



Agenda: Battle Creek City Commission

Meeting Date: June 6, 2017- 7:00 PM
Location: Commission Chambers City Hall
Chair: Mayor David A. Walters
Title: Prepared by Shawna M. Allen

ATTENDANCE

Mayor Dave Walters	Rebecca Fleury, City Manager
Vice Mayor Susan Baldwin	Ted Dearing, Assistant City Manager
Commissioner Mark Behnke	Jill Steele, City Attorney
Commissioner Kaytee Faris	Victoria Houser, City Clerk
Commissioner Kate Flores	Chris Dopp, Director of DPW
Commissioner Lynn Ward Gray	Linda Morrison, Finance Director
Commissioner Andy Helmboldt	Steve Siemen, Fleet Service Manager
Commissioner Deb Owens	Carl Fedders, City Engineer
Commissioner Mike Sherzer	Jim Grafton, Police Major
Commissioner Mike Sherzer	

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Rebecca Fleury, City Manager.

ROLL CALL

PROCLAMATIONS AWARDS

Proclaiming June 9-10, 2017, as the "2017 Battle Creek Cereal Festival" and further proclaiming Saturday, June 10, 2017, as "The World's Longest Breakfast Table Day".

Mayor Walters proclaimed June 9-10, 2017 as the "2017 Battle Creek Cereal Festival" and further proclaimed Saturday, June 10, 2017 as "The World's Longest Breakfast Table Day."

Kimberly Holley invited everyone to the 2017 Battle Creek Cereal Festival, announcing the many different events that will be included.

Proclaiming June 17, 2017 as "Juneteenth Family Day"

Mayor Walters proclaimed June 17, 2017 as "Juneteenth Family Day" in Battle Creek.

Sam Gray encouraged everyone to come out to the Juneteenth Family Day at Claude Evans Park, noting an old school baseball game and movie in the park will take place the evening before.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

Clerk Houser noted that although there were no added or deleted resolutions, a change was added to the Fee, Bond and Insurance Schedule as the AMSA Board had approved a fee change at their board meeting earlier in the day.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions, communications or reports.

PUBLIC HEARING

A Public Hearing to receive public comment on a proposed amendment to the City of Battle Creek Tax Increment Finance Authority's Tax Increment Finance and Development Plan in accordance with the Michigan Tax Increment Finance Authority Act (Act 450 of the Public Acts of Michigan of 1980, as amended).

Mayor Walters declared the Public Hearing open, inviting attendees to provide comment.

Hearing no comments, Mayor Walters declared the Public Hearing closed.

A Public Hearing to receive public comment on the City of Battle Creek's proposed FY 2018 Budget.

Mayor Walters declared the Public Hearing open, inviting attendees to provide comment.

Tate Trujillo, 150 Minges Circle, expressed concern related to the budget, including millage increases and pension obligations.

John Kenefick, 234 South Avenue, expressed concern with the Capital Improvement Program cost increases, recommending the city focus on essential services first.

Hearing no additional comments, Mayor Walters declared the Public Hearing closed.

INTRODUCTION OF ORDINANCES

09-2017 A Proposed Ordinance to amend the City Code by adding a new Chapter, designated as 817, Regulating Commercial Quadricycles within the City of Battle Creek and amending Chapter 604, section 02, to provide an exception to the prohibition of the public consumption of alcohol in public places.

Motion to Approve
Moved By: MIKE SHERZER
Supported By: DEB OWENS

Jill Steele, City Attorney, noted a change to section 817.06e, stating the required insurance should be \$2 million, not \$2 billion.

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

MOTION PASSED

ADOPTION OF ORDINANCES

- 128 A Resolution to adopt Ordinance 06-2017 that revises Ch. 1284 "Off-Street Parking, Ingress and Egress, and Loading Requirements" to outline off-street parking requirements and related design standards.

Motion to Approve
Moved By: MIKE SHERZER
Supported By: DEB OWENS

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

MOTION PASSED

- 129 A Resolution to adopt Ordinance 07-2017, an ordinance to adopt Chapter 1285 "Landscaping Requirements" that outlines minimal site landscaping requirements for new multi-family, office/commercial, and industrial developments.

Motion to Approve
Moved By: MIKE SHERZER
Supported By: DEB OWENS

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

MOTION PASSED

- 130 A Resolution to adopt Ordinance 08-2017 that revised Ch. 1298 "Fences" that outlines fence requirements and standards.

Motion to Approve
Moved By: MIKE SHERZER
Supported By: DEB OWENS

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

MOTION PASSED

PUBLIC COMMENTS REGARDING CONSENTAGENDAAND RESOLUTIONS NOT ON CONSENTAGENDA

Tate Trujillo, 150 Mingos Circle, commented on resolution 135, regarding the purchase of a new street vac vehicle and the FY 18 budget.

John Kenefick, 234 South Avenue, spoke on resolutions 137, regarding the Fee, Bond and Insurance Schedule and resolution 136 regarding the amended agreement with CCDC.

(Limited to five minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

CONSENT AGENDA

Motion to Approve
Moved By: MIKE SHERZER
Supported By: DEB OWENS

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

MOTION PASSED

City Commission Minutes for Workshop on May 16, 2017

City Commission Minutes for Regular Meeting on May 16, 2017

City Commission Minutes for Workshop on May 18, 2017

City Manager's Report for June 6, 2017

CONSENT RESOLUTIONS

131 A Resolution appointing and reappointing members to the Police and Fire Retiree Health Care Insurance Board.

Motion to Approve
Moved By: MIKE SHERZER
Supported By: DEB OWENS

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

MOTION PASSED

132 A Resolution authorizing the City of Battle Creek to participate in the funding of the FY 2018 local share cost of the Battle Creek Area Transportation Study.

Motion to Approve
Moved By: MIKE SHERZER
Supported By: DEB OWENS

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

MOTION PASSED

133 A Resolution accepting the proposal of best value for compensation study from Springsted Incorporated, in a not-to-exceed amount of \$88,000.

Motion to Approve
Moved By: MIKE SHERZER
Supported By: DEB OWENS

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

MOTION PASSED

134 A Resolution to add a member to the Sustainable BC Committee.

Motion to Approve
Moved By: MIKE SHERZER
Supported By: DEB OWENS

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

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

135 A Resolution accepting the lowest responsive, responsible bid for a combination sewer cleaning truck from Fredrickson Supply LLC in a not-to-exceed amount of \$404,000.00.

Motion to Approve
Moved By: MIKE SHERZER
Supported By: DEB OWENS

Comm. Gray requested staff provide information related to new and used equipment, encouraging residents to contact staff, or submit a comment card, if they have questions related to the resolutions or any other city business.

Ms. Fleury stated staff goes through a very extensive process to determine if the vehicles have continued efficient use, stating it often cost more for additional labor and parts for older equipment than to purchase new. Ms. Fleury stated a cost analysis is also completed for each vehicle to ensure its life expectancy.

Chris Dopp, Director of Public Works, noted the City has many qualified mechanics, which allows the city to purchase vehicles, while other municipalities often lease equipment as they do not have maintenance staff. Mr. Dopp stated there is also a practice of repurposing equipment to other departments to extend their usefulness. Mr. Dopp noted the vehicle being replaced was 25 years old, stating the average life of a City snow plow was 17 years, stating most other municipalities do not use their equipment this long. Mr. Dopp stated a committee composed of mechanics and foremen analyze the needs when replacing equipment to ensure the city achieves the full life of their equipment. Mr. Dopp noted the number of staff members reliant on key pieces of equipment, and the extensive work needed to ensure equipment is not out of service.

Comm. Faris suggested the Ms. Vanderkolk, Communications Specialist, produce a video demonstrating the continual maintenance for the entire fleet of city vehicles.

Steve Siemen, Fleet Manager, discussed the life cycle of vat trucks, noting that while other municipalities replace their equipment and vehicles every 6-8 years, the average life cycle of a vat truck is 10-12 years. Mr. Siemen noted Battle Creek often gets 20-25 years out of the vehicle.

Mayor Walters informed everyone that there was a lot of discussion at the CIP meeting related to the importance of maintaining equipment instead of buying new equipment.

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

MOTION PASSED

136 A Resolution authorizing the City Manager to execute a Second 2017 Restated and Amended Management Agreement with Cereal City Development Corporation (CCDC) amending the terms to extend the scope of services by adding certain economic development assistance duties.

Motion to Approve

Moved By: MIKE SHERZER

Supported By: DEB OWENS

Comm. Gray requested staff provide more detail and history related to the resolution.

Ms. Fleury stated the changes to the CCDC agreement allow the City to have a more comprehensive approach to economic development, allowing BCU to focus on Ft. Custer Industrial Park, while working with our longstanding partners throughout the City. Ms. Fleury noted this would also allow more entrepreneurial and small business support.

Mr. Dearing discussed the history and relationship with CCDC, stating they are a unique 501C3, as a support organization to the City, providing more affordable services. Mr. Dearing stated they receive direction from City staff.

Comm. Behnke expressed his appreciation to the City Manager and staff for working through the process, stating the City Manager has taken the time to talk with businesses, non profits and BCU. Comm. Behnke stated he has never had the opportunity to vote on a resolution such as this to assist in economic development.

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

MOTION PASSED

137 A Resolution adopting the “2017-2018 Fee, Bond, and Insurance Schedule” for the City of Battle Creek.

Motion to Approve

Moved By: MIKE SHERZER

Supported By: DEB OWENS

Comm. Helmboldt explained the addition to the schedule, which was approved at the AMSA Board, stating it was related to the administrative costs involved in investigation and enforcement required when residents or contractors work without applying for a permit for the work. Comm. Helmboldt noted the current fee of \$42 did not cover the costs to enforce the action, noting the AMSA municipalities reviewed the costs among all the municipalities.

Comm. Gray requested staff explain the process in establishing the other fees on the schedule.

Ms. Fleury noted departments are required to review the fees every year to determine the true cost to provide the service. Ms. Fleury stated other fees have been removed due to changes in state law, while some fees have been added due to ordinance or statute changes. Ms. Fleury also noted some fees were increased due to collective bargaining agreement increases.

Comm. Owens discussed the history of the fee schedule, stating 25 years ago the Clerk's office consolidated the fees, bonds and insurance requirements throughout the city departments. Comm. Owens stated the fees are reflective of the cost of doing business, noting often the fees do not cover the true cost of service. Comm. Owens recommended residents challenge staff to show the reasoning for the fees.

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

Nays: WALTERS

MOTION PASSED

GENERAL PUBLIC COMMENT

Reece Adkins, 60 Jericho, commented on the Memorial Day service at the Veteran's Memorial Cemetery, commenting on Commission attendance.

Tate Trujillo, 150 Minges Circle, suggested the Commission consider reducing the budget by \$1 million by reducing police and fire staffing and services.

Joe Sobieralski, 516 Morningside Dr, BCU, stated he was excited with the evolving economic development initiatives in the City, asking for patience as things do not happen overnight.

Stacy Simmons, 24 Sherman Rd, commend the efforts of BCPD, asking for assistance in her neighborhood with loud cars that may be violating the City's noise ordinance.

John Kennefick, 234 South Avenue, commented on resolutions approved on the evening's agenda. Mr. Kennefick also provided pictures of several government owned properties he felt were not in compliance with the City's weed ordinance.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. Owens stated she also had concerns with government and personal properties that are not mowed, asking about the progress of the mowing contractor. Comm. Owens noted many property

owners have walked away from their properties.

Ms. Fleury agreed the City and other government entities should maintain their properties per the ordinance, stating the City has been working with their contractors to get the properties mowed. Ms. Fleury also stated they have been working with the County Land Bank to have their properties maintained.

Mr. Dearing stated the City has been working with a 3rd party contractor to maintain the city lots, noting per the ordinance, properties over 1 acre are not subject to the ordinance, stating they have decided to allow those properties to go back to a natural status.

Comm. Owens asked Ms. Fleury to discuss the Police and Fire millage.

Ms. Fleury reminded everyone the P&F millage was approved by City of Battle Creek voters in the 1960s, stating the millage language allows the millage to adjust to meet the costs. Ms. Fleury stated there is a board that manages the pension, analyzing the actuarial assumptions, stating the City will continue to make the minimum payments to ensure the City does not experience the difficulties others have experienced locally, statewide and nationally. Ms. Fleury stated the Legacy Cost Committee is closely analyzing the costs, while researching best practices nationwide, ensuring the fund is sustainable. Ms. Fleury stated the discussion at the budget meeting was similar, demonstrating how the MERS pension contributions have increased.

Comm. Helmboldt also noted that in the past there were over 700 city employees contributing to the MERS pension, while today just over 500 employees were contributing. Comm. Helmboldt also noted the pension costs increase due to longer life expectancies. Comm. Helmboldt asked if the Legacy Cost Committee was an internal committee that was open to the public.

Ms. Fleury stated the committee was composed of commissioners, staff, union group representatives, community stake holders, and financial experts, stating the meetings are open to the public.

Attorney Steele commented on Chapter 652.07 regarding the noise ordinance, stating there was some specific information related to vehicles.

Comm. Gray informed everyone the Keeping You Informed topic for June is the May KYI Town Hall meeting regarding housing, stating the program is available on Access Vision, channel 17.

Comm. Helmboldt thanked staff and the BCU director for attending the meeting to be available to answer questions related to agenda items.

Major Grafton encouraged citizens to call 911 when vehicles are violating the noise ordinance, asking residents to get a description of car. Major Grafton stated there are time and distance requirements to enforce the ordinance.

Comm. Flores thanked staff for scheduling the Public Hearing on the budget the meeting before the resolution, allowing time for community input. Comm. Flores also expressed appreciation to staff for the work to foster a positive economic climate. Comm. Flores encouraged everyone to participate in the activities planned on the river downtown, including kayaking and fly fishing.

Comm. Faris also thanked staff for being available at the meeting, stating they are also very accessible during the day to answer questions.

Mayor Walters noted Memorial Day is not a day of celebration, but a day of remembrance. Mayor Walters also stated Commissioners do remember Memorial Day by participating in activities not only the day of, but often the day before and after putting flags out and visiting grave sites, stating the Veterans were certainly remembered.

ADJOURNMENT

Mayor Walters adjourned the meeting at 8:27 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.