



Agenda

Regular Meeting of the City Commission

City of Kalamazoo

Monday, February 6, 2017

7:00 PM

City Commission Chambers - 241 W. South Street

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation: **Father Andrew Raczkowski, St. Joseph Catholic Church**
2. Pledge of Allegiance
3. Introduction of Guests
 - a. Friend of Bicycling Award Presentation, Kalamazoo Bicycle Club
4. Proclamations

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

1. Calendar of Upcoming Meetings

E. PUBLIC HEARINGS

F. CONSENT AGENDA

(Action: Motion to approve Items "1-14" and authorize the City Manager to sign all documents on behalf of the City)

1. Approval of a contract with Frederick Construction for Phase II of City Hall renovations in the amount of \$115,671.
2. Approval of a one year contract with with Consumers Concrete Corporation for ready mixed concrete in the amount of \$318,625.
3. Approval of the purchase of eight (8) Ford Explorers from Gorno Ford through the MiDEAL purchasing program in the amount of \$223,200.
4. 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 Standards and corrections to the units within the Rate Schedules Charges.
5. 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.

6. 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.
7. Adoption of a RESOLUTION accepting a \$50,000 grant pledged by the Rotary Club of Kalamazoo for the Bronson Park 21st Century Campaign.
8. Adoption of Notice of Intent RESOLUTIONS for the issuance of 2017 Capital Improvement Bonds and Water Revenue Bonds.
9. 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.
10. Authorization for the City Manager to sign an agreement with the Michigan Department of Environmental Quality for a Wellhead Protection Program Grant.
11. Authorization for the City Manager to accept all donations made for the Bronson Park 21st Century Campaign.
12. 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.
13. 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; and
 - the reappointment of **Grant Fletcher** for a term expiring on January 1, 2020.
14. Approval of the minutes from the City Commission meeting on January 3, 2017.

G. REGULAR AGENDA

H. REPORTS AND LEGISLATION

1. City Manager's Report

I. UNFINISHED BUSINESS

J. POLICY ITEMS

K. NEW BUSINESS

L. CITIZEN COMMENTS

M. MISCELLANEOUS COMMENTS AND CONCERNS BY COMMISSIONERS

N. CLOSED SESSION

1. Closed session to discuss pending litigation and labor negotiations. **(Action: Motion to go into closed session)**

O. ADJOURNMENT

ADDITIONAL INFORMATION

Get news, information, and alerts from the City of Kalamazoo. Sign up at www.kalamazoocity.org/connect, follow @KalamazooCity on Twitter, and search for The City of Kalamazoo on Facebook.

Questions regarding agenda items may be answered prior to the meeting by contacting the City Manager's Office at 269.337.8047.

Persons with disabilities who need accommodations to effectively participate in City Commission meetings should contact the City Clerk's Office at 337-8792 a week in advance to request mobility, visual, hearing or other assistance.

Agendas for the regular meetings of the Kalamazoo City Commission are available on the Internet at: www.kalamazoocity.org

The Kalamazoo City Commission business meetings are held on the first and third Mondays at 7:00 p.m. and are shown live on the Public Media Network (channel 190 for Charter customers, channel 99 for U-Verse customers). Business meetings are also web streamed live on the City's YouTube channel at <https://goo.gl/Q6DW37>. Public Media Network rebroadcasts these meetings on Tuesdays at 8:00 a.m., Wednesdays, at 1:00 a.m., and Thursdays at 3:00 p.m. Recorded meetings are also available on-demand on the YouTube channel.



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: Scott A. Borling, City Clerk

PREPARED BY: Shelby Moss, Deputy City Clerk

DATE: 1/31/2017

SUBJECT: Calendar of Upcoming Meetings

INFORMATIONAL ITEMS

Attached is the calendar of upcoming meetings of the City Commission's advisory boards, commissions, and committees.

ATTACHMENTS:

	Type	Description
▣	Meeting Schedule	20170206 Calendar of Meetings



Calendar of Upcoming Meetings

City of Kalamazoo

City Commission (next 30 days)

Regular Business Meetings – 7:00 p.m. in the City Commission Chambers

February 20th and March 6th

Regular Neighborhood Meetings – 6:00 p.m. in the Community Room at City Hall

February 20, 2017

Work Sessions

The City Commission will meet in special session on Saturday, March 4, 2017 at 8:30 a.m., in the Metro Transit Governing Board Room, located at 530 North Rose Street. The purpose of the meeting is to discuss the 2017 projects and programs to be funded with the Foundation for Excellence.

Advisory Boards, Commissions and Committees (next two weeks)

The **Parks and Recreation Advisory Board** will meet on Tuesday, February 7, 2017 at 5:20 p.m., in the Parks and Recreation Community Room at Mayors' Riverfront Park, located at 251 Mills Street.

The **Traffic Board** will meet on Thursday, February 9, 2017 at 2:00 p.m., in the Public Services Conference Room, located at 415 Stockbridge Avenue.

The **Community Development Act Advisory Committee** will meet on Thursday, February 9, 2017 at 6:30 p.m., in the Community Room at City Hall.

The **Zoning Board of Appeals** will meet on Thursday, February 9, 2017 at 7:00 p.m., in the City Commission Chambers at City Hall.

The **Kalamazoo Historic Preservation Commission** will meet on Tuesday, February 14, 2017 at 7:00 p.m., in the Third Floor Conference Room at City Hall.

The **Environmental Concerns Committee** will meet on Wednesday, February 15, 2017 at 4:30 p.m., in the Community Room at City Hall.

The **Economic Development Corporation** will meet on Thursday, February 16, 2017 at 7:30 a.m., in the Community Room at City Hall. The **Brownfield Redevelopment Authority** will meet immediately following.

The **Building Board of Appeals** will meet on Thursday, February 16, 2017 at 2:00 p.m., in the Commission Chambers at City Hall.

The **Kalamazoo Municipal Golf Association** will meet on Thursday, February 16, 2017 at 5:30 p.m., in the clubhouse at Milham Park Golf Course, located at 4200 Lovers Lane.

The **Downtown Development Authority** will meet on Monday, February 20, 2017 at 3:00 p.m., in the Community Room at City Hall.



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: James J. Baker, PE, Public Services Director

PREPARED BY: James J. Baker, PE, Public Services Director

DATE: 1/4/2017

SUBJECT: Phase II Renovations at City Hall – Bid Reference Number 955-10-139

RECOMMENDATION

It is recommended that the City Commission approve a contract with Frederick Construction for Phase II of the City Hall renovations in the amount of \$115,671.

BACKGROUND

City Hall was constructed in the 1930s using a reinforced concrete framing system. The Loads are supported with reinforced concrete joists, girders, beams and columns. Over the years water has carried chlorides from winter maintenance materials through the concrete into the reinforcement steel and has corroded load bearing beams, joists and columns in the basement area. This corrosion has caused major spalling which has reduced the concrete cross section of these key structural members. Structural repairs are needed.

On September 8, 2016, Purchasing solicited bids to perform two separate phases of renovations at City Hall. Phase II of the City Hall renovations includes structural concrete repairs to all exposed load bearing columns under City Hall in the garage area, repairs to concrete load bearing beams, repairs to a concrete supported slab and some water proofing work.

Frederick Construction was the lowest responsive bidder for Phase II work and is recommended to perform the renovations.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

Funds for this project are included in the Adopted FY 2017 general fund capital improvement budget.

ALTERNATIVES

The City Commission may choose to defer this work. That option is not recommended.

ATTACHMENTS:

	Type	Description
	Bid	
▣	Results Summary	Bid Results Summary

BID RESULTS SUMMARY

PROJECT: Renovations at City Hall

DATE: October 11, 2016

BIDDERS SOLICITED: 159

BIDDERS RESPONDED: 4

MBE/WBE BIDS SOLICITED: 19

MBE/WBE BIDDERS RESPONDED: 0

BID REFERENCE NO: 955-10-139

MBE/WBE AWARDED: No

ISSUE DATE: September 8, 2016

BID OPENING: September 29, 2016

APPROVAL REQUIRED: City Commission

FUNDED BY: City

<u>BIDDERS</u>	<u>AMOUNT BID</u>	<u>LOCATION</u>
Pel GC (1)	Phase I- \$127,778.00 Phase II-\$121,539.00	Grand Rapids, MI
Seven Gnerations (2)	Phase I -\$157,493.00 Phase II-\$113,656.00	South Bend, IN
Frederick Construction (3)	Phase I-\$166,004.00 Phase II -\$115,671.00	Vicksburg, MI
Kalamazoo Contractors	Phase I-\$161,307.00 Phase II-\$127,2005.00	Kalamazoo County

(1) Lowest Responsive Bidder for Phase I. - Awarding Phase I to Pel GC

(2) Low Bid for Phase II - Non-Responsive - Did not bid on all items requested.

(3) Lowest Responsive Bidder for Phase II. - Awarding Phase II to Frederick Construction

Purchasing procedures have been followed and City Attorney has reviewed as to form.



Melissa Fuller
Purchasing Agent



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Teresa T. Johnson, Deputy Public Services Director

PREPARED BY: Brianna Clawson, Support Services Division Manager

DATE: 1/9/2017

SUBJECT: Term Contract for Ready Mixed Concrete – Bid Reference #750-70-012

RECOMMENDATION

It is recommended that the City Commission approve a one year contract with 4 one year extensions available beginning January 1, 2017 and ending December 31, 2017 in the amount of \$318,625 with Consumers Concrete Corporation of Kalamazoo, MI.

BACKGROUND

The Department of Public Services Water, Wastewater and Public Works divisions use this material in the repair of roads, sidewalks, and other construction projects.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

This contract will was included in the 2017 budget.

ALTERNATIVES

There are no viable alternatives to this material. Failure to provide and replenish inventory levels would mean new projects and repairs may not be completed in a timely manner.

ATTACHMENTS:

	Type	Description
□	Aerial Photo	Bid Results Summary

BID RESULTS SUMMARY

PROJECT: Term Contract for Ready Mixed Concrete	DATE: January 6, 2017
BIDDERS SOLICITED: 10	BIDDERS RESPONDED: 1
MBE/WBE BIDS SOLICITED: 0	MBE/WBE BIDDERS RESPONDED: 0
BID REFERENCE NO: 750-70-012	MBE/WBE AWARDED: No
ISSUE DATE: December 2, 2016	BID OPENING: December 21, 2016
APPROVAL REQUIRED: City Commission	FUNDED BY: City

<u>BIDDERS</u>	<u>AMOUNT BID</u>	<u>LOCATION</u>
Consumers Concrete Corporation	\$ 318,625.00	City

Purchasing procedures have been followed and City Attorney has reviewed as to form.



Melissa Fuller
Deputy Director of Mgmt Services/
Purchasing Agent



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Reviewed by: Jeffrey Hadley, Public Safety Chief

PREPARED BY: Prepared by: Ryan Tibbets, Assistant Chief – Fire Administration/Finance

SUBJECT: 2017 Public Safety Fleet Vehicle Purchase - MiDeal 071B130005

RECOMMENDATION

It is recommended that the City Commission approve the purchase of eight (8) Ford Explorers through the MiDEAL purchasing program in the amount of \$223,200 from Gorno Ford 22025 Allen Road, Woodhaven, MI 48183.

BACKGROUND

Fully marked public safety vehicles are critical for safe and effective response to police fire and medical emergencies. Kalamazoo Public Safety maintains a fleet of 41 front-line marked vehicles to accomplish this mission. Due to excessive maintenance costs inherent with high mileage vehicles, several vehicles have to be replaced each year.

For several years public safety had purchased the now discontinued Ford Crown Victoria as front line public safety vehicles. Several public safety officers including the defensive driving instructors at public safety have been researching the available pursuit rated vehicles to determine what vehicles should be purchased. All public safety officers carry a significant amount of equipment in the vehicle that they are assigned, making many of the available pursuit rated vehicles unsuitable for public safety use.

The proposed vehicles will replace front line cruisers, which will then be rotated to other areas of the department or retired completely. Several different officers often operate a front-line police vehicle 24 hours a day, seven days a week. The drive train, suspension, engine components and interiors are subject to extreme wear and tear due to these extreme driving conditions.

COMMUNITY RESOURCES CONSULTED

Public Safety consulted Kalamazoo County Police Department, City of Grand Rapids Police Department, Michigan State Police and Western Michigan University Police Department.

FISCAL IMPACT

Fleet vehicles are purchased through the State of Michigan MiDEAL purchasing program. Agencies draft specifications for the manufacture of vehicles used by law enforcement departments, and in turn, receive bids from interested automobile companies. Funds for the purchase of the eight (8) proposed Public Safety fleet vehicles are

included in the adopted 2017 Budget.

ALTERNATIVES

Alternatives include not purchasing these vehicles and continuing to drive aging vehicles or purchasing some other type of vehicle. This alternative is not recommended.



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: James J. Baker, PE, Public Services Director

PREPARED BY: Steven M. Rochow, Public Services Supervisor

DATE: 12/7/2016

SUBJECT: Proposed Amendment to Chapter 28 Wastewater Discharge Regulations and Enforcement Procedures Ordinance

RECOMMENDATION

It is recommended that the City Commission adopt an ordinance to amend to certain sections of Chapter 28 of the Kalamazoo City Code to incorporate mandated Federal/State Industrial Pretreatment Program Local Limit Standards and corrections to the units within the Rate Schedules Charges.

BACKGROUND

The City of Kalamazoo's National Pollutant Discharge Elimination System Permit (NPDES)(MI0023299) mandates implementation of the Federal Industrial Pretreatment Program approved on October 11, 1985; Michigan Administrative Code (Part 23 Rules), the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR Part 403), including subsequent Industrial Pretreatment Program modifications required by the Environmental Protection Agency and Michigan Department of Environmental Quality.

The Code of Ordinance Chapter 28 Section 18 "Local Pollutant Limits" was modified before receiving final approval by Michigan Department of Environmental Quality (1-20-2015 by ordinance No. 1931). To return to compliance with the City's NPDES permit section C Part I - Industrial Waste Pretreatment Program, the Code of Ordinance Chapter 28 Section 18 "Local Pollutants Limits" language should be restored to previous Local Pollutant Limits language before the modification of January 20, 2015.

Modification to Code of Ordinance Chapter 28 Section 73 Rate Schedules Established to incorporate the proper "unit" for the BOD Strength Charge, SS Strength Charge and NH₃-N Strength Charge from dollars per cubic meter (\$/m³) to dollars per Kilogram (\$/kg).

COMMUNITY RESOURCES CONSULTED

Re-establishing approved Local Pollutant Limits required by Michigan Department of Environmental Quality. No other community resources were consulted.

FISCAL IMPACT

There are no budgetary impacts.

ALTERNATIVES

The City Commission may deny this request. However, failure to incorporate the approved Local Limit Standards within the City of Kalamazoo’s enforcement documents would result in noncompliance of the City’s NPDES Permit and mandated Industrial Pretreatment Program.

ATTACHMENTS:

	Type	Description
▣	Ordinances	Ordinance

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE SECTION 28-18, “LOCAL POLLUTANT LIMITS” AND AMEND CERTAIN HEADINGS OF SECTION 28-73A.(3) “QUALITY/QUANTITY CHARGES” OF CHAPTER 28 “WASTEWATER DISCHARGE REGULATIONS AND ENFORCEMENT PROCEDURES”

THE CITY OF KALAMAZOO ORDAINS:

Section 1. The intent and purpose of this ordinance is to: (a) repeal and replace Section 28-18 so the City of Kalamazoo’s National Pollutant Discharge Elimination System Permit is in compliance with the Federal Industrial Pretreatment Program as approved by Michigan Department of Environmental Quality; and (b) amend certain headings of Section 28-73A.(3) to reflect the correct ‘unit of measurement’ for those charges under this subsection.

Section 2. Section 28-18 is repealed in its entirety and replaced by new Section 28-18 to read as follows:

§28-18. Local Pollutant Limits.

- A.** Under the City of Kalamazoo’s National Pollutant Discharge Elimination System Permit discharges to the Kalamazoo Water Reclamation Plant are controlled by the following limitations:

POLLUTANT	DAILY MAXIMUM CONCENTRATE LIMIT (UG/L)
Cadmium, T	40
Chromium, T	4,670
Copper, T	2,230
Lead, T	110
Nickel, T	1,590
Zinc, T	5,300
Cyanide, T	250
SGT-HEM (Total Petroleum Hydrocarbon)	100 (mg/L)
PH	6.2 - 9.8 S.U.
BETX	15 (mg/L)

Section 3. The following headings under Section 28-73A.(3) are amended to read as follows:

(3) Quality/quantity charges

BOD Strength Charge

OM&R (\$/Kg)	Capital (\$/Kg)	Total (\$/Kg)
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SS Strength Charge

OM&R (\$/Kg)	Capital (\$/Kg)	Total (\$/Kg)
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NH-3 Strength Charge

OM&R (\$/Kg)	Capital (\$/Kg)	Total (\$/Kg)
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Section 4. Repealer.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed.

Section 5. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date.

Pursuant to Section 13(a) of the City Charter, this ordinance shall take effect from and after 10 days from the date of its passage.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 2017. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

Bobby J. Hopewell, Mayor

Scott Borling, City Clerk

k:\ord\28-18&28-73(amended)



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

PREPARED BY: Steve Brown, Grants Specialist

DATE: 12/12/2016

SUBJECT: Resolution and Memorandum of Understanding in Support of Bronson Park Grant Application

RECOMMENDATION

It is recommended that the City Commission adopt a RESOLUTION approving application for a Michigan Natural Resources Trust Fund grant, administered by the Michigan DNR, in the amount of \$300,000 for the development and rehabilitation of Bronson Park as part of the Bronson Park 21st Century Campaign. In addition the resolution approves an MOU with Kalamazoo County, which is required by the Trust Fund and authorizes the City Manager to sign all related documents.

BACKGROUND

The City of Kalamazoo is submitting an application to receive a Michigan Natural Resources Trust Fund grant, administered by the Michigan DNR for \$300,000 for development of Bronson Park according to the Bronson Park Master Plan.

The City and County will jointly sponsor the application, however, the grant applicant is the City of Kalamazoo and the City will be the sole recipient, administrator, fund matcher and fiscal agent of the Grant.

The Michigan Natural Resources Trust Fund requires governing body approval before making application for this grant. If awarded, the Grant will require a 30 percent match from the General Fund.

COMMUNITY RESOURCES CONSULTED

The proposed improvements to Bronson park are included in the Bronson Park Master Plan and supported generally by the 5-year Recreation Plan.

FISCAL IMPACT

This grant would make significant progress toward the Bronson Park 21st Century Campaign's \$2.8 million fundraising goal. The City will match the Grant at a rate of 30 percent, or \$100,000, which will be appropriated in the General Fund.

ALTERNATIVES

The Grantor requires governing body approval in order to apply for this grant. The alternative is not to take advantage of this unique and valuable funding opportunity.

ATTACHMENTS:

	Type	Description
▣	Resolution	Resolution for DNR Trust Fund Grant
▣	Memorandum of Understanding	MOU - Bronson Park Grant

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. __

**A RESOLUTION REQUESTING A GRANT
FOR IMPROVEMENTS TO BRONSON PARK**

Minutes of a special meeting of the Kalamazoo City Commission held on _____, at _____ o'clock p.m., local time, at the City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

RECITALS:

- A. The City of Kalamazoo is submitting an application to receive a Michigan Natural Resources Trust Fund grant, administered by the Michigan DNR, for \$300,000 for development of Bronson Park according to the Bronson Park Master Plan, which is supported generally by the 5-year Recreation Plan.
- B. The grant applicant is the City of Kalamazoo, which is the sole historic lessor of Bronson Park and will be the sole recipient, administrator, fund matcher, and fiscal agent of the Grant, including paying vendors, and receiving reimbursement from the DNR. Contact City Manager Jim Ritsema, (269) 334-8047; ritsemaj@kalamazoocity.org; 241 West South Street, Kalamazoo, MI 49007.
- C. The owner of Bronson Park, The County of Kalamazoo, will not receive, administer, fund match, or act as a fiscal agent paying vendors or receiving reimbursement from the DNR for the Grant, and will resolve its support for the Grant, and authorize the City to do all transactions as they pertain to any award which may be made as a result of the Grant application, at its February 7, 2017 County Board meeting. Contact County Administrator Tracie Moored, (269) 384-8111; 201 W. Kalamazoo Ave., Room 207, Kalamazoo, MI 49007.
- D. The Bronson Park 21st Century Campaign has a total fundraising goal of \$2.8 million.
- E. The City will match the Grant at a rate of 30-percent, or \$100,000, from the General Fund.
- F. The City and County will jointly sponsor the application and will both sign the Project Agreement (PA) if the grant is awarded, however, the County will not in any case be liable to match the Grant.

THEREFORE IT IS RESOLVED:

That the City Manager is authorized and directed to file an application for \$300,000 for development of Bronson Park as part of the Bronson Park 21st Century Campaign, and that upon approval of the final application by the Trust Fund, the City Manager shall be authorized to sign the grant contract and any necessary amendments to the grant contract and other contract related documents. The City of Kalamazoo shall provide the matching funds of 30-percent, or \$100,000, from the General Fund.

IT IS FURTHER RESOLVED

The City Commission approved the MOU with Kalamazoo County and directs and authorizes the City Manager to sign it.

The above resolution was offered by _____ and supported by

_____.

AYES, Commissioners:

NAYES, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by the Act.

Scott A. Borling, City Clerk

Memorandum of Understanding

February 7, 2017

Approval (City of Kalamazoo)

Date_____

Approval (County of Kalamazoo)

Date_____

Agreement Scope

The City of Kalamazoo and the County of Kalamazoo voluntarily agree to enter into this cooperative agreement as described in the balance of this Memorandum of Understanding (MOU) with regard to a Michigan Natural Resources Trust Fund Grant for the development of Bronson Park, Kalamazoo, Michigan according to the Bronson Park Master Plan. This MOU is intended by the parties to assist them in the coordination of mutually beneficial activities and to serve as a written record of the intentions and responsibilities of each party at the time of signing the MOU, stated in good faith and with as much accuracy as possible. It is not intended that this document should confer contractual rights on any party or serve as the basis for any legal claim.

The City of Kalamazoo, as the Lessee of Bronson Park, will be the sole administrative agent for the Grant. As the administrative agent and sole recipient of any grant monies awarded by the MDNR, the City of Kalamazoo is authorized and directed to file an application with the Michigan Department of Natural Resources (MDNR) for the Grant, with additional responsibilities assumed by each of the parties, including the County of Kalamazoo which is the Owner of Bronson Park.

The Michigan Department of Natural Resources, through Trust Fund Grant program will provide a 2017 grant award for the sum of Three hundred thousand dollars (\$300,000) to the City of Kalamazoo. The grant requires a 30% or greater matching share which will be provided by the City of Kalamazoo.

All grant administration requirements as outlined in the MDNR grant agreement must be followed by the parties.

Agreement Period

This MOU is effective for the period identified by the terms of the Grant, and any extensions thereof, by and between the City of Kalamazoo, having its principal place of business at 241 W. South Street, Kalamazoo, Michigan, and the County of Kalamazoo, having its principal place of business at 201 W. Kalamazoo Avenue, Kalamazoo, Michigan.

This MOU may be modified or amended in writing upon agreement of both parties to this MOU.

Agreement Covenants

As partners of the Bronson Park Redevelopment project, hereinafter "Grant Project", the parties agree as follows;

The City of Kalamazoo will:

1. Consult with the County of Kalamazoo on an ongoing basis to facilitate the administration of the grant agreement.
2. Participate in any site visit with MDNR staff and the County of Kalamazoo.
3. Prepare and submit quarterly progress reports to the MDNR describing the project, work completed and accounting for any deviation from the approved performance schedule and budget.
4. Execute the construction bidding process including, but not limited to: writing RFPs, organizing public bid openings, and creating a selection committee including a representative from the County of Kalamazoo to evaluate bids and select vendors.
5. Submit documentation of bidding process and vendor contracts.
6. Execute agreements between City of Kalamazoo and the selected vendors for the performance of work necessary to complete the Grant Project which shall incorporate generally accepted architectural and construction standards in all phases of the project. Submit copy of all contractor agreements to MDNR, if required.
7. Ensure that any project sign that may be required by the Grant is erected prior to the commencement of construction work.
8. Set up regular meetings to ensure that the work is proceeding according to the project to the grant agreement.
9. Provide weekly site observation.
10. Provide approval of pay requests.
11. Approve all invoices and project expenses for payments by the City of Kalamazoo and provide copies to the County of Kalamazoo and MDNR.
12. Keep the County of Kalamazoo Buildings and Grounds Director informed of the progress of the Grant Project through monthly written updates.
13. Notify or seek approval from MSHDA/SHPO of any proposed changes in the scope of work or budget prior to implementing the change with a copy to the County Buildings and Grounds Director
14. Prepare and submit final reimbursement request to MDNR.
15. Prepare and submit final completion report to MDNR.
16. Require all vendor contracts to indemnify the County of Kalamazoo as well as list the County of Kalamazoo as an additional insured.

The County of Kalamazoo will:

1. Supply ownership documentation of Bronson Park to the City of Kalamazoo as outlined in the MRHP grant manual.

2. Participate in site visits with MDNR staff.
3. Provide access, as required to complete the Grant Project, to the buildings and surrounding grounds.
4. Approve all final plans prior to construction.
5. Provide assistance to the City of Kalamazoo with issuing of RFPs, advertising for the bids, and participating in a selection committee to evaluate bids and select vendors.
6. Execute any Grant-required easement, record the easement with the Register of Deeds and provide the original to MDNR.

Date

James K. Ritsema, City Manager
City of Kalamazoo

Date

Tracie Moored, County Administrator
County of Kalamazoo



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

PREPARED BY: Steve Brown, Grants Specialist

DATE: 1/24/2017

SUBJECT: Resolution to Approve Dalton Foundation Grant for Bronson Park

RECOMMENDATION

It is recommended that the City Commission adopt a resolution to accept a grant of \$50,000 from the Dorothy U Dalton Foundation, awarded in a letter to the City received on 1/23/2017, for the Bronson Park 21st Century Campaign.

BACKGROUND

The grant application was submitted on 10/24/2016 in support of the Bronson Park 21st Century Campaign.

COMMUNITY RESOURCES CONSULTED

The Bronson Park Master Plan.

FISCAL IMPACT

The grant award makes progress toward the Campaign's \$2.8 million fundraising goal. \$25,000 was received on 1/23/2017; a second payment of \$25,000 will be made to the City in January 2018 as described in the attached Award letter.

ALTERNATIVES

This is a unique grant award that is an important part of the Campaign's overall funding strategy.

ATTACHMENTS:

Type	Description
☐	Resolution Dalton Grant Award Resolution
☐	Agreement Dalton Grant Award Letter received 1/23/2017

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 16-

**A RESOLUTION REQUESTING APPROVAL OF A GRANT
FOR IMPROVEMENTS TO BRONSON PARK**

Minutes of a special meeting of the Kalamazoo City Commission held on _____ at ___ o'clock p.m., local time, at the City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

RECITALS:

- A. The City of Kalamazoo was awarded \$50,000 by the Dorothy U Dalton Foundation for the Bronson Park 21st Century Campaign.
- B. The grant applicant is The City of Kalamazoo and Parks and Recreation Department.
- C. The grant award makes progress toward the Campaign's \$2.8 million fundraising goal. \$25,000 was received on 1/23/20017; a second payment of \$25,000 will be made to the City in January 2018 as described in the attached Award letter.
- D. Terms of the grant are outlined in the attached Award letter received by the City on 1/23/20017.

THEREFORE IT IS RESOLVED:

That the City accept the Grant and authorize and direct the City Manager to sign any related documents.

The above resolution was offered by _____ and supported by _____.

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by the Act.

Scott A. Borling, City Clerk

DOROTHY U. DALTON FOUNDATION
Greenleaf Trust Building
211 S. Rose Street
Kalamazoo, Michigan 49007
269.388.9800

January 18, 2017

Steven Brown
Grants Specialist
City of Kalamazoo
471 W. South St.
Kalamazoo, MI 49007

Dear Mr. Brown:

I am pleased to advise you that the Dalton Foundation Trustees have approved a grant of \$50,000 payable over 2 years to support the Bronson Park 21st Century Campaign.

A check in the amount of \$25,000 is enclosed as the 1st of 2 installments. The 2nd installment of \$25,000 will be paid in January of 2018.

The Trustees request that a brief final report be submitted at the end of your fiscal year which should include a one page summary and a financial statement.

Sincerely,

DOROTHY U. DALTON FOUNDATION
GREENLEAF TRUST BUILDING
211 S. ROSE STREET
KALAMAZOO, MI 49007

HUNTINGTON NATIONAL BANK

20947

74-347/724

1/17/2017

**PAY TO THE
ORDER OF**

City Of Kalamazoo

\$ **25.000 00

Twenty-Five Thousand Only*****

DOLLARS

City Of Kalamazoo
241 W South Street
Kalamazoo, MI 49007

MEMO

Bronson Park 21st Campaign 1 of 2

Details on Back.

Security Features Included



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

PREPARED BY: Steve Brown, Grants Specialist

DATE: 1/24/2017

SUBJECT: Resolution to Approve Rotary Club of Kalamazoo Grant for Bronson Park

RECOMMENDATION

It is recommended that the City Commission adopt a resolution to accept a grant of \$50,000 pledged by Rotary Club of Kalamazoo for the Bronson Park 21st Century Campaign.

BACKGROUND

The award is designated for the Shade Structure adjacent to Rotary Stage in Bronson Park and was cultivated through meetings and discussion over the course of 2016.

COMMUNITY RESOURCES CONSULTED

The Bronson Park Master Plan.

FISCAL IMPACT

This award makes significant progress toward the the Campaign's \$2.8 million goal. The gift will be made in four (4) installments of \$12,500, one each in 2017, 2018, 2019, and 2020 as described on the attached pledge form.

ALTERNATIVES

This is a unique funding opportunity.

ATTACHMENTS:

Type	Description
☐ Resolution	Resolution to Accept Rotary Grant
☐ Agreement	Rotary Club Grant Pledge

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 16-

**A RESOLUTION REQUESTING APPROVAL OF A GRANT
FOR CREATION OF A SHADE STRUCTURE IN BRONSON PARK**

Minutes of a special meeting of the Kalamazoo City Commission held on _____ at ___ o'clock p.m., local time, at the City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

RECITALS:

- A. The City of Kalamazoo was pledged \$50,000 by the Rotary Club of Kalamazoo to construct a Shade Structure as part of the Bronson Park 21st Century Campaign.
- B. The grant recipient will be The City of Kalamazoo and Parks and Recreation Department.
- C. The grant award will make progress toward the Campaign's \$2.8 million fundraising goal. The Award will be made in four (4) payments of \$12,500, one each per year in 2017, 2018, 2019, and 2020.

THEREFORE IT IS RESOLVED:

That the City accept the pledged Grant and authorize and direct the City Manager to sign any related documents.

The above resolution was offered by _____ and supported by _____.

AYES, Commissioners:

NAYS, Commissioners:

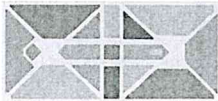
ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by the Act.

Scott A. Borling, City Clerk



BRONSON PARK

THE 21ST CENTURY CAMPAIGN

Beyond its popularity for public performances, Bronson Park has been the social, cultural and political heart of Kalamazoo for nearly two centuries. The Park is loved and well-used — a place often referred to as Kalamazoo's 'front porch.' We now have the opportunity to make Bronson Park a better park; to activate, enhance and improve this important part of our collective history for everyone's future.

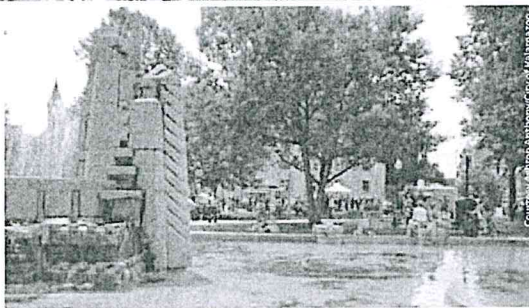
The Bronson Park 21st Century Campaign is about the Park's *future* as the heart of downtown Kalamazoo and the region. The Park's new *Master Plan* supports continued investment in maintaining Kalamazoo's distinctive identity, cultural assets, character and traditional downtown environment, while providing enhanced opportunities for everyone to use and enjoy the park. Nearly every component of the Plan addresses a central desire to more fully activate the park and the public: more seating options and enhanced sound for stage performances, free public WiFi, an ice rink/splash pad, and using the park as a place for learning.



A Model for Learning. The *Fountain of the Pioneers* complex has a conflicted history. Its Modernist Pioneer & Indian have been the focus of thought-provoking questions, dispute and discussion for decades. The artistic and historical symbolism of the Native American and European American settler has been interpreted many ways. Now, we will treat the Fountain's modernist sculpture as a "site of conscience," and the basis for promoting racial and cultural equity and community healing. This effort will demonstrate how works of important, but sometimes controversial public art can be employed for today's and future generations, engaging all in learning about communities and their people through offering "other's" histories.

The initial public education project will install digitally activated information markers with iconic graphics near the corners of the original Pottawatomie reservation and the *Fountain* complex. The markers will share the story of the Pottawatomie presence and their reservation, later overlain by the City of Kalamazoo. The Match-E-Be-Nash-She-Wish Band is providing major content for this project, using its own words and images.

To see all Bronson Park 21st Century Campaign materials, visit: www.kalamazoo.org/bronsonpark.



Campaign Goal: \$2,800,000

GIFT / PLEDGE FORM

Name: Rotary Club of Kalamazoo
☒ as it will appear in publications ☐ I prefer to remain anonymous
 Address: PO Box 50251
 City: Kalamazoo State: MI Zip: 49005
 Phone: _____ Email: bryan.zacher@kresa.org

I/We would like to make a gift in the amount of \$ 50,000

☐ This is a one-time gift

☒ This is a multi-year pledge commitment made in installments

2016 \$ 12,500 2017 \$ X 2018 \$ X 2019 \$ X

☐ Check enclosed ☐ Credit card info on reverse

(reminders will be sent in November of each year.)

This part of my gift is to help complete the planning and execution of this Campaign \$ _____

☐ This \$1,000 gift/pledge is for the "100 EXTRAORDINARY WOMEN" component of this Campaign

My company will match this gift!

Company name _____

☐ Matching gift paperwork enclosed

(turn over to complete)

\$12,500
Annually

SHADE SAIL for Rotary Stage



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

PREPARED BY: Thomas C. Skrobola, Director of Management Services/Chief Financial Officer

DATE: 1/26/2017

SUBJECT: Notice of Intent Resolutions for 2017 Capital Improvement Bonds and Water Revenue Bonds

RECOMMENDATION

It is recommended that the City Commission approve Notice of Intent Resolutions for:

- 2017 Capital Improvement Bonds in an amount not to exceed Nine Million Dollars (\$9,000,000), and
- 2017 Water Revenue Bonds in an amount not to exceed in total Five Million Nine Hundred Thousand Dollars (\$5,900,000).

BACKGROUND

The Adopted FY 2017 Budget calls for certain capital improvements to be undertaken by debt for the purpose of paying all or part of the costs of certain public improvements in the City, including a) acquiring and constructing major street and local street and bridge improvements, including intersection and traffic signal upgrades; b) acquiring, constructing, furnishing and equipping city hall facility and parking improvements; c) acquiring and constructing park improvements; d) acquiring and constructing golf course irrigation improvements and equipment; e) acquiring and constructing parking system improvements and equipment; f) acquiring information technology equipment; and g) acquiring public safety and public services department equipment; including all related equipment, site improvements, appurtenances and attachments.

The Adopted FY 2017 Budget also calls for certain capital improvements to be undertaken by debt for the purpose of paying all or part of the cost associated with acquiring and constructing additions, extensions and improvements to the Water Supply System of the City, including water main improvements, elevated storage and booster improvements, together with all necessary structures, equipment, furnishings and all appurtenances and attachments.

The adoption of these resolutions begins the process of issuing the debt. The resolution requires that a Notice of Intent to issue debt be published in the Kalamazoo Gazette. The Bonds can be issued without a vote of the City electors unless a petition is filed with the City Clerk within 45 days of publication of the notice with signatures from 10% of the electorate. Assuming the referendum period expires without referendum petitions being submitted, the City could sell the Bonds in April 2017.

POLICY CONSIDERATIONS

There are no policy considerations.

COMMUNITY RESOURCES CONSULTED

The Kalamazoo Municipal Golf Association Board of Governors adopted a resolution to issue \$100,000 of bonds for golf-related capital improvements at their Regular Business Meeting in January 2017.

The Downtown Development Authority has requested on behalf of its Parking Committee that \$1.7 million of new bonds be issued in 2017 to finance the second phase of major equipment upgrades in the City owned Parking System. These improvements would facilitate electronic/automated parking fee collections.

FISCAL IMPACT

Funds for the above projects are included in the Adopted FY 2017 Budget, the Parking System's multi-year plan.

ALTERNATIVES

The City Commission could elect to not issue the level of debt being recommended. This is not recommended, however, since the City does not have alternative means to cash-finance these necessary capital projects in the near future.

ATTACHMENTS:

Type	Description
□	Resolution 2017 Capital Improvement Bonds - Resolution to Adopt a Notice of Intent to Issue
□	Resolution 2017 Water Supply System Revenue Bonds - Resolution to Adopt a Notice of Intent to Issue

**NOTICE OF INTENT RESOLUTION
2017 CAPITAL IMPROVEMENT BONDS**

City of Kalamazoo
County of Kalamazoo, State of Michigan

Minutes of a regular meeting of the City Commission of the City of Kalamazoo, County of Kalamazoo, State of Michigan, held on the 6th day of February, 2017, at 7:00 p.m., prevailing Eastern Time.

PRESENT: Commissioners _____

ABSENT: Commissioners _____

The following preamble and resolution were offered by Commissioner _____ and supported by Commissioner _____:

WHEREAS, the City of Kalamazoo, County of Kalamazoo, State of Michigan (the "City") intends to issue general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in an aggregate principal amount of not to exceed Nine Million Dollars (\$9,000,000) (the "Bonds") for the purpose of paying all or part of the costs of certain public improvements in the City, including a) acquiring and constructing major street and local street and bridge improvements, including intersection and traffic signal upgrades; b) acquiring, constructing, furnishing and equipping city hall facility and parking improvements; c) acquiring and constructing park improvements; d) acquiring and constructing golf course irrigation improvements and equipment; e) acquiring and constructing parking system improvements and equipment; f) acquiring information technology equipment; and g) acquiring public safety and public services department equipment; including all related equipment, site improvements, appurtenances and attachments (the "Projects"); and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Projects prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is authorized and directed to publish a notice of intent to issue bonds in the *Kalamazoo Gazette*, a newspaper of general circulation in the City.
2. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.
3. The City Commission does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the City's electors and taxpayers residing in the boundaries of the City of the City's intent to issue the

Bonds, the maximum amount of the Bonds, the purpose of the Bonds, the source of payment for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) The City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Projects which were paid or will be paid from the general funds of the City subsequent to sixty (60) days prior to today.
- (b) The maximum principal amount of debt expected to be issued for the Projects, including issuance costs, is \$9,000,000.
- (c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Projects are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members: _____

NAYS: Members: _____

RESOLUTION DECLARED ADOPTED.

Scott Borling
City Clerk

I hereby certify that the attached is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo, County of Kalamazoo, State of Michigan, at a regular meeting held on the 6th day of February, 2017, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 and that minutes of the meeting were kept and will be or have been made available as required by said Act.

Scott Borling
City Clerk

EXHIBIT A

NOTICE TO TAXPAYERS AND ELECTORS OF THE CITY OF KALAMAZOO OF INTENT TO ISSUE BONDS AND THE RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the City of Kalamazoo, County of Kalamazoo, State of Michigan (the "City"), intends to issue and sell its general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an aggregate principal amount of not to exceed Nine Million Dollars (\$9,000,000) for the purpose of paying all or part of the costs of certain public improvements in the City, including a) acquiring and constructing major street and local street and bridge improvements, including intersection and traffic signal upgrades; b) acquiring, constructing, furnishing and equipping city hall facility and parking improvements; c) acquiring and constructing park improvements; d) acquiring and constructing golf course irrigation improvements and equipment; e) acquiring and constructing parking system improvements and equipment; f) acquiring information technology equipment; and g) acquiring public safety and public services department equipment; including all related equipment, site improvements, appurtenances and attachments.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON SAID BONDS SHALL BE PAYABLE from the general funds of the City lawfully available for such purposes including property taxes levied within applicable constitutional, statutory and charter tax rate limitations.

BOND DETAILS

SAID BONDS will be payable in annual installments not to exceed fifteen (15) in number and will bear interest at the rate or rates to be determined at a public or private sale but in no event to exceed the maximum rate permitted by law on the balance of the bonds from time to time remaining unpaid.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended.

Scott Borling
City Clerk, City of Kalamazoo

28389343.1\046053-00214

**NOTICE OF INTENT RESOLUTION
WATER SUPPLY SYSTEM REVENUE BONDS**

City of Kalamazoo
County of Kalamazoo, State of Michigan

Minutes of a regular meeting of the City Commission of the City of Kalamazoo, County of Kalamazoo, State of Michigan, held on the 6th day of February, 2017, at 7:00 p.m., prevailing Eastern Time.

PRESENT: Commissioners _____

ABSENT: Commissioners _____

The following preamble and resolution were offered by Commissioner _____
and supported by Commissioner _____:

WHEREAS, the City Commission intends to authorize the issuance and sale of Water Supply System Revenue Bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in the principal amount of not to exceed in total Five Million Nine Hundred Thousand Dollars (\$5,900,000), for the purpose of for the purpose of paying all or part of the cost of acquiring and constructing additions, extensions and improvements to the Water Supply System of the City, including water main improvements, elevated storage and booster improvements, together with all necessary structures, equipment, furnishings and all appurtenances and attachments (the "Project"); and

WHEREAS, a Notice of Intent to Issue Bonds must be published at least forty-five (45) days before issuance of the same in order to comply with the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended; and

WHEREAS, the City intends, at this time to state its intentions to be reimbursed from proceeds of the bonds for any expenditures undertaken by the City for the Project prior to issuance of the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a Notice of Intent to Issue Bonds in the *Kalamazoo Gazette*, a newspaper of general circulation in the City.
2. The Notice of Intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.
3. The City Commission does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is adequate notice to the electors of the City and users of the City's Water Supply System and is well calculated to inform them of the intention of the City to issue the bonds, the purpose of the bonds, the security for the bonds and the rights of referendum of the electors with respect thereto, and that the provision of forty-five (45) days within which to file a referendum petition is adequate to insure that the City's electors may exercise their legal rights of

referendum.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) The City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from the general funds of the City subsequent to sixty (60) days prior to today.
- (b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$5,900,000.
- (c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Member: _____

NAYS: Member: _____

RESOLUTION DECLARED ADOPTED.

Scott Borling
City Clerk

I hereby certify that the attached is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo, County of Kalamazoo, State of Michigan, at a Regular Meeting held on February 6, 2017, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Scott Borling
City Clerk

EXHIBIT A
NOTICE TO ELECTORS
OF THE CITY OF KALAMAZOO AND
USERS OF THE CITY'S WATER SUPPLY SYSTEM
OF INTENT TO ISSUE REVENUE BONDS PAYABLE FROM THE REVENUES
OF THE WATER SUPPLY SYSTEM
AND OF RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the City Commission of the City of Kalamazoo intends to authorize the issuance and sale of Water Supply System Revenue Bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in the principal amount of not to exceed in total Five Million Nine Hundred Thousand Dollars (\$5,900,000), for the purpose of paying all or part of the cost of acquiring and constructing additions, extensions and improvements to the Water Supply System of the City, including water main improvements, elevated storage and booster improvements, together with all necessary structures, equipment, furnishings and all appurtenances and attachments.

Said bonds will mature in annual installments not to exceed twenty-five (25) in number, with interest rates to be determined at sale but in no event to exceed such rates as may be permitted by law on the unpaid balance from time to time remaining outstanding on said bonds.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON SAID REVENUE BONDS shall be payable solely and only from the net revenues derived from the operation of the City's Water Supply System. Said revenues consist of rates and charges for services supplied by the said System which may from time to time be increased in order to provide sufficient revenues to meet expenses of operating and maintaining said System and paying debt service on certain existing revenue bonds, the bonds referred to herein and any future revenue bonds payable from the net revenues of said System. Schedules of rates presently in effect for the System are on file in the office of the City Clerk.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING AN ELECTION ON THE QUESTION OF ISSUING THE BONDS, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH A PETITION IS FILED, THE BONDS CANNOT BE ISSUED UNLESS APPROVED BY A MAJORITY VOTE OF THE ELECTORS OF THE CITY VOTING ON THE QUESTION OF THEIR ISSUANCE.

THIS NOTICE is given pursuant to the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended.

ADDITIONAL INFORMATION will be furnished at the office of the City Clerk upon request.

Scott Borling, City Clerk
City of Kalamazoo



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: Clyde J. Robinson, City Attorney

PREPARED BY: Laura J. Echtenaw

DATE: 1/27/2017

SUBJECT: Metro Act Right-of-Way Permit Authorization

RECOMMENDATION

It is recommended that the City Commission authorize 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, MCL 484.3101 *et seq.*

BACKGROUND

State law allows telecommunication operations to obtain right-of-way permits from municipalities. The City has received a request from Everstream GLC Holding Company, L.L.C., ("Everstream") which maintains fiber optic wire and associated equipment in the public right of way. Everstream has been advised by Michigan Public Service Commission staff that despite the relatively small amount aerial fiber it has installed in Kalamazoo, it must obtain a METRO act permit from the City. Everstream is seeking a Bilateral Permit under the METRO Act which grants it a 15 year term which can be renewed for 3 additional terms of 5 years each in the future. Although the Application Packet which accompanying the initial request from Everstream was incomplete, supplementary material has been provided to the City which includes all the necessary support documents and evidence of statutorily required insurance coverage.

COMMUNITY RESOURCES CONSULTED

None

FISCAL IMPACT

Everstream in addition to a State-mandated \$500 permit fee that must be paid to the City, it will pay a per-foot charge to the State. That money will go into the METRO Act pool, from which the City of Kalamazoo receives its share.

ALTERNATIVES

The City has 45 days from when it receives a complete request to grant or deny a permit; failure to grant or deny a permit request exposes the City to fines of up to \$40,000 a day.

ATTACHMENTS:

Type Description

▣ Proposal Metro Act Right-of-Way Permit Request

December 2, 2016

City of Kalamazoo
241 West South Street
Kalamazoo, MI 49007

Permitting Department

Everstream GLC Holding Company is looking to apply for a Bilateral Metro Agreement.

Items included in this package:

- 3 Copies of Bilateral Agreements
- A Certificate of Insurance
- Copy of Lara
- Check for \$500.00
- Route Map

Please let me know if there's anything else you need. Once the Metro is approved if it possible can I get the approved agreement emailed to me at zbollinger@everstream.net. Otherwise can you please mail it to, ATTN. Zach Bollinger at 1515 Turf Lane, East Lansing, MI 48823.

Sincerely,

Zach Bollinger
Network Planning Associate
1228 Euclid Ave, Suite 250,
Cleveland, OH 44115
517-742-4020
zbollinger@everstream.net

Attachments



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/29/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Britton Gallagher One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114		CONTACT NAME: Chris Anderson PHONE (A/C, No, Ext): (216) 658-7855 FAX (A/C, No): (216) 658-7101 E-MAIL ADDRESS: Chris.Anderson@BrittonGallagher.com	
INSURED Everstream Holding Company, LLC 1228 Euclid Avenue Suite 250 Cleveland OH 44115		INSURER(S) AFFORDING COVERAGE INSURER A: Continental Insurance Co. NAIC # 35289 INSURER B: Valley Forge Insurance Company 20508 INSURER C: American Casualty Co. of Reading PA INSURER D: INSURER E: INSURER F:	

COVERAGES**CERTIFICATE NUMBER:** 16/17**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY			6042861855	7/1/2016	7/1/2017	EACH OCCURRENCE \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR		DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000				
			MED EXP (Any one person) \$ 5,000				
			PERSONAL & ADV INJURY \$ 1,000,000				
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 2,000,000
	☐ POLICY ☒ PROJECT ☐ LOC						PRODUCTS - COMP/OP AGG \$ 1,000,000
	OTHER:						\$
B	AUTOMOBILE LIABILITY			6042861841	7/1/2016	7/1/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	☒ ANY AUTO						BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS	☐ SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	☒ HIRED AUTOS	☒ NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
							\$
A	☒ UMBRELLA LIAB			6043025641	7/1/2016	7/1/2017	EACH OCCURRENCE \$ 5,000,000
	☐ EXCESS LIAB	☐ OCCUR					AGGREGATE \$ 5,000,000
	☐ DED ☒ RETENTION \$ 10,000	☐ CLAIMS-MADE					\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			6043096354	7/1/2016	7/1/2017	☒ PER STATUTE ☐ OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	☐ Y ☐ N					E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder is named as Additional Insured under General Liability as required by a written contract per the policy terms.

CERTIFICATE HOLDER**CANCELLATION**

City of Kalamazoo
241 West South Street
Kalamazoo, MI 49007

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Jeremy Bryant/CA

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**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU**

Date Received

(FOR BUREAU USE ONLY)

FEB 16 2016

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

FILED**FEB 16 2016**

**ADMINISTRATOR
CORPORATIONS DIVISION**

Name

CT Corporation System

Address

208 S. LaSalle St. Ste. 814

City

Chicago,

State

IL

ZIP Code

60604

EFFECTIVE DATE:

Document will be returned to the name and address you enter above.
If left blank, document will be returned to the registered office.

D9459C

**APPLICATION FOR CERTIFICATE OF AUTHORITY
TO TRANSACT BUSINESS IN MICHIGAN**
For use by Foreign Limited Liability Companies
(Please read information and instruction on last page)

Pursuant to the provisions of Act 23, Public Acts of 1993, the undersigned execute the following Application:

1. The name of the limited liability company is:

Everstream GLC Holding Company LLC

2. (Complete this item only if the limited liability company name in Item 1 is not available for use in Michigan.)
The assumed name of the limited liability company to be used in all its dealings with the Bureau and in the transaction of its business in Michigan is:

3. It is organized under the laws of DelawareThe date of its organization is January 25, 2016

The duration of the limited liability company if other than perpetual is _____

4. The address of the office required to be maintained in the state of organization or, if not so required, the principal office of the limited liability company is:

800 West St. Clair, 2nd Floor, Cleveland, Ohio 44113

(Street Address)

(City)

(State)

(ZIP Code)

\$100.00 CC/COR 2/16/26

8

5. a. The street address of its registered office in Michigan is:

30600 Telegraph Road, Suite 2345, Bingham Farms

(Street Address)

(City)

, Michigan 48025

(ZIP Code)

b. The mailing address of the registered office, if different than above:

(Street Address or P.O. Box)

(City)

, Michigan

(ZIP Code)

c. The name of the resident agent at the registered office is:

The Corporation Company

6. The Department is appointed the agent of the foreign limited liability company for service of process if no agent has been appointed, or if appointed, the agent's authority has been revoked, the agent has resigned, or the agent cannot be found or served through the exercise of reasonable diligence.

The name and address of a member or manager or other person to whom the administrator is to send copies of any process served on the administrator is: (Must be different than agent shown in Item 5c)

Everstream Holding Company LLC

(Name)

800 West St. Clair Avenue, 2nd Floor, Cleveland, Ohio 44113

(Street Address)

(City)

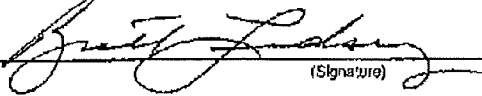
(State)

(ZIP Code)

7. The specific business which the limited liability company is to transact in Michigan is as follows:
Telecommunication services.

The limited liability company is authorized to transact such business in the jurisdiction of its organization.

Signed this 15th day of February, 2016

By 

(Signature)

Brett Lindsey

(Type or Print Name)

President and CEO

(Type or Print Title)

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "EVERSTREAM GLC HOLDING COMPANY LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE SIXTEENTH DAY OF FEBRUARY, A.D. 2016.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "EVERSTREAM GLC HOLDING COMPANY LLC" WAS FORMED ON THE TWENTY-FIFTH DAY OF JANUARY, A.D. 2016.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.



5946080 8300

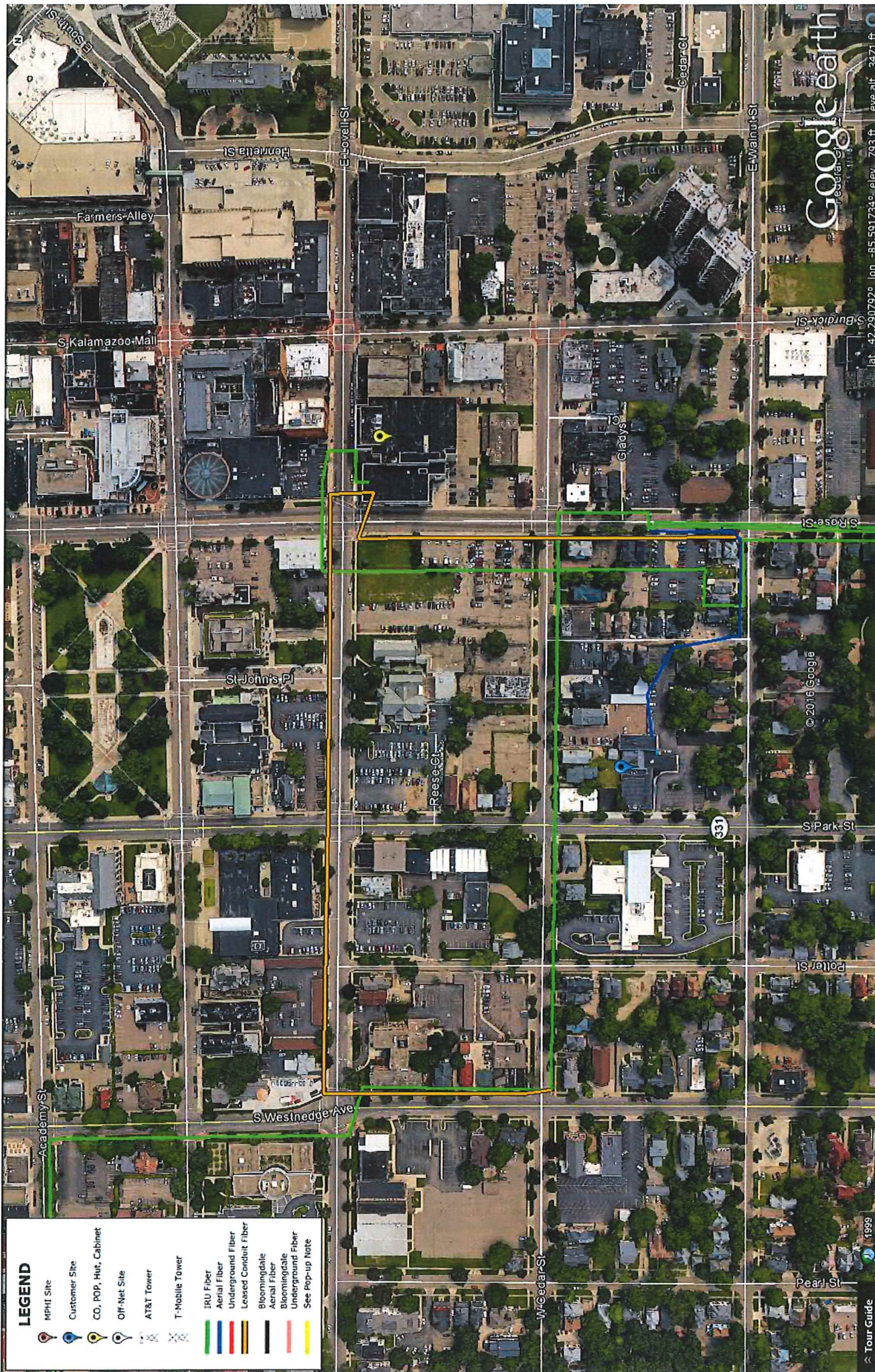
SR# 20160830500

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in black ink, appearing to read "JBullock", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Authentication: 201834233

Date: 02-16-16



LEGEND

- MPH Site
- Customer Site
- CO, POP, Mut. Cabinet
- Off-Net Site
- AT&T Tower
- T-Mobile Tower
- IRU Fiber
- Aerial Fiber
- Underground Fiber
- Leased Conduit Fiber
- Bloomingtondale
- Aerial Fiber
- Bloomingtondale
- Underground Fiber
- See Pop-up Note

Google earth

lat 42.290792° lon -85.591734° elev 793 ft eye alt 3471 ft

Tour Guide 1999

METRO Act Permit Application Form
Revised February 2, 2015

City of Kalamazoo

Name of Local Unit of Government

APPLICATION FOR
ACCESS TO AND ONGOING USE OF PUBLIC WAYS
BY
TELECOMMUNICATIONS PROVIDERS
UNDER
METROPOLITAN EXTENSION
TELECOMMUNICATIONS RIGHTS-OF-WAY
OVERSIGHT ACT 2002 PA 48
MCL SECTIONS 484.3101 To 484.3120

BY

Everstream GLC
Holding
Company LLC

Unfamiliar with METRO Act?--Assistance: Municipalities unfamiliar with Michigan Metropolitan Extension Telecommunications Rights-of-Way Oversight Act ("METRO Act") permits for telecommunications providers should seek assistance, such as by contacting the Telecommunications Division of the Michigan Public Service Commission at 517-284-8190 or via its web site at http://www.michigan.gov/mpsc/0,4639.7-159-16372_22707---,00.html.

45 Days to Act—Fines for Failure to Act: The METRO Act states that "A municipality shall approve or deny access under this section within 45 days from the date a provider files an application for a permit for access to a public right-of-way." MCL 484.3115(3). The Michigan Public Service Commission can impose fines of up to \$40,000 per day for violations of the METRO Act. It has imposed fines under the Michigan Telecommunications Act where it found providers or municipalities violated the statute.

Where to File: Applicants should file copies as follows [municipalities should adapt as appropriate—unless otherwise specified service should be as follows] :

- Three (3) copies (one of which shall be marked and designated as the master copy) with the Clerk at [insert address].

Kalamazoo, 241 West South Street, Kalamazoo, MI 49007
City of Kalamazoo

Name of local unit of government

APPLICATION FOR
ACCESS To AND ONGOING USE OF PUBLIC WAYS BY
TELECOMMUNICATIONS PROVIDERS

By
Everstream GLC Holding Company
("APPLICANT")

This is an application pursuant to Sections 5 and 6 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48 (the "METRO Act") for access to and ongoing usage of the public right-of-way, including public roadways, highways, streets, alleys, easements, and waterways ("Public Ways") in the Municipality for a telecommunications system. The METRO Act states that "A municipality shall approve or deny access under this section within 45 days from the date a provider files an application for a permit for access to a public right-of-way." MCL 484.3115(3).

This application must be accompanied by a one-time application fee of \$500, unless the applicant is exempt from this requirement under Section 5(3) of the METRO Act, MCL 484.3105(3).

1 GENERAL INFORMATION:

1.1 Date: 11/29/2016

1.2 Applicant's legal name: Everstream GLC Holding Company Mailing
Address:

ATTN: Zach Bollinger

1228 Euclid Ave #250

Cleveland, OH 44115

Telephone Number: 517-742-4020

Fax Number:

Corporate website: everstream.net

Name and title of Applicant's local manager (and if different) contact person regarding this application:

Brian Kunter, OSP Manager

Mailing Address:

Everstream, 1228 Euclid Ave #250, Cleveland, OH 44115

Telephone Number:

616-608-8945

Fax Number:

E-mail Address:

bkunter@everstream.net

1.3 Type of Entity: (Check one of the following)

- ☐ Corporation
- ☐ General Partnership
- ☐ Limited Partnership
- ☒ Limited Liability Company
- ☐ Individual
- ☐ Other, please describe:

1.4 Assumed name for doing business, if any:

1.5 Description of Entity:

1.5.1 Jurisdiction of incorporation/formation;

1.5.2 Date of incorporation/formation;

1.5.3 If a subsidiary, name of ultimate parent company;

1.5.4 Chairperson, President/CEO, Secretary and Treasurer (and equivalent officials for non-corporate entities).

1.6 Attach copies of Applicant's most recent annual report (with state ID number) filed with the Michigan Department of Licensing and Regulatory Affairs and certificate of good standing with the State of Michigan. For entities in existence for less than one year and for noncorporate entities, provide equivalent information.

1.7 Is Applicant aware of any present or potential conflicts of interest between Applicant and Municipality? If yes, describe:

1.8 In the past three (3) years, has Applicant had a permit to install telecommunications facilities in the public right of way revoked by any Michigan municipality?

Circle: Yes ☒ No

If "yes, "please describe the circumstances.

1.9 In the past three (3) years, has an adverse finding been made or an adverse final action been taken by any Michigan court or administrative body against Applicant under any law or regulation related to the following:

1.9.1 A felony; or

1.9.2 A revocation or suspension of any authorization (including cable franchises) to provide telecommunications or video programming services?

Circle: Yes ☒ No

If "yes, please attach a full description of the parties and matters involved, including an identification of the court or administrative body and any proceedings (by dates and file numbers, if applicable), and the disposition of such proceedings.

1.10 [If Applicant has been granted and currently holds a license to provide basic local exchange service, no financial information needs to be supplied.] If publicly held, provide Applicant's most recent financial statements. If financial statements of a parent company of Applicant (or other affiliate of Applicant) are provided in lieu of those of Applicant, please explain.

1.10.1 If privately held, and if Municipality requests the information within 10 days of the date of this Application, the Applicant and the Municipality should make arrangements for the Municipality to review the financial statements.

If no financial statements are provided, please explain and provide particulars.

2 DESCRIPTION OF PROJECT:

2.1 Provide a copy of authorizations, if applicable, Applicant holds to provide telecommunications services in Municipality. If no authorizations are applicable, please explain.

2.2 Describe in plain English how Municipality should describe to the public the telecommunications services to be provided by Applicant and the telecommunications facilities to be installed by Applicant in the Public Ways.

2.3 Attach route maps showing the location (including whether overhead or underground) of Applicant's existing and proposed facilities in the public right-of-way. To the

extent known, please identify the side of the street on which the facilities will be located. (If construction approval is sought at this time, provide engineering drawings, if available, showing location and depth, if applicable, of facilities to be installed in the public right-of-way).

2.4 Please provide an anticipated or actual construction schedule.

2.5 Please list all organizations and entities which will have any ownership interest in the facilities proposed to be installed in the Public Ways.

2.6 Who will be responsible for maintaining the facilities Applicant places in the Public Ways and how are they to be promptly contacted? If Applicant's facilities are to be installed on or in existing facilities in the Public Ways of existing public utilities or incumbent telecommunications providers, describe the facilities to be used, and provide verification of their consent to such usage by Applicant.

3 TELECOMMUNICATION PROVIDER ADMINISTRATIVE MATTERS:

Please provide the following or attach an appropriate exhibit.

3.1 Address of Applicant's nearest local office;

3.2 Location of all records and engineering drawings, if not at local office;

3.3 Names, titles, addresses, e-mail addresses and telephone numbers of contact person(s) for Applicant's engineer or engineers and their responsibilities for the telecommunications system;

3.4 Provide evidence of self-insurance or a certificate of insurance showing Applicant's insurance coverage, carrier and limits of liability for the following:

3.4.1 Worker's compensation;

3.4.2 Commercial general liability, including at least:

3.4.2.1 Combined overall limits;

3.4.2.2 Combined single limit for each occurrence of bodily injury;

3.4.2.3 Personal injury;

3.4.2.4 Property damage;

4 CERTIFICATION:

All the statements made in the application and attached exhibits are true and correct to the best of my knowledge and belief.

NAME OF ENTITY ("APPLICATION")

Everstream GLC Holding Company

11/29/2016

Date

By:



Type or Print Name: Brian Kunter

OSP Manager

Title

S:\metroapplicationform.doc

December 15, 2016

Zach Bollinger
Network Planning Associate
1228 Euclid Ave., Suite 250
Cleveland, OH 44115

Dear Mr. Bollinger:

The City of Kalamazoo has received the request of Everstream GLC Holding Company for a Bilateral METRO Act Permit.

Please be advised that denial of the request will be recommended because the application which accompanied the request is incomplete. Specifically, the information required at parts 1.5, 1.6 and 1.10 was omitted. Additionally, parts 2.1, 2.2, 2.4 and 2.6 appear not to have been addressed, while the route map provided in response to part 2.3 of the application is ambiguous regarding the facilities Everstream seeks to install in the public right-of-way.

Given these oversights, the application is incomplete. Unless timely corrected, the City of Kalamazoo will take action on or before January 17, 2017 to deny the request for a METRO Act Permit.

Sincerely,

Clyde J. Robinson
City Attorney

CJR/cmf

Robinson, Clyde

From: Zachary Bollinger <zbollinger@everstream.net>
Sent: Tuesday, January 10, 2017 2:18 PM
To: Robinson, Clyde
Subject: RE: Everstream GLC Holding Company Metro Revisement
Attachments: Kalamazoo Route Map.PNG; Metro Application 1.5 - 2.docx

Clyde,

Apologize about all the confusion. I have re-attached the route map showing our existing facilities. It is the short blue piece or aerial FOC in the middle of the map. I have also corrected the word doc part 2.3. I am currently looking just to maintain current facilities at this time in the ROW within Kalamazoo. We have no new upcoming jobs as of yet, I just need to be able to maintain our existing facilities that we have. Please let me know if you require any further revisions or additional information.

Thanks.

Zach Bollinger
Network Planning
Associate
everstream™
1515 Turf Lane,
East Lansing, MI 48823

p 517.742.4020 | m 517.282.7394
zbollinger@everstream.net



Follow Everstream!

From: Robinson, Clyde [<mailto:robinsonc@kalamazoocity.org>]
Sent: Monday, January 09, 2017 10:53 AM
To: Zachary Bollinger <zbollinger@everstream.net>
Subject: RE: Everstream GLC Holding Company Metro Revisement

Mr. Bollinger:

Thank-you for the additional information, however, it raises more questions. In the supplemental information you supplied, it appears that Everstream GLC Holding Company LLC is organized pursuant to Michigan law, and is a subsidiary of Everstream Holding Company LLC, which is organized under Delaware law. Is this correct?

Further, you have attached a map of various routes of facilities in downtown Kalamazoo, but indicate that at present Everstream does not have any existing facilities (see your response to Application item 2.3, but in your email below you mention the need for a Metro permit so as maintain current facilities. To put it mildly, I am confused as to whether or not Everstream has facilities in Kalamazoo, and if so, where they are located.

Given these open questions, I must recommend that the City Commission deny your request for a METRO Act permit.

Clyde J. Robinson
City Attorney

From: Zachary Bollinger [<mailto:zbollinger@everstream.net>]
Sent: Tuesday, December 20, 2016 4:01 PM
To: Robinson, Clyde
Subject: Everstream GLC Holding Company Metro Revisement

Clyde,

I have attached a word doc with the missing application information. I have also attached our financial statements for November 2016. It hasn't been a year yet so there is no annual statement that I can provide at this time. The route map shows our existing facilities that I am looking to maintain only at this time. Currently I need the Metro Agreement just to maintain our current facilities, we have no plans at building new as of yet. I called the MPSC looking for advise and spoke with a Shawn Kelley. Shawn stated that I need the Metro Approval just to be able to maintain our current facilities within the City. Shawn stated he was willing to help us work through this if we need his assistance. Shawn's direct number is 517-284-8210. Please let me know what else or other kind of changes you require.

Thanks!

Zach Bollinger
Network Planning
Associate
everstream™
1515 Turf Lane,
East Lansing, MI 48823

p 517.742.4020 | m 517.282.7394
zbollinger@everstream.net



Follow Everstream!

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1.5

Business fiber network. Ethernet, Dark Fiber, Engineering & Construction. Internet, Data Center, Cloud Recovery & Backup.

1.5.1 – Deleware

1.5.2.1 – 1/25/16

1.5.3- Everstream Holding Company LLC

1.5.4

Chairperson – Gillis Cashman

President/CEO – Brett Lindsey

Secretary – Marlene Piatak

Treasurer – Christian Gartner

Contact Number – 844-387-7876

1.6 – Attached

2.1 – N/A Need to Maintain Current Facilities.

2.2 – Communications Company, Provides Long haul Transport services along with Voice & Data to Business Customers.

2.3 - See Attached Map.

2.4 – N/A

2.5 – Everstream GLC Holding Company, LLC

2.6 – Zach Bollinger, Network Planning Associate. 1515 Turf Lane, East Lansing, MI 48823.

517-742-4020, zbollinger@everstream.com

3.5 – EarthCom

3424 Corwin rd

Williamston, MI 48895

517-482-1750



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: James J. Baker, PE, Public Services Director

PREPARED BY: John P. Paquin, Water Resources Division Manager

DATE: 2/2/2017

SUBJECT: Wellhead Protection Program Grant Assistance Contract with the Michigan Department of Environmental Quality

RECOMMENDATION

It is recommended that the City Commission authorize the City Manager to sign both original contract documents prepared by the Michigan Department of Environmental Quality (MDEQ) associated with the Wellhead Protection Grant Program.

BACKGROUND

The City of Kalamazoo Wellhead Protection Grant Proposal Application was approved and awarded the requested amount of \$70,000 by MDEQ for the period of October 1, 2016 through September 30, 2017. The contract agreement is in the amount of \$140,000, reflecting the City match of \$70,000 from previous wellhead protection work. This is the 16th year that the City has been awarded funds from the MDEQ Wellhead Protection Grant Program. Designated activities include: Update to the groundwater modeling/capture zone delineations; 5-year update to the Public Water Resources Knowledge & Behavioral Survey; continuation of the public education and outreach program, including movie theater ads, radio ads, Metro Bus Ad campaign, and enhancements to the www.protectyourwater.net website.

COMMUNITY RESOURCES CONSULTED

The City of Kalamazoo Wellhead Protection Committee assisted in the selection of grant eligible activities for the proposal. Committee members represent the areas of municipal government, local health department, City Fire Marshal, business and industry, agriculture, education, environmental organizations, and the general public.

FISCAL IMPACT

Funds to temporarily cover project costs during the interim period prior to reimbursement from MDEQ are available in the 2016 Water O & M Budget and are proposed for the 2017 Water O & M Budget.

ALTERNATIVES

An alternative would be to not accept the \$70,000 funding from MDEQ and implement wellhead protection

activities on a total city cost basis with no reimbursement from the MDEQ.

ATTACHMENTS:

Type	Description
 Correspondence	Cover Letter



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



HEIDI GRETHNER
DIRECTOR

October 25, 2016

Mr. John Paquin
City of Kalamazoo
1415 N. Harrison
Kalamazoo, Michigan 49007

Dear Mr. Paquin,

Your grant application for a Wellhead Protection project under Fiscal Year 2016/2017 Wellhead Protection Grant Program has been recommended for funding in the amount of \$70,000.00.

In an effort to communicate efficiently we ask that you review your Grantee Contact information on page one of the Agreement for accuracy. To accept the award, you must sign two originals of the enclosed Grant Agreement (Agreement) and return both to the Michigan Department of Environmental Quality (MDEQ). Please return your signed Agreements to my attention at the following address:

Administration Section
Resource Management Group
Michigan Department of Environmental Quality
P.O. Box 30241
Lansing, MI 48909-7741

When the Agreements have been signed by both parties, an original will be returned to you.

If you have any questions pertaining to the program, please contact Jason Berndt at 989-705-6181. For general questions relating to overall grant administration, please contact me by phone or e-mail.

Sincerely,

Christina Campbell
Administration Section
Office of Drinking Water and Municipal
Assistance
517-284-6501/campbellc@michigan.gov

Enclosure



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

PREPARED BY: Sean Fletcher, CPRP, Parks & Recreation Director

DATE: 1/27/2017

SUBJECT: City Manager acceptance of all donations for the Bronson Park 21st Century Campaign

RECOMMENDATION

It is recommended that the City Commission approve an exception to its Grants and Donation Policy and authorize the City Manager to accept all donations for the Bronson Park 21st Century Campaign up to the fundraising target of \$2,800,000.

BACKGROUND

The City Commission approved the Bronson Park Master Plan in 2015. Fundraising efforts have begun and the total amount raised to date is \$1,050,000.

The current policy allows the City Manager to accept grants up to \$25,000. All other grants require City Commission approval. The campaign is expected to generate donations of various amounts from multiple individuals and entities. Authorizing the City Manager to accept all donations will streamline the donation process and require fewer City Commission agenda items for individual gifts.

Consistent with the Grants Policy, acceptance will provide budget authority. An informational item is provided to the City Commission in the City Manager's Report listing all grants and donations approved by the City Manager.

POLICY CONSIDERATIONS

Current policy requires donations over \$25,000 to be accepted by the City Commission.

COMMUNITY RESOURCES CONSULTED

None.

FISCAL IMPACT

There is no fiscal impact.

ALTERNATIVES

The City Commission may choose not to authorize the City Manager to approve all donations to the Bronson

Park 21st Century Campaign. This option is not recommended.



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Clyde J. Robinson

PREPARED BY: John W. Kneas

DATE: 1/12/2017

SUBJECT: Encroachment Agreement (459 N. Rose St.) - MW Acquisitions, LLC

RECOMMENDATION

It is recommended that the City Commission approve the Encroachment Agreement with MW Acquisitions, LLC to address two recently discovered encroachments on the City's property at 459 N. Rose Street, and authorize the City Manager to sign the Agreement.

BACKGROUND

MW Acquisitions, LLC (formed by PlazaCorp Realty Advisors, Inc.) is buying three parcels of property owned currently by Ministry with Community, Inc. located at 434 and 480 N. Church Street and 435 N. Rose Street. In conducting its due diligence towards the purchase of these parcels, it was discovered that the building on the parcels at 434 N. Church and 435 N. Rose encroached onto the city's property at 459 N. Rose Street in two locations. (The parking lot that serves the Kalamazoo Transportation Center.) These two encroachments total just over 300 square feet.

Neither city staff nor representatives of PlazaCorp or Ministry with Community were able to determine the cause for the encroachments when the building was constructed many years ago. The attached Encroachment Agreement (Agreement) is intended to remedy that situation. PlazaCorp's future plans for redeveloping these three parcels may involve demolishing the buildings that encroach on the city parcel. If that occurs the Agreement will terminate.

COMMUNITY RESOURCES CONSULTED

This parking lot was among the properties leased to the Central County Transportation Authority in conjunction with its creation. CCTA was apprised of the situation and it has consented to the Agreement as it will have little or no impact on the current use of the parking lot at 459 N. Rose St.

FISCAL IMPACT

Considering the minimal area of the encroachment and the likely redevelopment by PlazaCorp that will eliminate the encroachment the consideration for the Agreement is less than \$100.00. (The Agreement also requires PlazaCorp to maintain and repair that portion of the buildings that encroach on the parking lot and indemnify the

City for any claims.) Otherwise there is no fiscal impact to the City or CCTA.

ALTERNATIVES

No alternatives are recommended since the building has encroached on the property for many years.

ATTACHMENTS:

Type	Description
▣	Encroachment MW Acquisitions Encroachment Agreement

BUILDING ENCROACHMENT AGREEMENT

THIS AGREEMENT, dated January 10, 2017, is between the City of Kalamazoo, a Michigan municipal corporation, whose address is 241 West South Street, Kalamazoo, Michigan, 49007 (City), and MW Acquisitions, LLC, a Michigan limited liability company, whose address is 200 West Michigan Avenue, Suite 201, Kalamazoo, Michigan 49007 (MW Acquisitions).

Recitals:

- A. MW Acquisitions has reached an agreement to purchase the real estate and buildings on three parcels of property owned by Ministry with Community. The 3 parcels are located at 434 and 480 North Church Street (Parcel No. 06-15-308-001 and Parcel No. 06-15-303-001, respectively) and 435 North Rose Street (Parcel No. 06-15-309-001) (collectively Property).
- B. From a survey MW Acquisitions had done of the Property, it was discovered that the buildings on the Property encroached (Encroachment) in two places – one from building on 434 N. Church St. and one from building on 435 N. Rose St. – onto the City-owned parcel at 459 North Rose Street (City Parcel). The City Parcel is among the parcels leased to the Central County Transportation Authority (CCTA) and serves as a parking lot for the Kalamazoo Transportation Center located across the street. Currently there are no plans to construct or install any building, structure or other improvement on the City Parcel that would be hindered by the Encroachment.
- C. Until MW Acquisitions redevelops the Property, including demolishing the buildings located on it, under this Agreement the City will allow the Encroachment to remain on the City Parcel.

THEREFORE, in consideration of the mutual covenants, conditions and provisions set forth below, the parties agree as follows:

- 1. Recitals. The above recitals are acknowledged as true and correct, and are incorporated by reference into this paragraph.
- 2. Description of Encroachment Area. The 2 areas of the Encroachment onto the City Parcel are more specifically described as follows (Encroachment Area):

a) 434 N. Church St. Encroachment

Commencing at the southwest corner of Lot 2, Block 14, Plat of the town (now city) of Kalamazoo, according to the plat thereof as recorded in Liber 6 of Plats, on page 8, Kalamazoo County records; thence North 00°49'04" West 72.60 feet along the west line of Lot 2 to the point of beginning; thence continuing North 00°49'04" West 2.13 feet along the west line of Lot 2; thence North 89°22'04" East 5.96 feet; thence South 00°37'56" East 0.20 feet; thence North 89°22'04" East 28.10 feet; thence North 00°37'56" West 2.90 feet; thence North 89°22'04" East 11.70 feet; thence South 00°37'56" East 2.90 feet; thence North 89°22'04" East 22.70 feet; thence North 00°37'56" West 1.70 feet; thence North 89°22'04" East 0.36 feet to the east line of Lot 2; thence South 00°36'13" East 3.04 feet along the east line of Lot 2; thence South 88°52'47" West 68.81 feet to the point of beginning. (Contains: 151 S.F.)

b) 435 N. Rose St. Encroachment

Commencing at the northeast corner of the West 1/2 of the Southwest 1/4 of Section 15, Town 2 South, Range 11 West; thence South 89°14'15" West 49.50 feet to the west line of Rose Street; thence South 00°21'17" East 264.00 feet along the west line of Rose Street; thence South 89°14'15" West 56.69 feet to the point of beginning; thence continuing South 89°14'15" West 75.34 feet; thence North 00°36'13" West 3.04 feet; thence North 89°22'04" East 75.34 feet; thence South 00°35'37" East 2.87 feet to the point of beginning. (Contains: 157 S.F.)

3. Access to City Parcel. The City grants MW Acquisitions (to include its employees, contractors or representatives) access to the City Parcel for the sole purpose of maintaining or repairing that portion of the buildings on the Property within the Encroachment Area. Unless to address an emergency, MW Acquisitions shall provide at least 48-hour notice to the City prior to conducting any maintenance or repair activities to minimize the number of parking spaces impacted and also any disruption to the use of the City Parcel. MW Acquisitions will perform those activities under all applicable laws, rules, regulations, codes and ordinances, and will not permit the Property to suffer any construction or other liens as a result of those activities. MW Acquisitions shall restore, at its expense, any portion of the City Parcel damaged during any maintenance or repair activities it conducts to those buildings in the Encroachment Area; and it shall promptly remove all its equipment, building materials and debris used in or caused by those activities.
4. Insurance. Before this Agreement is effective and while it remains in effective MW Acquisitions must obtain, retain (or renew) and provide evidence of a commercial general liability insurance policy with limits of at least \$1 million CSL, which policy names as an additional insured the "City of Kalamazoo, its agents, officials and employees". MW Acquisitions may provide the City with insurance binders or insurance riders as evidence of the requisite insurance coverage – this evidence is due within 30 days prior to any policy termination.
5. Indemnification. MW Acquisitions will indemnify, defend and hold the City - to also include its employees, officers or officials - harmless from any claims (including, without limitation, reasonable attorney's fees and costs) for any injuries to persons or

damage to property resulting from the negligent acts or omission of its employees, contractors, agents or representatives in performance of this Agreement.

6. Notices. Unless subsequently notified to the contrary, any notice to either party under this Agreement is effective only if in writing and sent to the other party at the above address, directed to the person signing this Agreement, and delivered either in person, or by first-class mail, or electronically and first class mail, or through recognized overnight carrier.
7. Termination. The Agreement shall automatically terminate under the following occurrences or conditions:
 - a) Either or both buildings on the Property are demolished or damaged to the extent that the damage exceeds 50% of the value of the buildings (including the necessary repairs to meet then current building code as determined by the City's Building Official);
 - b) MW Acquisitions breaches this Agreement after notice from the City and the time period (not less than 30 days) to correct the default has expired.
8. Recording Agreement. MW Acquisitions may record this Agreement with the Kalamazoo County Register of Deeds, a copy of which to be provided to the City. If this Agreement is recorded, it is understood that no revenue stamps are required under MCL 207.505(a) or MCL 207.426 (a) as the consideration is less than \$100.00.
9. Affiliate Entity. This Agreement is further binding on, and will benefit, any affiliate entity MW Acquisitions establishes as titleholder to the Property – MW Acquisitions also to remain responsible, however, in carrying out the terms and conditions of this Agreement.
10. Governing Law and Headings. This Agreement is governed under Michigan law; the headings of each paragraph are for convenience and reference only – not intended to define or in any way affect each provision.
11. Effective Date. This Agreement is not effective until the City Commission for the City of Kalamazoo has approved it and MW Acquisitions (or its affiliated entity) has taken title to the Property.
12. CCTA Approval. Prior to the Effective Date the City will obtain and provide MW Acquisitions a copy of the approval of this encroachment into the City Parcel from CCTA.

SIGNATURES AND ACKNOWLEDGMENTS INTENTIONALLY ON NEXT PAGE

Dated: January 10, 2017

MW ACQUISITIONS, LLC

By: Jeffrey A. Nicholson
Its: Manager

STATE OF MICHIGAN }
 }
COUNTY OF KALAMAZOO } ss.
 }

The foregoing instrument was acknowledged before me on January 10, 2017 by Jeffrey A. Nicholson, Manager, on behalf of MW ACQUISITIONS, LLC, a Michigan limited liability company.

Dorothy M. Robinett
Dorothy M. Robinett Notary Public
Kalamazoo County, Michigan, *Acting in Kalamazoo County, MI*
My commission expires: 09/28/2017

Dated: _____, 2017

CITY OF KALAMAZOO

By: James K. Ritsema
Its: City Manager

STATE OF MICHIGAN }
 }
COUNTY OF KALAMAZOO } ss.
 }

The foregoing instrument was acknowledged before me on _____, 2017, by James K. Ritsema, City Manager, on behalf of the CITY OF KALAMAZOO, a Michigan municipal corporation.

Notary Public
Kalamazoo County, Michigan
My commission expires: _____

Prepared By:
John W. Kneas
Assistant City Attorney
241 W. South St.
Kalamazoo, MI 49007
(269) 337-8185

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Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: Mayor Bobby J. Hopewell

PREPARED BY: Scott A. Borling, City Clerk

DATE: 2/2/2017

SUBJECT: Appointment and Reappointment to the Historic District Commission

RECOMMENDATION

It is requested the City Commission approve 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; and
- the reappointment of **Grant Fletcher** for a term expiring on January 1, 2020.

BACKGROUND

State law and City ordinance establish that the Mayor appoints and reappoints members to the Historic District Commission (HDC). I have interviewed Mr. Berg and Mr. Mitchell and have appointed them to the HDC. I have also reappointed Mr. Fletcher to the HDC for a second term. I am now requesting City Commission approval as required by ordinance. The attached Nomination Report describes the qualifications of Mr. Berg, Mr. Mitchell, and Mr. Fletcher.

COMMUNITY RESOURCES CONSULTED

These appointments and reappointment were recommended by the members of the Historic District Commission.

FISCAL IMPACT

There is no fiscal impact directly associated with these appointments and reappointment.

ALTERNATIVES

The City Commission could choose to approve these appointments and reappointment, not approve them, or postpone action to a date certain.

ATTACHMENTS:

Type Description

- Report HDC Nomination Report



Advisory Boards and Commissions Appointee Nomination Report

City of Kalamazoo

RECOMMENDATION

The Historic District Commission (HDC) recommends that the Mayor approve the appointment of Bobby Joe Shell for his first full term and the re-appointment Bob Oudsema to a second term on the Historic District Commission through January 1, 2019.

SPECIAL REQUIREMENTS FOR THIS POSITION

All Historic District Commissioners are required by ordinance to have “a clearly demonstrated interest in or knowledge of historic preservation.” Mr. Shell has rehabilitated several houses on South Rose and Rose Court in the 25 years he has lived in the Vine neighborhood. Mr. Oudsema is a realtor and has been involved with several projects.

SELECTION PROCESS

Applicants Considered

Three applications were received for the open seat. In addition to Mr. Shell, applications were received from Andrew Haan and Jacqueline Anger. Both live in the city and have a knowledge of historic preservation.

Interview Process and Final Recommendation

The applicants were informed about the commission procedures and expectations. All received packets for the October 20 HDC meeting and were invited to attend. When the commission finished the hearing, all three applicants were interviewed by the group. After all questions were answered, the applicants were asked to leave and the commission deliberated and chose Mr. Shell.

NOMINEE QUALIFICATIONS

Dual Board Memberships

Mr. Shell is not currently serving on any other city board or commission.

Residency

Mr. Shell lives at 828 South Rose Street in the Vine neighborhood. His home is adjacent to the Rose Place Historic District and he owns rental property in the historic district.

Term Limits

This would be a first appointment to the HDC for Mr. Shell. At the end of this term on January 1st, 2019 he would be eligible for re-appointment.

Training, Experience, Education and Skills

Mr. Shell has an avid interest in historic preservation and, with his wife and family, have rehabilitated several homes. In the 1990s, he and his family renovated their home adjacent

to the Rose Place Historic District, winning an award from the Historic Preservation Commission and featured in an article in the 2001 Kalamazoo: Lost and Found. He owns rental property in the Rose Place historic district. He has also served on the board of the Vine Neighborhood Association.

Contribution to Diversity

Mr. Shell is of African-American descent, lives in the South Street-Vine Area Historic District and is over 65 years old.

NOMINATION RATIONALE

The Commission recommends the appointment of Mr. Shell and the reappointment of Mr. Oudsema based on their interest and knowledge of practical preservation issues and enthusiasm for preservation.

CITY CLERK'S CERTIFICATION

The nominees' qualifications regarding dual board memberships, residency, and term limits have been reviewed and verified by the City Clerk's Office.

Scott A. Borling, City Clerk



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: Scott A. Borling, City Clerk

DATE: 2/2/2017

SUBJECT: Approval of City Commission Minutes

RECOMMENDATION

It is recommended that the City Commission approve the minutes from its meeting on January 3, 2017.

ATTACHMENTS:

Type	Description
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	Minutes January 3, 2017 Business Meeting
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Roll Call

A regular meeting of the Kalamazoo City Commission was held on Tuesday, January 3, 2017 at 7:00 p.m. in the City Commission Chambers at City Hall.

COMMISSIONERS PRESENT:

Vice Mayor Don Cooney
David Anderson
Erin Knott
Matt Milcarek
Shannon Sykes
Jack Urban

COMMISSIONERS ABSENT:

Mayor Bobby J. Hopewell

Also present were City Manager Jim Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Commissioner Sykes, seconded by Commissioner Milcarek, moved to excuse the absence of Mayor Hopewell. With a voice vote this motion passed.

Invocation

The invocation, given by Chaplain Mike Kemple, Lighthouse on Eleventh, was followed by the Pledge of Allegiance.

Adoption of the Agenda

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

Communications

When an opportunity was given for general communications, City Manager Ritsema announced there would be a City Commission work session on January 23rd to discuss methods for identifying projects to be funded with the Foundation for Excellence.

Public Hearing on the Proposed FY2017 Budget

At 7:04 p.m. Mayor Hopewell opened a public hearing on the Proposed Fiscal Year 2017 Budget for the City of Kalamazoo.

Deputy City Manager Patsy Moore provided a brief overview of the Proposed FY2017 Budget and noted the proposed budget featured a reduction in the City's operating millage rate from 19.2705 to 12 mills.

An opportunity was given for citizens to comment on the Proposed FY2017 Budget, but no comments were offered.

At 7:06 p.m. Vice Mayor Cooney closed the public hearing.

City Manager Ritsema indicated the Proposed FY2017 Budget would be presented to the City Commission for adoption at the January 17th business meeting.

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:

- approval of a one-year term contract with Lyden Oil for the purchase of various types of lubricants for an amount not to exceed \$154,549.57.

- approval of the purchase of a Volvo PF4410 paver from Alta Equipment Company for a total cost of \$332,027.
- first reading of an ordinance to 1) rezone 45 parcels from Zones M-1, M-2, and Zone CCBBD (Commercial, Central Business District) to Zone CMU (Commercial, Mixed-Use District); 2) add the new Subarea 9 of the Riverfront Overlay District; and 3) amend the Riverfront Overlay District to add Subarea 9 and apply it to the parcels; and schedule a public hearing for January 17, 2017.
- approval of amended bylaws for the Community Development Act Advisory Committee.

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.

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

NAYS: None

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

Nehemiah Scudder, City resident, spoke about community resources and medications available for people with mental illnesses.

James Kavanaugh, City resident, expressed frustration with the street widening project being planned for Vine Street and reported City crews had already begun removing trees.

Anthony Roth, City resident, expressed concerns about the Vine Street widening project and the lack of outreach to residents. Mr. Ross asked the City Commission to keep the project from happening.

Greg Taylor, City resident, thanked the City Commission and City Manager Ritsema for supporting the Exchange Place project.

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

Commissioner Milcarek expressed concerns about the Vine Street widening project and discrepancies between citizen reports from the City's information meetings and the reports from City staff to Commissioners about those same meetings. Commissioner Milcarek indicated he was surprised the City had started to cut down trees, and he asked for more citizen engagement on this project before the beginning of summer. Commissioner Milcarek noted that he had participated in the

Consent Agenda
(cont'd)

Citizen Comments

City Commissioner
Comments

City Commissioner
Comments (cont'd)

development of the Safe Routes to School plan, and he clarified that street widening and bump-outs were never part of that plan.

Commissioner Urban offered comments on the lack of community engagement by City staff regarding significant street projects. Commissioner Urban noted the operating millage reduction in the proposed budget was the first real change associated with the Foundation for Excellence.

Commissioner Knott requested information about the Vine Street project and an update on the City's leaf removal efforts.

In response to Commissioner Knott, Public Services Director James Baker reported crews were one-quarter of the way through the sections of the City that had missed the second leaf pick-up. Director Baker stated the Vine Street project had been in the pipeline for over five years. Director Baker explained the street would be widened seven feet on the north side to accommodate vehicle and bike traffic, and the trees that were removed would be one-for-one. Director Baker offered that City engineers were looking to work more closely with neighborhoods and the Community Planning and Development Department on future project to shrink the planning time. Director Baker noted that street projects frequently required decisions and compromises because they were attempting to address multiple goals.

Commissioner Sykes requested a public presentation on the Vine Street project at the next City Commission meeting and requested that the presentation address questions about the City's notification to residents and the timeline for the project moving forward. Commissioner Sykes remarked on her aunt's struggle with mental illness.

Commissioner Anderson remarked on City's local preference purchasing policy vis-à-vis the contract for lubricants that was approved on the consent agenda. Commissioner Anderson highlighted an article in the Detroit News regarding low staffing levels at local law enforcement agencies and the difficulties in recruiting new officers.

Vice Mayor Cooney expressed support for Commissioner Sykes' request for a presentation on the Vine Street project. Vice Mayor Cooney remarked on the successes of the Western Michigan University football team and the commitment of the players.

Adjournment

The meeting adjourned at 7:49 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 6, 2017

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