



Agenda: Battle Creek City Commission

Meeting Date: April 8, 2025- 7:00 PM

Location: City Commission Chambers

Chair: Mayor Mark A. Behnke

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

VIDEO

ATTENDANCE

COMMISSIONERS

Mayor Mark Behnke	Commissioner Paige Katsarsky-Smith
Commissioner Jessica LaCosse	Commissioner Jim Lance
Commissioner Jenasia Morris	Commissioner Patrick O'Donnell
Commissioner Carla Reynolds	Commissioner Christopher Simmons
Vice Mayor Sherry Sofia	

CITY STAFF

Ted Dearing, Interim City Manager	William Kim, City Attorney
Victoria Houser, City Clerk	Shannon Bagley, Police Chief
Steve Skalski, Public Works Director	Michelle Hull, HR Director
Marcel Stoetzel, Deputy City Attorney	Chad Frein, IT Director
Marcie Gillette, Community Services Director	Cody Titus, Battalion Chief

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. Simmons.

ROLL CALL

PROCLAMATIONS AWARDS

Proclamation for Crime Victims' Rights Week

Mayor Behnke presented a proclamation declaring April 6 - 12, 2025 as "Crime Victims' Rights Week" in the greater Battle Creek area, reaffirming the City's dedication to building connections, standing in kinship with survivors, and creating a future where healing and hope are within reach for everyone.

Aleena Robinson accepted the proclamation, noting this is a 1981 National Initiative to acknowledge victims of crime, while facilitating a ribbon campaign, which helps to generate community conversation.

Judy Dooley, BCPD victim advocate, stated she is very proud of the work the City and Police Department offer to victims of crime.

Proclamation for Sexual Assault Awareness Month and Child Abuse Prevention Month 2025

Mayor Behnke presented a proclamation designating April 2025 as "Sexual Assault Awareness Month" in the greater Battle Creek area, urging neighbors to stand united in our commitment to raise awareness about sexual assault, to support survivors, and work collectively to prevent sexual violence in our community, and to promote safety for all. Mayor Behnke urged everyone to build a narrative of hope for children and families through collaboration and the creation of an ecosystem focused on prevention.

Amber Depuydt-Goodlock, System Manager, Sexual Assault Services, Bronson Battle Creek, accepted the proclamation, introducing her service dog, Chewy, and her coworker, Allison, a volunteer coordinator.

Proclamation for Earth Week 2025

Mayor Behnke presented a proclamation declaring April 16 - 22, 2025 as "Earth Week" in the greater Battle Creek area, urging neighbors, businesses and institutions to use Earth Week to celebrate the Earth and to promote its conservation and protection.

Bessie Ploeg, Environmental Program Coordinator, shared events taking place to celebrate Earth Week, with volunteers helping to clean up the Linear Path and Fell Park, and to plant trees.

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

Reece Adkins commented on resolution 98, regarding a Liquor License, stating he was not supportive.

Joe Harris commented on Crime Victims Week, complimenting the work of the Battle Creek Police Department and the Calhoun County Prosecutor's Office. Mr. Harris suggested BCPD commemorate this significant week at a different location next year due to a sign at the church indicating law enforcement officers were not welcome.

Autumn Smith stated it was important to acknowledge crime victims, agreeing with Mr. Harris' comments.

John Kenefick commented on resolution 100 regarding a new fire apparatus, stating he was not objecting the purchase of the apparatus, but the bond that was approved by the commission previously for fire station updates.

(Limited to four minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

Comm. Morris requested resolution 98 be moved from the Consent Agenda to the Regular Resolution section of the agenda.

CONSENTAGENDA

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

Minutes for the March 18, 2025 City Commission Regular Meeting

Minutes for the March 18, 2025 City Commission Closed Session

City Manager's Report for April 8, 2025

Travel Synopsis, 2025 National Association of Housing and Redevelopment Conference, Commissioner Simmons

Ambulance Report for February 2025

CONSENTRESOLUTIONS

- 97 A Resolution seeking authorization for the City Manager to execute an agreement between Consumers Energy Company and the City of Battle Creek in order to install 14 streetlights at Skyline & Hill Brady Rd.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENTAGENDA

- 98 A Resolution seeking approval of an application to the Liquor Control Commission for a new on-premises Class C Liquor License at 119 W. Michigan Avenue.

Motion to Approve
Moved By: CARLA REYNOLDS
Supported By: CHRISTOPHER SIMMONS

Comm. Morris noted she would be abstaining from the vote as she was a board member of the cooperative applicant.

Comm. O'Donnell shared the owners of the market and eatery were requesting the liquor license so that they could serve Kombucha and cook with alcohol.

Comm. Simmons noted the cooperative was not trying to create a drinking establishment, stating they were a food cooperative for fresh food, along with a deli.

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

Abstain: MORRIS

MOTION PASSED

- 99 A Resolution seeking authorization regarding a three-year contract for Microsoft Enterprise Agreement Software from SHI International Corporation in a not-to-exceed amount of \$722,354.61.

Motion to Approve
Moved By: CARLA REYNOLDS
Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

- 100 A Resolution seeking authorization to enter into a contract for a new fire apparatus from First Due Equipment Sales & Repair, Inc. in a not-to-exceed amount of \$703,099.00.

Motion to Approve
Moved By: CARLA REYNOLDS
Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

- 101 A Resolution seeking acceptance of a bid for 2025 Capital Preventative Maintenance Program project from Pavement Maintenance Systems, LLC in an estimated amount of \$340,806.78, with unit prices prevailing.

Motion to Approve
Moved By: CARLA REYNOLDS

Supported By: PATRICK O'DONNELL

Comm. Simmons stated he was not supportive of the City's chip seal program, stating the product deteriorates quickly and the contractors have not been held accountable.

Ayes: LANCE, MORRIS, BEHNKE, REYNOLDS, O'DONNELL, SOFIA

Nays: KATSARSKYSMITH, LACOSSE, SIMMONS

MOTION PASSED

- 102 A Resolution seeking acceptance of the lowest responsive, responsible bid for 2025 Rehabilitation Program project from Lakeland Asphalt Corporation in an estimated amount of \$870,564.60, with unit prices prevailing.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

- 103 A Resolution seeking authorization for the City Manager to enter into an Agreement with DocuPet Corp. to facilitate online licensing of animals.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Comm. Simmons questioned whether this licensing program increased the number of residents who licensed their dogs, also suggesting the county could issue pet licensing instead of the city. Comm. Simmons requested data evidencing an increase in licensing with the online program.

Shannon Bagley, Police Chief, noted a portion of the licensing fees fund the local animal shelter, a local non-profit. Chief Bagley also noted the county's response requirements differ greatly from the City's, stating the number of licenses has increased.

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

Nays: SIMMONS

MOTION PASSED

- 104 A Resolution seeking approval to conduct a Closed Session regarding a legal matter.

Motion to Amend

Moved By: SHERRY SOFIA

Supported By: JESSICA LACOSSE

Motion to amend resolution 104 to add discussion about the city manager search, as permitted by

Section 8(1)(f) of the Open Meetings Act, which allows for closed session "to review and consider the contents of an application appointment to a public office."

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

MOTION PASSED

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

GENERAL PUBLIC COMMENT

Autumn Smith commented on elevated toxin levels due to work at the Verona Wellfield, stating she has reported the issue to the EPA. Ms. Smith also disagreed with the requirement to license pets.

Joe Harris reiterated his appreciation for acknowledging Crime Victims' Rights Week, and the support of the BCPD and county prosecutor's office, but was not pleased with the sign at First Congregational Church, where Crime Victims' Rights Week is being dedicated. As to the water issues, Mr. Harris suggested staff consider looking at wells by the airport.

Joe Dible requested the city consider a way to notify new residents of the need to file city tax returns annually, sharing that his daughter moved to Battle Creek in December 2021 and was not aware, resulting in interest penalties.

Damon Brown, RISE Corp, president, commented on the work his organization did during the pandemic, asking the commission to provide the remaining ARPA funding for the administrative expenses.

Matthew Kahn commented on the need for housing and services for prior felons, stating he had ideas he would like to discuss.

Steve Koch commented on potholes on City roads, requesting they be repaired before drivers' cars are damaged or accidents occur. Mr. Koch also commented on water supply lines.

Rhonda Dible also expressed concerns with the toxin levels in the city water, asking the city to provide better assistance and alternatives to residents.

Reece Adkins thanked BCPD for their quick response to an accident, stating the responding officer was very respectful and courteous.

John Kenefick quoted several statements from the notice provided to all residents who use city water.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. O'Donnell shared that several KCC students and staff have complimented the continued

maintenance of the Linear Path.

RECESS

The Commission recessed to Closed Session at 7:57 pm.

CLOSED SESSION

RETURN FROM RECESS

The Commission returned from Closed Session at 8:45 pm.

MOTION to approve the conciliation agreement in Laura Orta v City of Battle Creek, EEOC case No. 471-202301449.

Moved by: CARLA REYNOLDS

Supported by: CHRISTOPHER SIMMONS

Ayes: KATSARSKY-SMITH, LACOSSE, LANCE, MORRIS, BEHNKE, REYNOLDS, O'DONNELL, SIMMONS, SOFIA

Nays:

MOTION PASSED

MOTION to reschedule the city manager candidate interviews to a date to be determined and to have the Interim City Manager review the City Manager hiring process and report back to the city commission.

Moved by: CARLA REYNOLDS

Supported by: CHRISTOPHER SIMMONS

Ayes: KATSARSKY-SMITH, LACOSSE, LANCE, MORRIS, BEHNKE, REYNOLDS, O'DONNELL, SIMMONS, SOFIA

Nays:

MOTION PASSED

ADJOURNMENT

Mayor Behnke adjourned the meeting at 8:49 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.