

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, February 21, 2022 at 7:00 p.m. in the City Commission Chambers at City Hall.

COMMISSIONERS PRESENT:

Mayor David Anderson
Vice Mayor Don Cooney
Qianna Decker
Jeanne Hess
Stephanie Hoffman
Esteven Juarez
Chris Praedel

COMMISSIONERS ABSENT:

None

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

Invocation

The invocation, given by Marcus Mays, Chaplain for Kalamazoo Metro Transit, was, was followed by the Pledge of Allegiance.

Proclamation
2022-00

Commissioner Decker read a proclamation *Celebrating the 20th Anniversary of Reading Together*. Ryan Wieber, Director of the Kalamazoo Public Library, Karen Trout, Community Engagement Librarian, and Kevin King, Head of Community Engagement, received the proclamation.

Adoption of the Agenda

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

Mayor Anderson noted staff had requested the addition of two items: a cost share agreement with the City of Portage for water main replacement on Lover's Lane; and approval of the Mayor's appointments and reappointments to boards and commissions.

Commissioner Praedel requested that item G-4, first reading of an ordinance amending Chapter 30 of the Kalamazoo City Code, *Soil Erosion and Sediment Control*, be moved to the Regular Agenda.

2022-00
Discover Kalamazoo
Presentation

Jane Ghosh, Executive Director of Discover Kalamazoo, delivered a presentation entitled *Discover! Kalamazoo*. A copy of the slides from this presentation were filed with the papers for this meeting.

Public Comments

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

In Person Comments

Steve Glista, City resident, spoke about the Inkster Street bridge and stated the plans for replacing the bridge were out of step with the Imaging Kalamazoo 2025 (IK 2025) Master Plan, as they did not promote traffic calming or non-motorized modes of transportation.

An anonymous speaker indicated he was on the Parks and Recreation Advisory Board (PRAB) and stated a survey had indicated there was great interest in community gardens. The speaker stated he did not receive a response when he

inquired with the City about community gardens, and he asked how the City and residents could improve communications with each other.

Megan, representing Bell's Brewery, expressed support for the proposed changes to the water and wastewater rate ordinances.

An anonymous speaker offered comments on the new addition at Kalamazoo Gospel Ministries and the need to have enough beds to accommodate all the homeless people in the City.

Bill Reeves, City resident, stated he continued to have difficulty hearing the audio in the City Commission Chambers. Mr. Reeves stated the community would not trust the results of a traffic stop data study if they were not involved in the process to select the consultant to do the study.

Jeff Messer, City resident, thanked the City for including last-minute requests for additions to the agenda on the agenda itself. Mr. Messer requested that the City reinstate the practice of publishing a draft version of the agenda on the Wednesdays prior to Commission meetings. Mr. Messer pointed out mistakes in recent agenda packets.

Call-In Comments

Carrie Yunker, Executive Vice President Director for Bell's Brewery, thanked the City for listening to the concerns of businesses regarding proposed changes to utility rates and coming up with pragmatic solutions.

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 with Kendall Electric Incorporated for inventory and non-inventory electrical supplies in the amount of \$112,094.47.
- approval of a professional service agreement with the Peerless-Midwest Company to perform well rehabilitation and associated maintenance in 2022 in the amount of \$163,100.
- approval of a sole source purchase with Ferguson Water Works to provide Neptune Water Meters in the amount of \$700,000.
- approval of the use of \$10,000 from the City Commission Initiatives budget to expand the annual "Shop with a Senior" program within the Kalamazoo Department of Public Safety.
- approval and acceptance of easement agreements with Humphrey Products and Kendall Electric for water main being installed as part of the Abbey Farms Development Project.
- approval and acceptance of easement agreements with Mystic Trails, LLC and Jensco Properties, LLC for water main installed as part of the Mystic Pines II Development in Texas Township.

Public Comments
(cont'd)

Consent Agenda

2022-00

2022-00

2022-00

2022-00

2022-00

2022-00

2022-00

- approval of the following reappointments to the Board of Review for Assessments; and approval of a waiver of City Commission Rule 12e regarding term limits:
 - the reappointment of Michael Anderson for a term expiring on January 31, 2025.
 - the reappointment of Glenda Campbell for a term expiring on January 31, 2025.
 - the reappointment of William Gladstone III for a term expiring on January 31, 2025.
 - the reappointment of H. Charles Kiplinger for a term expiring on January 31, 2025
 - the reappointment of Linda Servis for a term expiring on January 31, 2025.

2022-00

- approval of a cost share agreement with the City of Portage in the amount of \$190,915.12 for water main replacement on Lovers Lane from Kilgore Road to I-94.

2022-00

- approval of the Mayor's appointments and reappointments to boards and commissions:
 - the reappointment of Jacob Beach to the Civil Rights Board for a term expiring on March 31, 2025.
 - the reappointment of Janeen Brown to the Civil Rights Board for a term expiring on March 31, 2025.
 - the appointment of Madison Lukeman to the Civil Rights Board for a term expiring on March 31, 2023
 - the appointment of Dustin Corwin to the Civil Rights Board for a term expiring on March 31, 2024
 - the appointment of Sandra Calderon to the Civil Rights Board for a term expiring on March 31, 2024.
 - the reappointment of Joshua Sledge to the Retirement System Investment Committee and Perpetual Care Investment Committee for a term expiring on March 31, 2025.
 - the reappointment of Nick Griffith to the Retirement System Investment Committee and Perpetual Care Investment Committee for a term expiring on March 31, 2025.
 - the reappointment of Dean Bergy Retirement System Investment Committee and Perpetual Care Investment Committee for a term expiring on March 31, 2025. This recommendation includes a request to waive City Commission Rule 12e regarding term limits.

- the reappointment of Sandy Doctor to the Retirement System Investment Committee and Perpetual Care Investment Committee for a term expiring on March 31, 2025. This recommendation includes a request to waive City Commission Rule 12e regarding term limits.

Consent Agenda
(cont'd)

Vice Mayor Cooney, seconded by Commissioner Hess, moved to approve the consent agenda requests and authorize the City Manager to sign all related 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 items were considered next.

Regular Agenda

Public Services Director James Baker delivered a presentation entitled *2022 Proposed Utility Rates: Monday, February 21, 2022*. A copy of the slides from this presentation was filed with the papers for this meeting.

2022-00
Ordinance 2043 re:
Water Rates

Peter Haefner, a township member of the Utility Policy Committee (UPC), reported the UPC was recommending approval of the proposed water rate increases.

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

- The Water Capital Improvement Plan was a robust plan. The City aggressively pursued stated and federal grants, but these grants might cover only \$5 - \$10 million out of a total need of \$40 million.
- 2022 was the last year for different City/non-City utility rates; the Committee of the Whole presentation on January 18th explained this change in more depth.
- in the February 18th Informational Email to Commissioners there was a link to the presentation City staff made to industrial customers explaining the proposed change from using the BOD (Biochemical Oxygen Demand) strength calculation to the COD (Chemical Oxygen Demand) strength calculation.
- rate increases were needed due to significant increases in service level demands, including: aggressive lead service line replacements; an asset management approach to street projects that replaced all infrastructure in the right of way at one time; and system reliability issues illustrated by the occurrence of at least one catastrophic water main break per year.

Commissioner Praedel questioned what the City could do to help people with utility bills before their bills were in arrears, which is what most utility assistance programs required. Commissioner Praedel noted there was not much time between when City issued utility bills their due dates, and he asked if this could be remedied. Commissioner Praedel stated he was glad the City was responsive to the concerns of industrial users about the proposed SHARES program.

2022-00

Ordinance 2043 re:
Water Rates (cont'd)

Commissioner Hess noted people who needed utility assistance could call 211, and she remarked that residents should never take the water system for granted.

Commissioner Juarez expressed appreciation for the work being done in the City's core neighborhoods and thanked staff for thinking of these areas.

When an opportunity was given for public comments on an ordinance to amend certain sections of Chapter 38 of the Kalamazoo Code to change the rates charged for drinking water, the following people addressed the City Commission:

An anonymous speakers suggested the water system be nationalized.

Commissioner Juarez, seconded by Commissioner Decker, moved to adopt an **ORDINANCE** to amend certain sections of Chapter 38 of the Kalamazoo Code to change the rates charged for drinking water.

Prior to a vote on the motion, City Attorney Robinson highlighted proposed changes to wastewater rate ordinance that would allow industrial users to opt-out of the SHARES Plan.

Commissioner Praedel thanked Director Baker for his presentation. Commissioner Praedel stated his foremost concern was the health and safety of City residents. Commissioner Praedel indicated there had been under-investment in the utilities for years, and now was the time to "put our foot on the gas."

Mayor Anderson noted the water system was a public utility, not a private utility looking to make profits. Mayor Anderson stated clean drinking water was one of the foundational services the City provided.

With a roll call vote this motion passed unanimously.

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

NAYS: None

2022-00

Ordinance 2044 re:
Wastewater Rates

When an opportunity was given for public comments on an ordinance to amend certain sections of Chapter 28 of the Kalamazoo Code to change the rates charged for wastewater, the following people addressed the City Commission:

An anonymous speaker questioned the rules for call-in comments on agenda items, and specifically asked about people who had disabilities.

Bill Reeves remarked that it was not fair that only people who were physically present could comment on agenda items.

Jeff Messer, City resident, noted there was a presentation on the proposed utility rates at the January 18th Committee of the Whole meeting, and there was a first reading of the ordinance two weeks ago. Mr. Messer stated the public had been given ample opportunity to read the ordinances and offer comments.

In response to a question from Mayor Anderson, City Attorney Robinson explained the City Commission could either make a motion to adopt the ordinance as offered for first reading, and then vote to amend that ordinance to include the

opt-out language for the SHARE program; or the City Commission could move to adopt the ordinance as presented tonight, noting the ordinance contained the opt-out language.

Vice Mayor Cooney, seconded by Commissioner Hoffman, moved to adopt an **ORDINANCE** to amend certain sections of Chapter 28 of the Kalamazoo Code to change the rates charged for wastewater, as amended to permit the opt-out language for industrial users.

With a roll call vote this motion passed unanimously.

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

NAYS: None

When an opportunity was given for public comments on an ordinance approving the issuance and sale of Water Supply System Revenue Bonds, Series 2022 for an amount not to exceed \$34,000,000; and adoption of a Notice of Sale resolution, the following people addressed the City Commission:

Nehemiah Scudder asked whether private citizens would be buying the bonds.

An anonymous speaker asked if he would need to file a Freedom of Information Act (FOIA) request to get answers to his questions. The speaker remarked that it seemed like the City was making back room deals and catering to rich industrial users.

City Attorney Robinson clarified that industrial users paid for wastewater service; the change to the rate ordinance would give them options regarding how they paid for that service.

Commissioner Decker, seconded by Commissioner Hess, moved to adopt an **ORDINANCE** approving the issuance and sale of Water Supply System Revenue Bonds, Series 2022 for an amount not to exceed \$34,000,000; and adopt a Notice of Sale **RESOLUTION**.

With a roll call vote this motion passed unanimously.

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

NAYS: None

An opportunity was given for public comments on an ordinance authorizing the issuance of Wastewater Supply System Revenue Bonds, Series 2022 for an amount not to exceed \$28,000,000, but no comments were offered.

Mayor Anderson noted the City always sought competitive bond rates.

Vice Mayor Cooney, seconded by Commissioner Juarez, moved to adopt an **ORDINANCE** authorizing the issuance of Wastewater Supply System Revenue Bonds, Series 2022 for an amount not to exceed \$28,000,000.

2022-00

Ordinance 2044 re:
Wastewater Rates

2022-00

Ordinance 2045 and
Resolution 22-09 re:
Water Revenue Bonds

2022-00

Ordinance 2046 re:
Wastewater Revenue
Bonds

2022-00

Ordinance 2046 re:
Wastewater Revenue
Bonds (cont'd)

With a roll call vote this motion passed unanimously.

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

NAYS: None

2022-00

Resolution 22-10 re:
2022 OPEB Refunding
Bonds

City Manager Ritsema reported the City would save approximately \$6.5 million in interest by issuing OPEB (Other Post-Employment Benefits) refunding bonds.

An opportunity was given for public comments on a resolution authorizing the issuance of 2022 Refunding Bonds (Limited Tax General Obligation) in the amount of \$79,600,000, but no comments were offered.

Commissioner Praedel commented on the incredible savings and the good benefits of this action for taxpayers.

Commissioner Juarez commented that the community did not always understand proposed ordinances and resolutions, and Commissioners needed to close the trust gap with City leadership.

Commissioner Praedel, seconded by Commissioner Hoffman, moved to adopt a **RESOLUTION** authorizing the issuance of 2022 Refunding Bonds (Limited Tax General Obligation) in the amount of \$79,600,000.

With a roll call vote this motion passed unanimously.

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

NAYS: None

2022-00

First Reading of an
Ordinance to Amend
Chapter 30, Soil
Erosion and Sediment
Control

In response to a question from Commissioner Praedel, Community Planning and Economic Development (CPED) Director Rebekah Kik explained CPED had been audited by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), and she stated one of the audit recommendations was for the City to update its soil erosion ordinance with the correct agency name (EGLE, instead of the Michigan Department of Environmental Quality).

When an opportunity was given for public comments on an ordinance amending Chapter 30 of the Kalamazoo City Code, *Soil Erosion and Sediment Control*, the following people addressed the City Commission:

An anonymous speaker stated he had been trying to get the City to review and update its dog ordinance for the past two or three years, as it had not been updated since 1997.

Jeff Messer, City resident, stated some items should always be on the Regular Agenda, including the first readings of ordinances.

Commissioner Hess, seconded by Commissioner Praedel, move to offer for first reading an ordinance amending Chapter 30 of the Kalamazoo City Code, *Soil Erosion and Sediment Control*, to comply with state law.

With a roll call vote this motion passed unanimously.

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

NAYS: None

City Manager Ritsema provided the following reports and updates:

- CFO Steve Vicenzi had worked hard with the City's bond attorneys and financial advisors to find opportunities for cost savings with regard to bonds.
- the *Odor Task Force Quarterly Report – 2021-Q4, February 2022* was in the agenda packet and on the City's website.
- the City Manager's Office and City Attorney were reviewing new guidance that had come out regarding face masks. A recommendation would be brought to the City Commission on March 7th.

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

Commissioner Decker thanked the public who commented and staff who presented. Commissioner Decker noted transparency and communication were recurring topics of conversation.

Commissioner Hoffman announced there would be a listening session with Commissioners at the Northside Association for Community Development on March 18th at 6:00 p.m. Commissioner Hoffman stated the City Commission wanted to lead in the community, not from the dais.

Vice Mayor Cooney noted February was Black History Month, and it was the 57th anniversary of the assassination of Malcolm X. Vice Mayor Cooney offered remarks about the life of Malcolm X.

Commissioner Hess thanked Commissioners for approving funds for the expansion of the Shop with a Senior program. Commissioner Hess offered remarks about Jane Ghosh and the many positive things happening in the community.

Commissioner Praedel provided a recap of the City Commission retreat on Saturday. Commissioner Praedel urged the media to write about Senate Bill 813 (SB 813) and House Bill 5661 (HB 5661), which would hold companies accountable for damage done to inland waterways. Commissioner Praedel announced he and Commissioner Hess would draft letters of support to the legislative committees for these bills and ask that the City Commission approve them on March 7th.

Commissioner Juarez reported work was being done behind the scenes on the issues of gun violence and youth development. Commissioner Juarez observed that the various sectors of the City were not unified – government, businesses, churches, and non-profit organizations. Commissioner Juarez stated the only way for the City to heal was for people to come together and build relationships.

Mayor Anderson expressed gratitude for the City team.

2022-00

First Reading of an Ordinance to Amend Chapter 30, Soil Erosion and Sediment Control (cont'd)

City Manager's Report

Commissioner Comments

Adjournment

The meeting adjourned at 9:32 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: _____

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