

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, December 20, 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 Don Cooney
Qianna Decker
Jeanne Hess
Stephanie Hoffman
Chris Praedel

COMMISSIONERS ABSENT:

Esteven Juarez*

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

Vice Mayor Cooney, seconded by Commissioner Praedel, moved to excuse the absence of Commissioner Juarez. With a voice vote the motion passed.

Invocation

The invocation was given by Michelle Scheidt from the Fetzer Institute.

Proclamations
2021-00

Vice Mayor Cooney read a proclamation *Celebrating the Family Health Center's 50th Anniversary*. Denise Crawford, Executive Director of the Family Health Center, received the proclamation.

2021-00

Vice Mayor Cooney read a proclamation *Commemorating Mr. Robert S. Harper*.

*Commissioner Juarez arrived at 7:17 p.m.

2021-00

Commissioner Praedel read a proclamation *Recognizing City Staff for Making Remote Meetings Possible*. Information Technology Director Tim DuBois received the proclamation.

Adoption of the Agenda

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

Commissioner Hoffman requested that items G-9 (two Releases of Claims between the City and Aloha Kalamazoo LLC and its insurer, Auto-Owners Insurance) and G-11 (a purchase agreement for the sale of 440 South Burdick Street to Burdick@Cedar, LLC) be moved to the Regular Agenda.

City Clerk Borling requested that the approval of a fireworks permit for New Years Fest be added to the Consent Agenda.

City Attorney Robinson requested that authorization for him to execute forms for the National Opioid Distributors & Janssen Settlement Participation be added to the Regular Agenda.

At 7:25 p.m. Mayor Anderson opened a public hearing to receive comments on an ordinance to rezone 1011, 1017, 1029 Denner Street/1405 Alamo Avenue from Residential – Single Dwelling District (RS-5) to Residential – Duplex District (RD-19).

Commissioner Decker expressed support for the proposed rezoning as it was in alignment with Imagine Kalamazoo 2025 Master Plan and would create in-fill housing.

When an opportunity was given for public comments, the following people addressed the City Commission:

An anonymous City resident questioned why the property was being rezoned, asked several questions about the applicant's intentions for the project, enquired about the budget and funding for the project, and asked whether the applicant was the person responsible for illegally cutting down walnut trees on the street.

At 7:32 p.m. Mayor Anderson closed the public hearing.

Commissioner Hess, seconded by Commissioner Decker moved to adopt an **ORDINANCE** to rezone 1011, 1017, 1029 Denner Street/1405 Alamo Avenue from Residential – Single Dwelling District (RS-5) to Residential – Duplex District (RD-19).

Prior to a vote on the motion, and in response to questions from City Commissioners, City Planner Pete Eldridge and Community Planning and Economic Development Director Rebekah Kik provided the following information:

- the proposed rezoning would be an expansion of an adjacent duplex zoning district and would change the zoning from single family to duplex. The proposed new zoning district was not a medium/high-density district. The house at the corner of Alamo and Denner had three units.
- the rezoning applicant applied to the Community Development Act Advisory Committee (CDAAC) for project funding.
- the developer was a local developer, and this aligned with the Imagine Kalamazoo 2025 goal of having local development.
- if funding was received from the U.S. Department of Housing and Urban Development (HUD), the project would be required to have income-restricted units.
- combining parcels and building one large structure on the property would be difficult because of substantial topographical changes on the west end of the property. In addition, the proposed zoning district had density limits.
- the applicant had been in regular communication with City staff about his properties. There were no know complaints against him, but a records check would be needed to confirm that.

2021-00

Public Hearing re: the
Rezoning of Parcels on
Denner Street and
Alamo Avenue

2021-00

Ordinance 2041
Rezoning 1011, 1017,
1029 Denner Street/1405
Alamo Avenue

2021-00

Ordinance 2041
Rezoning 1011, 1017,
1029 Denner Street/1405
Alamo Avenue

- with all rezoning requests the City sends public hearing notice letters to property owner within 300 feet of the subject property. In this specific case the applicant also sent letters to nearby property owners.

Commissioner Praedel noted the Planning Commission had recommended approval of this rezoning request unanimously.

Commissioner Decker observed the City staff was looking out for the neighborhoods.

City Attorney Robinson explained the City Commission could not make a rezoning decision based on the applicant; the Commission needed to make its decision based on planning and zoning principles and criteria.

Commissioner Juarez questioned why the City would approve a request from an unwholesome landlord.

Mayor Anderson commented on the rigor of the Planning Commission review process, and he noted the noticing requirements were set by statute.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Public Comments

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

Alfonso Harris, City resident, noted it was National Human Solidarity Day, and he encouraged people to donate to Ministry with Community.

Jeff Messer, City resident, requested the Item F-11, the sale of 440 South Burdick Street to Burdick@Cedar, LLC, be moved to the Regular Agenda. Mr. Messer commented on the redevelopment of this area, and he questioned the developers' community purpose for the property. Mr. Messer offered remarks on the closed session and asked that the Commission make future collective bargaining agreements available for public review for at least two weeks prior to taking action.

Shona Espinosa, City resident, stated City Commissioners needed to be out in the community helping with the work that non-profit organizations were doing.

An anonymous caller spoke about having difficulty communicating with the City and described interactions with Public Safety Officers where he was given contradictory information about the park hours for Bronson Park.

Tina McClinton, City resident, asked when the City was going to fix the sewers in the Southtown Neighborhood.

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:

Consent Agenda

- | | |
|---|------------------------------------|
| <ul style="list-style-type: none"> - approval of a two-year contract with the Miller-Canfield law firm for labor law attorney services in the amount of \$108,000, and authorize the City Attorney to sign the contract on behalf of the City. | 2021-00 |
| <ul style="list-style-type: none"> - approval of a one-year contract with AT&T for the purchase of Centrex phone services in the amount of \$130,000. | 2021-00 |
| <ul style="list-style-type: none"> - approval of a three-year contract with Rathco Safety Supply, Inc. for rental of traffic control devices, with an anticipated annual cost of \$229,642.50. | 2021-00 |
| <ul style="list-style-type: none"> - approval of a three-year agreement with OpenGov, Inc. for the OpenGov suite of software, to include Operating & Capital Budgeting, Online Budget Book, Reporting & Analysis, Transparency, Open Town Hall, Performance Measures, Workforce Planning, Dashboards, Story Builder, Non-Financial Integration, Premium Support, and OpenGov University with the total contract amount not to exceed \$307,251.66. | 2021-00 |
| <ul style="list-style-type: none"> - approval of a one-year contract extension with the Michigan Municipal Risk Management Authority, through Ibex Insurance Agency, for property & casualty insurance annual premium and member loss fund deposit for an amount not to exceed \$1,049,177. | 2021-00 |
| <ul style="list-style-type: none"> - adoption of a RESOLUTION setting a public hearing on January 3, 2022 to consider the proposed Fiscal Year 2022 Budget for the City of Kalamazoo. | 2021-00
Resolution 21-66 |
| <ul style="list-style-type: none"> - adoption of a RESOLUTION setting the schedule of regular City Commission meetings for the 2022 calendar year. | 2021-00
Resolution 21-67 |
| <ul style="list-style-type: none"> - adoption of a RESOLUTION approving eleven new Neighborhood Enterprise Zone Homestead Applications in the Vine Neighborhood. | 2021-00
Resolution 21-68 |
| <ul style="list-style-type: none"> - approval of a grant agreement accepting \$67,644 from The Recycling Partnership to support improvement of recycling program materials quality, resident engagement, and materials recovery. | 2021-00 |
| <ul style="list-style-type: none"> - approval of a purchase agreement for the sale of 478 Reed Street to John and Brook Green for \$250. | 2021-00 |
| <ul style="list-style-type: none"> - approval of an amendment to the Northside Cultural Business District Authority bylaws to reduce the size of the Board of Directors from ten to nine members. | 2021-00 |
| <ul style="list-style-type: none"> - approval of a request from New Year's Fest of Kalamazoo to publicly display fireworks from the Epic Center Parking Structure on Friday, December 31, 2021 at midnight as part of the annual New Year's Fest event. | 2021-00 |

Consent Agenda
(cont'd)

Commissioner Hess, seconded by Commissioner Hoffman, 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 Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

2021-00
Ordinance 2042 re: the
Duties of the Historic
Preservation Commission

Vice Mayor Cooney, seconded by Commissioner Decker, moved to adopt an **ORDINANCE** amending Chapter 2, Article V of the Kalamazoo City Code regarding the duties of the Historic Preservation Commission.

Commissioner Praedel announced he would abstain from voting on this item because he was the leader of a non-profit organization that could be a recipient of funds from the Historic Preservation Commission.

With a roll call vote this motion passed 6-0 with 1 abstention.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Vice Mayor Cooney, Mayor Anderson

NAYS: None

ABSTAIN: Commissioner Praedel

2021-00
Settlement of a Sewer
Backup Claim with Aloha
Kalamazoo, LLC

City Attorney Robinson provided background information on claims made by Aloha Kalamazoo LLC and its insurer, Auto-Owners Insurance, for damages sustained by the business (Shakespeare's Pub) due to a sewer backup on January 16, 2021. City Attorney Robinson explained the City was part of an insurance pool, the Michigan Municipal Risk Management Authority, but there was a \$250,000 deductible, so the City would be paying the claim directly.

In response to questions from Commissioners Hoffman and Decker, City Attorney Robinson explained the City would be paying Aloha Kalamazoo for its out-of-pocket expenses and would also be paying \$50,000 to Aloha's insurer, Auto Owners Insurance, for a property damage claim payment they had made to Aloha.

In response to a question from Commissioner Juarez, City Attorney Robinson stated the City's claims service had inspected the damage.

Commissioner Praedel, seconded by Commissioner Hess, moved to authorize the City Attorney to execute two Releases of Claims between the City and Aloha Kalamazoo LLC and its insurer, Auto-Owners Insurance, for damages sustained by that business due to a sewer backup on January 16, 2021.

Prior to a vote on the motion, Commissioner Praedel noted the timing of the incident particularly impactful, as the sewer backup happened during the peak of the COVID-19 pandemic when businesses were dealing with restrictions on their

operations. Commissioner Praedel stated the City should pay for the damage if it was in the wrong.

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

In response to a question from Commissioner Decker, City Manager Ritsema confirmed the sale price for conveying 440 South Burdick Street to Burdick@Cedar, LLC was \$100,000.

In response to questions from Commissioners, Community Planning and Economic Development (CPED) Director Rebekah Kik provided the following information:

- Nomi Development, the previous developer of the property, chose not to pursue a project at this location when they were not chosen by the state to receive low-income tax credits.
- American Village Builders bought 116 Cedar, and they wanted 440 S. Burdick Street too.
- staff wanted to work with the City Commission on housing projects and a housing policy.
- CPED staff were contacted often about properties for development but not often about the same properties; development projects moved slowly in Kalamazoo. Frequently staff did not know whether a project was going to work out when it was initiated.
- with most developments, the City's involvement centered around the pro-forma for the project. Currently, the incentives the City offered and what the City required in return were based on what the developer wanted. This is where an incentives policy would be helpful.
- staff would work with the City Commission to develop a housing policy and prioritize uses for City-owned properties. Developers faced risks if they did not control a property and needed to start spending money on architects and engineers. As a result, it was not uncommon for developers to not have a fully developed plan when they approached the City about a project.
- the previous developer of the Burdick Street property had not spent any money on environmental testing or architects. The City did not have many requirements of developers for consideration of low-income tax credit projects, as they were inherently risky to begin with. The Local Initiatives Support Corporation (LISC) offered pre-development grants.
- the City and developers had found many issues in the middle of development projects, such as environmental contamination. The City performed Phase I environmental studies and Baseline Environmental Assessments for its Brownfield properties.

2021-00

Settlement of a Sewer Backup Claim with Aloha Kalamazoo, LLC (cont'd)

2021-00

Purchase Agreement for the Sale of 440 South Burdick Street

2021-00

Purchase Agreement for
the Sale of 440 South
Burdick Street (cont'd)

- the City had 56 properties in its Brownfield Plan plus additional properties.
- the Downtown Economic Growth Authority (DEGA) was involved with the sale of 440 South Burdick Street because the property was part of the parking system. The DEGA had to waive its right of first refusal.
- the City could require developers to do affordable housing only if they wanted incentives from the City.
- future Commission actions related to this property/project could include approval of a Brownfield Plan, approval of HUD funding, and approval of grants from the Foundation for Excellence.
- "Transformational Brownfield" was a state designation for projects valued at over \$50 million. 440 South Burdick Street was a very small parcel but having both the Burdick and Cedar Street parcels would allow for a good project. 116 Cedar Street was very contaminated and would require approximately \$600,000 to abate the building. A project there would need to be at least \$10 million to make sense.

Commissioner Decker expressed hope that the developer would keep in mind the current businesses on the site.

Commissioner Juarez stated the City should leverage its properties to attract developers who wanted to solve the City's problems, and he suggested the City require larger developers with resources to provide plans.

Commissioner Cooney expressed interest in talking about policy. Commissioner Cooney noted the City was losing this property for affordable housing.

Mayor Anderson described the development process and explained the need for land control in order to obtain financing. Mayor Anderson stated the best thing the City could do to support low-income housing was to support developers' applications for low-income tax credits.

Commissioner Praedel, seconded by Commissioner Hoffman, moved to approve a purchase agreement for the sale of 440 South Burdick Street to Burdick@Cedar, LLC for the sale price of \$100,000.

Prior to a vote on the motion, Commissioner Decker stated most of her questions had been answered, and she was looking forward to receiving updates on the project.

Commissioner Juarez stated it was hard to support something that was unseen and stated he wanted to understand the vision and dream for this project.

With a roll call vote the motion passed 6-1.

AYES: Commissioners Decker, Hess, Hoffman, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: Commissioner Juarez

City Attorney Robinson asked the City Commission to take the following action: “authorize the City Attorney to execute the National Opioid Distributors & Janssen Settlement Participation forms and associated documents.” City Attorney Robinson explained the history of the opioid class action lawsuit and estimated the City might receive \$150,000 per year for 18 years under the terms of the settlement. City Attorney Robinson stated the settlement documents included 15+ pages of potential uses for the funds, covering both past and future expenses.

In response to a question from Commissioner Hess, City Attorney Robinson indicated the county and state were eligible for settlement awards also.

Commissioner Hess, seconded by Commissioner Decker, moved to authorize the City Attorney to execute the National Opioid Distributors & Janssen Settlement Participation forms and associated documents.

Prior to a vote on the motion, spoke about the increase in opioid overdoses in recent years and expressed support for the motion.

City Attorney Robinson remarked that Public Safety Officers administered a lot of Naloxone, a drug that rapidly reversed opioid overdoses.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Deputy City Manager reviewed the safety protocols and public comment procedures that would be in place for the return to in-person City Commission meetings on January 3rd.

In response to a question from Commissioner Praedel, Deputy City Manager Chamberlain confirmed the Committee of the Whole meetings would be held in the City Commission Chambers.

City Clerk Borling reported the receipt of additional pages to be included with the petition submitted by Carol Mullen, House Director of Chi Omega Sorority, requesting safety changes for Fraternity Village Drive.

City Clerk Borling presented the *Report of Determination* from the Local Officers Compensation Commission (LOCC). City Clerk Borling explained the salary determination for the Mayor, Vice Mayor, and City Commissioners would take effect on January 13th, unless the City Commission rejected the determination by a 2/3 vote. City Clerk Borling stated the LOCC had set the salaries for the City’s elected officials as follows: Mayor – \$10,900; Vice Mayor – \$9,200; City Commissioners – \$8,050.

Next, Policy items were considered.

City Attorney Robinson introduced a resolution amending the City Commission Rules regarding Committee of the Whole meetings, virtual electronic meetings, and facemask protocols during public meetings.

2021-00

Authorization for the City to Participate in the National Opioid Settlement

City Manager’s Report

2021-00

City Clerk’s Report

Report from the Local Officers Compensation Commission

Policy Items

2021-00

Resolution 21-69
Amending the City Commission Rules re: Meetings

2021-00

Resolution 21-69
Amending the City
Commission Rules re:
Meetings (cont'd)

Commissioner Decker, seconded by Commissioner Praedel, moved to adopt a **RESOLUTION** amending the City Commission Rules regarding Committee of the Whole Meetings and virtual electronic meetings, and adopting facemask protocols during public meetings.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Commissioner
Comments

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

Commissioner Decker thanked City staff for their work. Commissioner Decker stated Commissioners needed to ask questions of staff for the benefit of themselves and the community.

Commissioner Hoffman thanked the community for choosing her to serve on the City Commission. Commissioner Hoffman offered holiday well-wishes.

Vice Mayor Cooney offered remarks honoring the life of Moses Walker. Vice Mayor Cooney offered holiday well-wishes.

Mayor Anderson stated it was a time for hope and looking forward to the future.

Closed Session

Commissioner Hess, seconded by Commissioner Decker, moved that the City Commission go into closed session to discuss labor negotiations.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

The City Commission went into closed session at 9:54 p.m.

The City Commission returned to open session at 10:35 p.m.

2021-00

Collective Bargaining
Agreement with the
KPSA

Commissioner Hess, seconded by Vice Mayor Cooney, moved to approve a five-year collective bargaining agreement with the Kalamazoo Police Supervisors Association.

Prior to a vote on the motion, Vice Mayor Cooney stated the contract was a progressive agreement that was aligned with the concepts of 21st Century Policing.

Mayor Anderson stated the principles discussed by the City Commission prior to the election were included in the proposed collective bargaining agreement.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

The meeting adjourned at 10:39 p.m.

Adjournment

Scott A. Borling
City Clerk

Approved by the City Commission on: _____

DRAFT