

A regular meeting of the Kalamazoo City Commission was held on Monday, October 5, 2009 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT: Mayor Bobby J. Hopewell
Vice Mayor Hannah McKinney
David Anderson
Don Cooney
Sean McCann
Barbara Miller
Stephanie Moore

COMMISSIONERS ABSENT: None

Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott A. Borling.

Invocation

The invocation, given by Reverend Michael Wang, Kalamazoo Chinese Christian Church, was followed by the Pledge of Allegiance.

Proclamations

78485

Commissioner Miller, on behalf of Mayor Hopewell, proclaimed October 4-10, 2009 *Friends of the Library Week*. David Sheldon, President, Friends of Kalamazoo Public Library, received the proclamation. Mr. Sheldon presented Friends of the Library book bags to City Commissioners.

78486

Commissioner Anderson, on behalf of Mayor Hopewell, proclaimed October 10, 2009 *Step Out: Walk to Fight Diabetes Day*. Dick Hewitt, committee member for Step Out: Walk to Fight Diabetes Day, received the proclamation. Mr. Hewitt distributed pamphlets on the *Step Out* event.

78487

Commissioner Moore, on behalf of Mayor Hopewell, read a proclamation urging the Michigan Legislature and the Governor to *Preserve Early Childhood Care and Education Programs*. Howard Steiner from Interfaith Strategy for Advocacy and Action in the Community (ISAAC) and Jacque Eatmon from Great Start Collaborative, received the proclamation.

Adoption of the Agenda

By unanimous consent the City Commission adopted its meeting agenda as presented.

Communications

City Manager Collard invited the public to attend meetings of various boards and commissions.

Consent Agenda

Consent Agenda items were presented as follows with a recommendation to approve the items with authorization for the City Manager to sign on behalf of the city:

78488

- approval of a contract with North American Salt Company for the purchase of up to 8,000 tons of rock salt for a total amount not to exceed \$487,240.

78489

- approval of a one-year contract for the purchase of sodium hypochlorite from KA Steel Corporation in the amount of \$107,360.

Consent Agenda
(cont'd)

78490

- first reading of an ORDINANCE to amend Section 38-14 of the Kalamazoo City Code of Ordinances to allow customers to contract with private contractors to install City water services.

Resolution 09-71

78491

- adoption of a Michigan Department of Consumer & Industry Services, Liquor Control Commission **RESOLUTION** to transfer the stock of a Class C-SDM licensed business, located at 3642 & 3645 Vanrick (Continental Bowling Lanes), Kalamazoo, MI 49002, wherein Dason V. Slack Jr. transfers 333 shares of stock to each new stockholder, Linda Z. Slack and James C. Zeman.

78492

- acceptance of a JAG award of \$127,626 from the U.S. Justice Department and authorize the City Manager to sign the Grant award and special conditions document.

78493

- acceptance of a Wellhead Protection Grant of \$70,000 from the Michigan Department of Environmental Quality and authorize the City Manager to sign the contract and all related documents.

78494

- acceptance of the Southwest Commercial Auto Recovery matching grant award of \$48,357 for the purpose of continuing funding for an auto theft investigator for one year from the Automobile Theft Prevention Authority at the Michigan State Police.

78495

- acceptance of funding from Milwood Elementary School for \$1,642 to fund a Lunch n Learn program 3 days per week from October 6, 2009 – December 16, 2009 at Milwood Elementary School and authorize that City Manager sign all contracts and related documents.

78496

- authorization for Public Safety to continue a partnership with Kalamazoo Regional Education Service Agency for the Education for Employment Law Enforcement Program for the 2009-10 school year and to authorize the City Manager to sign the contract and all related documents to operate the KRESA EFE Law Enforcement Program.

78497

- approval of the granting of a drainage easement across City owned property to the Michigan Department of Transportation to allow the placement and maintenance of a storm sewer outlet for the new East Michigan Avenue pump station.

78498

- authorization for the City Manager to sign a "Third Amendment to Water Tower Option and Lease Agreement (1313 Edgemoor)" so as to allow Verizon to place an additional antenna on the water tower.

78499

- approval of a quit claim deed conveying the City's interest in 1512 Fairbanks Ct. to Devon Title of Kalamazoo, LLC, whose address is 800 East Milham, Suite 201, Portage, MI 49002, in consideration of \$3,495.33 in payment of 1991 through 1996 foreclosed taxes.

Commissioner McCann, seconded by Commissioner Moore, moved to approve the consent agenda requests.

Consent Agenda
(cont'd)

With a roll call vote this motion passed unanimously.

AYES: Commissioners Anderson, Cooney, McCann, Miller, Moore, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

City Clerk's Report
78500

City Clerk Borling reported the following items:

- the following lawsuits were received and referred to the City Attorney's Office:
 - Sam Dixison III v City of Kalamazoo Department of Public Services
 - Nathaniel Vlietstra v City of Kalamazoo
 - West Michigan Woods Limited Dividend Housing Association Limited Partnership v City of Kalamazoo
 - Carley Frederick v City of Kalamazoo and Jeffrey Deblecourt
 - Kris L. Jones v Kalamazoo Metro Transit, City of Kalamazoo, and Kenneth Duane Rife
- the City Commission received as informational a letter from U.S. Senator Carl Levin regarding City Commission Resolution 09-64, A RESOLUTION IN SUPPORT OF HEALTHCARE REFORM.
- the City Commission received as informational the Report of Determination from the Local Officers' Compensation Commission.
- the City Commission has received as informational minutes of the following advisory boards and commissions:
 - Dangerous Buildings Board
 - Thursday, August 06, 2009
 - Environmental Concerns Committee
 - Wednesday, August 19, 2009
 - Kalamazoo Historic District Commission
 - Tuesday, May 19, 2009
 - Tuesday, June 16, 2009
 - Tuesday, July 21, 2009
 - Tuesday, August 18, 2009
 - Kalamazoo Historic Preservation Commission
 - Tuesday, March 10, 2009
 - Tuesday, June 09, 2009
 - Tuesday, July 14, 2009

City Clerk's Report
(cont'd)**78500**

- Kalamazoo Transit Authority Board
 - Friday, June 26, 2009
 - Friday, July 24, 2009
- Pension Board
 - Wednesday, September 02, 2009
- Planning Commission
 - Tuesday, January 06, 2009
 - Thursday, August 06, 2009
- Zoning Board of Appeals
 - Thursday, August 13, 2009

Citizen Comments

Next, the following citizens addressed the City Commission regarding non-agenda items:

Nick Boyd, City resident, spoke regarding the Lunch and Learn program at Milwood Elementary School and the Public Safety Department's involvement with the Education for Employment Law Enforcement Program.

Monica Westover, City resident, spoke regarding the Colony Orchard property, the Kalamazoo County Commission, the City Clerk and elections in Kalamazoo, the Open Meetings Act, and her inability to address the City Commission during Citizen Comments because of the bus schedule and the placement of Citizen Comments at the end of the meeting agenda.

Jan Stowe, City resident, spoke regarding the referendum question for Ordinance 1856 on November 3rd ballot.

78501

Daniel Humiston, City resident, spoke regarding the development of property on Stadium Drive for a new BW3 restaurant and the effect of this development on properties in the Oakland/Winchell Neighborhood. Mr. Humiston submitted written comments as well as correspondence from Mr. Bradley Miller.

78502

Jennifer Frea, City resident, spoke regarding the development of property on Stadium Drive for a new BW3 restaurant and the effect of this development on properties in the Oakland/Winchell Neighborhood. Ms. Frea's written comments were filed with the papers for this meeting.

78503

Daniel Taylor, City resident, spoke regarding the development of property on Stadium Drive for a new BW3 restaurant and the effect of this development on properties in the Oakland/Winchell Neighborhood. Mr. Taylor's written remarks were filed with the papers for this meeting.

78504

Hope Harmon, City resident, spoke regarding the development of property on Stadium Drive for a new BW3 restaurant and the effect of this development on properties in the Oakland/Winchell

Citizen Comments
(cont'd)

78505

Neighborhood. Ms. Harmon requested an official site plan for the project and soil samples. Ms. Harmon's written remarks were filed with the papers for this meeting.

78506

Billie Netterwald, City resident, spoke regarding the development of property on Stadium Drive for a new BW3 restaurant and the effect of this development on properties in the Oakland/Winchell Neighborhood. Ms. Netterwald submitted written remarks and photographs as well as correspondence from Mr. Jack Agate.

78507

Curtis Leip, City resident, spoke regarding the development of property on Stadium Drive for a new BW3 restaurant and the effect of this development on properties in the Oakland/Winchell Neighborhood. Mr. Leip's written remarks were filed with the papers for this meeting.

Michael Wood, City resident, requested the Mayor meeting with representatives from Michigan Peoples' Action (MPA) to discuss affordable housing issues. Mr. Wood submitted a written request, which was filed with the papers for this meeting.

Patricia Aldering, City resident, spoke regarding the need for an ordinance prohibiting dog-tethering and offered to work with the City to develop such an ordinance.

Beth Lewis, City resident, spoke regarding the high cost of energy and announced she was not running for City Commission.

Commissioner
Comments

Finally, an opportunity was given for miscellaneous comments and concerns of City Commissioners.

Commissioner Moore requested more information regarding the concerns of resident in the Oakland/Winchell Neighborhood. Commissioner Moore remarked on the following issues: the elimination of cable/internet service at Interfaith Homes; an article about Public Safety Chief Jeff Hadley in the current issue of *Encore Magazine*; the *Safe Kids Walk to School* event on Wednesday, October 7th; the 50th anniversary of The Friends of Kalamazoo Public Library; the *Making Strides for Breast Cancer* walk on October 10th; recently completed renovations at First United Methodist Church; and weatherization workshops being hosted by the Kalamazoo County Community Action Agency. Commissioner Moore asked if companies offering energy billing services were valid and whether these companies were allowed to solicit door-to-door.

Commissioner Cooney thanked the residents in the Oakland/Winchell Neighborhood for speaking and stated he would visit the site of the new BW3 restaurant himself. Commissioner Cooney asked Ms. Aldering to submit examples of tethering ordinances in other communities.

Commissioner McCann offered remarks on the following topics: a forum about renters insurance on October 23rd at the American Red Cross offices; increased enrollment figures for Kalamazoo Public Schools and the positive effects of the Kalamazoo Promise; and the article about Chief Hadley in *Encore Magazine*.

Commissioner
Comments (cont'd)

Mayor Hopewell offered condolences to Battle Creek Mayor Mark Behnke on the death of his mother. Mayor Hopewell requested a staff report regarding the concerns of Oakland/Winchell Neighborhood residents and noted the Comprehensive Plan process could be used to address these issues. Mayor Hopewell congratulated Commissioner Moore on her recent engagement.

Adjournment

The meeting adjourned at 8:22 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 2, 2009

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: November 2, 2009