



## **Agenda: Battle Creek City Commission**

Meeting Date: January 8, 2019- 7:00 PM  
Location: Commission Chambers City Hall  
Chair: Mayor Mark A. Behnke  
Title: City Hall Commission Chambers

VIDEO

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### **ATTENDANCE**

Mayor Mark Behnke	Rebecca Fleury, City Manager
Commissioner Kaytee Faris	Jill Steele, City Attorney
Commissioner Kate Flores	Ted Dearing, Assistant City Manager
Commissioner Lynn Ward Gray	Victoria Houser, City Clerk
Commissioner John Griffin	Jim Blocker, Police Chief
Commissioner Christopher Simmons	Steve Hudson, City Assessor
Vice Mayor Sherry Sofia	Rich Werner, Transit Manager
<b>Absent:</b>	Donna Hutchison, Grants Administrator
Commissioner Susan Baldwin	Chris Huff, Purchasing Manager
Commissioner James Lance	Nancy Mullett, Labor Attorney
	Kurt Tribbett, Engineering Administrator

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Comm. Faris.

### **ROLL CALL**

### **CHAIR NOTES ADDED OR DELETED RESOLUTIONS**

There were no added or deleted resolutions.

### **PETITIONS COMMUNICATIONS REPORTS**

There were no petitions, communications or reports.

### **PUBLIC HEARING**

A Public Hearing for the purpose of reviewing the special assessment roll and for hearing any objections thereto, and receiving comments from persons about the

necessity of the proposed improvements to Woodhaven Drive - Special Assessment Roll #R-019.

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

Hearing no public comment, Mayor Behnke closed the public hearing.

A Public Hearing on behalf of Battle Dog, LLC, on the application for an Obsolete Property Rehabilitation Act Tax Exemption in Obsolete Property Rehabilitation District No. 15.

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

David Moore, 102 Taylor Ave., stated he was against approving tax abatements.

Brent VanderKamp, founder of New Holland Brewery, and Battle Dog, LLC, thanked the Commission for the opportunity to review his request for a tax abatement, stating it would help offset some of the capital cost associated with the project.

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

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

David Moore, regarding resolution # 48, on the OPRA for Battle Dog, LLC, expressed opposition to the abatement request.

John Kenefick, 234 South Avenue, regarding resolution #49, regarding a contract with Waste Management, suggested the City place dumpsters throughout the City instead of providing refuse, recycling and yard waste pick up at residents' properties weekly.

(Limited to five minutes per individual)

**COMMISSION COMMENT REGARDING MEETING BUSINESS**

Commissioner Griffin requested resolution #46 be moved to the to the regular agenda.

**CONSENT AGENDA**

City Commission Minutes for Workshop on December 6, 2018

City Commission Minutes for Regular meeting on December 18, 2018

City Manager's Report for January 8, 2019

**CONSENT RESOLUTIONS**

44 A Resolution appointing and reappointing members to the Economic Development Corporation.

Motion to Approve

Moved By: KATE FLORES

Supported By: LYNN GRAY

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

Absent: BALDWIN, LANCE  
MOTION PASSED

45 A Resolution appointing a member to the Sustainable BC Committee.

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

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

Absent: BALDWIN, LANCE  
MOTION PASSED

47 A Resolution setting a public hearing on Tuesday, February 5, 2019, to receive citizen input on applications developed by Battle Creek Transit and area human service agencies for FY 2020 State funding.

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

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

Absent: BALDWIN, LANCE  
MOTION PASSED

**RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA**

46 A Resolution accepting the lowest responsive, responsible bid for a walk-in utility van from Freightliner of Grand Rapids, Inc. in a not-to-exceed amount of \$86,970.00.

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

Comm. Griffin commended the Purchasing Department's recent purchases, expressing concern with the expense of the walk-in utility van.

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

Absent: BALDWIN, LANCE  
MOTION PASSED

48 A Resolution approving an application for an Obsolete Property Rehabilitation

Exemption Certificate on behalf of Battle Dog, LLC, located at 64 West Michigan Avenue, Battle Creek, Michigan in Obsolete Property Rehabilitation District No. 15, and having an estimated cost of \$2,500,000 for real property improvements.

Motion to Approve

Moved By: KATE FLORES

Supported By: LYNN GRAY

Comm. Simmons thanked Mr. VanderKamp for his economic investment in the community, noting the building sat vacant for many years, and it was good to see it back on the tax roles. Comm. Simmons also expressed appreciation that the project was being completed by Schweitzer, a local contractor, contributing more jobs in the community.

Comm. Faris stated it was good to see the project progress through the Historic District Commission, stating it was exciting to see the first job posting for this site. Comm. Faris said this was positive for the Battle Creek downtown economy.

Comm. Flores thanked Mr. VanderKamp for attending the meeting, presenting information and being available for questions, stating she was excited to see the project moving forward.

Mayor Behkne thanked Joe Sobieralski, John Gallagher and Brent VanderKamp for their willingness to be at the meeting and provide information and take questions.

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

Absent: BALDWIN, LANCE

MOTION PASSED

49            A Resolution authorizing a contract renewal with Waste Management for residential waste in an estimated two-year amount of \$6,149,376.60.

Motion to Approve

Moved By: KATE FLORES

Supported By: LYNN GRAY

Comm. Sofia stated that her family does not take the recycling tote to the curb every week if it is not full, therefore the every-other week would not present a problem for her. Comm. Sofia asked how the change in service would be communicated to residents.

Ms. Fleury stated staff would work with Waste Management on a campaign to provide education and information to residents. Ms. Fleury noted many residents are not recycling properly, stating several items collected in the recycling totes is not recyclable and contaminates the load. Ms. Fleury stated stickers and flyers will help to educate residents, stating she recently found out that pizza boxes are not recyclable, reminding everyone to remember the phrase: When in Doubt, Throw it Out! Ms. Fleury stated the increased cost is due to international acceptance of recycled materials, which has presented a problem recently.

Comm. Simmons stated his family of 6 fills their recycling tote every week, asking if families such as his may have a second recycling tote since the recyclable would only be picked up every other week.

Bryan Conway, WM representative, stated Waste Management could make provisions to rent additional buckets to residents. As to Comm. Simmons question regarding a store bought container for recyclables, Mr. Conway noted the recycling carts are picked up with an automatic side loader and most refuse receptacles are not designed to work with their trucks, but that they would look into it. Mr. Conway also noted that 25% of the items picked up in their recycling program are not

recyclable.

Comm. Simmons commended staff for putting forward a plan that does not increase cost to the residents.

Comm. Gray informed everyone that Keeping You Informed will be featuring information on the City's recycling program in the near future, possibly March 2019.

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

Absent: BALDWIN, LANCE  
MOTION PASSED

### **GENERAL PUBLIC COMMENT**

John Harper, Orchard Ave, stated the connection to stories gives symbols and slogans power, encouraging the Commission to develop a story to highlight the good things happening in Battle Creek and why Battle Creek is a great place to live.

Dave Rook commented on the current condition of the Metcalf Lake property, asking if the City had any plans to clean up and improve the property, suggesting Barry County manage the property.

David Moore commented again on tax breaks for business investment.

Cynthia Williams, transit driver, asked the Commission to continue to advocate for the Transit services, stating they assist many seniors, disabled and ill, taking them to appointments and services.

Tomi Ailene Morris expressed support of the Battle Creek Transit service, complimenting the drivers. As to Mr. Kenefick's comments about dumpsters, Ms. Morris disagreed, stating she prefers the once a week service that is offered.

John Kenefick commented on the City's current budget deficit, presenting news clips from June 4, 2005 and Dec 21, 2018, stating savings should be returned to the residents.

(Limited to three minutes per individual)

### **COMMISSION COMMENTS**

Comm. Simmons stated he used the online pet licensing process, stating it was very easy to use and he quickly received the pet license tags, complimenting their appearance. Comm. Simmons recommended staff inform local veterinary offices of the availability of online licensing in an effort to increase compliance. Comm. Simmons thanked Lt. Bagwell and staff for their work on the licensing program.

Lt. Doug Bagwell noted there has been a little increase in pet licensing compliance.

### **ADJOURNMENT**

Mayor Behnke adjourned the meeting at 7:45 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.