

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

Monday, January 5, 2009
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, Sapita, Urquhart, Waddell
Absent: None
Also Present: Manager Kowal and Clerk Neve

- 3. Pledge of Allegiance – Mayor**

- 4. Changes/Additions/Deletions to Agenda**
None
Motion by Hoexter with support from Waddell to approve the agenda as presented. Motion carried.

- 5. Approval of Minutes**
 - A. Special Meeting of City Council of December 11, 2008
 - B. Closed Session Minutes of December 11, 2008
 - C. Regular Meeting of City Council of December 15, 2008
 - D. Special Meeting of City Council of December 29, 2008
 - E. Closed Session Minutes of December 29, 2008Motion by Waddell with support from Hoexter to approve meeting minutes from December 11, 15 and 29, 2008 City Council Meetings as presented. Motion carried.

- 6. Appointments /Resignations**
 - A. Motion to Reappoint Ms. Linda S. Anderson to the City of the Village of Douglas Board of Review (3-year term expiring January 2012)
Motion by Hoexter with support from Waddell to reappoint Ms. Linda Anderson to the City Board of Review for a term expiring January 2012. 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:**
 1. Adam Colton, son of Ron Colton, 112 Washington, asked about the Beery Field ice rink.

2. Fritz Royce, 144 Lakeshore, stated his objection to the Swingbridge consent judgment agreement and the process taken. He encouraged council to stand behind and uphold building codes and ordinances.
3. Sam Ferlito, 421 Harbor Lake Dr., commented on the poor condition of Harbor Lake Dr. He asked for any help the city could give to facilitate getting parties together and arriving at a fair settlement to make repairs.
4. Neil Smith, 131 Wiley, related his property had flooded during the holidays due to improper engineering on the MeadowArgus development.
5. Gordon Youngquist, 227 Harbor Lake Dr., related he wrote to and received a response from Senator Patty Birkholz regarding Harbor Lake Dr. (Included in tonight's packet) He also stated he has been throwing gravel in the potholes along Harbor Lake.
6. Joe Milauckas, Saugatuck Township, commented on the process involved with the Swingbridge lawsuit. He related that any drainage runoff from the Swingbridge property floods onto his adjoining property and has no place else to go. Milauckas asked that a size limit be put on the proposed pool/maintenance building shown on the latest site plan.
7. Robert Rank, 99 Wiley, thanked Manager Kowal for sending an engineer out to look at the flooding issues with the MeadowArgus development.
Kowal responded the drainage problems are unacceptable. He will do some follow up and determine if the City may have to be involved to remedy the situation.
8. Dayle Harrison, Saugatuck Township, representing Kalamazoo River Association and the Petters, commented the zoning ordinance allows for only 6 units on the Swingbridge property. The ZBA spent a great deal of time working on how density should be calculated. He suggested asking the courts for a declaratory judgment.

B. Written:

1. Letter from State Senator Patty Birkholz, dated December 23, 2008 to Mr. Gordon Youngquist RE: Harbor Lake Drive
2. Interurban Transit Authority Monthly Report dated December 16, 2008
3. Announcement of Michigan Municipal League's Capital Conference 2009
4. Letter from Mr. Robert and Mrs. Marilyn Geil dated December 17, 2008 RE: Lack of Emergency Access to Felker's Subdivision via Lakeshore and Lakeside Drives

5. Letter from Ms. Debbi Larsen dated December 8, 2008 RE: Lack of Emergency Access to Felker's Subdivision via Lakeshore and Lakeside Drives
6. Letter from Mr. W. Larry Hanlin dated December 18, 2008
Written communications noted as received and filed.

9. Closed Session

Consideration by City Council of a Motion to go into Closed Session to Discuss Settlement with Attorney Michael S. Bogren, Plunkett Cooney, in the Pending Case of Douglas Lakefront Properties, LLC, vs. the City of the Village of Douglas

Motion by Bailey with support from Waddell to go into closed session at 7:36 p.m. to discuss settlement in pending case of Douglas Lakefront Properties, LLC vs. the City of the Village of Douglas. Motion carried unanimously by roll call vote.

Motion by Urquhart with support from Sapita to end the closed session at 8:26 p.m. and return to the regular meeting. Motion carried.

10. Unfinished Business

- A. Motion to Adopt Resolution No. 01-2009 Approving a Consent Judgment (Douglas Lakefront Properties, LLC, vs. City of the Village of Douglas); Tabled at Special City Council Meeting of December 29, 2008.

Motion by Waddell with support from Hoexter to adopt Resolution No. 01-2009 approving a consent judgment with Douglas Lakefront Properties, LLC. Motion carried by roll call vote with Waddell casting a "no" vote.

- B. Motion to Adopt Ordinance No. 01-2009 Amending the Code of Ordinances of the City of the Village of Douglas-Second and Final Reading (adding Sections 30.03 through 30.09 to Chapter 30 of the Code of Ordinances).

Motion by Waddell with support from Harvath to approve adoption of Ordinance No. 01-2009 amending the code of ordinances adding Sections 30-03 through 30.09 to Chapter 30. Motion carried unanimously by roll call vote.

11. New Business

- A. Motion to Adopt Resolution No. 02-2009 Declaring City of the Village of Douglas Property Surplus and Authorizing Disposition.

Motion by Waddell with support from Harvath to approve adoption of Resolution No. 02-2009 declaring 1993 Chevy 1 / 2 ton pickup truck as property surplus and authoring disposition. Motion carried unanimously by roll call vote.

12. Staff Reports

A. Building/Planning/Zoning/Enforcement

Council was reminded of the Planning Commission public hearing to consider adoption of the rewritten zoning ordinance.

Notice of Public Hearing by Douglas Planning Commission on Wednesday, January 14, 2009, 7:00 p.m., Douglas City Hall Council Room, 86 W. Center Street, Douglas, MI to Consider the Adoption of a Comprehensive Zoning Ordinance Which Would Amend Articles 1-31 of the Zoning Ordinance of the City of the Village of Douglas; the Public Hearing will also Consider Amendments to the Zoning Map of the City of the Village of Douglas.

13. Committee Reports

A. Planning Commission - Waddell

At the December 10th Planning Commission meeting there was a review of Thistle Gallery Lofts, Boutique Hotels, a Mexican Restaurant in Weathervane Mall and an addition to Busscher Excavating on Blue Star Highway.

B. Community Recreation Advisory Board – Bailey

Community Recreation Board will meet on January 13th.
Fund raiser Poker Nights are February 26, 27 and 28.

C. Kalamazoo Lake Sewer & Water Authority Board – Urquhart

Next scheduled meeting is January 19th.

14. Council Comments

Bailey complimented Treasurer Drexler on the work done on the audit.

Hoexter made a comment on the ice rink.

Waddell thanked Manager Kowal for sending the engineer out to Meadow Argus and asked that the Harbor Lake residents be given a time estimate as to when they can expect repairs.

Harvath commented the health and safety of our citizens has to be of foremost importance.

Sapita asked for a progress report on the Felker's issues.

15. Mayor's Report/Comments

Balmer requested a worksession be scheduled to work on a list of manager priorities. Kowal agreed to create a list and schedule a Committee of the Whole meeting for January 19th from 4:30 – 7:00 p.m.

16. Approval of Invoices

- A. Consideration of Approval of Invoices dated 1/2/09 in the amount of \$89,895.01.
Motion by Waddell with support from Urquhart to approve invoices dated 1/2/09 totaling \$89,895.01. Motion carried unanimously by roll call vote.
- B. Motion to Approve Payroll for the Month Ended December 31, 2008 in in the Amount of \$116,066.45.
Motion by Harvath with support from Waddell to approve Payroll for the month ended December 31, 2008. Motion carried unanimously by roll call vote.

17. Manager's Report

- A. Harbor Lake Drive
The roadway is private with several developments on the same road. We have no record of easements. The roadway and bridge are both in terrible shape. The condo associations don't know who owns which portions of the road. No Act 51 money is received for Harbor Lake Dr. Urquhart suggested authorizing 20 hours of Zoning Specialists time to resolve the issue of ownership and meet with all associations. If no progress is made, condemn the property and create a special assessment district.
Bailey commented she has mixed feeling about Harbor Lake Drive. While the situation is not unlike Park Drive she is not willing to spend money on a private road.
Hoexter related John Wallace tried, unsuccessfully, to work with these homeowners and associations a few years ago. The City has made an effort to organize things but the ponds, dam and roadway remain in poor condition.
Waddell suggested sending a letter to all the associations telling them the solution is to form a single association and assess a fair amount.
Harvath agrees with giving them some guidelines and tell them to get a plan.
Sapita related he would have no problem allowing Ryan Kilpatrick to do some research and then give the associations some guidelines.
Balmer related he does not like setting a precedent for other private drives. A letter will be written to the associations with some guidelines, suggestions and offer of help in creating one association.
- B. Felker's, Lakeside Drive Easement
A meeting has been scheduled for the week of January 12th to study and discuss a proposed emergency access road. The Fire Department will be invited to attend.

- C. Meadow Argus
This development has never had an engineering review. Jeff Klemm has applied for additional building permits but was denied because he has not complied with the approved site plan. The flooding problems will continue if something is not done. Water damage has already occurred at the Rank and Smith residences.

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

- A. Fritz Royce, Lakeshore Dr.
 - 1.) asked why a nuisance suit couldn't be used to correct flooding issues.
 - 2.) asked if the drive at Blue Moon will be removed before the sale of the property.
 - 3.) asked if staff follows up with business and restaurant Closings.
 - 4.) asked how citizens can have input into cases in litigation.
- B. Joe Milauckas, Saugatuck Township, asked more about the Swingbridge litigation, how the gag order came about, and expects storm water runoff to be reviewed in the engineering plans.

19. Adjournment

The meeting was adjourned at 9:38 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 January 5, 2009. I further certify that the meeting was duly called and that a quorum was present.

Jean E. Neve, City Clerk

Date

