



Agenda: Battle Creek City Commission

Meeting Date: May 15, 2018- 7:00 PM
Location: Commission Chambers City Hall
Chair: Mayor Mark A. Behnke
Title: City Hall Commission Chambers

VIDEO

ATTENDANCE

Mayor Mark Behnke	Rebecca Fleury, City Manager
Commissioner Susan Baldwin	Ted Dearing, Assistant City Manager
Commissioner Kaytee Faris	Jill Steele, City Attorney
Commissioner Kate Flores	Victoria Houser, City Clerk
Commissioner Lynn Ward Gray	Jim Blocker, Police Chief
Commissioner John Griffin	Steve Hudson, City Assessor
Commissioner Christopher Simmons	Chris Dopp, Director of DPW
Commissioner Sherry Sofia	Larry Bowron, Transportation Director
Vice Mayor Dave Walters	Christine Zuzga, Planning & Zoning Supervisor
	Marcie Gillette, Community Services Director
	Marcel Stoetzel, Deputy City Attorney

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. Gray.

ROLL CALL

PROCLAMATIONS AWARDS

Proclamation for National Public Works Week

Mayor Behnke proclaimed May 20-26, 2018 as National Public Works Week in the greater Battle Creek area.

Chris Dopp, Director of Public Works, accepted the proclamation.

Beautiful Battle Creek Awards

Mayor Behnke postponed the presentation of the Beautiful Battle Creek Awards as no recipients were in attendance.

Proclamation for Older Americans Month

Mayor Behnke proclaimed the month of May 2018 as "Older Americans Month," and further proclaimed May 16, 2018 as "Older Michigianians Day," and May 17, 2018 as "Calhoun County Centenarians' Day" in the greater Battle Creek area.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

Clerk Houser noted Resolution 162 had been moved from the Consent Agenda to the Regular Agenda and additional information was added to Resolution 168.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions or communications.

Staff Presentation by Planning Manager Chris Zuzga

Christine Zuzga, Planning and Zoning Supervisor, presented the monthly staff report.

PUBLIC HEARING

A Public Hearing to receive public comment on the City of Battle Creek's proposed FY 2018-2019 Budget.

Mayor Behnke opened the public hearing, inviting attendees to provide comments.

David Moore, 102 Taylor, requested additional information on the budget, as he missed the budget workshop earlier in the month.

Tate Trujillo, 150 Minges Circle, commented on the budget workshop and the City's legacy costs.

Ms. Fleury informed everyone that the State recently passed PA 202, stating the Legacy Cost Committee was waiting to meet until the State made decisions as to pension requirements. Ms. Fleury also noted information related to the Legacy Cost Committee and pensions was available on the City's website.

Comm. Simmons shared that the proposed 2018/2019 budget did include an increase to the Police and Fire Pension millage, but the general fund millage was reduced, resulting in no increase in the overall tax millage for this fiscal year.

Hearing no additional comments, Mayor Behnke closed the public hearing.

INTRODUCTION OF ORDINANCES

06-2018 A Proposed Ordinance to amend the City Code by adding a section 8, "Retail Fraud," to Chapter 656, Offenses Related to Property.

Motion to Approve

Moved By: KATE FLORES

Supported By: LYNN GRAY

David Moore stated he did not understand the ordinance, that more laws were not needed.

Jill Steele, City Attorney, noted that if a person was arrested for shoplifting, or retail fraud, this ordinance gives Battle Creek Police Officers the opportunity to charge the individual under the

ordinance. Attorney Steele noted the ordinance is modeled after state law, with the same penalties.

Chief Blocker noted the ordinance will streamline the process, giving officers a choice of sending it to the City Attorney or the County Prosecutor's office. Chief Blocker informed the Commission that the incidents of retail fraud continue to increase.

Comm. Gray noted shoplifting is the most common incident under retail fraud.

Comm. Simmons noted other municipalities that have adopted similar ordinances have been successful, suggesting the City could expand to include other charges or ordinances, also allowing the City to prosecute other crimes.

Chief Blocker noted it was also a resource allocation issue, shifting the burden of prosecution from the county to the city.

Attorney Steele stated her office has adequate staff to take the incidents to trial, noting the City ordinances mirror other state laws. Attorney Steele noted the fines and costs remain the same whether the case is prosecuted by the county or the city, noting the city would retain two-thirds of the funds if they are prosecuted.

Ayes: BALDWIN, FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

MOTION PASSED

PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON CONSENT AGENDA

David Moore requested additional information on resolutions 157 and 160, asking what determines whether an item will be placed on the consent or regular agenda.

As to how items are placed on the City Commission agenda, Attorney Steele stated the City ordinances set out what items are to be placed on the Consent Agenda and what will be placed on the Resolutions not on the Consent Agenda. Attorney Steele also noted information to every resolution, whether as a consent item or regular item, was attached to the resolution, noting it was also available upon request at City Hall prior to the meeting.

John Kenefick, 234 South Avenue, commented that he did not have the additional information related to resolution 162 as he received copies prior to the changes. Mr. Kenefick also commented about proper notification to the owner or deed holder of properties to be demolished, suggesting potential legal action.

(Limited to five minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

Larry Bowron, Transportation Director, stated resolution 157 related to the Intermodal Transportation Center and resolution 160 related to the hiring of a consultant to implement the Airport Strategic Business Plan that was presented at a workshop earlier in the year.

CONSENT AGENDA

Motion to Approve

Moved By: KATE FLORES

Supported By: LYNN GRAY

Ayes: BALDWIN, FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

MOTION

City Commission Meeting Minutes for the Regular meeting on May 1, 2018

City Commission Meeting Minutes for the Workshop on May 3, 2018

City Manager's Report for May 15, 2018

Ambulance Report for April 2018

CONSENT RESOLUTIONS

- 156 A Resolution appointing a new member to the Rural Southwest Neighborhood Planning Council (NPC #9).

Motion to Approve

Moved By: KATE FLORES

Supported By: LYNN GRAY

Ayes: BALDWIN, FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

MOTION PASSED

- 157 A Resolution accepting the proposal of best value for Parking revenue and control system from Traffic Safety and Control Systems, Inc., in a not-to-exceed amount of \$88,774.00.

Motion to Approve

Moved By: KATE FLORES

Supported By: LYNN GRAY

Ayes: BALDWIN, FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

MOTION PASSED

- 158 A Resolution to appoint and reappoint members to the Westlake/Prairieview Neighborhood Planning Council (NPC #10)

Motion to Approve
Moved By: KATE FLORES
Supported By: LYNN GRAY

Ayes: BALDWIN, FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA,
WALTERS

MOTION PASSED

159 A Resolution appointing Assistant City Manager Ted Dearing as an alternate for
the City of Battle Creek representative on the Local Revenue Sharing Board.

Motion to Approve
Moved By: KATE FLORES
Supported By: LYNN GRAY

Ayes: BALDWIN, FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA,
WALTERS

MOTION PASSED

160 A Resolution accepting the proposal of best value for Airport Strategic Business
Plan Implementation from R.A. Wiedemann & Associates, Inc., in a not-to-exceed
amount of \$77,000.

Motion to Approve
Moved By: KATE FLORES
Supported By: LYNN GRAY

Ayes: BALDWIN, FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA,
WALTERS

MOTION PASSED

161 A Resolution authorizing the City Manager to sign proposal with Sustainable
Generation LLC for the evaluation of equipment and operation of a
biosolids composting solution at the wastewater treatment facility for \$49,000.

Motion to Approve
Moved By: KATE FLORES
Supported By: LYNN GRAY

Ayes: BALDWIN, FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA,
WALTERS

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 162 A Resolution accepting the lowest responsive, responsible bid for various demolitions from SC Environmental Services, LLC., in a not-to-exceed amount of \$68,397.14.

Motion to Approve

Moved By: KATE FLORES

Supported By: LYNN GRAY

Comm. Griffin asked what criteria is used to determine if a building is to be demolished, stating the property at 98 Somerset was in worse shape than 119 Somerset, asking if 98 Somerset could be added to the list as it may be more economical to demolish two buildings in the same area at the same time.

Marcie Gillette, Community Services Director, stated several factors are considered, including the funding source available to demolish a building and the distance to other properties. Ms. Gillette discussed the different programs and partnerships available for demolitions. Ms. Gillette also noted the property may not be in the possession of the City, but may be owned by the Land Bank.

Responding to Mr. Kenefick's comments, Ms. Gillette stated the building has been on the dangerous building list for 10 years. Ms. Gillette confirmed notification has been mailed to the owner of record with the City Assessor. Ms. Gillette stated City Ordinances also require sellers to file a property transfer affidavit, stating they understand the current condition of the property.

Attorney Steele stated Michigan is a notice state, stating the City cannot be expected to have record of a change of property ownership if a deed is not recorded.

Marcel Stoetzel, Deputy City Attorney, stated the Main Street property owner of record was properly noticed over the last 3 years, also stating a deed recently surfaced that was dated March of 2015 that deeded the property back to the previous owner.

Comm. Simmons agreed the City should not be liable if the change of ownership was not recorded with the County or an affidavit was not filed with the City Assessor.

Attorney Steele noted property owners are responsible for checking their properties periodically, at which time the property owner would see that notices had been posted on the building.

Ayes: BALDWIN, FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

MOTION PASSED

- 163 A Resolution approving the tentative boundaries for a Neighborhood Enterprise Zone (NEZ), directing the City Clerk to notify taxing units of intent to create an NEZ, and setting a public hearing.

Motion to Approve

Moved By: KATE FLORES

Supported By: LYNN GRAY

Ayes: BALDWIN, FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA,
WALTERS

MOTION PASSED

- 164 A Resolution accepting the lowest responsive, responsible bid for 2018 Lafayette St. Widening project from Hoffman Bros., Inc., in an estimated amount of \$184,278.10, with unit prices prevailing.

Motion to Approve
Moved By: KATE FLORES
Supported By: LYNN GRAY

Ayes: BALDWIN, FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA,
WALTERS

MOTION PASSED

- 165 A Resolution accepting the lowest responsive, responsible bid for Taxiway C Rehab and Lighting project from Hoffman Bros. Inc., in an estimated amount of \$3,215,557.23, with unit prices prevailing.

Motion to Approve
Moved By: KATE FLORES
Supported By: LYNN GRAY

Ayes: BALDWIN, FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA,
WALTERS

MOTION PASSED

- 166 A Resolution authorizing the City Manager to enter into an Intergovernmental Agreement with the Calhoun County Consolidated Dispatch Authority regarding the relocation of the Backup 911 Center.

Motion to Approve
Moved By: KATE FLORES
Supported By: LYNN GRAY

Ayes: BALDWIN, FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA,
WALTERS

MOTION PASSED

- 167 A Resolution authorizing a contract for new data center and 193 replacement computers from Access Interactive, LLC, in an estimated amount of \$506,543.51,

with unit prices prevailing.

Motion to Approve

Moved By: KATE FLORES

Supported By: LYNN GRAY

Ayes: BALDWIN, FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA,
WALTERS

MOTION PASSED

168 A Resolution authorizing the City of Battle Creek to accept title to land located at 276 E. Michigan, Battle Creek, from Beverly Bishop. Revised

Motion to Approve

Moved By: KATE FLORES

Supported By: LYNN GRAY

Ayes: BALDWIN, FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA,
WALTERS

MOTION PASSED

GENERAL PUBLIC COMMENT

Kathy Larson, 217 Leland Dr., commented on some recent and past issues she has experienced with sewer backups and flooding in her home, requesting the City pay for the cleaning and make repairs to prevent future problems.

Mayor Behnke requested the City Manager or City Attorney talk with Ms. Larson after the meeting.

Tate Trujillio, 150 Minges Circle, commented on PA 202, relating to the City's pension funds, also suggesting the City Manager have all city departments cut their budgets 3% as was done the prior year.

David Moore commented on agenda items and the costs, asking for additional information.

John Harper, 3rd ward resident, commented on the hen ordinance that was passed at the prior Commission meeting, asking how the ordinance is loyal to the Battle Creek story.

John Kenefick presented pictures of the meeting room kitchenette and restrooms at the Transit building and traffic signal upgrades.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. Gray announced Keeping You Informed would feature the Department of Public Works, with a live road video. Comm. Gray also announced the Town Hall meeting related to school safety, titled This is What Safe Looks Like, School Safety as We See It, on Tuesday, May 22nd, at 7:00pm in Commission Chambers. As an update to the newly adopted ordinance allowing hens, Commissioner Gray announced 6 applications had been received, with one applicant for NPCs 2, 4, 5, and 11, and two applications in NPC 10.

Comm. Faris announced some workshops being held by the Calhoun County Land Bank, in partnership with the City and the Battle Creek Community Foundation, stating the workshops would be held at 26 Fremont Street, requiring a \$25 registration fee, noting a limit of 12 participants. Additional information was available at <https://battlecreekpracticalpreservation.eventbrite.com> by calling 269-781-0777 or

Vice Mayor Walters invited everyone to participate in the Annual Ride of Silence, a world-wide event to show support for victims of cycling accidents, starting at Willard Beach at 7:00 pm on Wednesday, May 16, 2018. Vice Mayor Walters also congratulated Larry Bowron, Transportation Director, and his staff for the phenomenal work to facilitate a recent VIP visit to Battle Creek, ensuring everyone was safe.

Comm. Baldwin complimented the Police Department memorial and awards ceremony earlier in the day, stating it was a moving ceremony.

ADJOURNMENT

Mayor Behnke adjourned the meeting at 8:34 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.