A business meeting of the Kalamazoo City Commission was held on Monday, December 7, 2015 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 W. South Street.

Roll Call

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

COMMISSIONERS ABSENT: None

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

Invocation/Pledge

The invocation, given by Minister Doris Hope, Galilee Baptist Church, was followed by the Pledge of Allegiance.

Adoption of the Agenda

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

A citizen requested that Items F-2 (purchase of a sewer inspection truck) and F-9 (issuance of Tax Anticipation Notes) be moved to the Regular Agenda.

City Manager Ritsema indicated Item F-14, amendment to the purchase agreement for the sale of Eastern Hills Golf Course, was being removed from the agenda.

Consent Agenda

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

- approval of a contract to purchase Waterous fire hydrants from ETNA Supply Company for an amount not to exceed $257,050.

- approval of a contract extension for the purchase of 200 dry tons of ferric chloride from PVS Technologies in the amount of $121,800.

- approval of a one-year contract extension with Rieth-Riley Construction Company for the purchase of asphalt paving materials in the amount of $322,900.

- approval of a one-year contract extension with Lakeland Asphalt Corporation for the purchase of 1,500 tons of asphalt patching material in the amount of $134,250.

- first reading of an ordinance to regulate quadricycles.

- adoption of a **RESOLUTION** setting a public hearing for December 21, 2015 to consider the Proposed Fiscal Year 2016 Budget for the City of Kalamazoo. — Resolution 15-43

- adoption of a **RESOLUTION** approving an amendment to the City of Kalamazoo's Brownfield Plan [Amended and Restated Brownfield Plan (Amendment No. 27)] implemented and recommended for approval by the City of Kalamazoo Brownfield Redevelopment Authority following a public hearing before the Brownfield Redevelopment Authority. — Resolution 15-44

- adoption of a **RESOLUTION** approving the transfer of $250,000 from the Economic Initiative Fund to the City of Kalamazoo Brownfield Redevelopment Authority to assist NoMI Developers, LLC in the redevelopment of an obsolete and underutilized brownfield property at 505 & 508 North Street. — Resolution 15-45

- adoption of a **RESOLUTION** recognizing the Kalamazoo Dream Center as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license. — Resolution 15-46

- adoption of a **RESOLUTION** recognizing the Bronson Health Foundation as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license. — Resolution 15-47

- approval of an amendment to the sale and purchase agreement with Kalamazoo Charter Township for a strip of land at 1720 Riverview for public right-of-way purposes.

- acceptance of a Wellhead Protection Grant from the Michigan Department of Environmental Quality in the amount of $60,000 and approval of the grant agreement.

- approval of a request from New Year's Fest of Kalamazoo to publicly display fireworks from the Epic Center Parking Structure on Thursday, December 31, 2015 at midnight as part of the annual New Year's Fest event.

- approval of the minutes from the City Commission meetings on November 16, 2015.

Commissioner Anderson, seconded by Commissioner Urban, 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. — Regular Agenda

Purchase of a Sewer Inspection Truck

When an opportunity was given for citizens to comment on the purchase of one fully equipped IBAK brand Sewer Inspection truck from Jack Doheny Companies in the amount of $300,886.85, the following people addressed the City Commission:

> Richard Stewart, City resident, suggested this purchase be postponed for six months in an effort to follow one of the alternatives offered in the agenda report for Item F-9, the issuance of Tax Anticipation Notes (TANS).

Commissioner Anderson, seconded by Vice Mayor Cooney, moved to approve the purchase of one fully equipped IBAK brand Sewer Inspection truck from Jack Doheny Companies in the amount of $300,886.85.

Prior to a vote on the motion, Commissioner Milcarek noted many purchases would need to be postponed in order to save enough money to eliminate the need for TANS. Commissioner Milcarek indicated he trusted the staff recommendation that this was a necessary purchase.

Commissioner Urban stated he was not sure whether this purchase could be postponed, but the City needed to consider delaying or cancelling unnecessary purchases when experiencing difficult fiscal challenges.

City Manager Ritsema clarified the funds for this is purchase would come from the Wastewater Fund, not the General Fund, so there would be no impact on the need for TANS if the purchase was postponed.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Resolution 15-48 Authorizing the Issuance of Tax Anticipation Notes

When an opportunity was given for citizens to comment on a resolution authorizing the issuance of Tax Anticipation Notes in the amount of $3,000,000 for fiscal year 2016, the following people addressed the City Commission:

> Richard Stewart, City resident, observed TANS were essentially a payday loan and stated the City needed to get its budget under control so it did not need to borrow money for cash flow purposes. Mr. Stewart reviewed the alternatives offered in the agenda report and expressed surprise that none of them were recommended.

Commissioner Milcarek, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** authorizing the issuance of Tax Anticipation Notes in the amount of $3,000,000 for fiscal year 2016.

Prior to a vote on the motion, Commissioner Anderson explained the amount of the TANS issued had decreased from $6-3 million during his time on the Commission. Commissioner Anderson stated the preferred solution was to have a larger fund balance and cash reserve, which could happen if a number of current initiatives come together.

Resolution 15-48 Authorizing the Issuance of Tax Anticipation Notes (cont'd)

Commissioner Milcarek stated it was no secret the City had financial challenges, but the organization needed to keep operating and providing services. Commissioner Milcarek agreed that it would be good to not need TANS.

Mayor Hopewell described staffing reductions in recent years and stated the City was always looking for ways to save and reduce while still providing services.

With a roll call vote this motion passed unanimously.

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

NAYS: None

First Reading of an Ordinance to Add Outdoor Sports/ Recreation Lighting and Noise Regulations

Community Planning and Development Director Laura Lam provided background information on a proposed ordinance to regulate outdoor sports/recreation lighting and described the public participation process used to develop the ordinance. Director Lam noted that 10 changes to the proposed ordinance had been made as a result of community and neighborhood meetings. Director Lam highlighted major elements of the proposed ordinance and thanked everyone who participated in its development.

When an opportunity was given for citizens to comment on an ordinance outlining a text amendment to Sections 12.3, 3.7, 4.1 and 8.3.D. of the Zoning Ordinance to add outdoor sports/recreation lighting and noise regulations, the following people addressed the City Commission:

> Greg Diment, Associate Provost and Chief Information Officer for Kalamazoo College (K-College), commended City staff for the process used to develop the proposed ordinance. Mr. Diment stated the primary concern for K-College was having enough practice sessions for its fall sports teams. Mr. Diment indicated 60, 2-hour practice sessions were needed, but the restrictions in the proposed ordinance (20 total uses per year, with an end time no later than 8:30 p.m.) only allowed for 40 practice sessions, which was not enough. Mr. Diment noted the Planning Commission action to increase the number of games allowed from 2-4 did not help, as a game would count as one of the total uses and reduce the amount of practice time.

> Claus Globig, City resident, stated there should be no lighting of school athletic fields located in residential areas.

> Louise Wright, City resident and President of the West Main Hill Neighborhood Association, commended the City for including the Association in the ordinance process but expressed concern that changes to the ordinance were made outside of the workgroup and community meetings, which left many residents surprised and upset about the lighting and noise levels permitted by the final proposed ordinance. Ms. Wright noted there was an ordinance already in place that addressed stadium lighting for K-College,

First Reading of an Ordinance to Add Outdoor Sports/ Recreation Lighting and Noise Regulations (cont'd)

and she asked the City Commission to postpone action until there was more widespread support for the new ordinance.

Peter Kushner, City resident and President of the Oakland/Winchell Neighborhood Association, stated the Neighborhood was against both stadium lighting and the noise involved with night events. Mr. Kushner indicated the ordinance development process had started positively but then broke down along the way. Mr. Kushner stated this was a citywide ordinance and should not be handled like a "special interest" ordinance for K College. Mr. Kushner requested the City Commission delay action on the ordinance as there were still unanswered questions and unaddressed issues. Mr. Kushner stated there must be a way to satisfy everyone.

Jim Hopfensperger, City resident, thanked the Planning staff for their work but stated there was a disjointing between the input process City Planner Rebecca Kik imagined and what actually happened. Mr. Hopfensperger recommended the City Commission take a step back and do more work on the ordinance.

Max Tibbitts, City resident, commended staff for using a great, authentic, public participation process. Mr. Tibbitts stated it was disingenuous to pass an ordinance for the whole City to address the needs of K College and noted the current ordinance did not even meet those needs.

Kate Worster, Associate Vice President for Marketing and Communications at K-College, offered remarks on the importance of K-College to the community and the importance of athletics to the student experience. Ms. Worster stated the proposed ordinance put the College's athletes at a competitive disadvantage and indicated 60, 2-hour practice slots were needed.

Maureen Cartmill, City resident, commented on how the numbers in the Use Table changed significantly between meetings and stated attendance at the Planning Commission meeting was low because people had lost hope in the process. Ms. Cartmill noted the number of lighted events included both football and soccer, and they were condensed in a small window of time, which heightened the impact.

Vicki Nelson, City resident, stated there was a lot of good dialogue and conversation at the beginning of the ordinance development process, but then things started happening outside of that process.

Vice Mayor Cooney, seconded by Commissioner Knott, moved to offer for first reading an ordinance outlining a text amendment to Sections 12.3, 3.7, 4.1 and 8.3.D. of the Zoning Ordinance to add outdoor sports/recreation lighting and noise regulations.

First Reading of an Ordinance to Add Outdoor Sports/ Recreation Lighting and Noise Regulations (cont'd)

Prior to a vote on the motion, Commissioner Anderson discussed the benefits of having an institution like K College in the community and stated the community needed to find a way to support it.

Commissioner Urban stated he was not satisfied with the vote at the Planning Commission meeting and recommended returning the number of games allowed from four (4) back to the original staff recommendation of two (2).

Motion to Amend the Proposed Ordinance

Commissioner Urban, seconded by Vice Mayor Cooney, moved to amend Table 8.3-1a addressing zones IC/P to reduce the maximum number of lighted games from 4 to 2 when the nearest light pole is between 201 and 500 feet to a residential property line.

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

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

NAYS: Commissioner Anderson

First Reading of an Ordinance to Add Outdoor Sports/ Recreation Lighting and Noise Regulations (cont'd)

Discussion continued on the proposed ordinance, as amended.

Commissioner Sykes stated she wanted to see a proposed ordinance that granted benefits to both sides, which would be true compromise.

Commissioner Milcarek acknowledged the concerns of the citizens who spoke and stated it was unlikely that an entity would build a new lighted stadium under the restrictions in the ordinance, which meant it would only really apply to K College. Commissioner Milcarek noted K College would not be subject to restrictions in an ordinance adopted after January 1, 2016, in which case Ordinance 1896 would govern stadium lighting at the College.

Vice Mayor Cooney remarked on K College's contributions to the community and thanked Director Lam for her work. Vice Mayor Cooney noted discussions on the ordinance had begun on March 18th, and a decision needed to be made.

Commissioner Urban stated additional dialogue would not move things very far, and concerns about noise would be addressed in a separate ordinance that would be developed in 2016. Commissioner Urban noted K College had put in writing that 20 lighted events were acceptable, and this number was acceptable to a lot of residents too.

In response to a question from Mayor Hopewell, Director Lam explained changes were made throughout the process based on the comments and needs of stakeholders, with one significant change being an increase in the number of lighted events from 5 to 20. Director Lam stated there were two neighborhood meetings and one workgroup meeting between community meetings #2 and #3, which could have given people who attended only the community meetings the impression that changes were made behind the scenes.

First Reading of an Ordinance to Add Outdoor Sports/ Recreation Lighting and Noise Regulations (cont'd)

Mayor Hopewell stated people were going to have issues with whatever ordinance came out of the development process.

Commissioner Anderson noted the motion was to offer the ordinance for first reading, and he requested clarification on the time frame for making changes to the proposed ordinance.

City Attorney Robinson clarified that ordinances needed to be adopted at regular meetings, and if substantial changes were made to the proposed ordinance on December 21st there would need to be another first reading, which would push final adoption beyond the stadium lighting deadline specified in Ordinance 1896. City Attorney Robinson explained the requirements for contract zoning and noted K College could approach the Commission with an offer to amend Ordinance 1896 to change the deadline.

With a roll call vote the motion to offer the amended ordinance for first reading passed unanimously.

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

NAYS: None

City Manager's Report

City Manager Ritsema reported the Blue Ribbon Revenue Panel had met for the last time that afternoon and had concluded its work. City Manager Ritsema stated the report from the Revenue Panel would be presented to the City Commission on January 4th.

Policy Items

Policy Items were considered next.

Resolution Supporting the EPA's Proposed Plan (Alternative 2D) for the Cleanup of the Allied Disposal Site

When an opportunity was given for citizens to comments on a resolution supporting the United States Environmental Protection Agency's Proposed Plan (Alternative 2D) for Clean-Up of the former Allied Site Landfill officially known as Operable Unit #1 of the Kalamazoo River/Portage Creek Superfund Site, the following people addressed the City Commission:

> Tammy Hibner, City resident, expressed concern about the direction the City was taking on the Allied Site and noted "community input" was 9th on the EPA's list of considerations when deciding on a solution for a contaminated site. Ms. Hibner expressed support for the solution offered by BioPath.
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> Chris Wahmhoff, City resident and member of the Environmental Concerns Committee, stated it was not the time for the City to compromise on the Allied Site. Mr. Wahmhoff expressed support for the solution offered by BioPath.
>
> Claus Globig, City resident, referenced his years of research and stated PCB's were not toxic.

Resolution Supporting the EPA's Proposed Plan (Alternative 2D) for the Cleanup of the Allied Disposal Site (cont'd)

Jim Miller, non-resident and President of Catskill Remedial Contracting Services in Otsego, stated his company would be the excavators used by BioPath, and he indicated he would hire local workers for the Allied Site project.

Mick Warner, President of BioPath, stated his company could achieve the total effective removal of PCB's from the Allied site, and he asked that language be added to resolution that supported "total effective removal."

Dave Buskirk, City resident, stated the proposed resolution granted approval to a path that stood against the position of the community and every previous elected official with regard to the Allied Site.

Marla Fisher, City resident, expressed support for the total removal of contaminated soil from the Allied Site but understood that holding out for the "total removal" option would result in being put on a waiting list that effectively meant no action would be taken. Ms. Fisher expressed support for the solution offered by BioPath.

Commissioner Anderson, seconded by Vice Mayor Cooney, moved to adopt a **RESOLUTION** supporting the United States Environmental Protection Agency's Proposed Plan (Alternative 2D) for Clean-Up of the former Allied Site Landfill officially known as Operable Unit #1 of the Kalamazoo River/Portage Creek Superfund Site.

Prior to a vote on the motion, Vice Mayor Cooney expressed support for total removal, but the money isn't there. If removal isn't an option, let's do the best we can do. Biopath should have the opportunity to show whether their solution works.

Amendment to the Resolution re: BioPath

Vice Mayor Cooney, seconded by Commissioner Knott, moved to add language to section "I" of the resolution to indicate Alternative 2D was the best plan on the table for the moment, but BioPath should have the opportunity to demonstrate whether its solution would work for the Allied site.

Prior to a vote on the motion, discussion took place about the appropriateness of including the name of a specific company in the resolution, whether to delay consideration of the resolution until December 21st, whether the resolution should be adopted at all, and the need to connect BioPath with representatives from the EPA.

In response to questions from the City Commission, consultant Bruce Merchant stated there was no urgency to adopt the resolution, as the next milestone in the process would be in March. Mr. Merchant indicated he did not know much about BioPath and stated it was his understanding discussions between BioPath and the EPA had already started. Mr. Merchant explained many emerging technologies for remediating PCB contamination were not able to successfully scale-up

Amendment to the Resolution re: BioPath (cont'd)

from treating small volumes of contaminated material to large volumes. Mr. Merchant confirmed the EPA's proposed plan (Alternative 2D) included constant monitoring of the Allied Site.

Commissioner Milcarek stated the EPA and BioPath needed to come together before the Record of Decision (RoD) was issued.

Mayor Hopewell suggested the best role for the City in this situation was to facilitate the EPA and BioPath coming together.

Commissioner Urban suggested the Commission vote on the amendment and then on the resolution.

Commissioner Sykes stated the City Commission should do both: adopt the resolution and work to bring together the EPA and BioPath. Commissioner Sykes indicated she was fine with postponing action on the resolution until December 21st.

Vice Mayor Cooney stated Mr. Merchant and City Manager Ritsema could be the facilitators to bring together the EPA and BioPath.

With a roll call vote the motion to amend passed by a vote of 4-3.

AYES: Commissioners Knott, Sykes, Urban, Vice Mayor Cooney

NAYS: Commissioners Anderson, Milcarek, Mayor Hopewell

Amendment to the Resolution re: Transfer to Third Party Lead

Commissioner Milcarek, seconded by Commissioner Sykes, moved that the resolution be amended to include language that supported the transfer of the Allied Paper Landfill site to Responsible Third Party Lead.

Prior to a vote on the motion, discussion took place regarding the purpose and effectiveness of the proposed language.

Commissioner Urban questioned how the amendment would convince the EPA to give up control of the Allied Site - something it would be very reluctant to do.

Commissioner Anderson expressed concern that too much was being incorporated into the resolution.

Commissioner Sykes stated the amendment was essentially saying the City would support the BioPath solution if the EPA agreed to it.

Commissioner Milcarek indicated the proposed language would express support for difficult discussions in the future. Commissioner Milcarek expressed concern that without the City's support the EPA would be able to easily dismiss the BioPath option.

Amendment to the Resolution re: Transfer to Third Party Lead (cont'd)

Mayor Hopewell noted the City had already committed to work with the EPA on the issue of land ownership. Mayor Hopewell stated adopting a resolution was not as important as bringing together the EPA and BioPath and getting the work done. Mayor Hopewell recommended the City Commission not adopt a resolution. Mayor Hopewell reminded Commissioners he had worked on the Allied Site before and was willing to do it again.

Vice Mayor Cooney suggested the Mayor work with the City Administration to convene a discussion between the EPA and BioPath.

In response to questions from Vice Mayor Cooney and Commissioner Anderson, Mayor Hopewell stated he and the staff understood what the City Commission wanted, and no Commission action was necessary.

With a roll call vote the motion to amend failed by a vote of 2-5.

AYES: Commissioners Milcarek and Sykes

NAYS: Commissioners Anderson, Knott, Urban, Vice Mayor Cooney, Mayor Hopewell

Motion to Adopt the Resolution Withdrawn

Commissioner Anderson, with the support of Vice Mayor Cooney, withdrew his motion to adopt the resolution.

Citizen Comments

Next, an opportunity was given for general citizen comments.

Laurie Ryan, President of Great Lakes Pub Cruiser, displayed a video promoting her business and asked the City Commission to support the proposed quadricycle ordinance.

Herb Ayres, City resident, thanked the City Commission for approving the Economic Initiative Fund transfer for NoMI Developers and expressed hope that renovations to the building would be completed by the spring of 2016.

Richard Stewart, City resident, observed a positive change in tone with the new City Commission. Mr. Stewart stated people should not trivialize the need to cut costs, and he expressed concern about staffing levels in the City Manager's Office and Community Planning and Development Department. Mr. Stewart urged Commissioners to look at staffing levels and ask if the City needed three Assistant City Managers.

Cody Dekker, City resident, expressed hope at the work being done by the City Commission. Mr. Dekker proposed the formation of a committee to implement citizen ideas since ideas were not discussed at Commission meetings.

Darin Meyer, City resident, thanked the Commission for their open deliberations and expressed concern about the lack of parking enforcement in some parts of the City.

Commissioner Comments

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

Commissioner Milcarek remarked that the City had cut millions of dollars from its budget in recent years, and cost containment was an ongoing activity. Commissioner Milcarek noted there had been restructuring within the City Manager's Office, and there would most likely be more changes associated with Priority Based Budgeting. Commissioner Milcarek thanked his fellow Commissioners for the discussions of the evening.

Commissioner Sykes stated City Commissioners were strong and had very positive relationships with each other. Commissioner Sykes stated the City had made millions of dollars in budget reductions, and at some point there would need to be a revenue increase. Commissioner Sykes indicated City departments were working well together.

Commissioner Urban stated he had placed in Commissioners' mailboxes a proposal to reinstate Committee of the Whole meetings and have ongoing visioning discussions. Commissioner Urban stated the public participation process for the lighting ordinance was good but still needed work, and he offered suggestions for changes to the process.

Commissioner Knott stated she was looking forward to working with the City Manager on civic engagement.

Vice Mayor Cooney announced Shared Prosperity Kalamazoo was having a forum on December 17th to address the topic of incarceration. Vice Mayor Cooney stated the forum would allow people to see the community resources available and to hear from family and friends of incarcerated individuals about their struggles.

Mayor Hopewell announced there had been a shooting on Florence Street and offered the following brief remarks: not everyone within a stakeholder group had same views on the lighting ordinance; the Administrative Committee had been talking with City Manager about employing after-action reviews to improve processes; everyone on the City Commission understood the need address the City's budget challenges; the work of the City did not happen in the City Commission Chambers, it happened every day in City offices; the City Manager knew what he was doing when he restructured his office; and businesses looked at both the revenue and expense sides of the ledger, and the City was struggling on the revenue side.

Adjournment

The meeting adjourned at 10:50 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on December 21, 2015

Approved by: ______________________________
Bobby J. Hopewell, Mayor
Dated: December 21, 2015