

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, October 16, 2017 at 7:00 p.m. in the Board Room at the Kalamazoo County Administration Building, 201 West Kalamazoo Avenue.

COMMISSIONERS PRESENT: Mayor Bobby J. Hopewell
Vice Mayor Don Cooney
David Anderson
Erin Knott
Matt Milcarek
Shannon Sykes
Jack Urban

COMMISSIONERS ABSENT: None

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

Invocation

The invocation, given by Pastor Jimmy McKee, New Day Community Church, was followed by the Pledge of Allegiance.

Mayor Hopewell announced the meeting had been moved to the County Administration Building due to mechanical issues that arose during repair work to the roof of City Hall.

Adoption of the Agenda

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

Communications

Deputy City Manager Chamberlain announced the next City Commission meetings would take place on November 13th and November 20th.

Consent Agenda

Consent Agenda items were presented as follows with a recommendation to approve the items with authorization for the City Manager to sign on behalf of the city:

- approval of a contract CT Electrical Services for the replacement and upgrades to Load Center 5 & 5A at the Wastewater Treatment Plant in the amount of \$121,900.
- approval of a contract with Maxwell and Associates for the construction of Water Booster Station 40 in the amount of \$776,100.
- approval of a contract for the construction of a wastewater vehicle storage building to Owen-Ames-Kimball Co. in the amount of \$1,651,600.
- approval of a change order for the 2017 Traffic Signal Maintenance Parts purchase order with Carrier & Gable in the amount of \$50,000.
- authorization for the City Manager to execute a Unilateral Permit for Everstream GLC Holding Company, L.L.C. pursuant to the

Metropolitan Extension Telecommunications Right of Way Oversight (METRO) Act.

- approval of a cost sharing agreement with the Road Commission of Kalamazoo County for traffic signal reconstruction at KL Avenue and Drake Road.
- approval of the minutes from the City Commission meeting on October 2, 2017.

Commissioner Knott, seconded by Commissioner Milcarek, 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 Anderson, Knott, Milcarek, Sykes, Urban, Vice Mayor Cooney, Mayor Hopewell

NAYS: None

Regular Agenda items were considered next.

Community Planning and Development Director Rebekah Kik, City Planner Christina Anderson, and Vice Chair of the Planning Commission Charles Coss delivered a PowerPoint presentation entitled *Master Plan 2025: City Commission, October 16, 2017*. Copies of the slides from the presentation and Mr. Coss's written remarks were filed with the papers for this meeting.

Following the presentation, Commissioners were given a chance to ask questions of the presenters.

In response to a question from Commission Knott, City Planner Anderson acknowledged that staff to work on neighborhood plans was limited, but she reported a Neighborhood Activator had been hired and would start work on November 6th. City Planner Anderson indicated work on the neighborhood plans would begin as soon as the City Commission approved the Master Plan. City Planner Anderson explained that some neighborhoods were further along than others in being organized to embark on the planning process, and she pointed out that some neighborhoods had old plans that would be used as a starting point.

Director Kik noted there were different ways to do planning, and the plans would not necessarily cover every square foot of a neighborhood.

In response to a question from Vice Mayor Cooney, Director Kik pointed out the introduction to the "Great Neighborhoods" section called for a balance between development with gentrification, and affordable housing was a way to achieve mixed income neighborhoods. Director Kik stated the Master Plan recommended the City promote quality, affordable, and sustainable in-fill housing in City neighborhoods. Director Kik noted "affordable housing" under the Master Plan would be diverse and would not necessarily look like traditional affordable housing.

Consent Agenda
(cont'd)

Regular Agenda

Approval of the 2025
Master Plan

Approval of the 2025
Master Plan (cont'd)

City Planner Anderson added the City would be updating the Consolidated Plan and would be creating Affordable Housing and Shared Prosperity Kalamazoo Plans, all of which would be supported by the Master Plan.

In response to questions from Commissioner Anderson, City Planner Anderson indicated state law required local jurisdictions to have master plans if they had zoning ordinances. City Planner Anderson explained the master plan/future land use plan was the through process behind the zoning code, and the zoning code was the tool to implement the future land use plan.

In response to a question from Commissioner Anderson, City Planner Anderson described the importance of balancing staff expertise with the needs of the community in a ongoing process that hopefully moved towards improvement. City Planner Anderson stated the goal of the master planning process was to give all community stakeholders the best opportunity for success.

Director Kik added the City was trying to implement the best practice of simplification – using language that people understood – to increase comprehension, participation, and engagement.

In response to a question from Commissioner Sykes, City Planner Anderson stated the level of “neighborhood need” would be measured through an evaluation of neighborhoods against the seven Great Neighborhood criteria, and this measurement would be considered when prioritizing neighborhood plans. City Planner Anderson noted the level of organization in a neighborhood would also play a big role in the prioritization of planning processes.

In response to a question from Mayor Hopewell, City Planner Anderson confirmed the current zoning of proposed Neighborhood Edge areas allowed for high impact uses, and the purpose of the Neighborhood Edge designation was to balance residential uses on one side and busy streets on another. City Planner Anderson indicated scale and context were important considerations in these areas.

In response to questions from Mayor Hopewell, Director Kik stated one goal of the Master Plan was to avoid concentrations of affordable housing. Director Kik indicated one near-term activity to accomplish this was a reconsideration of lot size restrictions to allow for more in-fill housing. Director Kik explained the 2018 Consolidated Plan update would provide an opportunity to reconsider the needs of the community and be more aggressive with affordable housing.

In response to a question from Vice Mayor Cooney, Director Kik explained Neighborhood Edge areas could be tailored to the current character of these areas and to what the neighborhoods wanted through individual neighborhood plans and changes to the zoning code.

In response to questions from Mayor Hopewell, Director Kik stated the Master Plan was not the place for details because it would push detailed requirements across the City in a way that would result in unwanted or

unintended consequences. City Planner Anderson stated she and Director Kik created the name "Neighborhood Edge" as it seemed to be an appropriate description. Director Kik stated the "Neighborhood Edge" designation was not similar to the Rivers Edge designation in the Zoning Code.

Approval of the 2025 Master Plan (cont'd)

When an opportunity was given for citizens to comment on the 2025 Master Plan, the following people addressed the City Commission:

Richard Stewart, City resident, spoke about flooding in the Southtown area and expressed concern that the Master Plan did not address existing problems like areas prone to flooding. Mr. Stewart suggested in-fill development like the construction of the new Kalamazoo Valley Community College (KVCC) facility had made the flooding worse.

Zachary Lassiter, City resident, stated he was thankful the Master Plan addressed affordable housing, but he expressed concern that neighborhoods would be allowed to create their own plans, which might lead to fair housing issues. Mr. Lassiter suggested the City consider how to address areas prone to flooding.

Richard Wheeler, City resident, asked the Commission to delay voting on Master Plan and stated the City did not need more commercial properties between Rambling Road and Howard Street. Mr. Wheeler suggested the City address the condition of existing buildings before planning for new development.

Mark Hoffman, City resident, stated neighborhoods had not been able to see the Future Development Map until the Draft Master Plan was released in late July. Mr. Hoffman indicated there were three pressing issues with the proposed Neighborhood Edge land use designation: the small buffer zone behind Second Reformed Church; the need for a large buffer needed behind the Congregation of Moses; and the creation of a new land use designation that would allow residential and office uses, but not commercial.

Diana Morton-Thompson, City resident, indicated she was an Imagine Kalamazoo volunteer and described how she saw hope grow through the IK2025 process. Ms. Morton-Thompson expressed disappointment that the Master Plan was now the center of contention relative to the Neighborhood Edge designation. Ms. Morton-Thompson remarked the designation had changed three times in last 35 days.

Commissioner Urban, seconded by Commissioner Sykes, moved to approve the 2025 Master Plan as adopted by the Planning Commission.

Prior to a vote on the motion, Commissioner Anderson stated it was not appropriate to connect the issue of flooding to the Master Plan, and he described steps taken minimize the impact of the new KVCC campus on the groundwater cycle. Commissioner Anderson noted there were no places to move water in certain parts of the City during heavy rain events,

Approval of the 2025
Master Plan (cont'd)

and the solutions to address this problem were very expensive. Commissioner Anderson commended the proposed Master Plan for being a reasonably good plan that was flexible and that would set the stage for very specific neighborhood actions in the future.

Vice Mayor Cooney stated the proposed Master Plan was good, but there needed to be more dialogue with a significant number of people in community whose concerns had not been addressed. Vice Mayor Cooney stated current residential areas needed to be protected in the Master Plan.

In response to a question from Commissioner Sykes, City Planner Anderson explained the Stadium/Howard intersection had the Neighborhood Edge designation in the original draft Master Plan, but after receiving mixed feedback about commercial and office uses in the area staff removed the designation for the sake of discussion at public input meetings. City Planner Anderson stated the Neighborhood Edge designation was reinstated after the input meetings.

Commissioner Urban indicated the buffer zone overlay and the reduction in total allowed commercial area were keys to addressing concerns about the Neighborhood Edge designation. Commissioner Urban expressed support for the proposed Master Plan and stated concerns about specific areas would be addressed in the neighborhood plans.

Commissioner Milcarek stated the main question for Commissioners was whether they supported a Master Plan that relied on the development of neighborhood plans. Commissioner Milcarek stated the Commission needed to be equitable with all neighborhoods and not change Master Plan for one neighborhood. Commissioner Milcarek indicated he was comfortable voting "yes."

In response to a question from Commissioner Knott, City Planner Anderson stated the proposed Neighborhood Edge area was zoned single- and multi-family residential, with the far west parcel zoned commercial. City Planner Anderson explained development projects that did not meeting the current zoning requirements would need to go through the rezoning process, and she described the rezoning and site plan review processes.

In response to questions from Mayor Hopewell, City Planner Anderson explained the Natural Features Buffer was created based on aerial photos, but the exact boundaries would need to be determined with surveys on a parcel by parcel basis. City Planner Anderson indicated all the concerns raised by citizens earlier in the meeting could be addressed through neighborhood plans, and she noted the Neighborhood Edge designation was very flexible. City Planner Anderson noted this designation was used in other neighborhoods, and those neighborhoods did not share the same concerns as the neighborhoods represented during citizen comments.

Mayor Hopewell commented on the IK2025 process and expressed support for the proposed Master Plan. Mayor Hopewell expressed faith in the Planning staff, urged them to expedite the Oakland/Winchell

Neighborhood Plan, and asked them to stay engaged with the City Commission.

Approval of the 2025 Master Plan (cont'd)

With a roll call vote this motion passed unanimously.

AYES: Commissioners Anderson, Knott, Milcarek, Sykes, Urban, Vice Mayor Cooney, Mayor Hopewell

NAYS: None

An opportunity was given for citizens to comment on a resolution recognizing Indigenous Peoples Day in lieu of Columbus Day, but no comments were offered.

Resolution 17-59
Recognizing
Indigenous
Peoples Day

Commissioner Sykes, seconded by Commissioner Knott moved to adopt a **RESOLUTION** recognizing Indigenous Peoples Day in lieu of Columbus Day.

Prior to a vote on the motion, Commissioner Urban expressed support for changing the Columbus Day designation but expressed concern that the word "indigenous" sounded like "indigent." Commissioner Urban questioned whether the City had reached out to indigenous people for their input. Commissioner Urban suggested the name "Native American Day" as an alternative to "Indigenous Peoples Day."

Vice Mayor Cooney expressed support for name "Indigenous Peoples Day" because it had international connotations.

Commissioner Sykes noted the City Commission had been asked to rename Columbus Day "Indigenous Peoples' Day" for the past two years. Commissioner Sykes expressed support for the resolution and appreciation to staff for getting on the Commission's agenda so quickly.

Mayor Hopewell stated he did not expect to see this resolution so quickly. Mayor Hopewell indicated there was still much to be done on this issue, including the development of a plan for how to celebrate the day.

Commissioner Urban commended the City Attorney for acting so quickly, and he suggested the City solicit input from indigenous people on ways to celebrate the new holiday.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Anderson, Knott, Milcarek, Sykes, Urban, Vice Mayor Cooney, Mayor Hopewell

NAYS: None

Deputy City Manager Chamberlain provided the following reports and updates:

City Manager's Report

- Departmental Reports and Project Updates
- *Inside the City* newsletter, October 2017 Edition
- September 2017 Purchases

City Manager's Report
(cont'd)

Mayor Hopewell asked Public Services Director James Baker to address the extensive flooding Kalamazoo had experienced recently.

Director Baker explained how rivers and creeks reached flood stage and reported area creeks had not received backwater flooding from the Kalamazoo River due to where the rain fell. Director Baker stated Portage Creek was going down quickly, and the flooding would be abated by 7:00 p.m. on October 17th. Director Baker indicated there were funds in the Public Services 2018 budget for staff to look for grants that would help people in flood areas. Director Baker stated he wanted to develop 10 alternatives for a final solution to the City's flooding problems. Director Baker stated the solution that would really address flooding in the Kalamazoo area involved lowering the level of the Kalamazoo River and regrading all of the creeks. Director Baker stated this solution would cost around \$100 million.

Mayor Hopewell suggested staff discuss the possibility of having extra bulk trash pick-ups.

In response to a question from Commissioner Urban, Director Baker indicated the drainage pipes going from Crosstown Ponds needed to be cleaned, but the cost would be \$850,000. Director Baker explained that cleaning the pipes would not improve the situation when rainfall amounts caused the creek to flood because the channel between the ponds and the creek was flat.

In response to a question from Mayor Hopewell, Director Baker reported he was not aware of any Sanitary Sewer Overflows (SSO's) during the storms and flooding, and he explained the difference between SSO's and sewer backups. Director Baker indicated the Kalamazoo Wastewater Treatment Plant processed 70 million gallons per day during the storm.

Deputy City Manager Chamberlain thanked all City staff for their hard work during the recent storms and he noted that staff had been in frequent communication with Bronson Hospital during the flood event.

City Attorney's Report

City Attorney Robinson explained the limits of the City's liability for sewer backups. City Attorney Robinson indicated his goal in getting the Indigenous Peoples Day resolution on the October 16th agenda was to be responsive to the City Commission's request.

Citizen Comments

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

Richard Stewart, City resident, stated Public Services staff had done an excellent job in the aftermath of the storm. Mr. Stewart spoke about affordable housing and urged the City to stop tearing down houses, as rehabilitated houses were more affordable than newly constructed homes. Mr. Stewart spoke about the new KVCC campus and the effect of in-fill development on his neighborhood.

Citizen Comments
(cont'd)

Pat Lynn, non-resident, expressed support for Gun Lake Tribe but stated the cultural landscape had changed within the past year. Ms. Lynn asked the City to remove the Iannelli Fountain from Bronson Park and place it in a museum.

Andrew Argo, City resident, thanked the City for replacing Columbus Day with Indigenous Peoples Day but stated the Iannelli Fountain reminded him every day about an incident where he witnessed police beating Native Americans.

Norah Getz, City resident, asked that the Iannelli Fountain be removed to a museum, expressed appreciation for the new sidewalks at West Main and Douglas, suggested the City improve its drainage systems, and asked that the City extend the deadline for applying to the Foundation for Excellence (FFE) Board.

Abigail McLain, non-resident, asked the City to remove the Iannelli Fountain to a museum.

Julie Dye, non-resident, expressed opposition to the Iannelli Fountain and requested that the fountain be removed from Bronson Park.

Tommy Tackett, non-resident, spoke about the Iannelli Fountain and the genocide of Native Americans.

Chris Wahmhoff, City resident, expressed support for replacing Columbus Day with Indigenous Peoples Day and asked that the Iannelli Fountain be removed from Bronson Park.

Nelly Fuentes, non-resident, asked that the Iannelli Fountain be removed from Bronson Park.

David Brose, City resident and a member of the Historic Preservation Commission, explained that Alfonso Iannelli's depiction of the absorption of Native Americans into western culture was how all 20th century Americans thought of them. Mr. Brose stated Mr. Iannelli was wrong, but the Fountain told a story that needed to be told.

Pam O'Connor, City resident, talked about the important role of Bronson Park and the importance of providing interpretive tools for the Iannelli Fountain. Ms. O'Connor suggested the fountain be considered a "site of conscience."

Linda Kilbourne, non-resident, expressed support for removing the Fountain of the Pioneers from Bronson Park. Ms. Kilbourne questioned why Native Americans needed to experience pain so that others could learn.

Jeff Brazda, non-resident, spoke about Bronson Park and expressed support for removing the Iannelli Fountain.

Citizen Comments
(cont'd)

Kirk Mills, non-resident, expressed support for removing the Iannelli Fountain from Bronson Park.

Zachary Lassiter, City resident, suggested the Iannelli Fountain be moved to a different location.

Larry, a non-resident, stated the Fountain of the Pioneers commemorated the natives being removed at gun point.

Matt Clydesdale, non-resident, stated the Iannelli Fountain was wrong, it failed as a piece of art, and it needed to be removed.

Chris Kindy, City resident, stated Lee Sprague, a member of the Gun Lake Tribe, was willing to donate his time and talent to create something artistic to replace the fountain.

City Commissioner
Comments

Finally, an opportunity was given for miscellaneous comments and concerns of City Commissioners.

Commissioner Milcarek remarked on how American society had changed over the past two years, and he apologized for voting in favor of the Fountain of the Pioneers in the past. Commissioner Milcarek stated it was not fair to cause pain for native peoples in order for white people to have a conversation piece. Commissioner Milcarek expressed concern that the City was claiming a piece of native culture for its own. Commissioner Milcarek stated the fountain would be removed some day, and the longer the City waited to do it, the more shameful it would be.

Commissioner Urban indicated he was relieved the Commission approved the Master Plan, with the understanding that the City would continue its strong engagement process in the development of neighborhood plans. Commissioner Urban stated public art was ignored if it was not controversial, and many people had ignored the Fountain of the Pioneers. Commissioner Urban indicated he was starting to rethink his position on fountain, but he was not making a definite commitment and did not want the fountain removed from the context of Bronson Park. Commissioner Urban suggested the City place an opaque box around the vertical element of the pioneer and native to hide the most offensive element, both literally and symbolically.

Commissioner Knott stated she needed help reconciling the perspective of the natives who were expressing opposition to the fountain and the Gun Lake Tribe that was supporting the City's plan for the fountain.

Commissioner Sykes commented on the impact of white supremacy, and related how difficult it was to go to museums depicting black slavery with her children. Commissioner Sykes expressed opposition to keeping a painful statue in Bronson Park so that white people were able to remember an episode in history. Commissioner Sykes stated it was the responsibility of the oppressor to remember those events, as the oppressed people did not need a reminder. Commissioner Sykes reported she had talked with Phyllis Davis from the Gun Lake Tribal Council, and she learned that the Council had not taken a position on the fountain. Commissioner Sykes stated Ms. Davis was very concerned about the health and wellbeing of

City Commissioner
Comments (cont'd)

the community, and she expressed appreciation for the partnership with the City. Commissioner Sykes stated there must be healing, but healing would not happen when people felt pain every time they came to the center of Kalamazoo. Commissioner Sykes suggested a way to move forward collectively: remove the Fountain of the Pioneers; replace it with piece of artwork commissioned from an indigenous person, and unveil the new piece of art on Indigenous Peoples Day.

Commissioner Anderson remarked on the application process for the Foundation for Excellence Board and noted the application deadline was November 1st.

Vice Mayor Cooney applauded the idea of having educational signs about Kalamazoo's indigenous people but stated it was time for the City to stand against white supremacy and remove the Fountain of the Pioneers. Vice Mayor Cooney expressed support for replacing the fountain with a piece of art that truly celebrated native culture.

Mayor Hopewell described a recent letter from the Match-E-B-Nash-E-Wish tribe, which asserted its status as a sovereign nation. Mayor Hopewell stated the community discussion about the Fountain of the Pioneers had been a process of bringing people together over the years. Mayor Hopewell stated it was a "new day" and asked Commissioners what they wanted to do. Mayor Hopewell reminded Commissioners that Bronson Park was owned by Kalamazoo County.

Vice Mayor Cooney suggested reconvening the group of stakeholders that had met over the years, as there were new voices that had not been heard.

Commissioner Sykes indicated it was her understanding from Ms. Davis that the Gun Lake Tribe wanted the educational markers in the park, but they were leaving the decision about the fountain itself to the City. Commissioner Sykes urged the City to confirm this information and, if it was true, get rid of the fountain.

Commissioner Milcarek noted the fountain, and the decision to keep or remove it, belonged to the City. If the Commission wanted to remove the fountain he recommended that staff be asked to explore options.

Mayor Hopewell reminded Commissioners the City did not own Bronson Park, and there was a question of whether the City owned the fountain.

City Attorney Robinson explained that as a sovereign nation only the elected leaders of the Gun Lake Tribe were able to speak for the Tribe. City Attorney Robinson stated the City had never owned Bronson Park but had controlled the park since the 19th century through a series of long-term leases with Kalamazoo County. City Attorney Robinson indicated the fountain, as a fixture in the park, probably belonged to the County.

Commissioner Urban expressed support for reopen the conversation on the fountain. Commissioner Urban stated he was very reluctant to do anything permanent without a thorough conversation with stakeholders over time.

City Commissioner
Comments (cont'd)

Commissioner Sykes noted there were many indigenous people who did not have representation through tribal councils, and she questioned how the process would work. Commissioner Sykes asked for a vote to start that conversation.

Commissioner Anderson suggested that a small group of Commissioners be tasked with researching the City's current position with the fountain, to include such issues as the Bronson Park fundraising campaign and the County's involvement with the park and the fountain.

By consensus the City Commission agreed to have staff gather information about the current status of the Fountain of the Pioneers and issues that would be involved with its removal from Bronson Park.

Mayor Hopewell asked Commissioners to submit their specific requests for information to the City Manager to make sure everyone's information needs were met.

Commissioner Sykes requested that this information be available at the next City Commission meeting, and she asked that non-staff people be asked to help City staff collect this information.

Commissioner Urban indicated City staff should not be driving the process, and he suggested the County Public Art Commission be involved.

Mayor Hopewell urged the Commission to start with defining what information was needed and having staff gather that information, and he clarified that the next business meeting would be on November 20th, so that is the meeting where the requested information would be presented.

Vice Mayor Cooney stated he would like to hear from the Gun Lake Tribe.

Mayor Hopewell asked Commissioners to send their comments, suggestions, and requests for specific information to City Manager Ritsema, Deputy City Manager Chamberlain, and City Attorney Robinson.

Adjournment

The meeting adjourned at 11:34 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 13, 2017

Approved by: _____

Bobby J. Hopewell, Mayor
Dated: November 13, 2017

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