

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, September 19, 2022 at 7:00 p.m. in the City Commission Chambers at City Hall.

COMMISSIONERS PRESENT:

Mayor David Anderson
Vice Mayor Don Cooney
Jeanne Hess
Stephanie Hoffman
Chris Praedel

COMMISSIONERS ABSENT:

Qianna Decker
Esteven Juarez*

Also present were Chief Operating Officer Laura Lam, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Commissioners Excused

Commissioner Hoffman, seconded by Vice Mayor Cooney, moved to excuse the absences of Commissioners Decker and Juarez. With a voice vote the motion passed.

Invocation

The invocation, given by Reverend Dr. David Zomer from Bethany Reformed Church, was followed by the Pledge of Allegiance.

Adoption of the Agenda

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

Chief Operating Officer (COO) Lam noted the agenda packet as initially published included the wrong resolution for Item G-9, the scheduling of a public hearing for a PA 198 Tax Exemption Certificate for Zoetis. COO Lam indicated the packet on the City's website had been updated with the correct resolution, and hard copies of the correct resolution were placed at Commissioners seats at the dais prior to the meeting.

*Commissioner Juarez arrived at 7:04 p.m.

Public Comments

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

In-Person Comments

Nehemiah Scudder, City resident, requested that the opportunity for public comments be moved to the end of the meeting.

Bill Reed, City resident, asked the City to restore on-street parking on Winchell Avenue near the entrance to the Asylum Lake Preserve.

John Kreuzer, City resident, expressed support for the restoration of on-street parking on Winchell Avenue near the entrance to the Asylum Lake Preserve.

2022-38-01

Jennifer Hudson-Prenkert, City resident, distributed information about a new music festival she was organizing called "Sounds of the Zoo." A copy of the information was filed with the papers for this meeting.

William Kooistra, City resident, offered remarks on corruption at the Kalamazoo Department of Public Safety (KDPS). A copy of Mr. Kooistra's written remarks and attached documents was filed with the papers for this meeting.

Martin Klemm, City resident, expressed opposition to the proposed utility rate increases and suggested a lengthened timetable for the capital improvement projects to be funded by the increases, to spread the cost over time.

Christ Chadderdon, City resident, asked the City to restore on-street parking on Winchell Avenue near the entrance to the Asylum Lake Preserve.

Cathy Phason, non-resident and a representative of ISAAC, commented on how the City applied its policies inconsistently and in ways that harmed minorities.

Charlae Davis, City resident and Executive Director of ISAAC, offered remarks on Kalamazoo becoming an anti-racist city and spoke about the need for people to stay at the table, even though there would be conflict. Ms. Davis asked the following questions: How is the City Commission supporting the Diversity, Equity, and Inclusion (DEI) report? Is the current situation with Public Safety Chief Vernon Coakley being handled in a way that is consistent with similar situations in the past? Is the current investigation of the Chief being centered in anti-racism.

An anonymous speaker urged the City to address structural racism and suggested the Citizen Public Safety Review and Appeals Board (CPSRAB) and the Civil Rights Board (CRB) be made autonomous boards.

Ashante Collins, City resident and a representative of ISAAC, spoke about the City Commission's commitment to DEI and urged Commissioners to work with the community on DEI.

An anonymous speaker spoke about the failure of public schools and the need for educational choice.

Call-In Comments

Tina McClinton, City resident, asked the City to address flooding in the Southtown area and to recognize Southtown as a neighborhood. Ms. McClinton expressed opposition to the proposed utility rate increases.

Diane Winfield, City resident, asked what the City was going to do about the chemicals coming from the Graphic Packaging plant.

Brandi Crawford-Johnson, non-resident, stated toxic gasses were coming from the Graphic Packaging plant, and she stated the pollution needed to be cleaned up or area residents needed to be relocated.

An anonymous City resident stated that living across from the Graphic Packaging plant had made his asthma worse.

An anonymous City resident spoke about odors coming from the Graphic Packaging plant.

2022-38-03

Public Hearing re: an
Obsolete Property
Rehabilitation District
at 215 E. Michigan
Avenue

At 7:49 p.m. Mayor Anderson opened a public hearing to receive comments on a resolution to create an Obsolete Property Rehabilitation District at 215 E. Michigan Avenue for Treystar, on behalf of 215 EM Partners, LLC.

An opportunity was given for City Commissioners to ask questions about this item, but no questions were asked.

When an opportunity was given for public comments on this item the following people addressed the City Commission:

Fritz Brown, non-resident and a Partner with Treystar, described the proposed development project. Mr. Brown noted the building had been vacant since 2011, and he stated the current plan was for Treystar to move its offices to the second floor of the building.

Joe Agostinelli, non-resident and a consultant with Michigan Growth Advisors, thanked the City for its consideration of this request from Treystar, and he offered remarks on the effectiveness of Obsolete Property Rehabilitation Districts as a tool for downtown development.

At 7:55 p.m. Mayor Anderson closed the public hearing.

2022-38-03

Resolution 22-49
Approving an Obsolete
Property Rehabilitation
District at 215 E.
Michigan Avenue

Vice Mayor Cooney, seconded by Commissioner Praedel, moved to adopt a **RESOLUTION** to create an Obsolete Property Rehabilitation District at 215 E. Michigan Avenue for Treystar, on behalf of 215 EM Partners, LLC.

In response to questions and comments from City Commissioners, Mr. Brown and Mr. Agnositelli provided the following information:

- an Obsolete Property Rehabilitation Certificate (OPRC) freezes property values prior to redevelopment to keep taxes low after redevelopment, making the project affordable. For the project at 215 E. Michigan, the reduction in property taxes is needed to offset increased supply costs, increased costs due to labor shortages, and rising interest rates.
- the choice at hand is between having a building that is obsolete and vacant, or having a building that is occupied and back in service.
- without an OPRC, the project will not be feasible from a financial perspective, even with getting market-rate rent for the renovated space.
- having a vibrant use in that location will attract people, making the area around it vibrant. This will set the stage for the return of a restaurant scene in downtown Kalamazoo. This will be an anchor location.
- the OPRC is an important tool in a recession environment because it addresses the unknown of how much taxes will increase for a renovated building.

With a roll call vote the motion passed.

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

NAYS: None

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

	Consent Agenda
- approval of a one-year extension of the lease of odor monitoring, weather monitoring, maintenance, and modelling software from Envirosuite in the amount of \$116,790.	2022-38-04
- approval of a one-year contract extension for the purchase of fluorosilicic acid from Alexander Chemical Corporation in the amount of \$138,740.	2022-38-05
- approval of a contract with County Line Nurseries for the 2022 Fall Tree Planting Project in the amount of \$170,715.	2022-38-06
- approval of a contract with Corby Energy Services, Inc. for sanitary sewer rehabilitation by lining through Cooperative Purchase National IPA in the amount of \$955,150.	2022-38-07
- approval of a contract with Ferguson Waterworks in the total amount of \$6,080,160.17 for the advance purchase of ductile iron water main and appurtenances	2022-38-08
- adoption of a RESOLUTION from the Michigan Liquor Control Commission recommending approval of an Off-Premises Tasting Room License for Truly Kind, LLC, DBA 468 Wine, at The Grazing Table, located at 402 S Burdick St.	2022-38-09 Resolution 22-50
- adoption of a RESOLUTION recommending approval of a Social District and Commons Area permit for Truly Kind LLC, dba 468 Wine, located at 402 S Burdick Street.	2022-38-10 Resolution 22-51
- adoption of a RESOLUTION setting a public hearing on October 3, 2022 to consider an application from 215 EM Partners, LLC for an Obsolete Property Rehabilitation Exemption Certificate at 215 E. Michigan Avenue.	2022-38-11 Resolution 22-52
- adoption of a RESOLUTION setting a public hearing on October 3, 2022, to consider a request from Zoetis, LLC for a new PA 198 Industrial Facilities Tax Exemption Certificate for property on E. Kilgore Road for a period of six (6) years with the option of extending the certificate for an additional six (6) years, for a total of 12 years, for real property valued at \$57,567,482.	2022-38-12 Resolution 22-53
- adoption of a RESOLUTION establishing a branch of the City Clerk's Office on the campus of Western Michigan University and additional office hours beyond the minimum required by the Michigan Constitution in support of the November 8, 2022 election.	2022-38-13 Resolution 22-54
- approval of an agreement between the City of Kalamazoo and Can-Do Kalamazoo for a mixed-use business incubator, with the City providing Can-Do Kalamazoo \$100,000 annually over a three-year period for a total investment of \$300,000.	2022-38-14
- approval of the Mayor's appointment of Lyonel LaGrone II to the Civil Rights Board for a term expiring on March 31, 2024.	2022-38-15

Consent Agenda
(cont'd)

Commissioner Hess, seconded by Vice Mayor Cooney, 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.

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

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

2022-38-16
Ordinance 2053 re:
Water Rates

Public Services Director James Baker delivered a presentation entitled *FY 2023 Proposed Utility Rates, Monday, September 19, 2022*. A copy of the slides from this presentation was filed with the papers for this meeting.

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

- regarding the suggestion to spread utility capital projects over a longer time period, the City was already committed to utility work associated with street projects and to projects with the Michigan Department of Energy, Great Lakes, and the Environment (EGLE). Although there was some room to move, the City was committed to a lot of projects over the next three years.
- the proposed water rates would take effect on January 1, 2023, and the proposed wastewater rates would take effect on October 1, 2022. There were no additional rate increases planned through the end of 2023.
- examples of goods and services that had been affected by inflation included: labor; gasoline and diesel fuel; chemicals (200-300% increase); and sludge handling and disposal (over 100% increase).
- the impacts of iron in the water will continue to be a problem; the City will continue to do things like hydrant flushing to address the issue.
- if the City Commission does not approve the proposed utility rates, staff will bring forward a different proposal. Waiting until 2023 to implement rate increases will make the proposed increases around 25%.
- the City of Kalamazoo performed water sampling and testing every day. The most recent lead levels were 8 ppb, which was less than the new 12 ppb standard that would be operative in a few years. The Kalamazoo water system was compliant with all state and federal requirements; tastes, odors and visual appearances were cosmetic. Kalamazoo water was "hard" but at a low level. All new pumping stations will have the ability to treat iron, and the new Station 5 will have the ability to treat iron, magnesium, and PFAS. If a resident has concerns about water quality, they should call the 311-customer service center.

Tom Wheat, a member of the Utility Policy Committee (UPC), stated the proposed utility rates were the result of the work of two rate consultants, the UPC, and Director Baker. Mr. Wheat confirmed the UPC recommended approval of the proposed rates.

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

Wendy Fields, City resident, questioned whether the UPC members were City residents.

In response to Ms. Fields, Mayor Anderson reviewed the history of the UPC and its purpose. Mayor Anderson noted the UPC was purely advisory, and stated the current membership included three City representatives and four non-City representatives.

Vice Mayor Cooney, seconded by Commissioner Praedel, moved to adopt an **ORDINANCE** to amend certain sections of Chapter 38 of the Kalamazoo City Code to change the rates charged for drinking water. The ordinance amends Chapter 38 of the Kalamazoo Code of Ordinances to increase water system revenues, effective January 1, 2023.

Prior to a vote on the motion, Commissioner Hoffman stated Commissioners had heard the voices of the community, but the rate increases were necessary for the good of the whole county.

Commissioner Hess stated she would be voting with her grandchildren in mind.

Commissioner Praedel spoke about the responsibility of Commissioners to leave the City in a better condition than when they took office. Commissioner Praedel remarked on how the failure to act today could create problems decades from now. Commissioner Praedel stated the City needed big plans to help people pay for the rate increases. Commissioner Praedel reviewed news articles that described communities facing problems with their drinking water. Commissioner Praedel stated the City had not invested enough in the utilities over the years, and that investment needed to happen now.

Commissioner Juarez stated the question at hand was one of stewardship, and he stated the community could make it through tough times if it made the hard decisions together. Commissioner Juarez indicated he was willing to be criticized in order for the Commission to not “drop the ball” on this issue.

Mayor Anderson commented that it was not fun to raise utility rates and stated the Commission had thought seriously about this action. Mayor Anderson noted there were examples of what happened when there was a failure to invest in infrastructure.

With a roll call vote the motion passed.

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

NAYS: None

An opportunity was given for public comments regarding an ordinance to amend certain sections of Chapter 28 of the Kalamazoo City Code to change the rates charged for wastewater service, but no comments were offered.

2022-38-16

Ordinance 2053 re:
Water Rates (cont'd)

2022-38-17

Ordinance 2054 re:
Wastewater Rates

2022-38-17
Ordinance 2054 re:
Wastewater Rates
(cont'd)

Commissioner Juarez, seconded by Commissioner Hess, moved to adopt an **ORDINANCE** to amend certain sections of Chapter 28 of the Kalamazoo City Code to change the rates charged for wastewater service. The ordinance amends Chapter 28 of the Kalamazoo Code of Ordinances to increase wastewater system revenues, effective October 1, 2022.

Prior to a vote on the motion, City Attorney Robinson noted there were typographical errors in the ordinance that would be corrected prior to signing.

With a roll call vote this motion passed.

AYES: Commissioners 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 Hoffman remarked that the City Commission had heard hard words about transparency, danger in the community, gun violence, homelessness, racism, and inequity. Commissioner Hoffman stated the Commission had done nothing with the DEI report, and she urged the Commission to be bold and do the hard, necessary work to address suffering in the community. Commissioner Hoffman indicated she could not continue this for another three years.

Commissioner Juarez spoke about the dangers of becoming desensitized to violence and death and thinking that things will always be this way, that racism will always be around. Commissioner Juarez stated peoples' minds needed to be renewed before they could fight the system. Commissioner Juarez expressed confidence this could happen and stated people needed to hope harder.

Commissioner Hess commended KDPS and Public Services for keeping everyone safe at the Western Michigan University football game over the weekend. Commissioner Hess expressed support for the Sounds of the Zoo event and noted next week would be "Drive Electric Week." Commissioner Hess commented that people in Kalamazoo did help each other, and she urged everyone to be grateful for the good things happening in the community.

Commissioner Praedel stated he wanted to respond to ISAAC and was willing to discuss issues and be open and uncomfortable, but he wanted his response to be thoughtful. Commissioner Praedel expressed appreciation for parents who brought their children to public meetings. Commissioner Praedel highlighted items that were approved on the Consent Agenda. Commissioner Praedel thanked the Public Services Department for the postcard about water affordability.

Vice Mayor Cooney referenced a speech by the Reverend Martin Luther King Jr. and stated the task at hand was to fight against racism, militarism, and economic injustice. Vice Mayor Cooney encouraged everyone to keep fighting and looking for workable solutions.

Mayor Anderson stated there was a community of people who were doing the work to fight racism, militarism, and economic injustice. Mayor Anderson thanked people for attending an event sponsored by the Northside Cultural Business

District Authority Board to imagine the redevelopment of Ransom Street. Mayor Anderson spoke about the Police Athletic League football games on Saturday mornings and thanked the coaches. Mayor Anderson noted Chief Coakley had been a proponent of creating this league. Mayor Anderson thanked staff from the Community Planning and Economic Development Department for their presentation at the Committee of the Whole meeting.

The meeting adjourned at 9:39 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: _____

Commissioner
Comments (cont'd)

Adjournment