

	<p>A regular meeting of the Kalamazoo City Commission was held on Monday, February 6, 2017 at 7:00 p.m. in the City Commission Chambers at City Hall.</p>
Roll Call	<p>COMMISSIONERS PRESENT: Mayor Bobby J. Hopewell Vice Mayor Don Cooney David Anderson Erin Knott Matt Milcarek Shannon Sykes Jack Urban</p> <p>COMMISSIONERS ABSENT: None</p> <p>Also present were City Manager Jim Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.</p>
Invocation	<p>The invocation, given by Father Andrew Raczkowski, St. Joseph Catholic Church, was followed by the Pledge of Allegiance.</p>
Introduction of Guests	<p>Renee Mitchell and John Olbrot, President and Vice President of the Kalamazoo Bike Club, presented the City Commission with the <i>Friend of Bicycling Award</i>. Mayor Hopewell received the award on behalf of the Commission.</p>
Adoption of the Agenda	<p>By unanimous consent the City Commission adopted its meeting agenda with the following change:</p> <p>Mayor Hopewell announced a discussion of “sanctuary cities” would take place during the New Business section of the agenda.</p>
Communications	<p>When an opportunity was given for general communications, City Manager Ritsema announced there would be a City Commission retreat on Saturday, March 4th at 8:30 a.m. in the Governing Board Room at Metro Transit to identify projects to be funded with the Foundation for Excellence.</p>
Consent Agenda	<p>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:</p> <ul style="list-style-type: none"> - approval of a contract with Frederick Construction for Phase II of City Hall renovations in the amount of \$115,671. - approval of a one year contract with with Consumers Concrete Corporation for ready mixed concrete in the amount of \$318,625. - approval of the purchase of eight (8) Ford Explorers from Gorno Ford through the MiDEAL purchasing program in the amount of \$223,200. - first reading of an ordinance to amend certain sections of Chapter 28 of the Kalamazoo City Code to incorporate mandated Federal/State Industrial Pretreatment Program Local Limit

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| Standards and corrections to the units within the Rate Schedules Charges. | |
| - adoption of a RESOLUTION approving an application for a Michigan Natural Resources Trust Fund grant in the amount of \$300,000 for the development and rehabilitation of Bronson Park as part of the Bronson Park 21st Century Campaign. This resolution also approves a Memorandum of Understanding with Kalamazoo County, which is required by the Trust Fund, and authorizes the City Manager to sign all related documents. | Resolution 17-05 |
| - adoption of a RESOLUTION accepting a grant from the Dorothy U. Dalton Foundation in the amount of \$50,000 for the Bronson Park 21st Century Campaign. | Resolution 17-06 |
| - adoption of a RESOLUTION accepting a \$50,000 grant pledged by the Rotary Club of Kalamazoo for the Bronson Park 21st Century Campaign. | Resolution 17-07 |
| - adoption of Notice of Intent RESOLUTIONS for the issuance of 2017 Capital Improvement Bonds and Water Revenue Bonds. | Resolutions 17-08 and 17-09 |
| - authorization for the City Manager to execute a Bilateral Permit with Everstream GLC Holding Company, L.L.C. pursuant to the Metropolitan Extension Telecommunications Right of Way Oversight (METRO) Act. | |
| - authorization for the City Manager to sign an agreement with the Michigan Department of Environmental Quality for a Wellhead Protection Program Grant. | |
| - authorization for the City Manager to accept all donations made for the Bronson Park 21st Century Campaign. | |
| - approval of an encroachment agreement with MW Acquisitions, LLC to address two recently discovered encroachments on the City's property at 459 N. Rose Street. | |
| - approval of the Mayor's appointments and reappointment to the Historic District Commission: | |
| - the appointment of Jeremy Berg for a term expiring on January 1, 2020; | |
| - the appointment of John Mitchell for a term expiring on January 1, 2020; | |
| - the reappointment of Grant Fletcher for a term expiring on January 1, 2020. | |
| - approval of the minutes from the City Commission meeting on January 3, 2017. | |

Consent Agenda
(cont'd)

Commissioner Knott, seconded by Commissioner Urban, moved to approve the consent agenda requests and authorize the City Manager to sign all documents on behalf of the City.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Anderson, Knott, Milcarek, Sykes, Urban,
Vice Mayor Cooney, Mayor Hopewell

NAYS: None

New Business

Items of New Business were considered next.

Discussion of City
Policies/Practices re:
Enforcement of Federal
Immigration Laws

Commissioners Milcarek and Sykes provided introductory remarks on the need to think and talk about the City's role in the enforcement of federal immigration laws, especially in light of the recent executive order from President Donald Trump on this topic.

Commissioner Anderson asked if Chief Hadley and/or City Attorney Robinson could describe how current City policies worked.

Public Safety Chief Jeff Hadley described President Trump's executive order and reviewed Kalamazoo Department of Public Safety (KDPS) General Order No. 40 (G-40). Chief Hadley noted G-40 prohibited officers from soliciting immigration status information from people seeking police services or who were victims of, or witnesses to, a crime. Chief Hadley stated KDPS had neither the capacity nor the desire to enforce federal immigration laws, and he indicated the department was operating in the spirit of the City Commission's 2016 "welcoming community" proclamation. Chief Hadley reported he was working with Michigan United to clarify some the language in G-40.

In response to questions from Commissioner Milcarek Chief Hadley reported he knew of only one time in the past nine years when federal Immigration and Customs Enforcement (ICE) agents had conducted activities in Kalamazoo, and that action was to apprehend undocumented individuals who had been convicted of violent crimes. Chief Hadley explained that G-40 only dealt with KDPS officers requesting information from federal agencies, not decisions made around federal requests for assistance. Chief Hadley noted that such decisions were made at high levels within KDPS and not by officers on the street. Chief Hadley offered to include language in G-40 that would provide guidance for decisions to partner with federal agencies.

Commissioner Knott suggested the City issue a statement summarizing Chief Hadley's remarks and the proclamation from 2016.

In response to questions from Commissioner Sykes, Chief Hadley indicated one of the proposed changes to G-40 was the use of a term like "undocumented individual" instead of "illegal alien." Chief Hadley explained the typical reason for officers to inquire about immigration status was the identification of a person in custody who could not be identified by other means.

Commissioner Cooney highlighted Chief Hadley’s position that the City did not have the capacity or interest to enforce immigration laws. Commissioner Cooney stated Kalamazoo was a welcoming community and indicated he was proud to a part of the demonstration in Bronson Park on February 5th.

In response to a question from Commissioner Sykes, City Attorney Robinson stated there was no official definition of a “sanctuary city.” City Attorney Robinson explained the system of checks and balances and separation of powers between the federal and state governments. City Attorney Robinson noted the federal government could not federalize KDPS for the purpose of immigration enforcement, but Congress could incentivize participation with federal law enforcement by making participation a condition of grant funding.

Commissioner Urban recommended the City Commission affirm its 2016 proclamation and warned against enhancing the current climate of fear by acting out of fear.

Commissioner Milcarek noted the state legislature was considering bills that would force local law enforcement participation with federal agencies.

Mayor Hopewell commented on the legislation referenced by Commissioner Milcarek and noted it was unlikely this legislation would pass or that the Governor would sign it. Mayor Hopewell read the last paragraph from the 2016 proclamation and requested that the dates of the proclamation and G-40 be included in the City’s statement so people would see that the City’s response was not a reaction to the President’s executive order.

When an opportunity was given for general citizen comments, the following people addressed the City Commission:

Nehemiah Scudder, City resident, remarked on the need to protect people suffering from mental illness.

Corey Smith, City resident, spoke about keeping the streets safe for young people and asked the community to support a youth basketball team he was coaching.

Frank Warren, City resident, spoke about President Donald Trump, immigrants, and the history of undocumented individuals serving in the military.

Sherry Opalka, City resident, requested clarification of the definition of “crime” as it related to the basis for the City’s cooperation with federal officials, and she requested information on pending state legislation regarding sanctuary cities.

The following citizens expressed opposition to the Vine Street widening project and requested the City stop the project:

- Gunnars Kaire, City resident
- Judd Easton, City resident

Discussion of City Policies/Practices re: Enforcement of Federal Immigration Laws (cont’d)

Citizen Comments

Citizen Comments
(cont'd)

Jamie Kavanaugh, City resident
 Kristi Breisach, City resident
 Dan Higgs, City resident
 Lisa Murphy, City resident
 Sarah Ruggles, City resident
 Kat Olsen, City resident
 Martha Gonzales, City resident
 Gabe Wolverton, City resident

City Commissioner
Comments

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

Commissioner Milcarek expressed support for pausing the Vine Street widening project and going "back to the drawing board."

City Manager Ritsema reported he had asked Public Services Director James Baker to suspend the Vine Street widening project as the initial community outreach had been done several years prior and involved a different group of people.

Commissioner Urban thanked City Manager Ritsema for suspending the project and stated the City needed to replace the trees it had removed. Commissioner Urban expressed concern about the effect of this decision on the City's project partners, and the loss of funding for this project, precedent being set with the abruptness of the project suspension. Commissioner Urban remarked that this action would send a strong signal that the Commission was responsive to citizens.

Commissioner Knott requested a meeting with the Traffic Engineer about the implementation of Complete Streets concepts.

Commissioner Sykes thanked Chief Hadley and City Attorney Robinson for providing information on the City's immigration enforcement policies. Commissioner Sykes urged the City to anticipate and plan for hypothetical changes to federal laws and policies that might require the City to assist with the enforcement of immigration laws.

Vice Mayor Cooney noted the City Commission was being responsive to citizen concerns regarding the Vine Street project.

Mayor Hopewell stated he enjoyed the dynamics of the debate around the Vine Street project and indicated he would be interested to see the outcome.

Closed Session

Commissioner Knott seconded by Commissioner Sykes, moved that the City Commission go into closed session to discuss pending litigation and labor negotiations.

Prior to a vote on the motion, Mayor Hopewell indicated the City Commission would return to open session following the closed session.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Anderson, Knott, Milcarek, Sykes, Urban,
Vice Mayor Cooney, Mayor Hopewell

NAYS: None

The City Commission went into closed session at 8:46 p.m.
The City Commission returned to open session at 9:05 p.m.

Commissioner Urban, seconded by Commissioner Anderson, moved that the City accept the offer by Bronson Healthcare Group of \$60,000 to settle its legal action seeking payment for no-fault medical benefits provided to Patricia Sabo that resulted from an October 21, 2014 accident involving a Metro Transit bus.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Anderson, Knott, Milcarek, Sykes, Urban,
Vice Mayor Cooney, Mayor Hopewell

NAYS: None

The meeting adjourned at 9:06 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on March 6, 2017

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: March 6, 2017

Closed Session
(cont'd)

Settlement with
Bronson Hospital
re: Patricia Sabo

Adjournment