A regular meeting of the Kalamazoo City Commission was held on Monday, July 19, 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.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: Erin Knott

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.

Commissioner Excused

Commissioner Cunningham, seconded by Commissioner Hess, moved to excuse the absence of Commissioner Knott. With a voice vote the motion passed.

Invocation

The invocation was given by Mr. Pradip Sagdeo.

Proclamation
2021-00

Commissioner Hess read a proclamation *Honoring the Legacy of Marilyn Schlack*, former President of Kalamazoo Valley Community College. Dr. Schlack's son, Michael Schlack, received the proclamation.

Adoption of the Agenda

By unanimous consent the City Commission adopted its meeting agenda as presented.

Public Comments

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

The following people expressed concerns about vagrancy, drug use, and other illegal activities being committed by the homeless on the North Kalamazoo Mall and at the Arcadia Creek Festival Place:

Jeff, a City resident
Carla, a city resident
Linda Lesniak, City resident
Deb Killarny, City resident
Derick Searing, City resident
Valda Karlsons, City resident

Christy Kaplan, City resident, spoke about options for reducing the deer population in the City. Ms. Kaplan referenced Resolution 20-34 and asked about the process for updating the Parkview Hills master plan.

Dorothy Appleyard, City resident, asked the City Commission to discuss changing from an at-large system to a ward system for electing City Commissioners.

Public Comments (cont'd)

Joe Byers, City resident, asked that Item G-3, a contract for the 2021 tree planting project, and Item G-10, the purchase of a biological foul air mitigation treatment system, be moved to the Regular Agenda. Mr. Byers asked about the type and location of the tree plantings, and he questioned why the City was paying for odor mitigation solutions, rather than Graphic Packaging.

David Benac, City resident, asked that Item G-3, a contract for the 2021 tree planting project, be moved to the Regular Agenda. Mr. Byers asked about the types of trees being planted, and he expressed opposition to the City paying for odor mitigation solutions.

Casey Coker, City resident, asked about the City's plans for ensuring public meetings were accessible once they were held in person again. Ms. Coker asked what the City was doing to address equity in the community.

The following people expressed opposition to the City's acceptance of an election administration grant in 2020 from the Center for Tech and Civic Life (CTCL) and asked that the City not accept private funding for elections in the future.

Lee Hutt, non-resident
An anonymous speaker
Daniel Harris, non-resident
Brian Kincaid, non-resident,
Joann Weber, non-resident,
Clarence Weber, non-resident
Gary Mitchell, non-resident
Dr. Tamara Mitchell, non-resident
Anthony Dugal, non-resident

An anonymous speaker reported a growing pothole on Bessie Street near the corner of North Church Street.

Ruth Garcia, non-resident, asked that the City Commission increase funding to address gun violence and spoke about the need for the City to rebuild trust with the community.

Zach Lassiter, City resident, suggested the residents of the North Kalamazoo Mall could move out if they did not like the homeless.

Consent Agenda

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 one-year contract extension with Water Solutions Unlimited for the purchase of Sodium Hexametaphosphate in the total amount of $139,920. **2021-00**

- approval of a contract with Michigan Critical Power for a stand-by generator for the city's Stockbridge facility in the amount of $141,829.92. **2021-00**

- approval of a Professional Service Agreement with Peerless Midwest, Inc. for the completion of Well 85A in the amount of $156,307.25. **2021-00**

2021-00

- approval of the purchase of a new John Deere loader from AIS Construction Equipment in the amount of 182,587.

2021-00

- approval of a two-year contract extension with Trace Analytical Laboratories for analytical testing services for an amount not to exceed $353,050.

2021-00

- approval of a one-year contract extension with Olameter for water meter reading services in the amount of $391,314.72.

2021-00

- approval of a two-year contract extension with Blu Cleaning for custodial services in the amount of $480,791.70.

2021-00

- approval of a contract supplemental and change order to the electrical supplies contract with Kendall Electric Inc. for the procurement of the Kalamazoo Water Reclamation Plant's Medium Voltage Unit Substation 1 and Load Center 1 & 1A, in the amount of $1,506,927.

2021-00
Resolution 21-39

- adoption of a **RESOLUTION** approving the Sixth Amendment to the Urban Cooperation Act Agreement Creating the Public Media Network, to delete the City of Portage as a Member Public Agency and add the City of Galesburg as a Member Public Agency.

2021-00

- approval of a Memorandum of Understanding with Charleston Township for wastewater services.

2021-00

- acceptance of the 2020 Justice Assistance Grant (JAG) award from the U.S. Department of Justice in the amount of $87,499.

2021-00

- approval and acceptance of a grant in the amount of $395,600 from the Michigan Department of Environment, Great Lakes and Energy for a rate impact and affordability study of the City of Kalamazoo's water system.

2021-00

- approval of the following appointments to boards and commissions:

    - the appointment of Khari Worthy to the Building Board of Appeals for a term expiring March 31, 2024.

    - the appointment of Nicole Olweean to the Environmental Concerns Committee for a term expiring on January 1, 2024.

Commissioner Urban, 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.

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

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

2021-00
Contract for the 2021 Tree Planting Project

Public Services Director reviewed the 2021 tree planting program and explained the program involved the planting of 300 trees in the public right-of-way in areas of the City where the tree canopy was low. Director Baker noted the project was funded by the Foundation for Excellence (FFE).

In response to a question from Vice Mayor Griffin, Director Baker stated a majority of the trees were native trees, but some non-native trees were included because they worked well within the confines of the right-of-way.

Commissioner Urban, seconded by Commissioner Cunningham, moved to approve a contract with Twin Lakes Nursery, Inc. for the 2021 tree planting project in the amount of $142,118.

Prior to a vote on the motion, Commissioner Urban noted the tree planting project was happening because of the FFE.

Commissioner Cunningham encouraged people who lived in low tree canopy areas to contact the City's 311 call center and request a tree.

With a roll call vote this motion passed.

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

NAYS: None

2021-00
Contract for a Foul Air Mitigation Treatment System for the Wastewater Treatment Plant

Director Baker reviewed the work that had been done to determine the sources of odors near Graphic Packaging and the Wastewater Treatment Plant. Director Baker described the network of interceptors near the plant and explained the odor mitigation system would take care of any odors coming from the interceptors. Director Baker indicated the project was a Wastewater Capital expense.

Commissioner Cunningham, seconded by Commissioner Hess, moved to approve a contract with Envirogen Technologies for the procurement of biological foul air mitigation treatment system subject matter expertise and process equipment in the amount of $1,766,800.

Prior to a vote on the motion, Commissioner Urban stated controlling odors was difficult, and he expressed concern about the biological aspect of the technology.

Director Baker indicated City staff would be taking measures to monitor and protect the biomass at the heart of the system. Director Baker noted the Wastewater Treatment Plant itself was an advanced biological treatment system and was the only plant in the United States with a pharmaceutical exemption from the Environmental Protection Agency (EPA).

Commissioner Cunningham questioned whether the City was using its pharmaceutical exemption from the EPA as an economic development tool.

Mayor Anderson noted odors coming from paper mills and the Wastewater Treatment Plant had been an issue for generations, and he noted additional work and solutions were coming over the next two years.

With a roll call vote this motion passed.

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

NAYS: None

2021-00
Resolution 21-40
Authorizing 2021 CIP Bonds

In response to a question from Commissioner Praedel, Management Services Director and CFO Steve Vicenzi stated the total proposed bond amount was $17.5 million, with $13.5 million earmarked for the 2021 Capital Improvement Program (CIP), and $4 million earmarked to refinance the City's 2011 and 2012 CIP bonds.

Commissioner Hess, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** authorizing the issuance of General Obligation Limited Tax Bonds in an amount not to exceed $17,500,000 ($13,500,000 for the Projects and $4,000,000 for the refunding), for the purpose of financing FY 2021 capital projects and refunding the City's 2011 and 2012 Capital Improvement Bonds.

Prior to a vote on the motion, Commissioner Praedel noted the 2011/2012 bond refinancing would save the City $285,000, which was a great use of taxpayer funds.

With a roll call vote this motion passed.

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

NAYS: None

2021-00
Ordinance 2035 re: Off Road and All-Terrain Vehicles

In response to questions from Commissioners Praedel and Cunningham, City Attorney Robinson explained the proposed ordinance would limit the use of streets and roads – and specifically those portions travelled by vehicles – by off-road and all-terrain vehicles. City Attorney Robinson stated the proposed ordinance would move this section of the City Code from the chapter on General Offenses to the Traffic Code. City Attorney Robinson stated an inquiry from a citizen prompted him to look at the old language, which was confusing and unclear. City Attorney Robinson confirmed a violation of the new section would be a civil infraction.

Commissioner Cunningham, seconded by Commissioner Praedel, moved to adopt of an **ORDINANCE** amending the Kalamazoo City Code to clarify the operation of Off-Road Vehicles and All-Terrain Vehicles on public streets.

With a roll call vote this motion passed.

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

NAYS: None

2021-00
Ordinance 2036 re: Fireworks and the Juneteenth National Holiday

In response to a question from Commissioner Praedel, City Attorney Robinson stated the current days on which consumer fireworks were permitted by City ordinance were required to be permitted by state law; the City was not allowed to switch one of the currently allowed days for Juneteenth.

2021-00
Ordinance 2036 re: Fireworks and the Juneteenth National Holiday (cont'd)

Commissioner Cunningham, seconded by Commissioner Praedel, moved to adopt an **ORDINANCE** permitting the use of consumer fireworks in commemoration of the Juneteenth National Independence Holiday.

Prior to a vote on the motion, Commissioner Hess expressed support but urged people to respect their neighbors and the time of day when using fireworks. Commissioner Praedel stated he had young children and pets and was not a fan of loud fireworks. Commissioner Praedel commented that the City Commission was changing this ordinance to head off the potential for inequitable fireworks ordinance enforcement.

With a roll call vote this motion passed.

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

NAYS: None

2021-00
City Manager's Report

Director Baker provided an overview of the *Odor Task Force Quarterly Report – July 2021.*

In response to a question from Commissioner Cunningham, Director Baker explained staff had started looking at charts of in-plant odor trends in June, but there was not enough evidence to indicate whether the carbon scrubbers were making a difference. Director Baker stated the intent was to look at year-over-year comparisons of the data.

Commissioner Hess thanked director Baker and everyone who was working on the odor mitigation issue.

Policy Items

Policy Items were considered next.

2021-00
Resolution 21-41 re: Committee of the Whole Meetings

City Manager Ritsema stated he had been talking with Commissioners, and there was support for continuing the Committee of the Whole meetings.

Commissioner Urban, seconded by Commissioner Hess, moved to adopt a **RESOLUTION** extending the Committee of the Whole trial period and amending the City Commission Calendar of Meetings to accommodate the extension.

With a roll call vote this motion passed.

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

NAYS: None

Commissioner Comments

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

Commissioner Urban suggested putting information about amending neighborhood plans on the City's website and expressed opposition to a ward system for electing City Commissioners. Commissioner Urban asked about declaring the North Kalamazoo Mall and the Arcadia Creek Festival Place "parks" and stated the read issue was limited capacity at the Kalamazoo County Jail.

Commissioner Comments (cont'd)

Commissioner Urban suggested an audit of the CTCL grant funds that were used for the November election. Commissioner Urban stated private was dangerous, although he noted the speakers' requests were not totally pure.

Commissioner Cunningham expressed opposition to a ward system for electing City Commissioners. Commissioner Cunningham spoke about a recent incident involving a KDPS officer using inappropriate language with a resident. Commissioner Cunningham reported that he, Mayor Anderson, and Vice Mayor Griffin had been meeting and developing a communication plan, and that they were working to "move the needle" in KDPS.

Commissioner Praedel spoke about the CTCL grant and stated there was a big difference between influencing elections and increasing access. Commissioner Praedel observed that 472 jurisdictions in Michigan accepted the CTCL grant, which meant there were jurisdictions of every size among the grant recipients. Commissioner Praedel stated he was not ashamed the City accepted the grant funds. Commissioner Praedel remarked there had been COVID-19 vaccination opportunities at the recent Lunchtime Live event and 3-on-3 basketball tournament. Commissioner Praedel noted the filing deadline for Mayor and City Commission candidates was that week, and he urged candidates to keep their campaigns focused on the issues.

Commissioner Hess reported only 61.6% of Kalamazoo County residents had received at least one dose of the COVID-19 vaccine, and she urged people to get vaccinated. Commissioner Hess congratulated the organizers of a recent 3-on-3 basketball tournament. Commissioner Hess announced the next Styrofoam collection/recycling event would be on July 31st at Mayors' Riverfront Park.

Vice Mayor Griffin expressed condolences to those experiencing loss. Vice Mayor Griffin stated she would be glad to be a part of the conversation regarding the North Kalamazoo Mall, but she expressed concern about the idea that the City Commission was hindering Public Safety in their attempts to enforce the law.

Mayor Anderson offered remarks on "Restaurant Week" and the work of The Stewards of Kleinstuck. Mayor Anderson noted it was Judy Sarkozy's 80th birthday, and he stated only Dean Hauck had done as much as Ms. Sarkozy to help revitalize downtown.

Adjournment

The meeting adjourned at 9:34 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

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