

A regular meeting of the Kalamazoo City Commission was held on Monday, December 21, 2009 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT: Mayor Bobby J. Hopewell
David Anderson
Don Cooney
Terry Kuseske
Barbara Miller
Stephanie Moore

COMMISSIONERS ABSENT: Vice Mayor Hannah McKinney

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

Commissioner Excused

Commissioner Kuseske seconded by Commissioner Cooney, moved to excuse the absence of Vice Mayor McKinney. With a voice vote the motion passed.

Invocation

The invocation, given by Pastor Tim McNinch, Vinyard Church of Kalamazoo, was followed by the Pledge of Allegiance.

Adoption of the Agenda

By unanimous consent the City Commission adopted its meeting agenda with the following change:

A citizen requested that Items F-3 (first reading of a water rate ordinance) and F-4 (first reading of a wastewater rate ordinance) be moved from the Consent Agenda to the Regular Agenda.

Communications

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

Public Hearing re:
the FY2010
Proposed Budget

Patsy Moore, Budget and Accounting Director, summarized the proposed FY2010 budget.

78588

At 7:06 p.m. Mayor Hopewell opened a public hearing to receive public comments regarding the proposed FY2010 budget for the City of Kalamazoo.

Motion to Close
the Public Hearing

At 7:07 p.m. Commissioner Anderson, seconded by Commissioner Miller, moved to close the public hearing on the proposed FY2010 budget.

Prior to a vote on this motion, Commissioner Anderson stated the budget document was available on the City's website and noted Commissioners and staff had spent many hours reviewing the proposed budget.

Commissioner Cooney stated Commissioners and staff had spent many hours working on the budget, including a six hour public meeting on December 14th.

Commissioner Kuseske thanked City staff and the City Commission for the quarterly budget review process, which allowed the Commission to track expenditures and make adjustments in a time-appropriate manner.

Motion to Close
the Public Hearing
(cont'd)

78588

Commissioner Kuseske noted the City Administration and City Commission considered projections for the 2011 and 2012 budget years when developing the 2010 budget.

Commissioner Moore thanked City staff for helping Commissioners understand the budget so they could communicate effectively with their constituents. Commissioner Moore highlighted partnerships between the City and community organizations and commended staff for a job well done.

With a roll call vote the motion to close the public hearing passed.

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

NAYS: None

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:

78589

- approval of a one-year maintenance contract with Intergraph Public Safety to provide for the continued maintenance of the city's computer-aided dispatching, records management systems and mobile data computing systems in the amount of \$137,280.

78590

- approval of a one-year maintenance contract with Motorola, Inc., to provide for continued maintenance for the Department's 800 MHz digital radio system in the amount of \$132,080.59.

Resolution 09-84

78591

- adoption of a performance and indemnification **RESOLUTION** designating the City Clerk and Deputy City Clerk as City officials authorized to apply to the Michigan Department of Transportation for a permit to place banners on the South Westnedge pedestrian overpass during the period from January 1, 2010 to December 31, 2010.

Resolution 09-85

78592

- adoption of a **RESOLUTION** to approve three applications for Neighborhood Enterprise Zone certificates in the Vine Neighborhood Enterprise Zone.

Resolution 09-86

78593

- adoption of a **RESOLUTION** approving and establishing the schedule of regular City Commission meetings for the 2010 calendar year.

78594

- approval of the renewal of the Working Agreement between the Kalamazoo Transit Authority Board of Directors and the Kalamazoo City Commission effective January 1, 2010, through December 31, 2010, and authorize the City Manager to execute such an agreement on behalf of the City of Kalamazoo.

78595

- approval 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

Consent Agenda
(cont'd)

78596

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.

- approval of the following appointments to advisory boards and commissions:
 - the appointment of **Nick Gardner** to the Community Development Advisory Act Committee as the Eastside neighborhood representative for a term expiring on March 31, 2011.
 - the appointment of **Lena Haynes** to the Community Development Advisory Act Committee for a term expiring on March 31, 2010. This appointment recommendation also includes a request to waive City Commission Rule 12k regarding residency.
 - the appointment of **Connolly Jenkins** to the Community Development Advisory Act Committee for a term expiring on March 31, 2011.
 - the appointment of **Pat McCarthy** to the Community Development Advisory Act Committee for a term expiring on March 31, 2010.
 - the appointment of **Matt Milcarek** to the Community Development Advisory Act Committee as the Vine neighborhood representative for a term expiring on March 31, 2011.
 - the appointment of **William Wells** to the Community Development Advisory Act Committee as the Edison neighborhood representative for a term expiring on March 31, 2010.
 - the appointment of **David J. Hyde** to the Dangerous Buildings Board as a Historic District Property Owner for a term expiring on March 31, 2011.
 - the appointment of **Stu Eddy** to the Downtown Development Authority's Residential Authority Council for a term expiring on March 1, 2010.
 - the appointment of **Mark Kraai** to the Downtown Development Authority's Residential Authority Council for a term expiring on March 1, 2010.
 - the appointment of **Teeoncey Dorshee Sanders** to the Parks and Recreation Advisory Board as a youth representative for a term expiring on January 1, 2012.

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

Consent Agenda
(cont'd)

With a roll call vote this motion passed.

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

NAYS: None

Regular Agenda

Regular Agenda Items were considered next.

City Manager Collard requested that Items F-3 and F-4, ordinances to amend the wastewater and water service rates, be considered together.

City Attorney Robinson indicated each ordinance needed to be considered separately

First Reading of an Ordinance to Change the Rates Charged for Wastewater Service

When an opportunity was given for citizens to comment on a recommendation to offer for first reading an ORDINANCE to amend certain sections of Chapter 28 of the Kalamazoo Code to change the rates charged for wastewater service increasing revenues by 3.0%, effective February 01, 2010, the following citizens offered comments:

78597

Rich Pierson, non-resident and Director of the Gull Lake Sewer and Water Authority, the South County Sewer and Water Authority, and the Kalamazoo Regional Water and Wastewater Commission.

Mark Beauchamp, non-resident and rate consultant for the Kalamazoo Regional Water and Wastewater Commission.

David Healy, non-resident and Texas Township Supervisor.

Commissioner Cooney, seconded by Commissioner Kuseske, moved to offer for first reading an ORDINANCE to amend certain sections of Chapter 28 of the Kalamazoo Code to change the rates charged for wastewater service increasing revenues by 3.0%, effective February 01, 2010.

Prior to a vote on the motion, City Manager Collard offered comments and provided information in response to questions and comments from City Commissioners. A complete transcript of the comments, discussion, and actions related to the proposed wastewater rate ordinance was included with the papers for this meeting and made part of these minutes by reference.

With a roll call vote, the motion to offer the ordinance for first reading passed.

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

NAYS: None

First Reading of an Ordinance to Change the Rates Charged for Water Service

78598

When an opportunity was given for citizens to comment a recommendation to offer for first reading an ORDINANCE to amend certain sections of Chapter 38 of the Kalamazoo Code to change the rates charged for water service increasing revenues by 5.0%, effective February 01, 2010, the following citizens offered comments:

Tim Hudson, non-resident and Comstock Township Supervisor.

Libby Heiny-Cogswell, non-resident and Oshtemo Township Supervisor.

Mark Beauchamp, non-resident and rate consultant for Utility Financial Services.

Jeff Sorensen, non-resident and former Cooper Township Supervisor.

Dave Healy, non-resident and Texas Township Supervisor.

Commissioner Kuseske, seconded by Commissioner Moore, moved to offer for first reading an ORDINANCE to amend certain sections of Chapter 38 of the Kalamazoo Code to change the rates charged for water service increasing revenues by 5.0%, effective February 01, 2010.

Prior to a vote on the motion, City Manager Collard offered comments and provided information in response to questions and comments from City Commissioners. A complete transcript of the comments, discussion, and actions related to the proposed water rate ordinance was included with the papers for this meeting and made part of these minutes by reference.

With a roll call vote, the motion to offer the ordinance for first reading passed.

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

NAYS: None

Resolution 09-87 re: U.S. Census Complete Count Committee

78599

Laura Lam, Community Development Manager, stated the US Census had asked the City to adopt a resolution recognizing Census Day and supporting the creation of a Complete Count Committee. Ms. Lam indicated the purpose of the committee was to strengthen census participation through collaboration with community organizations, institutions, and businesses. Ms. Lam noted Congressional representation and the distribution of federal funds were based on census counts, so it was important to ensure that all Kalamazoo residents were counted.

An opportunity was given for citizens to comment on a recommendation to adopt a RESOLUTION of partnership with the U.S. Census Bureau to designate April 1, 2010 as Census Day and appoint a Complete Count Committee, but no comments were offered.

Resolution 09-87
re: U.S. Census
Complete Count
Committee (cont'd)

78599

Commissioner Anderson, seconded by Commissioner Moore, moved to adopt a **RESOLUTION** of partnership with the U.S. Census Bureau to designate April 1, 2010 as Census Day and appoint a Complete Count Committee.

Prior to the vote and in response to a question from Mayor Hopewell, Ms. Lam stated there was no formal appointment process and explained the Committee would partner with community leaders and encourage the participation of as many groups as possible.

In response to questions from Commissioner Kuseske, Ms. Lam stated the census form was very short and reported the Committee was trying to establish "Be Counted" sites in the community to assist people with the census questionnaire. Ms. Lam also indicated the Committee wanted to partner with organizations that had unique skills and relationships to help count populations that were difficult to count.

Mayor Hopewell stated many community partners were involved in the effort to get a complete census count and noted Commissioners should have received census information in their mailboxes.

Commissioner Miller stated the 2010 census was a vital count for the City of Kalamazoo and Kalamazoo County. Commissioner Miller stated this resolution would probably be the only resolution of support she would vote on during the current Commission term, as the subject of this resolution was not "fluff" like many of the resolutions of support the Commission was asked to adopt.

With a roll call vote the motion passed.

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

NAYS: None

Approval of a
Grant to the
Kalamazoo County
Land Bank re: the
Marketplace at
Washington
Square Plat

78600

Community Planning and Development Director Jeff Chamberlain gave a brief presentation on the proposed transfer of grant funds to the Kalamazoo County Land Bank Authority for the purchase of the Marketplace at Washington Square Plat. Director Chamberlain described the history of the plat and stated the City and the Local Initiatives Support Corporation (LISC) would provide funds so the Land Bank could purchase the property and attempt to attract a developer.

In response to questions from Commissioner Cooney, Director Chamberlain stated the City had already received \$1.7 million through the Neighborhood Stabilization Program I. Director Chamberlain reported the City had applied for almost \$20 million in funds through the Neighborhood Stabilization Program II, and these funds, if awarded, would be used for property acquisition, holding costs, demolitions, housing rehab, new construction, and financing.

In response to a question from Commissioner Kuseske, Director Chamberlain stated some lots in the Marketplace Plat had high water tables and may require different construction techniques, but they were

Approval of a Grant to the Kalamazoo County Land Bank re: the Marketplace at Washington Square Plat (cont'd)

78600

still buildable. Director Chamberlain stated the lots were 50 feet wide and noted there had been discussions with the neighborhood about splitting some of the lots to create larger lots.

In response to questions from Commissioner Anderson, Director Chamberlain explained the proposed grant to the Land Bank would take away some housing rehab dollars, but the City would be receiving more funds for housing rehab under Neighborhood Stabilization Program II. Director Chamberlain indicated the purchase price of \$480,000 was the lowest price ever agreed to by the developer and represented the land value as determined by the City Assessor. Director Chamberlain stated the loss of tax revenue would be a few thousand dollars per year while the property was in the Land Bank. Director Chamberlain explained that once houses were built and sold the properties would begin returning to the tax rolls, but the City would realize only one-third of the tax revenue from these properties because the entire plat was in a Neighborhood Enterprise Zone.

An opportunity was given for citizens to comment on a recommendation to approve a grant of \$330,000 to the Kalamazoo County Land Bank Authority for the purchase of the Marketplace at Washington Square Plat, but no comments were offered.

Commissioner Kuseske, seconded by Commissioner Moore, moved to approve a grant of \$330,000 to the Kalamazoo County Land Bank Authority (\$35,000 as a pass through grant from the Kalamazoo Community Foundation's Jack Hopkins Community Redevelopment Fund, and \$295,000 as a grant from the Federal Neighborhood Stabilization Program) for the purchase of the Marketplace at Washington Square Plat and authorize the City Manager to sign all necessary documents.

With a roll call vote the motion passed.

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

NAYS: None

Acceptance of a KCF Grant for Streetscape Enhancements on N. Park Street and N. Westnedge Avenue

78601

Andrea Augustine, Neighborhood Planner, described the proposed Northside streetscape enhancement project. Ms. Augustine noted the City was partnering with the Southwest Regional Office of the Michigan Department of Transportation (MDOT), and the project was receiving over \$440,000 in Transportation Enhancement Grants.

In response to a question from Commissioner Anderson, Ms. Augustine stated the Arcadia Commons West project would not affect the streetscape enhancements as the streetscape project only included the north side of the Park Street/Kalamazoo Avenue intersection.

Commissioner Moore expressed support for the project. Commissioner Moore remarked that the Park Street/Paterson Street and Westnedge Avenue/Paterson Street intersections were very busy, and she expressed concern about pedestrian safety with more pedestrians using these areas

Acceptance of a
KCF Grant for
Streetscape
Enhancements on
N. Park Street and
N. Westnedge
Avenue (cont'd)

78601

as a result of the streetscape improvements. Commissioner Moore asked if the City or MDOT could monitor traffic speeds at these intersections.

In response to Commissioner Moore, Ms. Augustine stated bump-outs would be installed at all intersections (where possible), which would reduce traffic speeds. Ms. Augustine indicated the City could review the intersections as a follow-up to the enhancement project to see if additional steps need to be taken to ensure pedestrian safety.

In response to Commissioner Kuseske, Ms. Augustine stated traffic light improvements were not a part of the streetscape enhancement project.

Mayor Hopewell stated Public Services Director Bruce Merchant was indicating these traffic lights would be upgraded in 2010.

An opportunity was given for citizens to comment on the acceptance of a \$50,000 grant from the Kalamazoo Community Foundation's Jack Hopkins Community Redevelopment Fund and allocate \$25,000 in reallocated PY2008 Community Development Block Grant funds as a local match for an MDOT streetscape enhancement project for North Park Street and North Westnedge Avenue, and authorize the City Manager to sign all necessary documents, but no comments were offered.

Commissioner Cooney, seconded by Commissioner Miller, moved to accept a \$50,000 grant from the Kalamazoo Community Foundation's Jack Hopkins Community Redevelopment Fund and allocate \$25,000 in reallocated PY2008 Community Development Block Grant funds as a local match for an MDOT streetscape enhancement project for North Park Street and North Westnedge Avenue, and authorize the City Manager to sign all necessary documents.

With a roll call vote the motion passed.

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

NAYS: None

City Manager's
Report

78602

City Manager Collard provided the following reports and updates:

- Departmental Reports and Project Updates
- CITYLink newsletter dated October 2009
- Kalamazoo Communities in Schools Newsletter dated October 2009.
- Equal Employment/Affirmative Action Report, 3rd Quarter 2009

City Manager Collard highlighted the following items in the Departmental Reports and Project Updates: the Government Finance Officers Association had given the City the Distinguished Budget Presentation Award; 18 blighted homes had been demolished, with two more demolitions in process; the Public Safety Department would use directed and saturation patrols to deal with crime hotspots during the holiday season; and the fall leaf collection program was completed on schedule.

City Manager's
Request for a
Utility Rate
Subcommittee
78602

City Manager Collard stated the discussion of water and sewer rates was a long-running conversation. City Manager Collard stated that he, former Public Services Directors Oley Loen and Jerri Barnett-Moore, and current Public Services Director Bruce Merchant had worked hard to provide members of the Regional Water and Wastewater Commission with a large amount of information. City Manager Collard indicated the township supervisors had made some misstatements that were very troubling and very political, and he noted City staff and Commissioners were at a disadvantage in this conversation because the township supervisors were both the chief administrative officials and chief elected officials of their jurisdictions. City Manager Collard asked the Mayor to appoint three Commissioners to an ad-hoc subcommittee for the purpose of being educated about water and wastewater rates and the history of this issue.

Mayor Hopewell expressed his preference to have all Commissioners educated on the issue of water and wastewater rates. Discussion followed.

City Attorney Robinson pointed out the utility rate ordinances could be adopted on January 19th with an effective date prior to February 1st. Discussion followed.

City Manager to
Organize Work
Session
78603

By consensus the City Commission directed the City Manager to organize an educational work session on utility rates with rate consultant Bart Foster for a date between December 28, 2009 and January 19, 2010.

In response to a question from Commissioner Miller, City Manager Collard reported the City was looking at the logistics of the City's bank handling tax payments made by mail. City Manager Collard stated he would report back on this issue, depending on what accommodations could be made.

Citizen Comments

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

Frank Warren, City resident, talked about the recent death of Robert G. Heff, the person who designed the 50-star flag.

Norrine Wafford, City resident, described how she was losing her home and defended her landlord.

City Commissioner
Comments

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

Commissioner Moore thanked everyone who had donated and given to help people, especially children, who need food and housing. Commissioner Moore invited citizens to Mt. Zion Baptist Church on Christmas Day and to the New Year's Fest on December 31st.

Commissioner Miller reported Public Safety Officer Keaton Nielsen was home and noted the Kalamazoo Department of Public Safety had raised over \$2,000 for his family.

City Commissioner
Comments (cont'd)

Commissioner Cooney congratulated and thanked the Black Police Officers' Association for the successful Holiday Food Drive.

Mayor Hopewell noted the success of the Holiday Food Drive and remarked on Kalamazoo's caring spirit. Mayor Hopewell reported he had called Keaton Nielsen at Walter Reed Medical Center and reported PSO Nielsen was in excellent spirits. Mayor Hopewell distributed City of Kalamazoo name badges as gifts to each of the Commissioners.

Adjournment

The meeting adjourned at 9:34 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