



Agenda: Battle Creek City Commission

Meeting Date: December 6, 2016- 7:00 PM
Location: Commission Chambers City Hall
Chair: Mayor David A. Walters
Title: Prepared by Shawna M. Allen

ATTENDANCE

Commissioner Susan Baldwin	Rebecca Fleury, City Manager
Commissioner Mark Behnke	Ted Dearing, Assistant City Manager
Commissioner Kaytee Faris	Jill Steele, City Attorney
Commissioner Lynn Ward Gray	Victoria Houser, City Clerk
Commissioner Andy Helmboldt	Jim Blocker, Police Chief
Commissioner Deb Owens	Chris Dopp, Director of DPW
Commissioner Mike Sherzer	Steve Hudson, City Assessor
Commissioner Dave Walters	Carl Fedders, City Engineer
Absent:	Sunny Sahu, Deputy City Attorney
Commissioner Kate Flores	Christine Zuzga, Planning & Zoning Supervisor
	Ron Osborne, Binder Park Golf Course Manager
	Kevin Smith, Parks & Recreation Superintendent
	Perry Hart, Utility Administrator

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. Faris.

ROLL CALL

PROCLAMATIONS AWARDS

Proclamation for National Drunk and Drugged Driving Prevention Month

Mayor Walters proclaimed December 2016 as "National Drunk and Drugged Driving Prevention Month."

Pat Karr, Executive Director, Battle Creek Area Transportation Study, accepted the proclamation, encouraging everyone to be aware of the lives lost to drunk and drugged driving every year.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

Clerk Houser noted resolutions 22, 23 and 24 were revised.

PETITIONS COMMUNICATIONS REPORTS

There were none.

PUBLIC HEARING

A Public Hearing for the purpose of hearing public comment on Battle Creek's housing and community development needs.

Mayor Walters declared the public hearing open, inviting attendees to comment.

Jim Moreno, 451 Main Street, commented on HUD funds designated for lower income neighborhoods, requesting the City bring back programs that were beneficial to the neighborhoods.

Hearing no additional comments, Mayor Walters declared the public hearing closed.

PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON CONSENT AGENDA

John Kenefick, 234 South Avenue, commented on resolution 16, regarding the Binder Park Golf Course budget, and resolution 22 regarding water and sewer rate increases.

Nate Henne, Springfield City Manager, regarding resolution 22, complimented the work of City staff, stating the agreement would ensure safe water for surrounding municipalities.

(Limited to three minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no Commission comments.

CONSENT AGENDA

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, WALTERS, GRAY, HELMBOLDT, OWENS, SHERZER

Absent: FLORES

MOTION PASSED

City Commission Minutes for Organizational Meeting November 15, 2016

City Commission Minutes for Regular Meeting November 15, 2016

City Manager's Report for December 6, 2016

October 2016 Ambulance Report

CONSENT RESOLUTIONS

- 13 A Resolution reappointing a City of Battle Creek representative to the Consolidated Dispatch Authority Governing Board.

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, WALTERS, GRAY, HELMBOLDT, OWENS, SHERZER

Absent: FLORES

MOTION PASSED

- 14 A Resolution authorizing the sale of vacant, tax-reverted parcels.

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, WALTERS, GRAY, HELMBOLDT, OWENS, SHERZER

Absent: FLORES

MOTION PASSED

- 15 A Resolution setting a Public Hearing for 7:00 p.m., December 20, 2016, on the proposed establishment of an Obsolete Property Rehabilitation District for the Jay Andrew Development Co., LLC.

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, WALTERS, GRAY, HELMBOLDT, OWENS, SHERZER

Absent: FLORES

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 16 A Resolution approving the 2017 operating budget for Binder Park Golf Course in the amount of \$1,233,369 and approving annual golf course user fees.

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: MARK BEHNKE

Comm. Sherzer, noting if not for the debt the course carries, the golf course would be self-sufficient, stating that once the debt is paid off, the course will show a profit.

Ayes: BALDWIN, BEHNKE, FARIS, WALTERS, GRAY, HELMBOLDT, OWENS, SHERZER

Absent: FLORES
MOTION PASSED

- 17 A Resolution authorizing a contract with Azteca Systems, LLC for a Cityworks Enterprise License Agreement at Department of Public Works Records in a not-to-exceed three-year amount \$132,195.00.

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, WALTERS, GRAY, HELMBOLDT, OWENS, SHERZER

Absent: FLORES
MOTION PASSED

- 18 A Resolution to approve S05-16 Special Use Permit to allow a skilled care nursing home facility at 393 E. Roosevelt Avenue.

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, WALTERS, GRAY, HELMBOLDT, OWENS, SHERZER

Absent: FLORES
MOTION PASSED

- 19 A Resolution approving the final PURD plan for Keystone Lake to allow the addition of one building (8 units) and 20 parking spaces on Parcel #0622-30-101-0, as preliminarily approved by Resolution 226 on September 6, 2016.

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, WALTERS, GRAY, HELMBOLDT, OWENS, SHERZER

Absent: FLORES
MOTION PASSED

- 20 A Resolution Revoking the Industrial Facilities Exemption Certificate 2015-054 For WKW Roof Rail Systems LLC

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, WALTERS, GRAY, HELMBOLDT, OWENS, SHERZER

Absent: FLORES
MOTION PASSED

- 21 A Resolution Revoking the Industrial Facilities Exemption Certificate 2006-551
For Yorozu Automotive North America, Inc.

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, WALTERS, GRAY, HELMBOLDT, OWENS, SHERZER

Absent: FLORES
MOTION PASSED

- 23 A Resolution authorizing the City Manager to execute an Intergovernmental
Wastewater Treatment Services Contract with the City of Springfield, the Charter
Townships of Bedford, Pennfield and Emmett, and Leroy Township for a 15-year
term and creating a Technical Review Committee.

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: MARK BEHNKE

Comm. Owens questioned the Clerk's comment regarding a revision to the agreement.

Attorney Steele noted the agreement was not revised, just the resolution number and the placement on the agenda.

Comm. Owens asked if the agreement should be amended to include language related to a catastrophic failure of the system.

Ms. Fleury stated she had a discussion with Dave Morgan, Pennfield Township Supervisor, regarding this, stating the City would provide a no-interest loan and 3 year repayment agreement to affected municipalities.

Attorney Steele noted a separate agreement would be drafted for each particular municipality if an instance should occur.

Sunny Sahu, Deputy City Attorney, recommended the Commission move forward with the contributing jurisdictions, stating there are plenty of opportunities within the contract to revise as needed, or on an as needed basis, noting the contract provides for advancing of funds for cause.

Ayes: BALDWIN, BEHNKE, FARIS, WALTERS, GRAY, HELMBOLDT, SHERZER
Nays: OWENS

Absent: FLORES
MOTION PASSED

- 22 A Resolution authorizing Water and Sewer System Rates for all customers effective from January 1, 2017 to June 30, 2021.

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: MARK BEHNKE

Comm. Sherzer noted the water and sewer system is a user fee system, stating the increase in cost reflects the increased operation costs, also noting fees go back into the system for future maintenance, stating there is no profit to the City.

Ayes: BALDWIN, BEHNKE, FARIS, WALTERS, GRAY, HELMBOLDT, SHERZER
Nays: OWENS

Absent: FLORES
MOTION PASSED

- 24 A Resolution setting a Closed Session on a legal matter. Revised

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, WALTERS, GRAY, HELMBOLDT, OWENS, SHERZER

Absent: FLORES
MOTION PASSED

GENERAL PUBLIC COMMENT

Mary Ann Hooten, SW MI Community Development Corp., under NIBC, asked the City to reconsider the partnership between the City and SWMCDC, urging they provide the operating funding they had in the past.

Nancy Walker, SWMCDC, noted the non-profit relies on the City grant funding for administrative costs, noting their partnership with FHLB for over \$1 million for residential home rehabilitation.

John Kenefick, 234 South Ave., commented on the prior land contract for the property adjacent to Binder Park Golf Course, stating he was unable to find a land contract or warranty deed with the purchase price.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Attorney Steele noted a title search on the property adjacent to the golf course did reveal the deed had not been conveyed, stating she was able to determine the owner had passed away. Attorney Steele informed the Commission that she received warranty deeds from both of the decedent's daughters, noting she also recorded the previous owner's death certificate to satisfactorily clear the title.

Comm. Behnke thanked the Police Department for a traffic stop at Helmer and I-94 the prior week.

Comm. Owens, noting the 75th Anniversary of the attack on Pearl Harbor, invited everyone to a celebration recognizing the lives lost, stating the celebration would be the following evening at the Air Zoo in Kalamazoo beginning at 5:00 pm..

RECESS

Commissioners recessed for Closed Session at 7:46 pm.

CLOSED SESSION

RETURN FROM RECESS

Commissioners returned from recess at 8:26 pm.

A motion was made by Comm. Faris, supported by Comm. Behnke to proceed with the City Attorney's advice given in closed session.

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, WALTERS, GRAY, HELMBOLDT, OWENS, SHERZER

Absent: FLORES

MOTION PASSED

ADJOURNMENT

Mayor Walters adjourned the meeting at 8:28 pm.

It is the desire of the City Commission to encourage public expression in the course of its meetings. Such expression can be integral to the decision-making process of the City Commission. It is the intention of the City Commission to respect the rights of persons addressing the Commission. Public comment periods are a time for citizens to make comments; they are not intended as a forum for debate or to engage in question-answer dialogues with the Commission or staff. Commissioners are encouraged not to directly respond to speakers during public comment periods. At the conclusion of the speakers remarks, the Mayor or individual Commissioners may refer a question to City staff, if appropriate. Also, individual Commissioners may choose to respond to speakers during the Commission Comment period. It is with these aims in mind, so as to promote decorum and civility and an orderly process for conducting its public meetings, that the following rules concerning public comments, consistent with applicable law, are adopted by the City Commission.

(1) Persons attending a regular or special Commission Meeting shall be permitted to address the City Commission in conformity with this rule. The opportunity to address the Commission shall be limited to the following:

(a) Persons desiring to address the City Commission are encouraged, but shall not be required, to fill out and turn in to either the City Clerk, Mayor, or presiding Commissioner, prior to the meeting, a comment card disclosing the following information: The person's name, address, and telephone number; the specific issue,

topic or resolution the individual wishes to address.

(b) During public hearings when scheduled, speakers may present facts and opinions on the specific matter being heard by the Commission. A three-minute time limit is imposed per speaker. In the discretion of the Mayor or presiding officer, the time limit for individual speakers may be lengthened or shortened when appropriate.

(c) During the consideration of specific ordinances when scheduled, speakers may present facts and opinions on the specific ordinance being considered by the City Commission. Speakers addressing the City Commission during this time shall limit their comments to the specific issue being considered. A three-minute time limit, which may be lengthened or shortened by the Mayor or presiding officer when appropriate, is imposed per speaker, per matter considered.

(d) During the public comment period on the consent agenda and resolutions not on the consent agenda, each speaker may address the Commission once, regarding anything on the consent agenda and resolutions not on the consent agenda, for a total not to exceed five minutes regardless of how many consent agenda items or regular resolutions the speaker is addressing, which time period may be lengthened or shortened by the Mayor or presiding officer when appropriate. Period may be lengthened or shortened by the Mayor or presiding officer when appropriate.

(e) During the General Public Comment portion of the meeting, speakers may address the City Commission on any matter within the control and jurisdiction of the City of Battle Creek. A speaker shall be permitted to address the City Commission once, for up to three minutes, during this portion of the meeting.

(2) An individual wishing to address the City Commission shall wait to be recognized by the Mayor or presiding Commissioner before speaking. An individual who has not filled out a card requesting to address the City Commission shall raise his or her hand and wait to be recognized by the Mayor or presiding Commissioner before speaking and shall identify themselves by name and address and, if appropriate, group affiliation for the record.

(3) Speakers shall address all remarks to the City Commission as a whole, and not to individual Commissioners. Speakers shall not address their remarks to members of the public in attendance at the meeting.

(4) A speaker will be ruled out-of-order by the Mayor or presiding Commissioner and the Commission will continue with its business when the speaker:

(a) Becomes repetitive or speaks longer than the allotted time;

(b) Attempts to yield any unused portion of time to other speakers;

(c) Engages in a personal attack upon a city employee, administrator or Commissioner only if the personal attack is totally unrelated to the manner in which the employee, administrator or Commissioner carries out his or her public duties or office;

(d) Uses obscene or profane language;

- (e) Engages in slanderous or defamatory speech;
- (f) Uses derogatory racial, sexual or ethnic slurs or epithets relating to any individual or category of persons; or
- (g) Engages in conduct that interrupts or disrupts the meeting.