



Agenda: Battle Creek City Commission

Meeting Date: January 17, 2017- 7:00 PM
Location: Commission Chambers City Hall
Chair: Mayor David A. Walters
Title: Prepared by Michelle K Culp

ATTENDANCE

Mayor Dave Walters	Rebecca Fleury, City Manager
Vice Mayor Susan Baldwin	Jill Steele, City Attorney
Commissioner Mark Behnke	Ted Dearing, Assistant City Manager
Commissioner Kaytee Faris	Victoria Houser, City Clerk
Commissioner Kate Flores	Jim Blocker, Police Chief
Commissioner Lynn Ward Gray	Larry Bowron, Transportation Director
Commissioner Andy Helmboldt	Marcie Gillette, Community Services Director
Commissioner Mike Sherzer	Chris Lussier, Community Development Supervisor
	Helen Guzzo, Community Development Administrative
Absent:	Christine Zuzga, Planning & Zoning Manager
Commissioner Deb Owens	Marcel Stoetzel, Deputy City Attorney

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scout Troop #356, led by Eric Allen.

ROLL CALL

PROCLAMATIONS AWARDS

Beautiful Battle Creek Awards

Mayor Walters presented the Beautiful Battle Creek Awards.

Proclamation for National Day of Racial Healing

Mayor Walters proclaimed Tuesday, January 17, 2017 as a National Day of Racial Healing, urging all citizens to promote racial healing and transformation in the ways that are best suited for them individually, as a means to working together to ensure the best quality of life for every child.

PRESENTATIONS

Presentation by Ryan Leestma owner of Leestma Management, LLC, one of the largest single-member owned asset investment companies in West Michigan. Leestma Management, LLC, invests in commercial and residential real estate, leasehold stakes, and other investment grade products throughout the United States. Leestma Management, LLC, recently assumed management responsibility for the historic Commerce Pointe building in downtown Battle Creek. (5 Minutes)

Ted Dearing, Assistant City Manager, introduced Ryan Leestma of Leestma Management LLC, the company managing the Commerce Pointe Building.

Mr. Leestma expressed his appreciation of the Beautiful Battle Creek Awards, stating this demonstrates the City's support and commitment to property owners who invest time to improve their properties. Mr. Leestma thanked the Commission for placing their faith in his company, stating he would do what was necessary to maintain the historical building up to the community's expectations.

Battle Creek Unlimited Bi-Annual Report by President and CEO Joe Sobieralski

Joe Sobieralski, CEO, Battle Creek Unlimited, provided the bi-annual BCU report to the City Commission.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

Clerk Houser noted Resolution 46 was added.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions or communications.

Staff Report on Community Development by Community Development Manager
Chris Lussier

Chris Lussier, Community Development Manager, presented the monthly staff report.

ADOPTION OF ORDINANCES

- 37 A Resolution to adopt Ordinance 01-2017 that rezones 1700 W. Michigan from the O-1 Office district to the C-2 General Business district.

Motion to Approve
Moved By: LYNN GRAY
Supported By: ANDY HELMBOLDT

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

Absent: OWENS
MOTION PASSED

- 38 A Resolution to adopt Ordinance 02-2017 adopts Ch. 1287 Urban Agriculture to address private gardening, community gardens, and urban commercial farms.

Motion to Approve
Moved By: LYNN GRAY
Supported By: ANDY HELMBOLDT

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

Absent: OWENS
MOTION PASSED

**PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON
CONSENT AGENDA**

John Kenefick, 234 South Avenue, commented on resolution 44, regarding an agreement and past funding to CCDC, and resolution 46, regarding issuing loan funds from the Brownfields Revolving Loan Fund Grant.

Don Bradstreet, 224 Beckwith Drive, thanked the Commission for not approving the rezoning request for a property on Riverside Drive at the prior meeting.

(Limited to three minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no Commission comments.

CONSENT AGENDA

Motion to Approve
Moved By: LYNN GRAY
Supported By: ANDY HELMBOLDT

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

Absent: OWENS
MOTION PASSED

CONSENT MINUTES

City Commission Meeting Minutes for January 3, 2017

Ambulance Report for December 2017

City Manager's Report for January 17, 2017

CONSENT RESOLUTIONS

39 A Resolution authorizing the sale of vacant, tax-reverted property.

Motion to Approve
Moved By: LYNN GRAY
Supported By: ANDY HELMBOLDT

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

Absent: OWENS

MOTION PASSED

- 40 A Resolution renewing memberships for Minges/Riverside Neighborhood Planning Council (NPC #11).

Motion to Approve

Moved By: LYNN GRAY

Supported By: ANDY HELMBOLDT

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

Absent: OWENS

MOTION PASSED

- 41 A Resolution renewing memberships for Post Franklin Neighborhood Planning Council (NPC #1)

Motion to Approve

Moved By: LYNN GRAY

Supported By: ANDY HELMBOLDT

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

Absent: OWENS

MOTION PASSED

- 42 A Resolution renewing memberships for Urbandale Neighborhood Planning Council (NPC #5).

Motion to Approve

Moved By: LYNN GRAY

Supported By: ANDY HELMBOLDT

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

Absent: OWENS

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 43 A Resolution accepting the lowest responsive, responsible bid for installation of Runway 13 Precision Approach Path Indicator (PAPI) from J. Ranck Electric, Inc., in an estimated amount of \$348,490.00, with unit prices prevailing.

Motion to Approve

Moved By: LYNN GRAY

Supported By: ANDY HELMBOLDT

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

Absent: OWENS
MOTION PASSED

- 44 A Resolution authorizing the City Manager to execute a 2017 Restated and Amended Management Agreement with Cereal City Development Corporation (CCDC) amending the terms by deleting references to The Rink and adding terms permitting CCDC to apply for and obtain a new Outdoor Service area for Festival Market Square to the existing liquor license and setting out terms and conditions for the addition of a new Outdoor Services Area to the liquor license.

Motion to Approve
Moved By: LYNN GRAY
Supported By: ANDY HELMBOLDT

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

Absent: OWENS
MOTION PASSED

- 45 A Resolution authorizing the City Manager to execute all documents necessary to convey 0.19 acre of land to the Downtown Development Authority (DDA) and to accept a deed conveying 0.56 acre of land from the DDA to revise boundary lines for the new police department facility.

Motion to Approve
Moved By: LYNN GRAY
Supported By: ANDY HELMBOLDT

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

Absent: OWENS
MOTION PASSED

- 46 A Resolution authorizing the City to loan \$570,000 from the hazardous substances Revolving Loan Fund (RLF) grant to the Battle Creek Brownfield Redevelopment Authority (BRA) in order to complete an environmental response activity at the 25 Michigan Holdings, LLC, property pursuant to federal EPA grant fund guidelines. The City Manager is authorized to sign all documents necessary to effectuate this loan including a Brownfield Cleanup Loan Agreement, and a Security Agreement, securing the repayment of the Promissory Note with the BRA, and as may be amended. Added

Motion to Approve
Moved By: LYNN GRAY
Supported By: ANDY HELMBOLDT

Comm. Helmboldt requested City staff clarify the reasons the resolution was added to the agenda.

Jill Steele, City Attorney, stated the document attached to the resolution was prepared by SME, the City's environmental contractor, in December 2015, stating the potential environmental project has been revisited a couple times since then. Although the Grant Eligibility Determination 2015 document states the loan would be for \$600,000, that is no longer the amount being discussed. Attorney Steele stated SME, the contractor, specializes in putting together the documents that detail the reasons the property meets the EPA requirements for loan approval, noting the City and the property owner have not yet settled on the exact terms of the documents. Attorney Steele also noted the attached document details why this property would qualify for the EPA Brownfield funds, benefiting 25 W. Michigan Holdings, also noting the approval being sought for a loan is \$570,000. Attorney Steele also noted the interest rate stated is what is anticipated at this time, noting the terms are not finalized yet.

Ted Dearing, Assistant City Manager, stated he would be speaking with the EPA representative the following day, stating the City has previously created sample loan documents for 616's review, but noting the terms are not finalized. Mr. Dearing stated it has been difficult to find projects that fit within the loan guidelines, noting loan documents needed to be created prior to the expiration of the grant funds, which was the reason for the resolution only having been added this morning. Mr. Dearing noted discussions have been taking place since October, 2016, when our city team and a representative from 616 held a conference call with our EPA rep to discuss the project. At that time, we explained the project and the process for securing funding and received the EPA's blessing to keep pursuing the loan. Since then a lot of progress has been made on the capital stack but the EPA is now pushing for loan documents and a schedule to ensure completion before the grant expiration. On Friday, the EPA requested loan documents in the "next few days". Our EPA rep is currently unavailable to discuss the situation until Wednesday morning at the earliest. Given that the commission will not meet again until February 7th we thought it was prudent at this time to get commission approval of the loan documents in principle to show progress to the EPA.

Comm. Sherzer asked where the principal and interest would be placed when it is paid back over the 5 years.

Ms. Fleury stated the repayment funds of principal and interest go back into the revolving loan fund, to hopefully be loaned for another project that meets the guidelines.

Mr. Dearing also noted there are significantly fewer procedural requirements when the funds are re-loaned once they have been initially paid back.

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

Absent: OWENS
MOTION PASSED

GENERAL PUBLIC COMMENT

John Kenefick, 234 South Avenue, commented on the Commission's disapproval of a rezoning request for property located at Riverside Drive and I-94.

(Limited to three minutes per individual)

COMMISSION COMMENTS

There were no Commission comments.

ADJOURNMENT

Mayor Walters adjourned the meeting at 7:59 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.