

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Tuesday, September 7, 2021 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of the Michigan Open Meetings Act (PA 267 of 1976) as amended by PA 254 of 2020.

COMMISSIONERS PRESENT:

Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Erin Knott
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT:

None

All members present indicated they were physically located in the City of Kalamazoo.

Also present were City Manager Jim Ritsema, Deputy City Manager Jeff Chamberlain, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Invocation

The invocation was given by Reverend Dave Zomer from Bethany Reformed Church.

Proclamation
2021-00

Commissioner Hess read a proclamation *Celebrating Kalamazoo Attainable Homes Partnership*. Latoya Swindle and MaTonya Wyrick, homeowners; Sheryl Tembe from ICF and Consumers Energy; Jeff Tafel, Aaron Hovestadt, and Kevin Osborne from the Home Builders Association of West Michigan; Matt Milcarek from Kalamazoo Neighborhood Housing Services, and Derek A. Nofz from Consumers Energy received the proclamation.

Adoption of the Agenda

By unanimous consent the City Commission adopted its meeting agenda with the following changes:

- Commissioner Cunningham asked that Item G-8, a resolution setting a hearing to consider a tax abatement extension for Graphic Packaging, be moved from the Consent to the Regular Agenda.
- Vice Mayor Griffin requested that Item G-9, City Commission appointee reviews and pay increases, be moved from the Consent Agenda to the Regular Agenda.

Communications

Public Services Director James Baker provided an update on the impact of a storm system that had moved through the City earlier in the evening.

Public Comments

Next, when an opportunity was given for general public comments, the following people addressed the City Commission:

2021-00

Jeff Messer, City resident, expressed opposition to the City Commission's virtual meetings and urged individual Commissioners to attend meetings in person in the City Commission Chambers and invite the public. A copy of Mr. Messer's written remarks was filed with the papers for this meeting.

Dorothy Appleyard, City resident, expressed opposition to the rezoning and development of 333 E. Alcott Street due to frequent flooding in the area. Ms. Appleyard noted the Planning Commission's recommendation to approve was not unanimous, as there was one dissenting vote and numerous concerns.

TC Custard, City resident, questioned why the City Commission appointees were receiving raises and stated the community should have input. Ms. Custard stated the City Commission needed to hold people accountable.

Tobi Hanna-Davies, City resident, spoke about Vice Mayor Griffin being removed from the November 2nd ballot and expressed opposition to the Vice Mayor not being able to withdraw her resignation from the City Commission.

Mary Ellen Parmenter, non-resident, expressed concerns about the extension of a tax abatement for Graphic Packaging.

Aaron Wright, City resident, commented on the Graphic Packaging tax abatement and remarked that Graphic Packaging was meeting the requirements of the 2020 resolution. Mr. Wright noted the Michigan Department of Health would be releasing a report on air quality near the Graphic Packaging plant.

Consent Agenda items were presented as follows with a recommendation to approve the items and authorize the City Manager to sign all documents on behalf of the city:

- approval of a three-year contract with H2O Compliance Services Inc., for the administration of a Cross Connections Program in the amount of \$135,000.
- approval of a contract with Treeworks, Inc. for the removal of designated hazardous trees throughout the City and its cemeteries in the amount of \$149,300.
- approval of a two-year contract extension with Ridge Napa Auto Parts for auto parts in the amount of \$150,000.
- approval of a two-year professional service agreement with The Foster Group for utility rate and financial management consulting services in the amount of \$225,000.
- approval of a Professional Services Agreement in the amount of \$395,600 with Prein & Newhof for work related to the Michigan Department of Environment, Great Lakes and Energy Affordability and Planning Grant.
- approval of a contract with Peters Construction Co. for the Parkview Avenue – Oakland to Tamsin water main replacement and street improvements project in the amount of \$2,986,431.35.
- first reading an ordinance to rezone 333 E. Alcott Street from Manufacturing – Limited District (M-1) to Residential – Multi Dwelling District (RM-24); and schedule a public hearing for September 20, 2021.

Public Comments
(cont'd)

Consent Agenda

2021-00

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2021-00

- approval of the minutes from the City Commission meetings on April 5, May 3, May 17, June 21, August 2, and August 16, 2021; and the minutes from the business meeting on June 7, 2021.

Commissioner Cunningham, seconded by Commissioner Hess, moved to approve the consent agenda requests and authorize the City Manager to sign all documents on behalf of the City.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin*, Mayor Anderson

NAYS: None

*At the time of the vote, Vice Mayor Griffin abstained from voting on Item G-10, approval of City Commission minutes, because she had not finished reading them.

Regular Agenda

Regular Agenda items were considered next.

2021-00

Resolution 21-47
Scheduling a Public
Hearing re: a Tax
Abatement Extension
for Graphic Packaging

In response to questions from Commissioner Cunningham, Community Investment Manager Antonio Mitchell and Public Services Director James Baker discussed the collaborative odor mitigation work that had been done between Graphic Packaging and the City. Mr. Mitchell provided an overview of the proposed tax abatement extension. Mr. Mitchell reported Graphic Packaging was meeting all of the criteria specified in the 2020 resolution, and the odor mitigation work was being added to the local agreement.

Commissioner Hess noted Aaron Wright, Chair of the Environmental Concerns Committee, wanted the results of an air quality study being done by the Michigan Department of Health and Human Services (MDHHS), to know whether airborne emissions were making residents sick.

In response to questions from Commissioners, Director Baker provided the following information:

- the overall goal was to reduce the amounts of hydrogen sulfide released at the Wastewater Treatment Plant, and those solutions would come from the CIP Plan.
- the timing of the release of the MDHHS report was unknown, but it would probably be shared in a public way, in a public forum.
- it was too early to draw conclusions from the data provided by the odor sensors, as they had been collecting data for only a few months.

Representatives from Graphic Packaging provided the following reports and updates:

- Andrew Johnson, Vice President for Governmental Affairs, expressed Graphic Packaging's commitment to the community.
- Tom Olstad, Kalamazoo Mill Manager, reported on Graphic Packaging's odor mitigation efforts.

- Rusty Miller, Senior Vice President for Engineering, provided an update on the Kalamazoo expansion project.

Jill Bland from Southwest Michigan First, highlighted process and sustainability improvements being made by Graphic Packaging. Ms. Bland noted the company had cleaned up surrounding abandoned industrial properties, and she stated the expansion project had led to renewed discussions at the state and federal level about a bypass from US 131 to I-94, which could get trucks out of City neighborhoods.

In response to a question from Commissioner Cunningham, Mr. Johnson stated the community could help Graphic Packaging by providing a pipeline of talent for mill workers and the trades to replace employees who were near retirement.

In response to a question from Commissioner Praedel, Mr. Olstad reported 3,000 tons of paper were recycled every day, largely comprised of corrugated cardboard, newspapers, and Graphic Packaging's own waste. Mr. Olstad stated the Upper Midwest was the main geographical source of fiber for the plant.

Commissioner Knott remarked that the current discussion seemed to be the discussion that should happen during the public hearing, once people had received adequate notice and could participate.

Commissioner Cunningham asked that the City share the link to the online odor reporting tool with the Northside and Eastside Neighborhood Associations directly.

Commissioner Cunningham, seconded by Commissioner Hess moved to adopt a **RESOLUTION** setting a public hearing on September 20, 2021, to consider a request from Graphic Packaging International, LLC to extend a PA 198 Industrial Facilities Tax Exemption Certificate (IFEC) for 11 years for real property valued at \$191,000,000.

Prior to a vote on the motion, Commissioner Cunningham stated he was not settled on the duration and structure of the abatement extension, and he noted the recommendation in 2020 was for a 6 + 6-year abatement. Commissioner Cunningham stated he would ask about health impacts and studies at the next meeting. Commissioner Cunningham thanked Graphics Packaging for choosing Kalamazoo and for hiring people who had questionable backgrounds.

In response to a question from Mayor Anderson, City Attorney Robinson noted the City could not approve an 11-year certificate extension and then revoke the certificate for odor mitigation issues. City Attorney Robinson explained a tax abatement certificate could be revoked only for statutory reasons, and it was questionable whether the state would allow the City to string together multiple extensions.

Mayor Anderson asked that staff figure out the City Commission's options before September 20th.

Commissioner Cunningham spoke about the importance of putting requirements in writing. Commissioner Cunningham suggested making a motion to change the duration of the abatement from 11 years to 5 years.

2021-00

Resolution 21-47
Scheduling a Public
Hearing re: a Tax
Abatement Extension
for Graphic Packaging
(cont'd)

2021-00

Resolution 21-47
Scheduling a Public
Hearing re: a Tax
Abatement Extension
for Graphic Packaging
(cont'd)

City Attorney Robinson indicated it would be premature to make a motion regarding the terms of the abatement, as the motion on the floor was to set a public hearing.

Commissioner Cunningham agreed the process should move forward, but he asked for clarity on the Commission's options regarding the length of the abatement.

With a roll call vote the motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2021-00

Resolution 21-48
Setting the Salaries for
City Commission
Appointees

Vice Mayor Griffin stated she asked that the salary increases for City Commission appointees be moved to the Regular Agenda for the following reasons: 1) for the sake of transparency; 2) to highlight the work of a subcommittee that had been reviewing and recommending changes to the appointee evaluation process; and 3) to have an opportunity to explain why she did not submit performance reviews for the appointees.

Commissioner Cunningham spoke about the work of a subcommittee comprised of himself, Mayor Anderson, and Commissioner Hess to improve the performance review process and evaluation tool for the City Commission appointees. Commissioner Cunningham thanked Commissioners and Human Resources Director Shelly Dusek. Commissioner Cunningham indicated there should be a presentation to the Commission within the next month on the process for appointee evaluations and pay increases. Commissioner Cunningham indicated the Commission needed to consider doing multiple evaluations per year instead of just one.

Commissioner Hess thanked the Human Resources Department and stated the evaluation process needed to be streamlined with a timelier outcome for evaluations.

Vice Mayor Griffin stated she did not complete performance evaluations for the appointees because she had issues with the process, as the reviews were turned in to the Human Resources Director, who reported to City Manager. Vice Mayor Griffin remarked on the need for a third party to do the evaluations, and she advocated for a 360-degree evaluation process. Vice Mayor Griffin noted she communicated directly with appointees throughout the year.

Commissioner Praedel stated the appointee evaluations in the agenda packet included only some of his comments. Commissioner Praedel observed his commendations were included but not his recommendations for improvement, and he questioned who had edited his comments.

Mayor Anderson stated the scoring portion of the evaluation process was straightforward, and all comments should be available, as they were typically requested through the Freedom of Information Act (FOIA) process. Mayor Anderson explained the numeric scores were translated into raises, like for other NBU employees. Mayor Anderson noted the City Manager had asked to not be given a pay increase.

Vice Mayor Griffin stated the Commission was relying too heavily on the appointees for the evaluation process. Vice Mayor Griffin asked that the City Clerk include Commissioners' evaluation comments in full in the next City Commission agenda packet.

Praedel stated the comments should not have been included in the packet if they did not have any bearing on the recommended action. Commissioner Praedel stated he did not want to be edited.

Commissioner Cunningham reported he was texting Director Dusek, who indicated the comments were not supposed to be in the packet, only the ratings.

Commissioner Urban requested that the subcommittee's presentation to the City Commission address the issues being raised during this meeting. Commissioner Urban urged Commissioners to be careful with their evaluation comments since there was the potential for them to be made public.

Mayor Anderson clarified that appointee evaluations had always been available to the public, even if it was through the FOIA process.

In response to a question from Mayor Anderson, City Manager Ritsema indicated the salary specified for him in the resolution was his current salary.

Commissioner Cunningham, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** setting forth the salaries of the City Commission appointees (City Manager, City Attorney, City Clerk, and the Internal Auditor), effective September 7, 2021.

Prior to a vote on the motion, Commissioner Praedel commented on the character of City Manager Ritsema for rejecting a pay increase. Commissioner Praedel noted the evaluation process was both positive and negative, and he thanked the subcommittee for their work.

Commissioner Cunningham remarked on the City Manager's rejection of a salary increase and expressed appreciation for his decision. Commissioner Cunningham stated he was not aware the appointee performance evaluations were a tool for determining pay increases.

With a roll call vote the motion passed 5-0 with 2 abstentions.

AYES: Commissioners Cunningham, Hess, Praedel, Urban, Mayor Anderson

NAYS: None

ABSTAIN: Commissioner Knott, Vice Mayor Griffin

City Clerk Borling reported the receipt of a petition from residents of the Northside Neighborhood regarding basement flooding.

Finally, an opportunity was given for miscellaneous comments from City Commissioners.

2021-00

Resolution 21-48
Setting the Salaries for
City Commission
Appointees (cont'd)

2021-00

City Clerk's Report

Commissioner
Comments

Commissioner
Comments (cont'd)

Commissioner Urban remarked on the appointee performance review process and stated the City Commission needed to get it right moving forward.

Commissioner Cunningham stated he was not at the Committee of the Whole meeting due to a death in the family. Commissioner Cunningham offered remarks on the OIR Group Report, the Attainable Homes Partnership initiative, and the good work of City staff to be proactive in community engagement regarding zoning issues. Commissioner Cunningham noted he had never asked for a pay increase as a City Commissioner.

Commissioner Knott commented on Western Michigan University's (WMU's) COVID-19 plan and expressed disappointment that WMU was not mandating COVID-19 vaccinations for staff and students. Commissioner Knott asked the media to provide more coverage on this issue and urged the City Commission to put pressure on WMU.

Commissioner Praedel expressed condolences to Commissioner Cunningham. Commissioner Praedel recognized Commissioner Knott for being selected by Crain's Detroit as a 2021 Notable LGBTQ in Business honoree. Commissioner Praedel asked about engaging the community regarding the petition on the City Clerk's Report. Commissioner Praedel spoke about the City's response to the OIR Group report, the need for continued pressure on owners of the Morrow Dam, City Clerk Borling addressing complaints about meeting minutes, and intergovernmental collaboration regarding federal stimulus funds.

Commissioner Hess expressed appreciation for City Commissioners and congratulated Commissioner Knott on being honored by Crain's Detroit. Commissioner Hess remarked on the children's natural playscape being designed and built by First Congregational Church near Bronson Park. Commissioner Hess acknowledged and commended the work of City staff members James Baranoski, James Wilson, Owen Ramey, and Alex Marshall. Commissioner Hess acknowledged people who were celebrating Rosh Hashana.

Vice Mayor Griffin wished her daughter Genesis "Happy Birthday" and congratulated Commissioner Knott on being honored by Crain's Detroit. Vice Mayor Griffin offered comments on the bus driver shortage for Kalamazoo Public Schools, the need for a community health assessment related to Graphic Packaging, and the appointee performance evaluations. Vice Mayor stated it was admirable the City Manager was not accepting a pay increase, but the City Commission should have made that decision.

Mayor Anderson remarked on a developing City/County partnership for the use of federal stimulus funds, especially in the area of gun violence. Mayor Anderson noted the observance of Rosh Hashana and encouraged everyone to focus on introspection and repentance.

Adjournment

The meeting adjourned at 9:46 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on October 18, 2021

Approved by: _____

David F. Anderson, Mayor

Dated: October 18, 2021