancelled. Next scheduled meeting is February 13th.
- F. Kalamazoo Lake Sewer & Water Authority (KLSWA)
Next scheduled meeting is January 21st.

13. Council Comments

Bailey remarked the packet received from R.J. Peterson contained a very caustic letter. She related she is quite comfortable with the information received from Manager Kowal. At the last council meeting Kowal asked if we wanted to have another meeting with Peterson. Council agreed we did not.

Harvath asked if there is any way to recover some of the attorney fees. Kowal responded a required cash escrow will be in place for future projects. Those that benefit from the service should pay for the service.

Harvath commented on the many dogs in the downtown area walking on a high level of ice melting chemicals. It is very caustic to animal paws.

Moore remarked he actually prefers using less salt/chemicals. Moore asked about the Wild Dog temporary certificate of occupancy permit. Kowal responded the Planning Commission will be discussing parking structure changes at the January 16th meeting.

Hoexter also commented on the packet received from Peterson. She related she had received a call from Peterson last week in which many negative comments were made about our City Manager. She offered her full support of Manager Kowal.

Mayer commented she too fully supports our manager. Compliments to the DPW on doing a great job on the roads.

14. Mayor's Report/Comments

Balmer encouraged everyone to attend the meeting on Tuesday evening at Saugatuck High School to hear from representatives of the US Environmental Protection Agency, MDEQ and MDNR.

15. Approval of Invoices

- A. Consideration of Approval of Invoices dated 1/3/08
Motion by Moore with support from Bailey to approve invoices dated 1/3/08 in the amount of \$64,096.63. Motion carried unanimously by roll call vote.

- B. Consideration of Approval of Payroll for the Month Ended December 2007
Motion by Hoexter with support from Bailey to approve payroll for the month ended December 2007. Motion carried unanimously by roll call vote.

15. Manager's Report

Kowal remarked he appreciates the support and comments from council members. He thanked council for their professionalism in handling the separation agreement with Treasurer Rett.

Thursday, January 10th interviews with the candidates for the Zoning Administrator position will be conducted.

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

Dick Waskin, Saugatuck Township, commented on a call from Tom Scott, Swingbridge, regarding the stop work order. Mr. Scott indicated to Waskin that he received no answers when the Manager was asked which permits were missing. Waskin indicated he has no connection to Swingbridge but related he feels this developer is being treated unfairly and almost harassed by the City. Kowal responded saying there were a significant number of errors and misstatements made by Mr. Waskin.

Fritz Royce, 144 Lakeshore, commented he appreciates how the stop work order was articulated. He thanked Kowal for acting in the best interest of the community and has always found the office staff very responsive to his requests. Royce questioned if the interviews for Zoning Administrator were going to be open to the public.

17. Closed Session

A. Discussion on acquisition of property.

Motion by Bailey with support from Moore to go into closed session at 8:17.p.m. for the purpose of a discussion on acquisition of property. Motion carried unanimously by roll call vote.

Motion by Mayer with support from Hoexter to end the closed session at 8:32 p.m. and return to the regular meeting. Motion carried.

Bailey suggested that council direct Manager Kowal to gather more information on the size, ownership, appraisal, title, listing and survey of the property at 7 S. Washington. Council agreed to Manager to proceed.

18. Adjournment

The meeting was adjourned at 8:45 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 January 3, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Monday, January 21, 2008
7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:05 p.m. by Mayor Pro Tem Waddell
Members Present: Bailey, Harvath, Hoexter, Mayer, Moore, Waddell
Absent: Balmer

Also Present: City Manager Kowal, Attorney Mulder, Planning/Zoning
Consultant Kilpatrick and Clerk Neve

2. Pledge of Allegiance – Mayor Pro Tem

3. Changes/Additions/Deletions to Agenda

- A. Resolution No. #10-2008 added to Item 9A
 - B. Dan Urquhart added to Item 7 Verbal Communications
 - C. Add Closed Session as Item 17; Adjournment will be Item 18
 - D. Item 8B to be deleted from agenda
- Motion by Bailey with support from Mayer to approve the agenda as amended. Motion carried.

4. Approval of Minutes

- A. Committee of the Whole Meeting of January 7, 2008
 - B. Regular Meeting of City Council of January 7, 2008
 - C. Closed Session Minutes of January 7, 2008
- Motion by Moore with support from Mayer to approve all meeting minutes of January 7, 2008. Motion carried.

5. Appointments /Resignations

- A. Reappointment of Maria T. Droz to the Assessor's Board of Review; Term Expires January 2011
Motion by Bailey with support from Hoexter to approve the reappointment of Maria T. Droz to the Assessor's Board of Review with a term to expire January 2011. Motion carried.

6. Proclamations/Awards

- A. Presentation by Tim Wood; Superintendent, Saugatuck-Douglas Public Schools
Superintendent Wood made a presentation of the article from *Business Week* Magazine naming Douglas "one of America's Top 50 Places to Raise Kids".

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

Verbal:

Dan Urquhart, City of Douglas representative for Kalamazoo Lake Sewer and Water Authority, reported the Laketown Township sewer capacity contracts were approved by KLSWA. As an engineer, Urquhart noticed some engineering problems with the document and is concerned that Douglas has no voice in an engineering study.

Written:

- A. Saugatuck Township Fire District 2007 Annual Report (sections relevant to Douglas)
 - B. Letter from State of Michigan, Liquor Control Commission, dated January 11, 2008 RE: Notice of Denial of an Application by Lakeview Lanes Acquisition, Inc. (Deleted)
 - C. Articles Submitted by Suzanne D. Dixon; "Michigan's Greatest Asset, Part 1: Dredging Up Funds" and "House Bill Could Provide Grants to Coastal Businesses"
 - D. Michigan Municipal League Training Seminars 2008; Makers of Breakers of Communities: The Effect of PA 198 Property Tax Breaks
 - E. Michigan Township Services (MTS) Summary of Permits Issued – December 2007
 - F. Letter from Ms. Janet Lugers dated January 7, 2008 RE: Concerns Regarding the Financing of Infrastructure Relating to the Proposed West Shore Cottages Development
- Written communications noted as filed and received.

8. Unfinished Business

- A. Discussion RE: Proposed Purchase by City of Certain Property Located at the SE Corner of Center and Washington Streets
Information was provided to council members by Realtor Dick Waskin. Council agreed the property is a beautiful piece of land but feel it is not affordable.
Hoexter related she would someday like to be able to use City funds on things that council really wants to do instead of feeling forced to make repairs on bridges and roads that the State or County should be responsible for.

9. New Business

- A. Motion to Refer Proposed Resolution No. 10-2008 to Planning Commission for Its Review And Recommendation to City Council Regarding Article XXIX, Zoning Board of Appeals, of the City of the Village of Douglas Zoning Ordinance

Kowal related the Michigan Enabling Act allows reduction of a Zoning Board of Appeals based on population. The proposed Ordinance reduces the Douglas ZBA to five (5) members plus an alternate. This change requires action and a public hearing by the Planning Commission along with first and second reading at City Council.

Motion by Bailey with support from Moore to approve referring Resolution No. 10-2008 to Planning Commission for its review and recommendation to City Council regarding Article XXIX, Zoning Board of Appeals, of the City of Douglas Zoning Ordinance. Motion carried unanimously by roll call vote.

- B. Discussion of Status of Proposed Center Street Settlement Agreement
Attorney Mulder related he began working on a solution to the Center Street pavement issues in 2007. A draft agreement between the engineers, contractor and sub-contractors will be presented at a March council meeting. The three parties have agreed to share costs with repairs and repaving completed before Memorial Day.

- C. Motion to Adopt Resolution No. 04-2008 Approving a Proposal from Williams & Works to Perform Professional Information and Data Gathering and Reporting Services with Regard to the Grant Program Requirements of the Michigan Economic Development Corporation
Kowal related the Center Street reconstruction was completed with funds from various sources. The largest amount was a MEDC grant of \$600,000. A condition of this grant was that 31 jobs would be created within Douglas Harbor Village. After discussion with representative of MEDC they may consider jobs created within the entire Center Street project (from Blue Star to Washington) Williams & Works will be compiling specific information to create a baseline of existing jobs beginning in 2005. The City needs to show a good faith effort that we intend to comply with the terms of the grant. Mayer expressed her concern that the three Harbor Village buildings are not yet completed. She doesn't feel that taxpayer money should be spent to do the survey.

Waddell commented this is something that should have been done long ago when the project first started.

Mulder explained the obligation is on the city to try to show job creation is happening on more than just a specific site.

Motion by Harvath with support from Bailey to approve adoption of Resolution No. 04-2008 to accept a proposal from Williams & Works to perform professional information and data gathering and reporting services with regard to the grant program requirements of the MEDC. Motion carried by roll call vote with Mayer casting a "no" vote.

- D. Motion to Adopt Resolution No. 05-2008 Accepting the Proposal of Fleis & VandenBrink to Provide Various Engineering Services Relating to the Wiley Road Improvement Project
Kowal reminded council of the decision to take a grant buy-out of \$55,200 to repair the road without direction of the State. Resolution No. 05-2008 accepts engineering fees of \$49,800.
Moore asked if we have \$200,000 to complete this project or if there are more critical projects. Didn't council agree to table until a full infrastructure study is complete?
Kowal related Fleis & VandenBrink has completed an inventory and a rating schedule of roads. We do not have a Capital Improvement Plan in place.
Mayer commented on the additional costs for an inspection of the sanitary sewer on Wiley.
Harvath asked about the status of the removal of the driveway at Blue Moon and said we need to do a better job of monitoring road cuts.
Waddell indicated she prefers to wait and see the outcome of the Center Street repairs.
Motion by Harvath with support from Bailey to adopt Resolution No. 05-2008 accepting the proposal of Fleis & VandenBrink to provide various engineering services relating to the Wiley Road Improvement Project. Motion fails 5-1 with Bailey casting the only "yes" vote.
- E. Discussion of Denial by MDOT of 2007 Blue Star Bridge Rehabilitation Grant Application and Status of Proposed 2008 Application
Engineer Steve Bishop related his thoughts on why the application was denied. He feels there are just many other bridges in worse shape. The next deadline for application for 2011 funding is in June 2008. Bishop will work on re-submitting and make an effort to bring application to the top of the list. The primary problem is the pier caps are corroding. The next inspection will be done late in 2008. He suggests not imposing load limits until after inspection.
Hoexter asked if MDOT is aware that when I-196 is closed due to an accident that Blue Star is the detour.
- F. Discussion of Proposal by Consumers Energy to Remove Two (2) Luminaires (Cobra Head) Streetlights on Center Street at a Cost of \$1,194.40
Bishop related that after the new streetlights were installed these two lights remained.
Harvath asked if we had to have Consumers Energy remove them.
Hoexter stated she detests having to pay for removal.
Bishop will check to see if they can just be turned off and report back.
No further action will be taken until then.

- G. Motion to Adopt Resolution No. 06-2008 Approving a Lot Split Combination (Parcel No. 03-59-100-029-00 and Parcel No. 03-59-100-031-00; commonly known as 68 Washington and 63 Main Street, Douglas, MI)
Planning/Zoning Consultant Kilpatrick explained the intention of property owners Turner and Dziejwit to purchase 63 Main Street and combine it with their parcel at 68 Washington. Applicants indicate they will remove existing buildings. Once combined the total land area could accommodate three legal lots.
Motion by Harvath with support from Mayer to adopt Resolution No. 06-2008 approving a lot split/combination (Parcel No. 03-59-100-029-00 and 03-59-100-031-00) commonly known as 68 Washington and 63 Main Street. Motion carried unanimously by roll call vote.
- H. Motion to Adopt Resolution No. 07-2008 Approving a Lot Split Combination (Parcel No. 03-59-016-053-00 and Parcel No. 03-59-016-00; commonly known as 156 Union and 148 Union, Douglas, MI)
Kilpatrick presented the request from Helen Arnoldi and Peter Mark for a lot split and combination of parcels 03-59-016-00 and 03-59-016-003-00 known as 156 Union and 148 Union. It is recommended that approval be conditioned upon Mr. Marks acquisition and combination of his parcel and an eight foot easement to ensure all parcels remain in conformance with required zoning.
Motion by Mayer with support from Moore to adopt Resolution No. 07-2008 approving a lot split and combination for 156 Union and 148 Union Street. Motion carried unanimously by roll call vote.
- I. Motion to Adopt Resolution No. 08-2008 Establishing Escrow for Site Plan Review of the Proposed Boardwalk at Swing Bridge Project
Kowal related that citizens should not have to pay for site plan and engineering review for developers. An escrow is a way to hold developers accountable.
Harvath commented it is important to be consistent in establishing and enforcing escrow accounts for all site plan reviews.
Mayer agreed that citizens should not pay for developers plan reviews
Moore commented he feels it is part of the staff's job to do resolutions and site plan review. That is what taxes are for.
Motion by Moore with support from Harvath to adopt Resolution No. 08-2008 establishing escrow for site plan review of the proposed Boardwalk at Swing Bridge Project. Motion carried unanimously by roll call vote.

- J. Motion to Adopt Resolution No. 09-2008 Declaring City of the Village of Douglas Property Surplus and Authorizing Disposition
Kowal related this resolution gives authorization to dispose of property, place an advertisement and set a minimum bid amount.
Motion by Harvath with support from Mayer to adopt Resolution No. 09-2008 declaring City of Douglas property surplus and authorizing disposition. Motion carried unanimously by roll call vote.

- K. Motion to Authorize the Mayor and City Clerk to Execute on Behalf of the City of the Village of Douglas a Memorandum of Agreement Regarding Collection of Summer 2008 School Taxes
Motion by Mayer with support from Hoexter to enter into an agreement with Saugatuck Public Schools to collect 2008 summer school taxes with reimbursement of \$2.75 per parcel. Motion carried.

10. Staff Reports

- A. Building/Planning/Zoning/Enforcement:
 - 1. Letter from City Manager Kowal to Mr. Brent DeRose, Nederveld, dated January 8, 2008 RE: Boardwalk at Swing Bridge Stop Work Order dated December 28, 2007

 - 2. Email communication from Mr. Larry Nix to Attorney Bill Sikkel dated January 9, 2008 RE: Status of Proposed West Shore Cottages Development

 - 3. Letter from City Manager Kowal to Mr. Jeff Klemm, Maxwell Development, dated January 10, 2008 RE: Outstanding Matters; Meadowargus Development

 - 4. Letter from City Attorney Mulder to Mr. Mark Von Der Heide, Von Der Heide Architects, Inc. dated January 11, 2008 RE: Blue Moon Site Plan Non-Compliance Matters

 - 5. Email Communication for Planning & Zoning Consultant, Ryan Kilpatrick, to Ms. Laura Durham, Mill Pond Realty, Inc., RE: Violation of City Sign Ordinance (Blue Star Hwy R.O.W.)

 - 6. Letter from Planning & Zoning Consultant, Ryan Kilpatrick, to Mr. Jeff Wilcox, Coldwell Banker, dated January 15, 2008 RE: Violations of City Sign Ordinance

Kowal briefly reviewed above letters included in packets.
Mulder commented on the recent adoption of a State Corridor Improvement Authority.

11. Committee Reports

- A. Zoning Ordinance Ad Hoc Committee
Committee met earlier today making very good progress.

- B. Planning Commission
Waddell reported the Planning Commission members received a draft of the ordinance rewrite at last weeks meeting. Draft will be reviewed and on the agenda in February.

- C. Community Recreation Advisory Board
Bailey reported the Rec. Board is working with Sara O'Donnell on putting together a Recreation Plan and will be looking for public input.
Harvath asked about the Beery Field ice rink. Kowal will check into.

- D. Kalamazoo Lake Sewer & Water Authority (KLSWA)
Moore reported the KLSWA met earlier today. Dan Urquhart reported on the meeting under verbal communications.

12. Council Comments

Moore asked if council would consider making an offer on the Washington Street property what needs to be done first. Kowal responded we should decide how badly do we want it and what we are willing to offer. A Capital Improvement Plan should act as a guideline before we jump into another expense. Mulder related this could be a closed session discussion.
Harvath thanked Kowal for initiating escrows for developers. We need good checks and balances in place to follow through and track projects.
Harvath asked about progress with the Saugatuck Public School violations.
Bailey asked about the formation of the Harbor Committee.
Mayer commented we need to decide on priorities of projects.
Waddell commented the City website address does not appear on letterhead.

13. Mayor's Report/Comments

None

14. Approval of Invoices

- A. Consideration of Approval of Invoices dated 1/17/08
Motion by Hoexter with support from Bailey to approve invoices dated 1/17/08 in the amount of \$152,977.29. Motion carried unanimously by roll call vote.

15. Manager's Report

- A. A copy of the zoning ordinance with the adopted changes from 1999 was given to council members

- B. Interviews for Zoning Administrator are complete. A recommendation will be forthcoming in February.

- C. Help wanted ad for a Treasurer has been placed on various websites.
- D. Kowal will meet Wednesday, January 23rd with Warner Norcross and Judd to discuss creation of the Harbor Committee.
- E. In regards to the statements from Dick Waskin having no financial interest in the Swing Bridge project, he is clearly the exclusive listing agent.

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

No comments

17. Closed Session

Motion by Moore with support from Harvath to go into closed session at 9:56 p.m. to discuss legal opinion. Motion carried unanimously by roll call vote.

Motion by Harvath with support from Moore to end the closed session and return to the regular meeting at 11:09 p.m. Motion carried.

Kowal asked Attorney Mulder to issue a legal opinion on the Park Drive paving and utility issues to be reviewed in a future closed session.

18. Adjournment

The meeting was adjourned at 11:10 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 January 21, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Monday, February 4, 2008
7:00 p.m.

- 1. Call to Order**
The meeting was called to order at 7:11 p.m. by Mayor Balmer
- 2. Roll Call**
Members Present: Balmer, Harvath, Hoexter, Mayer, Waddell
Absent: Bailey, Moore
Also Present: Manager Kowal and Clerk Neve
- 3. Pledge of Allegiance – Mayor**
- 4. Changes/Additions/Deletions to Agenda**
 - A. Add item 8-b Verbal: John Rinaldi discussion on paving Wall Street
 - B. Add email communication from Mr. Brent DeRose as item 11A-3
 - C. Delete item 10B: Resolution No. 12-2008 approving entering into settlement agreement with Fleis & VandenBrink, Ron Meyer Associates and Aggregate Industries regarding Center Street.
- 5. Approval of Minutes**
 - A. Committee of the Whole Meeting of January 21, 2008
 - B. Regular Meeting of City Council of January 21, 2008
 - C. Closed Session Minutes of January 21, 2008
Motion by Mayer with support from Waddell to approve all meeting minutes of January 21, 2008. Motion carried.
- 6. Appointments /Resignations**
None
- 7. Proclamations/Awards**
 - A. Proclamation Recognizing the Contributions of Mr. Walter Klimeck and Offering Sincere Thanks for His Donation of the “**Douglas Christmas Ornament Tree**” and for His Considerable Time and Talents on Behalf of the City of the Village of Douglas.
- 8. Public Communications** (Limit of three minutes for comments regarding agenda items)
Verbal:
 - A. Arthur Frederick offered a Cynthia McKean sculpture to be donated in memory of Priscilla Mueller. The sculpture titled “Sea Gulls” would be lighted and placed at Douglas Beach.

- Motion by Hoexter with support from Harvath to accept the very generous offer of the sculpture. Motion carried unanimously by roll call vote.
- B. John Rinaldi, Wall Street, asked to speak to council about the paving of Wall Street. Mr. Rinaldi related he is willing to put down three-inch black top paving on Wall St. from Union to his home at his expense. Manager Kowal asked Fleis & VandenBrink to prepare cost estimates for paving and installing storm drains. If the City could tie the paving of Union Street with Wall Street costs would go down. Rinaldi related he has already put crushed concrete down twice at a cost of over \$5,000. He stated he is willing to work with the City and asked how to expedite the issue.
- Kowal responded this is a City street, not the responsibility of a home owner. Fleis & VandenBrink will be contacted to determine what can be done to stabilize the street. Kowal is willing to continue to work with Rinaldi on the issue. This is another question of how a building permit was issued without provisions for road improvement. This again shows a need for getting a the Capital Improvement Plan (CIP) in place. Rinaldi commented on the noise from the bell chimes at St. Peters Church and the glare from the parking lot lights at Harbor Condos.

Written:

- A. Michigan Municipal League (MML) Elected Officials Training Seminars; February 2008
- B. Minutes of the Regular Meeting of the Saugatuck Township Fire District Board of December 10, 2007
- C. Letter from Greg Janik, Deputy Fire Chief / Fire Inspector, to VanGuard Fire and Security, Inc. dated January 15, 2008 RE: Old Schoolhouse Renovation Fire Protection Plan
- D. Letter from the Department of Army, Corps of Engineers, to City Manager Kowal dated January 16, 2008 RE: Response to Request by the City of the Village of Douglas for a Public Hearing Regarding Application for Permit Relating to Proposed West Shore Cottages Project
- E. Letter from Tom Desmet, Kalamazoo Lake Sewer & Water Authority (KLSWA), to Mr. R.J. Peterson dated January 22, 2008 RE: Denial of Request to Extend Sewer and Water Service to Tower Marine at the Expense of KLSWA
- F. Douglas Police Department 2007 Year End Report (complete report available upon request in City Clerk's Office)
- G. Letter from Interurban Transit Authority (R.G. Poetsch, Board Member) dated January 30, 2008 RE: Annual Audited Financial Statements and other Matters of Importance (complete copy of Annual Financial Statements are available upon request in the City Clerk's Office)

Written communications noted as filed and received.

9. Unfinished Business

None

10. New Business

- A. Motion to Adopt Resolution No. 11-2008 Authorizing Consumers Energy Company (“Company”) to Make Changes in the Streetlighting Service as provided in the Standard Steetlighting Contract between the Company and the City of the Village of Douglas dated November 4, 1986, in Accordance with the Authorization for Change in Standard Streetlighting Contract dated as of February 4, 2008
Motion by Hoexter to adopt Resolution No. 11-2008 authorizing Consumers Energy Company to make changes in the streetlighting service as provided in the standard streetlighting contract between Consumers and the City of the Village of Douglas. Motion died for lack of support. Balmer asked about the possibility of looking into purchasing energy from another source. Zeeland has their own Power and Light Company.
- B. Motion to Adopt Resolution No. 12-2008 Approving Entering into a Settlement Agreement with Fleis & VandenBrink Engineering, Inc.. Aggregate Industries, and Ron Meyer & Associates Excavating Inc. Regarding Center Street (to be forwarded Monday, February 4, 2008)
Deleted from agenda.
- C. Motion to Adopt Resolution No. 13-2008 Denying the Rezoning of Property Known as 201-261 Randolph Street, Douglas, MI. (Douglas Elementary School Property)
Motion by Waddell with support from Harvath to adopt Resolution No. 13-2008 denying the rezoning of property known as 201-261 Randolph Street (Douglas Elementary School Property). Motion carried unanimously by roll call vote.

11. Staff Reports

- A. Building/Planning/Zoning/Enforcement:
1. Letter from City Attorney VanderVeen to Attorney William Sikkel dated January 23, 2008 RE: Saugatuck Storage Proposed Amended Site Plan (Dean Borland)
The letter from Attorney VanderVeen listed 6 items that were required to be addressed by February 1st. With no response from Dean Borland or William Sikkel Attorney VanderVeen will pursue further enforcement action.
 2. Email Communication between Mr. Brent DeRose, Nederveld, and City Manager Kowal dated January 28/29, 2008 RE: Proposed Boardwalk at Swing Bridge Project
 3. Second email communication from Mr. Brent DeRose and Manager Kowal.

FYI – Mr. Scott, Swing Bridge is still reviewing for PUD or Land division.

12. Committee Reports

- A. Zoning Ordinance Ad Hoc Committee
Waddell reported a draft ordinance of the zoning ordinance rewrite has been given to the Planning Commission for review.
- B. Planning Commission
Next scheduled meeting is Wednesday, February 6th.
- C. Tri-Community Joint Planning Commission
Next scheduled meeting is Tuesday, February 12th.
- D. Community Recreation Advisory Board
Kowal reported he attended the Advisory Board meeting last week. The current joint recreation plan has expired. The Plan needs to be updated to keep the Recreation Department eligible for certain grants. There will be a Community Attitude Survey available by February 15th.

13. Council Comments

Hoexter expressed her sadness and frustration that the City has so many costly road and bridge projects.
Mayer feels the same. She commented this was a very discouraging meeting. Mayer complimented the DPW on the terrific job on the roads.
Waddell commented the invoices from GMS are very large but understandably so considering the weather. Now that our DPW is fully staffed Waddell would like to revisit hiring out the upkeep of the downtown sidewalks and parking.
Waddell would like to ask the Recreation Department why it has abandoned Douglas and is not maintaining the ice rink.
Harvath also added the ice rink has not been maintained and he has not seen one person using it. There is no base of ice to maintain.

14. Mayor's Report/Comments

Compliments to the DPW. They have done an extraordinary job.

15. Approval of Invoices

- A. Consideration of Approval of Invoices dated 1/31/08
Motion by Hoexter with support from Mayer to approve invoices dated 1/31/08 in the amount of \$78,557.92. Motion carried unanimously by roll call vote.
- B. Consideration of Approval of Payroll for the Month Ended January 31, 2008.
Motion by Waddell with support from Hoexter to approve payroll for the month ended January 31, 2008. Motion carried unanimously by roll call vote.

16. Manager's Report

- A. GMS bills are quite high. We will be looking at formalizing agreement with the DDA and a repayment schedule. GMS should be paid at least in part by the DDA. As our DPW becomes more evolved we will have discussions that they may be able to take over more. Council will take a look at the DDA budget for next year to approve and authorize expenditures. An attorney from Doug Callander's office will be helping direct DDA matters in the future.
- B. The candidate for the Zoning Administrators position has been offered employment and given a deadline to accept. He is looking for a firm commitment from the City Manager because he doesn't want to come on board if the Manager leaves. If this candidate does not accept the position we will continue the arrangement with Williams & Works.
- C. The applications for the Treasurer position are disappointing. We have not received many and none are very impressive. Mayer asked if there were any applicants that could work out if we offered additional training for their weaknesses.
- D. The compliments to the DPW will be passed along to the crew.

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

No comments.

18. Adjournment

The meeting was adjourned at 9:03 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 4, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

**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 Ziesemer 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

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

Monday, March 3, 2008
7:00 p.m.

- 1. Call to Order**
The meeting was called to order at 7:00 p.m. by Mayor Balmer
- 2. Roll Call**
Members Present: Balmer, Bailey, Harvath, Hoexter, Moore, Waddell
Absent: Mayer
Also Present: Manager Kowal and Clerk Neve
- 3. Pledge of Allegiance – Mayor**
- 4. Changes/Additions/Deletions to Agenda**
Motion by Hoexter with support from Harvath to approve the agenda as presented. Motion carried.
- 5. Approval of Minutes**
 - A. Committee of the Whole Meeting of February 18, 2008
 - B. Regular Meeting of City Council of February 18, 2008
 - C. Closed Session Minutes of February 18, 2008Motion by Harvath with support from Bailey to approve all meeting minutes of February 18, 2008. Motion carried.
- 6. Appointments /Resignations**
 - A. Diane Bailey to the Ad Hoc Park Plan Implementation Committee
Motion by Moore with support from Waddell to approve appointment of Diane Bailey to the Ad Hoc Park Plan Implementation Committee for the unspecified term of until Ad Hoc work is completed. Motion carried.
- 7. Proclamations/Awards**
None
- 8. Public Communications** (Limit of three minutes for comments regarding agenda items)
Verbal:
 - a. Terry Burns, Allegan County Commissioner, announced he is a candidate for a second term as District 1 County Commissioner. Comments on proposal for new county jail and the countywide ban on phosphorus in fertilizer.

- b. Fred Royce, 144 Lakeshore, commented he would like to volunteer to help or be an alternate member on the Harbor Commission. Encourages a section on windmills be included in the zoning ordinance. Compliments to Manager Kowal on taking a strong stance on current critical issues.

Written:

- A. Letter dated February 20, 2008 from Helen DeGeatano, Founder & President, Douglas Dutchers Base Ball Club, to Mayor Balmer and City Councilpersons RE: Request to Purchase an Advertisement in the 2008 Season Program and Website
Kowal will prepare paperwork and letter of understanding for an ad in the Dutchers Season Program.
- B. Letter dated February 15, 2008 from Frederick Eagle “Fritz” Royce III to the Cities of Douglas and Saugatuck and Saugatuck Township RE: Consolidation of Services Between the Three Governmental Jurisdictions
- C. Proposed Minutes of the Joint Planning Committee Meeting of February 12, 2008
- D. Letter dated February 25, 2008, from R.G. Poetsch RE: Summary of the Interurban Transit Authority Board Meeting of February 19, 2008
- E. Summary of the Michigan Small Harbors Coalition Meeting of February 6, 2008, as Attended by Douglas Councilpersons Hoexter and Harvath.
- F. Article from February 28, 2008 Edition of **The Commercial Record** RE: Douglas Resident Suzanne Dixon’s Efforts Lobbying on Behalf of the Great Lakes
- G. Article from February 28, 2008 Edition of the **Holland Sentinel** RE: Burden Shouldered by Local Governments in Regards to the Great Lakes
- H. Minutes of the Regular Meeting of January 14, 2008 and Workshop Meeting of January 28, 2008 of the Saugatuck Township Fire District Board

Written communication noted as received and filed.

9. Unfinished Business

None

10. New Business

- A. Public Input, Discussion, Suggestions and Comments in Regards to the Proposed Community Parks & Recreation Plan Update-Last Updated in 2002. This Plan Helps Guide Facilities Programming and Funding Decisions and Makes the Community Eligible for Various State Funding Programs
No comments were heard from the public. Bailey distributed copies of the community survey.
Kowal related the first improvements to the park plan will begin with Beery Field.

- B. Motion to Adopt Resolution No. 18-2008 Approving a Proposal for Legal Services for the Preparation of an Intergovernmental Agreement and Related Documents for the Creation of the Kalamazoo Harbor Commission.

Motion by Hoexter with support from Bailey to approve adoption of Resolution No. 18-2008. Motion carried unanimously by roll call vote.

Harvath asked if Saugatuck Township has responded to the request that they join with Douglas and Saugatuck in the Harbor Commission.

- C. Motion to Adopt Resolution No. 19-2008 Approving a Letter of Understanding with the Saugatuck Douglas Art Club.

Motion by Waddell with support from Bailey to approve adoption of Resolution No. 19-2008. Motion carried unanimously by roll call vote.

- D. Motion to Adopt Resolution No. 20-2008 Accepting a Proposal from Williams & Works for Professional Planning and Zoning Administration Services.

Motion by Waddell with support from Hoexter to approve adoption of Resolution No. 20-2008. Motion carried unanimously by roll call vote.

- E. Motion to Adopt Resolution No. 21-2008 Amending the Budget of the 2007-2008 General Appropriations Act.

Motion by Waddell with support from Hoexter to approve adoption of Resolution No. 21-2008. Motion carried unanimously by roll call vote.

Mayer entered the meeting at 8:45 p.m.

- F. Motion to Adopt for **First Reading** Ordinance No. 01-2008 Amending The Code of Ordinances of the City of the Village of Douglas in Regards To the Planning Commission (Proposed Ordinance No. 01-2008 will Replace Ordinance No. 162, adopted March 18, 2002)

Motion by Waddell with support from Bailey to approve for first reading Ordinance No. 01-2008.

Kowal explained this is a housekeeping matter setting membership of the Planning Commission at seven members.

Motion carried by roll call vote.

11. Staff Reports

A. Building/Planning/Zoning/Enforcement

1. Letter from City Attorney Mulder to Western Surety Company dated February 27, 2008 RE: Notice of Performance Bond Default and Non-Compliance with Planning Commission Site Plan Approval in Regards to Blue Coast Properties, LLC (Blue Moon Bar and Grille; Failure to Eliminate Driveway)
2. Complaint Misdemeanor and Warrant Misdemeanor papers filed with the Allegan County District Court with Regards to Illegal Sign Placed in the Public Right-of-Way at Blue Star Highway at Union Street in Douglas. Defendant: Laura J. Durham Mill Pond Realty
3. Complaint for Injunctive and Other Relief filed with the Circuit Court for the County of Allegan with Regard to Abatement of Public Nuisances. Defendant: Crown Distinctive Homes, Inc., and Eldean Development, Ltd. (Summer Grove Development)
4. Letter dated February 21, 2008 from City Manager Kowal to the Michigan Dept. of Environmental Quality (“MDEQ”) RE: Request by City that the MDEQ Schedule and Conduct a Public Hearing in Regards to the Application by Douglas Lakefront Properties, LLC; Thomas A. Scott (Swing Bridge Property) to Install a Sheet Piling Seawall and Backfill in the Kalamazoo River; No Mitigation Actions Proposed.

All communications were briefly discussed by Manager Kowal and noted as received and filed.

12. Committee Reports

- A. Zoning Ordinance Ad Hoc Committee
Balmer reported the next meeting would not occur until the final draft is ready.
- B. Planning Commission
Next regularly scheduled meeting is March 19, 2008.
- C. Community Recreation Advisory Board
Next regularly scheduled meeting is March 18, 2008.
- D. Kalamazoo Lake Sewer & Water Authority
Moore reported he attended a special meeting today. KLSWA proceeded with hiring an attorney to represent them in the lawsuit with the City of Douglas.

- E. Park Improvements Implementation Ad Hoc Committee
The next scheduled meeting is Tuesday,

13. Council Comments

Moore commented improvements at Beery Field are much needed. Harvath asked about the property at 127 Water Street. Kowal responded the request for a driveway road cut was denied. Hoexter asked council to set a date to discuss setting goals and priorities and also review the City Manager contract. Kowal related his performance evaluation should include goals and priorities. He will establish a list of zoning violations and outstanding projects. Mayer related she had three phone calls complimenting the DPW on snow removal. Bailey commented she has wanted to do a goal setting session since we hired Manager Kowal. A good session will take all-day. Peter Letzmann could assist with this session. A good facilitator will be most productive. Harvath asked if there was a need for council to meet separately prior to a goal setting session. Mayer said she would like to get together with someone who can guide us to a resolution.

14. Mayor's Report/Comments

Balmer suggested having a meeting with the labor attorney to discuss goal setting, performance evaluation and manager contract review. Manager Kowal is instructed to set up a meeting with Attorney Callander to attend a closed session to review the manager contract. Council also needs to set a goal setting session with MML to work on priorities. Balmer commented the Saugatuck Township residents probably do not realize that they are getting Police service free of charge. The State Police do not respond to local calls. They are only doing road patrol.

15. Approval of Invoices

- A. Consideration of Approval of Invoices dated 2/28/08
Motion by Moore with support from Harvath to approve invoices totaling \$75,037.63. Motion carried unanimously by roll call vote.

16. Manager's Report

An explanation of the error on the assessment notice was given. Allegan County is resending notices due to their error in calculating the increase in the 2008 tax bill. Manager Kowal will be attending court on Wednesday, March 5th for the Saugatuck Public Schools lawsuit hearing.

- 17. Hear from the Audience** (Limit three minutes for general comments)
- A. Fred Royce, 144 Lakeshore, commented he feels that council and manager are overwhelmed by all the daily issues. To attract and keep good people for the positions of Zoning Administrator and Treasurer the city will have to pay more.
 - B. John St.Andre, 337 Ferry Street, commented he worked for City of Jackson for many years. He is willing to offer his services to Douglas on contract review, union negotiations, etc.

18. Adjournment

The meeting was adjourned at 10:00 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 March 3, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Monday, March 17, 2008
7:00 p.m.

- 1. Call to Order**
The meeting was called to order at 7:00 p.m. by Mayor Pro Tem Waddell
- 2. Roll Call**
Members Present: Bailey, Harvath, Hoexter, Moore, Mayer, Waddell
Absent: Balmer
Also Present: Manager Kowal and Clerk Neve
- 3. Pledge of Allegiance – Mayor Pro Tem**
- 4. Changes/Additions/Deletions to Agenda**
Motion by Mayer with support from Moore to approve the agenda as presented.
Motion carried.
- 5. Approval of Minutes**
 - A. Committee of the Whole Meeting of March 3, 2008
 - B. Regular Meeting of City Council of March 3, 2008
 - C. Closed Session Minutes of March 3, 2008
 - D. Special Meeting of City Council March 10, 2008
 - E. Closed Session Minutes of March 10, 2008Motion by Hoexter with support from Bailey to approve meeting minutes of March 3 and March 10, 2008. Motion carried.
- 6. Appointments /Resignations**
 - A. Resignation of John T. Piggins, Chairperson, Douglas Planning Commission (effective March 19, 2008)
Motion by Mayer with support from Harvath to accept the resignation of John Piggins from the Planning Commission with regret. Motion carried unanimously.
 - B. Reappointment of Christopher C. Nern to the Douglas Planning Commission (term expires 4/30/2011)
Motion by Bailey with support from Moore to approve appointment of Christopher Nern to a three-year term on the Planning Commission. Motion carried unanimously by roll call vote.
 - C. Appointment of Christopher C. Nern to the City of the Village of Douglas-City of Saugatuck-Saugatuck Township (Tri-Community) Joint Planning Committee
Motion by Moore with support from Mayer to approve the appointment of Christopher Nern to the Tri-Community Planning Committee. Motion carried unanimously by roll call vote.

7. Proclamations/Awards

None

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

Verbal:

- A. Joe Milauckas, Lakeshore Dr., spoke regarding the revocable license agreement that will be discussed later. He asked that the DPW keep the area clean and free from litter. He related the vacant building that may be on the Swing Bridge property has become an eyesore. He would like the City to consider taking it down.
- B. Bob Genetski, candidate for 88th District State Representative introduced himself.
- C. Dave Hills, Water Street, commented on numerous topics and extreme spending.

Written:

- A. Michigan Township Services Summary of Permits Issued- February 2008
- B. "Thank You" Card Received by Douglas Public Works Department from Saugatuck Christian Reformed Church in Recognition of Excellent Snowplowing Services Performed in 2007-2008
- C. Letter from Dick Waskin dated March 10, 2008 (attachments available upon request)
- D. Notice from Gayle Lipsig dated March 11, 2008 RE: Discontinuation in 2008 of Art'Round Town (ART) Sculpture Exhibition throughout the Douglas-Saugatuck Area
- E. Letter from Steve McNeal, Chairperson, Allegan County Board of Commissioners dated March 11, 2008 RE: Meeting Notice Pertaining to New Jail Site
- F. Saugatuck Township Fire District Board Minutes (Regular Meeting of February 11 and Workshop Meeting of February 25, 2008) are available upon request of the City Clerk

Manager Kowal will speak with Gayle Lipsig regarding the possibility of bringing the Art'Round Town program to Douglas only.

Written communications noted as received and filed.

9. Unfinished Business

- A. Motion to Adopt for Second and Final Reading Ordinance No. 01-2008 Amending the Code of Ordinances of the City of the Village of Douglas In Regards to the Planning Commission (Proposed Ordinance No. 01-2008 will replace Ordinance No. 162, adopted March 18, 2002)

Motion by Harvath with support from Moore to approve adoption of Ordinance No. 01-2008. Motion carried unanimously by roll call vote.

10. New Business

- A. Motion to adopt Resolution No. 22-2008 Approving a Letter of Understanding with the Saugatuck-Douglas Garden Club with Regards to Community Pride Day on May 19, 2008.
Motion by Bailey with support from Mayer to approve adoption of Resolution No. 22-2008. Motion carried unanimously by roll call vote.
- B. Motion to Adopt Resolution No. 23-2008 Approving a Letter of Understanding with the Douglas Dutchers Base Ball Club.
Motion by Bailey with support from Hoexter to approve adoption of Resolution No. 23-2008. Motion carried unanimously by roll call vote.
- C. Motion to Adopt Resolution No. 24-2008 Supporting the Designation of Route 31/Blur Star Highway as a Heritage Trail.
Motion by Moore with support from Bailey to approve adoption of Resolution No. 24-2008. Motion carried unanimously by roll call vote.
- D. Motion to Adopt Resolution No. 25-2008 Appointing Renee Waddell as the Member Ex Officio to the Douglas Planning Commission
Motion by Bailey with support from Waddell to approve adoption of Resolution No. 25-2008. Motion carried unanimously by roll call vote with Waddell abstaining.
- E. Motion to Adopt Resolution No. 26-2008 Approving a Revocable License Agreement between the City of the Village of Douglas and Joseph J. Milauckas, Jr., for the Union Street Boat Launch.
Motion by Bailey with support from Mayer to approve adoption of Resolution No. 26-2008. Motion carried unanimously by roll call vote.
Kowal related the DPW will be ordering a sign similar to the one at Schultz Park that instructs boaters to use the same envelope honor system for use of the boat launch ramp.

11. Staff Reports

A. Building/Planning/Zoning/Enforcement

1. Letter from Attorney Barbara Ruga, Clark Hill, to City Manager Kowal dated March 4, 2008 RE: Response to Notice of Zoning Violations at Douglas Elementary School dated February 8, 2008.
2. Notice of Sign Ordinance Violation dated February 26, 2008 from Planning/Zoning Specialist, Ryan Kilpatrick, to Jo Jo's Americana Supper Club.
3. Letter from Ryan Kilpatrick, Planning/Zoning Specialist, to GMB Architects dated March 12, 2008 RE: Additional Explanation of City Processes and Repeated Request for Information Relating to Special Use Permit Application of Saugatuck Public Schools
4. Letter from Michigan Department of Environmental Quality (MDEQ) to City Manager Kowal dated March 11, 2008 and Copy of Notice of Public Hearing with Regards to the Application for Permit Submitted by Douglas Lakefront Properties, LLC (Swing Bridge)

Please Note: Public Hearing is Thursday, April 10, 2008, 7:00 p.m., Douglas City Hall

All communications were briefly discussed by Manager Kowal and noted as received and filed.

B. Finance/Budget

1. Revenue/Expenditure Report for the Period 7/1/07 to 2/29/08
2. Cash Balances Report for the Month Ended February 29, 2008
3. Summary of Wire Transfer/ACH Payments for the Months Ended January 31 and February 29, 2008
4. Investment Schedule as of 2/29/2008

12. Committee Reports

- A. Zoning Ordinance Ad Hoc Committee
No meeting is scheduled until the final draft is finished.
- B. Planning Commission
Next regularly scheduled meeting is March 19, 2008.
- C. Community Recreation Advisory Board
Bailey related the March 18th meeting has been cancelled.
- D. Police Commission
The next scheduled meeting is April 9th at 4:00 p.m.
- E. Kalamazoo Lake Sewer and Water Authority
Moore reported KLSWA Board has authorized a rate study and repairs are to be done at the lift stations. Board members will be encouraging residents to conserve water.

- F. Park Improvements Implementation Ad Hoc Committee
Waddell reported on a slide presentation on playground equipment and ball field bleachers.

13. Council Comments

- A. Hoexter thanked Kowal for the report on investments. Added that Amity Neighborhood Association has always encouraged residents to be conservative with their sprinkling.
- B. Mayer related she has noticed some uncovered outlets on Center Street. Asked if the DPW was fully staffed yet, when construction will start on the second building at Harbor Village, regulation of sandwich board signs and the fees for ACH transfers.
- C. Moore remarked that letters of comment will be accepted for the April 10th DEQ hearing. R.J. Peterson is asking for sewer service at his Tower Marina property. Petitions requesting public utilities are available in the Clerk's office.
- D. Harvath commented on the following:
 - 1. Rates for payroll transfers
 - 2. May 19th is community trash pick-up day
 - 3. When utilities were put into the house at Washington and Center Street the road was cut and never restored to previous condition.
 - 4. The City never requested an on-site review of the Elementary School expansion.
- E. Bailey remarked she appreciated the financial reports. She will ask Summer Grove Association to adjust underground sprinkling usage. One point she would like to make perfectly clear to the newspapers is the City Council members are the ones who asked the City Manager to crack down on zoning violations and enforce our Ordinances. The City Manager has followed direction.
- F. Waddell commented she appreciates seeing the investment report. She has a few questions on the revenue and expense report. And asked when can we expect to see the first payment from the Township. She wants to make sure the CIP includes renovations to Dutcher Lodge.

14. Mayor's Report/Comments

None

15. Approval of Invoices

- A. Consideration of Approval of Invoices dated 3/13/08
Motion by Hoexter with support from Bailey to approve invoices totaling \$72,586.48. Motion carried unanimously by roll call vote.

- B. Consideration of Approval of Payroll for the Month Ended February 29, 2008.
Motion by Harvath with support from Bailey to approve February 2008 Payroll. Motion carried unanimously by roll call vote.

16. Manager's Report

- A. Comment on large attorney fees. Ordinance enforcement comes at a cost
- B. The Planning Commission meeting on Wednesday will determine the special use permit for Saugatuck Public Schools off-site issues. Council Members are encouraged to attend.
- C. City Hall is making an effort to go "green". We have purchased mugs, will use paper cups instead of plastic and have begun sending packets out in reusable folders.
- D. The DPW has made good use of prisoners to clean-up around town.

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

Kate Casey, 190 Union, thanked Council for all their help.
Heather Barton, 190 Union, commented it seems there are many ball fields in the area. Is there a reason the schools couldn't use Schultz Park field for ball games. Kowal responded this would be something to ask at the Planning Commission meeting Wednesday. Kowal related parking issues will be discussed and it is his hope that we will have some specific questions for the Commissioners to ask.
Mayer related she has heard rumors that the Waypoint will be staying open in the evening to serve dinner. They will need their parking lot for their customers.

18. Adjournment

The meeting was adjourned at 9:09 p.m.

Respectfully submitted by:

Jean E. Neve, CMC
Clerk

Approved by: _____
Renee Waddell, Mayor Pro Tem

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 March 17, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Monday, April 7, 2008
7:00 p.m.

- 1. Call to Order**
The meeting was called to order at 7:00 p.m. by Mayor Balmer
- 2. Roll Call**
Members Present: Bailey, Balmer, Harvath, Hoexter, Mayer
Absent: Moore, Waddell
Also Present: Manager Kowal and Clerk Neve
- 3. Pledge of Allegiance – Mayor**
- 4. Changes/Additions/Deletions to Agenda**
Motion by Bailey with support from Hoexter to table Item #10C and 10E to a future meeting. Motion carried.
Motion by Hoexter with support from Harvath to approve the agenda as amended. Motion carried.
- 5. Approval of Minutes**
 - A. Committee of the Whole Meeting of March 17, 2008
 - B. Regular Meeting of City Council of March 17, 2008
Motion by Bailey with support from Mayer to approve meeting minutes of March 17, 2008. Motion carried.
- 6. Appointments /Resignations**
 - A. Mr. Bill Beery to the Ad Hoc Park Plan Implementation Committee (Full committee would consist of Mayor Balmer, Mayor Pro Tem Waddell, Councilperson Bailey, Planning Commissioner Burdick, Resident Jean Crawford, and Resident Bill Beery)
Motion by Mayer with support from Bailey to approve the Appointment of Bill Beery to the Ad Hoc Park Plan Implementation Committee. Motion carried unanimously.
 - B. Receipt of Application from Ms. Tarue Pullen for Reappointment to the Zoning Board of Appeals (ZBA). It is recommended that no action be taken at this time pending final action by the City Council on legislation currently being considered (Ordinance No. 02-2008)
Kowal related Ordinance No. 02-2008 will reduce the ZBA from seven to five members, if approved.
- 7. Proclamations/Awards**
None

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

Verbal:

Heather Barton, 190 Union, invited everyone to come to the Douglas Elementary building on Sunday, April 13th at 4:00 p.m. to walk and visualize the proposed Varsity Baseball Field.

Dayle Harrison, Kalamazoo River Association, passed out information on the progress of the Plainwell PCB cleanup and reminded everyone of the April 10th DEQ public hearing regarding the Swing Bridge project.

Written:

- A. Invitation to Attend the Upcoming Michigan Small Harbors Coalition Meeting to be Held on Tuesday, April 29, 2008, from 1:00-5:00 p.m. at the Lansing Radisson Hotel
Bailey indicated she will attend.
- B. Summary of Douglas Curbside Recycling Program for Calendar Year 2007. Nearly **60 Tons** of Materials were Recycled by Douglas Residents In 2007 – **CONGRATULATIONS!!!**
- C. Article Entitled “Using Development Agreements to Structure, Coordinate and Finance Economic Development”, prepared by Attorney Thomas G. King, Kreis, Enderle, Callander and Hudgins P.C., and Published in the May 1995 **Michigan Municipal Review**
- D. March 2008 Publication from the US Environmental Protection Agency (EPA) with Regard to the Plainwell PCB Cleanup Progress, Updates and Public Meeting
- E. Email Communication from Steve Bishop, Fleis & VandenBrink Engineering, Inc., Regarding Pharmaceuticals & Personal Care Products (PPCPs) in the Nation’s Water Supply
- F. Letter from Ferris, Busscher & Zwiers, P.C. dated March 12, 2008 RE: Audit Fees
Kowal related he will talk to Doug Rotman in an attempt to resolve payment in full.
- G. “Thank You” Letter from Ms. Helen DeGeatano dated March 24, 2008 Regarding the Recent Donation by the City to the Douglas Dutchers Organization
- H. Summary of March 18, 2008 Meeting of the Interurban Transit Authority Board as Prepared by Mr. R.G. Poetsch and dated March 21, 2008
- I. Memorandum Prepared and Distributed by Police Chief Giles and Lisa Lungaro and Angela Holmes, Co-Presidents of SABA, Regarding Meeting on Thursday, April 17, 2008 for Liquor License Holders, Event Planners, and Local Law Enforcement Officials
- J. Article from the International City/County Management Association (ICMA) Entitled “Building an Ethical Culture is a Key Leadership Responsibility”

- K. Letter from the Department of the Army dated March 21, 2008 RE: Great Lakes Navigation Stakeholder Meeting, April 23, 2008 in Chicago
Bailey indicated she will attend.

Written communications noted as received and filed.

9. Unfinished Business

None

10. New Business

- A. Presentation by Police Chief Giles RE: Request for Assistance by Assigning an Officer to a Focused Investigation Strategy Team for Allegan County
Chief Giles explained the Focused Investigation Strategy Team will be investigating cold case files. This type of task force has been quite successful in other counties. This officer will receive great training for their 6-month commitment. The Team's progress will be evaluated each month. Two officers have expressed interest in participating. Manager Kowal will give administrative approval to participate if there is no strong objection by council members.
- B. Motion to Adopt for First 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)
Motion by Hoexter with support from Bailey to approve Ordinance No. 02-2008 for first reading. Motion carried unanimously by roll call vote.
- C. Motion to Adopt Resolution No. 27-2008 Approving the City Manager's Employment Agreement Effective April 1, 2008.
Tabled on motion and support from Bailey and Hoexter.
- D. Motion to Adopt Resolution No. 28-2008 Approving an Engineering Proposal from Fleis & VandenBrink Engineering, Inc., Regarding Further Investigation Into the Possible Rehabilitation of the Blue Star Highway Bridge Pier Caps
Motion by Harvath with support from Bailey to approve adoption of Resolution No. 28-2008. Motion carried unanimously by roll call vote.
- E. Motion to Adopt Resolution No. 29-2008 Approving the Municipal Employees' Retirement System (MERS) of Michigan Revised Uniform Defined Contribution Program Resolution for Participation by the City \ Manager
Tabled on motion and support from Bailey and Hoexter.

11. Staff Reports

A. Building/Planning/Zoning/Enforcement

1. Letter dated March 25, 2008 from Ryan Kilpatrick, Planning & Zoning Specialist, to David Wilkins, GMB Architects, Requesting Additional Information Pertaining to the Planned Improvements and Additions to the Douglas Elementary School Property.
2. Notice of Public Hearing, City of the Village of Douglas Planning Commission, Wednesday, April 16, 2008, 7:00 p.m., City Hall
RE: Proposed Expansion of Existing Softball Field to Accommodate a Larger Varsity Baseball Field at the Site of Douglas Elementary School
3. Email dated March 30, 2008 from Mr. Victor DiMercurio, 454 Amity, Douglas, MI. Objecting to the Proposed Expansion of Existing Softball Field to Accommodate a Larger Varsity Field at the Site of Douglas Elementary School
4. Letter dated April 2, 2008 from Mr. Mike O'Connor, 433 Amity, to Mr. Tim Wood, Saugatuck Public Schools, Objecting to the Proposed Expansion of Existing Softball Field to Accommodate a Larger Varsity Baseball Field at the Site of Douglas Elementary School
5. Notice of Public Hearing; Michigan Department of Environmental Quality (MDEQ) on Application Received by Douglas Lakefront Properties (R.J. Peterson; Proposed Swing Bridge Project) to Install a Sheet Piling Seawall and Backfill Behind the New Seawall and in Wetland, 100-Year Floodplain, and Beneath the Ordinary High Water Mark of the River

Items 11A3 & 4 to be included in the Planning Commissioners next meeting packet.

Reminder: MDEQ hearing will take place Thursday, April 10th at 7:00 p.m., Douglas City Hall.

12. Committee Reports

- A. Zoning Ordinance Ad Hoc Committee
No meeting. The final draft of the zoning ordinance rewrite is going to the Planning Commission.
- B. Planning Commission
Next meeting is Wednesday, April 16th.

- C. Community Recreation Advisory Board
No report.
- D. Kalamazoo Lake Sewer and Water Authority
No report.
- E. Park Improvements Implementation Ad Hoc Committee
Balmer reported he has received an email from Richard Sinclair regarding playground equipment.

13. Council Comments

- A. Hoexter reported a call from Suzanne Dixon indicated the silt in the Harbor will move into Lake Michigan after dredging. Hoexter passed out a letter being distributed by the Amity neighbors regarding the Demerest Baseball Field.
- B. Mayer asked if the DPW is now fully staffed. Kowal responded no, the Union is proceeding with arbitration in the Hutta discharge. Mayer thanked Kowal for standing ground to the school over ordinance enforcement and asked about the fire hydrants on Randolph St. Kowal explained the main on Randolph is an older line. The City is responsible for the water system but there is a need to know if a plan to upgrade is for a dead end line or if it will loop. It is hoped the schools agree that the safety of the children is extremely important.
- C. Harvath asked about spring leaf pick up and if the City will have a Spring cleanup. Kowal responded leaf pick up has begun. Allegan County Resource Recovery has offered some options for citizens to dispose of bulk trash. Harvath asked that the sidewalk at 10 Center be barricaded as a safety precaution.
- D. Bailey asked about the schedule for repaving of Center St. Kowal responded he has a construction meeting tomorrow with the contractor. Bailey commented she would like to see the noise ordinance completed as soon as possible. The April 19th council planning session will set some goals for our manager and ourselves. We have a lot to deal with currently and are not in any position to take on more. We shouldn't be afraid to say "no" when asked to work on additional projects. Bailey expressed her disappointment in the school presentation and the actions of school administrators.

14. Mayor's Report/Comments

Balmer offered his thanks and praise to Kowal and the council for standing up for what is right and working in the best interest of the City.

15. Approval of Invoices

- A. Consideration of Approval of Invoices dated 4/3/08
Motion by Hoexter with support from Bailey to approve invoices totaling \$84,194.81. Motion carried unanimously by roll call vote.
- B. Consideration of Approval of Payroll for the Month Ended March 31, 2008.
Motion by Mayer with support from Bailey to approve March 2008 Payroll. Motion carried unanimously by roll call vote.

16. Manager's Report

- A. The noise ordinance will be presented for first reading at the April 21st meeting.
- B. Manager and City Clerk have been exploring possibilities for banners on Center Street and the Blue Star bridge.
- C. Council Work Session Retreat is scheduled for Saturday, April 19th.
- D. Treasurer interviews are continuing. Advertisements were placed at local colleges.

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

- A. Tara Frey, 483 Amity, asked council to consider converting the ball field at Schultz Park into a Varsity Baseball Field for Saugatuck Public Schools.
- B. Heather Barton, 190 Union, commented the schools intend to move forward with their project regardless of the decision by the City and Planning Commission.
- C. Jane Mayer, 443 Amity, commented as a resident on Amity Street the parking during a ballgame is very likely to become a safety hazard and disruption to the neighborhood. Mayer related she has been a 30-year volunteer to the school and her husband taught in the Saugatuck system for 35-years. No one is more "for the children" than the Mayers.

18. Adjournment

The meeting was adjourned at 9:10 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 7, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

**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 (P/C) 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.

Motion 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

**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

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

Monday, May 19, 2008
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:00 p.m. by Mayor Balmer

2. Roll Call

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

Absent: Bailey, Hoexter

Also Present: Manager Kowal and Clerk Neve

3. Pledge of Allegiance – Mayor

4. Changes/Additions/Deletions to Agenda

Additions: Item #8B-11, Fire District Budget

Item #8B-12, Email RE: Small Harbors Group

Item #18, Closed Session, Review of legal opinion with Attorney

Andy Mulder

Motion by Moore with support from Mayer to approve the agenda as amended.
Motion carried.

5. Approval of Minutes

A. Committee of the Whole Meeting of City Council of May 5, 2008

B. Regular Meeting of City Council of May 5, 2008

C. Closed Session Minutes of City Council of May 5, 2008

Motion by Moore with support from Waddell to approve meeting minutes as presented. Motion carried.

6. Appointments /Resignations

A. Motion to Appoint the Following Individuals to the City of the Village of Douglas Zoning Board of Appeals (ZBA) for the Terms Indicated. No Alternate Members are scheduled for appointment at this time.

1) Kenneth Kutzel; term expiring June 30, 2009

2) Jeff Greenwood; term expiring June 30, 2010

3) Alexa Urquhart; term expiring June 30, 2010 (term to be limited to the time Ms. Urquhart is a member of the City of the Village of Douglas Planning Commission)

4) Tarue Pullen; term expiring June 30, 2011

5) Bill Schumacher; term expiring June 30, 2011

Motion by Waddell with support from Moore to approve appoint of Kenneth Kutzel, Jeff Greenwood, Alexa Urquhart, Tarue Pullen and Bill Schumacher to the Zoning Board of Appeals for the above noted terms. Motion carried unanimously by roll call vote.

7. Proclamations/Awards

None

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

A. Verbal:

Terry Burns, Allegan County Commissioner, reported on Mobile Computer Terminals in Police vehicles and mock emergency drills held in conjunction with FEMA, Police, Fire and Homeland Security.

B. Written:

1. Letter from Mr. Michael Schwabe dated May 8, 2008 RE: Fence that was constructed adjacent to his home at 137 N. Main St.
2. Email from Ms. Lisa Lungaro dated May 7, 2008 RE: Ms. Lungaro's resignation from the Saugatuck/Douglas Area Business Association (SABA)
3. Letter from Allegan County Continuum of Care RE: Allegan County's 10-year plan to end homelessness
4. Letter from John Thomas dated May 13, 2008 RE: Expression of thanks and appreciation to City Staff, City Council, and Contractors RE: Reconstruction of Center Street
5. Letter received May 12, 2008 from Mr. Thomas G. Doucette, 180 Union Street, RE: Opposition to proposed construction of varsity baseball field at the site of Douglas Elementary School
6. Letter from Mr. James Wiley dated May 14, 2008 RE: Opposition to proposed varsity baseball field at the site of Douglas Elementary School
7. Article from U.S. Environmental Protection Agency; Landfill Studies Complete; Cleanup Plan Being Written (Allied Paper/Portage Creek/Kalamazoo River Superfund Site); May 2008
8. Michigan Township Services Summary of Permits Issued; April 2008
9. Letter from City Manager to Library Director dated May 9, 2008 RE: Notice of denial of request to hang library banners on Center Street light poles.
10. Press Release dated May 12, 2008 RE: City Manager's intent to recommend to City Council appointment to Robert Drexler as City Treasurer/Finance Director.

- 11. Saugatuck District Fire Department 2008-2009 Budget
 - 12. Email received RE: Small Harbors Group
- Written communications noted as received and filed.

9. Unfinished Business

None

10. New Business

- A. Motion to Adopt Resolution No. 36-2008 Appointing Robert Drexler as Treasurer/Finance Director of the City of the Village of Douglas
Motion by Waddell with support from Harvath to approve adoption of Resolution No. 36-2008 appointing Robert Drexler as Treasurer/Finance Director. Motion carried unanimously by roll call vote.
- B. Motion to Adopt Resolution No. 37-2008 Renewing the City of the Village of Douglas Health Insurance Plan with Priority Health (Plan Year July 1,2008 through June 30, 2009)
Motion by Moore with support from Waddell to approve adoption of Resolution No. 37-2008 renewing Priority Health Plan. Motion carried unanimously by roll call vote.
- C. Motion to Adopt Resolution No. 38-2008 Supporting the Blue Star Bridge Pier Cap Transportation (MDOT) Local Bridge Program Grant Funding Application
Motion by Moore with support from Harvath to approve adoption of Resolution No. 38-2008 supporting bridge program grant funding application. Motion carried unanimously by roll call vote.
- D. Motion to Adopt Resolution No. 39-2008 Approving a Proposal from Pittman Asphalt Maintenance to Perform the 2008 Roadway Crack Sealing Program for the City of the Village of Douglas (Blue Star Highway)
Motion by Moore with support from Mayer to approve adoption of Resolution No. 39-2008 accepting proposal from Pittman Asphalt Maintenance. Motion carried unanimously by roll call vote.
- E. Motion that the City of the Village of Douglas Authorize the Law Firm of Kreis, Enderle, Callander & Hudgins, P.C. to Institute Litigation Against the Owners and Developers of Waterview Ventures, Inc. to Enforce the Promises made as part of the PUD Approval Process for the Development of Felker Woods Condominium, Including Promises Regarding the Construction of an Improved Park Street and to Seek Recovery of Costs and Attorney Fees Related Thereto
Motion by Waddell with support from Harvath to authorize litigation against Waterview Ventures, Inc. Motion carried unanimously by roll call vote.
- F. Motion to Adopt Resolution No. 40-2008 Approving the Request from Corkscrews, LLC for a New Small Wine Maker License from the Michigan Liquor Control Commission for a Proposed Business to be

Located at 20 E. Center Street, Douglas, Michigan, Allegan County, Conditional Upon Receiving Site Plan Approval by the City of the Village of Douglas Planning Commission.

Motion by Waddell with support from Mayer to approve adoption of Resolution No. 40-2008 for Corkscrews, LLC liquor license with the condition of approval of site plan by the City Planning Commission. Motion carried unanimously by roll call vote.

- G. Motion to Adopt Resolution No. 41-2008 Appointing David R. Kowal as Planning and Zoning Administrator of the City of the Village of Douglas. Motion by Moore with support from Waddell to approve adoption of Resolution No. 41-2008 appointing David R. Kowal as Planning and Zoning Administrator of the City of the Village of Douglas. Motion carried unanimously by roll call vote.

- H. Commence Review of DRAFT Fiscal Year 2008-2009 Budget. In accordance with Section 9.2, Budget Procedure, of the City Charter, the City Manager shall compile and review department budget requests and then prepare his budgetary recommendations and submit them to the City Council at its meeting nearest to the third Monday in May of each year (to be forwarded Monday, May 19, 2008)

Discussion followed on proposed budget. More detailed explanations and descriptions of funds will be ready for a public hearing held at the June 16th meeting. Council requested a work session on the budget prior to the public hearing.

11. Staff Reports

A. Building/Planning/Zoning/Enforcement

1. Letter from City Manager/Zoning Administrator Kowal dated May 8, 2008 to Philip J. Sheridan, Attorney at Law, Denying his Request to Schedule a Hearing on Behalf of his Client, Mr. Chad Kalkman, Before the Douglas Zoning Board of Appeals (ZBA) Pertaining to Mr. Kalkman's Property Located at 127 Water Street, Douglas, MI
Brief review of letter included in packet.

B. Finance/Budget

1. Revenue/Expenditure Report for the Period 7/1/07 to 4/30/08
2. Cash Balances Report for the Month Ended April 30, 2008
3. Summary of Wire Transfer/ACH Payments for the Month Ended April 30, 2008
4. Investment Schedule as of 4/30/08
A number of amendments are needed to the current budget and will come before council in June.

12. Committee Reports

- A. Zoning Ordinance Ad Hoc Committee
The zoning ordinance rewrite is in the Planning Commissioners hands for review.
- B. Planning Commission
Next meeting is May 21, 2008
- C. Community Recreation Advisory Board
No report
- D. Police Commission
The May meeting was cancelled. No report.
- E. Kalamazoo Lake Sewer & Water Authority
No report.
- F. Park Improvements Implementation Ad Hoc Committee
The committee has met and walked thru parks. By joining a nationwide group the City would have the ability to purchase playground equipment with a large number of municipalities.

13. Council Comments

Harvath commented on how nice Center Street paving looks.
Moore asked about the meeting with the Saugatuck School Administrators.
Mayer offered compliments on Center Street.
Waddell thanked Manager and Staff for the work done.

14. Mayor's Report/Comments

Balmer asked council how they want to proceed with the list of goals established at the retreat.
Kowal suggested getting through the budget process and then schedule goals for the first meeting in July.

15. Approval of Invoices

- A. Consideration of Approval of Invoices dated 5/15/08
Motion by Waddell with support from Mayer to approve invoices dated 5/15/08 totaling \$56,747.02. Motion carried unanimously by roll call vote.

16. Manager's Report

- A. In the proposed budget the line item for cemetery maintenance payment to Saugatuck Township will be eliminated.
- B. Fleis & VandenBrink, Aggregate Associates, and Ron Meyer Excavating all did a good thing by stepping up and taking responsibility for the Center Street paving project. The repaving was done at no cost to the City. Ron Meyer really went above and beyond and completed a couple of other smaller jobs while his equipment was here.
- C. The job title and description of the City Clerk has been changed to include Human Resources / Risk Manager.
- D. The first new banners are in place on Center Street with the Blue Star Bridge banners being installed this week.

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

- A. Gay Japinga, 429 Summer Grove, offered her thanks for the repair of Wiley/130th Street.
- B. Bill Winters, Saugatuck, encouraged all entities to work together to work out differences in support of the Saugatuck Public Schools.

18. CLOSED SESSION – Review legal opinion and pending litigation with Attorney Doug Callendar and Attorney Andy Mulder.

Motion by Moore with support from Mayer to go into closed session at 9:30 p.m. to discuss a legal opinion and pending litigation with attorneys via telephone conference. Motion carried unanimously by roll call vote.

Motion by Waddell with support from Mayer to end the closed session at 10:26 p.m. Motion carried.

19. Adjournment

The meeting was adjourned at 10:26 p.m. on motion and support by Waddell and Mayer.

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 19, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Monday, June 2, 2008
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:00 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

Additions: Item #8B-7 Letter to Superintendent Wood

Item #8B-8 Notice from Allegan County Sheriff RE: Drowning

Back-up documents added to Item #10-C

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

Motion carried.

5. Approval of Minutes

A. Committee of the Whole Meeting of City Council of May 19, 2008

B. Regular Meeting of City Council of May 19, 2008

C. Closed Session Minutes of City Council of May 19, 2008

Motion by Moore with support from Mayer to approve meeting minutes with one correction to the Closed Session Meeting Minutes. Motion carried.

6. Appointments /Resignations

None Scheduled

7. Proclamations/Awards

None Scheduled

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

A. Verbal:

No public comments were heard.

B. Written:

1. Letter from Aggregate Industries dated May 19, 2008 RE: Anticipated Price Increases in the Liquid Asphalt Cement (AC) Market Due to Volatility in Crude Oil Prices
2. Legislative Link from Michigan Municipal League; May 27, 2008 (incorrectly states date as March 27, 2008)
3. Letter from Mr. R.G. Poetsch dated May 27, 2008 RE: Summary of Interurban Transit Authority Board Meeting of May 20, 2008
4. Letter from Mr. Alan McPhail to City Manager dated May 23, 2008 RE: Saugatuck-Douglas Greenmarket Committee
5. Minutes of the Saugatuck-Douglas Area Community Leaders Meeting of May 21, 2008
6. Minutes of the Saugatuck Township Fire District Regular Meeting of April 14, 2008, Workshop Meeting of April 28, 2008, and Special Workshop Meeting of May 6, 2008, are available upon request in the office of the City Clerk
7. Letter to Superintendent Tim Wood, Saugatuck Public Schools, RE: Douglas Elementary School Building Classroom Addition
8. News Release from Allegan County Sheriff's Office RE: May 31, 2008 Drowning.

Kowal commented the anticipated price increases in liquid asphalt will most certainly have a bearing on how much road reconstruction the City can afford to complete.

A letter will be sent to Alan McPhail, Manager of the Saugatuck-Douglas Greenmarket suggesting the market be expanded to Douglas.

Written communications noted as received and filed.

9. Unfinished Business

None

10. New Business

- A. Motion to Approve the Saugatuck Township Fire District Annual Budget for Fiscal Year 2008/2009
Motion by Bailey with support from Harvath to approve the Saugatuck Township Fire District Annual Budget for Fiscal Year 2008/2009. Motion carried unanimously by roll call vote.
- B. Motion to Adopt Resolution No. 42-2008 Changing MERS Benefits
Motion by Waddell with support from Mayer to approve adoption of Resolution No. 42-2008 changing MERS benefits. Motion carried unanimously by roll call vote.
- C. Motion that the Council of the City of the Village of Douglas Authorize the Law Firm of Cunningham Dalman P.C. to Institute Litigation Against the Principals of Blue Coast Properties, LLC (dba Blue Moon Bar and Grill) to Enforce the Conditions Made as Part of the Planning Commission Site Plan Approval Process for the Addition to the Subject Business, and to Seek Recovery of Costs and Attorney Fees Related Thereto, Unless All

Conditions are Completed to the Full and Complete Satisfaction of the City's Zoning Administrator by June 16, 2008 (see letter from City Attorney Mulder dated May 28, 2008)

Motion by Waddell with support from Hoexter to authorize Cunningham Dalman to proceed with litigation against Blue Moon Bar and Grill.

Motion carried unanimously by roll call vote.

- D. Motion to Adopt Resolution No. 43-2008 Approving a Proposal from Abraham & Gaffney, P.C., for Professional, Independent Governmental Auditing Services

Motion by Waddell with support from Bailey to approve adoption of Resolution No. 43-2008 accepting audit proposal from Abraham & Gaffney. Motion carried unanimously by roll call vote.

- E. Motion to Adopt Resolution No. 44-2008 Approving an Agreement Regarding Use of Wade's Bayou Park and Facilities (Running Rivers, Inc.)

Motion by Hoexter with support from Mayer to approve adoption of Resolution No. 44-2008 for Running Rivers, Inc. Motion carried unanimously by roll call vote with Waddell recusing herself due to her relationship to Mike Phillippe, Running Rivers, Inc.

11. Staff Reports

A. Building/Planning/Zoning/Enforcement

1. Letter from City Attorney Mulder to Mr. Irvin Poke, Michigan Bureau of Construction Codes (BCC), dated May 20, 2008 RE: "Environmental Approvals" Section of the Local Governmental Agency Review Form (BCC-321) Submitted by the Saugatuck Public Schools with Regard to the BCC's Review for Compliance of the Early Childhood Center and Accompanying Playground with Michigan Department of Education Site Plan Criteria
Kowal reviewed letter.

Mayer commented she wanted everyone to realize that this is only about following our own ordinances, nothing more.

2. Letter from Planning & Zoning Consultant, Ryan Kilpatrick, to Mr. R.J. Peterson, Tower Marine, dated May 27, 2008 RE: Notice that site plan submitted with letter dated May 15, 2008 is deficient, identification of deficiencies, and advertisement that the subject site plan will not be submitted to the Planning Commission until the application for site plan approval and site plan contains all required items.

Kowal reviewed letter.

3. Letter from Planning & Zoning Consultant, Ryan Kilpatrick, to Ms. Amy Broersma, GMB Architects, RE: Response to Request for Local Setback Information
Kowal reviewed letter relating GMB Architects are the architects working for Saugatuck Public Schools.
4. Letter from City Manager Kowal to Mr. Irvin Poke, Bureau of Construction Codes, dated May 29, 2008 RE: Douglas Elementary School Building Addition
Kowal reviewed stating the 321 Form has been resubmitted with City approvals for the classroom building addition only.
5. Letter from City Manager Kowal to Mr. Richard Waskin, WPH Landholdings, LLC, dated May 29, 2008 RE: Fire Damaged Building Located at 10 E. Center Street
Temporary signs have been requested by the merchants directing visitors to more stores beyond 10 E. Center.
Harvath asked about assuring that if damage occurs when the building is demolished WPH Landholdings will be responsible for repairs to infrastructure.
Kowal responded there will be a letter of credit in place for such occurrences.

12. Committee Reports

- A. Planning Commission
Beginning in June 2008 the Planning Commission will change its' regular meeting day to the second Wednesday of each month.
- B. Community Recreation Advisory Board
Kowal reported on attending a four-hour Community Recreation meeting
Discussing the 5-year recreation plan.
- C. Kalamazoo Lake Sewer and Water Authority
No report
- D. Park Improvements Implementation Ad Hoc Committee
No report

13. Council Comments

Hoexter is glad to see the City moving ahead with zoning enforcement issues. She feels like it is sending a message to all that Douglas will abide by its' ordinances. Waddell commented she likes to see the reports from Treasurer Drexler and Consultant Kilpatrick. Comments on how nice the flags and banners look. She expressed disappointment at how the Center / Washington intersection looks.

Kowal related he is upset with the milling process, the lack of street clean-up and poor quality repainting. The final product is disappointing but it does now pass MDOT inspection.

Moore related he feels the noxious weed ordinance is unenforceable. If we are to enforce the ordinance equally we should have someone finding properties that have weeds over 12 inches high. Moore also commented the Saugatuck Public School District is costing the City money to defend itself and the taxpayers are paying twice.

Harvath questioned if there is a way to recover any defense fees from the school since the school serves all three communities. Kowal responded “no” because it is only the City of Douglas’ ordinances that are being defended.

Bailey commented she attended the Community Leaders Meeting in May. She was interested to learn what is happening in the other communities.

Mayer related the weed ordinance took over two years to create and adopt. At least now we have something in place.

Bailey added the ordinance is an avenue to use when residents come into City Hall to complain we can have someone go out to investigate.

Balmer agreed saying when there is a complaint there is an ordinance to enforce.

Hoexter reported since the Dunes have turned their outdoor speaker around she cannot hear the music. She thinks the speakers were turned as a result of the noise ordinance.

14. Mayor’s Report/Comments

None

15. Approval of Invoices

- A. Consideration of Approval of Invoices dated 5/29/08
Motion by Waddell with support from Bailey to approve invoices dated 5/29/08 totaling \$212,126.02. Motion carried unanimously by roll call vote.
- B. Consideration of Approval of Payroll for the Month Ended May 31, 2008 in the amount of \$55,831.08.
Motion by Hoexter with support from Bailey to approve payroll for month ended May 31, 2008. Motion carried unanimously by roll call vote.

16. Manager’s Report

- A. The meeting with Attorney King regarding Harbor Commission went very well. It continues to be challenging to establish a purpose that the Commission should accomplish, create by-laws and designate membership.
- B. Attorney King will also be working on the Tower Marina permits, right-of way, utility and easement issues.
- C. The 2008-2009 budget will be presented for adoption at the June 16th meeting. There will be no changes to the City operating and road millages. Treasurer Drexler will prepare revenue reports for the June 12th budget workshop session at 6:00 p.m.

17. Hear from the Audience (Limit three minutes for general comments)
Barbara Crandell, 252 Lakeshore, complimented City Staff and remarked how nice the City looks.

18. Adjournment
The meeting was adjourned at 8:30 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 June 2, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Monday, June 16, 2008
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:00 p.m. by Mayor Pro Tem Waddell

2. Roll Call

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

Absent: Balmer

Also Present: Manager Kowal and Clerk Neve

3. Pledge of Allegiance – Mayor Pro Tem

4. Changes/Additions/Deletions to Agenda

Written Communications added: Item 8A-9 Letter from Allegan County Democratic Party, Item 8A-10 Letter from Allegan County Stonewall Democrats, Item 8A-11 Letter from State of Michigan Court of Appeals.

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

5. Approval of Minutes

A. Regular Meeting of City Council of June 2, 2008

Motion by Hoexter with support from Mayer to approve meeting minutes as presented. Motion carried.

6. Appointments /Resignations

None Scheduled

7. Proclamations/Awards

None Scheduled

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

A. Verbal:

1. Kenneth Kutzel, 419 Harbor Lake Dr., reported all six units on Harbor Lake Dr. became flooded with black water after the heavy rains on June 7th. The power was off for at least six hours. Mr. Kutzel requested that KLSWA be contacted to see if the flooding was due to lift station failure.
2. Richard Bailey, Summer Grove Dr., asked if the pump stations are equipped with emergency generators that will take over in a power failure.

B. Written:

1. Letter from Frederick Eagle Royce, Douglas Lakeshore Association, and Frank Alfieri, Lake Michigan Shore Association, dated May 26, 2008 RE: Proposed 2008 Saugatuck Harbor Dredging Project
Bailey asked about the dredging starting in July and where the spoils will go.
2. *Letter from Mr. William B. Hunt, Rainbow Banner Project, dated June 2, 2008*
3. Letter from Mr. James I. Wiley to School Board, Saugatuck Public Schools, dated June 2, 2008 RE: Proposed Varsity Baseball Field at Site of Douglas Elementary School
Bailey and Mayer commented on how well the letter from Mr. Wiley was written.
4. Michigan Municipal League *Legislative Link* dated June 3, 2008
5. Letter from Mr. Ronald Colton, Jr., dated June 4, 2008
6. Minutes from the Saugatuck Township Fire District Regular Board Meeting of May 12, 2008, and Workshop Meeting of May 27, 2008.
7. Letter from Allegan County Board of Commissioners dated June 10, 2008 RE: Declared “State of Emergency”
8. Press Release from Allegan County Health Department dated June 13, 2008 RE: Lifting of the Public Health Advisory at Five Bathing Beaches on Lake Michigan, Including Douglas Beach
9. Letter from Allegan County Democratic Party RE: Rainbow banners for Pride Week
10. Letter from Stonewall Democrats RE: Rainbow banners for Pride Week
11. Letter from State of Michigan Court of Appeals RE: Rodriguez Case No. 285894 (Shady Ponds)

Written communications noted as received and filed.

9. Unfinished Business

None

10. New Business

- A. **PUBLIC HEARING:** Pursuant to Section 9.4 of the City of the Village of Douglas Charter, a Public Hearing on the Proposed Budget for the City of the Village of Douglas for Fiscal Year 2008-2009 (July 1, 2008 through June 30, 2009) Shall Be Held. The City Council May Not Adopt the Proposed Fiscal Year 2008-2009 Budget Until After the Public Hearing. All Interested Parties Will Be Given an Opportunity to be Heard at the Public Hearing Regarding the Proposed Budget.
Motion by Moore with support from Bailey to open the public hearing at 7:19 p.m. Motion carried.

Manager Kowal gave a brief review of discussion covered at the special city council meeting held Thursday, June 12th. Once again there will be no increase in the City Operating or City Road millage rates. Millages will remain at 11.20004 and 1.88140 respectively for a total of 13.0818.

No comments were heard from the public.

Motion by Bailey with support from Mayer to close the public hearing at 7:40 p.m. Motion carried.

- B. Motion to Adopt Resolution No. 45-2008 Adopting General Appropriations Act for the Fiscal Year Commencing July 1, 2008 and Concluding June 30, 2009 (FY 2008-2009)
Motion by Bailey with support from Harvath to approve adoption of Resolution No. 45-2008. Motion carried unanimously by roll call vote.
- C. Motion to Adopt Resolution No, 46-2008 Amending the Budget of the 2007-2008 General Appropriations Act.
Motion by Hoexter with support from Bailey to approve adoption of Resolution No. 46-2008. Motion carried unanimously by roll call vote.
- D. Lease by the City of the Village of Douglas of Privately-Owned Parking Lot Located Behind 62 W. Center Street (Sheridan Law Offices, P.C.)
Manager Kowal related a letter has been received from Mr. Sheridan outlining maintenance needed on the parking lot. He is requesting resurfacing of the entire lot and restriping of the parking spaces. In reviewing the lease agreement there is no mention of City responsibility to resurface the lot. There seems to be significant costs to maintaining a lot that is so infrequently used by the public. It is questionable if anyone even knows the lot is open to the public.
Hoexter agrees that the cost to maintain is significant. Perhaps it is time to serve notice and end the lease.
Mayer agrees and relates she feels the lot is hazardous at night due to the lack of lighting.
Moore asked about any resolution with the parking issues at Wild Dog. Moore questioned if this lot is calculated in the number of downtown spaces.
Harvath asked about the financial arrangements for leasing the lot other than the maintenance and upkeep.
Bailey commented the merchants have given up the idea of a shuttle running between Saugatuck and Douglas. She is in favor of keeping the lot and looking into marking it better directing tourists into it.
Waddell also feels the City should keep and maintain the lot. The abandon vehicle that is parked there belongs to Sheridan. He is bringing attention to the need for maintenance so get him to move the vehicle.

Kowal asked council to think about the possibility that we may need additional parking in the future if we terminate the lease on this lot. There are liability issues to be addressed. Our Attorney should draft an agreement to indemnify the City. We are under no obligation to pave and light the lot.

Hoexter responded if the City is really pressed for additional parking we could add spaces around Beery Field.

Kowal related the lot has limited spaces during the week. How many spots are really open to the public when the employees of the building are parked there?

Kowal will write a letter to Mr. Sheridan agreeing to seal and restripe the lot.

- E. Status of City Zoning Ordinance Review and Rewrite (see letter from Mr. Larry Nix, Principal, Williams and Works, dated June 11, 2008) Manager Kowal reported the original contract with Mr. Nix had no “not to exceed” limit on the cost estimate of \$37,000 to complete the rewrite. At this point we have exceeded that amount due to the number of meetings required. The process is slowing at the Planning Commission with the dedicated attention to detail. Kowal asked if council would like to consider telling the Planning Commission that Mr. Nix will attend only three more meetings. Planning Commissioners should come prepared with a list of all their questions and be ready to adopt the ordinance within the next two-three months.

Mayer asked how far along in the process is the review. Maybe a note could be sent to the Planning Commission encouraging them to stay on task and get things done as soon as possible.

Moore commented this task is so important that we create the best document we can. Encourage Planning Commission to move along but don't short change the ordinance. Since Waddell is our representative to Planning Commission perhaps she could be the facilitator to keep things moving.

Bailey commented there has been great enthusiasm from the group but it takes a good leader to keep members on task.

Harvath feels this is a great hurdle for Douglas. A workable final product is what we are after.

Waddell stated the group has stayed focused. Projects like Swingbridge, the fire at 10 Center and the schools have all brought our ordinance into the spotlight.

Kowal added the ordinance is only as good as the staff who enforces and interprets it. Larry Nix is working with the old ordinance to glean out the many good parts.

11. Staff Reports

A. Building/Planning/Zoning/Enforcement

1. Letter from City Manager to Steven Bishop, Fleis & VandenBrink Engineering, Inc., dated June 12, 2008 RE: Water Street at Center Street Intersection Improvement Project
Kowal reported the repairs made a significant improvement but there are still a number of items not satisfactory. The City will not sign off yet.
2. A letter of response to Swingbridge is on file in the Clerk's office if council members would like to read it.

B. Finance/Budget

1. Revenue/Expenditure Summary Report for the Period 7/1/2007 to 5/31/2008
2. Investment Schedule as of 5/31/2008

Treasurer Drexler will print off the Revenue/Expenditure report in either summary or detail, whichever is preferred by council. Harvath asked about investigating other investment options.

12. Committee Reports

- A. Planning Commission
Waddell commented the zoning ordinance re-write has already been discussed.
- B. Community Recreation Advisory Board
Bailey reported the five-year plan report is not finished.
- C. Police Commission
Hoexter reported the following items were discussed at the last meeting.
 1. The incident at the Maplewood Hotel
 2. Over serving of alcohol
 3. Township participation in police service
- D. Kalamazoo Lake Sewer & Water Authority
No meeting
- E. Park Improvement Ad Hoc Committee
No meeting

13. Council Comments

Manager and Treasurer were thanked for the work on the budget. Harvath asked who parents should contact regarding the construction at the Elementary School. Kowal recommended contacting Ms. Broderick, Saugatuck Public Schools.

14. Mayor's Report/Comments

Mayor Pro Tem Waddell thanked staff for work on the budget. Also commented she feels it will be important for Planning Commission to review parking spaces/issues on Center Street.

15. Approval of Invoices

- A. Consideration of Approval of Invoices dated 6/13/08
Motion by Hoexter with support from Mayer to approve invoices dated 6/13/08 totaling \$65,802.99. Motion carried unanimously by roll call vote.
- B. Consideration of Approval of Wire Transfer/ACH Payments for the Month Ended May 31, 2008
Motion by Moore with support from Mayer to approve Transfers for month ended May 31, 2008. Motion carried unanimously by roll call vote.

16. Manager's Report

- A. Our police chief has the full support of City Manager is enforcing alcohol laws with regards to over serving. Bartenders need to take due diligence to make sure patrons are not over served regardless of where that patron has been previously.
- B. The appeal of the termination of DPW employee Hutta is withdrawn.
- C. Manager Kowal will be out of the office for an indefinite period of time beginning June 17, 2008.

17. Hear from the Audience (Limit three minutes for general comments)
Shelley Edgerton, candidate for State Representative introduced herself.

18. Adjournment

The meeting was adjourned at 9:28 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 June 16, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Monday, July 7, 2008
7:00 p.m.

- 1. Call to Order**
The meeting was called to order at 7:00 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**
Additions: Item #8B-9 Michigan Court of Appeals Order RE: Rodriguez Associates.
Item #8B-10 Road Repair Estimates from Ron Meyer Associates RE: Fremont Street
Item#8B-11 Article Titled *Tax Increment Financing: The Undoing Of Pontiac*
Item #6 Letter of Resignation from the DDA by Rob Goeke
Motion by Harvath with support from Waddell to approve the agenda as amended. Motion carried.
- 5. Approval of Minutes**
 - A. Committee of the Whole Meeting of City Council of June 12, 2008
 - B. Regular Meeting of City Council of June 16, 2008
Motion by Waddell with support from Mayer to approve meeting minutes as presented. Motion carried.
- 6. Appointments /Resignations**
 - A. Letter of Resignation from the DDA Board was received from Rob Goeke
- 7. Proclamations/Awards**
None Scheduled
- 8. Public Communications** (Limit of three minutes for comments regarding agenda items)
 - A. Verbal:**
No comments were heard.

B. Written:

1. **Issue Advisory** from the Michigan Municipal League RE: State Budget Update
 2. Letter from R.G. Poetsch dated June 25, 2008 RE: Summary of Interurban Transit Authority Board Meeting of June 17, 2008
 3. Summary of Permits Issued by Michigan Township Services – May 2008
 4. Letter from State of Michigan Public Service Commission dated June 18, 2008 RE: “Uniform Video Services Local Franchise Act”
 5. PUBLIC NOTICE: City of the Village of Douglas RE: Nominating Petitions Now Available for City Councilpersons Positions; Four (4) Positions to be Filled for Terms of Two (2) Years Each
 6. Minutes of the Saugatuck Fire District Regular Meeting of May 12 and Workshop Meeting of May 27, 2008 are Available Upon Request in the Office of the City Clerk
 7. PUBLIC NOTICE: Notice of Meeting Cancellation, Regular Meeting of the Police Commission Scheduled for Wednesday, July 9, 2008
 8. Agenda of the City of the Village of Douglas Planning Commission of July 9, 2008
 9. Michigan Court of Appeals Order RE: Rodriguez Associates
 10. Road Repair Estimates from Ron Meyer Associates RE; Fremont Street
 11. Article Titled *Tax Increment Financing: The Undoing of Pontiac*
- Written communications noted as received and filed.

9. Unfinished Business

None

10. New Business

- A. Motion to Approve the Appointment of the Following Election Inspectors for the August 5, 2008 Primary Election; Tarue Pullen, Dorothy Demerest, Donna St. Andre, Kathleen Piggins, Walter Pattison, Louise Pattison, Susie Wicks, Martha Hoexter, Linda Anderson, Alexa Urquhart, Suzanne Dixon and Pam Aalderink
Motion by Harvath with support from Waddell to approve appointment of election inspectors for the August 5th Primary Election.
Motion carried with Hoexter abstaining.
- B. Motion to Adopt Resolution No. 47-2008 Approving a Letter of Understanding with the Saugatuck Douglas Fireworks Fund Committee for 2008
Motion by Hoexter with support from Bailey to approve adoption of Resolution No. 47-2008. Motion carried unanimously by roll call vote.

A discussion of fireworks permits and procedures was held. Tuesday, July 8th Manager Kowal will hold a meeting with Mr. Rob Joon, Fire Chief Blok, Police Chief Giles, and representatives from the City of Saugatuck regarding fireworks displays.

- C. Motion to Adopt Resolution No, 48-2008 Authorizing and Approving the Creation of an Ad Hoc Kalamazoo Harbor Master Plan Committee
Kowal related Douglas has taken the lead in moving to create an Ad Hoc Committee. There are still many decisions to be made.
Councilperson Bailey and Mayor Vettori, City of Saugatuck will be meeting with Saugatuck Township to discuss Township participation and answer questions.
Moore asked why this resolution does not include a provision for the Committee to create by-laws.
Harvath added he would like to know more about the Townships role.
Bailey commented there is no question that the Township wants to participate. All that we are asked to do tonight is approve the creation of the Ad Hoc Committee.
Motion by Waddell with support from Hoexter to approve adoption of Resolution No. 48-2008. Motion carried.

11. Staff Reports

A. Building/Planning/Zoning/Enforcement

1. Letter from Ryan Kilpatrick, Planning & Zoning Consultant, to Ms. Tara Walston, Roxie Girl, Inc., dated July 1, 2008 RE: Alleged Violation of City Zoning Ordinance
2. Letter from City Attorney VanderVeen to Attorney Scott Smith, Clark Hill, PLC, dated July 2, 2008 RE: Request for Hearing on Notice of Zoning Violations; Early Childhood Development Center/Educare Playground, Saugatuck Public Schools
A public hearing will be scheduled for the July 21st council meeting.

12. Committee Reports

- A. Planning Commission
Zoning rewrite is in discussion. Planning Commission will be asked to wrap things up in three more meetings.
- B. Community Recreation Advisory Board
Five-Year Recreation Plan is complete.

- C. Kalamazoo Lake Sewer & Water Authority
No meeting was held. Manager Kowal related he feels it would be appropriate for Moore to ask some questions regarding lift stations at the next KLSWA Board meeting. Kowal would also like to have a map of the utility system lines located within Douglas.
- E. Park Improvement Ad Hoc Committee
A new park plan was received for review by the committee.

13. Council Comments

Hoexter remarked on the recent storm damage on Lakeshore Drive. Waddell commented on the staff reports from Ryan Kilpatrick. Moore also complimented Ryan on his reports/letters. Harvath thanked the DPW and tree crews for the quick clean up of storm damage.

14. Mayor's Report/Comments

Balmer thanked and complimented Kowal for getting the tree service into town so quickly to clean up storm damage.

15. Approval of Invoices

- A. Consideration to Reaffirm Approval of Invoices dated 6/27/08 in the amount of \$66,891.65 and to Approve Invoices dated 7/3/08 in the amount of \$61,737.12
Motion by Hoexter with support from Bailey to approve invoices dated 6/27/08 and 7/3/08 totaling \$128,628.77. Motion carried unanimously by roll call vote.
- B. Consideration of Approval of Payroll for the Month Ended June 30, 2008 in the amount of \$99,533.69
Motion by Waddell with support from Bailey to approve Payroll for month ended June 30, 2008. Motion carried unanimously by roll call vote.

16. Manager's Report

- A. A tentative agreement has been reached with the DPW Union members. Labor Attorney Doug Callendar has left his firm for a position with Miller Canfield Paddock and Stone. Because of a conflict of interest he will not be able to represent the City as labor attorney.
- B. A workshop meeting will be set to discuss goals for the City Manager for the next 12 months. Kowal will create a list and rate each in order of importance.

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

1. Jacqueline Weston, Lakeshore Drive, thanked staff for the quick response in cleaning up the damage from the July 2nd storm.
2. Dick Waskin, Saugatuck Township, related he is not pleased with the direction on zoning and enforcement issues. Very emotional time for him and feels he is being treated poorly by the City.
3. Katherine Casey, Union Street, thanked council for following and enforcing ordinances.

18. Adjournment

The meeting was adjourned at 9:27 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 July 7, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Monday, July 21, 2008
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:00 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

Addition: Article #10H to consider motion to authorize Mayor Balmer to acknowledge receipt of a letter and consents to Miller Canfield Paddock and Stone representation of Douglas Lakefront Properties in unrelated legal matters while Attorney Doug Callander continues to represent the City of the Village of Douglas in its labor matters.

Motion by Hoexter with support from Bailey to approve the agenda as amended.
Motion carried.

5. Approval of Minutes

A. Regular Meeting of City Council of July 7, 2008

Motion by Mayer with support from Hoexter to approve meeting minutes as presented. Motion carried.

6. Appointments /Resignations

A. Appointment of Mr. Lance Winchester; “At-Large” Board Member, Saugatuck Township Fire District (term expiring 6/30/2014)

B. Appointment of Mr. Scott Phelps; “At-Large” Board Member, Saugatuck Township Fire District (term expiring 6/30/2014)

Motion by Waddell with support from Harvath to approve appointment of Scott Phelps and Lance Winchester to the Saugatuck Township Fire District Board with a term expiring 6/30/2014. Motion carried unanimously by roll call vote.

7. Proclamations/Awards

None Scheduled

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

A. **Verbal:**

1. Dan Urquhart, KLSWA Board Representative, reported on an upcoming KLSWA workshop meeting regarding rate study. The sewer and water authority is facing some major improvements and will be looking at ways to fund projects. Meeting details to be announced but likely will be held on the third Monday of August.
2. Heather Barton, 190 Union St., reiterates the nuisances endured by property owners near the Saugatuck Public Schools Early Childhood playground. Urges a decision tonight.

B. Written:

1. **Legislative Link;** Michigan Municipal League; July 15, 2008
 2. Notice from Saugatuck Township Planning Commission dated July 2, 2008 RE: Intent to Amend the Saugatuck Township Component of the Tri-Community Comprehensive Plan
 3. Michigan Township Services Summary of Permits Issued; June 2008
 4. Letter from Tim Wood, Saugatuck Public Schools (“SPS”), to Attorney Kurt Dykstra, dated July 11, 2008 RE: Inability of SPS to Construct a Split-Face Block Wall on the Southern Property Line of the Early Childhood Center
 5. **Public Notice;** Community Park & Recreation Plan Update
- Written communications noted as received and filed.

9. Unfinished Business

None

10. New Business

- A. Hearing by City Council on **Notice of Zoning Violations** dated February 8, 2008, Issued by the City Zoning Administrator to the Saugatuck Public Schools. Pursuant to Section 23.04 of the Zoning Ordinance of the City of the Village of Douglas, Notice was Given that the Playground Located to the Rear of the Early Childhood Center Building, 261 Randolph Street, Douglas, MI is in Violation of said Zoning Ordinance
 Manager Kowal gave a review of how the playground came to be. Reports contained in tonight’s packet outline the series of steps taken by the City to come to a resolution.
 Attorney Mulder reviewed the letters and communications he has written to both the Saugatuck Public Schools and the State Department of Education regarding these violations.
 Balmer asked about differences in that a part of the Early Childhood building is leased to a private business that uses the playground year round. Mulder related the State Board of Education has been wrangling with the issue. The Early Childhood building was approved and a certificate of occupancy permit issued. Only the playground is at issue now.

Mulder indicated he would recommend another 30 days to try to bring everyone involved together to try to reach a resolution. With another try for resolution, at least the City can say we have exhausted all possibilities.

Harvath commented he feels a decision is needed tonight. There has been too much time and money already spent.

Kowal related he realizes the frustration as much as Ms. Casey and Ms. Barton. Another public hearing with the Planning Commission would take longer than 30 days. He would recommend a letter to all parties with a specific date for final action.

Waddell indicated she is frustrated with the Schools failure to communicate. Tonight was supposed to be a meeting with the council and School representatives. Waddell agrees the City should follow the recommendation from Attorney Mulder.

Bailey related she is disappointed no compromise has been found and is willing to give the matter another 30 days.

Hoexter remarked she takes exception to the letter from Scott Smith criticizing her and Mayer for speaking up at a public meeting. She feels this issue has dragged on too long but is willing to give it 30 days more.

Harvath related he feels badly for the neighbors and the children. All of the money could have been better spent. Another 30 days is a long time to add to an issue that has gone on for so long already. He would like to move on and get this behind us.

Moore doesn't feel there will be any resolution in 30 days. He suggests drafting a motion tonight to all 30 days, set a time limit and follow through.

Mayer commented she doesn't feel she can voice her opinion after being accused of bias. The City needs to follow the advise of our attorney and move ahead.

Balmer again asks that the privately run daycare center be looked at differently. The low area where the playground now sits was intended to be for run-off drainage.

Mulder related he recommends tabling the issue until the August 21, 2008 meeting, giving time to try to come to a resolution.

Motion by Waddell with support from Hoexter to table this issue for 30 days until the August 21, 2008 council meeting allowing Attorney Mulder time to work with the schools on a resolution. Motion carried unanimously by roll call vote.

- B. Motion to Adopt Resolution No. 49-2008 Approving an Agreement between the City of the Village of Douglas and the Saugatuck-Douglas Historical Society for the Administration of a Fiscal Year 2008 Historical Preservation Fund Grant for the Federal Preserve America Program Administered by the National Park Service (Preserve America Grant Agreement No. 26-08-AP-4022)

Motion by Harvath with support from Mayer to approve adoption of Resolution No. 49-2008. Motion carried unanimously by roll call vote.

- C. Motion to Adopt Resolution No. 50-2008 Approving Michigan Department of Labor & Economic Growth, Bureau of Fire Services (“BFS”), Permits as Applied for by the Saugatuck-Douglas Fireworks Fund Committee Relating to the Planned Fireworks Display Associated with the 2008 Venetian Festival
Motion by Moore with support from Bailey to approve adoption of Resolution No. 50-2008. Motion carried unanimously by roll call vote.
- D. Motion to Adopt Resolution No. 51-2008 Approving a Revised Letter of Understanding with the Saugatuck-Douglas Fireworks Fund Committee
Motion by Hoexter with support from Waddell to approve adoption of Resolution No. 51-2008. Motion carried unanimously by roll call vote.
- E. Motion to Adopt Resolution No. 52-2008 Establishing Filing Fees and Escrows for Planning and Zoning
Motion by Bailey with support from Waddell to approve adoption of Resolution No. 52-2008. Motion carried unanimously by roll call vote.
- F. Motion to Adopt Resolution No. 53-2008 Adopting Election Polling Place Emergency Procedures
Motion by Waddell with support from Mayer to approve adoption of Resolution No. 53-2008. Motion carried unanimously by roll call vote.
- G. Discussion of City’s Existing Leaf, Brush and Landscape Waste Collection Program and Possible Changes and Amendments to said Program
The City’s existing policies relating to leaf, brush and landscape waste will be reviewed to create an ordinance spelling out specific provisions and areas in which collection will take place. Council voted 4-3 in favor of looking at changes to the service.
- H. Motion to authorize Mayor Balmer to acknowledge receipt of a letter and consents to Miller Canfield Paddock and Stone representation of Douglas Lakefront Properties in unrelated legal matters while Attorney Doug Callendar continues to represent the City of the Village of Douglas in its labor matters.
Motion by Mayer with support from Hoexter to authorize Mayor Balmer to accept the letter from Miller Canfield Paddock and Stone dated July 17, 2008 and sign clarifying the point that Mr. Callendar will work only on the City of the Village of Douglas labor matters. Motion carried.

11. Staff Reports

A. Building/Planning/Zoning/Enforcement

1. Letter from Ryan Kilpatrick, Planning & Zoning Consultant, to Ms. Mary Bates dated July 16, 2008 RE: Property Code Violations; 101 Union Street, Douglas, MI

B. Finance/Budget

1. Revenue/Expenditure Summary Report for the Period 7/1/07 to 6/30/2008
2. Investment Schedule as of 6/30/08
3. Wire Transfer/ACH Payment Schedule Summary for the Month Ended June 30, 2008

Staff Reports noted as received and filed.

12. Committee Reports

A. Planning Commission

Waddell reported the ordinance review is going well. The Planning Commission is moving into review of the PUD requirements.

B. Community Recreation Advisory Board

The next scheduled meeting is Tuesday, July 22, 2008

C. Police Commission

The July meeting has been cancelled.

D. Kalamazoo Lake Sewer & Water Authority

Update from Dan Urquhart was given earlier.

E. Park Improvements Implementation Ad Hoc Committee

Balmer requested the next meeting be scheduled for Tuesday, July 29, 2008 at 10:00 a.m. in the City Hall council room.

Waddell reported she has had a meeting with the donor of a fountain. Donations will be needed to cover the expense of moving and placing the fountain.

13. Council Comments

Harvath asked about KLSWA rate changes and if the city is responsible for maintenance and repair to the lift stations.

Moore responded the surcharge on bills goes to specific pumps and lift station maintenance. Usage fees go for day-to-day operations of KLSWA.

Kowal commented there is no surcharge specifically for capital improvements.

Clerk Neve related she is volunteering at the National Association of Secretaries of State conference. On Sunday, July 27th, Neve will be guiding the group coming to Saugatuck-Douglas to shop and go to the beach.

14. Mayor's Report/Comments

None

15. Approval of Invoices

- A. Consideration of Approval of Invoices dated 7/18/08 in the amount of \$71,839.64
Motion by Hoexter with support from Waddell to approve invoices dated 7/18/08 totaling \$71,839.64. Motion carried unanimously by roll call vote.

16. Manager's Report

- A. The stone retaining wall in the back of City Hall is eroding. Estimates to repair range from \$2,800 - \$6,000. Additional lighting could cost \$2,600 to \$3,700. A decision on the extent of repairs will wait until after the audit report is received.
- B. Manager Kowal will be out of the office attending a Management Conference July 22 – July 25. Clerk Neve will serve as Acting City Manager during that time.
- C. Kowal read a prepared statement regarding Mr. R.J. Peterson and his efforts to sully his personal and professional reputation .

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

- A. Heather Barton, 190 Union St., related she is grateful for the extremely professional direction of Manager Kowal.
- B. Tara Frey, 483 Amity, remarked she feels there have been great strides made under the leadership of Manager Kowal. She feels the community is totally behind the City. On another matter, Ms. Frey commented about the long grass at the Elementary School playground. She has also noticed brush and tree limbs dumped at a vacant lot on Union St.
- C. Katherine Casey, 190 Union St., thanked the council and Manager Kowal for their efforts.

18. CLOSED DOOR SESSION: City Council Discussion with City Attorney Concerning Matters of Pending Litigation Involving the City of the Village of Douglas

Motion by Moore with support from Waddell to move into closed session at 9:56 p.m. Motion carried unanimously by roll call vote.

Motion by Bailey with support from Harvath to adjourn the closed session and return to the regular meeting at 10:38 p.m. Motion carried.

19. Adjournment

The meeting was adjourned at 10:38 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 July 21, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Monday, August 4, 2008
7:00 p.m.

- 1. Call to Order**
The meeting was called to order at 7:00 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**
Addition: Item 10G, Resolution No. 59-2008 Approving the purchase of a new LCT600 Trailer-Mounted Belt Driven Leaf Vacuum for the Public Works Department through a cooperative purchasing program.
Motion by Mayer with support from Hoexter to approve the agenda as amended.
Motion carried.
- 5. Approval of Minutes**
 - A. Regular Meeting of City Council of July 21, 2008
 - B. Closed Session Minutes of City Council of July 21, 2008
Motion by Waddell with support from Bailey to approve meeting minutes as presented. Motion carried.
- 6. Appointments /Resignations**
 - A. Appointment of Mr. John C. St. Andre to the Ad Hoc Kalamazoo Harbor Master Plan Committee (Citizen At-Large Member)
Motion by Waddell with support from Bailey to approve the appointment of John St. Andre to the Ad Hoc Kalamazoo Harbor Master Plan Committee. Motion carried unanimously by roll call vote.
- 7. Proclamations/Awards**
None Scheduled
- 8. Public Communications** (Limit of three minutes for comments regarding agenda items)
 - A. Verbal:**
 1. Dave Hills, Water Street, complimented Manager Kowal on his actions for the City.

B. Written:

1. Copy of letter to the editor Written by Dick Waskin and published in the Commercial Record on November 29, 2006
2. Letter from R.G. Poetsch dated July 25, 2008 RE: Summary of Interurban Transit Authority Board Meeting of July 22, 2008
3. Letter from James Wiley to Carol Wolenberg, Michigan Department of Education, dated July 27, 2008 RE: Opposition to SPS's Proposed Varsity Baseball Field at Site of Douglas Elementary School
4. Press Release from Ms. Dianne Stampfler, Promote Michigan, RE: "Film Friendly Michigan Successfully Debuts in Northern Michigan"
5. Memo from so called Saugatuck –Douglas Chamber of Commerce dated July 14, 2008 RE: Solicitation for Financial Contributions
6. Minutes from the Regular Meeting of June 9 and Workshop Meeting of June 23, 2008 of the Saugatuck Township Fire District Board are Available in the Office of the City Clerk.
7. Press Release from Saugatuck-Douglas Convention & Visitors Bureau RE: "Famous Photographer Visits Beachtowns West Michigan Pike".
8. Agenda of the City of the Village of Douglas / City of Saugatuck / Saugatuck Township Joint Planning Committee Meeting of Tuesday, August 12, 2008

Written communications noted as received and filed.

9. Unfinished Business

None

10. New Business

- A. Motion to Adopt for **First Reading** Ordinance 06-2008 Amending the Code of Ordinances of the City of the Village of Douglas (Sections 90.01, 90.02, 90.03, 90.04, 90.05, 90.06 and 90.07 Relating to Adoption of the International Fire Code; 2006 Edition)
Motion by Hoexter with support from Moore to approve first reading of Ordinance 06-2008 Amending the Code of Ordinance. Motion carried unanimously by roll call vote.
- B. Motion top Adopt Resolution No. 54-2008 Approving a Lot Combination (Parcel No. 03-59-350-012-00 and 03-59-350-010-00; 340 and 342 Fremont Street, Douglas, MI)
Motion by Waddell with support from Mayer to approve a lot combination for 340 and 342 Fremont Street. Motion carried unanimously by roll call vote.

- C. Motion to Adopt Resolution No 55-2008 Approving a Lot Split (Parcel No. 03-59-150-054-00; 149 Main Street, Douglas, MI)
Motion by Hoexter with support from Mayer to approve a lot Split for 149 Main Street. Motion carried unanimously by roll call vote.
- D. Motion to Adopt Resolution No. 56-2008 Supporting the Michigan Small Harbors Coalition
Motion by Waddell with support from Bailey to approve Resolution No. 56-2008 supporting the Michigan Small Harbors Coalition. Motion carried unanimously by roll call vote.
After discussion about appointing someone from council to the Coalition, the following motion was made.
Motion by Waddell with support from Mayer to appoint Councilperson Diane Bailey to be the City of Douglas representative to the Small Harbors Coalition. Motion carried unanimously by roll call vote.
- E. Motion to Adopt Resolution No. 57-2008 Authorizing Execution of a Waiver and Release of Claims and Indemnification Agreement (Kristie S. Van Plew / City of the Village of Douglas)
Motion by Waddell with support from Hoexter to approve Resolution No. 57-2008. Motion carried unanimously by roll call vote.
- F. Motion to Adopt Resolution No. 58-2008 Ratifying a General Record Retention and Disposal Schedule Policy for the City of the Village of Douglas (copies of the 89-page “Records Management Handbook” are available for public inspection during normal business hours in the Office of the City Clerk and on the rear table in the Douglas City Council Room)
Motion by Waddell with support from Mayer to approve adoption of Resolution No. 58-2008. Motion carried unanimously by roll call vote.
- G. Motion to Adopt Resolution No. 59-2008 Approving the Purchase of a New LCT600 Trailer-Mounted Belt Driven Leaf Vacuum for the Public Works Department Through a Cooperative Purchasing Program.
Motion by Mayer with support from Bailey to approve Resolution No. 59-2008 purchase of leaf vacuum. Motion carried by roll call vote with Waddell casting a “no” vote.

11. Staff Reports

- A. **Building/Planning/Zoning/Enforcement**
 - 1. Letter from Ryan Kilpatrick, Planning & Zoning Consultant, to Mr. Gerry and Ms. Joyce Osicek, dated July 19, 2008 RE: Notice To Abate Nuisance
Notice pertains to grass clippings and other debris.

2. Letter from City Attorney, Andrew Mulder, to Attorney Scott Smith and Kurt Dykstra, dated July 31, 2008 RE: Early Childhood Center; Saugatuck Public Schools
Letter informs Saugatuck Public Schools they have an additional 30 days to try to reach a compromise. Attorney Mulder will send a FOIA request to the Michigan Department of Education asking for plans for the baseball field that were submitted to the Board of Construction.

12. Committee Reports

- A. Planning Commission
Next scheduled meeting is August 13, 2008
- B. Community Recreation Advisory Board
Working on the Five-Year Plan
- C. Kalamazoo Lake Sewer & Water Authority
No report.
- D. Park Improvements Implementation Ad Hoc Committee
Committee has discussed purchase of playground equipment. Balmer reported he has met with GMS regarding site preparation for the new playground equipment and placement of fountain.

13. Council Comments

Waddell explained she voted “no” on the leaf vacuum purchase because she feels the city has put many dollars into the DPW recently. We are trying to work on the Park Plan and purchase a Police car every year. We need to take a closer look at expenses and work on the CIP.

Mayer commented she doesn’t think the Police need a new car every year. Jane questioned if there is an ordinance that regulates when contractors can begin to work each morning. Kowal responded the ordinance limits contractors work to 7:00 a.m. through 9:00 p.m. daily. There is nothing in place to regulate the activities of garbage/refuse haulers.

Moore extended compliments to Manager Kowal and staff.

Moore asked about the reason the emergency warning siren went off last week.

Kowal responded there has been no word on what caused the siren to sound.

Moore requested a work session be set to work on the City Manager’s goal list.

Kowal responded he will present a list in order of priorities and schedule a committee of the whole meeting.

Harvath related in these times of tight budgeting, council should be making a careful analysis.

Bailey asked that a letter be sent to Kristie Van Plew thanking her for her service. Bailey related that she and Mayor Vettori were to attend the Saugatuck Township Board Meeting on Wednesday but were not included on the agenda. They intended to discuss the Harbor Commission.

14. Mayor's Report/Comments

Balmer related he will sign the letter to Ms. Van Plew.

OktoberFest sponsorship forms are available for the event on October 4th.

Proceeds from the event will go toward Beery Field refurbishing.

15. Approval of Invoices

A. Consideration of Approval of Invoices dated 8/1/08 in the amount of \$35,179.84

Motion by Hoexter with support from Mayer to approve invoices dated 8/1/08 totaling \$35,179.84. Motion carried unanimously by roll call vote.

B. Consideration of Approval of Payroll for the Month Ended July 31, 2008 in the amount of \$69,282.54

Motion by Mayer with support from Harvath to approve payroll for the month ended July 31, 2008. Motion carried unanimously by roll call vote.

16. Manager's Report

A. Kowal reported on a meeting with Bartlett Tree Services regarding a forestry inventory program. Bartlett will be invited to a September council meeting to explain the program.

Mayer mentioned the trees in front of the Elementary School appear to be diseased.

B. Memorandum from City Clerk Neve to Manager Kowal dated July 29, 2008

Memo relating Clerk Neve's experience volunteering with the National Association of Secretaries of State.

C. Status of Local Media Investigation and Reporting on So-Called Saugatuck-Douglas Chamber of Commerce
Manager's report attached..

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

A. Mary Bredemann, 3089 Lakeshore, presented photos of new construction on Lakeshore that she feels should be halted due to the level of fill that was brought in and the possibility of creating drainage problems.

Sally Bredemann, 3089 Lakeshore, commented she is heartbroken to see what is happening along Lakeshore Dr.

Joseph Bredemann, 3089 Lakeshore, requested the new construction be visited and viewed from the rear of the property.

Scott Sullivan, Commercial Record, related Mr. Dick Waskin called him to relay the statement that the letter included in the packet was not placed on the agenda at his request.

18. Adjournment

The meeting was adjourned at 9:30 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 August 4, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Monday, August 18, 2008
7:00 p.m.

- 1. Call to Order**
The meeting was called to order at 7:00 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**
None
Motion by Moore with support from Hoexter to approve the agenda as presented. Motion carried.
- 5. Approval of Minutes**
 - A. Regular Meeting of City Council of August 4, 2008
Motion by Moore with support from Bailey to approve meeting minutes as presented. Motion carried.
- 6. Appointments /Resignations**
 - A. Reappointment of Mr. R.G. Poetsch as the City of the Village of Douglas Representative on the Interurban Transit Authority Board (4-year term commencing October 1, 2008 through September 30, 2012)
Motion by Bailey with support from Harvath to approve the reappointment of R.G. Poetsch to the Interurban Transit Authority Board. Motion carried unanimously by roll call vote.
 - B. Reappointment of Martha Hoexter to the Saugatuck-Douglas Joint Police Commission (1-year term commencing July 1, 2008 and concluding June 30, 2009). Motion by Waddell with support from Bailey to approve the reappointment of Martha Hoexter to the Saugatuck-Douglas Joint Police Commission. Motion carried unanimously by roll call vote with Hoexter abstaining.
 - C. Appointment of Diane Bailey to the Saugatuck-Douglas Joint Police Commission (partial term commencing August 18, 2008 and concluding June 30, 2009). Motion by Hoexter with support from Waddell to approve appointment of Diane Bailey to the Saugatuck-Douglas Joint Police Commission. Motion carried unanimously by roll call vote with Bailey abstaining.
 - D. Appointment of David Kowal to the Saugatuck-Douglas Joint Police

Commission (1-year term commencing July 1, 2008 and concluding June 30, 2009). Motion by Bailey with support from Harvath to approve appointment of David Kowal to the Saugatuck-Douglas Joint Police Commission. Motion carried unanimously by roll call vote.

7. Proclamations/Awards

None Scheduled

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

A. Verbal: None

B. Written:

1. Resolution of Thanks from the Lakeshore Coordinating Council for Substance Abuse Services
2. Letter from Gene and Dee Schoeneich to the Saugatuck-Douglas Historical Society dated August 2, 2008.
3. Letter from Joseph J. Bredemann dated August 11, 2008
4. Letter from Dick Waskin dated August 11, 2008
5. Planning Commission Agendas; Wednesday, August 20, 2008; Special Meeting 6:00 p.m.; Workshop Meeting 7:00 p.m.; Douglas City Hall Council Room; 86 W. Center St.; Douglas
6. City Council Special Meeting Agenda; Wednesday, August 20, 2008, 5:30 p.m., Douglas Police Department Meeting Room; 47 W. Center St., Douglas
7. Summary of Building Permits Issued by Michigan Township Services – July 2008
8. Minutes from the Saugatuck Township Fire District Board Regular Meeting of July 14, 2008 and Workshop Meeting of July 28, 2008 are Available for Inspection in the Office of the City Clerk

Written communications noted as received and filed.

9. Unfinished Business

- A. Motion to Adopt for Second and Final Reading Ordinance 06-2008 Amending the Code of Ordinances of the City of the Village of Douglas (Sections 90.01, 90.02, 90.03, 90.04, 90.05, 90.06 and 90.07 Relating to Adoption of the International Fire Code; 2006 Edition)
Motion by Hoexter with support from Bailey to approve adoption of Ordinance No. 08-2008 relating to the International Fire Code. Motion carried unanimously by roll call vote.

10. New Business

- A. Motion to Adopt Resolution No. 60-2008 Approving the Purchase of a New 2009 International Plow Truck Chassis through MiDEAL; Michigan's Cooperative Purchasing Program.

Motion by Moore with support from Bailey to approve adoption of Resolution No. 60-2008 for the purchase of a 2009 International Plow Truck Chassis. Motion failed 3-3 with Waddell, Moore and Harvath casting “no” votes.

- B. Motion to Adopt Resolution No. 61-2008 Approving the Proposal of Truck & Trailer Specialties for Required Plow Truck Equipment.
- C. Motion to Adopt Resolution No. 62-2008 Declaring City of the Village of Douglas Property Surplus and Authorizing Disposition.
With the failure of Resolution No. 60-2008, Resolution No. 61 and 62 were deleted.

Motion by Bailey with support from Hoexter to take a short recess until Attorney Mulder is reached via phone. Motion carried.

Motion by Bailey with support from Hoexter to reconvene the meeting at 7:34 p.m. Motion carried.

- D. Hearing by City Council on Notice of Zoning Violations dated February 8, 2008, Issued by the City Zoning Administrator to the Saugatuck Public Schools. (SPS) Pursuant to Section 23.04 of the Zoning Ordinance of the City of the Village of Douglas, Notice was Given that the Playground located to the Rear of the Early Childhood Center Building, 261 Randolph Street, Douglas, MI is in Violation of said Zoning Ordinance.
Motion by Bailey with support from Harvath to remove the issue of the Notice of Zoning Violations dated February 8, 2008 from the table for discussion. Motion carried unanimously by roll call vote.
Attorney Mulder reminded council the discussion had been tabled from a previous meeting upon his recommendation to allow another 30 days to get the parties together and try to come to an agreement.
At this time, Mulder recommends council direct the Planning Commission to consider the playground zoning violations. Saugatuck Public Schools and Ms. Casey may agree to resolve the issue by agreeing on a barrier wall.
Bailey commented she does not appreciate information continually coming from the schools at the last second. She is willing to direct the Planning Commission to hold another public hearing on the issue but our ordinance must be followed.
Harvath related he feels Saugatuck Public Schools has not been forthcoming with information. He questions how the Planning Commission will get SPS to attend another meeting.
Manager Kowal reminded council the Planning Commission has never reviewed a site plan containing the Early Childhood playground. A public hearing will be required for the Planning Commission meeting.
Balmer related the playground area was always indicated to be a drainage area.

Waddell asked if the school has pursued a permit for the playground with the Bureau of Construction Codes (BCC). And are the schools still of the belief that they don't have to seek council or Planning Commission approval on anything.

Mulder responded SPA has said all along that the City has no authority over any of the school projects. Currently the school is waiting for a letter from the Bureau of Construction Codes outlining if there will be a review of what the BCC termed as a "small project".

Waddell commented once again the Planning Commission will be reviewing a case without an applicant. Waddell asked if the City has the right to close the daycare down until zoning is met.

Bailey remarked she would hope it would not come to that extreme. That action would impact too many families who rely on daycare for their children.

Mulder indicated he would be speaking with Attorney Scott Smith regarding a site plan showing the playground and its use schedule. Motion by Waddell with support from Hoexter to refer the Zoning Violation for the Early Childhood Learning Center to the Planning Commission for consideration of off-site conditions for Special Land Use. Motion carried unanimously by roll call vote.

11. Staff Reports

A. Building/Planning/Zoning/Enforcement

1. Letter from Ryan Kilpatrick, Planning & Zoning Consultant, dated August 7, 2008 RE: Storm Water Management Plan; 3081 Lakeshore Drive, Douglas, MI
2. Letter from City Attorney, Andrew Mulder, to Attorney Scott Smith, Clark Hill, PLC, dated August 13, 2008 RE: Saugatuck Public Schools Varsity Baseball Field Project.

Letters noted as received and filed.

12. Committee Reports

A. Planning Commission

Waddell reported the Planning Commission met Wednesday, August 13th. Saugatuck Public Schools Varsity Baseball Field project was on the agenda for review. Planning Commission denied the special use permit.

B. Community Recreation Advisory Board

Bailey reported the Saugatuck Public Schools Board of Education is meeting tonight regarding the Community Recreation 5-year plan.

- C. Police Commission
Hoexter reported the Police Commission met Wednesday, August 13th. A suggestion was entertained to hold quarterly meetings of the Police Commission. The Chief will continue to do monthly reports. The Commission heard a report on problems with moped rentals. Discussion on hiring more part-time officers.
- D. Kalamazoo Lake Sewer & Water Authority
Treasurer Drexler attended a review of the rate study. The next meeting will be a review of a sewer rate increase study and repairs needed at lift stations.
- E. Park Improvements Implementation Ad Hoc Committee
Balmer will be making recommendations to the City Manager and Council regarding park improvements.

13. Council Comments

Bailey commented closing the daycare facility would have a huge negative impact.

Harvath commented the Bureau of Construction Codes is not looking out for the residents of Douglas.

New DPW equipment was turned down tonight mainly because we have purchased many new vehicles with no place to store them. A CIP should be in place prior to such large purchases.

Moore remarked he wants to be certain that Saugatuck Public Schools clearly understands exactly what the Planning Commission needs for proper review.

Kowal responded both he and Attorney Mulder will be in contact with the school and their attorney to outline exactly what is needed. The school received permission for the Early Childhood Center and the six additional classrooms but never for the playground.

Waddell remarked she believes the school simply doesn't understand that their property is not zoned "Public Lands" but sits in an R-5 zoning district. R-5 zoning does not allow us to turn a blind eye to the school projects.

Hoexter commented the school is aware of the zoning they just choose not to comply.

Since the DPW snow truck was not approved we shouldn't give the Police Dept. a new vehicle this year either.

14. Mayor's Report/Comments

A snow plow truck is a very important piece of equipment. One truck may break down leaving a void in service.

15. Approval of Invoices

- A. Consideration of Approval of Invoices dated 8/15/08 in the amount of \$177,705.34
Motion by Waddell with support from Hoexter to approve invoices dated 8/15/08 totaling \$177,705.34. Motion carried unanimously by roll call vote.

16. Manager's Report

None

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

- A. Elizabeth Thiele, 254 Lakeshore, speaking on behalf of Crandell, Woods, Plummer and Hesse, thanked Manager Kowal for putting her in touch with Ryan Kilpatrick and Steve Bishop who responded to look at a water erosion problem on Lakeshore Drive.
- B. Kate Casey, Union St., stated it has been two years since her first complaint against the school. She is very appreciative that council and Manager Kowal has listened and taken action. She has sent FOIA requests to the Bureau of Construction Codes every 2 weeks but has received nothing.
- C. Tara Frey, Amity St., commented Ms. Casey has done her homework and it is now time to put up a noise barrier fence and end the problem. Work on the ball field has already begun. Saugatuck Public Schools has their own ideas of what they envision.
- D. Paul Sendra, Amity St., asked what is the next step now that the Planning Commission has denied the special use permit for the ball field. Strongly encouraged council to follow the ordinances.

Balmer reminded everyone of the Wednesday, August 20th meeting of the Planning Commission to further discuss the next step in denying the special use permit.

Kowal related the city's jurisdiction is limited to off-site and adjacent property concerns. Attorneys will prepare findings of fact for further legal review.

18. Adjournment

The meeting was adjourned at 8:45 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 August 18, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Tuesday, September 2, 2008
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:00 p.m. by Mayor Balmer

2. Roll Call

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

Absent: Moore

Also Present: Manager Kowal and Clerk Neve

3. Pledge of Allegiance – Mayor

4. Changes/Additions/Deletions to Agenda

Additions: Item #8A Verbal Communications

Mr. & Mrs. Geil, 3061 Peach St.

Mr. Terry Burns, Allegan County Commissioner

Item # 10H New Business, OktoberFest liquor license approval

Item #18 Closed Door Session with Attorney Mulder

Item #19 Adjournment

Motion by Bailey with support from Mayer to approve the agenda as amended.
Motion carried unanimously by roll call vote.

5. Approval of Minutes

A. Special Meeting of City Council of August 12, 2008

B. Closed Door Session Minutes of City Council of August 12, 2008

C. Regular Meeting of City Council of August 18, 2008

D. Special Meeting of City Council of August 20, 2008

E. Closed Door Session Minutes of City Council of August 20, 2008

Motion by Hoexter with support from Waddell to approve meeting
minutes as presented. Motion carried unanimously by roll call vote.

6. Appointments /Resignations

None scheduled

7. Proclamations/Awards

Proclamation of Gratitude and Thanks Extended to Chief Ken Giles and the Entire Saugatuck-Douglas Police Department for their Outstanding Work Solving a Recent Assault and Murder Attempt Case in the City of Saugatuck Resulting in a Successful Conviction.

Balmer presented the proclamation to Chief Giles and the Saugatuck-Douglas Police Department.

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

A. Verbal:

- 1). Mrs Geil, 3061 Peach St., spoke on behalf of the Felkers Right of Passage Easement Association regarding the Lakeside Dr. emergency access and egress. The Association offered a \$350 donation toward improvements to the access road. Attorney Mulder provided a copy of a 1998 agreement in which the Village/City is to be responsible for the keeping Lakeside Dr. open to emergency vehicles. Kowal will work on getting an engineering report for improvements to the access road.
- 2). Terry Burns, Allegan County Commissioner, reported on the closing of Allegan County Hospital Psych Ward. There is a new Senior Services Coordinator on board and the County now offers Veteran's Services at 1 (877) 676-5333.

B. Written:

1. Letter of Endorsement from Mayor Balmer to the National Trust For Historic Preservation dated August 25, 2008, Submitted in Conjunction with the Convention & Visitors Bureau Application for Inclusion of the City of the Village of Douglas on the 2009 List of "Dozen Distinctive Destinations"
2. Email from Ms. Kyle Latshaw and Ms. Loretta Yoder dated August 15, 2008 RE: Appreciation of City Positions/Actions with Regard to Current Matter with the Saugatuck Public Schools

Written communications noted as received and filed.

9. Unfinished Business

None Scheduled

10. New Business

- A. Motion to Reconsider Adoption of Resolution No. 60-2008 Approving the Purchase of a New 2009 International Plow Truck Chassis through MiDEAL; Michigan's Cooperative Purchasing Program. Motion by Waddell with support from Hoexter to approve adoption of Resolution No. 60-2008 for the purchase of a 2009 International Plow Truck Chassis. Motion carried 5-1 with Waddell casting a "no" vote.
- B. Motion to Adopt Resolution No. 61-2008 Approving the Proposal of Truck & Trailer Specialties for Required Plow Truck Equipment. Motion by Hoexter with support from Bailey to adopt Resolution No. 61-2008 approving proposal for required plow truck Equipment. Motion carried with Waddell casting a "no" vote.

- C. Motion to Adopt Resolution No. 62-2008 Declaring City of the Village of Douglas Property Surplus and Authorizing Disposition.
Motion by Mayer with support from Hoexter to adopt Resolution No. 62-2008 declaring a property surplus and authorizing disposition. Motion carried with Waddell casting a “no” vote.
- D. Motion to Adopt Resolution No. 63-2008 Authorizing the City Manager to Extend an Employment Offer for the Position of Part-time Receptionist/Clerk in Accordance with Section 5.2 of the Charter of the City of the Village of Douglas.
Motion by Hoexter with support from Mayer to adopt Resolution No. 63-2008 authorizing the City Manager to extend an employment offer for the position of part-time receptionist/clerk. Motion carried by roll call vote with Waddell abstaining.
- E. Motion to Adopt Resolution No. 64-2008 Approving an Independent Contractor Agreement for Assessing Services between the City of the Village of Douglas and Kelley Ziesemer.
Motion by Harvath with support from Mayer to adopt Resolution No. 64-2008 approving Independent Contractor Agreement with Assessor Kelley Ziesemer. Motion carried unanimously by roll call vote.
- F. Motion to Adopt Resolution No. 65-2008 Approving the Transfer of Ownership of 2008 Class “C” Liquor Licensed Business Located in Escrow at 8 Center Street, Douglas, Michigan, 49406, Allegan County, From J.V.L. Ventures, L.L.C., to Christo’s Roadhouse, Inc., Including Dance-Entertainment, and Transfer Location to 2935 Blue Star Highway, Douglas, Michigan, 49406, Allegan County.
Motion by Harvath with support from Waddell to adopt Resolution No. 65-2008 approving the transfer of 2008 Class “C” Liquor License from J.V.L. Ventures, L.L.C to Christo’s Roadhouse, Inc. Motion carried unanimously by roll call vote.
- G. Motion Designating Councilperson Diane Bailey as the Official Representative of the City of the Village of Douglas at the 2008 Michigan Municipal League (“MML”) Annual Convention to be held October 1-4, 2008, with Equal Voting Privileges as all other MML Member Representatives.
Motion by Harvath with support from Mayer to approve designating Diane Bailey as the Official Representative to the MML Annual Convention. Motion carried by roll call vote with Bailey abstaining.

- H. Motion to Adopt Resolution No. 66-2008 Approving the Application for Special One-Day License for Sale of Beer and Wine for OktoberFest 2008 on October 4th.

Motion by Waddell with support from Hoexter to adopt Resolution No. 66-2008 approving application for OktoberFest Liquor License. Motion carried unanimously by roll call vote.

11. Staff Reports

A. Building/Planning/Zoning/Enforcement

1. Letter from Ryan Kilpatrick, Planning & Zoning Consultant, to Mr. R.J. Peterson, dated August 25, 2008 RE: Site Plan Submission dated April 24, 2004
2. Letter from City Attorney, Thomas G. King, Kreis Enderle, Hodgins & Borsos, to Attorney George Bauer, Hann Persinger, P.C., dated August 25, 2008 RE: Issues Involving Mr. Peterson and/or Tower Marine/Kalamazoo Ferry Company

Letters noted as received and filed.

12. Committee Reports

A. Planning Commission

Planning Consultant Larry Nix will bring the Zoning Ordinances back to the Planning Commission for a look at corrections/adjustments.

B. Community Recreation Advisory Board

A resolution in support of the Community Recreation 5-Year Plan will be presented at the next council meeting.

C. Kalamazoo Lake Sewer & Water Authority

No report.

D. Park Improvements Implementation Ad Hoc Committee

The cooperative purchasing agreement is in place. DPW Superintendent Rodgers has been looking into things he and his department can do to save the City money on park improvements.

A meeting has been set for September 11th to discuss the ice rink.

13. Council Comments

Bailey commented on how nice the new banners look. She would like council to consider options for storing new DPW equipment.

Harvath related the past weekend was very busy and the City looked wonderful. He feels it is extremely important to find storage for the new equipment.

Hoexter offered compliments to Assessor Ziesemer and the wonderful job she has done cleaning up records and the service given to citizens. The Bridgewalk was a success and the new banners look great.

14. Mayor's Report/Comments

None

15. Approval of Invoices

- A. Consideration of Approval of Invoices dated 8/29/08 in the amount of \$87,757.62.
Motion by Bailey with support from Mayer to approve invoices dated 8/29/08 totaling \$87,757.62. Motion carried unanimously by roll call vote.
- B. Consideration of Approval of Payroll for the Month Ended August 31, 2008 in the amount of \$67,215.73.
Motion by Hoexter with support by Bailey to approve Payroll for the month ended August 31, 2008. Motion carried unanimously by roll call vote.

16. Manager's Report

- A. New banners for Blue Star Bridge will be going up on Thursday, September 4th.
- B. City Clerk Neve will be Acting City Manager while Kowal is on vacation the rest of the week.
- C. A prepared statement was read regarding the Saugatuck Public Schools hearing in Allegan County Circuit Court.

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

Ron Colton, 112 N. Washington, commented he attended the Circuit Court hearing this afternoon. Feels there was no legal basis for the case. City was chastised by the judge. Doesn't believe city is a good custodian of funds.

18. Closed Door Session

Motion by Mayer with support from Bailey to move into closed session at 8:20 p.m. to discuss litigation with Attorney Andy Mulder. Motion carried unanimously by roll call vote.

Motion by Bailey with support from Harvath to end the closed session at 9:40 p.m. and return to the regular meeting. Motion carried.

19. 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 September 2, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Monday, September 15, 2008
7:00 p.m.

- 1. Call to Order**
The meeting was called to order at 7:00 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**
Item 8A Verbal: Ms. Casey will not be at tonight’s meeting to present comments.
Item 8B Written #3: Letter from Mr. Rich Beebe will be added.
Item #10E: Resolution No. 70-2008 approving consent judgment will be added.
Motion by Waddell with support from Mayer to approve the agenda as amended.
Motion carried unanimously by roll call vote.
- 5. Approval of Minutes**
 - A. Regular Meeting Minutes of City Council of September 2, 2008
 - B. Closed Door Session Minutes of City Council of September 2, 2008
Motion by Hoexter with support from Waddell to approve meeting minutes as presented. Motion carried.
- 6. Appointments /Resignations**
None scheduled
- 7. Proclamations/Awards**
None scheduled
- 8. Public Communications** (Limit of three minutes for comments regarding agenda items)
 - A. Verbal:**
 - 1). Mr. Rich Beebe, 33 Union, requested help for the City in solving drainage problems on Union Street. (Letter included as item 8B3)
 - 2) Ms. Kathleen Casey, 190 Union.
Deleted

B. Written:

1. Douglas Recycling Report (January 1 through June 30, 2008)
2. Letter from Mr. R.G. Poetsch dated August 26, 2008 RE: Summary of Interurban Transit Authority Board Meeting of August 19, 2008.
3. Letter from Mr. Rich Beebe dated September 15, 2008 RE: Union Street drainage problems.

Written communications noted as received and filed.

9. Unfinished Business

None Scheduled

10. New Business

- A. **PUBLIC HEARING:** Presentation by Planning & Zoning Consultant, Ryan Kilpatrick, of Final Report and Results of the Michigan Economic Development Corporation (MEDC) Community Development Block Grant (Grant No. MSC-204018-EDIG; Center Street Improvements) A brief review of the \$620,000 grant received for reconstruction of Center Street. Douglas Development Partners were to construct three buildings on Center St. To date there is only one new building. Michigan Economic Development Corporation (MEDC) required that 31 new jobs be established with the Downtown Development District including businesses located between Blue Star Highway and Washington Street along Center Street. Kilpatrick has worked with the businesses to determine job creation and establishing a 2005 baseline. Motion by Hoexter with support from Bailey to open the public hearing at 7:29 p.m. Motion carried unanimously by roll call vote. No comments were heard. Kilpatrick described his task of establishing a 2005 baseline and completing the paperwork required by MEDC. He reported the creation of 31 new jobs was met and surpassed by 3.5 employees. Over 80% of the new jobs created are held by persons with low income. Motion by Mayer with support from Harvath to close the public hearing at 7:35 p.m. Motion carried.
- B. Motion to Adopt Resolution No. 67-2008 Approving a Collective Bargaining Agreement between the City of the Village of Douglas and the Michigan American Federation of State, County and Municipal Employees (AFSCME) Council 25, AFL-CIO. Kowal gave a summary of changes and wage increases tentatively agreed upon. The contract has yet to be ratified by Union employees. Motion by Waddell with support from Mayer to approve Resolution No. 67-2008 approving Collective Bargaining Agreement with DPW employees. Motion carried unanimously by roll call vote.

- C. Motion to Adopt Resolution No. 68-2008 Amending the Budget of the 2008/2009 General Appropriations Act.
Kowal reviewed FEMA reimbursement of costs incurred during the clean-up after the June storm.
A special revenue fund is being created for special events (OktoberFest). Resolution No. 68-2008 will be considered for approval in two parts. Resolution No. 68-2008A will consider approval of an amendment to the General Fund Street & Right of Way for contractual forestry. Resolution No. 69-2008B will consider approval of an amendment for Special Events Fund Oktoberfest.
Motion by Waddell with support from Bailey to approve Resolution No. 68-2008A. Motion carried unanimously by roll call vote.
Motion by Waddell with support from Mayer to approve Resolution No. 68-2008B. Motion carried 6-1 with Moore casting a “no” vote.
- D. Motion to Adopt Resolution No. 69-2008 Adopting the Saugatuck Douglas Area 5-Year Parks & Recreation Plan-2008; Copy of Plan Included in Agenda Packets of Councilpersons Only; Public Copy Available on Rear Table in City Hall Council Room.
Bailey gave a review of the Parks & Recreation Plan noting there have been changes in the demographics of the area.
Motion by Waddell with support from Bailey to approve Resolution No. 69-2008 adopting the 5-Year Parks & Recreation Plan-2008. Motion carried unanimously by roll call vote.
- E. Motion to Adopt Resolution No. 70-2008 Approving Consent Judgment between Saugatuck Public Schools and The City of the Village of Douglas.
Attorney Mulder reviewed the ten points of terms and conditions contained in the consent judgment.
Council agreed this is a good compromise to a bad situation.
Motion by Waddell with support from Mayer to adopt Resolution No. 70-2008 approving consent judgment with Saugatuck Public Schools. Motion carried unanimously by roll call vote.

11. Staff Reports

- A. **Building/Planning/Zoning/Enforcement**
1. Letter from Attorney Philip J. Sheridan to City Manager and City Council dated September 4, 2008 RE: Construction of New Home at 3081 Lakeshore Dr.
Kowal has asked Attorney Mulder to respond to the requests made by Attorney Sheridan.

2. Letter from City Attorney, Andy Mulder, to Attorney Philip J. Sheridan dated September 10, 2008 RE: Response to Sheridan Letter dated September 4, 2008, Regarding Construction of New Home at 3081 Lakeshore Dr.
Letters noted as received and filed.

B. Finance/Budget

1. Revenue/Expenditure Budget Summary Report for the Period of 7/1/08 to 8/31/08
2. Investment Schedule as of 8/31/08
3. Wire Transfer/ACH Payment Summary for the Month Ended August 31, 2008
Reports noted as received and filed.

12. Committee Reports

- A. Planning Commission
Waddell reported the Planning Commission approved the plan for Christo's Roadhouse. The parking lot at the Howitt Building will be back on the next agenda.
- B. Community Recreation Advisory Board
Bailey reported the basketball court will be flooded for use by the ice rink this winter.
- C. Kalamazoo Lake Sewer & Water Authority (KLSWA)
Moore reported the increases in sewer rates were approved. KLSWA is working toward developing a Capital Improvement Plan.
- D. Park Improvements Implementation Ad Hoc Committee
Balmer reported \$35,000 is budgeted for park improvements. Proceeds from OktoberFest will go to Beery Field improvements.

17. Hear From the Audience (Comments moved forward from Item #17 on the Agenda.

- A. Rich Beebe, 33 Union, commented asphalt plants typically close around Thanksgiving. He asks for a decision on repairs to Union Street tonight.
- B. Chuck Kandalec, 1011 Center, commented on the drainage at Chestnut Lane and Center St. He noted it seemed worse over the past weekend. Construction at 3081 Lakeshore seems elevated with a pump discharging water out of the basement onto other properties.
- C. Cary Masters, 37 Chestnut Lane, asked about the public drains that go to the Golf Course.
- D. Jim Wiley, 314 Union, thanked the City for its efforts regarding the Saugatuck Public Schools Varsity Ball Field. He asked for guidance on who to contact regarding further issues such as drainage and boulders on the field.

Kowal responded he would supply Mr. Wiley with names and phone numbers of the staff at the Bureau of Construction Codes.

Attorney Mulder commented the consent judgment outlines the site plans of July 16, 2008 will be adhered to and constructed accordingly.

- E. Arlene Philp, 3083 Lakeshore, asked that a 6-month moratorium on building be considered to develop a plan for the zoning ordinance to cover grade change and drainage issues.
- F. Tara Frey, 483 Amity, commented on the pathway gate between the school and the condos that is now directly under the dining room window of one of the condos. She related she feels there were many inaccurate statements in the newspapers.
- G. Doug DeHaan, DeHaan Builders, related he is the builder at 3081 Lakeshore. He was asked to attend tonight's meeting to clarify the steps that have been taken to get approval for a building permit. Plans were submitted, site plan review completed, soil and erosion permits issued, a permit from the DEQ was approved and sewer/water hook up permits were issued. DeHaan Builders are obligated to follow all OSHA regulations. Grades were checked and matched to the south side of the property. The north side window well is 17 inches lower. The original grade will be maintained. He is currently waiting for permits from the power company.

13. Council Comments

- A. Mayer asked about a road survey plan and if it is available thru Fleis & VandenBrink. The City needs to look at road repairs with respect to the drainage situation.
- B. Moore reminded council it still has not provided our Manager with goals and direction.
- C. Waddell related she is very much against a building moratorium. We are currently in the process of an entire zoning ordinance re-write.
- D. Harvath complimented Ryan Kilpatrick on the MEDC report. Union Street flooding/drainage needs to be addressed now.
- E. Hoexter thanked Bailey for her work on the Community Recreation Plan. Compliments to Manager Kowal for work on the Saugatuck Public Schools case. Reminded the Press it was the school who started litigation.
- F. Bailey commented on the tremendous amount of flooding/water issues everywhere in the community. There has been more water in basements this year than in the past. Lakeshore Drive has incredible problems with drainage, erosion and height issues.

14. Mayor's Report/Comments

Balmer agreed drainage issues are everywhere due to no positive drain outlets.

15. Approval of Invoices

- A. Consideration of Approval of Invoices dated 9-12-08 in the amount of \$46,961.46
Motion by Waddell with support from Mayer to approve invoices dated 9/12/08 totaling \$46,961.46. Motion carried unanimously by roll call vote.

16. Manager's Report

- A. Reminder to council of the facilitative mediation hearing special meeting on Tuesday, September 16th at 10:00 a.m. in Allegan Circuit Court.
- B. Drainage issues have less to do with zoning than proper positive drain outlets. A huge portion of the City has no storm water drainage.
- C. Repairs to Water Street will be scheduled for next week. Ron Meyer & Associates will be making repairs beginning September 22nd.

17. Hear from the Audience (Limit three minutes for general comments)
Moved forward after Item #12.

18. Adjournment

The meeting was adjourned at 9:55 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 September 15, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Monday, October 6, 2008
7:00 p.m.

- 1. Call to Order**
The meeting was called to order at 7:00 p.m. by Mayor Balmer
- 2. Roll Call**
Members Present: Bailey, Balmer, Harvath, Hoexter, Mayer, Moore, Waddell
Absent: None
Also Present: Clerk Neve
- 3. Pledge of Allegiance – Mayor**
- 4. Changes/Additions/Deletions to Agenda**
Addition of agenda item #18/Closed session with Attorney Andy Mulder to discuss pending litigation.
Motion by Mayer with support by Bailey to approve the agenda as amended.
Motion carried unanimously by roll call vote.
- 5. Approval of Minutes**
 - A. Committee of the Whole Meeting of City Council of September 15, 2008
Motion by Waddell with support from Mayer to approve meeting minutes from September 15, 2008 City Council Committee of the Whole as presented. Motion carried.
 - B. Regular Meeting of City Council of September 15, 2008
Motion by Waddell with support from Mayer to approve meeting minutes from September 15, 2008 City Council Regular Meeting as amended. Motion carried.
 - C. Closed Session of City Council of September 15, 2008
Motion by Waddell with support from Hoexter to approve the September 15, 2008 City Council Closed Session meeting minutes as presented. Motion carried.
 - D. Special Meeting of City Council of September 16, 2008
Motion by Waddell with support from Mayer to approve the September 16, 2008 City Council Special Meeting minutes as presented. Motion carried.
 - E. Closed Session of City Council of September 16, 2008
Motion by Waddell with support from Hoexter to approve the September 16, 2008 City Council Closed Session meeting minutes as presented. Motion carried.
- 6. Appointments /Resignations**
None scheduled

7. Proclamations/Awards

None scheduled

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

A. Verbal:

- 1). Request by Mr. Frederick E. Royce III for Partial Reimbursement Costs Incurred Improving a Public Alleyway.

B. Written:

1. Michigan State Police New Release dated September 16, 2008 RE: Allegan County Focus Investigation Team (of which Saugatuck-Douglas Police Department is a member) Solving of a 1993 Cold Case Homicide. Chief Giles spoke to council and members of the audience.
2. Public Notice from Allegan County Board of Commissioners RE: Allegan County Commission on Aging Membership Openings
3. "Thank You" Note and Copy of Letter to the Editor from Ms. Ginger Wilkinson RE: Assistance and Cooperation Provided by City Clerk and Department of Public Works Staff with the Recent "Kidstuff" Events on August 21, 2008
4. Letter from Mr. R.G. Poetsch dated September 19, 2008 RE: Summary of Interurban Transit Authority Board Meeting of September 16, 2008
5. Minutes from the Regular Meeting of August 11 and Workshop Meeting of August 25, 2008 of the Saugatuck Township Fire District Board are Available in the Office of the City Clerk
6. Allegan County Sheriff's Office 2007 Citizen Satisfaction Survey Results
7. Letter to Allegan County Seniors dated September 29, 2008 RE: Senior Millage

Written communications noted as received and filed.

9. Unfinished Business

None Scheduled

10. New Business

- A. Motion to Adopt Resolution No. 71-2008 Approving Transfer of Ownership of 2008 Resort Class "C" Licensed Business [MCL 436.1531(2)], Located in Escrow at 82 NW Ionia, Grand Rapids, MI 49503, Kent County, From Wiersum Family Restaurant, Inc., to Off Center at Eight, LLC; and Transfer Location (Governmental Unit) to 8 Center Street, Douglas, MI 49406, Allegan County.
A letter received from Ben Wenninger was read into the minutes, Chief

Giles reported that he has found no problems with the property. Members of the council addressed the license study and security for the community.

Motion by Hoexter with support from Bailey to approve adoption of Resolution No. 70-2008 transferring ownership of liquor license to Off Center at Eight. Motion carried unanimously by roll call vote.

- B. Motion to Adopt Resolution No. 72-2008 Amending the Budget of the 2008/2009 General Appropriations Act.
Moore requested information on which transfers were being made and where they would be transferred from.

Motion by Hoexter with support from Bailey to adopt Resolution No. 71-2008 approving amendments to the budget of the 1008/2009 General Appropriations Act. Motion carried unanimously by roll call vote.

- C. Motion Authorizing Staff to proceed with the Purchase of Building Security System as proposed by Eagle Security at the City Hall and Department of Public Works Buildings and to prepare a Resolution Authorizing a Budget Amendment to Appropriate Funds to Enable the Purchase.

Motion by Waddell with support from Mayer to approve purchase of security systems at the City Hall and DPW Buildings and prepare resolution authorizing budget amendment. Motion carried 6-1 (Waddell casting a no vote) by roll call vote.

- D. Motion Appointing as Election Inspectors for the November 4, 2008 Election the Following Persons: Pam Aalderink, Linda Anderson, Dorothy Demerest, Suzanne Dixon, Greg Harvath, Martha Hoexter, Louise Pattison, Walter Pattison, Tarue Pullen, Donna St. Andre, Alexa Urquhart, Renee Waddell, Susie Wicks.
Jane Mayer will be added as an election worker.
Motion by Bailey with support from Mayer to approve Election Inspectors for the November 4, 2008 General Election. Motion carried 6-1 (Waddell casting a no vote).

11. Staff Reports

A. Building/Planning/Zoning/Enforcement

1. Letter from Ryan Kilpatrick, Planning & Zoning Consultant, to Mr. Richard Luckow & Ms. Eileen Boone, dated September 16, 2008 RE: Notice to Abate Zoning Ordinance Violation

12. Committee Reports

- A. Planning Commission – No Report
- B. Community Recreation Advisory Board – Bailey reported that there will be no casino night, instead there will be a poker night which will be held in Holland. Waddell questioned why people were being drawn away from the area. Bailey will share her concern with the organizers.
- C. Kalamazoo Lake Sewer & Water Authority (KLSWA) – No Report
- D. Park Improvements Implementation Ad Hoc Committee – No Report

13. Council Comments

Council members applauded the success of Oktoberfest, the volunteerism that was witnessed and reported on the positive feedback that they had received. Bailey reported that the MML conference was educational.

14. Mayor's Report/Comments

Mayor Balmer reported that Oktoberfest netted an estimated \$9,000. 00 and that the DPW crew had begun some work on Beery Field. Overall the results of the event was a huge success.

15. Approval of Invoices

- A. Consideration of Approval of Invoices dated 10/2/2008 in the amount of \$112,305.77.
Motion by Waddell with support from Bailey to approve invoices dated 10/2/2008 totaling \$112,305.77. Motion carried unanimously by roll call vote.
Motion by Waddell with support from Hoexter to approve payroll in the amount of \$64,949.03. Motion carried unanimously.

16. Manager's Report

Clerk Neve reported on the upcoming election deadlines.

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

Kevin Cronin addressed the council regarding his upcoming run for Circuit Court Judge. He has experience in Family Law, Township Services, and has been a foster parent. Campaign literature was circulated.

18. Closed Session

At 8:55 p.m. a motion was made to enter into closed session.

Motion by Bailey with support from Harvath that Council enter into closed session with Attorney Andy Mulder to discuss pending litigation. Motion carried unanimously by roll call vote.

Motions by Hoexter with support from Bailey that Council enter out of closed session. Motion carried unanimously by roll call vote.

19. Adjournment

The meeting was adjourned at 9:20 p.m.

Respectfully submitted by:

Pam Aalderink, Recording Secretary

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 October 6, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Monday, October 20, 2008
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:00 p.m. by Mayor Pro Tem Waddell

2. Roll Call

Members Present: Bailey, Harvath, Hoexter, Mayer Waddell

Absent: Balmer, Moore

Also Present: Manager Kowal and Clerk Neve

3. Pledge of Allegiance – Mayor Pro Tem

4. Changes/Additions/Deletions to Agenda

Additions to New Business: Item #10F Resolution to Declare Surplus Equipment
Item #10G Motion to Reschedule the November 3,
2008 Council Meeting

Motion by Mayer with support from Hoexter to approve the agenda as amended.
Motion carried unanimously by roll call vote.

5. Approval of Minutes

A. Regular Meeting of City Council of October 6, 2008

Motion by Harvath with support from Mayer to approve meeting minutes from October 6, 2008 City Council Regular Meeting as presented. Motion carried.

B. Closed Session of City Council of October 6, 2008

Motion by Harvath with support from Bailey to approve the October 6, 2008 City Council Closed Session meeting minutes as presented. Motion carried.

6. Appointments /Resignations

None scheduled

7. Proclamations/Awards

None scheduled

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

A. **Verbal:** None

B. Written:

1. Communication from Allegan County 9-1-1 Dispatch, *Where Is Your Emergency?*
2. Saugatuck Township Fire Board Regular Meeting Minutes of September 8, 2008. (Available for inspection in the office of the City Clerk)
3. Letter from Fleis & VandenBrink dated October 17, 2008 RE: Saugatuck Storage / Borland Mini Sotrage

Written communications noted as received and filed.

9. Unfinished Business

None Scheduled

10. New Business

- A. Motion to Adopt Resolution No. 73-2008 Authorizing the Mayor to File a Letter to Support a Coalition Partner with the Allegan County Brownfield Authority.

Motion by Harvath with support from Bailey to approve adoption of Resolution No. 73-2008 authorizing letter to support a Coalition Partner with the Allegan County Brownfield Authority. Motion carried unanimously by roll call vote.

- B. Motion to Adopt Resolution No. 74-2008 Approving a Professional Service Contract with Grounds Management Solutions, LLC. For Snowplowing and Ice Control Services for the 2008/2009 Snow Removal Season.

Motion by Bailey with support from Mayer to adopt Resolution No. 74-2008 approving service contract with Grounds Management Solutions. Motion carried unanimously by roll call vote.

Bailey related the ice rink will be on the basketball court for smoother ice and easier maintenance. GMS has volunteered to clean the ice free of charge.

- C. Motion to Adopt Resolution No. 75-2008 Approving an Amendment to the City of the Village of Douglas Personnel Policy and Benefits Manual. Article VII-Miscellaneous Benefits has been amended to include Item D. Winter Holiday Event.

Motion by Harvath with support from Hoexter to approve adoption of Resolution No. 75-2008 amending the Personnel Policy and Benefits Manual. Motion carried unanimously by roll call vote.

- D. Motion to Adopt Resolution No. 76-2008 Approving Purchase of Fund Accounting System from BS&A Software

Treasurer Drexler was present to describe the software purchase of the BS&A Fund Accounting System. The accounting package will include general ledger, accounts payable, cash receipting and payroll for a

purchase price of \$13,880. An additional \$1,995 is for the Equalizer Building Department System which will be used for property record management. All programs will easily interface with our current BS&A Tax and Assessment Systems.

Motion by Harvath with support from Bailey to approve Resolution No. 76-2008 for the purchase of Fund Accounting System from BS&A Software. Motion carried unanimously by roll call vote.

- E. Motion to Adopt Resolution No. 77-2008 Setting the Public Hearing for the West Shore Cottages Development.
A public hearing to consider the recommendations of the Planning Commission is proposed to be held on November 17, 2008.
Motion by Hoexter with support from Mayer to adopt Resolution No. 77-2008 setting the Public Hearing for West Shore Cottages Development for November 17, 2008. Motion carried unanimously by roll call vote.
- F. Motion to Adopt Resolution No. 78-2008 Declaring City of the Village of Douglas Property Surplus and Authorizing Disposition
Property being declared surplus is the 1988 Giant Leaf Vacuum Model #TM6600D.
Motion by Bailey with support from Mayer to adopt Resolution No. 78-2008 declaring property surplus and authorizing disposition. Motion carried unanimously by roll call vote.
- G. Motion to consider rescheduling the November 3, 2008 regular City Council meeting due to the November 4th General Election.
Motion by Bailey with support from Hoexter to reschedule the November 3rd regular city council meeting to Monday, November 10, 2008. Motion carried.

11. Staff Reports

- A. **Building/Planning/Zoning/Enforcement**
 - 1. The case against Borland Mini Storage is progressing through the courts.
 - 2. A 32-page interrogatory was received regarding the Chad Kalkman case.
 - 3. A new proposal will be brought before council to have Planning Zoning Consultant Kilpatrick here for two days per week through the winter. Another proposal will be created to have another consultant from Williams & Works here to input information into the new property tracking software system.
- B. **Finance/Budget**
 - 1. Revenue/Expenditure Budget Summary Report for the Period of 7/1/08 to 9/30/08
 - 2. Investment Schedule as of 9/30/08

3. Wire Transfer/ACH Payment Schedule for the Month Ended September 30, 2008

Manager Kowal reviewed the reports noting the investments are now very well diversified.

Kowal reported on some emergency repairs needed to the culvert on St.Peters /West Shore Drive. Repairs will be done to prevent a dangerous cave-in situation. A budget amendment will be forthcoming.

12. Committee Reports

A. Planning Commission
No report

B. Community Recreation Advisory Board
No report

C. Kalamazoo Lake Sewer & Water Authority (KLSWA)
No report

D. Park Improvements Implementation Ad Hoc Committee
No report

13. Council Comments

Hoexter commented on the excellent job of clearing the drainage ditch at the end of Amity.

Waddell agreed the city is looking very nice. Thanks and compliments to the DPW and jail crews.

Waddell asked about the progress on the new website. It is estimated it will be up and running in about 6 weeks.

14. Mayor's Report/Comments

No report

15. Approval of Invoices

A. Consideration of Approval of Invoices dated 10/17/2008 in the amount of \$68,270.52

Motion by Bailey with support from Mayer to approve invoices dated 10/17/2008 totaling \$68,702.52. Motion carried unanimously by roll call vote.

16. Manager's Report

A. The annual Halloween Parade is scheduled for Saturday, October 25, 2008 at 10:00 p.m.

B. The Holiday Preview is scheduled for November 22, 2008. Max and the DPW crew will work with the DDA on plans to have all the holiday decorations up prior to the 22nd.

17. Hear from the Audience (Limit three minutes for general comments)
No comments.

18. Adjournment
The meeting was adjourned at 8:45 p.m.

Respectfully submitted by:

Jean E. Neve, CMC
City 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 October 20, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Monday, November 10, 2008
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:00 p.m. by Mayor Balmer

2. Roll Call

Members Present: Bailey, Balmer, Hoexter, Sapita, Urquhart, Waddell

Absent: Harvath

Also Present: Manager Kowal and Clerk Neve

3. Pledge of Allegiance – Mayor

4. Organizational Meeting of City Council

Motion by Waddell with support from Hoexter to nominate Matt Balmer for Mayor. Motion carried unanimously by roll call vote.

Motion by Hoexter with support from Urquhart to nominate Renee Waddell for Mayor Pro Tem. Motion carried unanimously by roll call vote.

5. Changes/Additions/Deletions to Agenda

Deletions: Item #7C, withdraw Fran Martin from consideration for a position on the Planning Commission.

Additions: Item#9B-11, email from Janet Lugers complimenting the Department of Public Works.

Item#9B-12, letter from Patricia Drewitz regarding West Shore Cottages project.

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

6. Approval of Minutes

A. Regular Meeting of City Council of October 20, 2008

Motion by Hoexter with support from Bailey to approve meeting minutes from October 20, 2008 City Council Regular Meeting as presented.

Motion carried.

7. Appointments /Resignations

A. Motion to Approve Resignation of John Thomas from the Downtown Development Authority (DDA) Board

Motion by Waddell with support from Sapita to accept, with regret, the resignation of John Thomas from the DDA Board. Motion carried.

- B. Motion to Approve Appointment of Robert Sapita to the Kalamazoo Lake Sewer & Water Authority (KLSWA) Commission (term expires 12-31-08)
Motion by Bailey with support from Urquhart to approve the appointment of Robert Sapita to the KLSWA Board to complete the term ending 12-31-2008. Motion carried.
- C. Review of Skills, Abilities and Qualifications of Frances Martin;
Applicant for the Douglas Planning Commission – No action scheduled at this meeting.
Application withdrawn.

8. Proclamations/Awards

None scheduled

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

A. Verbal:

- 1. Janet Lugers, McVea Drive, commented on the many subtle changes made to the West Shore Cottages site plan. A statement was read from Trish Doolan also regarding the West Shore project.
- 2. Fred Royce, 144 Lakeshore, commented on the bill he submitted for reimbursement for costs incurred at the alley behind 11 Chestnut.

B. Written:

- 1. Report from City Clerk RE: November 2008 General Election Results
- 2. Allegan County Commission on Aging (ACCOA) 2007 Annual Report
- 3. Interurban Transit Authority Monthly Report dated October 28, 2008; Meeting Dates for Fiscal Year 2008/2009; Directory of Board Members
- 4. Information Regarding the Michigan Municipal League (MML) Elected Officials Academy
- 5. Response Received by City from Mr. Phillip J. Sheridan dated October 26, 2008 RE: Parking Lot Maintenance at 62 Center Street
- 6. Press Release dated October 24, 2008 RE: Second Arrest by Allegan County Focused Investigation Team Involving a 1993 Cold Case Homicide.
- 7. Minutes from the October 8, 2008 Saugatuck-Douglas Area Community Leaders Meeting
- 8. Invitation to Reception at Saugatuck Center for the Arts, November 11, 2008
- 9. Invitation to Third Annual Water Quality Forum; Ottawa County Administrative Complex, West Olive, MI, November 14, 2008, 9:00 a.m. to 5:00 p.m.

10. Invitation to West Michigan Community Leaders Meeting; South Haven City Hall, South Haven, MI, November 12, 2008, 10:00 a.m.
11. E-mail from Janet Lugers, McVea Dr. dated November 9, 2008 RE: compliments to Max Rodgers and DPW department.
12. Letter from Patricia Drewitz, Tower Harbor Marina Association, dated November 10, 2008, RE: West Shore Cottages project.

Written communications noted as received and filed.

10. Unfinished Business

None Scheduled

11. New Business

- A. Motion Denying Reimbursement by the City of the Village of Douglas to Mr. Frederick Royce for Costs Incurred Relating to Private Work Performed at Property Located in Public Alley near 11 Chestnut Street, Douglas, MI.
Motion by Waddell with support from Bailey to deny reimbursement of costs incurred at Public Alley near 11 Chestnut by Mr. Fred Royce.
Motion carried unanimously by roll call vote.
- B. Motion to Adopt Resolution No. 79-2008 Regarding an Emergency Access Drive from Lakeside Drive to Lakeshore Drive.
Motion by Waddell with support from Urquhart to adopt Resolution No. 79-2008. Motion carried unanimously by roll call vote.
- C. Motion to Approve and Adopt City Council Policy Statement No. 01-2008 Regarding Consolidation of Planning and Zoning Services.
Motion by Waddell with support from Bailey to approve adoption of City Council Policy Statement No. 01-2008. Motion carried unanimously by roll call vote.
- D. Presentation of and Discussion by City Councilpersons and Representatives of the City and Developer of the Proposed West Shore Cottages Development. The City Council will also Consider the Recommendation of the Planning Commission to Approve the Proposed Planned Unit Development Site Plan, with Conditions, for Phases I, II and III of the Proposed West Shore Cottages Project. The Proposed Project would be developed on the Existing West Shore Golf Club Property, Located Generally along the North Side of Center Street and the West Side of Ferry Street. The Proposed Project Provides for Construction of a Pool House, Swimming Pool, Tennis Court, Private Roads and 125 Dwelling Units. The Dwelling Mix would consist of Nine (9) Three-Unit Buildings and Ninety-Eight (98) Single Family Units. The Existing 18-Hole Public Golf Course would be reduced to a 9-Hole Public Course.

This is **NOT** a Public Hearing and No Official Action will be taken by the City Council to Approve or Deny the Project. The Public Hearing shall be Held and Official Action by the City Council may be taken at the Next Regular Meeting of the City Council on Monday, November 17, 2008, 7:00 p.m., Douglas City Hall.

Mr. Larry Nix, Williams & Works, presented his report and gave a brief history of the project and PUD process. The first application for the project was in November 2006. A recommendation by the Planning Commission to the City Council in August 2007 was sent back to the Planning Commission for clarification on certain points. The Planning Commission now recommends approval of the project with 125 residential units.

Discussion and questions followed by members of the City Council. Attorney Andy Mulder discussed a construction/development agreement that will be required to be filed by the developer. There are 21 conditions to be included in the agreement.

Engineer Steve Bishop addressed questions on utility lines, water flow for fire protection and the small mains located in McVea Drive. As the project progresses a hydraulic analysis study will be requested. Meetings with the Allegan County Drain Commission have indicated no new drains are needed. KLSWA assured the developer there is sufficient capacity to service the project.

Todd Pacquette, Driesenga Associates, related the intention is to bring a water line to the project from Ferry Street and loop into the McVea line, offering improvements to McVea and Golfview properties. Discussions are ongoing with KLSWA regarding utility and lift station capabilities. A public hearing is scheduled for Monday, November 17, 2008 at 7:00 p.m.

12. Staff Reports

A. Building/Planning/Zoning/Enforcement

1. Letter from Planning & Zoning Consultant, Ryan Kilpatrick, to Mr. Jeff Klemm, Maxwell Homes, dated October 28, 2008 RE: Meadowargus Development
Letter addresses the City's position that no additional building permits will be issued until all requisite construction specifications are met.

13. Committee Reports

A. Planning Commission

The draft of the proposed new zoning ordinance is complete. An Open House is scheduled for Wednesday, November 19, 2008 from 3:00 p.m. to 5:00 p.m. and 6:00 p.m. to 8:00 p.m. Larry Nix, members of the Planning Commission and City Council will be on hand to answer questions.

- B. Community Recreation Advisory Board
The next scheduled meeting is November 18th.
- C. Kalamazoo Lake Sewer & Water Authority (KLSWA)
Urquhart reported there will be increases in both sewer and water rates soon.
- D. Park Improvements Implementation Ad Hoc Committee
Balmer reported there may have been enough money generated to complete Phase I. A financial report will be available at a future meeting.

14. Council Comments

Bailey welcomed the Councilpersons Urquhart and Sapita. Hoexter and Waddell also welcomed new members. Urquhart extended his thanks for leadership to Mayor Balmer and Manager Kowal. Sapita expressed his thanks for the work on the West Shore Cottages project. He related he is honored to serve as councilperson.

15. Mayor's Report/Comments

Welcome to new council members.

16. Approval of Invoices

- A. Consideration of Approval of Invoices dated 11/6/2008 in the amount of \$154,746.53.
Motion by Waddell with support from Hoexter to approve invoices dated 11/6/2008 totaling \$154,746.53. Motion carried unanimously by roll call vote.
- B. Motion to Approve Payroll for the Month Ended October 31, 2008 in the amount of \$62,676.48.
Motion by Hoexter with support from Waddell to approve payroll for the month ended October 31, 2008. Motion carried unanimously by roll call vote.

17. Manager's Report

- A. Will be scheduling meetings to update new council members on pending litigation.
- B. Would like to develop list of manager goals.
- C. October 31st was spent in court with the Borland Mini Storage case. An injunction was sought to close the business due to significant deficiencies to the final site plan. Steve Bishop will do another inspection on November 17th to determine if any deficiencies have been corrected.

18. Hear from the Audience (Limit three minutes for general comments)
Suzanne Dixon, Center Street, asked if any of the tests for arsenic containment and installation of a berm have been completed at the Meadowargus site.

19. Adjournment
The meeting was adjourned at 9:52 p.m.

Respectfully submitted by:

Jean E. Neve, CMC
City 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 November 10, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

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

Monday, November 17, 2008
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:00 p.m. by Mayor Balmer

2. Roll Call

Members Present: Bailey, Balmer, Harvath, Sapita, Urquhart, Waddell

Absent: Hoexter

Also Present: Manager Kowal and Clerk Neve

3. Pledge of Allegiance – Mayor

4. Changes/Additions/Deletions to Agenda

Additions: Item #10E2-g, letter from Tom and Julie Hislop dated 11/14/08
RE: Westshore Cottages
Item #10E2-h, email from Michael Tischleder dated 11/17/08
RE: Westshore Cottages
Item #10E-3, Draft Development Agreement for Westshore Cottages
Item #10E-4, Draft Conservation Agreement for Westshore Cottages
Item #8B-5, Letter from Michigan Department of Transportation dated November 10, 2008, RE: Blue Star Bridge Grant Award

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

5. Approval of Minutes

- A. Committee of the Whole Meeting of City Council of November 10, 2008.
 - B. Regular Meeting Minutes of City Council of November 10, 2008.
 - C. Closed Session Meeting Minutes of City Council of November 10, 2008
- Motion by Bailey with support from Sapita to approve meeting minutes from November 10, 2008 City Council Meetings as presented. Motion carried.

6. Appointments /Resignations

- A. Motion to Approve Resignation of Dan Esterline from the Downtown Development Authority (DDA) Board
- Motion by Waddell with support from Harvath to accept the resignation of Dan Esterline from the DDA Board, with regret. Motion carried.

- 7. Proclamations/Awards**
- A. Proclamation of Appreciation Presented to Jane Mayer for Dutifully Serving the Citizens of the City of the Village of Douglas in Various Capacities, including City Councilperson, since 2004.
 - B. Proclamation of Appreciation Presented to Robert Moore for Dutifully Serving the Citizens of the City of the Village of Douglas in Various Capacities, including City Councilperson, since 2006.
- 8. Public Communications** (Limit of three minutes for comments regarding agenda items)
- A. Verbal:**
 - 1. Terry Burns, Allegan County Commissioner
Postponed until a December meeting
 - 2. Suzanne Dixon, 797 Center, commented on the Wednesday, November 19th Zoning Open House
 - B. Written:**
 - 1. Tri-Community Joint Planning Committee “Annual Report for June 2007 – June 2008
 - 2. Tri-Community Joint Planning Committee DRAFT Minutes; November 11, 2008
 - 3. Public Notice; “DRAFT Zoning Ordinance” Open House, Wednesday, November 19, 2008, Douglas City Hall, 3:00-5:00 p.m. & 6:00-8:00 p.m.
 - 4. “Saugalous?” – Article from November 10, 2008 Issue of *MiBiz*
 - 5. Letter from Michigan Department of Transportation, dated November 10, 2008, RE: Blue Star Bridge Grant Award

Written communications noted as received and filed.
- 9. Unfinished Business**
None Scheduled
- 10. New Business**
- A. Motion to Adopt Resolution No. 80-2008 Establishing a Four-way Stop at the Intersection of Westshore and Hamilton Streets in the City of the Village of Douglas.
Motion by Waddell with support from Bailey to approve adoption of Resolution No. 80-2008 establishing a four-way stop at Westshore and Hamilton Streets. Motion carried unanimously by roll call vote.
 - B. Motion to Adopt Resolution No. 81-2008 Establishing a Three-way Stop at the Intersection of Westshore Street and St. Peters Drive in the City of the Village of Douglas.
Motion by Waddell with support from Bailey to approve adoption of Resolution No. 81-2008 establishing a three-way stop at

Westshore and St. Peters Drive. Motion carried unanimously by roll call vote.

- C. Motion to Adopt Resolution No. 82-2008 Approving the Purchase of a 2009 Ford Crown Victoria for the Police Department through a Cooperative Purchasing Program.
Motion by Waddell with support from Bailey to approve adoption of Resolution No. 82-2008 approving purchase of 2009 Ford Crown Victoria. Motion carried unanimously by roll call vote.
- D. Motion to Adopt Resolution No. 83-2008 Amending the Budget of the 2008/2009 General Appropriations Act.
Motion by Waddell with support from Harvath to approve adoption of Resolution No. 83-2008 Amending the 2008/2009 Budget. Motion carried unanimously by roll call vote.
- E. **PUBLIC HEARING:** Proposed West Shore Cottages Development. The Proposed Project would be developed on the Existing West Shore Golf Club Property, Located Generally along the North Side of Center Street and the West Side of Ferry Street. The Proposed Project Provided for Construction of a Pool House, Swimming Pool, Tennis Court, Private Roads and 125 Dwelling Units. The Dwelling Mix would consist of Nine (9) Three-Unit Buildings and Ninety-Eight (98) Single Family Units. The Existing 18-Hole Public Golf Course would be reduced to a 9-Hole Public Golf Course
1. Declare Public Hearing Open
Mayor Balmer declared the Public Hearing open at 7:56 p.m.
 2. Written Comments Received
 - a.) Letter from Ms. Janet Lugers, 288 McVea Dr., received November 10, 2008
 - b.) Letter from Ms. Trisha Doolan, 749 Golfview Dr., received November 10, 2008
 - c.) Letter from Ms. Patricia Drewitz; President, Tower Harbor Marina Condominium Association, dated November 7, 2008
 - d.) Letter from Mr. David C. Molenaar, 730 Golfview Dr., received November 11, 2008
 - e.) Two (2) email communications dated November 12, 2008 from Mr. Michael Tishleder, 811 Golfview Dr.
 - f.) Letter and other documents identifying various concerns relating to the proposed West Shore Cottages Development received from Ms. Janet Lugers, 288 McVea Dr., on November 13, 2008
 - g.) Letter from Tom and Julie Hislop, 818 Golfview, dated November 14, 2008

h.) Email communication from Michael Tishleder, 811 Golfview, dated 11/17/08
Communications noted as received and filed.

3. **Petitioner Presentation**
Todd Paquette, Driesenga & Associates, Inc., representing Mr. Paul Wicks, presented an overview of the project.
The project is to be located on 92 acres at the intersection of Center and Ferry Streets. Project includes a 9-hole golf course, 125 dwelling units served by public sewer and water. Construction will be done in three phases with four access roads into the project. Underlying zone district R-1 allows for up to 133 units by right of the City Zoning Ordinance. Developer will install sidewalks on Center and Ferry Street as well as loop a water line into McVea Golfview adding increased water pressure for those homes. Dwelling units will be built to the center of the property allowing neighboring homes a view of the golf course.
4. **Audience Comments (limit of 3 minutes)**
 - a.) Trish Doolan, 749 Golfview, opposes Westshore Cottages project. Feels there is contamination much like the Belgravia Condos in South Haven.
 - b.) Fred Royce, 144 Lakeshore, questioned the true public benefit of the project.
 - c.) Steffanos Peroustianis, 741 Center St., asked council to think about the impact of traffic, increased use of the water and sewer systems, additional school population and the increased demand for police and fire protection.
 - d.) R. J. Peterson, Saugatuck, commented he feels this is a good project for the property. With the construction could come opportunity for grant money to build bike and pedestrian pathways.
 - e.) Janet Lugers, 288 McVea, opposes the project. She would not want to see another sink hole from broken water mains like what occurred in 2001.
 - f.) Suzanne Dixon, 797 Center St., related she was encouraged about the project after last week's meeting. She still has concerns relating to drainage, environment, and contamination. She asked that council review the email from her dated November 17, 2008.
5. **Public Hearing Declared Closed**
Mayor Balmer declared the Public Hearing closed at 8:39 p.m. and called for a 5-minute break.

Meeting resumed at 8:47 p.m.

A. Development Agreement

Attorney Mulder described the development agreement as a sort of blueprint of how the project will proceed and develop to completion. There will be no change in zoning or classification. The conservation easement grants preservation of open spaces. Both documents will be recorded at the Allegan County Register of Deeds. The PUD by-laws have been received and will be reviewed. Plans will be submitted to the MDEQ for soil management. Vapor barriers are planned for under some residential units as per the due care plan.

B. Questions, Comments and Discussion by Mayor and City Councilpersons

Waddell related this has been a long process for all. The Planning Commission has chosen to recommend this project. The density is allowed by right under our own ordinance. The school system was advised of the likely possibility of additional students and indicated they are prepared to handle them. Questions for Attorney Mulder were regarding water lines in McVea Dr. and any environmental issues.

Planning Commissioner Karen Van Pelt was asked how the Planning Commission members felt about recommending the project. Van Pelt related the members felt more comfortable about the environmental issues after hearing the presentation by Roman Wilson of Lakeshore Environmental.

Mr. Wilson explained contamination has migrated onto the property. Mr. Paul Wicks will have an evaluation of soil conditions done but it is not his responsibility to clean-up the contamination. Lakeshore Environmental will be responsible for mitigation. Each exposure pathway will be examined and evaluated for safe development. Vapor barriers are above and beyond what is required. The entire site will be evaluated and specific procedures followed. Urquhart questioned testing for mercury and arsenic. Harvath asked about any additional plan for future migration.

Bailey inquired about prospective buyers being told about contamination issues.

Mr. Wilson related tests will be done for mercury and arsenic. Lakeshore Environmental will be working on the worst case scenario with their reputation and insurance on the line. Groundwater will continue to move while there is

no continued chemical dumping the site will continue to be monitored.

Sapita questioned the limited open space available to the public shown on the plan. He is not convinced this is the true idea of a PUD. He requested that all finalized agreements get to council members prior to voting on approval. Sapita asked that sidewalks be incorporated into Phase I. He related fish have been seen in the Warnock Drain.

Harvath expressed concerns over damage to the City roads due to construction traffic, lack of additional parking for guests to homeowners in the development and who will maintain roads and sidewalks.

Bailey also feels that sidewalks should be part of Phase I. It seems that the drain under Ferry Street will be affected by construction.

Bailey and Urquhart asked about the anticipation of seasonal rentals.

Attorney Mulder related ordinance amendments on leasing will be examined but leasing of homes is allowed by any homeowner in the R-1 district. This development contains four PUD agreements with the golf course being one. The development agreement will cover all property.

Mr. Larry Nix, Williams & Works, related a traffic study is not required due to the underlying R-1 zoning. McVea Drive will be reconstructed to City road standards.

Balmer reminded council that the property is already zoned PUD and the developer can put in 125-plus units by right. It is not up to council to agree or disagree with the design but only look at the requirements. Does this project meet all zoning requirements; do we need a construction agreement?

Agenda Materials Distributed Regarding Item “E” Include:

1. Notice of Public Hearing
2. Fleis & VandenBrink “Engineering Review of the West Shore Cottages Development with Respect to Golfview and McVea Streets and Utilities” dated January 25, 2008 (this written communication was referenced in Mr. Steve Bishop’s letter dated October 1, 2008 that was distributed to the City Council in the November 10, 2008 agenda packet; it was inadvertently not attached to the October 1, 2008 letter)
3. DRAFT Development Agreement dated November 11, 2008 (this is a DRAFT document that continues to undergo amendments)
4. DRAFT Conservation Easement

5. Written Email Communication dated November 14, 2008,
Prepared by Mr. Larry Nix, Williams & Works, to City Manager
Kowal in Response to Questions/Concerns Raised by Mr. Michael
Tischleder, 811 Golfview Dr.

11. Staff Reports

A. Building/Planning/Zoning/Enforcement

No Report

B. Finance/Budget

1. Revenue/Expenditure Budget Summary Report for the Period of
7/1/2008 to 10/31/2008
2. Investment Schedule as of 10/31/2008
3. Wire Transfer/ACH Payment Summary for the Month Ended
October 31, 2008

Reports noted as received and filed.

12. Committee Reports

A. Planning Commission

Planning Commission met Wednesday, November 12th. Members approved the proposal for Uncommon Grounds to establish a coffee roaster at the Blue Star Antique Mall. A proposal for a segway track was tabled.

B. Community Recreation Advisory Board

The November 18th meeting was cancelled. Next meeting will be in December.

13. Council Comments

Sapita commented on the recent Water Quality Conference he attended. When time allows he will give a brief report.

Urquhart related the Kalamazoo Lake Sewer and Water Commission had a meeting earlier this evening. The Commission approved bills for payment.

14. Mayor's Report/Comments

None

15. Approval of Invoices

- A.** Consideration of Approval of Invoices dated 11/14/2008 in the amount of \$31,354.68

Motion by Harvath with support from Waddell to approve invoices dated 11/14/2008 totaling \$31,354.68. Motion carried unanimously by roll call vote.

16. Manager's Report

- A. The annual Tri-Community Christmas Party invitation is in the packet tonight.
- B. With the early snow the DPW is behind in collection leaves. When the snow clears we will try to have some extra help to take care of the remaining leaves and brush.
A new policy for collection of landscape waste is needed. An ordinance will be worked on as time permits.

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

- A. Fred Royce, 144 Lakeshore, commented on making procedures very clear. He asked if there would be a vote on Westshore Cottages tonight or another public hearing and if the documents would be available on the website.
Attorney Mulder responded that no additional public hearing is required. Council will vote at the 2nd meeting in December if all the agreements and conservation documents are in order.

18. Adjournment

The meeting was adjourned at 11:00 p.m.

Respectfully submitted by:

Jean E. Neve, CMC
City 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 November 17, 2008. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

THE CITY OF THE VILLAGE OF DOUGLAS
MEETING OF THE CITY COUNCIL
MINUTES
Monday, December 1, 2008
7:00 PM

1. Call to Order

Mayor Balmer called the meeting to order at 7:00 p.m.

2. Roll Call

Members Present: Bailey, Balmer, Hoexter, Sapita, Urquhart, Waddell, Harvath. Also Present: Manager Kowal

3. Pledge of Allegiance – Mayor Balmer led the Pledge of Allegiance.

4. Changes/Additions/Deletions to Agenda

Addition of agenda item #8 C – Copy of Planning Workshop Session: Review comments from the open house.

Deletion of agenda item #17 A – Meadowargus Development

Motion by Sapita with support from Harvath to accept and approve the agenda for December 1, 2008 as amended. Motion carried unanimously.

5. Approval of Minutes

A. Regular Meeting of City Council of November 17, 2008

Motion by Hoexter with support from Sapita to approve the meeting minutes of the November 17, 2008 City Council. Motion carried unanimously.

6. Appointments/Resignations

A. None Scheduled

7. Proclamations/Awards

A. None Scheduled

8. Public Communications (Limit of 3 minutes for comments regarding agenda items)

Verbal:

Terry Burns, Allegan County Commissioner presented City Manager Kowal with a DVD, spoke on revenue sharing and the new medical marijuana law. Mr. Kowal stated he would copy and distribute the DVD to all Council Members.

Written:

A. Minutes from the Saugatuck Township Fire District Board Workshop Meeting of September 22, Regular Meeting of October 13, and Workshop Meeting of October 27, 2008.

B. Interurban Transit Authority Monthly Report dated November 18, 2008.

9. Unfinished Business

A. None Scheduled

10. New Business

A. Motion to Adopt Resolution No. 84-2008 Approving an Agreement between the City of the Village of Douglas and the Saugatuck-Douglas Historical Society for the Administration of a Fiscal Year 2009 Grant Awarded by the Michigan Department of History, Arts and Libraries; Michigan Council for Arts and Cultural Affairs (Grant Agreement for Arts Services; Control # 09C10005ZZ).

Following a brief presentation by Mr. Kowal the following motion was presented:

Motion by Waddell with support from Sapita to adopt Resolution No. 84-2008 as presented.

Motion carried unanimously by roll call vote.

B. Motion to Approve and Adopt City Council Policy Statement No. 02-2008 Regarding Potential Governmental Consolidation of the City of the Village of Douglas, the City of Saugatuck, and Saugatuck Township.

Following a brief statement by Mayor Balmer urging transparency by all who are involved in the study the following occurred:

Harvath read Statement No. 02-2008 into the record (a copy of the statement is available at City Hall).

Motion by Waddell with support from Bailey to Approve and Adopt City Council Policy Statement No. 02-2008 as presented. Motion carried unanimously by roll call vote.

11. Staff Reports

A. Building/Planning/Zoning Enforcement

1. Notice of Violation dated November 25, 2008 Mr. Dean Borland 360 ° Realty Letter of violation presented to Mr. Borland for work completed without permit.

12. Commission/Committee Reports

A. Planning Commission- None

B. Community Recreation Advisory Board – Bailey reminded those present that Poker Night will be January 20th.

C. Kalamazoo Lake Sewer & Water Authority Board – None

13. Council Comments

Council Members applauded the DPW Department for their work on getting the City ready for the Holiday opening. Waddell stated that she is pleased with the new invoice format. Sapita urged the need for all communities to work together when considering the tri-community consolidation.

14. Mayor's Report/Comments

Mayor Balmer reported that although there may be areas in which consolidation is a benefit there will be areas where it will be a hindrance to the city. He urged strongly the need for total transparency by all involved.

15. Approval of Invoices

A. Motion to Approve Invoices dated 11/25/2008 in the amount of \$56,185.86.

Motion by Waddell with support from Hoexter to Approve Invoices dated 11/25/2008 in the amount of \$56,185.86. Motion carried unanimously by roll call vote.

16. Manager's Report

A. December 11, 2008 Special Council Meeting from 5-6 p.m. to review legal opinions and update new council members on pending legal issues. Partial closed session meeting will occur.

B. Workshop Session tentative schedule for December 8, 2008.

C. The City has new staff members and new auditors; however, the audit has gone well and a presentation by the auditors will be scheduled.

D. 2nd Annual Employee Holiday Party will be December 16, 2008 from 12-2 p.m. The party is a gift from the City Manager to the City Employees at no expense to the city.

E. B.S. &A software is in place. Mr. Kowal commended Mr. Drexler for his proactive approach in the implementation of new general ledger, accounts payable, and cash receipting programs.

17. Hear from the Audience (Limit of 3 minutes for general comments)

Fred Royce – Questioned if the December workshop was open to the public.

R.J. Peterson- Spoke regarding the U of M study and bouys in the Kalamazoo river.

18. Adjournment

Motion by Waddell with support from Urquhart to adjourn the December 1, 2008 City Council meeting. Meeting adjourned at 8:10 p.m. Motion carried unanimously.

Respectfully Submitted by Pam Alderink, Acting Recording Secretary