



Agenda: Battle Creek City Commission

Meeting Date: August 13, 2024- 7:00 PM

Location: City Commission Chambers

Chair: Mayor Mark A. Behnke

Title: Battle Creek City Hall - City Commission Chambers - 3rd Floor

VIDEO

ATTENDANCE

Mayor Mark Behnke
Commissioner Jenasia Morris
Commissioner Carla Reynolds
Commissioner Jake Smith
ABSENT: Commissioner Jim Lance

COMMISSIONERS

Commissioner Roger Ballard
Commissioner Patrick O'Donnell
Commissioner Christopher Simmons
Vice Mayor Sherry Sofia

CITY STAFF

Rebecca Fleury, City Manager
Ted Dearing, Assistant City Manager
Shannon Bagley, Police Chief
Steve Skalski, Public Works Director
Kurt Tribbett, Engineering Administrator
Darcy Schmitt, Planning Manager
Donna Hutchison, Grants Program Admin.
Helen Guzzo, Community Development Manager

William Kim, City Attorney
Victoria Houser, City Clerk
Bill Beaty, Fire Chief
Stacy Tullis, Service Desk Tech
Miles Weaver, Asst. Aviation Director
Mallory Avis, Transit Director
Kristy Grestini, Mobility Manager

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. Morris.

ROLL CALL

PROCLAMATIONS AWARDS

Proclamation for New Level Sports Ministries-Next Level Festival

Mayor Behnke proclaimed August 16 - 17, 2024, as the First Annual "New Level Sports Ministries - New Level Festival" in the greater Battle Creek area, encouraging all interested area youth to participate in this enriching and engaging experience which hopes to foster personal growth and community spirit.

PRESENTATIONS

Transportation Authority of Calhoun County Presentation - Erick Stewart, Board Chair

Erick Stewart, Transportation Authority of Calhoun County, Board Chair, shared information on the TACC with the commission and residents.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

There were no added or deleted resolutions.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions, communications or reports.

PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON CONSENT AGENDA

Barry Wayne Adams commented on resolution 512, regarding NPCs.

Joe Harris commented on resolution 513, regarding the river naturalization plan.

Autumn Smith also commented on resolutions 512 and 513.

John Kenefick also commented on resolution 513.

Chuck Asher expressed support of resolutions 527 and 529, both agreements with Community Action.

David Moore also commented on the river naturalization plan.

(Limited to three minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no Commission comments.

CONSENT AGENDA

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

Absent: LANCE

MOTION PASSED

Minutes for the July 16, 2024 City Commission Closed Session

City Manager's Report for August 13, 2024

Ambulance Report for June 2024

CONSENT RESOLUTIONS

510 A Resolution authorizing the sale of a vacant, tax-reverted property, Parcel Number 5620-00-015-0.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

Absent: LANCE
MOTION PASSED

511 A Resolution seeking approval to enter into a Memorandum of Understanding with Dimor Real Estate, LLC for leasing additional parcels and to enable construction of a pre-processing facility to commence.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

Absent: LANCE
MOTION PASSED

512 A Resolution appointing two new members to the Urbandale Neighborhood Planning Council (NPC # 5) Cheryl Roberts and Mario Talavera.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

Absent: LANCE
MOTION PASSED

- 513 A Resolution seeking acceptance of the qualifications-based proposal from OHM Advisors for engineering services for the City of Battle Creek's River Naturalization project.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

Absent: LANCE
MOTION PASSED

- 514 A Resolution seeking authorization regarding a contract for Fleet Management & Cost Model Implementation Advisory Services with Plante & Moran, PLLC, in the lump sum amount of \$7500 per month, currently estimated at 8 months of service.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

Absent: LANCE
MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 515 A Resolution authorizing the City Manager to execute an agreement between the City of Battle Creek and the Leila Arboretum Society for the provision of educational programming, park stewardship, urban forestry consultation to the City and its citizens, as well as installation and maintenance of the Seasonal Planting Plan and Winter Display for Downtown Battle Creek for FY 2024/2025.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

Absent: LANCE
MOTION PASSED

- 516 A Resolution seeking approval for an amendment to the 2024/2025 Fee, Bond, and Insurance Schedule.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH,
SOFIA

Absent: LANCE
MOTION PASSED

- 517 A Resolution seeking authorization for the City Manager to enter into a three-year agreement between the City of Battle Creek and Bronson Battle Creek, where the City will provide Bronson Battle Creek up to 4 FTE (Full Time Equivalent) of public safety officers at the Bronson main campus.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH,
SOFIA

Absent: LANCE
MOTION PASSED

- 518 A Resolution seeking authorization to issue a purchase order for centrifuge #2 repair from Sentrimax Centrifuges (NE) Ltd. in a not-to-exceed amount of \$109,521.93.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH,
SOFIA

Absent: LANCE
MOTION PASSED

- 519 A Resolution seeking authorization to issue a purchase order in a not-to-exceed amount of \$361,412.00 to Fredrickson Supply LLC for the purchase of a new camera van.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH,
SOFIA

Absent: LANCE
MOTION PASSED

- 520 A Resolution seeking acceptance of the lowest responsive, responsible bid for Claude Evans Park Improvements project from Hunter-Prell Company in an estimated amount of \$2,008,925.50, with unit prices prevailing.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Comm. Morris thanked everyone for their work on this project.
Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

Absent: LANCE
MOTION PASSED

- 521 A Resolution authorizing the payment of Invoice #26998 for completed emergency sewer repair at Ivanhoe and Union Street from Hoffman Bros. Inc. in a not-to-exceed amount of \$181,420.00.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Absent: LANCE
MOTION PASSED

- 522 A Resolution seeking acceptance of the lowest responsive, responsible bid for 2024 Sonoma Rd North Watermain project from Hoffman Bros. Inc., in an estimated amount of \$263,321.65, with unit prices prevailing.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

Absent: LANCE
MOTION PASSED

- 523 A Resolution seeking acceptance of the lowest responsive, responsible bid for Columbia Ave. Infrastructure project from Hoffman Bros. Inc., in an estimated amount of \$2,693,035.49, with unit prices prevailing.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH,
SOFIA

Absent: LANCE
MOTION PASSED

524 A Resolution seeking authorization for the City Manager to enter into an updated/renewed Agreement with 50 Capital Ave Development Corporation to secure parking spaces in the Hamblin Parking Ramp located at 40 W Hamblin Avenue.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Responding to Comm. Ballard, Ted Dearing, Assistant City Manager, stated the agreement would include parking spaces on the 3rd and 4th lever, stating they will manage the agreement as needed.

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH,
SOFIA

Absent: LANCE
MOTION PASSED

525 A Resolution seeking authorization for the City Manager to grant Semco Energy, Inc. a right-of-way over City-owned property identified as Parcel No. 52-0158-00-120-0 for the installation, operation, and maintenance of a natural gas pipeline adjacent to Raymond Road.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH,
SOFIA

Absent: LANCE
MOTION PASSED

526 A Resolution seeking to approve Petition PSUP24-0001, a special use permit request for approval of a farmers market in the AG, Agricultural District located at 13985 S Helmer Road Parcel No. 0078-00-020-0.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH,
SOFIA

Absent: LANCE

MOTION PASSED

527 A Resolution seeking authorization for the City Manager to sign the CHIP Lead Hazard Control Program Partnership Agreement with Community Action.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: ROGER BALLARD

Comm. O'Donnell thanked Community Action for renewing this agreement which helps to protect children and families.

Comm. Reynolds thanked Mr. Asher for his leadership of this program.

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

Absent: LANCE

MOTION PASSED

528 A Resolution seeking authorization for the City Manager to sign a CDBG-funded Fair Housing Testing and Education Agreement with the Fair Housing Center of Southwest Michigan.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

Absent: LANCE

MOTION PASSED

529 A Resolution seeking authorization for the City Manager to enter into an agreement for Senior Minor Home Repair Program with subrecipient, Community Action, funded through the City's federal Community Development Block Grant (CDBG) program.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: ROGER BALLARD

Ayes: BALLARD, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

Absent: LANCE

MOTION PASSED

GENERAL PUBLIC COMMENT

David Moore commented on several topics.

Chuck Asher thanked the commission for approval of resolutions 527 and 529, complimenting the

work and partnership of the Community Development Department.

Reece Atkins thanked the commissioners who worked with NIBC to find housing for him and his finance, asking that they continue to assist others.

Barry Wayne Adams commented on the results of the August election and the TACC.

Autumn Smith commented on the recent election and political candidates.

Nadine Bradshaw thanked the commissioners who assisted her with housing, requesting they assist others.

John Kenefick commented on fees in the Fee, Bond & Insurance Schedule, the cost of park improvements, and the importance that the TACC be self-sufficient.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. Reynolds expressed condolences to the family of Roberta Cribbs.

Comm. Ballard noted the importance of parks for the safety of our youth and community.

Comm. O'Donnell thanked everyone for their work on the election.

ADJOURNMENT

Mayor Behnke adjourned the meeting at 8:46 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 three 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.

(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.

(f) Applicants or Appellants, as defined below, or an attorney retained to represent them, are not bound by the specific time limitations set out above but may have the amount of time deemed reasonably necessary by the Mayor or presiding official to present their case to the City Commission without violating the rules set out below in sub-section 4(a) through (g), with which they are obligated to comply.

(i) Applicant is defined an individual or business entity seeking a City Commission final decision on a matter for which the individual has made application to the City based upon a specific provision in a City Ordinance or state statute for permission to take a specific action;

(ii) Appellant is an individual appealing a decision of a City official or an inferior body based upon a specific provision in City ordinances entitling the individual to appeal the decision to the City Commission.

(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 Mayor, or the presiding Commissioner or official, and not to individual Commissioners or staff members. 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, and the speaker may be required to leave the meeting after having been ruled out-of-order for a breach of the peace committed at the meeting as permitted by the OMA, when the speaker violates above sub-section 3 or the following:

- (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 their 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.

(5) Individuals attending City Commission meetings or workshops, excluding City staff, shall not pass the commission chambers bar upon which the podium is affixed (and which divides the audience section from the well of the chambers) without having been invited to do so by the Mayor or official presiding over the meeting, or after requesting and explicitly being granted permission to do so. Any individual violating this sub-section will be ruled out-of-order by the Mayor or presiding official and the individual may be required to leave the meeting for a breach of the peace committed at the meeting as permitted by the OMA.