



Agenda Regular Meeting of the City Commission

City of Kalamazoo

Monday, June 5, 2017

7:00 PM

City Commission Chambers - 241 W. South Street

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation: Dan Sherman, Executive Director for LOVEkzoo.org
2. Pledge of Allegiance
3. Introduction of Guests
4. Proclamations
 - a. LGBT Pride Month

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

1. Calendar of Upcoming Meetings

E. PUBLIC HEARINGS

F. CONSENT AGENDA

(Action: Motion to approve Items "1-13"; hold Item "14" until June 19, 2017; and authorize the City Manager to sign all documents on behalf of the City)

1. Approval of a change order for the Design Rivers Edge contract with Wightman & Associates, Inc. in the amount of \$59,234.
2. Approval of a change order to the design engineering purchase order with Wightman & Associates, Inc. in the amount of \$107,275 to include construction engineering services for the Portage Street Improvements project.
3. Approval of a one-year contract extension with GHD, Inc. for environmental consulting services at the Cork St. Landfill in the amount of \$135,695.
4. Approval of a one-year contract extension with F2 Industries, LLC for the purchase of sodium hexametaphosphate in the amount of \$146,559.60.
5. Approval of a contract with Davis Construction Inc. for Pitcher St. bridge repairs over the Portage Creek and Paterson St. Bridge repairs over the Kalamazoo River in the amount of \$153,464.10.

6. Approval of a change order with Hoffman Bros, Inc. for the Rivers Edge Roundabout Project, in the amount of \$157,779.91.
7. Adoption of a RESOLUTION confirming the 2017 Assessment Roll.
8. Adoption of a RESOLUTION approving a request from the Downtown Development Authority to levy a tax rate of 1.9638 mills.
9. Adoption of a RESOLUTION setting forth the salaries of the City Commission appointees effective for the pay period beginning June 5, 2017 including an increase in base wages for City Manager James Ritsema of seven percent (7%) and a lump sum payment of five percent (5%) of base wages for City Attorney Clyde Robinson, City Clerk Scott Borling and Internal Auditor Ann Videtich.
10. Approval of FY 2016 budget carry-forwards and FY 2017 budget adjustments.
11. Approval of non-motorized path easement agreements with Kalamazoo Valley Community College and Bronson Properties Corporation.
12. Approval of a letter of commitment for the 2016 United States Department of Homeland Security, Federal Emergency Management Agency - Staffing for Adequate Fire and Emergency Response Grant.
13. Approval of the minutes from the City Commission meetings on March 27, April 3, April 10, April 17, and May 1, and May 15, 2017.
14. Approval of a buy/sell agreement with Charlie Beach for the purchase of property located at 1015 East Alcott Street. (*Hold until June 19, 2017*)

G. REGULAR AGENDA

1. Approval of the following actions related to the City of Kalamazoo Lead Services Replacement Project – Areas 2, 3, and 4: 1) approval of a contract with SWT Excavating Inc. in the amount of \$656,508.71; 2) approval of a Foundation for Excellence appropriation in the amount of \$500,000; and 3) approval of a corresponding amendment to the Public Services Department budget in the amount of \$500,000.00. **(Action: Motion to approve and authorize the City Manager to sign all documents on behalf of the City)**

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

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: 4/11/2017

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	20170605 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

June 19th and July 3rd

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

June 19th

Work Sessions

The City Commission will meet on Monday, June 12, 2017 at 6:00 p.m., in the Community Room at City Hall. The purpose of this meeting will be to discuss the Foundation for Excellence.

Advisory Boards, Commissions and Committees (next two weeks)

The **Parks and Recreation Advisory Board** will meet on Tuesday, June 6, 2017 at 5:30 p.m., in Bronson Park.

The **Employee Retirement System Board of Trustees** will meet on Wednesday, June 7, 2017 at 8:00 a.m. on the Third Floor Conference Room at City Hall.

The **Traffic Board** will meet on Thursday, June 8, 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, June 8, 2017 at 6:30 p.m., in the Community Room at City Hall.

The **Zoning Board of Appeals** will meet on Thursday, June 8, 2017 at 7:00 p.m., in the City Commission Chambers at City Hall.

The **Kalamazoo Historic Preservation Commission** will meet on Tuesday, June 13, 2017 at 7:00 p.m., in the Community Room at City Hall.

The **Economic Development Corporation** will meet on Thursday, June 15, 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, June 15, 2017 at 2:00 p.m., in the Commission Chambers at City Hall.

The **Kalamazoo Municipal Golf Association** will meet on Thursday, June 15, 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, June 19, 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: Jim Hoekstra, P.E. Traffic Engineer

DATE: 5/12/2017

SUBJECT: Rivers Edge Project

RECOMMENDATION

It is recommended that the City Commission approve a Change Order for the Design Rivers Edge contract with Wightman & Associates, Inc. in the amount of \$59,234.

BACKGROUND

In 2016, The City contracted with Wightman & Associates, Inc. for design of the Rivers Edge Project which focused on design of a roundabout at the intersection of Gull Street, Harrison Street, and Ransom Street. Initial design covered roundabout design, water, and sewer utility design as related to the project.

After receiving public input at several neighborhood meetings, the project scope was modified to include some requested changes to Harrison Street from Ransom Street to Frank Street, changes to the intersection alignment of North Street and Caves Court at Gull Street, landscaping modifications along the corridor, assistance with utility coordination, easement documentation, and bidding assistance.

COMMUNITY RESOURCES CONSULTED

Public Services worked closely with Economic Development, Community Planning & Development, and Parks & Recreation on this project. Neighborhood input meetings were held to understand and respond to resident concerns.

FISCAL IMPACT

Under this change order, the City will expand the scope of work with Wightman & Associates, one of our prequalified contractors. All extra costs covered by this change order will be funded by the Wastewater CIP.

The cost of these changes will be allocated as follows:

Funding:	
Wastewater CIP Funding	\$ 59,234

Costs:
Design Engineering \$ 59,234

ALTERNATIVES

The alternative of not approving this change order is not recommended as work is already completed and was necessary for the timely design and construction of the project.

ATTACHMENTS:

Type Description



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 and City Engineer

PREPARED BY: Jim Hoekstra, P.E. Traffic Engineer

DATE: 5/26/2017

SUBJECT: Portage Street Improvements Project

RECOMMENDATION

It is recommended that the City Commission approve a change order to the design engineering purchase order to include construction engineering services for the Portage Street Improvements (Sheridan to Stockbridge) project with Wightman & Associates, Inc. in the amount of \$107,275.

BACKGROUND

In 2016, The City contracted with Wightman & Associates, Inc. for Professional Engineering Services for Portage Street from Sheridan Street to Stockbridge Avenue which focused on cold milling and resurfacing, construction of new curb and gutter.

Public Services applied and received federal funding through our local Metropolitan Planning Organization, Kalamazoo Area Transportation Study (KATS). Public Services designed the project with a consultant and submitted the project for bidding through the MDOT Local Agency Programs (LAP). Through the LAP, MDOT will handle the bidding, awarding, and contractor payments. The City of Kalamazoo will be responsible for the on-site inspection and verifying the contractor quantities. MDOT will bill the City for the local share of the as-bid amount and any administrative fees.

The additional work requested through this change order is for onsite construction engineering during the construction phase. The construction engineering services includes attendance at the preconstruction conference, review of shop drawings and submittals, full time resident project representative in accordance with federal-aid requirements, Field Manager and paper file management by a certified office technician, attendance at progress meetings, construction staking and all material testing required. Material testing includes aggregates, density, concrete and hot mix asphalt. Record drawings will be prepared at the completion of construction to document all underground work completed.

COMMUNITY RESOURCES CONSULTED

As with all federally funded projects, this was included in the Kalamazoo Area Transportation Study (KATS) Transportation Improvement Program, which is advertised and open to public comment.

FISCAL IMPACT

Under this change order, the City will expand the scope of work with Wightman & Associates, one of our prequalified contractors. Funds are available in the 2017 Major Streets capital improvement plan budget for this project.

ALTERNATIVES

The alternative of not approving the contract is not recommended as Portage Street requires resurfacing and a major portion of the cost is to be funded through federal and state funds.

ATTACHMENTS:

Type	Description
□	Proposal Proposal

January 24, 2017

Allegan Office:
264 Western Ave.
Allegan, MI 49010

Telephone:
(269) 673-8465

Website:
www.wightman-assoc.com

City of Kalamazoo
415 Stockbridge Avenue
Kalamazoo, MI 49001

Attention: Mr. Jim Hoekstra, P.E., Traffic Engineer

***RE: PROFESSIONAL ENGINEERING SERVICES – PORTAGE STREET IMPROVEMENTS
MDOT JN 121417***

Dear Jim:

Thank you for the opportunity to offer Professional Engineering Services for Portage Street from Sheridan Street to Stockbridge Avenue.

Wightman & Associates, Inc. (WAI) is a full-service Engineering, Surveying, Architectural, and Environmental firm with a strong local presence, experienced professional staff, and a passion to meet our clients' expectations. We believe people flourish when they partner with a dynamic team of problem solvers. As such, WAI is pleased to present the following proposal for construction engineering services.

During our meeting on January 16 to discuss the final submittal, we were directed to include replacement of approximately 45 lead water services and eleven hydrants along Portage Street. This scope will be added to the bidding documents in accordance with the specifications provided by the City. The City provided the locations of the services to be replaced.

The cost of replacing the lead water services with copper services will be funded through the City's water fund. In recent years, we have seen optimum construction bids in early lettings with significant increases as the year progresses. We believe that we can achieve an April letting for this project, although MDOT may postpone the project one letting due to the late addition of the water services.

We will incorporate the water service and hydrant replacements into the MDOT required documentation including the Engineer's Opinion of Costs in MERL and Special Provisions. Specifically, we anticipate the following tasks and deliverables.

- Design the water service and hydrant replacements in conjunction with the roadway improvements
- Incorporate water service replacements identified by the City into the plans and specifications
- Forward plans to utility companies
- Incorporate water main and service related items into the necessary MDOT components
 - MERL estimate
 - Special Provisions

City of Kalamazoo
Mr. Jim Hoekstra, P.E., Traffic Engineer
January 24, 2017
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During design of the roadway improvements, there were 50+ ADA ramps identified for replacement to achieve compliance and additional curb and sidewalk replacement was added for structural or functional improvements. Pedestrian signal improvements were also added at the Miller Street intersection.

We propose to provide construction administration services including attendance at the preconstruction conference, review of shop drawings or submittals, full-time Resident Project Representative (RPR) in accordance with federal-aid requirements, Field Manager and paper file management by a certified Office Technician, attendance at progress meetings, construction staking, and all material testing required. Material testing includes aggregates, density, concrete, and HMA. I will serve as the Project Manager for WAI. Upon completion of construction, we will prepare record drawings to document the underground work completed.

The estimated fees for design engineering for adding the water services and hydrants are \$8,500 while the estimated fees for construction engineering for the water services and hydrants are \$25,250. All **water-related services** described herein will be provided for a **Not To Exceed Fee of \$33,750**. The fees for construction engineering for the **roadway improvements** will be provided for a **Not To Exceed Fee of \$107,275**. We have attached our Standard Terms and Conditions. In the event of any conflict between the two documents, the City of Kalamazoo standard terms and conditions for providing professional services will take precedence.

If it is more convenient for the City, our current purchase order for design (PO #24265) of the Portage Street project may be amended to include the engineering services for construction engineering.

We are extremely excited by the opportunity to partner with you on this project. If our proposal is acceptable to you, please sign below to authorize us to begin work and return a copy to our office. If you have any questions or comments, please feel free to call me.

Very truly yours,

WIGHTMAN & ASSOCIATES, INC.



Mickey E. Bittner, P.E.
mbittner@wightman-assoc.com
C: 269-266-2159

Enclosure

City of Kalamazoo
Mr. Jim Hoekstra, P.E., Traffic Engineer
January 24, 2017
Page 3

This proposal is approved and accepted by the City of Kalamazoo:

Signature

Date

Printed Name & Title

PO Number



Standard Terms and Conditions

Updated 9.01.2016

1. Agreement. Wightman & Associates, Inc. (hereinafter "Consultant") shall provide to the Client the scope of services described in Consultant's Proposal attached hereto. These Standard Terms and Conditions are incorporated into Consultant's Proposal, and together may be referred to as the "Agreement" and shall reflect the professional services (or "Project") for which Consultant is responsible. This Agreement shall be the full extent of the Consultant's obligations. The Consultant shall not be responsible for any obligations or costs except as contained in the Agreement.
2. Authorization. Client shall provide Consultant written authorization to proceed, provided that this signed Agreement by Client shall give the Consultant the right to proceed with the Project.
3. Standard of Care. The Consultant's Standard of Care for the purposes of this Agreement shall be that consistent with the level of care and skill ordinarily exercised by members of its profession currently practicing under similar conditions in similar locations.
4. Terms of Payment/Late Payment Actions/Fees. Payment is due upon presentation of invoice and is past due thirty (30) days from invoice date. Client agrees to pay a finance charge of one and one-half percent (1 ½ %) per month, or the maximum rate allowed by law, whichever is less, on past due accounts.
5. Scope of Services/Additional Services/Changes. If the services covered by this Agreement have not been completed within twelve (12) months of the date of this Agreement (unless otherwise stipulated in the proposal), through no fault of Consultant, extension of Consultant's services beyond that time shall be compensated as "Additional Services." All Additional Services shall be billed separately and the scope of the services and compensation shall be mutually agreed between the parties, but in any case, not less than Consultant's Hourly Rate, and all of Consultant's Reimbursable Expenses shall also be paid by Client to Consultant, in the amounts set forth below.
6. Hidden Conditions. Consultant is not responsible for latent deficiencies or hidden or concealed conditions not discovered by Consultant within the scope of its services. If Consultant has reason to believe that such a condition may exist, it will advise Client as to the nature of the suspected condition and its significance. Client will be responsible for all risks associated with this condition and for undertaking, at its sole cost and expense, additional investigation and corrective work, if required. If Consultant repairs or corrects any such deficiencies or conditions, Consultant shall be compensated for the same, as Additional Services.
7. Betterment. If, due to Consultant's negligence, a required item or component of the project is omitted from Consultant's construction documents, Consultant shall not be responsible for paying the cost required to add such item or component to the extent that such item or component should have been included in the original construction documents. Consultant shall not be responsible or liable for any cost or expense that provides betterment or upgrades or enhances the value of the Project.
8. Opinions of Cost. Consultant's opinions or estimates of probable construction cost are prepared on the basis of Consultant's experience and qualifications and represent Consultant's judgment as a professional generally familiar with the industry. However, since Consultant has no control over the cost of labor, materials, equipment, or services furnished by others, other contractor's methods of determining prices, or over competitive bidding or market conditions, Consultant cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from Client's budget or from Consultant's opinions or estimates of probable construction cost.
9. Code Interpretations. The Client acknowledges that the requirements of the Americans with Disabilities Act, as amended ("ADA") (as well as all state and local laws, codes, or ordinances), will be subject to various and possibly contradictory interpretations. Consultant will endeavor to use reasonable professional efforts to interpret applicable ADA and other building code requirements as they may apply to Consultant's services. Consultant cannot and does not promise, warrant, or guarantee that its services will comply with interpretations of building code requirements as they apply currently or in the future and unless the Consultant is negligent, the Client shall pay for any additional costs or expenses which are necessary to keep the Project in compliance with the ADA and all other laws, codes, or ordinances. Any changes made by Consultant shall be billed as Additional Services.
10. Use of Drawings, Specifications, and Other Documents. The drawings, specifications and other documents prepared by Consultant for this project are instruments of Consultant's services for use solely with respect to this Project and, unless otherwise provided, Consultant shall be deemed the author of these documents and shall retain all common law, statutory, and other reserved rights, including the copyright.
11. Retaining Records. Consultant will retain pertinent records relating to the services performed for a period of five years following submission of the report, during which period the records will be made available to Client at reasonable times.

12. Insurance Coverage. Consultant shall maintain the following types of insurance: (a) Professional Liability; (b) Commercial General Liability; (c) Workers' Compensation; (d) Employers' Liability; (e) Hired and non-owned automobiles. Client shall be responsible for purchasing and maintaining its own commercial liability and property insurance, including an all-risk policy covering all damages or casualty which occurred to the Project in an amount not less than the then full replacement cost of the Project. The Client's commercial liability insurance policy shall be written for an amount of not less than \$1 million, single-limit coverage. The Client's commercial liability and property insurance policy shall not be cancelled or modified without Consultant having received not less than thirty (30) days prior written notice. Consultant shall be named an additional insured on the Client's insurance policies. Client and Consultant waive rights against each other for loss, damage and/or liability to the extent covered by the insurance policies required to be maintained hereunder and each insurance policy hereunder shall contain a waiver of the insurer's rights of subrogation.
13. Limitations/Exclusions. Client agrees that Consultant's total, aggregate liability to Client and any third parties arising from Consultant's professional acts, errors or omissions, shall not exceed Consultant's total fee received for the Project.
14. The Law/Suspension/Termination/Non-Severability. All obligations arising prior to termination of this Agreement shall survive the completion of the services and termination of this Agreement. This Agreement shall be governed in all respects by the laws of the State of Michigan.
15. Indemnity. Except for the limitations set forth herein, Consultant agrees to indemnify and hold the Client harmless from all damage, liability or cost (including reasonable attorney fees and costs of defense) to the extent caused by Consultant's negligent acts, errors, or omissions in the performance of professional services under this Agreement and those of its subconsultants or anyone for whom the Consultant is legally liable. The Client agrees to indemnify and hold Consultant harmless, from all damage, liability or cost (including reasonable attorney fees and costs of defense) to the extent caused by the Client's negligent acts, errors or omissions and by those for whom the Client is legally liable.
16. Certificate of Merit Requirement. Client shall make no claim for professional negligence, either directly or by way of a cross complaint against Consultant, unless Client has first provided Consultant with a written certification executed by an independent consultant currently practicing in the same discipline as Consultant and licensed in the state where the Project issue is located. This certification shall: (a) contain the name and license number of the certifier; (b) specify the acts or omissions that the certifier contends are not in conformance with the Standard of Care for a consultant performing professional services under similar circumstances; and (c) state in detail the basis for the certifier's opinion that such acts or omissions do not conform to the Standard of Care. This certificate shall be provided to Consultant not less than thirty (30) calendar days prior to the filing of any claim. This Certificate of Merit clause will take precedence over any existing state law in force at the time of any claim.
17. Jurisdiction and Venue. Notwithstanding anything in this Agreement to the contrary, Client agrees that any suit related

to any dispute related to this Agreement shall be heard in the appropriate Court in the county of the Project. Client agrees that the appropriate County court shall have the subject matter jurisdiction and will be the appropriate venue for any interpretation or dispute related to this Agreement.

18. Termination. Consultant may terminate this Agreement for convenience by written notice to Client and in such event, the Consultant shall be paid only for all work under this Agreement that Consultant has completed to the date of termination on a prorated, equitable basis as reasonably determined by Consultant and which shall include Consultant's prorated profits, general conditions, and overhead.
19. Billing Rates.

Principal.....	\$190.00/hour
Senior Licensed Staff.....	\$150.00/hour
Licensed Staff II.....	\$130.00/hour
Licensed Staff I.....	\$115.00/hour
Technical Manager.....	\$125.00/hour
Professional Staff IV.....	\$125.00/hour
Professional Staff III.....	\$105.00/hour
Professional Staff II.....	\$95.00/hour
Professional Staff I.....	\$85.00/hour
Technician III.....	\$85.00/hour
Technician II.....	\$75.00/hour
Technician I.....	\$70.00/hour
Administrative.....	\$70.00/hour
3 Man Survey Crew.....	\$185.00/hour
2 Man Survey Crew.....	\$150.00/hour
1 Man Survey Crew.....	\$100.00/hour
3 Man Survey Crew (Construction Staking).....	\$210.00/hour
2 Man Survey Crew (Construction Staking).....	\$175.00/hour
1 Man Survey Crew (Construction Staking).....	\$130.00/hour
Expert Witness/Testimony.....	\$400/hour

Reimbursable Expenses. Compensation for reimbursable expenses shall be computed as a multiple of 1.1 times the expense incurred for the following: Outside Consultants, Travel, Lodging, Postage, UPS, FedEx, Messenger, and Outside Reproduction. Compensation for mileage expenses shall be computed as a multiple of 1.1 times the Federal Rate. In-House Prints/Copies/Plots shall be charged as follows:

- Black & White Prints/Copies

o 8 ½ x 11	\$0.19/sheet
o 8 ½ x 14	\$0.19/sheet
o 11 x 17	\$0.19/sheet
- Color Prints/Copies

o 8 ½ x 11	\$0.85/sheet
o 8 ½ x 14	\$0.85/sheet
o 11 x 17	\$1.25/sheet
- Black & White Plots

o 12 x 18	\$1.50/sheet
o 18 x 24	\$2.75/sheet
o 24 x 36	\$5.00/sheet
o 30 x 42+	\$7.50/sheet
- Color Plots

o 12 x 18	\$9.00/sheet
o 18 x 24	\$18.00/sheet
o 24 x 36	\$30.00/sheet
o 30 x 42+	\$42.00/sheet



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, Sr. Environmental Services Supervisor

DATE: 5/18/2017

SUBJECT: 2017 Consulting Services Contract Extension – Cork St. Landfill - Bid Ref #906-48-021.7

RECOMMENDATION

It is recommended that the City Commission approve a one-year contract extension with GHD, Inc. for environmental consulting services at the Cork St. Landfill in the amount of \$135,695. The term of this contract begins on or about July 1, 2017 and expires on June 30, 2018.

BACKGROUND

Consulting services required for Cork Street Landfill includes landfill site maintenance, environmental monitoring, progress report preparation and submittal, and project management. The services also include additional work such as: Development of an Institutional Controls Work Plan; activities associated with the U.S. Environmental Protection Agency (EPA) Five Year Review; update of the groundwater data trend analysis; and finalization of the Groundwater/Surface Water Interface (GSI) Monitoring Plan. In 2015, CRA was selected as one of eight pre-qualified firms following a qualifications/bidding process with a number of other consulting firms. This Purchase Order would allow for GHD to continue the monitoring and maintenance services.

GHD (formally CRA) has worked for the City at the Cork Street Landfill Superfund Site since 1999 performing engineering oversight for various landfill remedial activities and since 2002, they have been responsible for all groundwater monitoring/reporting responsibilities.

COMMUNITY RESOURCES CONSULTED

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

FISCAL IMPACT

Funds for the City's share of the work at the Cork Street Landfill and for appropriate staff project management are in the Cork Street Facility Cash Trust at PNC Bank. The yearly maintenance costs have been budgeted annually for approximately 30 years for the activities of this contract.

ALTERNATIVES

The alternative to extending GHD’s contract one year is to rebid the monitoring and maintenance contract to one of the City’s other prequalified environmental consultants. Purchasing currently allows two one-year extensions to a 3-year term contract prior to rebidding. On behalf of the City, GHD has developed and submitted to the EPA an amendment to the GSI Monitoring Plan to reduce the ground water monitoring requirements. In addition, GHD is assisting the City in providing EPA with additional follow-up information from the previous Five Year Review, including an Institutional Controls study. Staff does not recommend replacing GHD since they have performed well for the City on this project and it would be disruptive to the current process of seeking EPA’s approval of the revised GSI Institutional Control Study and work plan.

ATTACHMENTS:

	Type	Description
	Budget	Budget

Table 1

**Estimated 2017 - 2018 Budget
Cork Street Landfill Site
The City of Kalamazoo
Kalamazoo, Michigan**

Item	Description	Total
1	<u>Site Maintenance</u> - Tasks include routine inspections, cap mowing, access roads, landfill gas system maintenance.	
	Labor:	\$ 7,575
	Expenses:	\$ 7,200
	Total Site Maintenance:	\$ 14,775
2	<u>Site Monitoring</u> - Tasks include water level monitoring, groundwater sampling, surface water sampling, and landfill gas monitoring.	
	Labor:	\$ 35,397
	Laboratory:	\$ 10,107
	Expenses:	\$ 10,766
	Total Site Monitoring:	\$ 56,270
3	<u>Project Management</u> - Tasks include report preparation and review, one day meeting with agencies, progress reports, general project management and coordination.	
	Labor:	\$ 23,625
	Expenses:	\$ 780
	Total Project Management:	\$ 24,405
4	<u>Additional Work Items</u>	
	Maintenance of Roadway:	\$ 7,700
	Repair Gas Vent DV-9:	\$ 925
	Fill in low spot near Gas Vents DV-4 and DV-7:	\$ 8,000
	Replace Turbines:	\$ 1,020
	Swale Repair Assessment (including survey):	\$ 4,900
	Fence Repair along Transfer Station:	\$ 5,000
	Institutional Control Work Plan Allowance:	\$ 5,000
	Update Trend Analysis and Finalize GSI Monitoring Plan:	\$ 7,700
	Total Additional Work Items:	\$ 40,245
	Total Annual Cost:	\$ 135,695



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 and City Engineer

PREPARED BY: Thomas Spitzner, Water Operations & Maintenance Supervisor

DATE: 5/26/2017

SUBJECT: Sodium Hexametaphosphate One-Year Contract Extension #190-46-006.3/ME

RECOMMENDATION

It is recommended that the City Commission approve a one-year contract extension beginning August 1, 2017 and ending July 31, 2018 in the total amount of \$146,559.60 with F2 Industries, LLC of Smyrna, Tennessee.

BACKGROUND

Sodium Hexametaphosphate has been added to the City water supply since 1956 primarily as a means of keeping iron and other minerals that naturally occur in groundwater dissolved in the water. The addition of phosphate results in a higher quality, more aesthetically pleasing water supply with a reduction in both sediment buildup in water mains and private plumbing systems.

Secondarily, Sodium Hexametaphosphate helps maintain the regulatory requirement to reduce copper and lead releases into the City's water distribution system. The phosphate helps to coat the inside of water mains to prevent corrosion of metals. It is the main ingredient in the City's regulated corrosion control program agreed upon with the USEPA and MDEQ.

This contract is for the purchase of Sodium Hexametaphosphate used in the treatment of City water. Bids were taken in August 2011 for the City's requirements of Sodium Hexametaphosphate and of the four bids received F2 Industries was the low responsive bidder.

COMMUNITY RESOURCES CONSULTED

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

FISCAL IMPACT

Funds for this purchase are included in the 2017 Public Services Water Operations Budget. The 2017 portion of this one-year contract extension, August 1, 2017 through December 31, 2017 will be in the amount of \$61,066.50. The January 1, 2018 through July 31, 2018 portion will be \$85,493.10.

ALTERNATIVES

An alternative would be to cease using phosphate in the water supply; however, sodium hexametaphosphate has proven to be the safest and most effective in providing iron sequestering and also aids in corrosion control of the City's water distribution system.



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 and City Engineer

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

DATE: 4/21/2017

SUBJECT: Paterson Street Bridge Repairs Bid Ref #968-19-009.0

RECOMMENDATION

It is recommended that City Commission approve a contract with Davis Construction Inc. for Pitcher St. bridge repairs over the Portage Creek and Paterson St. Bridge repairs over the Kalamazoo River in the amount of \$153,464.10.

BACKGROUND

Regular bridge inspections are conducted on all spans greater than 20 feet with reports submitted to the Michigan Department of Transportation. Inspection results are reviewed for corrective maintenance, rehabilitation and replacement.

These bridges are critical to the transportation network within the City of Kalamazoo and the maintenance is needed to prevent further degradation, major rehabilitation, early replacement or weight and traffic restrictions.

COMMUNITY RESOURCES CONSULTED

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

FISCAL IMPACT

Funds for this project have been budgeted and are available in the Pitcher Street and Paterson Street bridge repair major streets capital improvement plan. The low bid result received was below the engineer's estimate.

ALTERNATIVES

There are no alternatives recommended at this time.

ATTACHMENTS:

Type	Description
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▣ Aerial Photo Bid Results Summary

BID RESULTS SUMMARY

PROJECT: Paterson & Pitcher Street Bridge Repairs

DATE: April 21, 2017

BIDDERS SOLICITED: 25

BIDDERS RESPONDED: 6

MBE/WBE BIDS SOLICITED: 2

MBE/WBE BIDDERS RESPONDED: 0

BID REFERENCE NO: 968-19-009.0

MBE/WBE AWARDED: No

ISSUE DATE: March 14, 2017

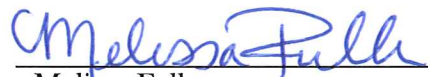
BID OPENING: April 13, 2017

APPROVAL REQUIRED: City Commission

FUNDED BY: City

<u>BIDDERS</u>	<u>AMOUNT BID</u>	<u>LOCATION</u>
Davis Construction Inc.	\$153,464.10	Lansing, MI
Milbocker & Sons Inc.	\$153,712.00	Allegan, MI
Grand River Construction, Inc.	\$156,373.00	Hudsonville, MI
Nashville Construction Company	\$159,871.00	Nashville, MI
Anlann Corporation	\$223,578.67	Grand Haven, MI
C.A. Hull Co., Inc.	\$307,496.08	Walled Lake, MI

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: James J. Baker, PE, Public Services Director

PREPARED BY: Stephen A. Skalski, P.E., Assistant City Engineer - Water Resources

DATE: 5/26/2017

SUBJECT: Rivers Edge Water Main Replacement Change Order

RECOMMENDATION

It is recommended that the City Commission approve a change order with Hoffman Bros, Inc. for the Rivers Edge Roundabout Project, in the amount of \$157,779.91.

BACKGROUND

The Rivers Edge Water Main Construction project was identified for the 2017 Construction season. Bids were opened March 21, 2017 for the Rivers Edge Roundabout Project. Four bids were received with Hoffman Brothers, Inc. being the low responsive bidder.

When the project was originally awarded to Hoffman Brothers, Inc, it was with reduction in quantities for water capital pay items due to insufficient available budget. The water capital portion of the Farmers Alley project was recently completed significantly under budget. With the additional available water capital budget, the entirety of the original project scope can be completed.

Additionally, the cost for the bid items related to 12 inch water main were minimally higher than those related to 8 inch water main. Water Resources requested a quote from the Hoffman Brothers, Inc. to upsize approximately 1100 feet of the originally designed 8 inch water main to 12 inch water main, which would allow for the connection of two transmission water main lines. Hoffman Brothers, Inc. agreed to perform the work with a minimal increase in the pay item cost for 12 inch water main.

COMMUNITY RESOURCES CONSULTED

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

FISCAL IMPACT

The funding for this project is available in the City's 2017 Water Capital Improvement Budget. Project funding and estimated costs are as follows:

Funding:	2017 Water Capital Improvement Budget	<u>\$157,779.91</u> \$157,779.91
Costs:	Construction Costs	<u>\$157,779.91</u> \$157,779.91

ALTERNATIVES

The City could choose not to complete the additional water main work at this time, however this is not recommended as the water main is in need of replacement and the next construction window for the work would not occur for several years.



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

PREPARED BY: Andrew Falkenberg, Assistant Assessor/Assistant Treasurer

DATE: 5/9/2017

SUBJECT: Resolution Confirming the 2017 Assessment Roll

RECOMMENDATION

It is recommended that the City Commission adopt a resolution confirming the 2017 Assessment Roll.

BACKGROUND

Section 85 of the City Charter requires the City Commission to confirm the annual Assessment Roll. Since the enactment of Proposal A, the City Commission is required to confirm both the state equalized value (SEV) and taxable value of the rolls. The SEV represents the assessor's value plus/minus any changes required by the County/State, bringing the total value to 50% of "true cash value" (estimated market value), which represents the State's Constitutional requirements. Furthermore, the taxable value of property, which is used to calculate property tax bills, has been further limited based on property tax caps set by the State Constitution and various State statutes.

The resolution will confirm the annual assessment rolls as reviewed and corrected by the Board of Review, the County of Kalamazoo, and the State of Michigan in the amount of \$1,712,476,696 (SEV) and the total taxable value amount of \$1,531,067,471.

The City Commission is also requested to confirm the amount of taxes to be raised for general operating purposes and Solid Waste. The taxable amount of tax abated properties and the qualified properties (in the Renaissance Zones, Neighborhood Enterprise Zones & Land Bank Properties) are adjusted to reflect an "effective taxable value". The total effective taxable value will be \$1,513,755,175, which compares favorably to the October 2016 estimate of \$1,470,761,632 (which was used to establish the amount of property tax revenue in the Adopted FY 2017 Budget). When anticipated reimbursements from the State of Michigan for Personal Property Tax revenue exempted by Public Act 86 of 2013 are factored in, the result is roughly a \$252,554 increase in General Operating tax revenue vs. the Adopted FY 2017 Budget.

The cause of the improvement can be tied to the following:

- A smaller filing than anticipated for the Eligible Manufacturing Personal Property (EMPP) exemption. October estimates included the assumption that most (if not all) qualifying industrial properties would file for the exemption.
- Increased residential and commercial construction at the end of the year.
- Increased personal property filing by new and existing business. October estimates were based on existing personal property accounts. Businesses file for 2017 by the end of February 2017.

There will be no Headlee rollback (MCL 211.34d) to the 2017 millage rates. The rates as adopted by resolution #17-02 are as follows:

General Operating	12.0000
Solid Waste	1.8000

COMMUNITY RESOURCES CONSULTED

The proposed 2017 Assessment Roll certificates have been provided to the Kalamazoo County Equalization Department, the Kalamazoo City Clerk's Office and the Kalamazoo City Treasurer's Office.

FISCAL IMPACT

The revenues expected to be collected, after reductions for Tax Increment Financing (TIF), are \$18,592,750 for the General Fund, \$2,815,864 for the Solid Waste Fund for a total of \$21,408,614. The initial General Fund revenue in the 2017 budget was calculated on an estimate of the 2017 effective taxable value at \$1,575,580,034. The effective taxable value included the anticipated State reimbursement for small business personal property tax exemption and the eligible manufacturing personal property exemption. The actual effective taxable value (with the anticipated State reimbursement) is \$1,596,626,228 (1.33% higher), resulting in an increase in revenue.

The changes in tax revenue vs. the Adopted FY 2017 Budget are as follows:

<i>Effective Taxable Values</i>	Adopted FY 2017 Budget	2017 Tax Roll Confirmation	Difference
Real Property & IFT	\$1,340,306,983	\$1,355,676,976	\$15,369,993
Personal Property <i>including Small Business & EMPP from State</i>	\$235,273,051	\$240,949,252	\$5,676,201
Total	\$1,575,580,034	\$1,596,626,228	\$21,046,194

GENERAL FUND	Increase of	\$252,554 - prior to TIF capture
SOLID WASTE	Increase of	\$ 37,883 - prior to TIF capture

ALTERNATIVES

There is no recommended alternative. Failure to adopt the attached resolution would be a violation of the City Charter and state law and would prohibit the City Treasurer from issuing tax bills on July 1st.

ATTACHMENTS:

Type	Description
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- ▣ Resolution A RESOLUTION CONFIRMING THE 2017 ASSESSMENT ROLL

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _

A RESOLUTION CONFIRMING THE 2017 ASSESSMENT ROLL

Minutes of a regular meeting of the City Commission of the City held on May 15, 2017, at 7:00 o'clock p.m. local time, at City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

WHEREAS, Section 85 of the City Charter of the City of Kalamazoo requires the City Commission to fully and finally confirm the annual assessment rolls upon completion of the review and correction of said rolls by the Board of Review, the County of Kalamazoo, and the State of Michigan; and

WHEREAS, said assessment rolls has been reviewed and corrected by the Board of Review, the County of Kalamazoo, and the State of Michigan:

NOW, THEREFORE, BE IT RESOLVED, that the 2017 assessment rolls as reviewed and corrected by the Board of Review, the County of Kalamazoo, and the State of Michigan in the total State Equalized Value amount of \$1,712,476,696 and the total Taxable Value amount of \$1,531,067,471 is hereby fully and finally confirmed.

BE IT FURTHER RESOLVED, that the amount to be raised by property taxes for general operating purposes and debt service in the 2017 Budget Resolution is \$18,592,750.

BE IT FURTHER RESOLVED, that the amount to be raised by extra millage for solid waste and recycling programs shall be \$2,815,864 pursuant to Public Act 298 of 1917, as amended.

The above resolution as 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 May 15, 2017. 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 said Act.

Scott Borling, City Clerk _



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

PREPARED BY: Andrew Falkenberg, Assistant Assessor / Assistant Treasurer

DATE: 5/9/2017

SUBJECT: Approval of DDA Tax Levy

RECOMMENDATION

It is recommended that the City Commission adopt a resolution approving the request of the Downtown Development Authority to levy a tax rate of 1.9638 mills.

BACKGROUND

The Downtown Development Authority adopted a resolution requesting that the City of Kalamazoo levy the DDA two-mill levy on its behalf. On January 17, 2017, the City Commission approved the 2017 DDA two-mill Budget.

The DDA levy was subject to a Headlee rollback in 2004. The millage rollback occurred as a result of the district's taxable value increasing at a greater rate than the rate of inflation for that year. The rollback permanently reduces the DDA tax levy from 2 mills to 1.9638 mills.

COMMUNITY RESOURCES CONSULTED

The City Commission conducted public budget deliberations, and both the Downtown Development Authority Board of Directors and the City Commission held public hearings.

FISCAL IMPACT

The revenue to be generated by the 1.9638 mill levy, after the reduction for Tax Increment Financing, is approximately \$263,769.

ALTERNATIVES

The Commission could choose not to approve the millage. However, the Downtown Development Authority would not be able to collect the revenue appropriated for expenses in the 2017 Downtown Development Authority Budget.

ATTACHMENTS:

Type	Description
▣ Resolution	A RESOLUTION APPROVING THE REQUEST OF THE DOWNTOWN DEVELOPMENT AUTHORITY TO LEVY

CITY OF KALAMAZOO

RESOLUTION NO. _____

A RESOLUTION APPROVING THE REQUEST OF THE DOWNTOWN DEVELOPMENT AUTHORITY TO LEVY A 1.9638 MILL TAX ON ALL REAL AND TANGIBLE PERSONAL PROPERTY NOT EXEMPT BY LAW AND AS FINALLY EQUALIZED IN THE DOWNTOWN DEVELOPMENT DISTRICT PURSUANT TO ACT NO. 197 OF THE PUBLIC ACTS OF 1975 FOR FISCAL YEAR 2017.

Minutes of a regular meeting of the City Commission of the City held May 15, 2017, at 7:00 p.m., local time, at the City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

WHEREAS, the Downtown Development Authority Act, being Act No.197 of the Public Acts of 1975 as amended, authorizes the Downtown Development Authority to levy not more than two mills of tax on the real and tangible personal property not exempt by law and as finally equalized in the downtown district, and

WHEREAS, the Authority hereby finds and determines that the levying of such tax is necessary to carry out the purposes for which it was created; and

WHEREAS, the City of Kalamazoo has approved the levy of said tax for the years immediately preceding to halt property value deterioration and increase property valuation where possible in the business district and to eliminate the causes of that deterioration and to promote economic growth.

NOW, THEREFORE, BE IT RESOLVED, that the City of Kalamazoo approves the levy of a 1.9638 mill ad valorem tax on all real and tangible personal property not exempt by law and as finally equalized in the downtown district.

BE IT FURTHER RESOLVED, that all officials and employees of the Downtown Development Authority of Kalamazoo and the City of Kalamazoo are hereby directed and authorized to take whatever action is necessary and proper to levy the 1.9638 mills for 2017.

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 May 15, 2017. 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 said Act.

Scott A. Borling
City Clerk



Commission Agenda Report

City of Kalamazoo

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

FROM: City Commission Administrative Committee

PREPARED BY: Patsy A. Moore, Deputy City Manager / Operations

DATE: 5/31/2017

SUBJECT: City Commission Appointee Compensation

RECOMMENDATION

It is recommended that the City Commission adopt a resolution setting forth the salaries of the City Commission appointees effective for the pay period beginning June 5, 2017 including an increase in base wages for City Manager James Ritsema of seven percent (7%) and a lump sum payment of five percent (5%) of base wages for City Attorney Clyde Robinson, City Clerk Scott Borling and Internal Auditor Ann Videtich.

BACKGROUND

Section 168 of the city charter provides that the City Commission shall set the salaries of its appointees by resolution. The attached resolution satisfies this requirement. It is our recommendation that the City Attorney, City Clerk, and the Internal Auditor receive a lump sum payment equal to 5% of base wages.

During recent budget reduction cycles, the City adopted a two-tiered wage system that reduced salaries by five percent (5%) for employees beginning employment with the City after January 1, 2012. After several years of implementation, the two-tiered system proved to be a detriment to the High Performance Organization value of recruiting and retaining talent. The Administration requested and the City Commission approved elimination of the two-tiered system in 2016. Employees in the Non-Bargained Unit (NBU) employed after January 1, 2012 received base wage adjustments and those employed before that date received a one-time lump sum payment. It is recommended that the City Attorney, City Clerk and the Internal Auditor receive equivalent lump sum payments.

City Manager Ritsema was hired in December 2013 and elected not to receive a recommended wage increase in 2015. It is recommend that the City Manager receive a 5% increase in base wages equal to other NBU employees beginning employment after January 1, 2012, as well as an additional 2% to recognize his accomplishments over the last three years. During his short time as City Manager, he has led initiatives that have resulted in changing the trajectory of the City.

POLICY CONSIDERATIONS

COMMUNITY RESOURCES CONSULTED

None

FISCAL IMPACT

The recommended wage adjustment and lump sum payments total \$22,258.40. The total amount is included in the FY 2017 Adopted Budget less the additional two percent (2%) or \$2,767.40 recommended for the City Manager. The additional funding is available due to vacancies that have occurred and will not increase the overall budget.

There is a corresponding impact on some fringes such as employer paid Social Security and Medicare taxes.

ALTERNATIVES

The City Commission may choose not to approve the recommended adjustments.

ATTACHMENTS:

Type	Description
☐	Resolution Appointee Salary Resolution

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION SETTING THE SALARY OF THE CITY
COMMISSION APPOINTEES**

Minutes of a regular meeting of the City Commission of the City held on June 5, 2017, at or after 7:00 o'clock p.m., local time, at City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

The following preamble and resolution was offered by _____
and supported by _____.

WHEREAS, Section 168 of the Kalamazoo City Charter provides that the City Commission shall fix by resolution the salary or rate of compensation of all officers and employees of the City except their own; and

WHEREAS, the City Commission Administrative Committee has reviewed the salary of the City Attorney, City Clerk, City Manager, and the Internal Auditor, and has recommended that the annual salary of the City Attorney, City Clerk and the Internal Auditor not be increased for the year 2017, which is equivalent to 2017 non-bargained employee adjustments. The Committee recommends that the City Manager receive a seven percent (7%) increase in base wages, effective with the pay period beginning June 5, 2017.

WHEREAS, the City Commission Administrative Committee recommends a one-time lump sum payment of 5% of base wages for The City Attorney, City Clerk, and the Internal Auditor, equivalent to 2017 non-bargained employee payments for employees beginning employment before January 1, 2012.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Section 168 of the Charter, the City Commission hereby fixes and sets the following salaries for the City Commission Appointees effective June 5, 2017:

City Attorney Clyde Robinson	\$116,283.83
City Clerk Scott Borling	\$ 71,221.16
City Manager James Ritsema	\$148,055.90
Internal Auditor Ann Videtich	\$ 63,944.97

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Section 168 of the Charter, the City Commission hereby authorizes a one-time lump sum payment for the following City Commission Appointees in the following amounts:

City Attorney Clyde Robinson
City Clerk Scott Borling
Internal Auditor Ann Videtich

\$ 5,814.19
\$ 3,561.06
\$ 3,197.25

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

AYES:

NAYS:

ABSTAIN:

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 June 5, 2017. 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



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

PREPARED BY: Stephanie McGowan, Budget Manager

DATE: 4/5/2017

SUBJECT: FY 2016 Budget Carryforwards and FY 2017 Budget Adjustments

RECOMMENDATION

It is recommended that the City Commission approve the attached schedule of amendments and adjustments to the FY 2017 Adopted Budget. This will carry forward expenditures of \$559,975 that were included in the FY 2016 Budget but not completed; and will also increase the FY 2017 Adopted Budget for additional appropriations in the amount of \$2,169,600.

BACKGROUND

Carryforwards:

General Fund operational carry forward requests total \$219,202 for Public Safety ammunition, promotional exams, safety equipment, and the remaining donation for Bronson Park Christmas decorations. The request also includes funding for Neighborhood Association grants to support ongoing improvements to Station 5 and for maintenance of City Hall.

Non-general fund operational carry forward requests include pending Brownfield Redevelopment Authority (BRA) Michigan Department of Environmental Quality (MDEQ) Loan and Grant payments of \$380,773 for the Rivers Edge project.

Capital Project carry forwards are summarized as follows:

Capital Improvement Fund: \$6,496,633
Local Streets Fund: \$511,908
Major Streets Fund: \$602,752
Water Fund: \$1,085,005
Wastewater: \$2,041,325

The City's budget policies authorize approved capital project budgets to be re-appropriated at the end of the year. The attached schedule includes capital project budgets carried forward from 2016 to 2017 for informational purposes.

General Fund: 2017 Budget Amendments (zero sum changes):

The decision was made to allocate the non-departmental expense in the FY 2017 Adopted Budget to various departments within the General Fund. Future discussions determined some of the appropriations would need to be reallocated to better reflect the activity. The table below outlines the transfers between departments, but has no overall impact on the General Fund.

Department	Description	Budget increase/decrease
City Wide Maintenance	District Court insurance and maintenance, city hall insurance	\$177,717
City Manager	Cable franchise fee, city hall insurance	\$230,457
Public Works	Environmental Remediation	\$35,000
Economic Development	Environmental Remediation	(\$35,000)
Budget & Accounting	District Court insurance and maintenance, cable franchise fees	(\$408,174)
Total	Reallocation Non-Departmental Expense	\$0

The City Clerk's office has taken over the responsibility of the city-wide mail service and package delivery. This was originally budgeted in the Purchasing department and requires a budget transfer of \$17,000 to increase the budget for the City Clerk.

City Hall building maintenance and improvements began in 2016, with additional needs identified in first quarter 2017. A budget transfer is requested to move the appropriated amount of \$61,750 to issue TANS debt to City-Wide Maintenance to fund additional building improvements. The city received Foundation for Excellence funding eliminating the need to issue short term debt.

Special Revenue Fund Adjustments:

Major and Local Streets is requesting \$368,400 of capital bond reserves to fund the completion of projects started in 2016, and to establish new projects. These funds will go toward an emergency storm drain repair for Millview, West Michigan Avenue Railroad Crossings, the Harrison Street Extension and design and reconstruction of Betsy Ann Place. Funds will also be allocated to perform surveys, pre-design and utility coordination planning for Oakland Drive to engage in a detailed design process during 2018.

The Historic Preservation Commission (HPC) voted to increase the FY 2017 Adopted Budget by \$14,000 to make donations to the Bronson Park 21st Century Campaign, and the O'Connor Fund held at the Kalamazoo Community Foundation. The HPC will use its reserve fund balance to make the approved donations.

Capital Fund Adjustments and Transfers:

The FY 2017 bond sizing approved in February by City Commission included \$1.7 million for phase II of the parking ramp improvements. The amount was not requested by the DDA in time to be included in the FY 2017 Adopted Budget. This additional funding will support the ongoing project started in 2016.

A capital project has been established and funded with \$20,000 for the remodel of the City Manager's Office. The project will be designed and bid in 2017 with construction in 2018. This will provide needed upgrades to the office space and improved security. The project was funded with a transfer from the existing Snowmelt System project, and has no impact to the FY 2017 Adopted Budget.

The removal of lead service has been identified as a city priority. The water department is transferring bond funding of \$1.13 million from the Station #22 Elevated Booster project to the Lead Removal Program. This is not an increase, but a reallocation of resources to allow for \$1.43 million of lead service replacements in 2017.

Component Unit:

The BRA received outside donations in FY 2016 for the Urban Growth Initiative. This is a collaborative project

which is anticipated to be completed in 2017 at a cost of \$89,000. The BRA Board has approved the project and is requesting an adjustment to the FY 2017 Adopted Budget.

FISCAL IMPACT

The impact on the funds appropriated in the FY 2017 Adopted Budget is outlined below:

General Fund Carryforward & Adjustments	\$ 219,202
Major and Local Street Capital	\$ 368,400
Historic Preservation	\$ 14,000
Capital Improvement	\$1,700,000
<u>Brownfield Authority</u>	<u>\$ 469,773</u>
Total Carryforward and Adjustments	\$2,771,375

ALTERNATIVES

The City Commission could choose not to amend the FY2017 budget for all or a portion of the operational carry forwards and adjustments. This would hinder the completion of projects originally included in the FY2016 budget, and not provide the funding for the additional needs identified by the departments.

ATTACHMENTS:

Type Description

- ☐ Budget Capital Carry Forwards
- ☐ Budget General Fund Operational Carryforwards

City of Kalamazoo
2016-2017 Capital Project Budget Carryforwards

	Carried Forward to 2017	Outside Funding	Other City Funding	Bond Reserves	Other Reserves
CAPITAL IMPROVEMENT PROGRAM					
Public Safety Projects					
PUBLIC SAFETY FACILITIES UPGRADE-2014	7,776	-	-	7,776	-
STATION #2-BRYANT	200,000	-	-	200,000	-
VOIP TELEPHONE SYSTEM	18,911	-	-	18,911	-
Total Public Safety Projects	226,686	-	-	226,686	-
Parks and Recreation Projects					
WOODS LAKE PARK REDEVELOPMENT	31,330	31,330			
HENDERSON TOT-LOT	7,237			7,237	
BRONSON PARK IMPROVEMENTS	1,750,000	1,700,000		50,000	
FARMERS MARKET REDEVELOPMENT	1,110,957	1,000,000		110,957	
DAVIS STREET PARK IMPROVEMENTS	182,737	17,737		165,000	
Total Parks Projects	3,082,260	2,749,067	-	333,194	-
General Fund Projects					
SNO-MELT SYSTEM	31,694	-	-	31,694	-
FIBER OPTIC NETWORK	86,674			86,674	
2016 5 YD DUMP TRUCK	64,468			64,468	
2016 14 YD DUMP TRUCK	76,595			76,595	
2016 5 YD DUMP TRUCK	64,468			64,468	
2016 14 YD DUMP TRUCK	76,595			76,595	
VOTING EQUIPMENT	100,000			100,000	
CITY HALL ECONOMIC DEV OFFICES	57,109			57,109	
Total General Government Projects	557,603	-	-	557,603	-
Public Services					
1-94 BUSINESS LOOP GATEWAY-2011	23,243	8,672		14,572	
KAL RIVER VALLEY TRAIL-DOWNTOWN CONNECT	875,707	725,000		150,707	-
PORTAGE CREEK TRAILWAY	15,600			15,600	
KRVT- PORTAGE CREEK-UPJOHN PARK (DNR)	454,787	454,787			
PARKING ACCESS REVENUE CONTROL SYSTEM	535,746			535,746	
Total Public Services Projects	1,905,084	1,188,459	-	716,625	-
TOTAL CAPITAL IMPROVEMENT PROGRAM	5,771,633	3,937,526	-	1,834,108	-
LOCAL STREETS CAPITAL PROJECTS					
FARMERS ALLEY-SOUTH ST. TO MI AVE	289,786	-	-	289,786	-
FAIR OAKS STORM SEWER	222,123			222,123	
TOTAL LOCAL STREETS	511,908	-	-	511,908	-

City of Kalamazoo
2016-2017 Capital Project Budget Carryforwards

	Carried Forward to 2017	Outside Funding	Other City Funding	Bond Reserves	Other Reserves
MAJOR STREETS CAPITAL PROJECTS					
EAST MAIN (EST MI TO WALLACE)	15,192			15,192	
KILGORE (SERVICE DR TO SPRINKLE)	74,521			74,521	
EAST MICHIGAN (RIVERVIEW TO WALLACE)	90,680			90,680	
KILGORE & WESTNEDGE TRAFFICE SIGNAL	125,000			125,000	
DRAKE ROAD SHARED USE PATHWAY	81,000	81,000			
PATERSON STREET BRIDGE	21,624			21,624	
NORTH DRAKE TRAFFIC SIGNAL UPGRADE	10,261			10,261	
BURDICK STREET TRAFFIC SIGNAL	19,262			19,262	
STADIUM DR AT W-MI RR CROSSING	72,680			72,680	
ACADEMY ST CULVERT REPLACEMENT	23,251			23,251	
PORTAGE (SHERIDAN TO STOCKBRIDGE)	1,000			1,000	
VINE (WESTNEDGE TO CROSSTOWN)	7,309			7,309	
VINE (DAVIS TO OAK)	54,305			54,305	
ROSE ACADEMY TO WATER	6,668			6,668	
TOTAL MAJOR STREETS	602,752	81,000	-	521,752	-

WATER CAPITAL PROJECTS					
TEXAS TWSP BOOSTER/BLEEDER STATION	73,942			73,942	
2015 WATER PUMP STATION IMPROVEMENTS	57,827			57,827	
CHLORINATION SYSTEM REPLACEMENT	31,850			31,850	
6TH STREET ELEVATED TANK	15,000			15,000	
2016 WATER PUMP STATION IMPROVEMENTS	13,426			13,426	
CENTRAL PS-REPLACE 4 SAND FILTERS	20,392			20,392	
KL LANDFILL WATER SYSTEM EXPANSION	97,457			97,457	
STA #22-ELEVATED STORAGE/BOOSTER	202,175			202,175	
GULL RD BRIDGE MAIN REPLACEMENT	18,214			18,214	
FARMERS ALLEY WATER MAIN REPLACEMENT	16,355			16,355	
SPRINKLE ROAD WATER MAIN REPLACEMENT	124,093			124,093	
2929 NAZARETH RD	400			400	
HERITAGE COMMUNITY WATER MAIN LOOPING	26,854			26,854	
7200 ELM VALLEY DRIVE	1,411			1,411	
11TH STREET FROM MISTY CREEK TO N AVE	4,334			4,334	
11TH STREET - 2,000 NORTH OF N AVE	9,859			9,859	
TEXAS TWSP LOOPING	8,330			8,330	
SKY KING MEADOWS #3	5,775			5,775	
600 EAST MICHIGAN AVE	1,521			1,521	
9100 EAST MICHIGAN AVE	982			982	
MOBILE WORKORDER SOLUTION	4,026			4,026	
WATER SYSTEM SCADA REPLACEMENT-2014	350,781			350,781	
TOTAL WATER	1,085,005	-	-	1,085,005	-

City of Kalamazoo
2016-2017 Capital Project Budget Carryforwards

	Carried Forward to 2017	Outside Funding	Other City Funding	Bond Reserves	Other Reserves
WASTEWATER CAPITAL PROJECTS					
RECORDS MGMT-GBA SOFTWARE	49,276		49,276		
LOAD CENTER 5 REPLACEMENT	4,346		4,346		
WW SCADA SYSTEM UPGRADE	259,053		259,053		
2016 EQUIPMENT REPLACEMENT	56,858		56,858		
RIVERVIEW DRIVE MAINTENANCE ACCESS	44,165		44,165		
2016 PIPE TRUCK	142,468		142,468		
2016 DUMP TRUCK	41,604		41,604		
LIFT STATION RADIOS	27,861		27,861		
WRP ROAD RESURFACING	93,944		93,944		
WW RECYCLE BLDG #5-LOCKER ROOM	12,700		12,700		
SEWER EQUIPMENT FACILITY	99,800		99,800		
WW TRUCK SCALE UPGRADE	37,050		37,050		
SW & PORTAGE INTERCEPTOR	100,800		100,800		
TERTIARY MCC UPGRADE	52		52		
AUTO ANALYZER FOR LAB	7,972		7,972		
WATER PLANT BLDG #16 REPLACE 3 PUMPS	90,992		90,992		
DOOSAN FRONT LOADER	160,927		160,927		
EXCAVATOR W/BREAKER, COMPACTOR	194,121		194,121		
BACKHOE	146,310		146,310		
FARMERS ALLEY SEWER MAIN REPLACEMENT	44,258		44,258		
2016 CIPP SEWER LINERS	392,201		392,201		
LOCUST PLACE SANITARY SEWER	7,568		7,568		
RANSOM INTERCEPTOR-WESTNEDGE TO PARK	27,000		27,000		
TOTAL WASTEWATER	2,041,325	-	2,041,325	-	-

CITY OF KALAMAZOO
GENERAL FUND PROPOSED OPERATIONAL CARRYFORWARDS & ADJUSTMENTS

	2017 Adopted Budget	2016-2017 Operational Carryforwards	2017 Budget Amendments	2017 Proposed Amended
REVENUE				
Tax Levy Revenue	18,351,382			18,351,382
Other Tax or PILOT Payments	1,997,442			1,997,442
Licenses, Permits & Fees	2,384,980			2,384,980
Intergovernmental Revenue	9,973,349			9,973,349
Charges for Services	10,356,680			10,356,680
Interest	150,352			150,352
Fines and Forfeitures	36,300			36,300
Other Revenue	1,371,400		6,194	1,377,594
Foundation for Excellence	11,039,677			11,039,677
Total Revenue	55,661,562	-	6,194	55,667,756
EXPENDITURES				
City Commission	85,269			85,269
City Administration	1,202,346		230,457	1,432,803
City Attorney	718,919			718,919
City Clerk	513,044		17,000	530,044
Internal Auditor	86,961			86,961
Human Resources	763,850			763,850
Information Technology	1,767,176		-	1,767,176
Management Services	3,867,803		(486,924)	3,380,879
Public Safety	29,923,276	99,008	-	30,022,284
Public Services	6,241,765	91,000	274,467	6,607,232
Community Planning & Development	1,992,773	23,000		2,015,773
Economic Development	248,780		(35,000)	213,780
Parks & Recreation	2,020,879	6,194		2,027,073
Non-Departmental Expenditures	100,000			100,000
Initiatives	-			-
OPEB Expense	6,327,232			6,327,232
Total Operating Expenditure	55,860,073	219,202	-	56,079,275
Transfer to Local Street Fund	-			-
Transfer to CIP Fund	2,100,000			2,100,000
Total Transfer for Capital Improvement	2,100,000	-	-	2,100,000
TOTAL EXPENDITURES	57,960,073	219,202	-	58,179,275
Beginning Fund Balance	9,967,201			9,967,201
Surplus / (Deficit)	(2,298,511)			(2,511,519)
Contribution from/(to) Budget Stabilization	-			-
Contribution from/(to) Insurance Fund				-
Ending Fund Balance	7,668,690			7,455,682
Target Fund Balance	7,236,003			7,236,003
Amount Over (Under) Target	432,687			219,679



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: Jeff Chamberlain, Deputy City Manager

PREPARED BY: John W. Kneas, Assistant City Attorney

DATE: 5/18/2017

SUBJECT: KRVT Non-Motorized Path Easement Agreements

RECOMMENDATION

It is recommended that the City Commission approve and authorize the City Manager to sign each of the Non-Motorized Path Easement Agreements (Easement Agreements) with Board of Trustees for Kalamazoo Community College (KVCC) and Bronson Properties Corporation (Bronson).

BACKGROUND

The Easement Agreements reflect the portions of each owner's properties that are required to construct and complete the Portage Creek Trail (PCT) from Walnut Street south to Lake Street along Portage Creek. The long term plan is for PCT to eventually connect with KRVT to the north and with the Portage Bicentennial Trail to the south. Construction of PCT has begun on portions of city-owned property at Upjohn Park and the land between Crosstown Parkway and Vine Street. As with the KRVT extension through downtown, PCT represents the collaborative efforts of the Michigan Department of Natural Resources to provide the majority of the funding, the City to also provide funding and to undertake the construction through a contract awarded to Nashville Construction Co., the County of Kalamazoo to maintain the PCT upon its completion, and KVCC and Bronson to provide the needed land at a cost of less than \$100. The exhibits to the attached Easement Agreements depict the route PCT will take.

COMMUNITY RESOURCES CONSULTED

Besides the private and public entities listed above, PCT was identified as a priority in the KRVT Master Plan.

FISCAL IMPACT

The City Commission previously awarded Nashville Construction Co. the contract to construct PCT at cost of \$457,551. The costs to acquire and record the Easement Agreements are minimal. The long range benefit lineal parks and trailways provide to the public as recreational facilities cannot be overlooked, especially towards the redevelopment efforts in this area of the city.

ALTERNATIVES

The City Commission could decline to approve each of the Easement Agreements, but this action 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: Jeffrey Hadley, Public Safety Chief

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

SUBJECT: 2016 Staffing for Adequate Fire and Emergency Response Grant

RECOMMENDATION

It is recommended that the City Commission approve a letter of commitment for the 2016 United States Department of Homeland Security, Federal Emergency Management Agency - Staffing for Adequate Fire and Emergency Response (SAFER) Grant and authorize the City Manager to sign the letter of commitment.

BACKGROUND

During the 2017 budget presentation, Public Safety indicated that a SAFER Grant would be pursued to augment the cost of hiring additional personnel assigned to the Public Safety stations. In February of 2017, Public Safety applied for 2016 SAFER Grant funding under the *Hiring of Firefighters Activity* for 12 additional personnel. A requirement of the grant is that the governing body approves a letter of commitment confirming that the City of Kalamazoo as the grantee acknowledges that it must:

- Maintain the operational staffing level that exists at the time of the award and must retain all SAFER funded positions throughout the grant's full three-year period of performance.
- Incur no lay-offs of operational personnel during the full three-year period of performance.

If Public Safety is fortunate enough to receive the 2016 SAFER Grant award, the acceptance of the grant will be brought back to the City Commission for approval.

POLICY CONSIDERATIONS

None

COMMUNITY RESOURCES CONSULTED

None

FISCAL IMPACT

Allowable expenditures under the 2016 SAFER Grant are wages and benefits for a three-year period of

performance at the following rates:

2018	75% SAFER funding	25% City match
2019	75% SAFER funding	25% City match
2020	35% SAFER funding	65% City match

Matching grant funds are included in the FY2017 general fund budget and the Five Year Fiscal Plan.

ALTERNATIVES

The City Commission could decide to deny the request for a letter of commitment for the 2016 Staffing for Adequate Fire and Emergency Response Grant. This alternative is not recommended.



Commission Agenda Report

City of Kalamazoo

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

FROM: Scott A. Borling, City Clerk

DATE: 6/1/2017

SUBJECT: Approval of Minutes

RECOMMENDATION

It is recommended that the City Commission approve the minutes from its meetings on March 27, April 3, April 10, April 17, and May 1, and May 15, 2017.

ATTACHMENTS:

Type	Description
☐	Minutes March 27, 2017 Work Session
☐	Minutes April 3, 2017 Business Meeting
☐	Minutes April 10, 2017 Work Session
☐	Minutes April 17, 2017 Neighborhood Meeting
☐	Minutes April 17, 2017 Business Meeting
☐	Minutes May 1, 2017 Business Meeting
☐	Minutes May 15, 2017 Neighborhood Meeting

	A regular work session of the Kalamazoo City Commission was held on Monday, March 27, 2017 at 6:00 p.m. in the Community Room at City Hall. The purpose of the meeting was to discuss Shared Prosperity Kalamazoo, Youth Development, and the Foundation for Excellence.
Roll Call	COMMISSIONERS PRESENT: Mayor Bobby Hopewell Vice Mayor Don Cooney David Anderson Erin Knott Matt Milcarek Shannon Sykes Jack Urban COMMISSIONERS ABSENT: None
	Also present were City Manager Jim Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.
Communications	An opportunity was offered for general communications, but none were offered.
Discussion Items	Discussion items were considered next.
Discussion of Shared Prosperity Kalamazoo, Youth Development, and the Foundation for Excellence	City Manager Ritsema reviewed the agenda for the meeting and provided introductory remarks for a PowerPoint presentation entitled <i>City Commission Work Session: Shared Prosperity, Youth Development, and the Foundation for Excellence</i>. A copy of this presentation was filed with the papers for this meeting. Dr. Tim Ready presented an overview of Shared Prosperity Kalamazoo (SPK) data. In response to questions from Commissioner Sykes, Dr. Ready discussed the sources of his statistics on poverty. Dr. Ready stated institutional racism needed to be addressed as the country's history of racial discrimination was being perpetuated through its social systems. In response to a question from Commissioner Urban, Dr. Ready agreed that poverty was concentrated in the City, and he noted some counties had consolidated governments to address this issue. Assistant City Manager Laura Lam presented the SPK framework, goals, strategic process, and future direction. Mayor Hopewell reported on the work of the City and the SPK team to facilitate partnerships between agencies and employers. Vice Mayor Cooney provided information on the SPK's current work with the Kalamazoo Prisoner Reentry Coalition. Assistant City Manager Lam presented preliminary SPK goals and themes that were emerging from the Imagine Kalamazoo 2025 process.

Vice Mayor Cooney discussed the urgent need for an SPK strategy that adapted national best practices to the City's reality and that identified clear goals and metrics to measure progress. Vice Mayor Cooney stated the creation of living-wage jobs and addressing institutional racism needed to be important elements of the strategy.

In response to a question from Commissioner Sykes, Mayor Hopewell indicated the state Department of Corrections was slow to understand the need for them to help prisoners get identification cards prior to release. Mayor Hopewell and Assistant City Manager Lam indicated the work on employment also included efforts to support entrepreneurs.

In response to a question from Commissioner Urban, Mayor Hopewell reported Momentum was working to expand the types of employment opportunities beyond manufacturing jobs. Assistant City Manager Lam noted Momentum was working on adding culinary arts and hospitality services.

In response to questions and concerns from Commissioners Knott and Urban, Deputy City Manager Lam clarified the SPK consultant would use data, including community feedback from the Imagine Kalamazoo 2025 (IK2025) process, to develop the strategic plan, while the SPK Coordinator would work to implement the plan.

Commissioner Knott urged staff to move forward with the community engagement responses from IK2025 and not solicit additional public input.

Discussion took place about the need to clarify the roles of the SPK consultant and the SPK Coordinator and the need to move forward with action.

In response to a question from Commissioner Milcarek, Assistant City Manager Lam stated there was a great sense of urgency with the SPK core team to start addressing the problem, and the magnitude of the work to design a plan required a consultant.

In response to questions from Commissioners Sykes and Urban, Assistant City Manager Lam indicated staff and the SPK core team would need to inform the consultant about the community's needs and realities. If the City was not able to find the right person or team for this work the options would be to start over or decide what "Plan B" should be. Assistant City Manager Lam stated the funding available for this work would be determined by the City Commission through the Foundation for Excellence (FFE) allocation process.

Commissioner Sykes indicated the needs in the community were both real and urgent, and she stated women's issues and institutional racism must be addressed in order to adequately address the problem of poverty. Commissioner Sykes identified the YWCA and E-Race as two of the partners the consultants would need to work with.

Commissioner Milcarek suggested it would be beneficial to understand how the SPK plan would be attached to the organizational structure of the

Discussion of Shared Prosperity Kalamazoo, Youth Development, and the Foundation for Excellence (cont'd)

Discussion of Shared Prosperity Kalamazoo, Youth Development, and the Foundation for Excellence (cont'd)

City - which departments would be involved and which elements of the plan the City would expect community partners to address.

The meeting recessed at 7:34 p.m.

The meeting resumed at 7:40 p.m.

Parks and Recreation Director Sean Fletcher and Recreation Program Manager Peter Aerts discussed the Supervised Playground Program.

In response to questions from Commissioners Sykes and Milcarek, Mr. Aerts indicated the new playground sites would have space for 40 children each, and if the need was greater the City could add more staff to each site.

In response to a question from Commissioner Sykes, Director Fletcher expressed a desire for the City to improve in the area of data collection but noted it was difficult to get hard data on the community impact of programs.

Parks and Recreation Deputy Director Patrick McVery discussed the results from the 2016 All Things Possible program and plans for implementing the program again in 2017.

In response to questions from Commissioner Sykes, Mr. McVery stated the All Things Possible would run for eight weeks, but he was looking at ways to extend the program into the school year. Mr. McVery indicated KidNet would continue to be a partner but would take more of a back seat role with the program.

Director Fletcher and Karen Carlisle from Youth Opportunities Unlimited (YOU) reviewed the Summer Youth Employment Program (SYEP). Ms. Carlisle announced the 2017 SYEP would include vocational/technical programs leading to credentials through a partnership with the Van Buren Career and Technical Center. Ms. Carlisle indicated there would be a career fair at the end of the summer, and an opportunity for some young people to continue their employment into the school year.

Mayor Hopewell noted YOU had been a strategic partner with the City for years, and he remarked on the community impact of the SYEP. Mayor Hopewell strongly urged Ms. Carlisle to make the vocational/technical program happen.

In response to a question from Commissioner Anderson, Director Fletcher stated the proposed program would cost an additional \$750,000. Director Fletcher also indicated staff was working to include drivers training in the SYEP and to create connections with All Things Possible and The Kalamazoo Promise.

Discussion of Next Steps

City Manager Ritsema reviewed the proposed next steps.

Commissioner Sykes expressed support for funding the youth programs presented by staff, but she expressed concern about allocating FFE dollars without having the FFE governing structure in place.

City Manager Ritsema indicated the FFE Memorandum of Understanding committed \$10 million for aspirational projects in 2017, and he explained funding for 2018 would be based more on FFE governing structure.

Mayor Hopewell noted the City Attorney would provide a status update on the FFE structure at the April 10th work session. Mayor Hopewell also noted the April 10th work session would include a presentation of online tools that could be used to track and report program metrics. Mayor Hopewell stated the City's grants coordinator was working hard to leverage the FFE dollars with funds from other sources.

Commissioner Urban remarked on the need for online tools to be intuitive and accessible to people with little inside knowledge of the City's programs and operations. Commissioner Urban enquired about the plans for raising the larger FFE amount and the City's role in that fundraising effort.

Deputy City Manager Jeff Chamberlain led a discussion of potential topics for future work sessions, and Commissioners suggested the following topics:

- Strategies for Addressing Potential Future Reductions in Federal Funding (Sykes)
- Medical Marihuana (Milcarek)
- Complete Streets (Milcarek)
- Single Hauler Trash (Milcarek)
- Code Enforcement (Milcarek, Knott)
- Affordable Housing (Milcarek, Knott, Urban)
- The Built Environment (urban design, federal funds, affordable housing – Knott)
- The Michikal/Stadium Drive/Michigan Avenue/West Main Street intersection – joint meeting with MDOT and Kalamazoo Township (Urban)
- The City's Organizational Culture (Anderson)
- Making Amtrak schedule more commuter friendly (Urban)

Mayor Hopewell remarked on the need to prioritize these topics and reminded Commissioners to keep staff capacity in mind.

Commissioner Sykes noted that some Commissioners had requested a work session on code enforcement almost a year ago and suggested the next work session be in on this topic.

Discussion took place about the April 24th work session. By consensus the City Commission decided not to meet on April 24th due to scheduling conflicts.

Deputy City Manager Chamberlain indicated staff would use this discussion to develop a schedule of work sessions.

Discussion of Next Steps (cont'd)

Discussion of Work Session Topics

Citizen Comments

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

Zach Lassiter, City resident, suggested the Commission host its work sessions in a larger room with an audio system.

Commissioner Comments

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

Commissioner Sykes thanked staff and Commissioners for a good meeting and thanked citizens for attending.

Adjournment

The meeting adjourned at 8:53 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on June 5, 2017

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: June 5, 2017

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Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, April 3, 2017 at 7:02 p.m. in the City Commission Chambers at City Hall.

COMMISSIONERS PRESENT:

Mayor Bobby J. Hopewell
Vice Mayor Don Cooney
David Anderson
Erin Knott
Matt Milcarek
Shannon Sykes
Jack Urban

COMMISSIONERS ABSENT:

None

Also present were Deputy City Manager Patsy Moore, City Attorney Clyde Robinson, and Deputy City Clerk Shelby Moss.

Invocation

The invocation, given by Reverend Sarah Schmidt-Lee from Congregational Church, was followed by the Pledge of Allegiance.

Proclamations

Commissioner Knott proclaimed April 4, 2017 *National Service Recognition Day*. Senior Program Officer Sonja Dean from the Local Initiative Support Corporation received the proclamation.

Vice Mayor Cooney proclaimed April 2017 *Child Abuse Prevention Month*. Board Member Erin Cunningham and Executive Director Sarah Joshi of the Kalamazoo County Child Abuse and Neglect Prevention Council received the proclamation.

Commissioner Sykes proclaimed April 2017 Sexual Assault Awareness Month. Sexual Assault Advocate and Counselor Mallory Kruizenga and staff of the YWCA of Kalamazoo received the proclamation.

Adoption of the Agenda

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

Commissioner Milcarek requested Item F8 (first reading of two ordinances amending the Kalamazoo City Code regarding quadricycles) and Item F9 (adoption of a resolution establishing a \$250 fee for seized vehicles) be moved from the Consent Agenda to the Regular Agenda.

A citizen requested Item F4 (improvements of traffic signals along North Drake Road and South Burdick Streets and the installation of bike lanes on South Burdick Street) be moved from the Consent Agenda to the Regular Agenda.

Communications

Deputy City Manager Moore announced there would be a City Commission work session on Monday, April 10, 2017 at 6:00 p.m. in the City Commission Chambers at City Hall. Deputy City Manager Moore stated the discussion topics would include the Foundation for Excellence (FFE) aspirational projects and examples of potential dashboards and metrics for FFE projects to drive impact and accountability.

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 contract with Lakeland Asphalt Corporation for the purchase of a 2,000 tons of asphalt patching material in the amount of \$160,000.00.
- approval of contracts with ice control salt suppliers that are awarded bids by the State of Michigan for the 2017-2018 winter season requirements in an amount not to exceed \$450,000.
- approval of a one year contract for property maintenance with Natural Landscapes for mowing Mountain Home and Riverside cemeteries in the amount of \$124,930.
- approval of a contract with the Michigan Department of Transportation for the Portage Road Improvement Project in the amount of \$587,001.
- approval of an agreement between the City of Kalamazoo Building Authority and Traffic & Safety Control Systems, Inc. for the Parking Access and Revenue Control Upgrade Project in the amount of \$741,283.77.
- approval of a change order In the amount of \$40,000 for The Sweeney Group to continue fundraising efforts for Bronson Park Capital Campaign.
- adoption of a **RESOLUTION** to rescind and remove restrictions, covenants, and development standards for Davis Creek Business Park.
- authorization for the City Manager to execute a Bilateral Permit with Merit Network, Inc. pursuant to the Metropolitan Extension Telecommunications Right of Way Oversight (METRO) Act so as to permit the placement of fiber optic telecommunication lines within the City.
- approval and acceptance of an easement from the Kalamazoo County Land Bank for an operations and maintenance access trail to the Spring Valley Syphon.
- approval of Non-Motorized Path Easement Agreements for the Downtown Kalamazoo River Valley Trail with the following entities: the Board of Trustees for Western Michigan University; the Board of Trustees for Kalamazoo Community College; Downtown Tomorrow Inc.; West Michigan Cancer Center; Kalamazoo County Community Mental Health Authority; and Number 39, LLC.
- approval of a Buy/Sell Agreement with Dylan Wright for the purchase of property located at 1007 East Alcott Street.

Consent Agenda

Resolution 17-22

Consent Agenda
(cont'd)

- approval of the Mayor's reappointments to the following board and commissions:
 - the reappointment of Dan DeMent to the Retirement and Perpetual Care Investment Committees for a term expiring on March 31, 2020. This recommendation includes a request to waive City Commission Rule 12e regarding term limits.
 - the reappointment of Randy Eberts to the Retirement and Perpetual Care Investment Committees for a term expiring on March 31, 2020. This recommendation includes a request to waive City Commission Rule 12e regarding term limits.
 - the reappointment of Robert Sailsbury to the Retirement and Perpetual Care Investment Committees for a term expiring on March 31, 2020. This recommendation includes a request to waive City Commission Rule 12e regarding term limits.
 - the reappointment of James Coss to the Planning Commission for a term expiring on March 31, 2020.
- approval of the minutes from the City Commission meetings on March 20, 2017.

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, Mayor Hopewell

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

Contract for Street
Improvements to
N. Drake Rd and
S. Burdick St.

When an opportunity was given for citizens to comment on a contract with the Michigan Department of Transportation and a purchase order with Carrier and Gable for the improvement of traffic signals along North Drake Road and South Burdick Street and the installation of bike lanes on South Burdick Street, the following people addressed the City Commission:

Richard Stewart, City resident, expressed concerns about the lack of community engagement regarding the bike lanes on South Burdick Street. Mr. Stewart requested more law enforcement of bike riding laws.

Joseph Cekola, City resident, expressed support for bike lanes in the City of Kalamazoo. Mr. Cekola stated bike lanes were important for promoting Kalamazoo to the millennial workforce.

Paul Wells, non-resident, expressed support for bike lanes on South Burdick Street.

Paul Selden, non-resident, expressed support for bike lanes on South Burdick Street. Mr. Selden highlighted the need to educate bicyclists on the rules of the road. Mr. Selden stated bike lanes and pedestrian friendly communities were good for economic growth.

Commissioner Sykes, seconded by Vice Mayor Cooney, moved to approve a contract with the Michigan Department of Transportation in the amount of \$505,413 and a purchase order with Carrier and Gable in the amount of \$102,809 for the improvement of traffic signals along North Drake Road and South Burdick Street and the installation of bike lanes on South Burdick Street.

Prior to a vote on the motion, Commissioner Milcark expressed support for bike lanes on South Burdick Street and stated a better built environment for bicyclist and motorists would promote safety for all.

Commissioner Urban expressed support for bike lanes on South Burdick Street as it was part of the City's non-motorized plan.

With a roll call vote this motion passed unanimously.

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

NAYS: None

When an opportunity was given for citizens to comment on two ordinances amending various sections of the Kalamazoo City Code to eliminate the seatbelt requirement for quadricycles and to permit the possession and consumption of alcoholic beverages by passengers on quadricycles, the following people addressed the City Commission:

Richard Stewart, City resident, expressed concerns regarding the proposed ordinance amendments and the public consumption of alcoholic beverages.

Zachary Lassiter, City resident, expressed concerns about the previous speaker's intentions and past business interests.

Andrew Haan, President of Downtown Kalamazoo Inc. (DKI), stated DKI had gathered a petition from several Downtown businesses supporting the consumption of alcoholic beverages by passengers on quadricycles. Mr. Haan stated quadricycle programs where alcoholic beverages could be served had been successful in other Cities, and he felt it would add to the beer culture in the City of Kalamazoo.

Contract for Street
Improvements to
N. Drake Rd and
S. Burdick St.
(cont'd)

Quadricycle
Ordinance
Amendments

Quadricycle
Ordinance
Amendments
(cont'd)

Frank Warren, City Resident, expressed concerns regarding the proposed ordinance changes and the public consumption of alcohol.

Commissioner Anderson, seconded by Commissioner Sykes, moved to offer for first reading two ordinances amending various sections of the Kalamazoo City Code to eliminate the seatbelt requirement for quadricycles and to permit the possession and consumption of alcoholic beverages by passengers on quadricycles.

In response to questions from Commissioner Sykes, Attorney Robison stated quadricycle drivers would not be permitted to consume alcohol, and the request to eliminate the seatbelt requirement came from the quadricycle owners. Attorney Robinson stated seatbelts were not required on any other type of bicycle or motorcycle, and he explained that if a quadricycle were in an accident the passengers could escape from the vehicle as quickly as possible.

Commissioner Sykes stated she did not believe it was necessary to eliminate the seatbelt requirement, and she would not support the consumption of alcoholic beverages by passengers on the quadricycles if the seatbelt requirement was removed from the ordinance.

Commissioner Milcarek remarked on the experiences of other cities that had allowed alcohol on quadricycles but were reconsidering that decision. Commissioner Milcarek stated there was nothing wrong with the existing ordinance, and he suggested more time needed to pass before the City was able to determine the effect of the current ordinance. Commissioner Milcarek indicated he would not support the proposed changes.

Vice Mayor Cooney stated he did not support the proposed ordinance changes and wanted to wait and see how the quadricycle businesses fared in other cities where the consumption of alcohol was permitted.

Commissioner Urban stated he could not support the ordinance with both the removal of the seatbelt requirement and the permitted consumption of alcoholic beverages by passengers. Commissioner Urban stated he would keep an open mind for changes in the future.

Commissioner Knott stated she had a hard time making the distinction between being consuming alcohol on a quadricycle and consuming alcohol on the street, and she questioned why one would be allowed and not the other. Commission Knott indicated she would not support the proposed consumption of alcohol on a quadricycle.

In response to questions from Commissioner Anderson, Attorney Robinson stated he had done research on several municipalities with quadricycle ordinances when he drafted the City's current ordinance in 2015. Attorney Robinson stated he knew of two municipalities that had originally adopted ordinances prohibiting the consumption of alcohol and then revised their ordinances to allow it. Attorney Robinson explained he was bring these changes forward at the request of the current quadricycle business operating in Kalamazoo, and it was a policy decision for the Commission to make.

Mayor Hopewell stated he would not support the proposed elimination of the seatbelt requirement from the ordinance.

With a roll call vote this motion failed unanimously:

AYES: None

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

In response to questions from Commissioner Milcarek, Attorney Robinson stated a vehicle could be seized if a person was taken into custody for possession of any controlled substance with intent to deliver, and the fee was to recover the costs incurred by the city for towing the vehicle and processing claims.

When an opportunity was given for citizens to comment on a resolution that establishes a \$250.00 fee for vehicles seized pursuant to M.C.L. § 333. 7521, the following people addressed the City Commission:

Zachary Lassiter, City resident, expressed concerns regarding the State of Michigan's forfeiture process and thanked the Mayor and the Chief of Police for addressing his concerns via email and making time to meet with him at a later date.

Sherry Opalka, City resident, questioned if the resolution would have a negative impact on the medical marijuana community.

Commissioner Anderson, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** that establishes a \$250 fee for vehicles seized pursuant to M.C.L. 333. 7521, if the owner requests the release of the seized vehicle.

In response to questions from Commissioners, Attorney Robison stated the Medical Marijuana Act had protections for patients and caregivers, if they possessed no more than the permitted amount of marijuana as specified in the act. Attorney Robinson explained the Michigan Public Health Code required individuals to post at least a \$250 bond for vehicles that were subject to forfeiture under the law. However, Public Act 418 of 2016 eliminated the bond requirement, effective April 4, 2017. Attorney Robinson indicated the proposed resolution would formalize the continuation of current vehicle seizure practices and replace the \$250 bond with a recovery fee of the same amount. Attorney Robinson stated that if drugs were found and a vehicle towed, the fee would apply regardless if criminal charges were filed. Attorney Robinson added that in a situation like this the registered owner of the vehicle would be able to recover the vehicle upon payment of the \$250 fee, with no additional towing and storage fees. Attorney Robinson explained the forfeiture process happened in civil court, and he noted that if the Kalamazoo Valley Enforcement Team (KVET) chose to move forward with this process the claimant would be informed, and the \$250.00 fee would be waived. Attorney Robinson stated the vehicle forfeiture process was pursued only if the vehicle had a minimum value of \$3,000, which would allow KVET to realize some revenue after paying for the court

Quadricycle
Ordinance
Amendments
(cont'd)

Resolution 17-23
Setting the Recovery
Fee for Seized
Vehicles

Resolution 17-23
Setting the Recovery
Fee for Seized
Vehicles (cont'd)

proceedings and administrative costs. Attorney Robinson advised that it was not a good idea for the City to publish the threshold that defined an amount of a controlled substance "for delivery," as it would provide criminals with information that would allow them to avoid trafficking charges. Attorney Robinson stated failure to pass the resolution would result in the City being responsible for all costs associated with seizing vehicles.

Commissioner Milcarek stated it was hard for him to support this resolution and expressed concern that the fee could contribute to the decline of a family where one member makes a mistake using the family vehicle.

Commissioner Sykes expressed opposition to someone being forced to pay the recovery fee if they were found not guilty of the criminal charges. Commissioner Sykes also voiced concern for the family member whose car was used to traffic narcotics without their knowledge.

Mayor Hopewell offered remarks about vehicle owners being responsible for what happened in, around, and to their vehicles.

With a roll call vote this motion passed 5-2.

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

NAYS: Commissioners Milcarek, Sykes

Ordinance 1948
Re: 2017 Water
Revenue Bonds

An opportunity was given for citizens to comment on the adoption of an ORDINANCE to amend Ordinance No. 1947 to provide for the use of a letter of credit, surety bond or insurance policy to fund the Bond Reserve Account for the 2017 Revenue Bonds of the Water Supply System, but no comments were offered.

Commissioner Milcarek, seconded by Commissioner Knott, moved to adopt an ordinance to amend Ordinance No. 1947 to provide for the use of a letter of credit, surety bond or insurance policy to fund the Bond Reserve Account for the 2017 Revenue Bonds of the Water Supply System.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Parking Ramp #4
Purchase
Agreement

Assistant City Manager Jerome Kisscorni reviewed details of a purchase agreement to sell Parking Ramp #4 to 306 Parking, LLC, an affiliate of PlazaCorp Realty Advisors, Inc. Assistant City Manager Kisscorni reported PlazaCorp had recently purchased the former Rose Street Market building and had entered into an agreement with a national hotel chain to redevelop the building, which would be serviced by the parking ramp.

In response to questions from Commissioners, Assistant City Manager Kisscorni stated there was no parking contract with Amtrak for its passengers, but they would be allowed to use any of the 100 designated public parking spaces. Assistant City Manager Kisscorni reported the City was in discussions with the County and others to develop an additional public parking ramp in the Arcadia Commons West area.

Parking Ramp #4
Purchase
Agreement (cont'd)

When an opportunity was given for citizens to comment on a purchase agreement for the sale of Parking Ramp No. 4 to 306 Parking, LLC, the following people addressed the City Commission:

Andy Wenzel, Director of Acquisitions and Development at PlazaCorp Realty Advisors, expressed support for the sale of Parking Ramp No. 4 and reported the development of the Rose Street Market building into a national hotel chain would provide \$20 million of investment and 50 new jobs to the area.

Commissioner Knott, seconded by Commissioner Sykes, moved to hold until April 17, 2017 approval of a purchase agreement for the sale of Parking Ramp No. 4 to 306 Parking LLC.

Commissioner Anderson highlighted the report *Estimating the Impacts of PlazaCorp Investments Related to the Acquisition of the Arcadia Ramp in Downtown Kalamazoo on the Region* from the W.E. Upjohn Institute for Employment Research, and he strongly encouraged anyone with questions regarding the sale of the ramp to read the report.

With a roll call vote this motion passed unanimously.

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

NAYS: None

When an opportunity was given for citizens to comment on \$883,000 of Foundation for Excellence (FFE) funding for youth development programs, the following people addressed the City Commission:

FFE Funding for
Youth Development
Programs

Frank Warren, City resident, expressed support for the Summer Youth Employment Program.

Vice Mayor Cooney, seconded by Commissioner Milcarek, moved to take the following actions regarding 2017 Foundation for Excellence (FFE) aspirational projects: 1) accept \$883,000 of FFE funding for the following projects: a) \$83,000 for the Supervised Playground Program; b) \$50,000 for the All Things Possible program; and c) \$750,000 for the Summer Youth Employment program; and 2) amend the FY 2017 budget in the following fashion: a) receive \$883,000 into the City's new FFE accounting Fund; b) transfer \$883,000 from the FFE accounting Fund to the City's General Fund; and c) authorize an increase of \$883,000 of expenditure appropriations in the FY2017 General Fund Parks and Recreation Department.

FFE Funding for
Youth Development
Programs (cont'd)

Commissioner Urban expressed support for the human investment being made in Kalamazoo's young people through the Summer Youth Employment Program.

Vice Mayor Cooney expressed support for the development and expansion of the Summer Youth Employment Program made possible by the funding from the Foundation for Excellence.

Mayor Hopewell expressed support for the Summer Youth Employment Program and the Supervised Playground Program. Mayor Hopewell stated he was encouraged the Summer Youth Employment Program would provide an opportunity for young people to grow and gain career development skills.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Citizen Comments

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

Frank Warren, City resident, requested the parking meters in front of the Kalamazoo County Court House building be repaired.

Tom Jangula, City resident, expressed concern regarding the lack of information provided by the City in response to three Freedom of Information Act requests he filed concerning sanctuary cities.

Zach Lassiter, City resident, requested the Kalamazoo Department of Public Safety (KDPS) and KVET policies regarding personal property forfeiture be made City ordinances in order to have more regulation on the tools given to police officers to use.

City Commissioner
Comments

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

Commissioner Milcarek stated the City had not declared itself a sanctuary city but had passed a Welcoming Community proclamation. Commissioner Milcarek remarked on the proposed federal budget and potential cuts to local government funding.

Commissioner Urban welcomed Syrian refugees who had recently resettled in the Kalamazoo area with the help of local nonprofits. Commissioner Urban stated having a safe community was a priority, and the lines of communication were open.

Commissioner Knott stated that at the next work session she would report on a conversation she had with residents around the Downtown area regarding concerns of blight and trash in the community.

Commissioner Sykes indicated the City was discussing a contingency plan to address potential reductions in federal funding, and she welcomed communication from the public on the topic.

Commissioner Anderson explained that City Commissioners did not review Freedom of Information Act (FOIA) requests, and he stated anyone with questions should follow up with City's FOIA coordinator. Commissioner Anderson wished Mayor Hopewell a very Happy Birthday.

Mayor Hopewell asked that Public Safety Chief Jeff Hadley describe the City's policy and practices on immigration enforcement.

Chief Hadley stated Public Safety Officers were prohibited from asking anyone about their citizenship status when they were seeking public safety services. Chief Hadley stated it was policy that officers not ask about citizenship status during minor traffic infractions or petty crimes. Chief Hadley indicated KDPS had neither the authority nor the interest in enforcing federal immigration laws.

Mayor Hopewell thanked Chief Hadley for his presentation and stated the City was doing what it had always done regardless of threats, and Kalamazoo would continue to be a welcoming and safe community.

The meeting adjourned at 9:11 p.m.

Respectfully submitted,

Shelby Moss
Deputy City Clerk

For City Commission approval on June 5, 2017

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: June 5, 2017

City Commissioner
Comments (cont'd)

Adjournment

	A regular work session of the Kalamazoo City Commission was held on Monday, April 10, 2017 at 6:00 p.m. in the City Commission Chambers at City Hall. The purpose of the meeting was to discuss Imagine Kalamazoo 2025 and alignment around the City's approach to aspirational projects for 2017, 2018, and beyond.
Roll Call	COMMISSIONERS PRESENT: Mayor Bobby Hopewell Vice Mayor Don Cooney David Anderson Erin Knott Matt Milcarek Shannon Sykes Jack Urban (via phone) COMMISSIONERS ABSENT: None
	Also present were City Manager Jim Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.
Communications	An opportunity was offered for general communications, but none were offered.
Discussion Items	Discussion items were considered next.
Discussion of Imagine Kalamazoo 2025 Progress and Key Themes	City Manager Ritsema reviewed the agenda for the meeting and provided introductory remarks for a PowerPoint presentation entitled <i>City Commission Work Session: April 10, 2017</i>. A copy of this presentation was filed with the papers for this meeting. Community Planning and Development Director Rebekah Kik reviewed the Imagine Kalamazoo (IK) 2025 process, discussed some of the community engagement results, provided an update on next steps in the process, and explained the relationship between the master plan and other plans and strategies that would fall out from them. In response to a question from Commissioner Anderson, Director Kik explained the input received during IK2025 would be used to inform the other plans and strategies, which would allow the outreach for those plans to be more targeted and aimed at filling gaps.
Update re: Creation of FFE Legal Framework	City Attorney Robinson provided an update on the creation of the legal framework for the Foundation for Excellence (FFE) and reported he had drafted bylaws and articles of incorporation, which were being reviewed by the attorney for the donors. City Attorney Robinson also reported the City had reserved the name "Kalamazoo Foundation for Excellence" with the state and had reserved many website domain names. City Attorney Robinson indicated the parties would be able to meet the August deadline for creation of the Foundation.
Update re: Purchasing Capacity for FFE	Management Services Director Tom Skrobola reviewed strategies being implemented to streamline the procurement process and provide more capacity for the Purchasing Division.

Mayor Hopewell expressed hope that staff would reach out to sectors and stakeholders that did not typically have opportunities to provide feedback.

In response to a question from Commissioner Anderson, Director Skrobola indicated staff would be looking at the City's purchasing policies, which might result in proposed changes, especially regarding the local preference policy.

Assistant City Manager Laura Lam discussed the 2017 FFE project/program selection process and what this process would look like moving from 2017 to 2018, 2019, and 2020. Assistant City Manager Lam reviewed the proposed FFE aspirational projects for 2017.

Neighborhood Business and Special Projects Coordinator Dwayne Powell described the impact of an Economic Opportunities Program.

Intern Kevin Ford described the opportunity for community wealth building through children's savings accounts.

Grants Specialist and FFE Coordinator Steve Brown reviewed the overall FFE timeline for 2017-2019.

In response to a question from Vice Mayor Cooney, Assistant City Manager Lam stated she hoped the Shared Prosperity Kalamazoo (SPK) consultant would be able to start working for the City by the end of the month.

Director Skrobola reviewed the Open Data website for Denton, TX and used this portal as an example of the tools available for collecting and reporting on municipal performance data.

In response to a question from Commissioner Anderson, Director Skrobola indicated the City would conduct an inventory of all its data and would choose the "best of the best" data to incorporate into the City's budget. Director Skrobola stated scorecards would be created for 2018 and beyond.

City Manager Ritsema reported the City would be partnering with The Evaluation Center at Western Michigan University to develop program measurements.

Commissioner Urban stated he would like to see Kalamazoo's website include goals and a narrative element in order to provide context for the data.

City Manager Ritsema offered closing remarks and asked if there was any additional input from Commissioners.

Commissioner Anderson stated the process to bring together IK2025, FFE, and Priority Based Budgeting (PBB) had been very confusing, and it was a challenge to make the mental transition from budget cuts and survival to thinking about thriving. Commissioner Anderson expressed appreciation for the work that had been done.

Update re: Purchasing
Capacity for FFE (cont'd)

FFE Approach and
Aspirational Projects

Commissioner
Response and
Discussion

Commissioner
Response and
Discussion (cont'd)

In response to a question from Commissioner Anderson, City Manager Ritsema stated FFE allocations would come to the City Commission in the form of budget amendments.

Vice Mayor Cooney expressed a desire to move forward on the strategic plan for SPK. Vice Mayor Cooney stated the needs in the community were urgent, but the City needed a plan before it started spending money.

Mayor Hopewell indicated the work session had been very helpful, and he expressed appreciation that the City was looking to enhance current programs before developing new ones.

City Manager Ritsema asked for consensus on the information presented in the following slides: *Project Approach/Timeline* (one slide), *2017 Aspirational Projects* (five slides), and *Timeline* (five slides).

Commissioner Sykes questioned whether SPK was the same as “ending generational poverty” and observed that the current track of SPK would not end poverty.

Vice Mayor Cooney stated SPK included the FFE aspirational goal of ending generational poverty, and he explained the SPK strategic plan should create a road map for ending poverty.

In response to a question from Commissioner Milcarek, Assistant City Manager Lam clarified that “ready to do” projects were projects the City could start immediately, and “planning to do” projects were projects that required more input and preparation.

Commissioner Knott stated it was difficult for her to support the proposed neighborhood projects because they did not address infrastructure and the built environment.

Vice Mayor Cooney indicated he was not ready to spend money on Bronson Park improvements, two-way streets, or trailways.

Commissioner Urban offered remarks on the need for Kalamazoo to compete with other cities in the areas of livability, mobility, and an educated workforce.

Commissioner Milcarek requested more information on project coordination, which would provide context for decision making, and asked that the endowment campaign be placed on the timeline as a separate activity. Commissioner Milcarek noted some of the projects were aspirations of the community that needed to be honored.

Commissioner Urban expressed agreement with Commissioner Milcarek regarding the endowment campaign and requested detailed information on how the City would help with fundraising efforts.

Commissioner Sykes requested the SPK strategic plan be included on the timeline. Commissioner Sykes recommended that “ending poverty” come first, ahead of the other aspirational projects, as improving the City first would increase property values and drive out the poor.

Commissioner Sykes offered that the SPK strategic plan would help the City keep the poor in mind as it worked on other projects. Commissioner Sykes observed that the items on the "2017 Aspirational Projects" list appeared to be "spent money," and she asked how much money remained for poverty elimination.

Commissioner Milcarek suggested the City's affordable housing strategy include an anti-displacement strategy.

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

Zach Lassiter, City resident, expressed support for the City's open data efforts and urged the City to make its open data website accessible to all residents. Mr. Lassiter suggested the City contact other government entities who were currently making their data available.

Larry Schlack, City resident, stated he was proud of the City Commission, and he recommended that community leaders start by asking what the City would look like without poverty.

The following people expressed support for a skate plaza in the proposed Davis Creek Park improvements and requested that FFE dollars be used for the project:

Judd Easton, City resident
Sarah Drumm, City resident
Mike Smith, City resident
Matt Kobrek, City resident
Rebecca Woodaman, City resident

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

At the request of Mayor Hopewell, Parks and Recreation Director Sean Fletcher reviewed the plans for improving Davis Street Park. Director Fletcher explained the planning process started in 2012, but the money allocated at that time did not line up with the wants and needs of the community in 2017. Director Fletcher reported the FY2017 budget included \$210,000 for Davis Creek Park, but that amount would not fund a skate park.

Mayor Hopewell encouraged people to stay engaged and passionate but noted there were 70,000 residents in the City and limited resources.

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

Commissioner
Response and
Discussion (cont'd)

Citizen Comments

Commissioner
Comments

Adjournment

For City Commission approval on June 5, 2017

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: June 5, 2017

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Roll Call

A neighborhood meeting of the Kalamazoo City Commission was held on Monday, April 17, 2017 at 6:00 p.m. in the Community Room at City Hall, 241 W. South Street.

COMMISSIONERS PRESENT:

Mayor Bobby J. Hopewell
Vice Mayor Don Cooney
David Anderson
Erin Knott
Matt Milcarek
Jack Urban

COMMISSIONERS ABSENT:

Shannon Sykes*

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

Commissioner
Excused

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

Communications

An opportunity was given for miscellaneous communications, but no communications were offered.

Neighborhood
Communications

Neighborhood communications were received next.

Representatives from the following neighborhood associations were present and addressed the City Commission:

Eastside Neighborhood Association

Pat Taylor, Executive Director

Northside Association for Community Development

Brent Hepp, Resident
Mattie Jordan-Woods, Executive Director

Oakland Drive/Winchell Neighborhood Association

Peter Kushner, President

Northside Association
for Community
Development

The Northside Association for Community Development (NACD) representatives:

- described workshops that had been held for people who wanted to start their own businesses.
- reported a company had designed a literacy pocket park for the NACD property and announced the Association was soliciting funds and applying for grants to cover construction costs.

*Commissioner Sykes arrived at 6:06 p.m.

- stated Ransom Street was slated to be repaved to address the many potholes, and Public Services would be taking measures to increase accessibility for bus stops.

- reported the Kalamazoo Department of Public Safety (KDPS) had been working with community partners to address breaking-and-entering repeat offenders.
- indicated the x-train was happening on weekend nights and expressed concern about the speeding and reckless driving that were part of these events.
- stated KDPS responded to x-train complaints, but the response was ineffective.
- suggested the City Commission adopt an ordinance that would require permits for "car parades."

Northside Association
for Community
Development (cont'd)

Commissioner Urban questioned why KDPS was not more aggressive with x-train enforcement and observed that the enforcement solution needed to de-escalate the situation.

Public Safety Chief Jeff Hadley stated KDPS officers were frustrated with the x-train, and he reported that for next four Saturdays KDPS, the Michigan State Police, and the Kalamazoo County Sheriff would conduct directed, concentrated enforcement activities to address the x-train.

The Eastside Neighborhood Association representative:

Eastside Neighborhood
Association

- distributed the March/April 2017 edition of the Association's newsletter.
- reported on recent activities and stated the Neighborhood Center had been busier than normal for the winter months.
- described upcoming events such as the Meet Your Neighbor event, the Building Blocks program, mural projects with The Arts Council of Greater Kalamazoo, a KDPS block party, board of director elections in June, the tool lending library, collaboration with Youth Opportunities Unlimited for the Summer Youth Employment Program, the Fresh Food Initiative, and the Summer Meet Up, Eat Up program.
- remarked on the continued use of the Neighborhood Center as a polling location and the consistent, good interactions with Community Police Officers.
- expressed concern about the City's Shared Prosperity Kalamazoo (SPK) initiative and encouraged the City spread the wealth and not reinvent the wheel. Ms. Taylor stated neighborhood associations did a lot of the work that SPK might address.

In response to a question from Commissioner Urban, Ms. Taylor stated Eastside residents did not need a new facility. Rather, they needed more activities and gathering places like parks and churches.

Eastside Neighborhood
Association (cont'd)

In response to questions from Mayor Hopewell, Ms. Taylor stated she was not sure what was happening with The Maker space or the laundromat. Ms. Taylor indicated something was happening at the Station 3 location, but she was not sure what it was.

Mayor Hopewell noted the City Commission wanted to identify gaps and areas of need with SPK, not reinvent the wheel.

Oakland/Winchell
Neighborhood
Association

The Oakland/Winchell Neighborhood representatives:

- thanked Community Planning and Development Director Rebekah Kik for her work on Imagine Kalamazoo 2025 (IK2025).
- thanked Forestry Supervisor Todd Pryor for working with Consumers Energy to trim/remove trees on Broadway Avenue.
- thanked Housing Inspector Yvonne Wright for attending Association meetings and sending a monthly report on rental properties in the Neighborhood.
- thanked KDPS for increasing its outreach to the Neighborhood.
- remarked on street and sidewalk issues that needed to be addressed.
- discussed property maintenance issues.
- requested more bus stops in the neighborhood, not just on the main roads.
- encouraged the City to continue to reach out to neighborhood associations in a proactive way, as with the IK2025 process.

Commissioner Urban suggested the Oakland/Winchell Neighborhood Association form an alliance with the Oakwood Neighborhood Association regarding the bus stop issue.

Commissioner Anderson reminded people that Kalamazoo's bus service was operated by the Central County Transportation Authority.

Citizen Comments

An opportunity was given for general citizen comments, but no comments were offered.

Commissioner
Comments

Finally, an opportunity was given for miscellaneous comments by City Commissioners, but no comments were offered.

Adjournment

The meeting adjourned at 6:51 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on June 5, 2017

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: June 5, 2017

	A regular meeting of the Kalamazoo City Commission was held on Monday, April 17, 2017 at 7:00 p.m. in the City Commission Chambers at City Hall.
Roll Call	COMMISSIONERS PRESENT: Mayor Bobby J. Hopewell Vice Mayor Don Cooney David Anderson Erin Knott Matt Milcarek Shannon Sykes Jack Urban COMMISSIONERS ABSENT: None Also present were City Manager James Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.
Invocation	The invocation, given by Reverend Sarah Schmidt-Lee, First Congregational Church, was followed by the Pledge of Allegiance.
Presentation re: Central Dispatch Ballot Question	Jeff Troyer, Executive Director of the Kalamazoo County Central Dispatch Authority, delivered a presentation entitled <i>Proposition for 9-1-1 System Funding</i>.
Proclamations	Commissioner Milcarek proclaimed April 30, 2017 <i>Arbor Day</i> in the City of Kalamazoo. Garrylee McCormick accepted the proclamation. Vice Mayor Cooney proclaimed April 24-28, 2017 <i>College Awareness Week</i>. Kevin Brozovich and Ann Rohrbaugh, Literacy Co-Chairs of the Kalamazoo Downtown Rotary Club, accepted the proclamation.
Adoption of the Agenda	By unanimous consent the City Commission adopted its meeting agenda with the following changes: City Clerk Borling requested the addition of a resolution supporting the issuance of Micro Brewer and Small Wine Maker licenses for Decatur Tasting, LLC to the Consent Agenda as Item F-12. Commissioner Milcarek requested that Item F-10, a fireworks permit for the Kalamazoo Growlers, be moved from the Consent Agenda to the Regular Agenda.
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 contract with Michigan Paving and Materials Co. for the purchase of asphalt paving materials in the amount of \$736,000. - approval of a month-to-month contract extension with Republic Services for curbside recycling through September 2017 in the amount of \$315,235.92.

- ## Consent Agenda (cont'd)

Resolution 17-24

Resolution 17-25

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

Consent Agenda
(cont'd)

With a roll call vote this motion passed unanimously.

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

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

Fireworks Permit for
the Kalamazoo
Growlers

Commissioner Milcarek reported that some of the Growlers 2016 fireworks displays did not start until almost midnight, and he questioned whether there were time limits associated with the permit or if City ordinances provided time limits for fireworks displays. Commissioner Milcarek indicated midnight was too late for fireworks displays.

City Attorney Robinson explained the City's fireworks ordinance addressed consumer fireworks, not public displays, and he stated he was unaware of the regulations associated with public display permits.

When an opportunity was given for citizens to comment on a request from the Kalamazoo Growlers to publicly display fireworks at Homer Stryker Field on June 2, June 16, July 1, July 4, and August 5, 2017, the following citizen addressed the City Commission:

Frank Warren, City resident, expressed support for approving the fireworks permit for the Growlers.

Zach Lassiter, City resident, expressed support for approving the fireworks permit for the Growlers.

Vice Mayor Cooney, seconded by Commissioner Anderson, moved to approve a request from the Kalamazoo Growlers to publicly display fireworks at Homer Stryker Field on June 2, June 16, July 1, July 4, and August 5, 2017.

Prior to the vote Vice Mayor Cooney and Commissioner Urban expressed support for the motion.

Commissioner Milcarek clarified that he supported the Growlers but was opposed to fireworks display shows starting late at night. Commissioner Milcarek indicated he would not support the motion.

Commissioner Sykes and Mayor Hopewell suggested the City explore the issue of time limits for public fireworks displays as a policy question.

With a roll call vote this motion passed.

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

NAYS: None

ABSTAIN: Commissioner Milcarek

An opportunity was given for citizens to comment on a Copyright Authorization and Release Agreement with the Match-E-Be-Nash-She Wish Band of the Pottawatomi Indians to permit the use of its Tribal Seal by the City, but no comments were offered.

Phyllis Davis, Gun Lake tribal council member, and David Brose of the Historic Preservation Commission expressed support for the motion.

Commissioner Urban, seconded by Commissioner Milcarek, moved to approve a Copyright Authorization and Release Agreement with the Match-E-Be-Nash-She-Wish Band of the Pottawatomi Indians to permit the use of its Tribal Seal by the City.

With a roll call vote this motion passed unanimously.

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

NAYS: None

An opportunity was given for citizens to comment on a resolution accepting an economic impact analysis and approving a purchase agreement for Parking Ramp No. 4, but no comments were offered.

City Manager Ritsema reported the Downtown Development Authority had approved the purchase agreement at its meeting earlier that day.

Commissioner Knott, seconded by Commissioner Sykes, moved to adopt a **RESOLUTION** accepting an economic impact analysis and approving the purchase agreement for Parking Ramp No. 4, and authorize the City Manager, or his designee, to sign the closing or other related documents to complete the sale of Ramp No. 4 to 306 Parking LLC.

With a roll call vote this motion passed unanimously.

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

NAYS: None

An opportunity was given for citizens to comment on a resolution supporting continued funding of 21st Century After School Programs, but no comments were offered.

Vice Mayor Cooney, seconded by Commissioner Sykes, moved to adopt a **RESOLUTION** supporting continued funding of 21st Century After School Programs within the U.S. Department of Education Budget.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Copyright and
Release Agreement
for the Gun Lake
Tribal Seal

Resolution 17-26
Approving a
Purchase Agreement
for Parking Ramp #4

Resolution 17-27
Supporting Funding for
21st Century After
School Programs

City Manager's Report

City Manager Ritsema provided the following reports and updates:

- Departmental Reports and Project Updates
- *Inside the City* newsletter, April 2017 edition
- March 2017 Purchases

Update on the Complete Streets Policy

Community Planning and Development Director Rebekah Kik distributed copies of the *Kalamazoo Climate Action Plan* and delivered a presentation entitled *Complete Streets: Draft Update, April 2017*.

Commissioner Urban thanked Director Kik for her leadership.

Commissioner Sykes expressed amazement at Director Kik's work.

Mayor Hopewell expressed support for involving the Planning Commission in the Complete Streets process.

Citizen Comments

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

Robert Miller, Associate Vice President of Community Outreach for Western Michigan University, thanked the Commission for the College Awareness Week proclamation and expressed support for consolidated dispatch.

Garrylee McCormick, City resident, read a statement from John Hall in support of consolidated dispatch.

Tracy Hall, City resident, expressed support for consolidated dispatch and the ballot question.

Glenn Dell, City resident, remarked on the bump-outs on South Burdick Street and requested better one-way signage near Ministry with Community.

Brock Yordy, non-resident, thanked the City Commission for supporting a liquor license for Decatur Tasting, LLC and described the business venture.

Frank Warren, City resident, announced an Honor Flight would be leaving from Kalamazoo over the coming weekend, and he invited Commissioners to see the veterans off.

Zach Lassiter, City resident, remarked on opposition to the consolidated dispatch ballot proposal and expressed concern that citizens were being given misleading information. Mr. Lassiter noted three of the five Public Safety Answering Points (PSAP's) were already co-located at the Crosstown facility, and the Western Michigan University Public Safety Department was not able to receive cell phone calls, so it was not a PSAP.

Ben Brown, City resident, expressed support for Complete Streets and the Climate Plan.

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

City Commissioner
Comments

Commissioner Milcarek expressed hope that the community conversation about consolidated dispatch would lead to conversations about consolidated public safety services.

Commissioner Urban noted the current dispatchers worked for five different organizations, and he observed that change was frequently met with resistance. Commissioner Urban stated he would like to see increased funding for local streets.

Vice Mayor Cooney invited people to the Earth Day event in Bronson Park on Saturday, April 22nd at 3:00 p.m.

Commissioner Knott spoke about the connection between the “built environment” and ending generational poverty.

Mayor Hopewell remarked on the wide range of needs expressed by the community through the IK2025 process. Mayor Hopewell asked Mr. Troyer to address citizens’ concerns about the consolidated dispatch ballot proposal.

Mr. Troyer acknowledged that the WMU Public Safety Department did not receive 9-1-1 calls from cell phones, but it did received 9-1-1 calls from campus phones, which made it a PSAP. Mr. Troyer indicated he was working with current dispatch employees to ensure a smooth transition to the consolidated operation.

Public Safety Chief Jeff Hadley explained that having a “co-located” dispatch center did not mean dispatchers shouted across the room at each other. Chief Hadley expressed support for consolidated dispatch and stated he was working to address employees’ fears.

Mayor Hopewell remarked that change was often uncomfortable. Mayor Hopewell congratulated retired Kalamazoo police officer Walter Clements on his 96th birthday.

Commissioner Urban, seconded by Commissioner Milcarek, moved that the City Commission go into closed session to discuss pending litigation.

Closed Session

Prior to a vote on the motion Mayor Hopewell announced the City Commission would not be returning to open session.

With a roll call vote this motion passed unanimously.

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

NAYS: None

The meeting adjourned at 8:42 p.m.

Adjournment

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on June 5, 2017

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: June 5, 2017

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	A regular meeting of the Kalamazoo City Commission was held on Monday, May 1, 2017 at 7:00 p.m. in the City Commission Chambers at City Hall.
Roll Call	COMMISSIONERS PRESENT: Mayor Bobby J. Hopewell Vice Mayor Don Cooney David Anderson Matt Milcarek Jack Urban COMMISSIONERS ABSENT: Erin Knott Shannon Sykes Also present were City Manager Jim Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.
Commissioners Excused	Commissioner Milcarek, seconded by Commissioner Anderson, moved to excuse the absences of Commissioners Knott and Sykes. With a voice vote the motion passed.
Invocation	The invocation, given by Bishop Daniel Cunningham, Greater Faith Empowerment Center, was followed by the Pledge of Allegiance.
Adoption of the Agenda	By unanimous consent the City Commission adopted its meeting agenda as presented.
Public Hearing re: Industrial Development District No. 129	At 7:03 p.m. Mayor Hopewell opened a public hearing to receive comments on a resolution to establish Industrial Development District No. 129 for the Davis Creek Business Park, located at 2805 East Cork Street. At 7:04 p.m. Mayor Hopewell closed the public hearing
Resolution 17-28 Establishing Industrial Development District No. 129	Vice Mayor Cooney, seconded by Commissioner Urban, moved to adopt a RESOLUTION to establish Industrial Development District No. 129 for the Davis Creek Business Park, located at 2805 East Cork Street. With a roll call vote this motion passed. AYES: Commissioners Anderson, Milcarek, Urban, Vice Mayor Cooney, Mayor Hopewell NAYS: None
Consent Agenda	Consent Agenda items were presented as follows with a recommendation to approve the items with authorization for the City Manager to sign on behalf of the city: - approval of a two-year contract with Republic Services of West Michigan in the amount of \$410,000 for the rental, placement, and removal of roll-off containers and disposal of all street sweeping materials deposited in those containers.

- | | |
|---|------------------------------------|
| <ul style="list-style-type: none"> - approval of a contract with Rieth – Riley Construction Co., Inc. for the replacement of lead water service lines in Kalamazoo Township in the amount of \$848,110.00. - approval of the purchase of new duty weapons, lights and holsters from Vance Outdoors in the amount of \$103,432.90. - approval of a two-year contract extension with Wayne County Appraisal, LLC, d/b/a WCA Assessing, to provide City Assessor/Assessor of Record services in the amount of \$202,566; and a continuation of the appointment of Aaron Powers as the City Assessor through the expiration of this contract on May 31, 2019. - approval of a two-year contract extension with Wayne County Appraisal, LLC, d/b/a WCA Assessing, for field inspections, data entry of real property parcels, and data entry and canvas of personal property parcels in the amount of \$541,447. | <p>Consent Agenda
(cont'd)</p> |
| <ul style="list-style-type: none"> - adoption of a RESOLUTION adopting and approving the Amended and Restated Brownfield Plan (Amendment No. 29), implemented by the City of Kalamazoo Brownfield Redevelopment Authority. | <p>Resolution 17-29</p> |
| <ul style="list-style-type: none"> - adoption of a RESOLUTION setting a public hearing for Housing and Urban Development Draft Substantial Amendment to the 2016 Action Plans and the Draft 2017 Action Plan. | <p>Resolution 17-30</p> |
| <ul style="list-style-type: none"> - adoption of a RESOLUTION supporting an application to the Michigan Council for Arts and Cultural Affairs for a Capital Improvement Grant in the amount of \$100,000 for restoration/historic preservation of Alfonso Iannelli's Fountain of the Pioneers located in Bronson Park. | <p>Resolution 17-31</p> |
| <ul style="list-style-type: none"> - adoption of a RESOLUTION amending Resolution 17-05 to increase the City's match for the Michigan Department of Natural Resources Trust Fund Grant application for Bronson Park, for a total match of \$718,100. | <p>Resolution 17-32</p> |
| <ul style="list-style-type: none"> - adoption of a RESOLUTION amending Resolution 17-20 to adjust the City's grant match as required for the Michigan Department of Natural Resources Recreation Passport grant application for Henderson Tot Lot. | <p>Resolution 17-33</p> |
| <ul style="list-style-type: none"> - approval of the temporary (1-year) placement of "Slices of Heaven," a piece of public art, at the Arcadia Creek Festival Place and authorize the City Manager or his designee to sign any documents for the leased sculpture. | |

Commissioner Urban, seconded by Vice Mayor Cooney, 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.

Consent Agenda
(cont'd)

AYES: Commissioners Anderson, Milcarek*, Urban, Vice Mayor Cooney, Mayor Hopewell

NAYS: None

*At the time of the vote, Commissioner Milcarek abstained from voting on Item F-7, a resolution setting a public hearing for the City's annual HUD action plan, due to a conflict of interest.

Report re: Federal
Budget Impact on City
Operations

Community Planning and Development Director Rebekah Kik, Public Safety Chief Jeff Hadley, Public Services Director James Baker, and Management Services Director Tom Skrobola delivered a PowerPoint presentation entitled *City Commission Update, May 1, 2017: Federal Funds Update*.

Vice Mayor Cooney reviewed highlight's of President Trump's proposed federal budget and urged people to contact their congressional representatives to express opposition. Vice Mayor Cooney suggested the Commission send a letter of opposition to the City's representatives.

Report re: Proposed
Harrison/Gull
Roundabout

Director Baker and Director Kik delivered a PowerPoint presentation entitled *City Commission Update, May 1, 2017: Harrison, Ransom, North, Gull Improvements*.

In response to a question from Commissioner Anderson, Director Baker indicated the national standards did not contain guidelines for putting bike lanes in roundabouts because the standards recommend against this practice.

Commissioner Milcarek expressed concern that drivers would think bikes should not be in roundabouts, and he encouraged Director Baker to install signage and reach out to the public to educate both motorists and cyclists about use of the new roundabout.

Commissioner Urban stated the new roundabout design was an improvement over the previous design, but he expressed concern that the new design did not include protected bike lanes. Commissioner Urban stated other communities placed protected bike lanes in roundabouts, and he insisted that this be the last City street project that did not include bike lanes.

Citizen Comments

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

Jim Ferner, non-resident, stated he was the person who started the conversation about having bike lanes in the roundabout, and he suggested the City concentrate first on reducing traffic speeds and traffic counts in the Gull/Harrison area.

Zachary Lassiter, City resident, scolded a Commissioner for answering his phone during meeting and acknowledged that the Western Michigan University Public Safety Department was a Public Safety Answering Point.

Frank Warren, City resident, expressed concern about Kalamazoo Public School buses driving through private property. David Jones, City resident, expressed support for not having bike lanes in the Gull/Harrison roundabout and stated a good solution would be bike lanes on North Street. Gloria Foster Wimbley, non-resident and a representative from Delta Theta Sigma sorority, encouraged Commissioners to send letters to their congressional representatives regarding the continuation of federal funding. Phil Vander Weg, non-resident, thanked the City Commission CC for talking about bike lanes and stated his bike club had eliminated the Kalamazoo River Valley Trail route on Riverview Drive because crossing Gull Road was not safe. John Howard, City resident, spoke about the lack of a process for taxi driver's licenses and asked that Lyft and Uber be allowed to use existing taxi stands. Dean Houck, City resident, expressed support for putting bike paths in the Gull/Harrison roundabout. Chris Chatterdon, non-resident, stated the current plan for Gull/Harrison roundabout was good start but was not adequate.	Citizen Comments (cont'd)
Next, an opportunity was given for miscellaneous comments and concerns of City Commissioners. Commissioner Milcarek urged people to vote on May 2nd and encouraged them to contact their elected representatives about the federal budget. Commissioner Milcarek remarked on the challenge of dealing with the City's existing infrastructure and stated the Gull/Harrison roundabout would be safer than the current situation, even it was still dangerous. Commissioner Milcarek indicated there were no other good options for this intersection, and there was no good, right way to design the roundabout. Commissioner Urban offered remarks about the City's reliance on federal funds, the benefits of community living in the City, and the challenge of dealing with existing infrastructure. Commissioner Anderson stated the City's legacy costs for infrastructure were the result of deferred maintenance and repairs due to reductions in state and federal funding. Commissioner Anderson discussed the impact of township government in limiting the growth of cities, and he observed the very taxes people wanted to keep low were the funding source for infrastructure like bike paths. Commissioner Anderson praised City staff for doing great work with limited resources, and he expressed support for the Gull/Harrison roundabout. Vice Mayor Cooney remarked on May Day demonstrations, which focused a spotlight on working people and immigrants.	City Commissioner Comments

Adjournment

Mayor Hopewell welcomed WOODTV to their new downtown studio and thanked Delta Theta Sigma for their remarks. Mayor Hopewell reviewed the history of the roundabout project and expressed support for the current design. Mayor Hopewell noted the proposed solution was not perfect, but it calmed traffic, was safer for pedestrians, offered off-street bike paths, and addressed community concerns.

The meeting adjourned at 8:49 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on June 5, 2017

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: June 5, 2017

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Roll Call

A neighborhood meeting of the Kalamazoo City Commission was held on Monday, May 15, 2017 at 6:00 p.m. in the Community Room at City Hall, 241 W. South Street.

COMMISSIONERS PRESENT:

Mayor Bobby J. Hopewell
Vice Mayor Don Cooney
David Anderson
Erin Knott
Shannon Sykes
Jack Urban

COMMISSIONERS ABSENT:

Matt Milcarek

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

Commissioner
Excused

Commissioner Sykes, seconded by Commissioner Urban, moved to excuse the absence Commissioner Milcarek. With a voice vote the motion passed.

Communications

An opportunity was given for miscellaneous communications, but no communications were offered.

Neighborhood
Communications

Neighborhood communications were received next.

Representatives from the following neighborhood associations were present and addressed the City Commission:

Oakwood Neighborhood Association

Cheryl Lord, Executive Director

Parkwyn Village Association

Leslie Tung, President

Woods Lake Association

Chris Bovid, President

Oakwood
Neighborhood
Association

The Oakwood Neighborhood Association representative:

- distributed the May 2017 edition of the *Oakwood Times* newsletter.
- reported on the number of contacts and volunteer hours for 2016.
- remarked on the good partnership forming with the Parks and Recreation Department.
- invited Commissioners to upcoming events.
- thanked the Community Planning and Development Department for their code enforcement activities.
- thanked the Public Services Department for providing junk pick-up services for the two Building Blocks sites in the Neighborhood.

- distributed pictures of the water retention pond at the intersection of Kent and Benton and expressed concern about the broken fencing and debris around this area.
- remarked on the need for a bus route through the Neighborhood.
- thanked the Kalamazoo Department of Public Safety (KDPS) for neighborhood interactions like foot patrols and presence at events.
- asked if something could be done about the deer population, especially considering the increasing spread of Lyme Disease.

In response to a question from Commissioner Anderson, Ms. Lord stated she had written letters about the need for a bus stop in the Neighborhood, but she had not attended a Central County Transportation Authority meeting.

Commissioner Anderson noted the Kalamazoo Nature Center and the City of Ann Arbor had culled their deer herds through shooting, and he stated this seemed to be the only solution that was consistently effective when the ECC studied the issue a few years ago.

The Parkwyn Village Association representative:

- noted the Association was celebrating its 70th anniversary and stated the Neighborhood was one of three Frank Lloyd Wright Usonian communities in the United States.
- reported the Association might pursue inclusion of the entire Neighborhood in the National Registry of Historic Places.
- reported Kalamazoo Christian High School students had worked with the Michigan Department of Natural Resources to survey deer tracks in the area around Parkwyn Village, and the study found the deer populations in some areas were 10 times the size that was supportable by the ecosystem.
- indicated most of the deer impacting the Neighborhood were being harbored in the Asylum Lake Preserve.
- expressed strong support for continuing the study of deer populations over the long term.
- suggested a regional study of land use policy and management practices.

The Woods Lake Association representative:

- provided an overview of the Woods Lake area and the Woods Lake Association.
- reported on the general activities of the Association

Oakwood
Neighborhood
Association
(cont'd)

Parkwyn Village
Association

Woods Lake
Association

Woods Lake
Association (cont'd)

- reported the Association was working with the Environmental Concerns Committee (ECC) to seek more City resources for leaf pick-ups in the fall and street sweeping in the Spring and Summer.
- expressed concern about the high levels of salt in Woods Lake, which was the result of storm water run-off. Mr. Bovid stated oxygenation occurred in the top 10 feet of the lake, which made the deeper areas dead and stagnant.
- requested the City develop a long term policy to address storm water run-off into Woods Lake, and he encouraged the Commission to support the policy being developed by the ECC.
- described streets in the area that needed to be repaired.
- requested more Public Safety resources for neighborhood patrols and for responders during the night and evening hours.
- urged the Commission to give more resources to the Parks and Recreation Department for maintenance, upkeep and signage at Woods Lake Park.

Citizen Comments

An opportunity was given for general citizen comments, but none were offered.

Commissioner
Comments

Finally, an opportunity was given for miscellaneous comments by City Commissioners, but no comments were offered.

Adjournment

The meeting adjourned at 6:47 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on June 5, 2017

Approved by: _____

Bobby J. Hopewell, Mayor
Dated: June 5, 2017

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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: Ryan Tibbets, Assistant Public Safety Chief

SUBJECT: Buy/Sell Agreement – 1015 East Alcott Street

RECOMMENDATION

It is recommended that the City Commission approve and authorize the City Manager to sign the Buy/Sell Agreement with Charlie Beach regarding the purchase of the property located at 1015 East Alcott Street; and to further authorize the City Manager (or his designee) to sign all related documents to complete the closing on this purchase.

BACKGROUND

The attached Buy/Sell Agreement (Agreement) dated May 2, 2017 pertains to the property at 1015 E. Alcott St., which consists of a single family home. The purchase price for this property is \$65,000. Public Safety has been planning for nearly five (5) years to replace the current Station #2. The current facility was constructed in 1952 and no longer meets the needs of the organization. The goal with rebuilding is to continue to have a strong presence in the Edison neighborhood. Furthermore, the current calls for service (CFS) data support the proposed location based on facility distribution and concentration of the CFS.

If the City Commission approves the Agreement then KDPS will begin the process to eventually demolish the home currently located on the property.

POLICY CONSIDERATIONS

None

COMMUNITY RESOURCES CONSULTED

KDPS and the Edison Neighborhood Association have discussed the department's desire to keep Station #2 in the neighborhood.

FISCAL IMPACT

In addition to the \$65,000 purchase price, the Agreement obligates the City to pay all the closing costs of the Buyer in addition to the 6 % sales commission (divided equally among 2 real estate firms). The funds to

purchase this property were included in the KDPS 2016 capital improvement project budget.

ALTERNATIVES

The City Commission could decline to approve the Agreement, but this action is not recommended.

ATTACHMENTS:

Type	Description
▣	Agreement 1015 E. Alcott Sales Agreement



AUTHORIZED BUY & SELL AGREEMENT ("Agreement") OF THE GREATER KALAMAZOO ASSOCIATION OF REALTORS®



Date 5-02, 2017 ☐ A.M./ ☐ P.M. (TIMES ARE KALAMAZOO, MICHIGAN TIME.) MLS No. _____

AGENCY

The undersigned Buyer and Seller ("The Parties") each acknowledge that they have read and signed the Real Estate Agency Disclosure.

The agency relationships at the time of execution of this Agreement are as follows:

<u>Jagva, Inc.</u> , Listing Broker represents: ☐ Seller Only ☐ Seller and Buyer (Disclosed Dual Agent) ☐ Neither (Transaction Coordinator) <u>Jodi Vanderweele</u> , Listing Salesperson represents: ☐ Seller Only ☐ Seller and Buyer (Disclosed Dual Agent) ☐ Neither (Transaction Coordinator)	<u>Doorlag Realty Co.</u> , Selling Broker represents: ☐ Seller Only ☒ Buyer Only ☐ Seller and Buyer (Disclosed Dual Agent) ☐ Neither (Transaction Coordinator) <u>Mark Doorlag</u> , Selling Salesperson represents: ☐ Seller Only ☒ Buyer Only - Addendum # _____ ☐ Seller and Buyer (Disclosed Dual Agent) - Addendum # _____ ☐ Neither (Transaction Coordinator) - Addendum # _____
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OFFER

- PRIOR OFFERS:** This offer terminates any prior offers or counteroffers between The Parties for The Property.
- PROPERTY DESCRIPTION:** Buyer agrees to buy from Seller The Property, whose address is 1015 East Alcott St.
Kalamazoo, MI 49001. The Property is located in the ☒ CITY ☐ VILLAGE ☐ TWP. of Kalamazoo
Kalamazoo County, Michigan, and legally described as: South Park Addition,
Lot 4, Block 20. subject to existing zoning ordinances. TAX ID# 390626123004

The Property shall include all buildings, improvements, appurtenances, fixtures and, if now in or on the property, the following: antennas and/or satellite dishes including all accessories and complete rotor equipment (unless rented); all landscaping, including all plantings; landscape lighting; ceiling fans; lighting fixtures, light bulbs and their shades; built-in sound system wiring and built-in speakers; wall mounted hardware for TV's (excluding TV); security systems; fireplace doors, screens and grates; wood burners and fireplace inserts; drapery and curtain hardware; window shades and blinds; wall-to-wall carpeting; screens, storm windows and doors; stationary laundry tubs; all water conditioning equipment (unless rented); water heaters (unless rented); sump pumps; heating and air conditioning equipment (excluding window units); LP tanks (unless rented); water pump and pressure tank; underground sprinkling systems; built-in kitchen appliances; awnings; mail boxes; garage door openers and transmitters; stationary outdoor grills; storage sheds; pool and pool equipment; fencing; attached: outdoor play equipment, work benches, cabinetry, shelving, mirrors, smoke/fire detectors, carbon monoxide detectors, thermostats, timers, and under-cabinet appliances; invisible fencing and controllers; hot tub and/or spa and all related equipment, and

But shall exclude RENTED ITEMS and _____

- SALE PRICE:** Sixty-Two Thousand Dollars (\$ 62,000.00) Dollars
- CLOSING:** Sale shall be closed on a day and time mutually agreeable to The Parties, but not earlier than _____ and not later than July 15, 2017. Buyer shall pay any closing fee charged by a title company, except Seller shall pay said closing fee and wood destroying insect inspection fee(s) if required by a VA lender. Seller shall pay real estate transfer taxes at the time the deed is delivered.
- POSSESSION:** Buyer shall be entitled to possession of The Property as follows: (Check one box)
☐ At the completion of closing. OR See addendum # 236508
☐ Seller shall pay to Buyer at closing, a non-refundable delayed possession fee of \$ _____, and shall have the right to possession of The Property until 11:59 p.m. on the _____ day after the day of closing.

Seller shall not be entitled to possession after the time agreed above. Unless otherwise provided in writing and signed by The Parties, Seller shall provide possession of The Property free from the rights of any other person or entity, including, but not limited to, tenants. At the time of transfer of possession of The Property, Seller shall have removed all personal property (unless otherwise stated in this or an additional written agreement), made arrangements for final payment on all utilities, and shall deliver all keys to Selling Broker or Buyer.

The Property shall be free and clear of trash and debris; buildings and improvements shall be left in broom-clean condition. Seller shall maintain The Property in its present condition until time of possession in this transaction, normal and reasonable wear excepted. Seller shall pay for utilities and for any repairs due to damage caused by the Seller to The Property after closing and before transfer of possession. Seller is responsible for obtaining any insurance Seller deems necessary, covering Seller to the time of transfer of possession.

If Seller fails to give possession to Buyer as provided, Seller shall pay Buyer \$ _____ for each day that Seller retains The Property beyond the agreed time and shall be liable for all court costs and reasonable actual attorney fees incurred by Buyer in obtaining possession and collecting the amount due.

- ATTACHMENTS:** ☐ No ☐ Yes Attachments and/or addendum #: _____

7. **DISCLAIMER:** Buyer understands and agrees that the real estate Brokers and Salespersons do not warrant: (i) The Property's boundaries, the size of the land, the size of the buildings and improvements; (ii) the condition of The Property; or (iii) that appropriate permits were obtained for repairs or other work performed on buildings or improvements. Buyer understands and agrees that the real estate Brokers and Salespersons also do not assume any responsibility for the representations made by Seller. It is further understood that no representations or promises have been made to Buyer by the real estate Brokers or Salespersons, or by Seller other than those contained in this Agreement or as otherwise made or given by Seller to Buyer in the written disclosure statement(s). The Parties understand that Brokers and Salespersons are not environmental experts. Unless expressly contained in a written instrument signed by the Brokers, Brokers and Salespersons have no knowledge of, and make no representations regarding (a) the environmental condition of The Property, (b) the existence of underground storage tanks at The Property now, or in the past, (c) whether The Property is, has been or may be listed as a site of environmental contamination, or (d) whether any such sites are located in the proximity of The Property. If Buyer or Seller requests the Brokers or Salespersons to recommend inspectors, repairmen or other professionals, The Parties agree that the Brokers and Salespersons shall not be liable for errors or omissions made by said inspectors, repairmen or other professionals.
8. **BUYER INVESTIGATIONS:**
- Buyer Acknowledgment:** Buyer acknowledges that Buyer has been advised to carefully evaluate The Property to determine its condition and suitability for Buyer's intended use. Buyer is aware that inspectors and inspection services are available to aid Buyer in these evaluations. Items Buyer should evaluate include, but are not limited to, the following: structural integrity; condition of mechanical systems; infestation by termites or other wood-destroying insects; environmental concerns such as underground storage tanks or abandoned uncapped wells; health or safety issues, including radon and mold; zoning; assessed valuation, including the Principal Residence Exemption status and any possible changes to that status; the size of the land; the size of the buildings and improvements; the availability of utilities, including the cost to extend or hook-up; soil erosion or settling; the existence of wetlands; the availability of homeowner's insurance or flood insurance at a cost acceptable to Buyer.
 - Buyer Investigation Period:** Buyer shall have ten (10) days from the last dated acceptance of this Agreement ("Investigation Period") to investigate The Property. During the Investigation Period, Buyer and Buyer's investigators shall have reasonable access to The Property to conduct investigations as Buyer deems necessary. Buyer agrees to defend, indemnify and hold Seller harmless from any physical damage to persons or property resulting from such investigations. To the extent The Property is damaged due to any of Buyer's investigations, Buyer agrees to restore The Property to its original condition. Buyer is solely responsible for ordering and paying for any inspections and evaluations, except, if Buyer has elected to use VA financing, Seller shall pay for the wood destroying insect inspection at closing.
 - Seller Responsibility Concerning Utilities:** Seller shall have the following utilities, if attached, turned on for Buyer's investigations, appraisals and final inspection: electric, natural gas, propane, heating oil, sewer and water. Seller shall be solely responsible for de-winterization, re-winterization and any and all costs and procedures associated with this subparagraph.
 - Results of Investigations:** If any investigation reveals a condition unacceptable to Buyer, then, **prior to the expiration of the Investigation Period**, Buyer may pursue one of the following resolutions:
 - Buyer may Deliver to Seller or Listing Broker a written request for corrective action(s)** on the GKAR Investigations Addendum, or a similar notice, along with any applicable documentation or report(s) AND ANY APPLICABLE WRITTEN COST ESTIMATE(S). Seller shall have five (5) days from receipt of the Investigations Addendum, or a similar notice, to respond to Buyer, in writing, as to whether Seller will agree to pay for and/or perform said requested corrective action(s). **If Seller rejects any part of Buyer's request in writing, Buyer shall have three (3) days from receipt of Seller's written rejection to terminate this Agreement in writing. If Seller does not respond in writing, Buyer shall have three (3) days from the expiration of Seller's allowed five (5) day period to terminate this Agreement in writing. If Buyer fails to so terminate this Agreement, Buyer shall be deemed to have accepted the condition of the Property in its "AS-IS" condition as it relates to this paragraph.**
 - Buyer may terminate this Agreement** by providing written notice of the termination to Seller or Listing Broker, identifying the unacceptable condition. If requested by Seller, Buyer shall provide Seller with a copy of any inspection report or documentation of unacceptable condition.
 - Waiver of Contingencies:** BUYER AGREES THAT THE CONTINGENCIES IN THIS PARAGRAPH SHALL BE DEEMED TO HAVE BEEN WAIVED IF (1) BUYER FAILS TO DELIVER WRITTEN NOTICE OF BUYER'S PROPOSED RESOLUTION TO SELLER OR LISTING BROKER WITHIN THE INVESTIGATION PERIOD OR (2) BUYER FAILS TO TERMINATE THIS AGREEMENT IN WRITING AS PROVIDED ABOVE. IF THESE CONTINGENCIES ARE WAIVED, OR IF BUYER ELECTS TO CLOSE THIS TRANSACTION, BUYER SHALL BE DEEMED TO HAVE ACCEPTED THE PROPERTY IN ITS "AS-IS" CONDITION AS OF THE DATE OF CLOSING.
9. **LOCATION OF BOUNDARIES AND IMPROVEMENTS:** Buyer may, at Buyer's expense, obtain a survey or mortgage report of The Property. If the survey or mortgage report: (1) reveals material differences in The Property's boundaries or land area from that which was represented by Seller in writing, or (2) reveals encroachments, setback violations, or matters which would interfere with Buyer's intended use of The Property ("Survey Defects"), Buyer shall furnish Seller with a copy of the survey or mortgage report, along with a written request that Seller correct the Survey Defect(s). These must be received by Seller no later than fifteen (15) days after delivery of the title commitment referenced in Paragraph 16 to Buyer or Selling Broker. Seller shall respond in writing to Buyer within five (5) days as to whether or not Seller will correct the Survey Defect(s). If Seller does not agree to do so or fails to respond, Buyer shall have three (3) days from receipt of Seller's written refusal (if any) or from the expiration of Seller's allowed time, whichever first occurs, to terminate this Agreement in writing. BUYER AGREES THAT THIS CONTINGENCY SHALL BE DEEMED WAIVED IF (1) BUYER FAILS TO PROVIDE SELLER WITH A SURVEY OR MORTGAGE REPORT OR (2) BUYER FAILS TO TERMINATE THIS AGREEMENT IN WRITING AS PROVIDED ABOVE. IF THIS CONTINGENCY IS WAIVED AND BUYER ELECTS TO CLOSE THIS TRANSACTION, BUYER SHALL BE DEEMED TO HAVE ACCEPTED THE LOCATION OF THE PROPERTY BOUNDARIES AND IMPROVEMENTS, "AS IS".
10. **WELL/WATER/SEPTIC SYSTEM EVALUATIONS:** If The Property is serviced by a water well, Seller agrees to order within five (5) days of the last dated acceptance of this Agreement and promptly provide to Buyer and/or Selling Broker, at Seller's expense, an evaluation report from the County Health Department or the private well evaluation company listed in Paragraph 11, covering the well and tests for nitrates and bacteria in the water by either the County Health Department or other government approved laboratory. Any water evaluation beyond tests for nitrates and bacteria shall be Buyer's responsibility and Buyer's expense. If The Property is serviced by a septic system, Seller agrees to order within five (5) days of the last dated acceptance of this Agreement and promptly provide to Buyer and/or Selling Broker, at Seller's expense, an evaluation report covering the condition of the septic system by the local County Health Department or the private septic evaluation company named in Paragraph 11. Seller further agrees to have the septic tank pumped if required by the local County Health Department.

If the evaluation report(s) in any of the above circumstances disclose(s) a condition which Buyer reasonably deems unacceptable, Buyer shall notify Seller or Listing Broker of such condition and requested corrective action in writing within five (5) days of the date Buyer has received the applicable report(s). If Seller does not agree or fails to respond within fifteen (15) days of Buyer's requested corrective action, Buyer shall have the right to terminate this Agreement by providing written notice to Seller or Listing Broker within three (3) days from receipt of Seller's written refusal (if any) or from the expiration of Seller's allowed time, whichever first occurs.

BUYER AGREES THAT THE CONTINGENCY PROVIDED BY THIS PARAGRAPH SHALL BE DEEMED TO HAVE BEEN WAIVED IF (1) BUYER FAILS TO PROVIDE WRITTEN NOTICE OF A CONDITION DEEMED UNACCEPTABLE WITHIN FIVE (5) DAYS AFTER BUYER HAS RECEIVED THE APPLICABLE REPORT(S) OR (2) BUYER FAILS TO TERMINATE THIS AGREEMENT IN WRITING AS PROVIDED ABOVE.

IF THESE CONTINGENCIES ARE WAIVED, OR IF BUYER ELECTS TO CLOSE THIS TRANSACTION, BUYER SHALL BE DEEMED TO HAVE ACCEPTED THE PROPERTY IN ITS "AS IS" CONDITION AS OF THE DATE OF CLOSING.

11. **PRIVATE WELL AND/OR SEPTIC EVALUATION COMPANIES:** The Parties agree that the following shall be used to evaluate the well/water/septic system per Paragraph 10: For evaluation of the well and water: _____
For evaluation of the septic system: _____ A blank line shall indicate the agreement of
The Parties to use the local County Health Department.

12. **SOURCE OF FUNDS:** This Agreement:

☒ A. **IS NOT CONTINGENT** on the sale or exchange of any real or personal property by Buyer. BUYER REPRESENTS THAT THE FUNDS NECESSARY TO COMPLETE THIS AGREEMENT (ON THE TERMS SPECIFIED) ARE CURRENTLY AVAILABLE TO BUYER IN CASH OR AN EQUALLY LIQUID EQUIVALENT.

☐ B. **IS CONTINGENT ON:**

☐ (1) THE CLOSE OF THE PENDING SALE OF BUYER'S PROPERTY located at _____
A copy of the agreement(s)

to sell or exchange Buyer's property is being delivered to Seller or Listing Broker along with this offer. Buyer shall notify Seller or Listing Broker in writing within 48 hours of any changes in the terms or progress of said agreement(s) that will delay or materially affect the consummation of this Agreement. In such an event, Seller may terminate this Agreement by written notice to Buyer or Selling Broker within 48 hours of receipt of said notice from Buyer. Failure of Buyer to notify Seller of such changes, or a default by Buyer in said agreement(s), shall be considered a default in this Agreement.

☐ (2) **OTHER:** _____

13. **METHOD OF PAYMENT:** All moneys must be paid in US funds by wire transfer, certified check, cashier's check, or money order. The sale will be completed upon Seller's delivery of a warranty deed conveying marketable title by the following method:

☒ A. **CASH.** Buyer will pay the sale price by cash, certified check, cashier's check or money order.

☐ B. **NEW MORTGAGE.** This Agreement is contingent upon Buyer's ability to obtain a(n) _____ (type) mortgage loan in the amount of \$ _____ or _____ % of the sale price. Buyer shall apply for the loan from _____ (name of financial institution—Lender) within _____ days of the last dated acceptance of this Agreement.

Loan application shall include the payment of any appraisal fee, application fee, and all other costs customarily charged by Lender for loan approval. Buyer acknowledges that failure to complete the loan application as agreed shall constitute a default by Buyer. Buyer shall take no action that would impair Buyer's credit or ability to obtain the loan and shall accept such loan if offered. Buyer may waive this mortgage loan contingency by written notice to Seller or Listing Broker and pay cash as provided in subparagraph A above.

Seller may terminate this Agreement by written notice to Buyer or Selling Broker if Buyer fails to provide Seller or Listing Broker with evidence of loan approval by 5:00 p.m. _____ ("Loan Approval Deadline Date"). If Buyer is unable to obtain written verification of Lender's approval, Buyer may provide oral verification from Lender to Seller or Listing Broker. If said loan approval is acceptable to Seller, no response shall be necessary.

If Seller reasonably determines that the evidence of loan approval is inadequate or unacceptable and if Seller therefore wishes to terminate, Seller must deliver written notice of termination of this Agreement by 5:00 p.m. on the third day after the Loan Approval Deadline Date. If Seller so terminates, Buyer may waive this mortgage contingency and void the termination by delivering written notice of such waiver to Seller or Listing Broker by 5:00 p.m. on the third day after Seller's delivery of termination. If Buyer waives this mortgage contingency and subsequently fails to close due to Buyer's failure to secure financing, Buyer shall be considered in default in this Agreement.

BUYER HEREBY INSTRUCTS LENDER TO RELEASE TO SELLING BROKER AND SELLER OR LISTING BROKER INFORMATION CONCERNING COMPLETION OF LOAN APPLICATION AND STATUS OF LOAN APPROVAL.

☐ C. **LAND CONTRACT.** See attached GKAR Land Contract Addendum.

14. **SELLER'S DISCLOSURE STATEMENT:** BUYER ☐ HAS ☒ HAS NOT RECEIVED A COMPLETED AND SIGNED COPY OF THE SELLER'S DISCLOSURE STATEMENT # _____ DATED OR REVISED _____. SELLER HEREBY CERTIFIES THAT, TO THE BEST OF SELLER'S KNOWLEDGE, THE INFORMATION CONTAINED IN SUCH SELLER'S DISCLOSURE STATEMENT IS CURRENT AS OF THE DATE OF THIS AGREEMENT. FURTHER, SELLER AGREES TO INFORM BUYER IN WRITING OF ANY CHANGES IN THE CONDITION OF THE PROPERTY RELATING TO THE INFORMATION CONTAINED IN SUCH DISCLOSURE STATEMENT.

15. **LEAD BASED PAINT DISCLOSURE STATEMENT:** BUYER ☐ HAS ☒ HAS NOT RECEIVED BOTH AN EPA PAMPHLET "PROTECT YOUR FAMILY FROM LEAD IN YOUR HOME" AND A COMPLETED AND SIGNED COPY OF THE SELLER'S LEAD BASED PAINT DISCLOSURE STATEMENT # _____

If The Property was constructed prior to January 1, 1978, Buyer will not be obligated to the terms of this Agreement unless the above documents are received by Buyer. If the above documents are received after the last dated acceptance of the Agreement, Buyer shall have the right to terminate this Agreement within 72 hours after Buyer's receipt of the above documents if the Seller's Lead Based Paint Disclosure Statement indicates any condition unacceptable to Buyer. If Buyer fails to terminate this Agreement within said 72 hours, Buyer's right to terminate under this provision shall be considered waived. BUYER ☐ WAIVES OR ☐ REQUESTS LEAD BASED PAINT INSPECTIONS TO BE PERFORMED PER LEAD-BASED PAINT ADDENDUM # _____, WHICH IS ATTACHED HERETO.

16. TITLE EVIDENCE: Seller agrees to convey marketable title to The Property subject to: conditions, limitations, building and use restrictions and easements of record ("Exceptions"). As evidence of marketable title, Seller shall furnish Buyer, at Seller's expense, an **expanded coverage ALTA Homeowner's Policy of Title Insurance ("Expanded Policy")**, if available, in the amount of the sale price. Seller shall order the commitment for such policy, along with copies of the Exceptions, and shall deliver same to Buyer or Selling Broker within ten (10) days after the last dated acceptance of this Agreement. If a survey or mortgage report is required by the commitment, it shall be completed at Buyer's expense in accordance with Paragraph 9 LOCATION OF BOUNDARIES AND IMPROVEMENTS. If an *Expanded Policy* is not available or if Buyer declines any required survey or mortgage report cost, Seller agrees to provide and Buyer agrees to accept a **standard coverage ALTA Owner's Policy of Title Insurance including all standard exceptions**.

If the commitment discloses any title defect(s) or anything in the Exceptions which would interfere with Buyer's intended use of The Property, Buyer must notify Seller or Listing Broker, in writing, of Buyer's objections within five (5) days of Seller's delivery of the commitment and Exceptions. Further, if, prior to closing, Buyer shall become aware of new title defect(s), Buyer must notify Seller or Listing Broker, in writing, within five (5) days of Buyer becoming aware of such defect(s).

If Seller receives any such notification, Seller shall have either thirty (30) days from Buyer's delivery of written objection(s) or until the latest closing date set forth in Paragraph 4 of this Agreement, whichever first occurs, to resolve Buyer's objection(s). If Seller is unable to cure the title defect(s), or unable or unwilling to resolve Buyer's objection(s) to Exceptions, within this time period, Buyer may terminate this Agreement in writing and receive a full refund of the earnest money or proceed to closing, accepting the status of the title "AS IS".

17. PRORATIONS: Items normally prorated in real estate transactions, including association fees, rental income, taxes as discussed below, interest on any existing land contract, mortgage, or lien assumed by Buyer shall be adjusted to the date of closing in accordance with the calendar year. All rental security deposits shall be paid to Buyer at closing.

18. REAL ESTATE TAXES: Current real estate taxes shall be prorated to the date of closing and shall be deemed to cover the calendar year in which they become due and payable. Taxes shall be deemed due and payable as follows: Summer taxes – July 1st or August 1st; Winter taxes – December 1st. If the actual tax bill(s) for the year have not been determined by the municipality at the time of closing, taxes shall be estimated by multiplying the current taxable value by the most recently available tax rate. If The Property's Principal Residence Exemption ("PRE") status for the calendar year in which the closing occurs will change as a result of the closing, the tax rate associated with the new PRE status shall be used.

If the current PRE percentage claimed by Seller is greater than zero, Seller represents that such claim by Seller is accurate and lawful. Such representations shall survive the closing. Seller shall defend, indemnify and hold harmless Buyer from any loss, claim or damage resulting from any inaccuracy in such representations. Such loss, claim or damage shall include, but shall not be limited to, any loss, claim or damage resulting subsequently to Buyer from the tax proration calculation made at the time of closing or from the change in PRE status by the municipality for any prior years. Seller shall also be responsible for reasonable actual attorney fees incurred by Buyer in enforcing the provisions of this paragraph, regardless of whether suit is actually filed. The representations and obligations under this paragraph may only be terminated by a separate written document signed by The Parties specifically referring to this paragraph by number.

19. SPECIAL ASSESSMENTS: Special assessments levied on The Property shall be handled as follows:

- A. Existing special assessments, whether there is a lien or not, which can be paid in full and permanently discharged shall be paid by Seller at close of sale.
- B. Existing special assessments which have ongoing installments and cannot be paid in full and permanently discharged shall be prorated as referenced in the paragraph entitled Prorations. This type of assessment is generally for services or maintenance, including, but not limited to: street lighting, lake weed control, emergency services, etc.
- C. Special assessments which are levied on The Property after the last dated signature of this Agreement shall be the responsibility of Buyer.

20. WATER/SEWER CHARGES: Seller shall be responsible for water and sewer charges until date of possession. The cost of water and sewer hookups after closing shall be paid by Buyer. If The Property is not presently served by these utilities, Buyer is advised to consult with the local units of government for information regarding when and if such hookup is or may be required, feasibility and cost of such hookup, and whether any assessment will be imposed at that time.

21. LIQUID FUEL: Seller agrees that the existing supply of liquid heating and cooking fuel shall be depleted only in the course of normal usage. Buyer shall be entitled to all such fuel owned by Seller and located or stored upon The Property at the time of possession. Buyer acknowledges Buyer has been advised to determine whether any existing supply of liquid fuel is owned by Seller or the supplier.

22. SELLER'S REPRESENTATIONS: The following representations shall survive the closing and, except as otherwise disclosed in writing, Seller represents to the best of Seller's knowledge and belief that:

- A. There are no existing violations of any laws, statutes, ordinances, regulations, orders or requirements of any governmental authority affecting The Property.
- B. There is no pending or threatened litigation, administrative action or claim relating to The Property.
- C. Seller has not been notified of any assessments to be placed on The Property.
- D. The Seller is the owner of title to The Property in the condition required for performance hereunder.

If The Property is rented to tenants:

- E. As referenced in Paragraph 5, Seller shall notify Buyer or Selling Broker in writing of the possession rights of any person or entity, including, but not limited to, tenants. Seller shall provide copies of all leases and security deposit information to Buyer or Selling Broker within three (3) days of the last dated acceptance of this Agreement. This Agreement is contingent upon Buyer's written acceptance of such possession rights, leases and security deposit information within five (5) days of receipt of such notice and copies. If Seller does not provide such notice and copies within such three (3) days, Seller warrants that no other person or entity has possession rights. If Buyer receives such notice and copies and neither accepts nor rejects such items within the five (5) days, Buyer shall be deemed to have accepted them and this contingency shall be deemed satisfied.
- F. None of the tenants occupying The Property shall be entitled to any concessions, rebates, allowances or free rent for any period after the Closing Date.
- G. After the date hereof, the Seller will not enter into any agreement pertaining to The Property or any modification of, or release from, an existing lease or rental agreement, without the prior written consent of Buyer.

23. **FINAL INSPECTION:** Buyer shall have the right to inspect The Property within seventy-two (72) hours prior to closing to make sure that the real estate and personal property are in place and in a condition that is not substantially different from the condition at the time of Buyer's offer per this Agreement, or as improved by any agreed-upon corrective action. If substantial differences have occurred, then Buyer shall immediately notify Seller and/or Listing Broker in writing, of said differences and Buyer's requested corrective action. The Parties shall be deemed to have settled such differences as of close of sale. Broker(s) and/or Salesperson(s) have no responsibility for the condition of The Property.
24. **DISCLOSURE:** Buyer acknowledges Buyer has been advised that Seller and Seller's agent may not consider the existence of or terms of Buyer's offer to be confidential. The Parties further acknowledge that the sale price and terms will be disclosed to the Greater Kalamazoo Association of REALTORS® MLS/SWMRIC, who may use it in the ordinary course of business.
25. **UNPLATTED LANDS:** Seller represents that The Property is not a new land division under the Land Division Act and Seller owns no other contiguous, unplatted land unless otherwise disclosed in writing. Seller is transferring to Buyer all available divisions, if any, under Section 108 of the Land Division Act but makes no representations as to the number. Buyer has not relied on any information or opinions of the Broker(s) or Salesperson(s) on this matter.
26. **LEGAL COUNSEL:** Buyer acknowledges that Broker(s) and/or Salesperson(s) have recommended that Buyer retain an attorney to pass upon the marketability of title to The Property. The Parties acknowledge that Broker(s) and/or Salesperson(s) have recommended that they each retain an attorney to ascertain that the requirements of this Agreement have been met.
27. **DUE ON SALE: SELLER UNDERSTANDS THAT SELLING OR TRANSFERRING THE PROPERTY DOES NOT RELIEVE SELLER OF ANY MORTGAGE OBLIGATION OR OTHER INDEBTEDNESS TO WHICH THE PROPERTY IS SUBJECT, UNLESS OTHERWISE AGREED TO BY THE LENDER OR REQUIRED BY LAW OR REGULATION.**
28. **CONSENT TO FEES:** The Parties acknowledge that Brokers may be offered placement fees, finder's fees or other consideration from others who become involved in the sale of The Property. The Parties hereby grant Broker(s) permission to receive such fees and/or consideration, unless otherwise agreed in writing.
29. **CASUALTY:** In the event that, on or before the closing date, any buildings or other improvements on The Property shall be damaged by fire, storm or other casualty, and the cost to repair same is in excess of 10% of the sale price, either party shall have the right to rescind this Agreement by written notice to the other party within seven (7) days after receiving notice of such casualty, and Buyer shall be entitled to a refund of any earnest money.
30. **ARBITRATION:** The Parties acknowledge that they have been informed that any claim or dispute between them, related to this Agreement, may be arbitrated if Seller and Buyer each agree in writing to such arbitration.
31. **EARNEST MONEY RESOLUTION:** If this Agreement is not closed in the time and manner provided, the Selling Broker shall have the right, but is not obligated, to propose a final disposition of the earnest money in writing to Buyer or Buyer's Salesperson and to Seller or Seller's Salesperson. Unless Broker, within thirty (30) days of the date of giving such notice, receives different instructions in a written instrument signed by both of The Parties, or is furnished written evidence that a lawsuit has been filed relating to enforcement or termination of this Agreement or disposition of the earnest money, all parties shall be deemed to have agreed to Broker's proposed disposition of the earnest money. If a party objects and no mutually agreeable disposition can be negotiated, Broker may deposit the funds by interpleader with a court of proper jurisdiction or await further actions by The Parties. In the event of litigation involving the earnest money, in whole or in part, the non-prevailing Buyer or Seller, as determined by the court, shall reimburse the other for reasonable actual attorneys' fees and expenses incurred in connection with the litigation, and shall reimburse Broker for any reasonable actual attorney's fees and expenses incurred in connection with the interpleader action instituted.
32. **COUNTERPARTS/SIGNATURES:** This Agreement may be signed in one or more counterparts each of which will be deemed to be an original copy of this Agreement and all of which, when taken together will be deemed to constitute one Agreement. The exchange of copies of this Agreement and signature by facsimile or other similar electronic device shall constitute effective execution and delivery of this Agreement as to The Parties, and may be used in lieu of the original Agreement for all purposes. Copies shall be deemed to mean any duplicate, reproduction or similar or exact imitation of the original executed Agreement. Signatures of The Parties transmitted by facsimile or other similar device shall be deemed to be their original signatures for all purposes and shall be deemed valid and binding upon The Parties as if their original signatures, initials and modifications were present on the documents in the handwriting of each party. Neither Buyer nor Seller shall assert the statute of frauds or non-enforceability or validity of this Agreement because of facsimile or similar electronic device copies being used, and both of The Parties specifically waive and relinquish any such defense. Each party agrees to provide an original signed document to the other upon request.
33. **HOME PROTECTION PLAN:** The Parties have been informed that home protection plans are available. Such plans may provide additional protection and benefit to the parties.

34. OTHER PROVISIONS:

35. DEFAULT: If Buyer defaults, Seller may enforce this Agreement, or may declare Buyer's right to purchase terminated, retain the earnest money, and pursue Seller's legal remedies. If Seller defaults, Buyer may enforce this Agreement, or may demand return of the earnest money and pursue Buyer's legal remedies. Broker(s) and Salesperson(s) have no responsibility for the performance of this Agreement by the parties.

36. EARNEST MONEY: Buyer is depositing \$ _____ ☐ cash ☐ check ☐ note with Broker as earnest money evidencing good faith. Broker is required by law to deposit the earnest money in a separate custodial or trust account within two (2) banking days after this Agreement is signed by The Parties. If the offer made is not accepted or if the sale is not closed due to a failure to satisfy a contingency specified herein for a reason other than the fault of Buyer, the earnest money shall be refunded to Buyer. The earnest money will be applied to the sale price at closing.

WHEN SIGNED BY BOTH PARTIES, BUYER AND SELLER AGREE THAT THIS SHALL BE A BINDING AGREEMENT FOR THE SALE AND PURCHASE OF THE PROPERTY. DELIVERY OF ACCEPTANCE OF THIS OFFER AFTER SIGNING BY THE PARTIES IS NOT NECESSARY TO CREATE A BINDING AGREEMENT.

37. TIME IS OF THE ESSENCE: TIME IS OF THE ESSENCE WITH RESPECT TO THIS AGREEMENT. TIME LIMITS SHALL BE STRICTLY OBSERVED.

38. AUTHORIZATION: Buyer gives Broker until _____, 20____, ☐ A.M. ☐ P.M. to obtain Seller's written acceptance of Buyer's offer.

39. FINAL AGREEMENT: THIS AGREEMENT EXPRESSES THE ENTIRE UNDERSTANDING BETWEEN THE PARTIES CONCERNING THIS TRANSACTION AND SUPERCEDES ALL PREVIOUS UNDERSTANDINGS, WHETHER ORAL, WRITTEN OR ELECTRONIC, INCLUDING ANY PROMOTIONAL MATERIALS OR LISTING DESCRIPTIONS. No modifications of this Agreement shall be binding unless in writing and signed by Buyer and Seller. In signing below, The Parties acknowledge that they have read the Agreement carefully before signing and have received copies of pages 1, 2, 3, 4, 5 & 6 as well as any attachments.

40. FUTURE NOTICES: The Parties authorize Broker(s) to use the contact information set forth below for notices after the last dated acceptance of this Agreement. During the term of this Agreement, The Parties agree to notify Broker(s) of any contact information changes. The contact information set forth below shall not constitute a material part of this Agreement and any addition or modification of the same shall not constitute a rejection of an offer, the creation of a counteroffer or an amendment to this Agreement. Any future notices required or permitted to be given under this Agreement shall be in writing and signed by the party giving notice. Notice shall be deemed to have been given: (i) at the time of personal delivery; or (ii) at the time sent by facsimile (with a successful facsimile confirmation sheet); or (iii) at the time sent by electronic mail. Future notices shall be given to Buyer's or Seller's Broker and shall constitute notice given to Buyer or Seller, respectively. If either party is not represented by a Broker, future notices shall be given to such party directly.

Salesperson Name (print): MARK DEAN X
 Salesperson Phone: 249-848-1709 Fax: 249-627-3160 Buyer
 Salesperson Email: markdean@legmac.com Print Legal Name (as you wish it to appear on final papers)
 Buyer Street Address: _____ X
 City: _____ State: _____ Zip: _____ Buyer
 Print Legal Name (as you wish it to appear on final papers)

SELLER'S RESPONSE: (Date/Time) _____, 20____, ☐ A.M. ☐ P.M.
 41. THE ABOVE SET FORTH SALE AGREEMENT IS ACCEPTED AS TRUE BY S. ☒ SUBJECT ☐ NOT SUBJECT. 8085
 Salesperson Name (print): Charles Beach S
 Salesperson Phone: 377-8504 Fax: _____ Seller
 Salesperson Email: CharlesBeach@legmac.com Print Legal Name (as you wish it to appear on final papers)
 Seller Street Address: _____ X
 City: _____ State: _____ Zip: _____ Seller
 Print Legal Name (as you wish it to appear on final papers)



ADDENDUM TO AUTHORIZED BUY & SELL AGREEMENT OF THE
GREATER KALAMAZOO ASSOCIATION OF REALTORS®



DATE 5-02, 2017

THIS ADDENDUM is attached to and made a part of Buy & Sell Agreement # 167197 between the undersigned parties dated 5-02, 2017, covering The Property located at 1015 East Alcott St., Kalamazoo, MI 49001 (Address or Legal Description).

Terms/Conditions are modified as follows:

- Sale is subject to Buyers Attorneys approval of all documents
- Buyer to pay for all of sellers closing cost in addition to sales commissions as follows:
 - 3% of sales price to be paid to Mark Dierkes at Doorleg Realty Company as buyers broker
 - 3% of sales price to be paid to Todd Vanderveile at Jaqua Realtors Inc. as sellers broker
- Sale to be closed at Nations Title Agency
- Sellers to have possession of property until September 30, 2017.
- Sellers to provide a Lead Paint Disclosure and Sellers disclosure statement

Except as provided above, all of the terms and conditions of the Agreement shall remain in full force and effect.

Buyer: _____ Date: _____ Seller: [Signature] Date: 5-12-17
Buyer: _____ Date: _____ Seller: _____ Date: _____



AUTHORIZED SELLERS COUNTEROFFER OF THE GREATER KALAMAZOO ASSOCIATION OF REALTORS® 118088



Property Address: 1015 Alcott Date: 5-12-17, Time: _____ A.M./P.M.
 Seller's response to the offer made by Buyer _____ dated 5-2-17 as set forth
 in Authorized Buy and Sell Agreement No. 167197 is as follows:

Rejection of Offer: Seller hereby rejects the offer made by Buyer and acknowledges that this Counteroffer terminates the offer made by Buyer. Seller submits the following Counteroffer:

Sale price to be \$65,000

The addition to price is to cover moving costs and capital gains tax.

To clarify: all costs to buyer covered will include transfer tax, title insurance, all Realtor fees, etc.,

Seller to be allowed to take all appliances from home.

Seller requests Habitat for Humanity the ability to salvage items before demolishing.

Except as provided above, all of the terms and conditions of the Agreement shall remain in full force and effect.

Acceptance: When signed by both parties, Buyer and Seller agree this shall be a binding Agreement for the sale and purchase of The Property. Delivery and acceptance of this Agreement shall not be necessary to create a binding Agreement.

Termination: This Counteroffer shall terminate:

1) if unsigned by Buyer as of _____ (A.M.)(P.M.) _____, 201_____
OR

2) if unsigned by Buyer at the time of Seller's delivery of written withdrawal of this Counteroffer to Buyer or Buyer's Agent. Until such termination, Seller shall not accept an offer from a third party for The Property.

X [Signature] Seller
 X Anna M. Bosch Seller

ACCEPTANCE OF COUNTEROFFER

X _____ Buyer
 X _____ Buyer

Dated _____ Time _____

Receipt is hereby acknowledged by Seller of a copy of the Buyer's acceptance of his/her Counteroffer.

X _____ Seller
 X _____ Seller

Dated _____ Time _____

SELLER'S DISCLOSURE STATEMENT

Property Address: _____ Street _____ City, Village, or Township _____ Michigan

Purpose of Statement: This statement is a disclosure of the condition of the property in compliance with the seller disclosure act. This statement is a disclosure of the condition and information concerning the property, known by the seller. Unless otherwise advised, the seller does not possess any expertise in construction, architecture, engineering, or any other specific area related to the construction or condition of the improvements on the property or the land. Also, unless otherwise advised, the seller has not conducted any inspection of generally inaccessible areas such as the foundation or roof. This statement is not a warranty of any kind by the seller or by any agent representing the seller in this transaction, and is not a substitute for any inspections or warranties the buyer may wish to obtain.

Seller's Disclosure: The seller discloses the following information with the knowledge that even though this is not a warranty, the seller specifically makes the following representations based on the seller's knowledge at the signing of this document. Upon receiving this statement from the seller, the seller's agent is required to provide a copy to the buyer or the agent of the buyer. The seller authorizes its agent(s) to provide a copy of this statement to any prospective buyer in connection with any actual or anticipated sale of property. The following are representations made solely by the seller and are not the representations of the seller's agent(s), if any. **This information is a disclosure only and is not intended to be a part of any contract between buyer and seller.**

Instructions to the Seller: (1) Answer ALL questions. (2) Report known conditions affecting the property. (3) Attach additional pages with your signature if additional space is required. (4) Complete this form yourself. (5) If some items do not apply to your property, check NOT AVAILABLE. If you do not know the facts, check UNKNOWN. FAILURE TO PROVIDE A PURCHASER WITH A SIGNED DISCLOSURE STATEMENT WILL ENABLE A PURCHASER TO TERMINATE AN OTHERWISE BINDING PURCHASE AGREEMENT.

Appliances/Systems/Services: The items below are in working order (the items below are included in the sale of the property only if the purchase agreement so provides):

Item	Yes	No	Unknown	Not Available
Range/Oven	✓			
Dishwasher				✓
Refrigerator	✓			
Hood/fan				✓
Disposal				✓
TV antenna, TV rotor & controls				✓
Electrical system	✓			
Garage door opener & remote control	✓			
Alarm system				✓
Intercom				✓
Central Vacuum				✓
Attic fan				✓
Pool heater, wall liner & equipment				✓
Microwave	✓			
Trash compactor				✓
Ceiling fan	✓			
Sauna/hot tub				✓
Washer	✓			

Item	Yes	No	Unknown	Not Available
Dryer	✓			
Lawn sprinkler system				✓
Water heater				
Plumbing system	✓			
Well & pump				✓
Water softener/ conditioner	✓			
Sump pump				✓
Septic tank & drain field				✓
City water system	✓			
City sewer system	✓			
Central air conditioning	✓			
Central heating system	✓			
Wall furnace				✓
Humidifier				✓
Electronic air filter				✓
Solar heating system				✓
Fireplace				✓
Wood burning system				✓

Explanations (attach additional sheets if necessary): _____

UNLESS OTHERWISE AGREED, ALL HOUSEHOLD APPLIANCES ARE SOLD IN WORKING ORDER EXCEPT AS NOTED, WITHOUT WARRANTY, BEYOND DATE OF CLOSING.

Property conditions, improvements & additional information:

1. **Basement/crawl space:** Has there been evidence of water? yes ____ no ✓
 If yes, please explain: _____

2. **Insulation:** Describe, if known _____
 Urea Formaldehyde Foam Insulation (UFFI) is installed? unknown ✓ yes ____ no ____

3. **Roof: Leaks?** yes ___ no ☒
 Approximate age if known _____
 If yes, date of last report/results: _____
4. **Well:** Type of well (depth/diameter, age, and repair history, if known): _____
 Has the water been tested? yes ___ no ☒
 If yes, date of last report/results: _____
5. **Septic tanks/drain fields:** Condition, if known: _____
6. **Heating System:** Type/approximate age: _____
7. **Plumbing system:** Type: copper ___ galvanized ☒ other ___
 Any known problems? _____
8. **Electrical system:** Any known problems? _____
9. **History of infestation, if any:** (termites, carpenter ants, etc.) _____
10. **Environmental Problems:** Are you aware of any substances, materials, or products that may be an environmental hazard such as, but not limited to, asbestos, radon gas, formaldehyde, lead-based paint, fuel, or chemical storage tanks and contaminated soil on the property.
 unknown ☒ yes ___ no ___
 If yes, please explain: _____
11. **Flood insurance:** Do you have flood insurance on the property? unknown ☒ yes ___ no ___
12. **Mineral rights:** Do you own the mineral rights? unknown ☒ yes ___ no ___
- Other Items:** Are you aware of any of the following:
1. Features of the property shared in common with the adjoining landowners, such as walls, fences, roads, and driveways, or other features whose use or responsibility for maintenance may have an effect on the property? unknown ___ yes ___ no ☒
2. Any encroachments, easements, zoning violations, or nonconforming uses? unknown ☒ yes ___ no ___
3. Any "common areas" (facilities like pools, tennis courts, walkways, or other areas co-owned with others), or a homeowners' association that has any authority over the property? unknown ___ yes ___ no ☒
4. Structural modifications, alterations, or repairs made without necessary permits or licensed contractors? unknown ☒ yes ___ no ___
5. Settling, flooding, drainage, structural, or grading problems? unknown ___ yes ___ no ☒
6. Major damage to the property from fire, wind, floods, or landslides? unknown ___ yes ___ no ☒
7. Any underground storage tanks? unknown ☒ yes ___ no ___
8. Farm or farm operation in the vicinity; or proximity to a landfill, airport, shooting range, etc.? unknown ___ yes ___ no ☒
10. Any outstanding utility assessments or fees, including any natural gas main extension surcharge? unknown ☒ yes ___ no ___
11. Any outstanding municipal assessments or fees? unknown ☒ yes ___ no ☒
12. Any pending litigation that could affect the property or the seller's right to convey the property? unknown ___ yes ___ no ☒
- If the answer to any of these questions is yes, please explain. Attach additional sheets, if necessary: _____

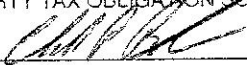
The seller has lived in the residence on the property from _____ (date) to _____ (date). The seller has owned the property since _____ (date). The seller has indicated above the condition of all the items based on information known to the seller. If any changes occur in the structural/mechanical/appliance systems of this property from the date of this form to the date of closing, seller will immediately disclose the changes to buyer. In no event shall the parties hold the broker liable for any representations not directly made by the broker or broker's agent.

Seller certifies that the information in this statement is true and correct to the best of seller's knowledge as of the date of seller's signature.

BUYER SHOULD OBTAIN PROFESSIONAL ADVICE AND INSPECTIONS OF THE PROPERTY TO MORE FULLY DETERMINE THE CONDITION OF THE PROPERTY.

BUYERS ARE ADVISED THAT CERTAIN INFORMATION COMPILED PURSUANT TO THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.721 TO 28.732, IS AVAILABLE TO THE PUBLIC. BUYERS SEEKING THAT INFORMATION SHOULD CONTACT THE APPROPRIATE LOCAL LAW ENFORCEMENT AGENCY OR SHERIFF'S DEPARTMENT DIRECTLY.

BUYER IS ADVISED THAT THE STATE EQUALIZED VALUE OF THE PROPERTY, HOMESTEAD EXEMPTION INFORMATION, AND OTHER REAL PROPERTY TAX INFORMATION IS AVAILABLE FROM THE APPROPRIATE LOCAL ASSESSOR'S OFFICE. BUYER SHOULD NOT ASSUME THAT BUYER'S FUTURE TAX BILLS ON THE PROPERTY WILL BE THE SAME AS THE SELLER'S PRESENT TAX BILLS. UNDER MICHIGAN LAW, REAL PROPERTY TAX OBLIGATION CAN CHANGE SIGNIFICANTLY WHEN PROPERTY IS TRANSFERRED.

Seller  Date 5-4-17
 Seller _____ Date _____

Buyer has read and acknowledges receipt of this Seller's Disclosure Statement.

Buyer _____ Date _____ Time: _____
 Buyer _____ Date _____ Time: _____

LEAD-BASED PAINT SELLER'S DISCLOSURE FORM

208533

Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular threat to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Property Address _____

SELLER'S DISCLOSURE (initial (a) if applicable; if not applicable, initial and complete both (b) & (c))

☐ (a) Seller represents that the above described residential dwelling was constructed after 12/31/77 and thereby is exempt under 42 U.S.C. 4852d, regarding lead based paint disclosure regulations.

☒ (b) Presence of lead-based paint and/or lead-based paint hazards (check one below):
☐ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain): _____

☒ Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

☒ (c) Records and reports available to the seller (check one below):
☐ Seller has provided the buyer with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below): _____

☒ Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Seller(s) have reviewed the information above and on page 2, and certify, to the best of their knowledge, that the information they have provided is true and accurate.

SELLER: _____
DATE: 5-4-17

SELLER: _____
DATE: _____

LISTING AGENT'S ACKNOWLEDGMENT Agent has informed the Seller of Seller's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

LISTING AGENT: _____ LISTING OFFICE: _____ DATE: 5-12-17

BUYER'S ACKNOWLEDGMENT (initial)

☐ (a) Buyer has received copies of all information listed above, if any.
☐ (b) Buyer has received the federally approved pamphlet *Protect Your Family From Lead In Your Home*.
☐ (c) Buyer has (check one below):

- ☐ Received a 10-day opportunity (or other mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint or lead-based paint hazards; or
- ☐ Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based and/or lead-based paint hazards.

Buyer(s) have reviewed the information above and on page 2, and certify, to the best of their knowledge, that the information they have provided is true and accurate.

BUYER: _____
DATE: _____

BUYER: _____
DATE: _____

SELLING AGENT'S ACKNOWLEDGMENT Agent is aware of his/her responsibility to ensure compliance of the above parties under 42 U.S.C. 4852d.

SELLING AGENT: _____ SELLING OFFICE: _____ DATE: _____

Rev. 10/19/2015



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 and City Engineer

PREPARED BY: Anna C. Crandall, EIT, Senior Civil Engineer – Water Resources

DATE: 5/26/2017

SUBJECT: City of Kalamazoo Lead Services Replacement – Areas 2, 3, 4 Bid Reference #: 968-39-012.0

RECOMMENDATION

It is recommended that the City Commission approve the following actions related to the City of Kalamazoo Lead Services Replacement Project – Areas 2, 3, and 4: 1) approve a contract with SWT Excavating Inc. in the amount of \$656,508.71; 2) approve a Foundation for Excellence appropriation in the amount of \$500,000; 3) approve a corresponding amendment to the Public Services Department budget in the amount of \$500,000; and 4) authorize the City Manager to sign all documents on behalf of the City.

BACKGROUND

The Michigan Department of Environmental Quality (MDEQ) has recommended that all existing lead service lines be replaced. In an effort to be proactive about the lead service replacement, the Department of Public Services is having all lead service lines replaced which are identified on current street reconstruction projects.

Public Services identified a total of 177 houses in the City of Kalamazoo with lead services or services with undefined material on the streets that were identified for rehabilitation or reconstruction for the 2017 construction season, with 76 in Area 1, 46 in Area 2, 47 in Area 3 and 10 in Area 4. Bids were opened on May 26, 2017 for the City of Kalamazoo Lead Services Replacement Project – Areas 1 - 4. Three bids were received with SWT Excavating Inc. being the lowest responsive bidder for all areas. SWT Excavating Inc. has performed similar work in the past and Public Services recommends them for this contract.

Foundation for Excellence (FFE) funds will significantly expand the number of lead services being replaced in 2017 from approximately 300 to a total of 411. This means that FFE dollars will fund replacement of over 100 additional services and immediately impact the lives of 300-400 families, or about 1,000 individuals.

COMMUNITY RESOURCES CONSULTED

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

FISCAL IMPACT

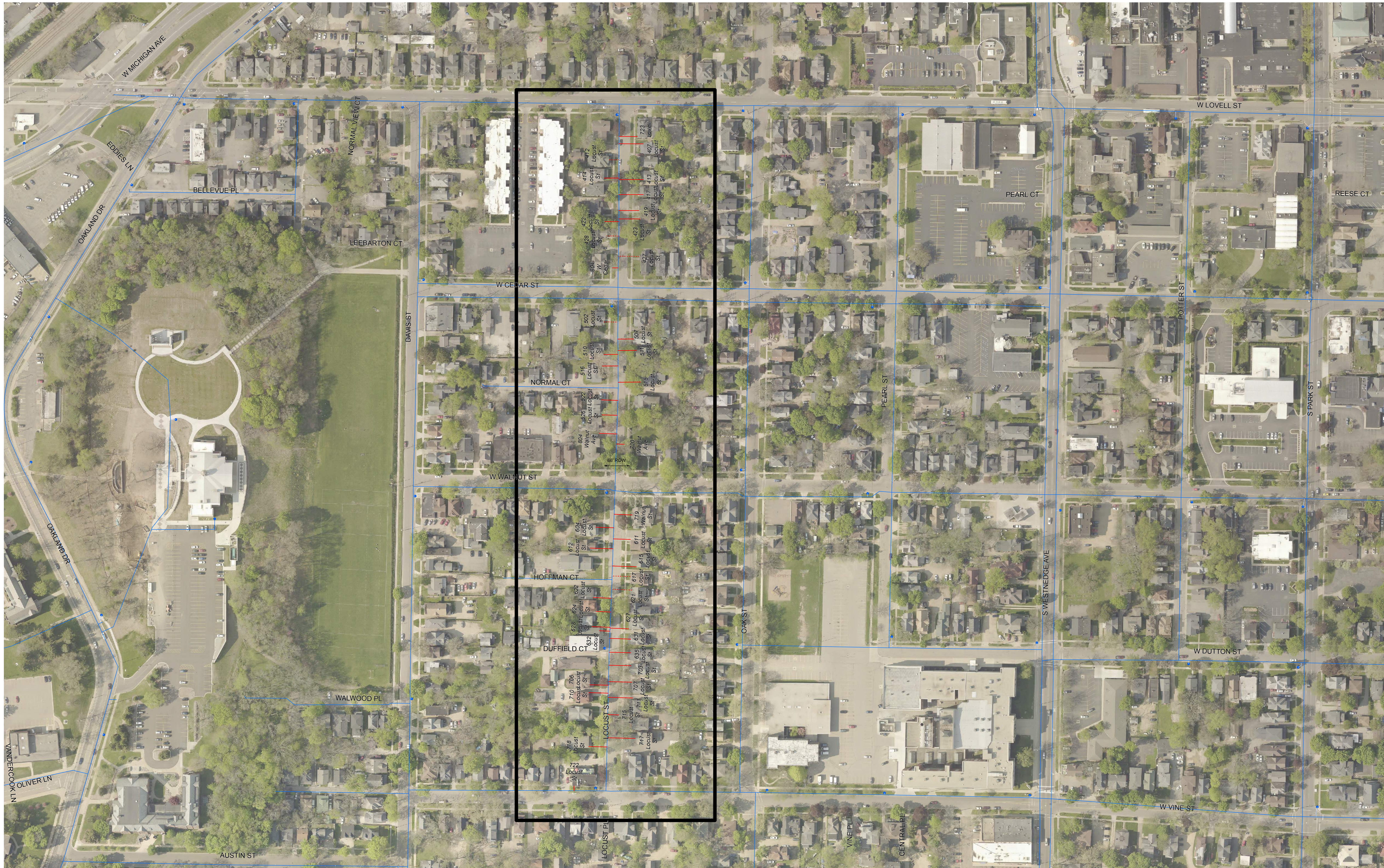
The funding for the project is available in the City’s 2017 Foundation for Excellence Budget and Water capital improvement plan budget.

ALTERNATIVES

The City could choose to use City staff to perform the required work; however, this is not recommended as City crews are already working on lead service replacements for other projects and there is not sufficient staffing to complete the work in the required time.

ATTACHMENTS:

	Type	Description
▣	Aerial Photo	Location Map 2
▣	Aerial Photo	Location Map 3
▣	Aerial Photo	Location Map 4
	Bid	
▣	Results Summary	Lead Services Replacement Bid Summary



Lead Service Legend

- Approximate Lead Location
- Missing Information For Lead Location



NO.	REVISIONS	BY	DATE	DRAWN
				PKINSLER
				DATE
				4/14/2017
				CHECKED
				DGL
				DATE
				4/14/2017

Prein&Newhof
Engineers • Surveyors • Environmental • Laboratory

2017 LEAD SERVICE REPLACEMENT
CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN
APPROXIMATE LEAD LOCATIONS
AREA 2

PROJECT NO.
2170227
SHEET NO.
1 OF 1



Lead Service Legend

- Approximate Lead Location
- Missing Information For Lead Location



NO.	REVISIONS	BY	DATE	DRAWN
				PKINSLER
			DATE	
			4/14/2017	
			CHECKED	
			DGL	
			DATE	
			4/14/2017	

Prein&Newhof
Engineers • Surveyors • Environmental • Laboratory

2017 LEAD SERVICE REPLACEMENT
CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN
APPROXIMATE LEAD LOCATIONS
AREA 4

PROJECT NO.
2170227
SHEET NO.
1 OF **1**

BID RESULTS SUMMARY

PROJECT: 2017 Water Service Replacement Program

DATE: May 31, 2017

BIDDERS SOLICITED: 76

BIDDERS RESPONDED: 8

MBE/WBE BIDS SOLICITED: 8

MBE/WBE BIDDERS RESPONDED: 0

BID REFERENCE NO: 968-39-012.0

MBE/WBE AWARDED: No

ISSUE DATE: April 27, 2017

BID OPENING: May 26, 2017

APPROVAL REQUIRED: City Commission

FUNDED BY: City/FFE

<u>BIDDERS</u>	<u>AMOUNT BID</u>	<u>LOCATION</u>
SWT Excavating	\$ 1,088,202.87 \$656,508.71 *	County
Balkema Excavating	\$1,297,125.48 \$784,010.91 *	County
Taplin Group	\$1,629,700.00 \$961,100.00 *	County

* Awarding area 2, 3 and 4 only.

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



Melissa Fuller

*Deputy Director of Mgmt Services/
Purchasing Agent*