



Agenda: Battle Creek City Commission

Meeting Date: March 5, 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

COMMISSIONERS

Mayor Mark Behnke

Commissioner Jim Lance

Commissioner Patrick O'Donnell

Commissioner Christopher Simmons

Vice Mayor Sherry Sofia

Commissioner Roger Ballard

Commissioner Jenasia Morris

Commissioner Carla Reynolds

Commissioner Jake Smith

CITY STAFF

Rebecca Fleury, City Manager

Victoria Houser, City Clerk

Shannon Bagely, Police Chief

Bill Beaty, Fire Chief

Duska Brumm, Recreation Director

Ryan Dingman, Golf Course
Superintendent

Jill Steele, City Attorney

Ted Dearing, Assistant City Manager

Ron Osborne, Binder Park Manager

Steve Skalski, Public Works Director

Joby Purucker, Service Desk Tech.

Alex Johnson, Asst. Golf Course
Manager

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Smith.

ROLL CALL

PROCLAMATIONS AWARDS

Proclamation for National Women's History Month 2024

Mayor Behnke proclaimed the month of March 2024 as "National Women's History Month" in the greater Battle Creek Area, encouraging all neighbors to honor the role of women in our community

and families and to recognize the significant contributions they make to not only our City but also our lives on a daily basis.

PRESENTATIONS

ARPA Community Project Presentation - Susan Balbaugh, The Music Center

Susan Balbaugh, The Music Center, shared information on their ARPA Community Project.

ARPA Community Project Presentation - Dr. Nakia Baylis, The Village Network

Dr. Nakia Baylis, The Village Network, shared information on their ARPA Community Project.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

Resolution 383 was removed from the agenda.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions, communications or reports.

PUBLIC HEARING

A Public Hearing for the purpose of reviewing and receiving public comment on the proposed 161 East Michigan Ave Brownfield Plan.

Mayor Behnke declared the public hearing open, inviting attendees to participate in public comments.

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

PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON CONSENT AGENDA

Autumn Smith commented on resolution 382, asking if it is being processed with the Risk Department.

John Kenefick commented on resolution 382 regarding the fee schedule for Binder Park Golf Course, and resolution 379 regarding the sale of 3 parcels.

(Limited to three minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no commission comments.

CONSENT AGENDA

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

City Manager's Report for March 5, 2024

Ambulance Report for December 2023

Ambulance Report for January 2024

CONSENT RESOLUTIONS

- 379 A Resolution seeking authorization for the City Manager to execute all documents necessary to sell three parcels of vacant city-owned land located in Newton Township and one vacant lot located in Emmett Township to Darian A. Niecko, Cole M. Vandybogurt, Glenn Elmen and Todd S. Wilson for \$75,500.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 380 A Resolution approving the 161 East Michigan Ave Brownfield Plan for the Justice Service Center mound removal project at 161 E. Michigan Avenue in Battle Creek.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

- 381 A Resolution seeking support for the rehabilitation of three Battle Creek bridges and authorizing the City Manager or City employee designee to seek Federal and/or State financial participation for these projects through the grant application process.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

382 A Resolution seeking approval for an amendment to the 2023/2024 Fee, Bond, and Insurance Schedule.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Comm. Simmons noted he, along with Commissioners Lance and O'Donnell, serve on the Binder Park Golf Course Committee, expressing confidence city staff researched the need to increase fees, while comparing them to similar golf courses.

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

MOTION PASSED

383 A Resolution seeking to set a Closed Session on a labor matter for March 5, 2024. Pulled

Motion to

Moved By:

Supported By:

This resolution was pulled from the agenda.

MOTION

GENERAL PUBLIC COMMENT

David Moore agreed resolution 381 was necessary to ensure residents' safety, while expressing his opinion the golf course expenses were not necessary.

Steve Frisbee shared information as to why he is running for state representative, particularly alternative energy projects in local communities.

Christena Smith commented on the reduction of bus services, stating riders are very disappointed and feel the city does not care.

Autumn Smith commented on a refugee resettlement program at Community Action, and other local non-profit agencies. Ms. Smith also commented on water and sewer fees.

Kathy Antaya reminded everyone that people are not illegal, they are undocumented.

John Kenefick commented on resolution 355 from February 6, 2024, regarding the building of a permanent bathroom at Everyone's Playground, noting restrooms in other city parks are often vandalized.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. Ballard commented on the locked bathrooms at Fell Park that are being damaged by residents, asking why the city would build another bathroom at a different park.

Comm. O'Donnell noted that monies spent on city programs or improvements help to bring visitors to our community, which supports local companies with more business.

Comm. Simmons asked staff to provide the commission with a list of properties the city owns outside of the city and the purpose or future use of the property.

Comm. Morris asked Commissioners to meet with the 2 young ladies who attended the meeting this evening.

ADJOURNMENT

Mayor Behnke adjourned the meeting at 7:46 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.