A regular meeting of the Kalamazoo City Commission was held on Tuesday, September 21, 2020 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-154 (COVID19) issued by Governor Gretchen Whitmer.

Roll Call

COMMISSIONERS PRESENT: Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT: Erin Knott

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

Commissioner Excused

Commissioner Cunningham, seconded by Commissioner Hess, moved to excuse the absence of Commissioner Knott. With a voice vote the motion passed.

Invocation

The invocation was given by Pastor Moise Ratsara, Kalamazoo Seventh-Day Adventist Church.

Adoption of the Agenda

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

Public Comments

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

Jeff Messer, City resident, asked that the City Commission have in-person public meetings and noted the City of Portage was holding hybrid meetings that allowed people to participate in-person or remotely.

Cathy, a City resident, asked that City Manager Ritsema resign.

Amber Adams-Fall, non-resident, stated she had not received an apology from the City Commission for remarks about Pastor Nathan Dannison made by Commissioners on August 17th.

Andy Argo, City resident, thanked the City Commission for adopting the housing equity ordinance. Mr. Argo expressed hope that there would be more dialogue about policing and the events of the summer, and he asked about the status of the first amendment gatherings policy subcommittee.

Richard Stewart, City resident, asked the City Commission to direct staff to accept the Southtown Neighborhood Plan.

Dianna McMunn, City resident, expressed opposition to non-residents commenting on City issues.

Santiago, a City resident, spoke about the resignation of Public Safety Chief Karianne Thomas and stated he had not received the report had had requested on the review of Public Safety Department actions during the summer protests.

Public Comments (cont'd)

Melody Daacon, City resident, spoke about how the City organization was complicit in perpetuating white supremacy.

The following people expressed support for the resolution being offered by Commissioner Praedel and City Clerk Borling to expand voting and registration access:

Wendy Fields, City resident and President of the Kalamazoo Metropolitan Branch of the NAACP
Jessica Swartz, City resident and a volunteer with Voters Not Politicians
MerriKay Oleen-Burkey, President of the Kalamazoo Area Chapter of the League of Women Voters
Denise Keele, non-resident and Co-Chair of WeVote
Alex Lawrence, City resident
Emily Duguay, City resident and Co-Chair of WeVote
Corinn Rutkoski, City resident and a volunteer with Voters Not Politicians

The following people expressed support for the granting of a tax abatement to Graphic Packaging:

Darren Timmeney, City resident
Dave Maurer, President of Humphrey Products

The following people expressed concerns about air quality around the Graphic Packaging plant and opposition to the granting of a tax abatement to Graphic Packaging:

Denise Keele, non-resident
Deirdre Courtney
Debby Freiman, non-resident
Dorothy Appleyard, City resident
David Benac, City resident
Matt Smith, City resident
Joe Byers, City resident,
Brandi Crawford-Johnson, City resident
Jennifer Caley of Moms Clean Air Force
Elizabeth
Rich Freiman, non-resident
Morgan Earegood, non-resident
Steven Earegood, non-resident
Steven Daladis, City resident
Jill Braman, non-resident

Consent Agenda

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:

2020-0

- approval of a 63-month contract with Wells Fargo through the Association of Educational Purchasing Agencies Contract #AEPAIFB071B for the lease of new copiers and printers in the amount of $180,564.30.

2020-0

- approval of a 63-month copier and printer maintenance cooperative contract with D.L. Gallivan through the Association of Educational Purchasing Agencies Contract #AEPAIFB071B in the amount of $101,764.47.

2020-0

- approval of a one-year contract extension with JCI Jones Chemical, Inc. for Sodium Hypochlorite in the amount of $308,850.

2020-0

- approval of a change order to the current contract with DLZ Michigan Inc. for the Sun Valley Drive Culvert Replacement Project in the amount of $19,000 for design changes and additional surveys to bring the total PO amount to $126,600.

2020-0

- approval of a two-year contract to purchase powdered activated carbon from SNR Technologies in the amount of $1,428,000.

2020-0
Resolution 20-49

- adoption of a **RESOLUTION** approving the Eighth Amendment to the City's Revised Brownfield Plan.

2020-0

- approval and acceptance of a grant to pay retroactive hazard pay for eligible first responder employees in an amount not to exceed $1,000 per employee.

Commissioner Cunningham, 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.

AYES: Commissioners Cunningham, Hess, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

2021-00
Grant to KYDNet for the KPS Learning Hubs Partnership

Foundation for Excellence (FFE) Manager Steve Brown and Meg Blinkiewicz, Executive Director of KYDNet provided an overview of the Learning Hubs partnership for students in Kalamazoo Public Schools and the repurposing of youth development funds for this partnership in the form of a $125,000 grant.

In response to a question from Commissioner Hess, Ms. Blinkiewicz stated the program would begin the second week of October.

In response to a question from Commissioner Praedel, Ms. Blinkiewicz indicated Kalamazoo Public Schools was able to handle several hundred students in Learning Hubs program.

Commissioner Praedel thanked Ms. Blinkiewicz for her work.

In response to questions from Vice Mayor Griffin, Ms. Blinkiewicz stated the Learning Hubs program would be free, and there would be several sites spread throughout the City.

Mayor Anderson thanked Mr. Brown and the FFE.

Commissioner Hess, seconded by Commissioner Praedel, moved to approve a $125,000 grant to the Kalamazoo Youth Development Network from an existing allocation of Youth Development resources, which was not used due to COVID-19 service reductions, in order to support the Learning Hubs partnership for

Kalamazoo Public School youth; and authorize the City Manager Ritsema to sign all related documents.

2021-00
Grant to KYDNet for the KPS Learning Hubs Partnership (cont'd)

With a roll call vote the motion passed.

AYES: Commissioners Cunningham, Hess, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2021-00
Resolution 20-50 Approving an Industrial Facilities Tax Exemption Certificate for Graphic Packaging

Community Investment Manager Antonio Mitchell provided an overview of the development project initiated by Graphic Packaging International at 1500 North Pitcher Street. Mr. Mitchell explained the City Commission had approved the granting of an Industrial Facilities Tax Exemption Certificate (IFTEC) when it approved the establishment of an Industrial Development District at this location. Mr. Mitchell stated the City Commission's task at hand was to determine the number of years for the tax abatement.

Public Services Director James Baker delivered a presentation entitled *Odor Mitigation and Response*. A copy of the slides from this presentation was filed with the papers for this meeting.

Aaron Wright, Chair of the Environmental Concerns Committee (ECC), reviewed the recommendation from the ECC, which was for the City Commission to make any actions regarding the Graphic Packaging expansion contingent on continued efforts to mitigate odors in the vicinity of the plant.

Andrew Johnson, Vice President for Government Affairs and Sustainability for Graphic Packaging, stated Graphic Packaging had conducted listening sessions in the community after the August 17th City Commission meeting, and the feedback from those sessions was that the company was viewed as a valued employer but was not seen as a community partner. Mr. Johnson stated Graphic Packaging would continue to work with the Odor Task Force, the City's wastewater treatment plant, and the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to address odors and quality of life issues. Mr. Johnson reported Graphic Packaging spent $1.2 million per year on chemicals to pretreat its wastewater before sending it sent to the City's Wastewater Treatment Plant, and with expansion there was $4 million planned for odor mitigation technology. Mr. Johnson stated there would be renewed efforts to work with the City to communicate odor mitigation efforts with the community. Mr. Johnson provided an overview of the operations and products produced at the Graphic Packaging facility.

Rich Townley, Vice President for Engineering and Technology for Graphic Packaging, described Graphic Packaging's involvement with the Odor Task Force and stated this involvement led to Graphic Packaging obtaining the Envirosuite software. Mr. Townley reported the system was installed on September 8th and was operating withing 48 hours. Mr. Townley stated and additional six sensors were on order.

Mr. Johnson noted Graphic Packaging was not under any order from EGLE, and he stated the plant was not a public health risk.

2021-00
Resolution 20-50 Approving an Industrial Facilities Tax Exemption Certificate for Graphic Packaging (cont'd)

In response to questions from Commissioner Praedel, Mr. Johnson, Mr. Townley, Mill Manager Robert Miller, Director Baker, and Jill Bland, Managing Partner with Southwest Michigan First, provided the following information:

- 12,500 tons of hazardous material, 31,000 tons of general debris, and 5,500 tons of metal had been removed from the Checker Motors site at a cost of $13,000,000.

- the decision to expand the Kalamazoo facility included a consideration of location and the proximity of the plant to customers and supplies of paper fiber. In conjunction with this development project, Graphic Packaging had been in conversations with the Michigan Department of Transportation about construction of a southbound interchange at U.S. 131 and the 131 Business Loop so that traffic could use the Business Loop to access I-94.

- use of the Envirosuite system by both the City and Graphic Packaging would allow for collaboration and accountability.

- the new plant would be fueled by natural gas; Graphic Packaging was no longer using fuel oil.

- partners in the development project included: the Michigan Economic Development Corporation (MEDC); Southwest Michigan First (SWMF); the Kalamazoo City Brownfield Redevelopment Authority; the Kalamazoo County Brownfield Redevelopment Authority; the Michigan Department of Transportation (MDOT); Kalamazoo Valley Community College (KVCC); and Western Michigan University through its paper science program. The current CEO of Graphic Packaging attended WMU and started his career at Graphic Packaging in Kalamazoo.

- data from the City's three Envirosuite sensors confirmed there was a sustained, persistent odor problem in the areas of Verberg Park, Borgess Hospital, and the intersection of East Michigan Avenue and Riverview Drive.

- for the City, the first odor mitigation project would involve the processes at the Wastewater Treatment Plant. The second project would involve all the interceptors and where they came into the plant.

- Graphic Packaging was a paying customer for water and wastewater services.

In response to a question from Commissioner Praedel, Mr. Johnson stated Graphic Packaging would report out on its odor mitigation efforts as often as the City wanted, and he expressed a commitment to continue working with the Odor Task Force. Mr. Johnson indicated the upcoming report to EGLE, and the associated data, would be made public.

In response to a question from Commissioner Hess, Mr. Wright stated the ECC was eager to see the Climate Action Plan. Mr. Wright indicated there would be work for City staff to implement the plan, including the measurement of carbon footprints for companies like Graphic Packaging. Mr. Wright noted, however, that

2021-00
Resolution 20-50 Approving an Industrial Facilities Tax Exemption Certificate for Graphic Packaging (cont'd)

implementation of the plan would be complicated, and the City would need to decide what data to collect and how to collect it.

Community Planning and Economic Development Director Rebekah Kik indicated there would be a presentation to the City Commission on October 5th regarding the Climate Action Plan. Director Kik stated the problems were outlined, and the City needed engagement on solutions.

In response to questions from Commissioners Hess and Urban, Derek Nofz, Community Affairs Manager for Consumers Energy, explained new power lines needed to be installed to service Graphic Packaging and the Wastewater Treatment Plant, and those lines would come from the substation on the east side of the Kalamazoo River. Mr. Nofz explained two, 80-foot wide clearings would need to be created through the removal of trees from City property. Mr. Nofz stated the City's Tree Committee had considered and approved this removal and the valuation of the trees. Mr. Nofz indicated Consumers Energy had a tree grant program that could support the planting of new trees, in addition to the compensation the City would receive for the removed trees.

Vice Mayor Griffin thanked the presenters and stated a decision like this should not be an either/or choice between the economy and citizens; both should be able to benefit. Vice Mayor Griffin noted a piece of information that was missing was peoples' experience.

In response to a question from Commissioner Hess, Mr. Johnson stated there was hope that the odors could be mitigated, and he acknowledged the City Commission had laid out their expectations.

Commissioner Urban, seconded by Commissioner Hess, moved to adopt a **RESOLUTION** approving a request from Graphic Packaging International, LLC. for a PA 198 Industrial Facilities Tax Exemption Certificate (IFEC) for 12 years for real property valued at $191,000,000.

Motion to Amend the Resolution

Commissioner Urban moved to amend the resolution to approve an Industrial Facilities Tax Exemption Certificate for six years and allow for the extension of the approval contingent on the fulfillment of the City's commitment to install four odor control units and complete odor mitigation work in the underground pipes.

Mayor Anderson stated he had asked the City Attorney to craft an amendment to the resolution to incorporate some environmental criteria for the tax abatement, and he asked City Attorney Robinson to share that language.

City Attorney Robinson offered the following language for the proposed motion to amend the resolution:

> "Amend paragraph 4 of the Resolution to provide an initial Exemption Certificate period of 6 years and an additional period of 6 years upon sufficient evidence of compliance with the Local Agreement by Graphic Packaging, including installation of odor monitoring sensors by Graphic Packaging, compliance with State and Federal regulations, and working in good faith with the City's Odor Task Force to implement corrective actions as necessary; the City Manager is further directed to provide quarterly reports to the City Commission on the progress of odor remediation efforts by Graphic Packaging and the City Wastewater Reclamation Facility."

2021-00
Resolution 20-50
Approving an Industrial Facilities Tax Exemption Certificate for Graphic Packaging (cont'd)

In response to questions from Mayor Anderson, City Attorney Robinson explained the resolution would approve the abatement for six-years, and the additional six years would be dependent on compliance with the additional criteria. City Attorney Robinson indicated it was not clear in the proposed language whether the City Commission could revoke the IFTEC prior to the end of the initial six-year period.

Mayor Anderson asked the City Attorney to change the amendment language to allow for revocation of the IFTEC during the initial certificate term.

Commissioner Urban expressed support for the amendment language the City Attorney had develop and was developing.

Commissioner Cunningham stated he wanted the timeline of the certificate approval to be one-year, two-years, three-years, and six-years. Commissioner Cunningham stated he wanted the one-year review because there should be more data available that would provide better clarity on expectations from the City regarding the source of the odors. Commissioner Cunningham stated he wanted the two-year review so that someone from the current City Commission could be part of that review. Commissioner Cunningham spoke about the importance of using data and community input to establish and adjust the criteria for the tax abatement.

Vice Mayor Griffin expressed support for having the resolution spell out a specific timeline and specific report-outs to the community, including specific dates.

Commissioner Cunningham stated his expectation was for quarterly reports, and he clarified the 1-, 2-, 3-, and 6-year timeline was for revisiting the tax abatement resolution to see if any changes needed to be made.

City Attorney Robinson offered the following revised language for the proposed amendment to the resolution:

> "Amend paragraph 2(b) to add the phrase after the word 'application,' '…or failure to meet the requirements set forth in this resolution,' and amend paragraph 4 of the Resolution to read, 'The Industrial Facilities Tax Exemption Certificate (IFEC) for construction of a new facility, unless earlier revoked, shall be in effect for a an initial Exemption Certificate period of 6 years and an additional period of 6 years upon sufficient evidence of compliance with the Local Agreement by Graphic Packaging, including installation of odor monitoring sensors by Graphic Packaging, compliance with State and Federal regulations, and working in good faith with the City's Odor Task Force to implement corrective actions as necessary; the City Manager is further directed to provide quarterly reports to the City Commission on the progress of odor remediation efforts by Graphic Packaging and the City Wastewater Reclamation Facility.'"

Commissioner Cunningham noted it would be good to have a discussion about air quality and the potential health impacts on the community beyond just a bad odor.

Commissioner Cunningham seconded the motion made by Commissioner Urban to amend the resolution.

Motion to Amend the Amendment to the Resolution

Commissioner Cunningham, seconded by Commissioner Urban, moved to amend the proposed amendment to the resolution to replace the words, '…6 years and an additional period of 6 years…' with '…1 year and additional periods of 2 years, 3 years, and 6 years…'"

Commissioner Praedel questioned the effectiveness of the accountability measures in the resolution because the two odor mitigation measures that were described would not come online until the 1st quarter of 2021 and the 2nd quarter of 2022.

Commissioner Cunningham stated he was not convinced the City had all of the available data, and he expressed concern about possible health effects. Commissioner Cunningham stated he wanted a better understanding of these issues, and he called for more studies and more measurements. Commissioner Cunningham indicated there were reports that would be coming out before the end of the year and in 2021 that would provide additional data that could lead the City to change the tax abatement resolution.

In response to Commissioner Cunningham, Director Baker stated compounds in water and compounds in the air behaved very differently, with compounds diffusing in the air in an uneven manner, based on a variety of factors. Director Baker explained the air quality sensor readings were only accurate at that location, which is why the City was trying to get more sensors deployed in the community. Director Baker remarked on the importance of getting more data and getting that data into the hands of scientists, researchers, and regulatory agencies. Director Baker indicated the City could begin providing that data in 6-12 months.

Commissioner Cunningham urged the City Administration to take the lead on this issue.

Discussion continued regarding the purpose of reviewing Graphic Packaging's performance after one year, when the new plant would not have commenced operations and the City's odor mitigation solutions would not have been fully implemented.

Mayor Anderson requested a roll call vote.

Prior to the vote, City Attorney Robinson clarified the Commission would be voting first on Commissioner Cunningham's motion to change the dates in the proposed amendment to the resolution, and he suggested the addition of specific dates so the amendment would read, "…1 year commencing December 31, 2020 and expiring on December 30, 2021 and additional periods of 2 years (commencing December 31, 2021 and expiring December 30, 2023), 3 years (commencing December 31, 2023 and expiring December 30, 2026), and 6 years (commencing December 31, 2026 and expiring December 30, 2032)…"

There were no objections to the City Attorney's suggestion.

Commissioner Praedel thanked Commissioner Cunningham for the discussion on this item.

With a roll call vote the motion to amend the proposed amendment to the resolution passed.

2021-00
Resolution 20-50 Approving an Industrial Facilities Tax Exemption Certificate for Graphic Packaging (cont'd)

AYES: Commissioners Cunningham, Hess, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

With a roll call vote, the motion to amend the resolution passed.

AYES: Commissioners Cunningham, Hess, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

*At 10:49 p.m. Commissioner Urban left the meeting due to technical difficulties.

Prior to a vote on the motion to adopt the resolution, Mayor Anderson remarked on the commitment of each Commissioner to make sure the work was done right and was done in the best interests of everyone in the City of Kalamazoo.

With a roll call vote, the motion to adopt the amended resolution passed.

AYES: Commissioners Cunningham, Hess, Praedel, Vice Mayor Griffin, Mayor Anderson

NAYS: None

ABSENT: Commissioner Urban*

During the vote, Vice Mayor Griffin noted the Graphic Packaging expansion project was happening, and for the benefit of the community she clarified the City Commission action was about a tax abatement for Graphic Packaging and not whether their project could move forward.

At 10:54 p.m. Commissioner Urban returned to the meeting.

2021-00
Resolution 20-51 Approving a Plan for Expanded Registration and Voting Access

City Clerk Borling provided an overview of a resolution approving a plan to expand voting and registration access for the November 3, 2020 election.

In response to a question from Commissioner Praedel, City Clerk Borling stated he wanted to reach out to the community after the election to hear what residents wanted in terms of enhanced voting services. City Clerk Borling stated he would use the first half of 2021 to look at all the resources the City was bringing to bear on voting access in preparation for a discussion of enhanced voting services and the sustainability of these services over time.

Commissioner Hess stated the Kalamazoo community was fortunate to have Clerk Borling and his staff working for them.

In response to a question from Commissioner Hess, City Clerk Borling stated it appeared the City would have enough poll workers for the November 2nd election.

Commissioner Cunningham, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** approving a plan to expand voting and registration access for the November 3, 2020 election.

2021-00
Resolution 20-51 Approving a Plan for Expanded Registration and Voting Access (cont'd)

Prior to vote on the motion, Commissioner Cunningham thanked Commissioner Praedel for this work on this item.

Commissioner Praedel expressed excitement about the resolution, and he urged parents to involve their children in the voting process.

With a roll call vote the motion passed.

AYES: Commissioners Cunningham, Hess, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

2021-00
Acceptance of a Grant from the Center for Tech and Civic Life to Implement a Safe Voting Plan

Commissioner Cunningham, seconded by Commissioner Hess, moved accept a grant from the Center for Tech and Civic Life in the amount of $218,869 to support the implementation of a Safe Voting Plan for the November 3, 2020 election; approve a budget amendment to increase the FY2020 Budget for the City's Clerk's Office by the same amount; and authorize the City Clerk to sign all grant-related documents.

With a roll call vote this motion passed.

AYES: Commissioners Cunningham, Hess, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

City Manager's Report

City Manager Ritsema provided an update on the work of the first amendment assembly subcommittee and requested that the subcommittee be authorized to continue so the members could address additional areas of work they had identified. City Manager Ritsema stated the continued work of the subcommittee would result in the following deliverables for discussion at the November 2nd City Commission meeting: 1) a clear first amendment assembly communication strategy and protocol with community stakeholder input that includes an accountability framework for measuring results against intended plans; 2) improved options to communicate with the public before, during, and after events; and 3) proposed guidelines and joint training for media and the City to guide actions during future first amendment assemblies. City Manager Ritsema indicated the subcommittee would continue to discuss regulations and permitting for events/venues; defining accountability; tactics of the Public Safety Department and event participants; the management of assemblies; and additional research regarding Policy 430.

In response to a question from Mayor Anderson, City Attorney Robinson stated the subcommittee would be continuing the work the City Commission had authorized them to do through a vote. City Attorney Robinson indicated a vote was not needed for them to continue the work.

Commissioner Cunningham, Commissioner Praedel, and Vice Mayor Griffin indicated their willingness to continue serving on the subcommittee.

City Commissioner Comments

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

City Commissioner Comments (cont'd)

Commissioner Cunningham thanked Chief Thomas for her service to the community and welcomed Vernon Coakley as the new Public Safety Chief. Commissioner Cunningham urged the community to work with Chief Coakley. Commissioner Cunningham asked for help with a family that was being evicted the next day. Commissioner Cunningham highlighted the expanded voting opportunities and the Foundation for Excellence's investment in youth development.

Commissioner Urban expressed admiration for Vernon Coakley's courage while under stress and scrutiny, and he wish Chief Coakley well.

Commissioner Praedel thanked Chief Thomas for her service to the community and thanked City Manager Ritsema for appointing Vernon Coakley as the new Public Safety Chief. Commissioner Praedel thanked City Manager Ritsema and everyone in the City Manager's Office for their work during these difficult times and for not losing their cool.

Commissioner Hess expressed gratitude for the following: Commissioner Praedel for his comments; Chief Thomas for her service to the community; the Foundation for Excellence; Public Safety Officers for their service to the City; Parks and Recreation Director Sean Fletcher for allowing the Martin Luther King Jr. statue to be cleaned; City Clerk Borling and Commissioner Praedel for their work on the voting resolution; and Mayor Anderson for his work on housing issues. Commissioner Hess stated it was a difficult time but noted the City was large enough to accomplish things and small enough to work together.

Vice Mayor Griffin lifted up parents and people who were facing loss. Vice Mayor Griffin thanked City Clerk Borling and Commissioner Praedel for the voting accessibility resolution. Vice Mayor Griffin stated her heart was in work that resulted in systems change, and she stated businesses that wanted to operate in the City needed to be inclusive.

Mayor Anderson stated he was lucky to live in these times and to know the people he knew. Mayor Anderson noted there was an eviction diversion program in Kalamazoo. Mayor Anderson remarked on the passing of Ken Sarkozy and Supreme Court Justice Ruth Bader Ginsburg.

Adjournment

The meeting adjourned at 11:52 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on

Approved by: ______________________________
David F. Anderson, Mayor
Dated:

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