

A regular meeting of the Kalamazoo City Commission was held on Monday, December 7, 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  
Terry Kuseske  
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 Brown, Kalamazoo Gospel Mission, was followed by the Pledge of Allegiance.

Introduction of  
Guests – 2009 City  
Manager All Star  
Award Winners

**78572**

The following City employees were introduced and recognized as the 2009 City Manager “All Star Award” winners:

Marvin Liggins, Public Services Department  
Gary Ossino, Public Services Department  
Kenneth Skibbe, Public Safety Department

City Manager Collard noted Public Safety Officer (PSO) Keaton Nielsen had been injured in a military training exercise in Afghanistan, and he recognized the presence of PSO Todd Christiansen, a military reserve member who was home on temporary leave from Afghanistan. City Manager Collard remarked on the service being performed by the following City employees on active military duty and recognized them as 2009 City Manager “All Stars”:

Todd Christiansen  
Gerald Luedeking  
Brett Lewis  
Keaton Nielsen  
Joel Vanzytveld  
Randy Erridge

PSO Christiansen thanked the City Manager for recognizing PSO Nielsen’s injury, and he thanked City Commissioners for supporting the American troops regardless of their political opinions of the war.

Proclamation

**78573**

Vice Mayor McKinney, on behalf of Mayor Hopewell, read a proclamation honoring *Borgess Health - 120 Years of Innovative Medicine and Inspired Care*. Paul Spaude, President, Borgess Health Alliance, was present to receive the proclamation. Also present were Sister Mary Joan Walsh, and Sister Betty Veenhuis.

Mayor Hopewell thanked Borgess in general and Mr. Spaude specifically, for allowing him the time to serve as Mayor.

Adoption of the  
Agenda

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

Communications

Commissioner Anderson requested that Item F-6 (conveyance of property to the Family Health Center) be moved to the Regular Agenda.

Public Hearing re:  
an EDC Project  
Plan and EIF Loan  
for Mossberg  
Precision  
Diagnostics at  
3308 Covington  
Road

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

**78574**

At 7:23 p.m. Mayor Hopewell opened a public hearing to receive public comment on a RESOLUTION approving an EDC project plan for Mossberg Precision Diagnostics, LLC and the Transfer of \$75,000 from the Economic Initiative Fund to the Economic Development Corporation Budget for an EIF Loan for a project located at 3308 Covington Road.

Eric Gatmaitan, CEO of Mossberg Precision Diagnostics, spoke in support of the motion and thanked the City and Southwest Michigan First for providing support for the project.

At 7:27 p.m. Mayor Hopewell closed the public hearing.

Resolution 09-80  
Approving an EDC  
Project Plan and  
EIF Loan for  
Mossberg  
Precision  
Diagnostics at  
3308 Covington  
Road

Commissioner Miller, seconded by Commissioner Anderson, moved to adopt a **RESOLUTION** approving Mossberg Precision Diagnostics, LLC EDC Project Plan and the Transfer of \$75,000 from the Economic Initiative Fund to the Economic Development Corporation Budget for an EIF Loan for a project located at 3308 Covington Road.

**78574**

With a roll call vote this motion passed unanimously.

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

NAYS: None

Consent Agenda

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

**78575**

- approval of a three-year contract with Mercer for health care and benefits consulting and brokerage services in the amount of \$236,436 for the period January 1, 2010 through December 31, 2012.

**78576**

- approval of a contract extension with Unique Paving Materials Corporation for the purchase of 1,200 tons of asphalt patching material for a total estimated expenditure of \$124,800.

**78577**

- approval of a contract with Layne Christensen Company to perform rehabilitation work to the Ranney Collector Well system at Water Pumping Station 39 (Morrow Lake) for an amount not-to-exceed \$105,000.

Resolution 09-81  
**78578**

- adoption of a Michigan Department of Consumer & Industry Services, Liquor Control Commission **RESOLUTION** to allow Aloha

Consent Agenda  
(cont'd)

Kalamazoo, LLC, doing business as Shakespeare's Pub, located at 241 E Kalamazoo Avenue, Kalamazoo, MI two additional bar permits for a total of 4 bars and include a entertainment permit to be held in conjunction with 2008 resort C Class License business and SDM license with outdoor service (2 areas) and 2 bars.

Resolution 09-82  
**78579**

- adoption of a Michigan Department of Consumer & Industry Services, Liquor Control Commission **RESOLUTION** to allow AGR Inc. doing business as Casa Bolero located at 116 Portage Rd, Kalamazoo, MI to purchase a liquor license from the State of Michigan under the New Downtown Redevelopment Program.

**78580**

- approval of a conditional loan commitment to Altomec Endoscopy, Inc. and RAHMA Enterprise, LLC in the amount of \$40,000 from the city's Small Business Revolving Loan Fund to partially fund the renovation and purchase of property located at 3310 Miller Road and the purchase of equipment by the applicant.

**78581**

- approval of a request from New Year's Fest of Kalamazoo, to publicly display fireworks at the Radisson Parking Structure on Thursday, December 31, 2009 at midnight as a part of the annual New Year's Fest event.

**78582**

- approval of a recommendation to hold until December 21, 2009 final consideration of the transfer of the following eight city-owned properties to the City of Kalamazoo Brownfield Redevelopment Authority and authorize the City Manager to sign all documents necessary to effectuate such action for the following properties: 211 and 631 East North Street; 1008, 1014, 1024 and 1025 North Pitcher Street; and 1021 and 1028 Porter Street.

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

With a roll call vote this motion passed unanimously.

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

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

Resolution 09-83  
Approving the  
Conveyance of  
Property to the  
Family Health  
Center

An opportunity was given for citizens to comment on a recommendation to adopt a RESOLUTION approving the redevelopment and purchase agreement and approve an amendment to the agreement to convey the property at 1308 North Burdick Street to Family Health Center, Inc. for \$1.00 and due consideration, but no comments were offered.

**78583**

Commissioner Anderson, seconded by Commissioner Cooney, moved to adopt a **RESOLUTION** approving the redevelopment and purchase agreement and approve an amendment to the agreement to convey the property at 1308 North Burdick Street to Family Health Center, Inc. for \$1.00 and due consideration in developing a Health Care Access Center

Resolution 09-83  
Approving the  
Conveyance of  
Property to the  
Family Health  
Center (cont'd)

**78583**

to provide medical services to residents of the community that are underinsured or uninsured, and authorize the City Manager to execute all necessary documents.

Prior to a vote on the motion, Commissioner Anderson discussed concerns he had heard regarding the value of the property and stated the property was not worth \$286,000 (the City's original acquisition cost) in the current housing market. Commissioner Anderson noted the City did not have an interest in using or developing this property. Commissioner Anderson indicated this property conveyance allowed the City to provide some support to the Family Health Center when direct financial support was not possible. Commissioner Anderson expressed support for the motion.

With a roll call vote this motion passed unanimously.

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

NAYS: None

City Clerk's Report

**78584**

City Clerk Borling reported the following items:

- the following lawsuit was received and referred to the City Attorney's Office:
  - Gilbert and Carol Olivares v City of Kalamazoo, a Municipal Corporation, and Texas Township, a Michigan Chartered Township, jointly and severally
- the following correspondence was received and referred to the Public Services Department:
  - a request from Kalamazoo Valley Community College for a traffic control change in the 200 block of North Rose Street.
- the City Commission has received as informational minutes of the following advisory boards and commissions:
  - Community Development Act Advisory Committee
    - Thursday, October 8, 2009
  - Dangerous Buildings Board
    - Thursday, September 3, 2009
  - Downtown Development Authority
    - Monday, October 19, 2009
  - Environmental Concerns Committee
    - Wednesday, October 21, 2009
  - Investment Committee of the Retirement System
    - Wednesday, November 18, 2009

City Clerk's Report  
(cont'd)

**78584**

- Kalamazoo Transit Authority Board
  - Friday, August 28, 2009
  - Friday, September 25, 2009
  - Friday, October 23, 2009
- Perpetual Care Investment Committee
  - Wednesday, November 18, 2009
- Planning Commission
  - Thursday, November 5, 2009
- Zoning Board of Appeals
  - Thursday, October 8, 2009
- the following special event were approved in the month of November:
  - a request from DKA Charities, Inc. to use City streets on Saturday, November 14, 2009 beginning at 6:30 a.m. for the annual Holiday Parade.
  - a request from Downtown Kalamazoo, Inc. to use the Kalamazoo Mall on Saturday, November 14, 2009 beginning at 10:30 a.m. for an After Parade Activity.

Citizen Comments

**78585**

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

Monica Westover, City resident, spoke regarding black supremacists and stated Kalamazoo was an evil city. Ms. Westover made various accusations and statements regarding City Commissioners and City Commission appointees, past and present. Ms. Westover's written remarks were filed with the papers for this meeting.

**78586**

Matthew Pausch, non-resident, spoke on behalf of the Michigan Organizing Project (MOP) and requested that City support the "Banning the Box" initiative, which involved removing the request for disclosure of prior criminal offenses from City employment applications and deferring background checks on prospective employees until later in the hiring process. Mr. Pausch's written remarks were filed with the papers for this meeting.

Jonathan Braun, City resident, spoke in favor of the "Banning the Box" initiative and described his own struggle to find employment following his release from incarceration.

Phillip Cruz, City resident, spoke on behalf of the Hispanic American Council and expressed support for the "Banning the Box" initiative.

Mattie Jordan-Woods, City resident, spoke on behalf of the Northside Association for Community Development (NACD) and thanked City Commissioners and City Manager Collard for recognizing that some potentially good employees did not get

Citizen Comments  
(cont'd)

hired simply because of their criminal background. Ms. Jordan Woods thanked City Manager Collard for taking the initiative and approaching various community organizations regarding a remedy to this problem.

Jomil Wells, City resident, spoke on behalf of the Interfaith Strategy for Action and Advocacy in the Community (ISAAC) and expressed support for the "Ban the Box" initiative. Ms. Wells thanked City Manager Collard for taking the initiative to address this issue.

Denise Crawford, City resident, spoke on behalf of the Family Health Center and thanked the City Commission for approving the conveyance of property to the Health Center.

Reverend John McNaughton, City resident, described his experience preparing incarcerated men for reentry into society, and he spoke in favor of eliminating the requirement for City job applicants to disclose criminal histories on the application form.

Beth Cain and Allison Lincoln, City residents, asked the City Commission and the citizens to support Michigan Blood, the new blood suppliers for Borgess and Bronson Hospitals.

Larry Ross, City resident, offered the following comments on the development of the BW3 property on Stadium Drive: City staff had been very helpful thus far; residents continued to have communication problems with the developer, Mr. Schell; and there were potential good outcomes from this situation, including changes to City ordinances regarding green development and buffer zones between residential and commercial property. Mr. Ross requested the City's facilitate communication between Mr. Schell and Winchell Neighborhood residents.

Frank Warren, City resident, noted it was Pearl Harbor Day and stated he was proud to be a veteran.

Linda Wiley, City resident, thanked the City Commission for supporting the expansion of the Family Health Center.

Kay Perry, City resident, described her work with ex-felons and expressed support for the "Ban the Box" initiative.

Asha Khazad, City resident, stated a person who had been incarcerated and served their time should be given the chance to make a new life. Mr. Khazad suggested questions regarding an applicant's criminal history and time spent in an insane asylum be removed from City employment application forms.

Commissioner  
Comments

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

Commissioner Kuseske noted his attendance at a meeting with the EPA regarding the clean-up of the former Allied Paper Mill site. Commissioner

Commissioner  
Comments (cont'd)

Kuseske complimented City staff for strongly communicating the City's position, and he stated the City needed to determine the best use for the property after the clean-up.

Commissioner Moore congratulated the Family Health Center on its planned expansion and noted the Ministry with Community "underwear party" had taken place that afternoon. Commissioner Moore the Kalamazoo Central men's basketball team would present a fashion show on December 12<sup>th</sup>. Commissioner Moore thanked the citizens who talked about the "Ban the Box" initiative, and she expressed a desire to talk with Commissioner Miller about the vacant seat on the Legislative Committee.

Commissioner Miller remarked on the quality of the City's legal staff and reported Governor Granholm had appointed Assistant City Attorney Marcia Jones to a review panel in Benton Harbor.

Commissioner Cooney noted Thursday, December 9<sup>th</sup> was Human Rights Day and stated healthcare was a human right. Commissioner Cooney stated citizens would be demonstrating for healthcare reform at the corner of Michigan Avenue and Park Street.

Mayor Hopewell offered remarks on the death of his uncle, Pearl Harbor Day, and the Friends of Recreation fund raiser on December 6<sup>th</sup>. Mayor Hopewell commented on the integrity of City Commissioners and City staff members.

Adjournment

The meeting adjourned at 8:17 p.m.

Respectfully submitted,

Scott A. Borling  
City Clerk

For City Commission approval on February 1, 2010

Approved by: \_\_\_\_\_  
Bobby J. Hopewell, Mayor  
Dated: February 1, 2010