



Agenda: Battle Creek City Commission

Meeting Date: February 18, 2025- 7:00 PM

Location: City Commission Chambers

Chair: Mayor Mark A. Behnke

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

ATTENDANCE

COMMISSIONERS

Mayor Mark Behnke

Commissioner Jessica LaCosse

Commissioner Patrick O'Donnell

Commissioner Christopher Simmons

ABSENT: Commissioner Jim Lance

Commissioner Paige Katsarsky-Smith

Commissioner Jenasia Morris

Commissioner Carla Reynolds

Vice Mayor Sherry Sofia

CITY STAFF

Ted Dearing, Interim City Manager

Victoria Houser, City Clerk

Steve Skalski, DPW Director

Aaron Kuhn, Revenue Services Director

Mallory Avis, Public Transit Director

Marcie Gillette, Community Services
Director

William Kim, City Attorney

Shannon Bagley, Police Chief

Michelle Hull, HR Director

Chad Frein, IT Director

Cody Titus, Fire Battalion Chief

Helen Guzzo, Community Development
Manager

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. Simmons.

ROLL CALL

PROCLAMATIONS AWARDS

Beautiful Battle Creek Awards - February 2025

Mayor Behnke presented the Beautiful Battle Creek Awards.

PRESENTATIONS

ARPA Community Presentation - Katie Carpenter, Student Resilience & Empowerment Center Program Director, Starr Commonwealth

Katie Carpenter, Student Resilience & Empowerment Center Program Director, Starr Commonwealth, shared information regarding programming funded by ARPA dollars.

ARPA Community Presentation - Whitney Wardell, President & CEO, NIBC

Lisa Ripper, Finance Director, Neighborhoods Inc, shared information about their programs related to ARPA funding.

Interim Financial Statements through December 31, 2024 - Aaron Kuhn Revenue Services Director

Aaron Kuhn, Revenue Services Director, presented the Interim Financial Statements through December 31, 2024.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

There were no added or deleted resolutions.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions, communications or reports.

PUBLIC COMMENT REGARDING ANY SPECIFIC AGENDA ITEM

Joe Harris spoke on resolution 81, regarding a contract with Emmett Township.

Ryan Leonard, Emmett Twp. trustee, agreed with Mr. Harris' comments, stating the board was not informed, they will need to do their research.

Autumn Smith commented on resolutions 80 and 81, both regarding water services contracts.

John Kenefick commented on the ARPA presentations, also commenting on resolutions 77, 78, 80 and 81.

(Limited to four minutes per individual)

INTRODUCTION OF ORDINANCES

01-2025 A Proposed Ordinance, #01-2025, to amend Section 21 of Chapter 882 Real Estate Taxation by amending the terms of the Payment in Lieu of Taxes (PILOT) to reflect the restructuring for the "Blue Light Redevelopment Project."

Motion to Approve

Moved By: PATRICK O'DONNELL

Supported By: JENASIA MORRIS

Ayes: KATSARSKYSMITH, LACOSSE, MORRIS, BEHNKE, REYNOLDS, O'DONNELL, SIMMONS, SOFIA

Absent: LANCE

MOTION PASSED

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no Commission comments.

CONSENT AGENDA

Motion to Approve

Moved By: PATRICK O'DONNELL

Supported By: JENASIA MORRIS

Ayes: KATSARSKYSMITH, LACOSSE, MORRIS, BEHNKE, REYNOLDS, O'DONNELL, SIMMONS, SOFIA

Absent: LANCE

MOTION PASSED

Minutes for the February 4, 2025 City Commission Regular Meeting

City Manager's Report for February 18, 2025

CONSENT RESOLUTIONS

- 75 A Resolution seeking to appoint one new member (Kimberly Perry) to the Northeast Neighborhood Planning Council (NPC #4).

Motion to Approve

Moved By: PATRICK O'DONNELL

Supported By: JENASIA MORRIS

Ayes: KATSARSKYSMITH, LACOSSE, MORRIS, BEHNKE, REYNOLDS, O'DONNELL, SIMMONS, SOFIA

Absent: LANCE

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 76 A Resolution seeking approval for the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances; and repealing ordinances and resolutions in conflict therewith.

Motion to Approve

Moved By: PATRICK O'DONNELL

Supported By: JENASIA MORRIS

Ayes: KATSARSKYSMITH, LACOSSE, MORRIS, BEHNKE, REYNOLDS, O'DONNELL, SIMMONS, SOFIA

Absent: LANCE
MOTION PASSED

- 77 A Resolution authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53; title 23, United States Code or other federal statutes administered by the Federal Transit Administration.

Motion to Approve
Moved By: PATRICK O'DONNELL
Supported By: JENASIA MORRIS

Ted Dearing, Interim City Manager, explained the resolution was to approve the completion and filing of paperwork to ensure the City is eligible for federal transportation funds, noting they were last updated in 2012.

Ayes: KATSARSKYSMITH, LACOSSE, MORRIS, BEHNKE, REYNOLDS, O'DONNELL, SIMMONS, SOFIA

Absent: LANCE
MOTION PASSED

- 78 A Resolution seeking authorization regarding a contract for four (4) low-floor transit buses from Transportation Equipment Sales Corporation (TESCO) in a not-to-exceed amount of \$1,124,348.00.

Motion to Approve
Moved By: PATRICK O'DONNELL
Supported By: JENASIA MORRIS

Comm. Simmons asked if this purchase was being done by the City as it is the designated recipient of federal funds, not the TACC, also asking how the City will transfer assets to TACC.

Mr. Dearing noted this grant was secured in 2020 to replace about 70% of the fleet, stating this is one of the last purchases to be made under this grant, noting those funds were obligated to the city of Battle Creek, therefore we need to complete the purchase. Mr. Dearing expressed hope the TACC will be operational by October 1, 2025, which is when the assets will be transferred.

Mallory Avis, Public Transit Director, noted 90% of Transit's assets were grant funded, noting a federal interest in the assets until the useful life is met. Ms. Avis stated assets with useful life will be transferred to the TACC once they are operational. Ms. Avis shared that conversations are taking place with TACC, and they are working on designated recipient status and liability insurance.

Ayes: KATSARSKYSMITH, LACOSSE, MORRIS, BEHNKE, REYNOLDS, O'DONNELL, SIMMONS, SOFIA

Absent: LANCE
MOTION PASSED

- 79 A Resolution seeking authorization to enter into a contract and issue a purchase order for a new fire apparatus from First Due Equipment Sales & Repair, Inc. in a not-to-exceed amount of \$663,619.00.

Motion to Approve
Moved By: PATRICK O'DONNELL
Supported By: JENASIA MORRIS

Ayes: KATSARSKYSMITH, LACOSSE, MORRIS, BEHNKE, REYNOLDS, O'DONNELL,
SIMMONS, SOFIA

Absent: LANCE
MOTION PASSED

80 A Resolution Authorizing Execution of a Water Services Contract with the City of
Marshall.

Motion to Approve
Moved By: PATRICK O'DONNELL
Supported By: JENASIA MORRIS

Comm. Simmons, noting he has received several questions from residents, confirmed the City provides water to many surrounding municipalities, often issuing bonds to upgrade the system. Comm. Simmons asked if there would be a need to stop extending our water services based upon available water supply, also asking how much economic growth in surrounding municipalities is to be subsidized by our residents.

Mr. Dearing confirmed the costs of capital improvements are included in utility rate studies, which are then reflected in the water rates for users. Mr. Dearing noted this project has received State funding, and the city of Marshall will also pay for the project and the service. As to capacity, Mr. Dearing stated the City is not anywhere near the capacity limits, but as large development occurs, staff will constantly monitor and analyze the capacity limits.

Vice Mayor Sofia expressed an interest in historic water usage, noting large water usage from some factories that are no longer in the city. Vice Mayor Sofia requested information on past water usage/availability, current information and what is being projected for the future.

Ayes: KATSARSKYSMITH, LACOSSE, MORRIS, BEHNKE, REYNOLDS, O'DONNELL,
SIMMONS, SOFIA

Absent: LANCE
MOTION PASSED

81 A Resolution Authorizing Execution of a Water Services Contract with the Charter
Township of Emmett.

Motion to Approve
Moved By: PATRICK O'DONNELL
Supported By: JENASIA MORRIS

Mayor Behnke thanked everyone for their work on the agreement, stating it was historic for everyone in the county, stating the City of Battle Creek is doing the right thing to partner with all involved in the development.

Ayes: KATSARSKYSMITH, LACOSSE, MORRIS, BEHNKE, REYNOLDS, O'DONNELL,
SIMMONS, SOFIA

Absent: LANCE
MOTION PASSED

GENERAL PUBLIC COMMENT

Dominic Oo, County Commissioner, announced a special event on Saturday, Chin National Day 77th Celebration at the Burma Center, 3pm - 6pm.

Joe Harris thanked the BCPD for their assistance, also thanking County Commissioner Oo for attending the meeting.

Reece Adkins commented on the NIBC presentation, stating that although he received 6 months of rental assistance from NIBC, he was in need of an additional 3 - 6 months, but had to be placed on a wait list for 18 months.

Autumn Smith commented on grant funds to local non-profits and the Blue Oval development site.

Richard Lindsay, MAEDA, thanked everyone for their efforts on the agreements with the City of Marshall and Emmett Township, noting the project is fully underway, expecting operations to begin early 2026.

Jeff Breedlove acknowledged the work of NIBC, noting the organization received many more grants during the pandemic. Mr. Breedlove acknowledged there is a long waiting list for assistance, but they continue their commitment to the community.

John Kenefick commented on the condition of roads and road work in the State and the City, stating government entities need to plan for the maintenance of their assets, also commenting on NIBC.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. O'Donnell reminded everyone to help take care of their neighbors, family and friends, also noting pets should not be out in the extreme cold for long periods. Comm. O'Donnell also suggested residents attend NPC meetings, stating they are great places to meet your neighbors and those willing to help the community.

ADJOURNMENT

Mayor Behnke adjourned the meeting at 8:12 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 speaker's 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 business 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, but only when the law requires a separate period of public comment, 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 public comment period on any specific agenda item, whether it be a public hearing, an ordinance introduction or adoption, a consent agenda item, or a resolution not on the consent agenda, each speaker may address the Commission once, regarding anything on the meeting agenda, for a total not to exceed four minutes regardless of how many agenda items the speaker is addressing, which time period may be lengthened or shortened by the Mayor or presiding officer when appropriate.

(d) 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.

(e) 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 subsection 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 their 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 subsection 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.