

Roll Call

A business meeting of the Kalamazoo City Commission was held on Monday, February 1, 2016 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 W. South Street.

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 Pastor Strick Strickland, Second Baptist Church, was followed by the Pledge of Allegiance.

Proclamations

City Attorney Robinson proclaimed February 1-6, 2016 *CCM/ECHL Hockey Heritage Week*. Toni Daniels, Director of Sales for the Kalamazoo Wings, received the proclamation, and the Stanley Cup was on display to mark the occasion.

Adoption of the Agenda

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

A citizen requested that Item F-3, a contract extension for the purchase of fluorosilic acid, be moved to the Regular Agenda.

Communications

City Manager Ritsema announced there would be a City Commission retreat on Saturday, February 6, 2016 at 8:30 a.m. in the Metro Transit Governing Board Room, located at 530 North Rose Street.

Consent Agenda

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

- approval of a contract with Horizon Brothers for the painting and rehabilitation of the Mount Olivet Water Storage Facility in the amount of \$577,000.
- approval of a professional services agreement with The Foster Group to provide consulting services with regard to water and wastewater rates and the Utility Financial Plan in the amount of \$140,000.
- authorization for the payment of \$108,568 as the 2016 excess workers compensation premium.
- approval of the minutes from the City Commission meeting on December 21, 2015 and January 19, 2016.

Commissioner Sykes, 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.

When given an opportunity to comment on a contract extension with Alexander Chemical Corporation for the purchase of fluorosilic acid in the amount of \$112,000, the following people addressed the City Commission:

Lori Lamb, non-resident, spoke in opposition to the City adding fluoride to the water supply. Ms. Lamb submitted three reports on fluoridation, copies of which were filed with the papers for this meeting.

Kendra Gregory, City resident, spoke in opposition to the City adding fluoride to the water supply. Ms. Gregory submitted a list of cities that had stopped adding fluoride to the water supply, a copy of which was filed with the papers for this meeting.

Lindsey Pompileo, non-resident, spoke in opposition to the City adding fluoride to the water supply.

Arlene Larson, City resident, spoke in opposition to the City adding fluoride to the water supply.

Christa Rustenholtz, non-resident, spoke in opposition to the City adding fluoride to the water supply.

Nancy Appel, City resident, spoke in opposition to the City adding fluoride to the water supply.

Asha Khazad, City resident, spoke about the need to rigorously test the impact of the chemicals that were added to the water supply, and he questioned whether studies that showed a positive impact of fluoride on dental health had looked at the possible side effects of fluoride.

John George, non-resident, spoke in opposition to the City adding fluoride to the water supply.

Kris Mbah, City resident, spoke in opposition to the City adding fluoride to the water supply and asked that the City Commission open up a conversation with residents on this subject.

Consent Agenda
(cont'd)

Regular Agenda

Contract Extension for
the Purchase of
Fluorosilic Acid

Contract Extension for
the Purchase of
Fluorosilic Acid
(cont'd)

Paul Kriner, City resident, spoke in opposition to the City adding fluoride to the water supply.

Zachary Lassiter, City resident, stated he was autistic and that he was tired of people pointing to "everything" as a cause for autism. Mr. Lassiter also stated Kalamazoo was not comparable to Flint.

Gillian Stoltman, Director of the Kalamazoo County Department of Health and Community Services, noted many organizations like the Center for Disease Control and the American Academy of Pediatrics supported adding fluoride to the water supply. Ms. Stoltman stated fluoride did, in fact, reduce cavities, and many studies had refuted the methodology and/or conclusions of anti-fluoride studies.

Commissioner Anderson, seconded by Commissioner Milcarek, moved to approve a one-year contract extension with Alexander Chemical Corporation for the purchase of fluorosilic acid in the amount of \$112,000.

Prior to a vote on the motion, Commissioner Anderson noted the issue of fluoridation had been discussed multiple times before the City Commission, and Commissioners have heard from both experts and citizen-researchers. Commissioner Anderson stated he had tried to read some of the literature on the subject, and he was open to having more discussion on the issue.

Commissioner Urban stated he did not believe in the toxicity of fluoride, but he also expressed concern about the value of fluoridation and whether citizens were getting \$112,000 worth of benefit from this process. Commissioner Urban stated this program should be put through the Priority Based Budgeting process and indicated that he would vote against this purchase next year if a long-term budget/revenue solution was not in place.

Commissioner Sykes expressed support for the motion. Commissioner Sykes stated many people she talked with during her election campaign had expressed support for fluoridation, and she had received several emails on the topic over the past few days, most of which expressed support. Commissioner Sykes noted the elimination of fluoridation would disproportionately impact low income families, who did not always have money for toothpaste, mouthwash, or fluoride supplements.

Commissioner Milcarek indicated he had done a lot of research on fluoridation, and there was a lot of research and noise on both sides of the argument. Commissioner Milcarek stated he was not convinced that fluoridation was bad, and if the City was to change its process there would need to be a community discussion first.

Vice Mayor Cooney stated he was willing to read the studies submitted by citizens and postpone action on this item, but the preponderance of evidence was in favor of fluoridation.

City Manager Ritsema noted the Water Fund, not the General Fund, was the funding source for the purchase of fluorosilic acid.

Mayor Hopewell stated he was willing to have more discussion on the issue of fluoridation, but he was not willing to change the process now because there was significant evidence that it was good for the community.

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

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

NAYS: Vice Mayor Cooney

City Manager Ritsema announced the Community Planning and Development Department would be making changes to the rental registration program rules, which would be implemented in early March. City Manager Ritsema noted the changes were being made in response to input received during community conversations on other topics.

City Attorney Robinson stated a group of school districts and local units of government had filed a lawsuit challenging the constitutionality of the portion of PA 269 of 2015 commonly called the "gag rule". City Attorney Robinson reported he had provided a statement to the plaintiffs regarding the impact of the new law on the sample ballot distributed by the City Clerk's Office prior to General Elections.

City Attorney Robinson requested that the City Commission approve a 30-day extension of a Tolling Agreement related to the 2014 lawsuit over utility rates. City Attorney Robinson also requested that he and outside counsel Michael Ortega be authorized to execute any other extensions of the Tolling Agreement so as not to create a situation where the expiration of an extension would fall prior to a meeting where the Commission could vote to approve another extension.

Commissioner Knott, seconded by Commissioner Urban, moved to authorize the City Attorney and outside counsel Michael Ortega, to execute an *Agreement to Extend Tolling Agreement* and any other future Tolling Agreement extensions related to the 2014 utility rate lawsuit.

With a roll call vote this motion passed unanimously.

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

NAYS: None

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

Frank Warren, City resident, spoke about the Veteran's Court in Battle Creek and the Drug Court in Kalamazoo. Mr. Warren stated he was not opposed to fluoride.

Contract Extension for
the Purchase of
Fluorosilic Acid
(cont'd)

City Manager's Report

City Attorney's Report

Citizen Comments

Citizen Comments
(cont'd)

Reverend J. Barrett Lee, City resident and Pastor of North Presbyterian Church, submitted a letter from local clergy that requested the City Commission adopt a resolution declaring that Kalamazoo was a welcoming community.

Tim Graham, City resident, spoke about rapid urbanization and stated Michigan needed to follow this trend. Mr. Graham expressed support for the Imagine Kalamazoo 2025 community visioning process.

Barbara Blumhardt, City resident, thanked the City for cutting down a dead tree that was in front of her house.

Asha Khazad, City resident, expressed disagreement with Commissioner Anderson regarding the importance of listening to experts, and he gave examples of situations where the experts were wrong.

Kris Mbah, City resident, expressed disappointment that the City Commission had not opened up the issue of fluoridation for community discussion and stated the Commission needed to do better and be more inclusive.

Zach Lassiter, City resident, noted there had been a dialogue about fluoridation that night, and he stated it was not possible to have a community discussion on every issue that came before the City Commission. Mr. Lassiter indicated there were many ways for citizens to dialogue with Commissioners outside the business meeting setting.

Christa Rustenholtz, non-resident, suggested the City Commission allow citizens to vote on the issue of fluoridation. Ms. Rustenholtz stated she did not see too many children drinking water, and she questioned what the City was doing to address lead levels in the water supply.

Beth Lewis, City resident, remarked on how the members of the general public were guinea pigs for the ideas of scientists and politicians.

Commissioner
Comments

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

Commissioner Milcarek stated urban expansion was the national trend, but Michigan had been unfriendly to cities in recent years. Commissioner Milcarek discussed the issue of lead and urged people to read past the news headlines and do their own research.

Commissioner Urban spoke about the City Commission Rule that prevented Commissioners from responding to citizens during the Citizen Comments portion of the agenda. Commissioner Urban requested a discussion about this rule and suggested it could be addressed during the City Commission retreat on February 6th.

Commissioner Knott invited the Mayor, Vice Mayor and Commissioners to join her and Commissioner Sykes on either March 19th or 26th as they canvassed City neighborhoods to conduct a survey for Imagine Kalamazoo 2025.

Commissioner Sykes stated there were a lot of misconceptions about poverty and noted that poverty was not limited to a "small pocket" in the City. Commissioner Sykes expressed support for putting the fluoridation question on a ballot. Commissioner Sykes stated Kalamazoo was not comparable to Flint, and to make the comparison was to take attention away from the residents of Flint and their suffering.

Commissioner Anderson noted the City Commission's approval of the fluorosilic acid contract extension did not mean the City was locked into a course of action or that the dialogue about fluoride was over. Commissioner Anderson highlighted his relationship with Mr. Khazad as an example of how people could have significant disagreements yet still be friends.

In response to a question from Commissioner Anderson, Public Services Director Sue Founé stated the City had always offered free lead and copper testing services. Director Founé reported the Public Services Department was in the process of doing lead testing for large institutions in the City, such as Western Michigan University and the hospitals.

Vice Mayor Cooney thanked Pastor Lee for speaking and expressed support for the requested resolution. Vice Mayor Cooney noted that February was Black History Month. Vice Mayor Cooney asked whether the question of fluoridation could be put on a ballot.

Mayor Hopewell suggested Ms. Rustenholtz talk with the City Clerk about the placement of a question on a ballot. Mayor Hopewell expressed support for thinking about how to build and grow the community, especially the idea of having a more unified government. Mayor Hopewell reported he had talked with State Representative John Hoadley about having a town hall meeting to discuss the issue of lead. Mayor Hopewell agreed that Kalamazoo needed to be a welcoming community, but he questioned the benefit of a resolution and whether other jurisdictions in the county had been asked to adopt a similar resolution.

City Manager Ritsema reported the City would be establishing a hotline for citizens to raise questions and concerns about water quality.

City Attorney Robinson explained the restrictions and rules around the submission of ballot questions to voters.

The meeting adjourned at 9:21p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

Commissioner
Comments (cont'd)

Adjournment

For City Commission approval on March 21, 2016

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: March 21, 2016

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